Exhibit I

From: Jason Sunshine <jsunshine@lftcllp.com>
Sent: Monday, November 10, 2025 4:11 PM
To: Licette Lozano; Calendar LA; Rosemary Lopez
Cc: Morgan Anastasio; Chip Babcock; Joel Glover; Hudson, Esra; Bruno, Matthew; Gottlieb, Michael; Bender, Kristin; Nathan, Aaron E.; Meryl Governski; Connolly, Michaela; Taustine, Melissa; Kristin Tahler; Maaren Shah; Nicholas Inns; Bryan Freedman; mitra@ahouraianlaw.com; Local KAF. Counsel; Local MS. Counsel; Summer Benson; Theresa Troupson; Vaneta Birtha; Alexandra Shapiro; Jonathan Bach; Alice Buttrick; Rose Khatchikian
Subject: Jamey Heath Confidentiality Designations [Lively v. Wayfarer et al., No. 24-cv-10049 / Jones v. Abel et al., No. 1:25-cv-00779-LJL]
Attachments: Jamey Heath 10-8-2025 Confidentiality Designations.pdf; Jamey Heath 10-9-2025 Confidentiality Designations.pdf

***** EXTERNAL EMAIL *****

All,

Please see the attached deposition transcripts of Jamey Heath with confidentiality designations pursuant to the Protective Order:

- The highlighted portions of the transcripts are designated as confidential.
- The rest of the testimony is hereby de-designated.
- There shall be no change to the pre-existing designations of documents marked as exhibits.

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Thanks,
Jason

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Liner Freedman Taitelman+Cooley

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
---000---

BLAKE LIVELY,
Plaintiff,
vs. CASE NO. 24-CV-10049-LJL (LEAD CASE)
25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.

Defendants.

JENNIFER ABEL,
Third-party Plaintiff,
vs.
JONESWORKS, LLC,
Third-party Defendant.

WAYFARER STUDIOS LLC, et al.
Consolidated Plaintiffs,
vs.
BLAKE LIVELY, et al.
Consolidated Defendants.

CONFIDENTIAL

VIDEO-RECORDED DEPOSITION OF JAMEY HEATH
Los Angeles, California
Wednesday, October 8, 2025

Stenographically Reported by: Ashley Soevyn,
CALIFORNIA CSR No. 12019

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
---000---

BLAKE LIVELY,
Plaintiff,
vs. CASE NO. 24-CV-10049-LJL (LEAD CASE)
25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.

Defendants.

JENNIFER ABEL,
Third-party Plaintiff,
vs.
JONESWORKS, LLC,
Third-party Defendant.

WAYFARER STUDIOS LLC, et al.
Consolidated Plaintiffs,
vs.
BLAKE LIVELY, et al.
Consolidated Defendants.

CONFIDENTIAL

Video-recorded Deposition of JAMEY HEATH, taken on behalf of the Plaintiff Blake Lively, Pursuant to Notice, at the offices of Manatt Phelps & Phillips, 2049 Cenury Park East Los Angeles, California beginning at 9:12 a.m. and ending at 7:41 p.m. on Wednesday, October 8, 2025, before me, ASHLEY SOEVYN, California Certified Shorthand Reporter No. 12019.

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Also Present:

Blake Reynolds, (Via Zoom)

Justin Baldoni, Defendant

Dan Acosta, Veritext Legal Solutions Concierge (Via Zoom)

Jonathan Hernandez, Videographer

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BLAKE LIVELY V. WAYFARER STUDIOS LLC, ET AL.

Wednesday, October 8, 2025

Ashley Soevyn, CSR No. 12019

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Ashley Soevyn, CSR No. 12019

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BLAKE LIVELY V. WAYFARER STUDIOS LLC, ET AL.

Wednesday, October 8, 2025

Ashley Soevyn, CSR No. 12019

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CONFIDENTIAL DEPOSITION PROCEEDINGS

WEDNESDAY, OCTOBER 8, 2025

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THE VIDEOGRAPHER: Good morning. We're on the record.

The time is 9:12 a.m. Pacific Daylight time. Today is October 8th, 2025. My name is Jonathan Hernandez. I'm a video technician with Veritext Legal Solutions, located in Los Angeles, California. We are recording these proceedings at 2049 Century Park East, Los Angeles, California.

This is the video deposition of Jamey Heath in the action entitled Blake Lively v. Wayfarer Studios LLC, et al. This deposition is being taken on behalf of the plaintiff. The case No. is 24-cv-10049.

Now, would you all please identify yourselves and who you represent, starting with the noticing attorney.

MS. HUDSON: Esra Hudson of Manatt, Phelps & Phillips on behalf of Plaintiff, Blake Lively.

MS. ROESER: Stephanie Roeser of Manatt, Phelps & Phillips on behalf of Plaintiff, Blake Lively.

MS. CLIMACO: Katelyn Climaco also from Manatt, Phelps & Phillips on behalf of Plaintiff, Blake Lively.

MR. GOTTLIEB: Mike Gottlieb from Willkie Farr & Gallagher on behalf of Ms. Lively.

MR. GRAMAJO: Fraylin Gramajo from Manatt, Phelps & Phillips on behalf of Ms. Lively.

MS. TAHLER: Kristin Tahler, Quinn Emanuel, on behalf of Stephanie Jones and Jonesworks.

MS. HOLMES: Olivia Holmes from Quinn Emanuel, on behalf of Stephanie Jones and Jonesworks.

MR. GLOVER: Joel Glover of Jackson Walker for Jed Wallace and Street Relations, Incorporated.

MS. BENSON: Summer Benson of Liner Freedman Taitelman & Cooley on behalf of the Wayfarer parties.

MS. AHOURAIAN: Mitra Ahouraian on behalf of the Wayfarer parties.

MR. FREEDMAN: Bryan Freedman on behalf of Jamey Heath, the deponent, Justin Baldoni, Jen Abel, Melissa Nathan, and their related entities and the Wayfarer parties.

MS. SHAPIRO: Alexandra Shapiro of Shapiro Arato Bach on behalf of Mr. Heath and all the Wayfarer related parties.

THE VIDEOGRAPHER: Thank you.

MS. HUDSON: Just for the record, also present here today are parties Jennifer Abel, Steve Sarowitz, and Justin Baldoni.

MS. SHAPIRO: And we are designating this deposition as confidential, pursuant to the protective order.

THE STENOGRAPHIC REPORTER: Okay. Good morning, everybody. I'm Ashley Soevyn, California reporter 12019.

Sir, can I please have you raise your right hand?

Do you solemnly state that the testimony you're about to give in this deposition will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

THE STENOGRAPHIC REPORTER: Great, thank you.

EXAMINATION

BY MS. HUDSON:

Q Now, Mr. Heath, can you state your full name for the record?

A Jamey Heath -- or my legal name?
Q Yes.
A James Heath.
Q Have you ever been known by any other name?
A I have, Jamey, my whole life. Also, professionally, for many years, I went by Jamey Jaz, J-A-Z.
Q And you spell Jamey, J-A-M-E-Y; is that right?
A Correct.



Q Have you been deposed on any other occasions?

A I have not.
Q But you've sat in on quite a few depositions; is that right?
A I have.
Q Are there any depositions that have been taken in this case that you did not sit in on?
A Yes. Several.
Q Do you recall which ones you did sit in on?
A I can do my best.
Q That's all I can ask.
A Ms. Lively, Jennifer Abel. And when I say "the others," I was not present for all of them, for the duration.
Q You were -- you were present for the full duration of Ms. Lively's?
A I was. Jennifer Abel, in and out, one of the days. Melissa Nathan, in and out. I barely saw much of hers. Of course, Justin Baldoni's.
Q And you -- you were present for all of Justin Baldoni's deposition, correct?
A Correct.
Present for Steve Sarowitz for the first two hours, and then I was not here. Portions of Isabela Ferrer. Most of -- well, not true, probably

about half of Jenny Slate's. A quarter or so of Colleen Hoover. I was present for Ange Giannetti.

Q For the entire deposition?

A Correct. Some of -- no, was I in person? I was in person for Danny Greenberg.

Q So you -- you participated in the -- you were present for the entire deposition for that one?

A Correct. You might have to help me because there's a lot of people --

Q Warren Zavala?

A Warren, I did not see.

Q Josh Greenstein?

A I did not see Warren. Josh, portions of it, small portions.

Q Katie Case?

A I think maybe 10 minutes of that.

Q Breanna Koslow?

A Probably the same, a few minutes.

Q Okay.

So having participated in all or part of these many depositions, you have a pretty good understanding of what the rules of the road are for depositions, right?

A I believe I do.

Q I am not going to repeat those for you

here today. But I do want to ask you if you are taking any medication that will affect your testimony today?

A I have not.

Q Have you consumed alcohol in the last 24 hours?

A I've never had a drink of alcohol.

Q You've never had alcohol?

A In my life.

Q Are you under the influence of any substance that would affect your testimony today?

A Coffee.

Q Do you think your coffee is going to affect your testimony?

A No.

Q Is there any reason that you can't give your best testimony here today?

A There is not.

Q When did you first meet Justin Baldoni?

A Meet him? Maybe 20 years ago.

Q And in what context did you meet him?

A He was friends with mutual friends. I think he had just moved to Los Angeles or somewhere around that time and so we knew of each other. I actually knew of him before that as well because my

family knew his family. So I knew of him but hadn't met him.

Q When you say "your family knew his family," were you familiar with each other through your church?

A No. Which is not a church, by the way, But just for clarification. But no, my grandmother knew his mom.

Q Got it. And when you say "it's not a church," you mean, Baha'i, you don't refer to it as a church?

A Yeah. There is no clergy in the Baha'i faith.

Q I understand.

And at some point, you and Mr. Baldoni became close, correct?

A Yes.

Q When did that take place?

A Fifteen years ago about.

Q And what brought you from this relationship where you knew each other through this family relationship to becoming close friends?

A Justin was hosting in his home, what would you call it, a gathering of sorts of different artists, people connected to the entertainment

field. Not only the entertainment, but primarily who were talking about elevated concepts, like how we can be better in the world. And to talk about spiritual concepts no matter where you were from. What your spiritual background didn't matter, that wasn't the point. It was more just to find out what we all agree upon, and how do we unify in that. He -- I saw him somewhere. He invited me to it.

Q And you said that was about 15 years ago?

A Correct.

Q And then, how did you become friends more closely from that experience?

MS. SHAPIRO: Objection.

THE WITNESS: Through that experience, we started spending more time. I admired him for his unique ability to inspire others to care about things they may have not thought about they cared about. And he's 15 years younger than I am, about 14. And I was impressed with his ability to inspire all age groups.

BY MS. HUDSON:

Q And so over the course of time, he became not just a close friend but your best friend, right?

A One of my best friends for sure.

Q You often describe him as your best

friend, right?

A I often describe him as one of my best friends for sure.

Q And have even described him as your brother, right?

A I do, indeed.

Q And you've said publicly that you love him?

A I do.

Q And he has said that he loves you, right?

A I believe he does.

Q And that's accurate; you have a very affectionate relationship with each other?

A Sure.

Q You list him as one of the top three people in your life who you think would drop everything for you, right?

A Indeed.

Q And he's even given you money when you were having financial trouble, right?

A You've done your research. He has.

Q And what were the circumstances under which that occurred?

A Hit a rough patch in your life. And as you're navigating through that rough patch, he

offered support.

Q And when was that?

A Fourteen years ago. Somewhere around that time, maybe a little less. But...

Q And your wives are also close friends, right?

A They are.

Q You would describe them as best friends?

A Of each other's best friends. I only make the distinction because there are many people that you enjoy friendship with and are a circle of trust. And he is amongst the top of those, and I believe they are as for each other as well.

Q Did Mr. Baldoni date your wife at some point?

A No.

Q He never dated her?

A No.

Q Did you date his wife?

A No.

Q Have you ever told anyone that Mr. Baldoni dated your wife?

A They -- Justin met my wife at a salsa club, invited her to the very thing that I had mentioned, the gathering he was doing, and -- and

for about five minutes, they kind of wondered, huh, you're good looking, you're good looking. Hung out a little bit. Was it a dates? And -- and that became a joke that nothing -- nothing transpired other than that little moment. And that became a joke that I joke with him, that he dated my wife before I ever was with him -- with her.

Q And in addition to being your best friend, your brother, someone that you love, someone who you are close with his family, Mr. Baldoni is also your boss, right?

MS. SHAPIRO: Objection.

THE WITNESS: Technically, yes.

BY MS. HUDSON:

Q And he decides, for example, how much you get paid, right?

A He is one of them, yes.

Q And the other one is Mr. Sarowitz, right?

A Yes.

Q And Mr. Baldoni, along with Mr. Sarowitz, also decides if you get equity in Wayfarer, correct?

A Yes.

Q Which they haven't decided to give you yet, correct?

MS. SHAPIRO: Objection.

THE WITNESS: No. I have a small piece of equity.

BY MS. HUDSON:

Q You have a small? How much equity do you have in Wayfarer?

A It's either 1 or 2 percent.

Q Do you -- is that written down somewhere or is that a verbal equity offer?

A It was verbal and then it was written down somewhere. And I do not know where it is, but it is.

Q You think it's written down somewhere that you don't know?

A A few years ago, they presented me with a piece of paper telling me that you have some equity now in Wayfarer. It's three years ago, I guess. Don't quote me on that, but that's my memory. And -- and I don't recall if it's been memorialized beyond that.

Q You -- Mr. Baldoni mentioned on Monday in his testimony that you have a Grammy. It sounds like you had a career prior to going -- becoming the CEO of Wayfarer. What did you do?

A I was a -- it's hard to say "was," but composer, producer of music, film, television,

albums, and had production companies, a record label under Universal. So everything in the music entertainment field was where my career laid.

Q You said you had a record label under Universal?

A I did.

Q What was the name of the label?

A Opopp, O-P-O-P-P.

Q And what years did you have that label at Universal?

A I was 26, 27. So whatever year that is, 20 years ago. And that label lasted a -- maybe three, four years.

Q Okay. And then did you work for other companies or were you an independent producer?

A For the most part, independent. I've never worked for a company in that regard. I've always had my independent life. But you contract, and then you're doing something for a while. I was signed with EMI, Warner Bros., a couple other companies as a writer, and so they are essentially my publisher. But as a company and working wise, I've always been independent.

Q And how did you win a Grammy?

A Got lucky.

Q And who did you -- what work did you do for the Grammy?

A I produced Gladys Knight, and her album won R&B Album of the Year, and I was one of the fortunate ones.

Q And why did you stop this working -- doing this career in the music industry?

A Well, I'm trying to accept that I -- that -- to say that I've stopped because it's always part of my life. So the idea that that's not present as much as it was, it's hard to say, so forgive me for the pause. What was your original question? Would you repeat it? I'm sorry.

Q Why did you stop working in the music industry?

A The music industry has changed quite a bit. So what was once an incredibly lucrative opportunity to -- to be successful and finance wise and, also, the elite musicians and writers and producers, the ones that were really good, had an outlet to do it. But as technology started growing, then you had more and more. The field became greater. The competition became greater. The products became -- I don't want to judge anyone's product, but maybe it wasn't considered as high a

caliber because you had kids in an apartment on a computer doing something. Didn't maybe have the same integrity. And because of that, the landscape changed. And then as many -- as for many things, you pivot.

Q And you pivoted to Wayfarer?

A I did.

Q How did you -- well, when did you first become employed by Wayfarer?

A About five years ago.

Q And how did you come to be employed there? I realized it's founded by your best friend, but how did you become an employee at your best friend's company?

A As I said, Justin and I have been friends and we worked together a lot before I was at Entertainment. I'm at Wayfarer Studios. He had Wayfarer Entertainment, and I worked a lot on a lot of the projects that he did.

Q What kind of work?

A Did music, scored, and -- and adjacently, consulted with him on things that he was doing.

He then was, about five years ago, was working through something. He asked for my consultation, among some others. The next day he

called and said, I need you to be a part of my company. And I said -- my words were, "fuck off, no thanks," jokingly, Ms. Esra, just so we're clear. Meaning, like, I'm not interested in tending to your garden. I've got my own garden.

So at first I was like, yeah. And I asked, "doing what?" He's like, your whole life has been in the entertainment world. You know what we do. We work together. The way that you lead and operate and your understanding of things is -- I feel is what we need in our company. So...

Q And what position did he offer you?

A There was no particular position. This was the -- he says, I just need you in it. I agreed that I would, at some point, kind of take a look inside.

Q Within --

A Again, this was at a time when I was full-time spending on music and my own production company, and I was at a crossroad.

Q So you were looking for something new, and he was offering something new?

A Kind of lined up.

Q This was in 2020?

A Yes.

Q And when was Wayfarer founded to your understanding?
A Wayfarer Studios?
Q Yes.
A 2019.
Q And if I use the term "Wayfarer," I'm referring to Wayfarer Studios LLC, unless I say otherwise, okay?
A You got it.
Q So it was a fairly new company?
A Yes.
Q Were there any employees when you joined?
A Yes.
Q How many?
A One, two, three, four, five, six, seven -- around 10 maybe, somewhere in that realm.
Q So when you were hired, what position were you hired into?
A As I stated, there wasn't a particular position. In the creative world, it's just more come and bring your creativity, your observation, your consultation, and -- and kind of like see where that -- what that might look like.
Q Well, at some point, you became president, though, right?

A There was a few titles before that, but yes.
Q What was the first title?
A Interim COO.
Q And how long did you hold that position?
A Three months.
Q And then what did you do after that?
A Title?
Q Yes.
A Co-COO.
Q Co-COO?
A Correct.
Q Who was the other COO?
A Manu.
THE STENOGRAPHIC REPORTER: Can I have a spelling, please?
THE WITNESS: M-A-N-U. And for some reason, his last name is escaping me. But I'm happy to give it to you when I recall it.
BY MS. HUDSON:
Q And how long were you then co-COO with Manu?
A Another three months.
Q What was your next position?
A President.

Q How long did you hold that position?

A Until almost two years ago or -- or maybe a year and eight months or so when we brought on Tera Hanks. We gave her the title of president and I became COO -- CEO. So to be clear, the -- at all times, I was, with both titles, essentially, the head of the company in that regard. They are just titles. All of these titles are ridiculous to me anyways.

Q You see yourself as head of the company with respect to the day -- day-to-day operations?

MS. SHAPIRO: Objection.

THE WITNESS: Day-to-day operations, we have an operations manager. So...

BY MS. HUDSON:

Q Well, what do you mean by "head of the company"?

A I just mean the top -- the -- the person that ultimately signs off on -- daily operations would be one of them. Our deals and most of our creative. Of course, not meaning to omit the chairman, but their job is different or their role is different.

Q And in the president role, what is distinct between the president and the CEO

positions?

A I think with each company, that might be different.

Q And just to be clear, I'm asking for Wayfarer?

A I understand. I get you.

For Wayfarer, a lot of people wear and share different hats. So I said earlier, I think these titles for the most part, even though we have to live by them, are only ways to separate some sort of hierarchy, and I think they're stupid for the most part. It just separates people. But you have to have some sort of organizational structure, of course.

So -- so some of the differences is ultimately, I sign off. Tera, who is our president, has her unique set of skills and we utilize them where needed or where she feels they are most needed.

Q So she -- does she support you in the -- in your CEO role?

A Sure.

Q But the buck stops with you, right?

MS. SHAPIRO: Objection.

THE WITNESS: Again, omitting the

chairmen who are not involved daily, yes.
BY MS. HUDSON:
Q And with respect to the structure, under you and Ms. Hanks, what other employees are there at Wayfarer?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Let's start with the time period 2023 to 2024.
MS. SHAPIRO: Objection.
THE WITNESS: You want me to name them --
BY MS. HUDSON:
Q Let's identify --
A -- or just the roles?
Q -- what the roles are.
A I see. We have a CFO, a head of physical production, a president of production and development, a vice president of production and development, vice president of operations, a vice president of marketing. At the time, a -- I don't know if he was an SVP or a VP, but of Man Enough. Not specifically the podcast, but anything that was related to it. A controller, two editors, an office manager, many assistants, and maybe I've missed a few.

Q I didn't hear human resources in there.
A Human resources, thank you.
Q So with respect to these positions, the VP of marketing and communications, that's Ashmi Dang?
A Correct.
Q The VP of operations is Mitz Toskovic?
A Correct.
Q And then, Brian Singer is the CFO?
A Correct.
Q And have these people, as I've described them, held these positions since at least 2023?
A Yes.
Q You mentioned Tera Hanks as the president. Andrew Calof, is he the president of production and development?
A Correct.
Q And he's also held that position since 2023?
A Yes.
Q John Logan Pierson, is he the head of physical production?
A He is.
Q Okay. And has he held that position since at least 2023?

A Yes. He -- he -- yes, yes, he has.
Q And then for VP of creative, is that Angela Cardon?
A Yes.
Q Has she held that position since 2023?
A She has.
Q For -- with respect to HR, is Cynthia Barnes Slater your head of HR?
A She is.
Q You know she describes herself online as retired. Is that not accurate?
A She retired from -- she was a head of HR of -- I can't recall the company. It's like GMC or, you know, a big corporation. She retired from that. And then she does private working HR for smaller companies.
Q So in a consultant role, essentially?
A Yes.
Q And how long has she held that position?
A With Wayfarer?
Q Yes.
A As long as I've been there so...
Q Is she physically present in California?
A She is.
Q She doesn't live in Illinois?

A No. Let me rephrase that. Not as far as I know. But yes, she lives in California, unless something's changed.

Q And does Wayfarer have an office?

A Yes.

Q Does Ms. Barnes Slater work in Wayfarer's office?

A Not regularly.

Q Does she work from home?

A Yes.

Q Is there anyone in human resources other than Ms. Barnes Slater?

A I know Mitz assists her in the operations level. Outside of that, no.

Q Has Ms. Barnes Slater always worked at home?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. HUDSON:

Q Does she ever come into the office?

A Yes.

Q How often?

A She does not have a schedule, so I would not be able to put a number on it.

Q Can you give me an estimate?

A It would be a guess. Once a month.
Q And who is Shekinah Reese?
A She's my assistant, previous assistant.
Q Okay. And AJ Marbory?
A She was Justin's assistant.
Q And how long was Ms. Reese your assistant?
A There's a block of time that's gone, so I don't want to waste time thinking about it. But a year and a half, maybe two years. Maybe '23, '24.
Q '23, '24? And who is your current assistant?
A I share now an assistant with Tera, who is -- sorry, Isabelle, and I can't recall her last name because it's a wonderful name that's hard to pronounce.
Q And Jarriesse Blackmon, was she your assistant at some point?
A No.
Q Was she someone else's assistant?
A Jarriesse is a male.
Q Oh.
A It's okay. And he works assisting Justin.
Q Okay. Now, during much of Mr. Baldoni's

deposition, he didn't know much about Wayfarer's finances. Is that something you're familiar with?

A More than him. More than him, but I do have a CFO that would know more than I.

Q Okay. What are -- in your CEO role, how would you describe your duties?

A I put them in four buckets, our financial strategy being a part of that. Helping determine what we might invest in, where best to spend our money, utilize it, what kind of deals we're doing, at what level, what the percentages would be on our return. Things of that nature. And included in that would be deal making and approving that.

The second one is then creative. Quality control, making sure that our product is in line within the expectations of Justin, of myself, of course, Steve, and our overall mission to -- that it's aligned with us. And, also, aside from quality, just the creative process.

And then you take a third bucket, which is leadership coaching. And when I say "coaching," I mean that of a how do you inspire one to remember their nobility and that their purpose on life isn't just to use a pen and a piece of paper but, rather, their worth lies in their humanity. And the job

they do is just an extension of their humanity. How do you inspire people in that regard? To inspire that the work that we want to do at Wayfarer, as they hear me often say, it's not about making money. We have to, but that's not our purpose. And to foster a culture that feels safe and trustworthy. Let's put that in the third bucket.

And the fourth bucket would maybe be a bit of a diplomat, I suppose, right, building relationships with others. And while Justin, of course, is the celebrity face as you might see him, and super involved with his creative mind, I'm more of the business face. So...

Q So you build relationships in the business community?

A Agreed.

Q Are you familiar with Wayfarer's profit and loss statements over the last five years?

A I have an overall view.

Q You all produced in this case pursuant to an order Wayfarer's profit and loss statements. And are you -- did you put those together for the production?

A I did not.

Q Have you seen them?

A I don't believe so.
Q They show that Wayfarer has been operating at a net loss since 2020?
A Yes.
Q Does that sound right to you?
A 100 percent.
Q And as -- in 2024, they show that net income was negative 18 million. Does that sound --
A In 2024?
Q In 2024.
A I would have to see something to understand what I'm looking at. So I -- I can't confirm that exactly. But overall, yeah. You mean as -- overall -- forgive me. You're talking about for the year 2024 or as of 2024?
Q For the year -- well, I will show you the statement. You can tell me --
A Okay.
Q -- if you can. But it says that as -- in 2024, Wayfarer's operating at a net loss of $18 million?
A Yeah, I'd have to see what we're -- what we're talking about to understand.
Q Okay. And who prepares the profit and loss statements?

A That would be Brian Singer.
Q Do you know how Wayfarer funds its operations at operating at a net loss of $18 million?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah.
BY MS. HUDSON:
Q How does it do that?
A Steve's investments.
Q So when Wayfarer needs funding, it looks to Steve Sarowitz to provide cash?
MS. SHAPIRO: Objection.
THE WITNESS: There has been a payment -- a funding schedule that he had committed to. And based on that funding, that is what allows Wayfarer to operate.
BY MS. HUDSON:
Q Do you have a contract with Mr. Sarowitz to provide funding at a certain rate for the company?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know.
BY MS. HUDSON:
Q If Mr. Sarowitz decided not to continue to provide the funding, would Wayfarer be able to

continue its operations?

MS. SHAPIRO: Objection.

THE WITNESS: Well, isn't that the million-dollar question? You fund a business in its beginning hoping that it will be profitable. And the goal is to not fund it anymore. But he had committed to do so. But, yeah, of course, it's within his discretion to turn off the faucet.

BY MS. HUDSON:

Q Does Wayfarer have access to lines of credit, loans, or other financing?

A Do we have access? Do we have any lines of credit? Two different questions. We do not from my -- I do not believe we have any lines of credit, no. Access is a different question.

Q Do you know how much revenue Wayfarer received from the film It Ends with Us?

A I have an estimate.

Q What is that?

A To be clear, you want to know our profit, our complete revenue or just our profit?

Q Well --

A Let me just --

Q Why don't we -- why don't you break down the nature of the revenue.

A Sure.
Q And then we can talk about profit.
A We -- I think we have received to date, gross number, about $60 million. We had $40 million, about, invested into it. That is incorrect. We had about $31 million, I believe, invested into it. Correct. And we have about 29 that would be left over after we've paid ourself back. But out of that 29 million, there's a lot of -- a lot of things to still pay for that. So that is just the basic budget that you put in 31, that leaves you with 29. And then you owe contractual obligations that you pay out of that.
So what Wayfarer's profit is, I don't know that yet.
Q You don't know that yet. And you're still paying off those expenses?
A Correct.
Q Do you have an estimate?
A I don't. There's many, many, many, many contracts. Many people that you owe money to when money comes in. So you don't know until you've got all of your accounts that have come in, and then you know where you are. And we're still in that.
Q And are you continuing to receive revenue

related to It Ends with Us?

MS. SHAPIRO: Objection.

THE WITNESS: We will, like any film, it will take many years before you receive all of your income.

BY MS. HUDSON:

Q Do you -- do you get revenue from streaming, for example?

MS. SHAPIRO: Objection. Just to be clear, Counsel, Mr. Heath is not here as a 30(b)(6) witness. He's here in his personal capacity.

MS. HUDSON: Thank you.

BY MS. HUDSON:

Q Go ahead.

A Question again, please?

Q Does Wayfarer get revenue from streaming for It Ends with Us, as far as you know?

A Basically, no. Depending upon where it lives, there might be some different nuance there. But that is part of the distribution deal that you might do with Sony and part of your agreement that they then -- but don't hold me to that because I have to see it. We do a lot of contracts, a lot of different deals. They all look differently. So...

Q And the manner in which Wayfarer received

revenues for It Ends with Us is set forth in the contract with Sony; is that correct?

A Yes.

Q Do you have an estimate for additional revenues that you anticipate coming from It Ends with Us --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- based on the way you understand the revenue streams to be set up?

MS. SHAPIRO: Objection.

THE WITNESS: I do.

BY MS. HUDSON:

Q Okay. And what do you estimate?

A Over the next 10 years, the rough estimate is about another 45 million. Rough estimate. That is, as I'm told very clearly, could drop to 25 in five minutes, and could go up to 55 in five minutes.

Q And what impacts that range --

A Deals --

Q -- to your understanding?

A -- that you have. So like every so often, contracts change with, as you mentioned streaming, what you anticipate is going to happen

based on those sales, doesn't come to fruition. Like a market so to speak, right, you -- you can estimate, but you don't control a market. So based on those.

Q Prior to joining Wayfarer as an employee, had you produced any films?

A As a on-the-ground producer, no. Prior -- I'm sorry. You said prior to it?

Q Correct.

A No.

Q Had you been on a film set before?

A Many.

Q In what capacity?

A As I mentioned, I was a composer for projects throughout my life, so I would visit for those. Without giving you a whole back story, my family was also involved in the entertainment industry, so my childhood and life was only around entertainment, music side and film side. Movie sets and television sets were a normal part.

Q So you said that you had not been a producer on a film, though, before Wayfarer. And what was the term that you used?

A On-the-ground producer.

Q On-the-ground producer?

A Yeah, but that -- that was --
Q What does that mean to you? What's the difference between on-the-ground producer and whatever you did?
MS. SHAPIRO: Objection.
THE WITNESS: Before It Ends with Us?
BY MS. HUDSON:
Q Prior to joining Wayfarer, you said you were not an on-the-ground producer. What did you mean by that?
A I misunderstood your question.
Q Okay.
A Because you asked me prior. I thought I heard you -- what I interpreted your question to be is at Wayfarer. There are other films in Wayfarer that I am -- have producer credit or executive producer credit, and I was just being clear about that. But prior to Wayfarer, correct.
Q So prior to Wayfarer, you were a producer in -- with respect to your music work; is that right?
A Correct.
Q So you had not been a film or TV producer prior to Wayfarer, correct?
A Correct.

Q And when you joined Wayfarer, you said that you were -- worked in an executive producer capacity on other films?

MS. SHAPIRO: Objection.

THE WITNESS: When I joined Wayfarer -- repeat the question, please.

BY MS. HUDSON:

Q You said when you joined Wayfarer, you worked in executive producer capacity on other films for Wayfarer?

A Yeah.

Q How many?

A There are some with title and some without. I would say all of them without title. The reason why I say that is because there's only so many credits that you have for a film for on screen.

Q So you have no film credits for all of the --

A I do. No, I do.

Q Okay.

A On credit film would be about -- sorry to interrupt you -- four or five of them.

Q Four or five?

A I believe so.

Q When you say -- do you know what films

they are?

A Garfield. Eleanor The Great. Ezra. I'm having trouble remembering the other films, but there is one or two more. I just don't know it.

Q Of the four or five films in which you had credit, do you have producer credit on any of those films or is it executive producer?

A Executive producer credit.

Q Did you have a producer credit on any film prior to It Ends with Us?

A I don't know.

Q Can you think of any sitting here today?

MS. SHAPIRO: Objection.

THE WITNESS: At the moment, I can't recall.

BY MS. HUDSON:

Q And at the films that you listed, were any of them produced prior to It Ends with Us?

A Yes.

Q Which ones?

A Ezra.

Q And what -- and to your understanding --

A Garfield.

Q Oh. Oh. Pardon me --

A It's okay.

Q -- to interrupt you.

Ezra, Garfield.

A I think Will and Harper. But I'm -- you're going to have to forgive some of my time because, as you know, the last year has been a year. So my sense of timing is a little. So I don't want you to...

Q And what, in your mind, is the distinction between executive producer and producer?

A In general?

Q Yes. On a film.

A Yeah. A producer is, typically, generally somebody who is involved in a project from the beginning to the end in different capacities. Some are given a producer credit just as part of their contract. For instance, you might have a writer who, as part of their contract, they -- they get a producer credit, even though they won't be in the actual building of the project beyond that. But for the most part, it's people who are involved from the beginning to the end and who have their hands in the sandbox.

Q Handling the day-to-day of producing the film, correct?

A Sure. An executive producer comes in

different many shapes. It could be because you were involved in the -- just developing the project but not involved in producing. It could be because you brought some money to it. There are distributors that, if they distribute the movie, and they would like an EP credit. And then there are vanity credits. Those are pretty much the distinctions.

Q So you got a producer credit on It Ends with Us, correct?

A I did.

Q Why did you receive a producer credit on that film? Let -- let me ask you another question.

You -- you were provided a producer credit at the outset of that film, correct; it was not something that was provided at the end?

MS. SHAPIRO: Objection.

THE WITNESS: Correct.

BY MS. HUDSON:

Q And what did you anticipate your role would be on that film for you to receive a producer credit from the outset?

MS. SHAPIRO: Objection.

THE WITNESS: As I had mentioned, producers are in the sandbox doing the work, creatively, business wise, and that was my

involvement from the outset.
BY MS. HUDSON:
Q Were you involved in all aspects of the film?
A Yeah, generally speaking.
Q And did you anticipate that you would be from the beginning?
MS. SHAPIRO: Objection.
THE WITNESS: It depends on when we -- we determine the beginning.
BY MS. HUDSON:
Q Well, what would you consider the beginning?
A Well, I would say the beginning is when -- film-wise, I don't mean the project, pre-development and all of those stages. Justin had had this film for some time and there was different iterations of it. You don't necessarily have your team together because you don't know what it's going to be yet. But once the movie started coming together, I was extremely instrumental. Let me rephrase that. Hands-on and led our negotiations with Sony.
Q And your producer role was more significant on this movie than it had been on prior

films, correct?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. HUDSON:

Q And there were -- on the other films that you mentioned where you worked as an executive producer, there were producers on those films, correct?

A Correct.

Q If you attended Mr. Baldoni's deposition and Mr. Sarowitz's deposition, you might recall we went through some policies and procedures. We're going to do that a little bit today as well.

A You got it.

Q Let me ask you a little bit more about the producer role. When you -- when you're the producer on the film, do you supervise the cast and crew?

MS. SHAPIRO: Objection.

THE WITNESS: Do I supervise the cast and crew?

BY MS. HUDSON:

Q Yes. Do you see your role as including supervision of the cast and crew?

MS. SHAPIRO: Objection.

THE WITNESS: No.
BY MS. HUDSON:
Q Did you see yourself as having any employees who reported to you as producer?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah.
BY MS. HUDSON:
Q Who reported to you?
A Different department heads would report to the producers, not necessarily Jamey. But using the term and title producer, department heads.
Q And do you agree that it's important for any film project to have a process in place for reporting concerns about the workplace?
MS. SHAPIRO: Objection.
THE WITNESS: I do.
BY MS. HUDSON:
Q And that there be protocols in place to ensure a safe workplace?
MS. SHAPIRO: Objection.
THE WITNESS: I do.
BY MS. HUDSON:
Q Do you think it's important for the cast and crew to be trained in the appropriate workplace behavior?

MS. SHAPIRO: Objection.

THE WITNESS: Repeat the question, please.

BY MS. HUDSON:

Q Do you think it's important for cast and crew on a film to be trained in appropriate workplace behavior?

MS. SHAPIRO: Objection.

THE WITNESS: Generally, yes.

BY MS. HUDSON:

Q Do you think it's important that the cast and crew feel comfortable raising concerns they may have about the workplace?

MS. SHAPIRO: Objection.

THE WITNESS: I do.

BY MS. HUDSON:

Q And do you also think it's important that cast and crew can report workplace misconduct to someone other than the person who they believe is engaging in the misconduct?

MS. SHAPIRO: Objection.

THE WITNESS: Repeat the question, please.

BY MS. HUDSON:

Q Do you think it's important that cast and

crew be able to report workplace misconduct to someone other than the person they believe is engaging in the conduct?

MS. SHAPIRO: Objection.

THE WITNESS: Makes sense, yes.

BY MS. HUDSON:

Q And why does that make sense?

A If -- if someone has a concern with someone, to bring it to that person may not always feel safe, so there is another avenue to bring it up.

Q And that's because that person might have a conflict of interest --

A Sure.

Q -- evaluating their own misconduct, right?

MS. SHAPIRO: Objection.

THE WITNESS: I -- I don't want to speculate to what the reason why that person is. But I understand that someone may not want to bring up a concern about a person they may have a concern with directly.

BY MS. HUDSON:

Q Is it also important, in your view, that workplace concerns be investigated?

MS. SHAPIRO: Objection.

THE WITNESS: It depends.

BY MS. HUDSON:

Q On what?

A What the evaluation or what the concern is, or what -- if someone is concerned that the water is too hot, then one might determine there's no need for an investigation. Someone concerned -- so it depends on what the concerns are.

Q Are there any specific concerns that come to mind for you that you think generally would merit an investigation?

MS. SHAPIRO: Objection.

THE WITNESS: I'm sure I can come up with some.

BY MS. HUDSON:

Q Well, why don't you try if there are some that you think of?

MS. SHAPIRO: Objection.

THE WITNESS: That would merit an investigation?

BY MS. HUDSON:

Q Yes.

MS. SHAPIRO: Objection.

THE WITNESS: If there was a clear

concern that someone is being discriminated against.
BY MS. HUDSON:
Q That merits an investigation?
A If there is a clear -- well, I can finish my answer, if that's okay.
Q Sure. I'm sorry. I didn't realize you were still --
A That's okay.
Q Go ahead. Complete your answer.
A If there is a clear concern that someone feels discriminated against, and it is clear amongst the parties that that is what is being expressed and someone knows to do something with something, sure, I'd suppose that's how all HR policies demonstrate things should be done.
Q And would the same be true for concerns about harassment?
MS. SHAPIRO: Objection.
THE WITNESS: I think the same would be true for anything that there might be a legitimate, understandable, recognizable...
BY MS. HUDSON:
Q And how would -- how do you determine if something --
MS. SHAPIRO: I think he was still

talking. Can you not interrupt his answers, please?
BY MS. HUDSON:
Q Oh. Were you still talking?
A I was, but it's okay. Thank you.
Q No, no. You go ahead. You paused so I thought you were done.
A I understand.
Q But if you have more to say, please do.
A If there was a -- if there was an understanding that there was something that needed to be moved beyond just someone expressing something, sure.
Q And I think you said if there was a legitimate, understandable, recognizable concern --
A Yeah.
Q -- that would merit investigation; is that right?
A I don't know if it would merit an investigation. I'm saying that it would merit consideration for a step to be taken.
Q Okay.
A I don't know. These are -- it's kind of a bit of a hypothetical. So if you want to give me, like, a direct thing, I can speak to that.
Q Fair enough.

With respect to things like harassment and discrimination, in your role as CEO, how do you determine if something is a legitimate, understandable, and recognizable concern that merits an investigation?

MS. SHAPIRO: Objection.

THE WITNESS: Well, you can't investigate something if you don't know there's something to investigate. That's -- that's what I mean by recognizable.

BY MS. HUDSON:

Q Are there certain magic words that you look for in making that determination?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q What kind of information would you need to have for you to determine something was a legitimate, understandable, recognizable concern?

MS. SHAPIRO: Objection.

THE WITNESS: I would need to know what I don't know.

BY MS. HUDSON:

Q Do you, in your role as CE --

A I think anybody would.

Q Okay. Fair enough.

In your role as CEO, do you receive training on harassment, discrimination, and retaliation?

A We do.

Q How often do you receive training?

A Wayfarer gets it -- we have it every year -- every two years, and every year for managers. I believe that's it. I believe that's it.

Q So in that training, do you get information about what kinds of things might fall within the category of a legitimate, understandable, recognizable concern?

MS. SHAPIRO: Objection.

THE WITNESS: We really -- can we do something for a moment? You're quoting something I said in context so that's not my answer for everything.

BY MS. HUDSON:

Q Okay.

A I just want to be clear. Like, from -- in that question, that was it. And you're going to refer to that, which I understand why you might want to, but I want it clear that is not my testimony

and -- and expression for every answer. Okay? So...

Q So in your training, do you learn information about what type of concern might fall within the categories of harassment, discrimination, or retaliation to trigger your decision to initiate an investigation?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. We -- we -- I think that's something that everyone learns in those trainings.

BY MS. HUDSON:

Q So when you said that you would need to understand that there was something that needed to be moved beyond someone expressing something, would you rely on your training in order to make that determination?

MS. SHAPIRO: Objection.

THE WITNESS: I think anyone would rely on training in knowing how to proceed with something.

BY MS. HUDSON:

Q Would you rely on your employment policies to make that decision?

MS. SHAPIRO: Objection.

THE WITNESS: Sure.
BY MS. HUDSON:
Q Have you read Wayfarer's employment policies?
A I have.
Q Do you think it's important for you to be familiar with the policies as the CEO of Wayfarer?
A I do.
MS. SHAPIRO: Objection.
Counsel, could we take a 10-minute break?
MS. HUDSON: Sure.
THE WITNESS: How long have we been going?
MS. SHAPIRO: About an hour.
THE VIDEOGRAPHER: We are going off the record. The time is 10:15 a.m.
(Recess.)
THE VIDEOGRAPHER: We're back on the record. The time is 10:33 a.m.
BY MS. HUDSON:
Q Mr. Heath, do you ever record phone calls?
A I have.
Q Do you have a practice of recording phone calls?

MS. SHAPIRO: Objection.

THE WITNESS: I do not.

BY MS. HUDSON:

Q How often do you record phone calls?

MS. SHAPIRO: Objection.

THE WITNESS: In my entire life, I've recorded three maybe, maybe four in the same period of time.

BY MS. HUDSON:

Q In your entire life, you've recorded three or four phone calls?

A Correct.

Q And -- and in what -- when -- when were those phone calls recorded?

A Sometime at the -- I don't know the months, but in 2024 of -- I believe around August, I believe, maybe July, somewhere in there.

Q And were all of those phone calls that you recorded related in some way to It Ends with Us?

MS. SHAPIRO: Objection.

THE WITNESS: In some way, yes.

BY MS. HUDSON:

Q Sunday we received a production of four call recordings under your Bates-label starting with Heath. Are those the calls that you recorded?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

MS. SHAPIRO: Don't testify as to any information provided by counsel to you.

BY MS. HUDSON:

Q And just so I understand, in your entire life, you have never recorded a phone call except for the four calls that were produced to us; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: Not that I can recall, other than if -- and I don't have a particular memory, but so I'm forthright, there have been a few therapy calls -- a few therapy calls I've had over my lifetime, that the therapist would suggest to record for the reflection. But I don't have a particular memory of if I did or not.

BY MS. HUDSON:

Q And in those calls, both you and the therapist knew that the call was being recorded, right?

A Correct.

Q And you said it was maybe three or four calls. Could you not remember that it was four?

MS. SHAPIRO: Objection.

THE WITNESS: I just wanted to be accurate.

BY MS. HUDSON:

Q Do you ever call -- record Zoom meetings?

A I have no memory of recording a Zoom, unless it has been a Zoom that everyone knows is being recorded for whatever the purpose it would be recorded.

Q So you have no recollection of ever recording a Zoom without the participants all knowing that a Zoom is being recorded; is that right?

A Correct.

Q And sitting here today, can you recall any Zooms that were recorded even in that manner?

MS. SHAPIRO: Objection.

MS. HUDSON: I am going to strike that question.

BY MS. HUDSON:

Q Let's go back to the calls.

You said there were four calls that you recorded in the July to August 2024 time frame, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I believe they were that

time.
BY MS. HUDSON:
Q Okay. For each of those calls -- let's start with the first one you recall, the earliest call that you recall recording.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Where were you located?
A I don't recall the sequence of them so --
Q Okay.
A -- if you'd like to pick a call and we can talk about that particular one.
Q Well, there was one call that sounds like the participants are Stephanie Jones and Jennifer Abel; is that accurate? There is one call that includes Stephanie Jones and Jennifer Abel?
A I don't know that it includes Jennifer Abel, but...
Q Okay. So there is a call that includes Stephanie Jones; is that right?
A Correct.
Q All right. When was that call made?
A Sometime in August, the beginning of August in '24.
Q And where were you located when that call

was recorded?
A I believe I was in Chicago.
Q Were -- where were you in Chicago? Were you in an office? Were you in a car? What was your physical location at the time the call was recorded?
A I don't recall.
Q You don't recall whether you were moving at the time the call was made?
MS. SHAPIRO: Objection.
THE WITNESS: I don't. I may have been. I don't. I don't.
BY MS. HUDSON:
Q Other than you and Stephanie Jones, did anyone else participate in the call?
A What do you mean "participate"?
Q Was there anyone else present for the call?
A Oh, there could have been. I don't recall. I don't recall specifically.
Q You don't recall if there was -- there was another woman involved that participated?
A I don't. I don't.
Q And where was Stephanie Jones located for that call?
A I don't know.

Q Why did you record the call?
A I felt the need to document what I was unsure and felt uneasy with Stephanie's, I don't want to say her state of mind, but what she might or might not say that felt contentious.
Q Were you concerned that she was going to tell Sony that she did not place a story in The Daily Mail?
MS. SHAPIRO: Objection.
THE WITNESS: Well, no, I was not concerned -- why don't you ask the question again because I might need it rephrased.
BY MS. HUDSON:
Q Were you concerned that Ms. Jones was going to contact Sony and tell them that she had not placed an article in The Daily Mail?
MS. SHAPIRO: Objection.
THE WITNESS: No, that wasn't my concern.
BY MS. HUDSON:
Q Why did you feel the need to record the call?
MS. SHAPIRO: Objection.
(Jonathan Bach entering deposition room.)
THE WITNESS: At this point, I had grown concerned with Stephanie's ability to adequately

represent and speak on our behalf. And based on some previous conversations with her, I was losing confidence, and I knew this was a testy situation. And I wanted to document anything she might say to me.

BY MS. HUDSON:

Q Did you tell Ms. Jones that you were recording the call?

A I did not.

Q Why not?

A Simply because I wanted to have documented what she -- where she was or her state of mind was, and I didn't allow her to know.

Q You didn't want her to know?

A I didn't deliberately think I didn't want her to know. I just didn't announce it.

Q Were you planning to use it against her in someway?

A No.

Q And you said you couldn't remember if there was a third person listening in to the call?

A I just don't recall, but if there was, then I'm not saying there wasn't. I just don't recall it.

Q So you don't remember, for example, if at

some point you muted the phone call and talked to another party who was overhearing that call?

MS. SHAPIRO: Objection.

THE WITNESS: I haven't listened to the call other than one time I listened to a portion of it. I did have -- I don't recall when, so I just don't.

BY MS. HUDSON:

Q Do you recall specifically the subject matter that you were discussing?

A Yeah.

Q What was the subject matter?

A The subject matter was, essentially, I had learned that she may have been someone that contacted, I believe it was The Daily Mail, but an outlet. And I was trying to work through it. And my primary concern was that, and her primary concern was defending herself. And -- or that she said that she didn't. I wasn't focused on that part of it, but more, rather, what I needed her to do as someone that represented us.

Q And did you -- you don't recall if there was another person there but --

A If there was, I'm happy for you to tell me there was, and I won't -- I'm not here to deny

it.

Q Well, there is another -- there is a woman's voice on the recording.

A Okay.

Q And what I would like to know is, did you announce to the other person whose voice is heard on the recording that you were recording?

MS. SHAPIRO: Objection.

THE WITNESS: I don't have a memory of that.

BY MS. HUDSON:

Q So you may have also recorded that person without their knowledge?

MS. SHAPIRO: Objection.

THE WITNESS: Sure.

BY MS. HUDSON:

Q Did you -- you said you haven't listened to the recording; is that right?

A Other than the one time I just stated, which I don't recall when I listened to a portion of it, but I don't recall when that was.

Q You didn't listen to it before it was produced in this case?

A No.

Q How long have you known that you had it?

A Since -- since I recorded it.
Q Since the time you recorded it until the time you produced it, did you share it with anyone?
MS. SHAPIRO: Objection. He didn't produce it. The lawyers produced it.
MS. HUDSON: Okay. Thank you for that clarification.
BY MS. HUDSON:
Q Until the time you recorded it through the time that your lawyers produced it, did you share the recording with anyone?
MS. SHAPIRO: Other than your lawyers.
THE WITNESS: Yeah, I don't believe so.
BY MS. HUDSON:
Q You didn't play it for any other person?
A I don't believe so.
Q And when did you first share the recording with your lawyers?
A I don't know.
Q Was it -- I think Mr. Baldoni testified that he became aware of some recordings that you made in January of 2025. Did you -- early 2025. Did you share --
A I'm sorry. Repeat that. In January 2025?

Q In early 2025.
A I don't know what you're talking about.
Q Mr. Baldoni testified that he became aware of some of the recordings you did in early 2025.
A Oh, I see. Okay. Not things that I recorded in 2025. That he became aware of recordings in 2025?
Q Correct.
Did you share the recording with your lawyers around that same time period as well?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know when it was shared. There's been -- there's been so much to hand over. I don't know.
BY MS. HUDSON:
Q But safe to say, you shared it before Sunday of this week?
A I imagine so.
Q Other than describing the general subject of that call, do you recall anything else about what was said on that -- on the call with Stephanie Jones?
A I don't remember specific words, but the sentiment of the call for sure.

Q In which you described already?

MS. SHAPIRO: Objection.

THE WITNESS: This was at a time when we were doing everything we can to manage through a really tough situation. And we were trying to keep any fires from developing of speculation and -- and chaos. And at this point there was --

BY MS. HUDSON:

Q So just so you're clear, Mr. Heath --

A I'm sorry.

Q -- my question -- I'm going to -- is not why you recorded the call; it was if you recall what was said.

A Okay.

Q And you said you recall the general sentiment of the call, so --

A I was trying to get there.

Q Okay.

MS. SHAPIRO: Counsel, can you not interrupt him when he is finishing an answer, please?

MS. HUDSON: I -- I wanted to strike the answer because it wasn't responding to my question.

BY MS. HUDSON:

Q My question is, do you recall what was

said on the call?

A Yeah, I'm doing my best to answer it.

Q Okay. Well, I don't need to know all of the background and sentiment. I just need to know what -- if you remember what was said.

MS. SHAPIRO: Objection to the commentary.

THE WITNESS: Okay. I will do my best.

BY MS. HUDSON:

Q Thank you.

A Yes. We were discussing for quite a while that I did not want her to contact anybody, as we were trying to maintain a position of -- of being careful with everyone another so that we did not bolster something. And in that conversation, she was only concerned with any allegation or insinuation that she may have been the -- be the one to make this call.

And while I very much understood her position, by making a call at that time would only add fuel. And I did not want that to happen.

Q And you mean making a call to Sony?

A Making a call to anybody. Sony wasn't really it. I don't recall it was only about Sony. It was about also contacting whoever the person was

from The Daily Mail or doing some investigation. So that is what I was really focused on, was that she was doing her job in that regard, and she was more concerned about herself. And while I may understand that on a personal level, from a business perspective we were not seeming to be aligned. And that was the basis of the call.

Q Okay. And did you record the whole call or did you start recording at some point after the call had begun?

A I believe it was into the call. At some point into the call.

Q And you recorded it on your phone? In other words, you didn't have another recording device, right?

A I don't know how I recorded it. I -- I probably used -- somebody maybe -- maybe I used somebody's phone and asked them if I could use their phone for it. Or maybe I had -- I don't recall how I did it.

Q Okay.

A Because I believe I was on my phone speaking to her, so I may have used something else.

Q Do you have a device that you use for recording calls?

MS. SHAPIRO: Objection.

THE WITNESS: No. I would have used somebody else's phone or someone else's device to -- to record it.

BY MS. HUDSON:

Q There was another call that sounded like it included Josh Greenstein, Danni Maggin, and Gloria Hann from Sony. Was that one of the calls you recorded?

A I don't recall if it was those three, but if this was a Sony marketing call, yes.

Q Do you recall recording a Sony marketing call?

A That particular one seems to be the one. That's the only one that I have that I know was recorded.

Q And you said you don't know if those were the participants. Do you recall recording a -- do you have in mind --

A Yes.

Q -- the specific participants for a call that you recorded?

A I remember recording a call. And I believe that either -- I don't know if all three of them were on. I can't recall exactly that, but that

would be the call that you're mentioning. You're now identifying the names. I'm just not sure if all of that is accurate.

Q Are there any of those three that you recall with certainty were on that call?

MS. SHAPIRO: Objection.

THE WITNESS: I'm not certain -- I'm not certain who was on that marketing call.

BY MS. HUDSON:

Q But if they're calling themselves -- if they're identifying themselves as Danni, Gloria, and Josh on the call --

A Yeah. I would -- yeah, it would be that.

Q Let me just finish my question.

A Sure.

Q If they're identifying themselves as Danni, Gloria, and Josh on the call, then it would be safe to say that those are the people that were on that call; is that right?

A Yes.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q And where were you located when that call was recorded?

MS. SHAPIRO: Objection.

THE WITNESS: Do you mean state?
BY MS. HUDSON:
Q City and state.
A Yeah. I believe I would have been in Los Angeles.
Q And where in Los Angeles? In your office or home?
A I don't remember.
Q Do you know where the participants -- the other participants in the call were located?
A I don't. I don't know if they were working remotely or out of their offices. I don't.
Q And is it your understanding that Danni Maggin, Gloria Hann, and Josh Greenstein work in Los Angeles also?
MS. SHAPIRO: Objection.
THE WITNESS: It is.
BY MS. HUDSON:
Q And why did you record that call?
A We were at a point where we were discussing and being told that we were not allowed to either go to the premiere, or if there was, what that would look like separately. We were trying to navigate through all of that and all that led up to that, and I did not know who to trust at this point.

And I was concerned.

Q What was the point of recording the call?

A So I could listen, reflect back to it possibly. A lot is said, and I wanted to have some sort of memory of it to document it.

Q Did you tell any of the participants in the call that you were recording them?

A I did not.

Q And why not?

A I didn't consciously think of why not. I just didn't.

Q Well, if you were just using it as a record, couldn't you have said, I would like to record this call to keep a record?

MS. SHAPIRO: Objection.

THE WITNESS: I could have.

BY MS. HUDSON:

Q Were you intending to use the call against the participants in some way?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q Who, if anyone, did you share that call with?

A Other than my lawyers, I don't believe

anybody.

Q And did you -- when you provided the calls to your lawyers, did you do it all at the same time or did you provide them one by one?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. HUDSON:

Q So you may have not provided them all at one time?

MS. SHAPIRO: Objection.

THE WITNESS: I may have reply -- provided one in one day, maybe one the next day. You know, in reviewing what I had, doing the best I could.

BY MS. HUDSON:

Q Okay. Is there anything that you recall being said on that call that stands out to you?

MS. SHAPIRO: Objection.

THE WITNESS: I don't remember the call. I don't remember the content of the call.

BY MS. HUDSON:

Q Did it relate to the premiere --

A It related --

Q -- of the film?

A Correct. It related to the premiere.

That was the purpose of the call. But I haven't listened to it since.

Q There was another call that involved, it sounded like Patrick Whitesell at WME.

Does that sound familiar?

A It does.

Q Who else participated in that call?

A There was somebody on his team. I don't recall who it was.

Q Was it Marie Sheehy?

A It may have been.

Q Did Danny Greenberg participate in that call?

A I don't remember. He could have.

Q How about Jennifer Abel?

A I believe she was.

Q Where were you located when that call occurred?

A I believe I was in my office.

Q In Los Angeles?

A Correct.

Q And the other participants, to your understanding, were they all also in Los Angeles?

A I don't know. I don't know if they all were, so I don't know.

Q Do you understand that Patrick Whitesell typically is located in Los Angeles?

MR. FREEDMAN: Whitesell?

MS. HUDSON: Yeah.

MS. SHAPIRO: Objection.

THE WITNESS: I don't know. I don't know where he spends most of his work time. I don't.

BY MS. HUDSON:

Q And how about Danni Maggin? Did you understand that Danni Maggin works out of Los Angeles?

A I believe so.

Q Okay. And resides in Los Angeles as far as you know?

A I don't know where she resides, but I --

Q I'm sorry, Danny Greenberg.

A Danny Greenberg?

Q Yes.

A Yes, I know that he's in Los Angeles, yes.

Q Okay. And Jennifer Abel you understand also lives in Los Angeles?

A I do.

Q Okay. You mentioned earlier that you may have borrowed someone's phone to make a recording.

Whose phone would you have borrowed for the Stephanie Jones call?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know. I'm just -- I don't recall the actual mechanism of what I did at that moment, but I could have borrowed someone's phone so I can record it.

BY MS. HUDSON:

Q I believe you said you listened to part of the Stephanie Jones call. Did you do that after Ms. Lively filed her CRD complaint in California in December of 2024?

A I believe so.

Q And did you send the call to your lawyers before -- either this Jones call or any of the four calls to your lawyers before you sued Ms. Lively?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall the time.

BY MS. HUDSON:

Q Did you announce to any of the participants in the call with Patrick Whitesell that they were being recorded?

A I did not.

Q Why did you record that call?

A I was incredibly worried of what I was

hearing about Ms. Lively and Mr. Reynolds and how they were speaking about us. And during the call -- or the purpose of the call, from what I understood, was Patrick Whitesell wanted to discuss with us that Mr. Reynolds and Ms. Lively had some feelings and that unless we fell in line to some degree, the gloves would come off. And I started feeling threatened at this point, so I wanted 100 percent to have something of that nature documented and not just rely on my memory if I needed to reflect on it.

Q And why didn't you tell the participants that you were recording them?

A That wasn't my concern at that time.

Q And when you say "threatened," you mean -- what do you mean by that?

A I don't know what it meant. I just felt -- I felt quite vulnerable.

Q Not physically threatened?

A Not physically.

Q And did you mean threatened in that Ms. Lively might make allegations that she believed she was harassed in the workplace, public?

MS. SHAPIRO: Objection.

THE WITNESS: No, that wasn't it.

BY MS. HUDSON:
Q That wasn't it?
A No.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q You can't articulate what the threat was?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Is that right?
A I can articulate a host of things, a host of things that led up to that moment. Do you want me to do that now?
Q No, I don't. I'm not asking you to articulate a host of things. I'm asking if you can articulate the threat. What -- what is the threat that you believe would -- what did you believe you were being threatened with?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know what the exact threat was.
BY MS. HUDSON:
Q Okay.
A I can only articulate all of the feelings that led me to feel that there was a threat.
Q Okay. And you said there was another

call with -- there was a fourth call.

Do you recall who was on that one?

MS. SHAPIRO: Objection.

THE WITNESS: I'm happy for you to tell me who's on that one. I can speak to it.

BY MS. HUDSON:

Q Was there another call with Danny Greenberg?

A There was.

Q And who else participated in that call?

A I believe -- I believe Jen was on that call, Jen Abel.

Q Anyone else?

A I believe there was someone else from his side, but I don't recall who.

Q From Danny Greenberg's office?

A I believe so.

Q From WME?

A I think so.

Q Okay.

A I don't -- I don't exactly remember.

Q And where were you when that phone call was made?

A Same place, in my office.

Q In your office in Los Angeles?

A Correct.

Q And you said Jen Abel and Dan Greenberg reside in Los Angeles.

Do you have any reason to think they were anywhere other than Los Angeles for that call?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q And with respect to the -- all of the calls other than the one with Stephanie Jones, did you -- did you -- what device did you use to record those?

MS. SHAPIRO: Objection.

THE WITNESS: I was on the phone, so I may have used my computer or iPad, whatever -- something of that nature that was there. I don't recall which.

BY MS. HUDSON:

Q So you believe you used some device other than your phone?

A Yeah. I was on my phone and I used, I believe, my computer maybe. But I don't know. I don't recall.

Q Okay. And did you -- did you tell any of the participants in that call that you were

recording them?

A I did not.

Q And Danny Greenberg is -- was Wayfarer's agent at the time?

A He's actually Justin's direct agent or was his agent.

Q So --

A He adjacently would help with Wayfarer and have calls, but he wasn't officially Wayfarer's agent.

Q So Danny Greenberg was Mr. Baldoni's agent, and Jen Abel was Wayfarer's publicist, correct?

MS. SHAPIRO: Objection.

THE WITNESS: Correct. And she was -- and she's also Justin's publicist, was acting as publicist on behalf of --

BY MS. HUDSON:

Q And why did you recall -- why did you record a call with them?

A Danny was calling to read to us a letter that we were told was written by Ryan Reynolds and Blake Lively. And they were going to articulate the call to me, so I recorded it so I could have the call the -- the letter documented.

Q Why didn't you announce to them that you were recording the call?

A That wasn't what I was thinking at the time. I just wanted to record it.

Q Why not tell them?

A I didn't have a conscious thought about it.

Q What -- what did you intend to do with that recording?

MS. SHAPIRO: Objection.

THE WITNESS: Exactly what I said. I needed -- they were articulating to me a letter that they would not send me so I could have it and review it, so I recorded it so I could have that.

BY MS. HUDSON:

Q Okay. And did you share that recording with anyone other than your lawyers?

A I do not believe so.

Q You didn't share it with Mr. Baldoni?

A I do not believe so.

Q Okay. And have you listened to that call since you recorded it?

A Probably around the same time I reviewed the other ones. So maybe when I sent them over to our legal team.

Q And you believe you listened to all of those calls and sent them over to your legal team after Ms. Lively filed her lawsuit?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Or her CRD complaint, I should say, in December of 2024?

MS. SHAPIRO: Objection.

THE WITNESS: Is that when I would have sent it to our legal team?

BY MS. HUDSON:

Q Did you listen to them and send them to your legal team after Ms. Lively filed her CRD complaint?

MS. SHAPIRO: Objection.

THE WITNESS: That's what I can recall. I don't have a particular memory of it.

BY MS. HUDSON:

Q You said that you had been friends with Mr. Baldoni for about 20 years, or -- or you knew him for about 20 years, right?

A No, I -- so yeah, I had met him about 20 years ago, yeah.

Q And at that time, was it before or after Mr. Baldoni was in college when you met him?

A I think I testified that I knew of him or maybe, you know, I had seen him for the first time he came to town, so I'd only seen him a couple times. So I don't -- I don't know.

Q Were you friends with him in college?

A No.

Q You heard him tell the story of his college girlfriend at his deposition yesterday?

A I did.

Q Has he told you that story before?

A I know parts of that story.

Q He had told you parts of that story?

A I knew some parts. He's -- he's shared this publically I believe about it, you know, this incident.

Q But did you -- the two of you ever have a one-on-one conversation about it?

A I don't think so.

Q You don't think so? Has he ever told you who his college girlfriend was?

A No.

Q So you don't know the name of his college girlfriend?

A Absolutely not.

Q Have you ever seen pictures of his

college girlfriend?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know the name. I don't know who she is. I know nothing about her.

BY MS. HUDSON:

Q Okay. Okay. Let's take a look real quick.

A Do you want me to read something?

MS. HUDSON: I will hand you a document that we are going to mark as Exhibit 1 to your deposition.

(Exhibit 1 marked for identification.)

THE WITNESS: You got it. I don't gotta read this whole thing. Do you want me to read the whole thing?

BY MS. HUDSON:

Q I do not want you to read the whole thing. I'm going to point you to specific language that I want you to take a look at.

But let me ask you generally, as you're flipping through this, do you recognize this as Wayfarer's employee handbook?

MS. SHAPIRO: Mr. Heath, read as much as you need to to answer the questions.

BY MS. HUDSON:

Q Well, I have no question pending right now, and I don't need you to read the whole thing. I just want you to identify it as Wayfarer's employee handbook.

MR. FREEDMAN: I would caution you to read the whole thing also.

MS. HUDSON: Counsel, I don't have a question pending other than, is it the employee handbook that has Mr. Heath's Bates stamp on it?

And I just want to remind everyone for the record that only one lawyer is permitted to object on the record. And there should be no coaching of witnesses, no speaking objections. We don't need to tell the witness every time he gets a document to take his time and read it. Okay?

MS. SHAPIRO: We don't need anymore speeches.

MR. FREEDMAN: And you should stop speaking also.

MS. SHAPIRO: You should stop speaking. We don't need speeches from you. You're here to ask questions. He's here to answer them. And that's how we're going to proceed.

MS. HUDSON: Well, the way we proceed is

if you continue to do that, we will stop the deposition and I will call the Court. So one --

MS. SHAPIRO: That's fine.

MS. HUDSON: -- one lawyer at a time, and no speaking objections. And also --

MS. SHAPIRO: No commentary from you --

MS. HUDSON: -- no coaching the witness.

MS. SHAPIRO: -- there's no -- been no coaching of the witness.

MS. HUDSON: Yes. Yes, there has. Both you and Mr. Freedman --

MS. SHAPIRO: No, there has not.

MS. HUDSON: -- both said simultaneously to take your time reading a document.

MS. SHAPIRO: Can you please just ask your questions and --

MR. FREEDMAN: Let's go.

MS. SHAPIRO: -- Mr. Heath will answer them?

MS. HUDSON: I will.

MS. SHAPIRO: That's what we're here for.

MS. HUDSON: That is what I will do next.

MS. SHAPIRO: Thank you.

THE WITNESS: Okay. I don't need to read the whole thing. I know what this is. I want to

just make sure this was, in fact --
BY MS. HUDSON:
Q My question is: Is this the employee handbook?
A It appears to be.
Q Okay. And you said previously that you've reviewed the employee handbook, correct?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah, I've reviewed this before.
BY MS. HUDSON:
Q Okay. Let's take a look at -- I'm going to direct your attention to the document Bates-stamped 4947 at the bottom.
A Okay.
Q And this is -- at the top, it says:
(As read):
"Equal Employment Opportunity Anti-Discrimination Anti-Harassment and Anti-Retaliation Policy."
Do you see that?
A I do.
Q And it begins by saying that:
(As read):
"Wayfarer Studios provides equal

employment opportunities to all employees."

Do you see that?

A I do.

Q And it also provides that:

(As read):

"Wayfarer is committed to providing a workplace that is free of discrimination."

And then it provides a number of different categories that are protected from discrimination.

Do you see that?

A I do.

Q And those categories include sex.

Do you see that?

A I do.

Q And gender?

A Yes.

Q And also pregnancy and marital status?

A I do.

Q Okay. And you understand those are categories of characteristics that are protected under Wayfarer's policy?

A I see that.

Q And you understand that, also? That was my question to you.

A I you understand that as best as I can not being a lawyer or an HR expert.

Q Fair enough. And if you go down a little bit further on this page, there is an anti-harassment policy.

Do you see that?

A I do.

Q And this policy says that:

(As read):

"Sexual harassment and any form of harassment based on any protected category is prohibited."

Do you -- do you understand that?

A I do.

Q And you understand, also, that the policy applies to all individuals involved in the operation of the company?

A I do.

Q And anyone who comes in contact with the company?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You understand that as well?

A Do you have a particular line that I can read --

Q Sure?

A -- that can refresh my understanding of it?

Q Sure. The next line says that:

(As read):

"Wayfarer Studios prohibits harassment, disrespectful or unprofessional conduct by any employee of the company, including supervisors, managers, and coworkers."

And then it goes on to say that:

(As read):

"The policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to contract, and any other persons who employees may come in contact with"?

A I see that.

Q Okay. And you understood that as well?

A To the best of my ability, yes.

Q All right. If you could -- I will direct your attention to the next page that ends in 34948.

A Uh-huh.
Q The second paragraph discusses sexual harassment specifically.
Do you see that?
A I do.
Q And it says:
(As read):
"Sexual harassment is strictly prohibited."
Did you understand that to be Wayfarer's policy?
A Yes.
Q And did you also understand that under Wayfarers policy, sexual harassment includes harassment that is not necessarily sexual in nature?
A It gives examples, offensive remarks about one's sex or gender.
Q Right. But you understood that sexual harassment doesn't necessarily have to be sexual in nature?
A I understand that as long as we continue the sentence, because where you're not pausing at a comma or a period, so I believe that the whole sentence needs to be included in order for me to respond.

Q So you believe that the part of the sentence that says "sexual harassment does not necessarily have to be sexual in nature" is not a standalone sentence that you --

A No, No --

Q Yeah.

A -- I'm not trying to argue that. I just don't want to make commen- -- give commentary on a portion rather than the whole thing. That's all.

Q Well, setting aside what -- do you -- do you understand generally that sexual harassment does not have to be sexual in nature?

MS. SHAPIRO: Objection.

THE WITNESS: To the best of my understanding, I think that generalization is probably correct, but I am no expert in this.

BY MS. HUDSON:

Q Okay. And it includes, like you said, offensive remarks about one's sex or gender, right, according to this policy?

A It does.

Q And it also includes:

(As read):

"Verbal or physical conduct of a sexual nature when the submission of such

conduct is either implicitly or explicitly a term or condition of employment, or the conduct has the purpose or the effect of substantially or unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive work environment."

Do you see that part?

A I see it.

Q And you understand that the behavior is not -- the conduct is prohibited even if it has the effect of substantially or unreasonably interfering with an individual's work performance?

MS. SHAPIRO: Objection.

THE WITNESS: I see what it says there.

BY MS. HUDSON:

Q Okay. And I just want to make sure you understand, not just see, that conduct that has an effect is prohibited under your policy as well, not just conduct that has purpose?

MS. SHAPIRO: Objection.

THE WITNESS: I see what it says there.

BY MS. HUDSON:

Q And you understand that?

A I understand the general understanding of it, yes.

Q And -- okay. You -- and what -- what is it that you understand that to mean?

A I understand that -- yes, any sort -- any things in this nature are prohibited.

Q And do you understand that it's prohibited even if it has the effect of causing these things? That creating an -- an -- interfering with an individual's work performance, creating an intimidating, hostile or offensive work environment, even if that's not the purpose of the conduct?

MS. SHAPIRO: Objection.

THE WITNESS: I understand what that states there, yes.

BY MS. HUDSON:

Q And you -- okay. And then if you go on to the next paragraph --

A Yes.

Q -- it says that:

(As read):

"Sexual harassment may include a range of subtle and not-so-subtle behaviors."

Do you understand that?

A I understand it.

Q And that these -- that the:
(As read):
"Depending on the circumstances, the behaviors can include sexual jokes and innuendo."
Right?
A I can see that there.
Q You can see that and do you -- do you understand that? That sexual harassment can include sexual jokes and innuendo?
A I understand that it's there, yes.
Q Well, I under- -- I'm not asking you if you can read it. I'm asking if you understand it?
A Sure. I understand that it's there. I do.
Q I -- I'm not asking you if you understand it's there.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q I'm understanding [sic] --
A I'm sorry.
Q -- if you understand the language that's being used here?
MS. SHAPIRO: Objection.
THE WITNESS: My answer is, I understand

that it's there. That's all I can give you.
BY MS. HUDSON:
Q That's all you can do? So you can't say whether you understand that sexual jokes and innuendo can be sexual harassment?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q According to your policy?
MS. SHAPIRO: Objection.
THE WITNESS: I understand that it says that there, yes.
BY MS. HUDSON:
Q Do you understand what those words mean?
A I do.
Q Okay. And it also says that sexual harassment may include "verbal abuse of a sexual nature."
Do you understand that?
A I do.
Q And that it also may include "commentary about an individual's body or sexual prowess."
Do you understand that those things can also be sexual harassment?
MS. SHAPIRO: Objection.
THE WITNESS: I understand that that is

written here and says that. Yes, I do.
BY MS. HUDSON:
Q And you understand that's Wayfarer's policy, that those things constitute sexual harassment?
MS. SHAPIRO: Objection.
THE WITNESS: No, I don't agree with -- I'm not going to agree with the last statement, that those things constitute sexual harassment. I'm not an expert on this.
BY MS. HUDSON:
Q Well, you agree that Wayfarer's policy says that those are among the range of behaviors that may -- may be sexually harassing?
A Yeah. That's a different characterization. "May" versus "are" are very different for me. So that's a distinction that was important.
Q And you understand, though, that things like commenting on an individual's body may be sexual harassment under your policy?
A I'm going to -- I'm going to say that I understand what it says here and I can follow. Do I understand it to the level that my attorney or my HR person does, I don't.

Q Well, I didn't ask you that.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q I'm just asking you for your understanding.

A I think I've testified to it.

Q Okay. Well, do you also understand that your policy provides that touching in certain circumstances may also constitute sexual harassment?

A "May," I think, again, this is -- I'm not trying to be combative with you. You are a lawyer and you are really brilliant, and I've seen your work. And I'm not. So I want to be careful that what I'm testifying to is accurate and not -- so I see that, but I also think the context when you say "touching," I think that depends on what kind of touching, certainly.

Q Well, this -- I'm not going to argue with you. I'm just trying to understand if you understand what Wayfarer's policy says?

A I understand what Wayfarer's policy says, yes.

Q And you understand that it identifies certain types of behavior that can be sexually harassing, right?

A I see that.
Q And the behaviors that I'm reading to you are the ones that are included in Wayfarer's policy.
Do you understand that?
A I see it. I see that.
Q You see it, but do you understand it?
A I understand that.
Q Okay. And it also includes:
(As read):
"Physical, verbal or visual conduct of a sexual nature."
That can include -- that can be sexually harassing as well under Wayfarer's policy, right?
MS. SHAPIRO: Objection.
THE WITNESS: Sure.
BY MS. HUDSON:
Q Okay. And then I would like you to move down a little -- on the page a little bit to the section that focuses on supervisor and manager responsibilities.
Do you see that?
A I do. I see it.
Q It says:
(As read):
"If any supervisor or manager becomes

aware of a violation of this policy, they are obligated to report the violation to human resources or management so Wayfarer Studios can investigate and, if appropriate, take corrective action."

Do you see that?

A I do.

Q And did you understand in your management role, you had an obligation to report to human resources any time you became aware of conduct that fell within this policy?

MS. SHAPIRO: Objection.

THE WITNESS: If I became aware of conduct that fell within this policy, I see that I am obligated to report that.

BY MS. HUDSON:

Q Okay.

A If I became aware of it.

Q And you understand that before this moment?

A Yes.

Q Okay. And have you always understood that's your obligation?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. HUDSON:

Q Let's take a look at the next page ending in 3949.

A Okay.

Q There's a section on Investigation. Do you see that?

A I do.

Q And it says:

(As read):

"Any reported allegations of harassment, discrimination or retaliation will be promptly and thoroughly investigated by qualified personnel in an impartial manner. Wayfarer Studios will ensure that these personnel will use the evidence to reach reasonable conclusions. The investigation may include individual interviews of parties involved, and Wayfarer Studios will maintain appropriate documentation and tracking to ensure reasonable progress is made."

Did you understand that that was Wayfarer's policies -- policy regarding

investigations?
A I do.
Q Okay. And it also says at the end:
(As read):
"If misconduct is found, Wayfarer Studios shall take prompt, corrective action, as appropriate. Corrective action might include termination from employment."
Did you understand that to be Wayfarer's policy with respect to investigation?
A I do.
Q Okay. You understand it now, and you've always understood that, right?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Is that right?
A Correct.
Q And you've actually been involved with investigations of workplace matters in your role at Wayfarer, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I believe so.
BY MS. HUDSON:
Q Yes. Wayfarer also has an

anti-retaliation policy, correct?

A It does.

Q And it says if there are:

(As read):

"Retaliation against an individual for reporting harassment or discrimination in good faith or for participating in an investigation of a claim of harassment or discrimination is a serious violation of the policy and can also subject one to disciplinary action including termination."

Right?

A Uh-huh.

Q Yes?

A Yes, I see that.

Q Okay. All right.

Did Wayfarer -- was there a separate human resources department on the movie It Ends with Us?

A A separate human resources?

Q Yes.

A No. Typically, movies don't have a separate human resources department.

Q That's your understanding?

A Yes.

MS. HUDSON: Okay. I'm going to hand you a --

THE WITNESS: Typically, yes.

MS. HUDSON: -- document that we're marking as Exhibit 2.

(Exhibit 2 marked for identification.)

THE WITNESS: Am I going to need this anymore?

MS. SHAPIRO: Give it to the court reporter.

THE STENOGRAPHIC REPORTER: Thank you.

THE WITNESS: You got it. Thank you.

BY MS. HUDSON:

Q This is an email chain dated March 13th, 2023, from Alex Saks to Andy Davis, Andrew Lieberman, Bates-stamped AS000008.

Now, Mr. Heath, you are not copied on this email, but it references you. And the subject is "Spoke to Jamey."

Do you see that?

A I do.

Q And it says:

(As read):

"Per our conversation. And he's good

with Sony taking the lead on all workplace hotline/email type things if Sony is allowed to. He gets it all and agrees. Andrea is also aware."

Who is Alex Saks?

A She was our lead producer on It Ends with Us.

Q Okay. And do you know what conversation she's referencing here?

A I don't -- I don't know this conversation, no. I mean --

Q Did you have a conversation with Ms. Saks about Sony taking the lead on workplace hotlines and emails for the production of It Ends with Us?

A We may have. I don't recall it.

Q You don't recall it?

A No.

Q Okay. And do you understand why Ms. Saks thought it might be a good idea for Sony to take the lead?

MS. SHAPIRO: Objection.

THE WITNESS: I don't remember this conversation. This looks like this was in March. So before production, so I think she's just -- as we are setting up production on the ground, this looks

like she's inquiring about it, but that's all I can speak to. I don't know anything about it.

BY MS. HUDSON:

Q Okay. But you don't have any reason to dispute that at the time you told Ms. -- you may have told Ms. Saks that Sony should take -- you would be fine with Sony taking the lead on workplace hotline/email type of things?

A I may have. I have no reason to dispute that. I just don't -- I can't also confirm it. I don't recall it.

MS. HUDSON: Okay. I'm going to hand you a document that we'll mark as Exhibit 3.

(Exhibit 3 marked for identification.)

THE WITNESS: Thank you.

BY MS. HUDSON:

Q This is an email from Alex Saks to Jamey Heath and others, dated March 12th, Bates-stamped HEATH_48501.

Now, this one you did receive, right, Mr. Heath?

A From Alex, this is sent to me, yes.

Q Do you recognize this email?

A I recognize the email is coming from Alex Saks. I do.

Q And this subject -- the subject of this email is "Harassment and Workplace Hotline."

Do you see that?

A I do.

Q And she says:

(As read):

"Was thinking this weekend and I'm not sure what protocols Wayfarer already has in place, but I think because of Justin's role at Wayfarer, our workplace harassment protocol should come from Sony on the show. We should do their training Zoom before we start and their email/hotline should be distro'd" -- I think that's distributed --

A Correct.

Q (As read):

-- "to crew upon hiring. Let me know if you will be amenable to this."

Does this refresh your recollection at all about a conversation with Ms. Saks on this subject?

A I do not recall the conversation, but this seems all reasonable.

Q Okay. And you think it's reasonable for her to have made that suggestion?

A Sure.

Q And do you understand her concern about Justin -- making -- strike that.

Do you understand that she was making the suggestion that Sony handle the training and have a workplace email and hotline because of Justin's role at Wayfarer?

A Do I understand that that is what she was articulating?

Q Yes.

A I can see that's articulated here, yes.

Q And do you understand why Justin's role at Wayfarer would have an impact on her view?

MS. SHAPIRO: Objection.

THE WITNESS: I can't speak to if it impacted her view or not other than she's making a suggestion, she's bringing it to be aware -- for us to be made aware of, and that's what I see.

BY MS. HUDSON:

Q So Mr. Baldoni on this production, he was the director, correct?

A He was.

Q He was the lead actor?

A He was.
Q He was the chair?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Correct? Of Wayfarer?
A He was.
Q He was also your best friend, right? Correct?
A One of my dear, best friends, yes.
Q Yes. So you can -- do you think it's the case that Ms. Saks was suggesting this because Mr. Baldoni held a number of senior positions within this production and it may be difficult for Wayfarer to not be conflicted in its handling of HR matters?
MS. SHAPIRO: Objection.
THE WITNESS: Okay. You just -- I'm so sorry. You just articulated a whole narrative that I don't read in here, so I don't -- I don't read that.
BY MS. HUDSON:
Q What do you read? What do you think she -- she means here?
A She's bringing up something for us to consider, Justin's role at Wayfarer.
Q Well, what do you think she means by

Justin's role at Wayfarer?

A Exactly --

MS. SHAPIRO: Objection.

THE WITNESS: -- that he has multiple roles, and we should consider Sony running this.

BY MS. HUDSON:

Q And why would multiple roles in your understanding affect who handled the HR matters?

MS. SHAPIRO: Objection.

THE WITNESS: In my understanding or my understanding of hers? Because I -- I cannot speak to what her -- her reasoning was and what she thought.

BY MS. HUDSON:

Q So you have no idea what she meant by that?

MS. SHAPIRO: Objection.

THE WITNESS: I'm not going to speculate.

BY MS. HUDSON:

Q You're not going to speculate?

A No.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q But you thought it was a good idea at the time?

MS. SHAPIRO: Objection.

THE WITNESS: I didn't necessarily think it was a good or bad idea. But at this time, there's many ideas all being thrown because it's in the middle of production, and we're figuring stuff out, and this seemed like a reasonable suggestion.

BY MS. HUDSON:

Q Okay. But you don't know why it would be reasonable?

MS. SHAPIRO: Objection.

THE WITNESS: You want me to speculate on her reason, and I can't do that.

MS. HUDSON: Okay.

MS. SHAPIRO: Counsel, let's take a 10-minute break.

MS. HUDSON: Well, have we even been going an hour?

MS. SHAPIRO: Yes.

MS. SHAPIRO: Just over an hour.

THE VIDEOGRAPHER: An hour and two minutes.

MS. HUDSON: Fine. 10 minutes?

THE VIDEOGRAPHER: We are going off the record. The time is 11:35 a.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 11:57 a.m.
BY MS. HUDSON:
Q Mr. Heath, you said that you had been involved in some employee investigations before, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I said I believe I have.
BY MS. HUDSON:
Q And you were involved on investigations on the set that had to do with --
A Oh, on the set?
Q Let me finish my question.
You were also -- you were involved specifically in investigations having to do with It Ends with Us, correct?
A There was one.
Q There was one.
MS. HUDSON: I'm going to hand you what we've marked as Exhibit 4.
(Exhibit 4 marked for identification.)
MS. CLIMACO: Did you get one, Alexandra?
BY MS. HUDSON:
Q Exhibit 4 is a -- an email from -- between Jamey Heath and several other participants,

dated April, 27, 2023, Bates-stamped HEATH_48499.

At the bottom part of this email, Mr. Heath, there's a discussion about a complaint by someone at Local 52.

Do you see that?

A I do.

Q Do you recognize this email?

A I don't recall the specific email, but I remember the -- the subject.

Q But you received this, correct, this email, and participated in this email chain?

A I did.

Q And it said that there was a call from someone at Local 52 that needs the HR department information immediately regarding a complaint, correct?

A Correct.

Q And then you respond, in response to a question, who handles HR at Wayfarer, you respond, correct?

A I see that.

Q And your response is:

(As read):

"We do have HR at Wayfarer. However, we may want to have an outside agency

for the show."

Why did you say that?

A I don't have a recollection of why I said this at that time.

Q Looking at this now, do you have any understanding of why you might want to have an outside agency for that show?

MS. SHAPIRO: Objection.

THE WITNESS: I would only be guessing.

BY MS. HUDSON:

Q And what -- if you were guessing, what would you say?

MS. SHAPIRO: Objection.

THE WITNESS: That I would only be guessing.

BY MS. HUDSON:

Q So you don't know why Ms. Saks suggested having an outside entity provide HR services, and you don't know why you suggested that either; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: At this time, there was a constant flow of suggestions, as we were still building the foundation for many things, so I don't know -- I don't know what my exact thought was at

this time other than responding to the email.
BY MS. HUDSON:
Q And you didn't -- you didn't think that, like, Ms. Saks thought that the fact that Justin was having so many roles in leadership might create a problem for dealing with HR issues?
MS. SHAPIRO: Objection.
THE WITNESS: No, I did not think that.
BY MS. HUDSON:
Q You didn't think that. And you have no idea why you might have suggested an outside agency; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: This is over two years ago. I do not recall my feeling at the time.
BY MS. HUDSON:
Q And you never did have any outside HR agency provide support for It Ends with Us, correct?
A We did not have an HR representative specifically for the movie, as what was determined was specifically Indies and most other shows don't have an HR outside of the production company that provides it.
Q Just to make sure I understand what you're saying here, you're referring to the bottom

of this email where Andrea Ajemian says:

(As read):

"Normally on Indies there are no HR departments, so who should I send?"

MS. SHAPIRO: Objection.

THE WITNESS: I see that she says that here. But I'm also saying that any movie that I've been involved in, and anyone that I know that -- any other producers have told me they've been involved in or our studio, there is not an HR presence.

BY MS. HUDSON:

Q There's no HR presence on movies?

A Outside of the production company.

Q So you -- when you say "outside the production company," you mean outside of Wayfarer?

MS. SHAPIRO: Objection.

THE WITNESS: Outside of whatever production company or the studio that is running the movie.

BY MS. HUDSON:

Q So the studio that was running the movie here is Wayfarer, right?

A Correct.

Q Okay. And are you saying that it's your view that Wayfarer HR was responsible for this

production?

MS. SHAPIRO: Objection.

THE WITNESS: I'm not saying that. I'm saying that Wayfarer has HR, and movies don't typically have an HR person on set.

BY MS. HUDSON:

Q So what is your understanding of who was responsible for human resources matters for the movie It Ends with Us?

A My understanding is I deferred to Alex Saks, ultimately, and Jill Sacco, who was our production supervisor, as well as Andrea, who was our line producer, that if there was -- concerns would go to them if there were any brought up. They would then learn what the next step was should it need to go to another step. And in this case, they had asked for Wayfarer's HR or they wanted to know who, and that's -- we just followed what their suggestions were at that time.

Q So you deferred the notion of human resources issues to Alex Saks, Jill Sacco, and Andrea Ajemian?

A For the movie itself?

Q Uh-huh.

A They were ones that were more experienced

with how policies or -- or what the procedure would be -- excuse me -- not policies, but the procedure would be for anything as it pertains to the movie.

Q And were Alex Saks, Jill Sacco, or Andrea Ajemian employees of Wayfarer Studios?

A They were employees of It Ends With Us.

Q They were not Wayfarer employees, right?

A They were not.

Q But you were?

A Yes.

Q And was there any other information given to anybody who worked on It Ends with Us that if they had a human resources concern, they should go to Alex Saks, Jill Sacco or Andrea Ajemian?

MS. SHAPIRO: Objection.

THE WITNESS: From my understanding, the normal protocol that happens at all movies, happened on It Ends with Us.

MS. HUDSON: We'll move to strike as nonresponsive.

THE WITNESS: Okay.

BY MS. HUDSON:

Q Can you answer the question I asked?

A I'm happy to. I thought I did.

Q You did not.

MS. SHAPIRO: Objection.

THE WITNESS: Okay. Give it to me again.

BY MS. HUDSON:

Q My question was -- I'm going to read it exactly how I asked it.

A All right.

Q Was there any information given to anybody who worked on It Ends with Us that if they had a human resources concern, they should go to Alex Saks, Jill Sacco, or Andrea Ajemian?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if there was a specific email that said that.

BY MS. HUDSON:

Q Or a -- not -- any information?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Verbal, email, text message?

A I don't know.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You've never seen anything like that, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. HUDSON:

Q You can't recall ever seeing something like that, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I don't have a memory of it.

BY MS. HUDSON:

Q As the CEO of Wayfarer, did you do anything to ensure that cast and crew on It Ends with Us knew who to raise concerns to if they had any?

A That would not fall under the job description of the CEO.

Q I thought you said it was the CEO's job to make sure that it was a safe workplace?

A Correct, for Wayfarer.

Q You didn't -- you didn't consider your job to make sure that the set was a safe workplace?

A No, that's not what I said.

Q Okay.

A Wayfarer Studios, in our operations, but It Ends with Us is its own small business. And the people that were running that business, essentially, me included for sure, were responsible for how the procedures went about on there. I deferred to those

who were used to running those small businesses on the ground.

Q Who ran It Ends with Us Movie LLC?

A That would have been a combination of Wayfarer and Sony.

Q Wayfarer and Sony?

A I believe so.

Q Sony had a leadership role in It Ends with Us LLC?

A Your question was who ran it. I believe the LLC was run -- and I could be wrong on this so I can confirm this -- but was the both parties in that.

Q Well, you're the CEO of Wayfarer?

A Correct.

Q Do you understand that It Ends with Us LLC is a wholly owned subsidiary of Wayfarer?

A It may be. I don't have specific memory of it at the moment.

Q So you don't know who owns It Ends with Us LLC -- It Ends with Us Movie LLC?

A I know that Wayfarer is party to it. I don't know if Sony is as well.

Q So you think Sony might have an ownership interest in It Ends With Us Movie LLC?

A They may. I don't know.

Q Okay. You remember when we looked at the employee handbook, it says that those policies apply to everyone who interacts with employees of Wayfarer, right?

A Understood.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Okay. So you understood the policies also applied to people on the set, right?

MS. SHAPIRO: Objection.

THE WITNESS: Sure.

BY MS. HUDSON:

Q So going back to who ran the set -- or who ran It Ends with Us Movie LLC, you're saying you, as CEO of Wayfarer, you did not consider it your role as you might -- strike that.

I believe you said you had a leadership role with It Ends with Us LLC also?

MS. SHAPIRO: Objection.

THE WITNESS: No. I mean, I have a leadership role in the movie --

BY MS. HUDSON:

Q In the movie?

A -- the actual production.

Q Okay. And would you -- you would consider yourself a supervisor or management for the -- for the purposes of the production --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- correct?

MS. SHAPIRO: Objection.

THE WITNESS: For particular roles.

BY MS. HUDSON:

Q For particular roles. Which roles are that?

A Financial. Some creative. And assisting with department heads when they might need something.

Q And it sounds similar to your duties as CEO, except you left out making sure that there is a safe workplace. Is that not part of what your -- you saw your role as a producer of It Ends with Us and the CEO of Wayfarer?

MS. SHAPIRO: Objection.

THE WITNESS: As a producer on the set, there were different hats that we all wore at different times. So sure. I'm making the distinction for CEO. Because practically speaking, I will just give you an example. Let's take a Tom

Rothman, who's the CEO of Sony, who's got 50 movies happening maybe at one time. Each movie has its own production and they are the ones implementing and determining who is running what. He's not necessarily aware of every production and who is doing what.

BY MS. HUDSON:

Q But Tom Rothman isn't a producer on all of those movies.

A Fair enough. That's why --

Q You were.

A -- I'm saying as a producer, but you're referring to me as a CEO so I'm just making a distinction between the CEO of Wayfarer and me as producer. That's all.

Q I think my question referred to you as the producer and the CEO of Wayfarer.

A Okay.

Q And in those capacities, you saw -- are you saying you did not see part of your job duties as ensuring the safe was set --

A Sure.

Q -- the set was safe?

A Sure.

MS. SHAPIRO: Objection.

THE WITNESS: Absolutely.
BY MS. HUDSON:
Q Okay. All right. But just to go back to -- I want to make sure I understand. It's your understanding that Indie movies just have no HR; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: That they don't have HR departments, that they don't have a representative on set specifically that's HR.
BY MS. HUDSON:
Q That they don't have any human resources representatives?
MS. SHAPIRO: Objection.
THE WITNESS: That typically there are -- the understanding is that you would go to one of your supervisors, production supervisor, or the line producer, or the AD. Also on call sheets, there are numbers of hotlines, and also there are -- you have your unions such as SAG and -- and so on.
BY MS. HUDSON:
Q Do you know whether there was a hotline provided to anybody who worked on It Ends with Us to call regarding human resources matters?
A I believe there was a hotline on all the

call sheets that went out regarding if there was concerns of any matters that there was a line.

Q If there was a hotline, who answered that?

A I don't know.

Q You don't know who answered the hotline?

A I do not.

Q Did Wayfarer pay for someone to answer the hotline?

A Wayfarer didn't, but It Ends with Us would have.

Q It Ends with Us would have. Were you responsible at all for any of the financial management of It Ends with Us?

A On a top level.

Q At a top level. Okay. Do you have any recollection of ever authorizing or paying someone to man a hotline for the movie It Ends with Us?

A No, I would have not seen that specifically.

Q You would not. And sitting here today, you don't know if that had actually happened, right?

A No, I do know there was a hotline.

Q There was a hotline?

A There was.

Q So was there a contract with an outside agency to provide a hotline for It Ends with Us?

A I do not know.

Q You don't know?

A I was not in charge of that.

Q So we haven't seen any evidence of a hotline in this case. If you have a hotline, would you provide that to your lawyer so they can produce it to us?

MS. SHAPIRO: Objection.

THE WITNESS: There -- there was some number. I'm not sure if it's called a hotline. But there is some number that was afforded to people to call in case there was safety concerns.

BY MS. HUDSON:

Q Okay. Safety concerns or human resources concerns?

A I don't have the language in front of me. I don't know.

Q Okay. All right. And, again, do you recall ever seeing anything in which employees were told there is a human resources hotline that you can call if you have any concerns about the types of things we talked about earlier, harassment, discrimination or retaliation?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if there was that particular language or not.

BY MS. HUDSON:

Q You understand there might be a distinction between physical workplace safety and human resources --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- issues?

MS. SHAPIRO: Objection.

THE WITNESS: I understand that.

BY MS. HUDSON:

Q Okay. And you wouldn't expect employees, if they were given a hotline to call for physical safety issues like someone being injured on the set, that that would -- that they would automatically understand that that's the number they should call for harassment, discrimination or retaliation issues, right?

MS. SHAPIRO: Objection.

THE WITNESS: Understand that basic premise, yes.

BY MS. HUDSON:

Q Okay.

Mr. Baldoni testified yesterday about a -- about Claire Ayoub. Do you recall that testimony?

A I do.

Q Yes. And Ms. Ayoub testified that she -- I'm sorry. Ms. Ayoub submitted a declaration in which she said that she was subject to repeated negative interactions with Mr. Baldoni and his associates, including verbal abuse by Mr. Baldoni.

Do you recall that?

A Do I recall the conversation you had yesterday or Mr. Baldoni had yesterday?

Q Well, let me -- let me -- do you -- first of all, are you familiar with Ms. Ayoub's declaration?

A I am.

Q Okay. And do you recall that language that I just read to you from Ms. Ayoub's declaration?

A I do recall the language from her declaration.

Q Okay. And under Wayfarer's handbook, if you recall that we looked at, it said harassment may be verbal, written or physical conduct that denigrates or shows hostility or aversion toward an

individual.

Do you recall that?

MS. SHAPIRO: Objection.

THE WITNESS: I recall us having that conversation.

BY MS. HUDSON:

Q Do you recall the language?

A I do.

Q Okay. Do you have Mr. -- do you have any understanding of what Ms. Ayoub was referencing in her declaration?

A I have an understanding of the truth of what happened.

Q What does that mean?

A That her declaration absolutely, completely is not accurate.

Q So you think Ms. Ayoub lied in her declaration under penalty of perjury?

MS. SHAPIRO: Objection.

THE WITNESS: I'm not going to suggest what she didn't do. I'm just saying it's not accurate.

BY MS. HUDSON:

Q Well, Mr. Baldoni described yesterday what he believes was the incident that might have

upset Ms. Ayoub. Did you hear that testimony?
A I did.
Q And he said that, you know, he told Ms. Ayoub she had to keep her movie within a budget or Wayfarer wasn't going to fund it.
Do you recall that testimony?
A I do.
Q Okay. Do you have a different recollection of what you understand Ms. Ayoub was talking about with respect to repeated negative interactions with Mr. Baldoni and his associates, including verbal abuse by Mr. Baldoni?
MS. SHAPIRO: Objection.
THE WITNESS: I don't.
BY MS. HUDSON:
Q You don't?
A No.
Q Were you in the meeting that Mr. Baldoni described?
A I was as -- as there were 10, 12 others as well.
Q Okay. And is your recollection any different than his is with respect to what occurred in that meeting?
A Some of the nuance. But essentially.

Q What is different in your recollection?
MS. SHAPIRO: Objection.
THE WITNESS: Claire, at this point, had frustrations with her contract because we had essentially greenlit the movie at around $2 million. As oftentimes budgets grow, this got to be about $3 million and we -- we saw the -- the benefit of raising the budget up so that a movie could be well made. It kept growing. It got to the point where now P&G -- where Mr. Baldoni's recollection is wrong, was that P&G came in after we had already been involved in developing this.
They then liked the project and wanted to contribute some money, about a million dollars. So that allowed the budget to go up to about 4. And then we got to 5. And in order to include P&G in the actual production and give them a percentage, we had to give up some of ours and Claire had to give up some of hers. And she did not want to. And she thought it should be all of ours.
We had a bit of a discussion to try to get there. She was not happy that she had to give up some of her percentage. Our argument with her and her lawyers was we're bringing on a new partner, we'll give up X, you should give up X, we share in

this together. But she was not happy. So by the time this conversation happened, and we were trying to keep the budget within a certain number, she was not happy with the fact that we wouldn't continue growing the number. Justin was very clear with her and said that we would not be able to finance the movie if the -- if the budget was not able to come down and be at that $5 million mark. And he said it very clearly.

BY MS. HUDSON:

Q Did he yell?

A Did not yell. He said it very definitively, and it was of the likes of, Claire, I just have to be honest with you, we've been doing our best with this. We're not going to go ahead and produce this movie if we can't get it there. I need that to be clear.

Q So your description sounds consistent with what Mr. Baldoni said. I think my question to you is: Did you -- did you have anything inconsistent --

A ^I said nuance.

Q So you wanted to tell me this story to give me the nuance?

MS. SHAPIRO: Objection. Counsel, ask

questions --

MS. HUDSON: I just want to make sure I understand.

THE WITNESS: I said --

MS. SHAPIRO: -- don't make speeches.

THE WITNESS: I said -- I said there was some nuance that was different. You asked me --

BY MS. HUDSON:

Q Fair enough.

A -- what's the nuance --

Q Fair enough.

A -- so I gave it to you. I just answered your question.

Q Okay. And that -- that, to your understanding, is the only issue that took place with Ms. Ayoub, what you -- as you've described it?

A Yes.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Okay. And it is the case that Ms. Ayoub asked that Mr. -- that Mr. Baldoni not be involved in Empire Waist's marketing or public relations efforts, as far as you understand?

MS. SHAPIRO: Objection.

THE WITNESS: That came in September of

'24, after there was chatter online about It Ends with Us, and she was concerned that that chatter might have an impact on her movie, and she didn't want to associate with it.

BY MS. HUDSON:

Q Did she also ask that Mr. Baldoni not come to the set of Empire Waist?

A Never once.

Q So that is not true? That's just a lie that Ms. Ayoub was telling us?

A That is something the first time we ever heard --

Q Uh-huh.

A -- expressed. I don't know the date, but years later.

Q When you say years later?

MS. SHAPIRO: Objection.

THE WITNESS: Within the last six months, year, something. She -- she said something to Ashmi in the marketing -- no, this would have been in September of '24. She said something that she didn't want Justin to -- to post something, I believe it was.

BY MS. HUDSON:

Q Are you referencing the text message that

Mr. Baldoni testified about yesterday?

A I don't know what text message that was.

Q Okay.

A So she had conveyed to Ashmi that she didn't want him to promote the movie based on what was going on. And in that, she also expressed, which I heard for the first time or anyone had heard for the first time, where she said something, he was banned from set. But I'm sure if you do more investigation, you will see that there is nothing that leads for you to believe that. I'm helping you with that one.

Q Okay. There was also some testimony by Mr. Baldoni about -- and also Mr. Sarowitz about Shane Norman.

Do you recall that?

A I do.

Q Mr. Baldoni and Mr. Sarowitz claimed that Mr. Norman -- there were multiple complaints from multiple women about his behavior towards them.

Do you recall that?

A I do.

Q And that there was an investigation conducted; is that right?

A There was.

Q By some outside entity; is that right?
A Yes.
Q And were you involved in overseeing that?
A I was not involved in overseeing it.
Q Did you have any involvement in that?
A This was prior to Wayfarer Studios, into the merge of Wayfarer Studios -- or not the merge. Into the formation of Wayfarer Studios and part of the closing of Entertainment. So when this began, I was not at Wayfarer Studios, but I became involved because it was trailing into me joining.
Q I see. And it turned into a lawsuit, right?
A You can say that.
Q Mr. Norman sued Wayfarer, correct?
A He did.
Q And he also sued Mr. Baldoni, correct?
A He did.
Q And have you seen his lawsuit?
A I have.
Q And you know his lawsuit does not reference complaints about women -- complaints by women or an investigation or a termination related to those issues?
MS. SHAPIRO: Objection.

THE WITNESS: I don't recall what's in his lawsuit.

BY MS. HUDSON:

Q His lawsuit claims that he was terminated in retaliation for raising complaints to Mr. Baldoni that the CFO and other employees were being racially insensitive to him?

A I know what his complaint says in that regard, yes.

Q You know what it says in that regard. Okay.

And he says that he -- are you aware that Mr. Norman made complaints about racial insensitivity during his employment?

A You mean after he was removed?

Q He -- the -- during his employment?

MS. SHAPIRO: Objection.

THE WITNESS: I can't speak to during that time employment. I was not there.

BY MS. HUDSON:

Q You were not there? Okay.

A But I can speak to the investigation, and I can testify that Steve Sarowitz's testimony, his recollection is not accurate.

Q It's not accurate?

A It is not accurate.

Q Okay. In what way?

A He was not removed for harassing women. That is completely inaccurate. He was investigated for bullying. And the investigation determined that out of those people, two of them were men, one was a woman. And for the anti-harassment, there was no charge found. There was nothing wrong with him in that regard. For bullying, he was found to be liable for bullying, and that was the recommendation to have him moved.

Q Uh-huh.

A So his recollection is confused with I think a lot. So...

Q Well, we might ask to see that investigation because I think that was one of the things we asked for, were documents regarding prior complaints. And then we can see for ourselves --

MS. SHAPIRO: Objection. Can you stop making speeches? Just ask questions, please.

MS. HUDSON: I was going to ask him if --

MS. SHAPIRO: Just ask your questions.

MS. HUDSON: Yeah.

MS. SHAPIRO: Ask questions.

MS. HUDSON: Thank you. Thank you. I

appreciate it.

THE WITNESS: And I'm sorry.

BY MS. HUDSON:

Q Yeah?

A And I know that he ended up suing --

Q Yes.

A -- us for racial discrimination. A black man hired and fired by a black woman --

Q Uh-huh.

A -- after he was removed for the reasons why I said.

Q Okay. You said you were involved in the negotiation of the agreement with Sony for It Ends with Us?

A I was.

Q Okay. And did you sign that agreement?

A I did.

Q Okay.

MS. HUDSON: I'm going to hand you a document we're going to mark Exhibit 5.

(Exhibit 5 marked for identification.)

BY MS. HUDSON:

Q And this should be very simple.

A Okay.

Q My only question for you here is --

A Okay.
Q -- is this the agreement between Sony and Wayfarer for It Ends with Us LLC?
A Well, I don't see a signature on it, so...
Q So if you turn to the page that's Bates-stamped SPE_BL0000049.
A Ending in 49?
Q Ending in 49, you will see signatures.
A Okay. Okay. I see it now.
Q And do you recognize what the signature under Wayfarer Studios LLC as yours?
A I do.
Q And do you also see the signature under It Ends with Us Movie LLC as yours?
A I do.
Q And you see this document identifies you as the president of both of these entities?
A I see it.
Q And were you, in fact, the president of It Ends with Us Movie LLC?
A Apparently so.
Q Okay. And do you recognize that -- can you -- is this the agreement between Wayfarer and Sony for It Ends with Us LLC?

A I would have to spend some time reading it to authenticate whether or not it is.

Q What -- what -- what is in here that you would -- that you feel would help you understand whether it was that agreement?

A The entire document.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You think you need to read the entire document to understand if this is the agreement?

A I would have to verify that the entire document is what it is before I could verify to you that it is the agreement. I think that's fair.

Q Did you sign more than one doc -- did -- more than one agreement with Sony?

A I don't recall.

Q You may have signed more than one agreement with Sony?

A I don't recall. I don't know if there was any revisions. I can't recall at this time what there was. And I'm only speaking to if this is it, so I'm assuming. I'm just saying I can't verify that it is by just looking at -- glancing at it.

Q Okay. I'm going to have you set that aside for now.

A Okay.
Q And we can come back to that later.
A Sure.
Q Okay?
A Are we done with -- here you go.
Q Now, at some point, you all began casting for It Ends with Us, correct?
A Yes.
Q And a key theme for the movie It Ends with Us is female empowerment, right?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. HUDSON:
Q And did you think that you would need a strong actress to play the role of Lily Bloom?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. HUDSON:
Q And were Sony and Wayfarer hoping to land an A-list actress?
MS. SHAPIRO: Objection.
THE WITNESS: I think it's more nuanced than that, but eventually, we came to the understanding that that was what we were seeking.

BY MS. HUDSON:

Q And yesterday, Mr. Baldoni testified that, you know, Wayfarer was excited to what Ms. Lively could bring to the film along with her husband and best friend?

MS. SHAPIRO: Objection.

THE WITNESS: I don't understand the question. Along with whose husband?

BY MS. HUDSON:

Q Ms. Lively.

A And whose best friend?

Q Ms. Lively.

A I'm sorry. I don't understand the question.

Q Do you recall Mr. Baldoni's testimony that Wayfarer was excited about what Ms. Lively could bring to the film, including -- along with her husband and best friend?

MS. SHAPIRO: Objection.

THE WITNESS: Am I the one that's being referenced as best friend or her husband is being best -- I don't understand.

BY MS. HUDSON:

Q Her husband -- you don't have a husband, do you?

A No, but I don't know if it's her husband and best friend.
Q Her husband and her best friend.
A Got it. Okay.
Q Do you recall that testimony?
A I don't. But okay.
Q Was it a -- Ms. Lively was an experienced actress, correct?
A I believe so.
Q And she had a network of actors, directors and other people in the industry, and you all understood that, right?
A Sure.
Q Okay. And did you believe that casting Ms. Lively would bring more attention to the film?
A I don't know if we contemplated that.
Q Well, you knew that she was a big star, right?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah, sure.
BY MS. HUDSON:
Q And I believe Mr. Baldoni testified yesterday that he believed, at the time, Ms. Lively had a stellar reputation.
MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Did you agree?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if I agreed or disagreed. I -- I don't know if I know much -- knew much about her reputation.

BY MS. HUDSON:

Q Well, you had no reason to think that she had a bad reputation at that time, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I had heard through several people that she was a little high maintenance. That's -- that's all I had heard at that time.

BY MS. HUDSON:

Q From who?

A I don't recall who. That was just from the different people learning that we were thinking of casting her.

Q You can't identify anyone at that time who told you she was high maintenance?

A This is '22, almost three years ago. So, no.

Q Did you ever send any text messages or emails to anyone involved in casting Ms. Lively where you expressed any belief that she might have

been high maintenance at that time?

MS. SHAPIRO: Objection.

THE WITNESS: No, because the truth is, many people are high maintenance. Many people say things about other people. And so it wasn't a cause for concern. But being that you asked me had I heard anything else, that's what I had heard. That was the extent of it at that time.

BY MS. HUDSON:

Q Okay.

MS. HUDSON: I'll hand you what's been marked as Exhibit 6.

(Exhibit 6 marked for identification.)

THE WITNESS: Sure.

BY MS. HUDSON:

Q It's a text chain between Jamey Heath, Justin Baldoni, dated December 9th, 2022, Bates-stamped BALDONI_18877.

Do you recognize this as a text chain that you and Mr. Baldoni participated in?

A If you allow me to read it, I can confirm that.

Q I'm going to direct you to, you know, specific areas for questions. I'm just asking --

A I understand.

Q Yeah.

A I can give you an advance. I'm not able to comment on something unless I understand full context. So I have to read it from -- I have to. Just for anything that you give me, I'm going to certainly read it.

Q Are you telling me that every document that I give you, you need to read the entire thing before I can ask you any questions about it?

A No --

MS. SHAPIRO: Objection.

THE WITNESS: No, but if you're giving me something of this nature, my intention is I need to understand the context. That's all.

BY MS. HUDSON:

Q I don't -- right now, I'm only asking you if you recognize it as a text chain between you and Mr. Baldoni?

A It appears to be, yes.

Q Okay. So --

A Can I read it?

Q You -- you can take a moment to read it, but I don't think you need to read the whole thing for the questions I'm going to ask.

A Okay. How about -- how about we do this.

How about you ask me the question, and then I can determine whether or not I need to read it?

Q I think that's a great idea.

A Great.

Q Let's do it like that.

A All right.

Q Okay. So at the top of this text chain, there's a chain -- there's a text from you. Do you see that?

A I do.

Q And it says:

(As read):

"If we get Blake on this movie, holy shit. You would be directing and starring in a movie with one of the biggest female stars."

A Okay. I'm going to ask that I read it because you're now asking me to read something, and I'd like to read the whole thing.

Q Well, I read it for you --

A I know, but I'd like --

Q -- did you hear it?

MS. SHAPIRO: Objection.

THE WITNESS: I would like to read the whole document.

MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Okay. You want to read the whole document before you --
A I want to read --
Q -- hear my question?
A -- what -- yes. Because you're now ask -- you're reading things to me. I can read for myself at this point, if that's okay.
Q Go ahead.
A Thank you.
Okay. Thank you.
Q You done?
A I am.
Q So I'm going to go back to what I just read to you.
A Okay.
Q Which was:
(As read):
"If we get Blake on this movie, holy shit. You would be directing and starring in a movie with one of the biggest female stars."
Is that an accurate reflection of how you felt at the time you sent this text message?

A Absolutely.
Q All right. And then if you go down to the next thing you write here, you say:
(As read):
"My son's girlfriend was over last night and she heard me talking about Blake and she said, 'OMG, I love her so much." She's a black 20 year old."
Was this an accurate statement when you wrote it?
A It was.
Q Okay. And then Mr. Baldoni responded:
(As read):
"Everyone loves her. It's pretty wild."
Do you see that?
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Well, he says "it's pretty wind."
A Yeah.
Q And then corrects it, and says "wild."
A I see that.
Q So and -- and you understood that it was his view at the time that everyone loves Blake, right?

A Yes, I see that.
Q And then you concur, "so wild," right?
A I do.
Q Okay. And so you all were excited about the notion of getting Blake Lively to star in this movie, right?
A That's not a simple yes or no for me in your question. We were excited for a host of reasons. One of them was, we were excited getting someone that could add a lot of value to it, and she was certainly, at that point, one of them. So I just -- yes, I may have over explained, and I apologize. Yeah, we were excited that Blake was on it.
Q And, in fact, you -- you made some accommodations to ensure that she could have the role, right?
MS. SHAPIRO: Objection.
THE WITNESS: We had to make the accommodations.
BY MS. HUDSON:
Q In order for Ms. Lively to take on the role, correct?
A It was a condition, so we had no choice but to make the accommodations.

Q Well, you could have gone with someone else, couldn't you?

A In order to have Ms. Lively, we had to -- the condition was, we had to make some accommodations.

Q Right. That was my question. Thank you.

A I don't know if that was exactly your question, but okay.

Q So, for example, the -- it was Mr. Baldoni's original plan to film a movie in Boston, correct?

A It was.

Q But he moved the location to New Jersey to accommodate Ms. Lively, correct?

A Correct.

Q And Ms. Lively had another film coming up in the -- that she was going to film in the spring. Do you recall that?

A I do.

Q Of 2023. And you recall that you -- that Wayfarer agreed to move the start date of shooting for It Ends with Us from March to May in order to accommodate Ms. Lively's filming schedule.

Do you recall that?

A Reluctantly.

Q Reluctantly or not, it was agreed to, correct?
A It was.
Q And that was because you wanted to have Ms. Lively star in this film, right?
A Yes.
Q And if you didn't want to make those accommodations, you could have selected somebody else to star in the film, right?
A It wasn't that simple.
Q What do you mean by that?
A Others had passed on the movie.
Q You were having a hard time getting it cast?
A For one reason or another.
Q Was it because it was being -- it was being directed by an unknown filmmaker?
A I don't recall the exact reasons why.
Q Was it because there was a limited budget?
A I don't recall the exact reasons why.
Q So are you saying that Blake Lively is the only actress that would accept the role?
A No.
MS. SHAPIRO: Objection.

THE WITNESS: I didn't say that.
BY MS. HUDSON:
Q So you had other options?
A We did not have other options at the moment, at that time.
Q So you felt if Ms. Lively didn't take this role, nobody else would?
MS. SHAPIRO: Objection.
THE WITNESS: That's not what I said. I just said we didn't have other options at the time. My point is, to just be clear so we don't have to do a little "cat and mouse" here, yes, we were happy she was doing it. We also were -- we didn't have a plethora of options. So you are put into a position where you might make some concessions where you might not otherwise if you had some other options. We also were very happy to have Ms. Lively.
BY MS. HUDSON:
Q And didn't Ms. Hoover say -- Colleen Hoover say that Blake Lively was her "dream Lily" and she couldn't believe it?
A She did say that.
Q And do you recall helping Mr. Baldoni craft a script to communicate with Ms. Lively to persuade her to take the role?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall it, but it sounds like something I might be involved in.

MS. HUDSON: Handing you a document that we will mark as Exhibit 8.

(Exhibit 8 marked for identification.)

BY MS. HUDSON:

Q And I'm going to ask you if this is the text -- a text chain that you recognize as the document I just referenced, where you wrote a script for Mr. Baldoni to persuade Ms. Lively to take the role. This is a text chain between you and Mr. Baldoni, dated December 19th, 2022, Bates stamp BALDONI 18879.

Again, Mr. Heath, I'm asking if you recognize this as the document that you were referencing?

A I'm almost done with it. I would like to finish it.

Okay.

Q Can you answer the question then?

A Remind me the question, please.

Q You testified that you recall writing a script for Mr. Baldoni to persuade Ms. Lively to accept the film.

I asked you, is that document the script?

A I don't want to be a stickler, but I did not say that I was -- I wrote -- I recalled -- I said I don't recall it, but I believe that's something that I may have been involved with, not that I corroborated that I wrote a script. I just want to be clear about that. And also -- yes, this appears to be something -- my text.

Q I understand it appears to be your text, but is it a text that you wrote to help Mr. Baldoni persuade Ms. Lively to join the film?

A It is a text I wrote to give him some ideas, as oftentimes people collaborate, and how can I articulate something -- a message, the best. And this was some of my ideas, yes.

Q Okay. I'm not asking about generic ideas, though. The purpose was to persuade Ms. Lively to join the film, correct?

A No. I do not gather that from this, exactly.

Q Then what was the purpose?

A The purpose was, we were dealing with the time constraint, and we could not get her to commit one way or another. And there was this other movie going on. We were trying to negotiate who would

start, as you can read in here, and we needed her to make a decision. So it wasn't so much about persuading her to do it, but it was rather like -- forgive the term -- "shit or get off the pot."

We needed to know. We needed to know what was happening so that we could plan accordingly. And we did want her. I'm not dismissing that. Of course, we wanted her. But we needed to kind of, as oftentimes in some point of negotiation, draw a line.

Q Okay.

A And it was delicate. So you want to be delicate with an artist. So we were consulting about how to address a delicate situation with humanity, but also be -- well, directly.

Q And at some point, Ms. Lively accepted the role, correct?

A She did.

Q And part of what she had requested was a producer credit, right?

A Originally.

Q Originally. And you told her agent that you're not -- the company -- Wayfarer is not going to agree to a producer credit now, but should she come on and demonstrate that she's filling a role as

a producer:

(As read):

"We will be willing to at least discuss it again," right?

A I don't know when I had sent that. So I -- you must have something that shows me that I said that.

Q Do you recall saying that?

A I don't recall.

Q Do you recall telling Mr. Zavala that?

A I recall that we would not agree to a producer credit.

Q But you don't recall telling him that, should she come on and demonstrate that she's filling a role as producer, we will be willing to at least discuss it again?

A I'm sure -- I would need to see it to understand the context.

Q Well, Mr. Zavala testified to it in his deposition.

A Oh, that's great. But I'm sure he testified to it based on something. I'm just saying you're reading to me what I wrote. I'm happy to look at what I -- where I wrote it.

MS. HUDSON: Handing you a document that

we're marking as Exhibit 9.

THE WITNESS: Okay. Thank you.

(Exhibit 9 marked for identification.)

THE WITNESS: I'm sorry. Thank you so much.

THE STENOGRAPHIC REPORTER: No worries.

BY MS. HUDSON:

Q This is a text chain between Justin Grey Stone, Warren Zavala, and Blake Lively, dated January 4, 2023, Bates-stamped BL 21306 to 21307.

If you go down to the bottom, Mr. Heath, there's a text message from Mr. Zavala where he says, at 3:21 p.m.:

(As read):

"I thought it best to share this because of the way it's framed and because I work for you and not him. Hey, man, yes, they did. Very much needed. Thanks for helping with that. So shall we get the attorneys to work through the deal now? We have discussed internally, and we are excited about her coming in as an EP. The producer credit isn't going to change for us, but I believe you've

already accepted that. I will tell you off the record that should she come on and demonstrate that she's filling a role as producer, we will be willing to at least discuss it again. But that's where we are."

A Okay.

Q Do you see that language?

Now, Mr. Zavala testified at his deposition that this was a communication from you that he cut and pasted into this text.

Do you recall that?

A I'm happy to talk about this, but I also want to state on the record, what I'm reading is something that he sent to her. So apparently, him copy/pasting something. So I'm not seeing my actual documentation.

Q Correct.

A I'm seeing his now reposting it.

Q That's correct.

A The telephone game happens here, and I just want to be clear that whatever I speak to is based on what I'm reading and not my own writing.

Q Well, did you tell Mr. Zavala that if Ms. Lively demonstrated that she's filling a role as

producer, you will at least be willing to discuss it again?

A I don't recall this exact text when I wrote it, but I can tell you this: I think whenever you are trying to negotiate and let someone down softly, you use language that can help facilitate that.

I think my statement beforehand, if this is, indeed, correct, is "the producer credit isn't going to change for us," is what I said. "But I believe you already accepted that."

But as an olive branch, as a way to recognize the clients and who they are, yeah, listen, if we -- if at some point that makes sense to discuss it, we will discuss it.

Q So is your answer yes; you believe you did say this to Mr. Zavala?

A It looks like I did.

Q Okay.

MS. HUDSON: We're going to -- we'll take a break for lunch if everyone wants to do that now. Can we do 45 minutes?

THE WITNESS: 45?

MS. HUDSON: Yes.

THE VIDEOGRAPHER: We are going off the

record. The time is 12:55 p.m.

(Lunch recess.)

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AFTERNOON SESSION

WEDNESDAY, OCTOBER 8, 2025

THE VIDEOGRAPHER: We're back on the record. The time is 2:01 p.m.

BY MS. HUDSON:

Q Mr. Heath, I understand that Ms. Lively testified that you showed her a video of your wife giving birth, right?

A I'm aware.

Q And you understand that this is an incident that she found uncomfortable?

MS. SHAPIRO: Objection.

THE WITNESS: I'm aware now.

BY MS. HUDSON:

Q You're aware -- you didn't know then?

A I did not.

Q You did not know at the time that she found it -- that she was uncomfortable with that?

A I did not.

Q When was the first time you learned she was uncomfortable?

A I want to say when the CRD complaint was.

Q When the CRD complaint was, okay. So that was the first time you believe you felt -- you understood that she was uncomfortable; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: In the context described, yes.

BY MS. HUDSON:

Q In the context described, okay. And the -- she testified that you showed her this video after the birthing scene was already filmed.

Do you recall that?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall her exact testimony, but I believe that to be true.

BY MS. HUDSON:

Q Okay. And she testified that Mr. Baldoni had tried to persuade her to film the birth scene nude.

Do you recall that?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall if I learned that for the first time in the deposition. But I think that was stated in her suit.

BY MS. HUDSON:

Q Okay. Do you -- were you present for any conversation in which Mr. Baldoni talked to Ms. Lively about being nude in the birthing scene?

A No.

Q Okay. And did you at some point show Ms. Lively a video of your wife giving birth?

A I did not show her a video of my wife giving birth.

Q Did you show her a video in which your wife was nude?

A Yeah. My wife was nude in the tub, covered with the baby in a towel.

Q Your wife was in a towel in the video?

A No. There was a towel to keep the baby warm. The baby was on top of my wife, and there was a towel there.

Q In the video that you showed Ms. Lively, were your wife's breasts exposed?

A No. The baby was covering on top of her, and the towel was there. Honestly, could you maybe see a side of it or something of that nature? That's possible. I don't recall exactly, but that's essentially the scene of the video.

Q You produced a video in -- your lawyers produced a video in this case.

Did you provide the video of -- a video in which your wife is in a tub with a baby to your lawyers to produce to us in this case?

A I did.

Q Okay. Where was that video stored?

A You mean when I -- at what point?

Q At the point that you took it to give it to your lawyers. Where did you get it? Where was it?

A I believe it was on my phone.

Q It was on your phone?

A I believe so.

Q Okay. Did you edit the video at all before giving it to your lawyers?

A I did not.

Q So the video you gave was the complete video as it existed on your phone?

A Correct.

Q What, in your memory, did the video depict?

A It's our midwife, my sister, my kids, my wife, myself, our newborn baby. I believe we were singing or praying. The baby was crying, and then

at some point we were whispering a prayer in the baby's ear.

Q That's what you recall?

A Yeah.

Q And your wife was in a tub?

A A birthing tub, yeah.

Q A birthing tub.

And you said she wasn't clothed, but she had a towel over her?

MS. SHAPIRO: Objection.

THE WITNESS: The towel was more over the baby, I think, because, you know, when the baby came out of the water and you bring it up, then it's wet. So you put a dry towel to cover it.

BY MS. HUDSON:

Q And in the video that you gave to your lawyers to give to us, were you in the video?

A I am.

Q And are you nude in that video?

A No.

Q Were -- did your wife give birth in a tub?

A She did.

Q Were you in the tub when she gave birth?

A I was.

Q The entire time?
A I believe so.
Q You were there the whole time she was giving birth?
A I was.
Q Who filmed the video?
A That particular one, I believe, was my daughter.
Q Your daughter?
A My older daughter.
Q Your older daughter.
Did you give your daughter instructions for filming?
A I'm not sure. What do you mean?
Q Did you ask her to film any particular part of the birth?
A No. She just was -- her and my sister both, actually, were filming different stages of the labor and the birth and afterwards.
Q So did someone else film a different stage other than the stage that is depicted in the video that you gave to your lawyers to produce to us?
MS. SHAPIRO: Objection.
THE WITNESS: I think I'm a little

confused, but I think your question is, are there other -- is there other video of the duration of my child being born and after and beforehand?

BY MS. HUDSON:

Q Sure.

A Yes.

Q What other stages of the delivery are depicted in the video?

A Her entire birth.

Q How long was the birth?

A Oh, gosh. I don't remember. The whole birthing? Couple of hours.

Q And it's all on film?

A No, no, no. I just mean the birth took a couple of hours at different times. But if you're wondering if the birth is filmed, it is.

Q The delivery itself?

A It is.

Q So the baby crowning and coming out is all filmed?

A Yes. The baby being delivered, yes, for sure.

Q Were you in the tub with your wife when the baby was actually delivered?

A I was.

Q Do you know in the film depicting your -- the baby actually being delivered, are you in that, or is there -- are you in the shot?

A I'm sorry. Can you repeat it? I just want to follow.

Q Yes.

When the baby is being delivered, are you in the shot of the film?

A I think so.

Q Have you watched all of that film of the birth and delivery of your child?

A No.

Q You haven't watched it all?

A Not all of it. I mean, we -- at some point we've seen -- reflected on it and seen some portions of it, but no.

Q Is it all on your phone?

A No.

Q It's not? Which ones are on your phone?

A Just the one with the baby on my wife, and the one I described.

Q The one -- the one that you produced in this case, that's the only one that is on your phone?

A Yes. The one I produced and the one that

I showed to Ms. Lively.

Q Is that the only one that has ever been on your phone?

A I don't know for sure.

Q How did that one get on your phone?

A Well, originally, we had uploaded to preserve them on, I believe, Dropbox. And then on Dropbox, then I would download it to my phone. So that's how it would have got on my phone. Or maybe even -- maybe some portions were filmed with my phone. Maybe my daughter had my phone. I don't recall the process of that time, but --

Q So some portions might have been filmed on your phone, but the only one that remained on your phone was the one that you produced; is that what you're saying?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. That's the only one that I would keep on my phone, as that's something that I would feel appropriate if my phone was falling into the wrong hands.

BY MS. HUDSON:

Q You said that you were not nude in that video, but you were not wearing a shirt, correct?

A I was not wearing a shirt.

Q Would you agree that it's not really clear what you're wearing beyond -- if anything, beyond a shirt from that video?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. I would agree that you wouldn't know otherwise, I suppose.

BY MS. HUDSON:

Q So going back to the -- well, you said there might have been other portions of the birth video on your phone.

When would those other portions -- when did you remove the other ones?

MS. SHAPIRO: Objection.

THE WITNESS: From -- I don't even know if they were ever on my phone to begin with. So I wouldn't have had to remove them.

BY MS. HUDSON:

Q You said you thought that some portions of the birthing video might have been taken with your phone?

MS. SHAPIRO: Objection.

THE WITNESS: Correct. But once I would have them, then I would upload them to Dropbox.

BY MS. HUDSON:

Q Immediately?

A Within -- I mean, immediately? Not in the moment of the birth. Week and two weeks it's happening, but, you know, at some point...

Q So it's your testimony that you -- to the extent there were other videos on your phone, you removed all of them onto Dropbox except for the one that you produced in this case; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: I'm saying that at some point. I don't know exactly what was on my phone during the time of the birth, but eventually, I did not have them.

BY MS. HUDSON:

Q Did you send that video that you gave to your lawyers to anyone?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Other than your lawyers?

A Not that I can recall.

Q Did you send it to Melissa Nathan?

A I do not recall.

Q Can you access Dropbox from your phone?

A I can.

Q Have you ever accessed any of the videos of your -- of your wife's birth -- not your wife's

birth -- strike that.

Have you ever accessed any of the birth videos on Dropbox from your phone?

A I don't have a particular memory of it.

Q You can't say one way or the other?

A I don't have a memory of it.

Q So going back to the day on which you showed the video to Ms. Lively, her testimony was that when she saw it, she immediately saw that it was a naked woman that you were showing her, that she didn't know what it was. It had no context, that you did not ask if she wanted to see it, and did not ask for her consent. And then you told her that the video was of your wife giving birth.

Is that an accurate description of the incident in which you showed Ms. Lively the video?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q Which part of that, in your view, is not accurate?

MS. SHAPIRO: Objection.

THE WITNESS: I think a lot of that is inaccurate.

BY MS. HUDSON:

Q Okay.

A We're leaving out -- I'm sorry.

Q Go ahead.

MS. HUDSON: I'm sorry, do you have an objection?

MS. SHAPIRO: (Indicating.)

MS. HUDSON: No? Okay.

MS. SHAPIRO: Do you have another question?

MS. HUDSON: I don't have a question. He's answering a question.

MS. SHAPIRO: He already answered the question.

MS. HUDSON: He was still speaking.

THE WITNESS: Can you repeat the question? I forgot it. I'm sorry.

BY MS. HUDSON:

Q Yeah. What -- you were about to describe what you think of this description is inaccurate.

A Yeah. And I said a lot of it.

Q What exactly?

A Well, what I showed her was not what is described there. When I had walked up to her, prompted by Justin asking me and saying that they

had had a conversation at some point and that he believed -- what I understood, that he believed that she wanted to see it, that he had mentioned something about it.

So when I approached her, I had said something, Hey, Blake -- thinking that she wanted to see it. Justin said something, You wanted to see this. She walked up for a second. She glanced at the phone. She may have looked for half a second. And then she asked me, Does your wife know? Is it okay with you showing this?

I said, Yeah, of course. I wouldn't show anything that my wife wasn't comfortable with.

She then said -- I don't remember her exact words, but she said something like, Oh, I'm eating right now. I need to eat some protein. Because she had a plate of protein for her own purposes with the baby, and -- but I will come see it later. I'll find you later, and I'll -- and, I would love it. And then she also said, like, I think that's all wonderful and beautiful.

And I was, like, Okay, great. I left, and that was the end of the conversation.

Q She said, I think that's all wonderful and beautiful?

A I don't know if those were her words, but she was very gracious and very kind, and nothing seemed to be of any concern.

Q Did you -- when she asked you if your wife had given consent for her -- for you to share that video, did you say, She's not weird about that kind of stuff?

A No.

Q You didn't say that?

A Of course not.

Q And why did you -- what did Mr. Baldoni tell you with respect to Ms. Lively wanting to see that video?

A I had known -- there had been quite a bit of conversation about how -- beforehand, how he wanted to shoot the actual birthing scene in the movie and his overall -- he had, like, four or five ideas of how he wanted to shoot it, how he might want to depict the scenario. And from what I understand, he and Blake had many conversations about it as well.

One of them that he was considering was shot in the style of a home birth. He thought about doing it on an iPhone. He was just throwing out different ideas. There was no decision made at that

time over -- over weeks. And then, eventually, they decided not to shoot it that way.

So Justin -- I believe it was at the Route, the bar we filmed The Route at. I was sitting over on a chair, doing some work on my phone. Justin comes over and says, Hey, I was talking to Blake. I was talking about your beautiful video with your wife. Would you mind showing it to her? I said, yeah, sure. I didn't think twice about it. I went over, walked over to her, and then the rest, as I explained already, happened.

Q It's your -- you didn't say anything to Ms. Lively before you showed her the video because it was your understanding that Mr. Bal -- that she had specifically asked for it?

MS. SHAPIRO: Objection.

THE WITNESS: My understanding at the time was that they had just had a conversation or just at some point had a conversation, and that she was expecting or -- or that she was aware.

BY MS. HUDSON:

Q So you didn't say anything prefatory, like, This is the video that Justin said you wanted to look at?

A I did say something when I walked up. I was like, Hey, Blake. Justin had mentioned you wanted to see this. And then I immediately showed her the screen.

Q You mean -- and was it playing at the time?

A I don't recall if it was playing or paused.

Q Do you know what scene was specifically showing, what was visible to Ms. Lively when you hit play?

A Well, the first portion of the video -- which, again, she had only seen maybe a half a second of it -- is only my wife sitting here, the baby on top. And that's what she would have seen.

Q So your testimony is, what you showed her was the very beginning of the video?

A Yeah, for sure.

MS. SHAPIRO: Objection.

MS. HUDSON: Okay.

THE WITNESS: Either it was paused or playing. I don't recall that, but for sure.

BY MS. HUDSON:

Q Do you remember what date this was?

A I have come to believe and know that the

date is May 23rd.

Q When you showed her the video?

A Correct.

Q Do you know when the birthing scene was filmed?

A I do.

Q What date?

A I don't know the date. I know it was a couple or few days beforehand.

Q It was before you showed her the video, right?

A It was.

Q You said that Mr. Baldoni talked to you about the video in the context, as you understood it, of some debate about how that scene would be shot, right?

A Right. Right.

Q Okay. So since the scene had been shot already, what was the purpose of showing her the video?

MS. SHAPIRO: Objection.

THE WITNESS: Well, I can't tell you exactly his purpose, but I think I had an understanding of it. But I don't know what his exact thinking was at that moment.

BY MS. HUDSON:

Q And you didn't ask?

A I didn't, because he had mentioned that he and Blake were speaking and gave me that context and said that she wanted to see it. At least that's what I understood him to be saying to me. So I thought it was reasonable.

Q And you said you understood that's what he was saying to you. So he may have been saying something different?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall his exact words, but that's the impression I got from the words he had said to me.

BY MS. HUDSON:

Q Okay. And Ms. Lively testified that you did not tell her why you were showing her the video. You're claiming today that you said, Justin asked me to show you this, right?

MS. SHAPIRO: Objection.

THE WITNESS: I've always said that.

BY MS. HUDSON:

Q Well, I've never talked to you about it before so I didn't know what you've been saying.

MS. SHAPIRO: Objection. Ask questions,

please.

MS. HUDSON: I am asking questions.

MS. SHAPIRO: That wasn't a question. It was a snarky comment. Please ask questions.

BY MS. HUDSON:

Q Mr. Heath?

A Yes.

Q Your testimony is that this -- what Ms. Lively said is not accurate when you -- when she said that you did not tell her why you were showing her the video?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Is that right?

A Can you repeat to me what you asked?

MS. HUDSON: I'm going to strike it.

BY MS. HUDSON:

Q Did you ever ask Mr. Baldoni why Ms. Lively wanted to see that video?

A I don't recall having a specific conversation afterwards.

Q Did you have any -- do you have any -- did you question at all what Mr. Baldoni had told you about what Ms. Lively wanted when she asked you if your wife was okay with you sharing the video

with her?

MS. SHAPIRO: Objection.

THE WITNESS: Sorry. I need you to rephrase that. I didn't follow.

BY MS. HUDSON:

Q You said Ms. Lively asked you if it was okay for -- with your wife if you shared the video, right?

A Yes.

Q When -- when she asked you that, did you have any questions whether it was accurate that she had asked to see the video?

MS. SHAPIRO: Objection.

THE WITNESS: Did I ask Blake that?

BY MS. HUDSON:

Q When she asked you if it was okay with your wife, did you have any question about whether it was accurate that she was the one who had asked to see the video?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q Okay.

A I -- no. This -- this interaction for me was an innocuous. It seemed completely -- it was a

nothing. It seemed in context of -- they were there filming and a lot of conversations happening. And so I -- I did not think about that after that.

Q And there's been some testimony about Mr. Sarowitz being at the set the day of the birthing video. I'm sorry -- the day the birth scene was filmed?

A Yes.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q And -- and you recall him being there that day as well, correct?

A He was there later that day.

Q I understand. But he was there on the set at some point during that day, correct?

A Correct.

MS. HUDSON: I'm going to hand you what we've marked as Exhibit 9.

MS. SHAPIRO: There is already an Exhibit 9.

MS. AHOURAIAN: I have Exhibit 9.

THE WITNESS: Do you need this back?

MS. HUDSON: It's Exhibit 10.

(Exhibit 10 marked for identification.)

THE WITNESS: Okay.

MS. HUDSON: If you don't mind putting the sticker on.

THE WITNESS: On top of this one?

MS. HUDSON: Yes.

THE WITNESS: Sure. You got it.

BY MS. HUDSON:

Q I don't have anything for you to read just yet. I'm going to ask you some questions off the document, and then I will ask you to look at something on the document, okay?

So it's my understanding that -- that Wayfarer has taken the position that there was a closed set the day of the birthing scene; is that right?

A Yeah. I believe every day was a closed set.

Q Okay. I think in the amended complaint at page 27, you take the position that it was a closed set, right?

A Yes.

Q Okay. And what do you understand "closed set" to mean?

A That it's not open to the public, or people that don't have either a need or are not invited to be there.

Q Okay. And when people are invited to a closed set, are they required to be listed on the call sheet?

A No.

Q They are not required to be listed on the call sheet?

A That if what?

Q If they're invited to a set on a closed set day, are they not required to be on the call sheet?

MS. SHAPIRO: Objection.

THE WITNESS: That, I don't know.

BY MS. HUDSON:

Q You don't know?

A I don't know.

Q What would you expect on a closed set day that someone who would be present would -- you would expect to see their name on a call sheet?

MS. SHAPIRO: Objection.

THE WITNESS: In my experience, not -- no. Every day was a closed set on every call sheet. So even on a day that we were maybe filming a car scene of people driving, still on our call sheets, I believe it was closed.

BY MS. HUDSON:

Q Was it an actual closed set just because it said so on the call sheet?

MS. SHAPIRO: Objection.

THE WITNESS: I believe all days were closed sets.

BY MS. HUDSON:

Q All days were closed. So then -- so and then -- the -- the call sheets list who is permitted on the set, correct?

A I don't have that answer.

Q So you don't know if it's a closed set, how you keep track of that?

MS. SHAPIRO: Objection.

THE WITNESS: That would be a question more for our AD and line producer, I believe.

BY MS. HUDSON:

Q Do you understand that the term -- the term "closed set" to have a specific meaning with respect to intimacy and nudity?

A I don't know if I know that exact language.

Q So you don't know what "closed set" means with respect to intimacy and nudity; is that what you're saying?

MS. SHAPIRO: Objection.

THE WITNESS: I do know that when you have a closed set that is only necessary personnel only, it's different than necessarily a more broad term of a closed set.

BY MS. HUDSON:

Q And you don't know how it is that it's determined who's necessary for a closed set; is that what you're saying?

A No, that's not what I'm saying. I'm saying the difference in a closed set versus a set that is closed but authorized personnel only.

Q Those are different things in your mind?

A In my experience, but I could be wrong.

Q And what are the circumstances in which you have a closed set with authorized personnel only?

A You might have a set that's only the people necessary for that actual filming. So do you need, for instance, hair and makeup there? They're not necessarily necessary for the scene. Do you need the grips that have already done their work, that are normally on a closed set, but they're not in there for personnel only that is needed to actually film that scene.

Q And how is it reflected? Who are the authorized personnel that can be there?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Wouldn't that be on the call sheet?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q You don't know?

A I don't.

Q What is the purpose of a call sheet to your understanding?

A It's for the AD, for the director, for the producers to understand who the crew and cast will be there.

Q And when it's a closed set day, does it also include anyone who's authorized to be on the set that day?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if that means authorized or not, but I, in this case, would defer to Alex Saks, who was more the lead on these things. So I would defer to her knowledge.

BY MS. HUDSON:

Q Was Alex Saks responsible for placing

names on the call sheet?

A I don't know that to be one way or another.

Q Or authorizing names for the call sheet?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know that to be one way or another.

BY MS. HUDSON:

Q How would you control who was on the set other than putting people on a call sheet on days in which the set is closed for intimacy and nudity?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q How do you know who is authorized and who isn't, is my question?

MS. SHAPIRO: Objection.

THE WITNESS: The AD is the one who determines who's necessary for that.

BY MS. HUDSON:

Q So the -- and would you expect the AD to write that down somewhere?

A I don't know. I can say that the call sheet, even if it was a scene that required intimacy, the call sheet would still include the whole crew because you might have to set up. You

might have all the different departments that need to do the work there. Set decorators, for instance, would be on the call sheet. But that doesn't mean they're there for the actual filming. And the AD would ask people to leave and only have necessary personnel.

Q Okay. Now, you're familiar also with Ms. Lively's description of an incident in which you were in her makeup trailer when she was in a state of undress, right?

A Do I understand her description of it?

Q You've -- you understand the -- her description of it, right?

A I do understand or I -- yes, I -- I know that she has a description of it, yes.

Q And did you hear the descriptions of Vivian Baker and Anne Carroll of that incident?

A I did. Bless you.

MS. SHAPIRO: Thank you.

BY MS. HUDSON:

Q And you understand that Ms. Lively, Ms. Carroll, and Ms. Baker all testified that she was in her makeup trailer in a state of undress?

MS. SHAPIRO: Objection.

THE WITNESS: I heard what they said,

yeah.
BY MS. HUDSON:
Q And you understand that they said she was not clothed from waist up?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall exactly. I remember hearing some inconsistencies even in their own versions, but I recall them testifying about that, yeah.
BY MS. HUDSON:
Q And you recall testimony that Ms. Lively's breasts were exposed?
A I recall somebody saying something of that nature. I don't recall who.
Q And do you recall testimony that you came into the -- that when you came to the trailer, that it was communicated, no, no, no, or whoa, whoa, whoa, or don't come in, words to that effect?
MS. SHAPIRO: Objection.
THE WITNESS: I recall somebody saying something like that.
BY MS. HUDSON:
Q Okay. Somebody among these three people who have testified about --
A Correct.

Q -- this; is that right? Yes. Okay.

And you recall the testimony was that notwithstanding those statements not to come in, you came in nonetheless?

MS. SHAPIRO: Objection.

THE WITNESS: I've heard their version of that, yes.

BY MS. HUDSON:

Q And you understand the version of Ms. Baker, Ms. Carroll, and Ms. Lively is that you also insisted on staying in the trailer in order to have a meeting, which you said something along the lines of, if we don't have it now, we're not going to have it at all?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You recall that testimony?

MS. SHAPIRO: Objection.

THE WITNESS: I recall something of that nature.

BY MS. HUDSON:

Q Okay. And you recall the testimony that you were asked to turn around and not look at Ms. Lively, given her state of undress?

MS. SHAPIRO: Objection.

THE WITNESS: And the question is?
BY MS. HUDSON:
Q Do you recall that testimony?
A Something of that nature.
Q Okay. And you recall that notwithstanding that, that you looked at Ms. Lively in the mirror and you were observed by more than one of these witnesses to have seen her reflection in which she was exposed with her breast exposed, specifically?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah, I've heard -- I've heard them -- some version of that.
BY MS. HUDSON:
Q Okay. And you've heard the testimony that Ms. Lively said, I told you to turn around and not look, or words to that effect?
MS. SHAPIRO: Objection.
THE WITNESS: You're saying the testimony was that she -- that she said that according to their story during this --
BY MS. HUDSON:
Q Correct.
A -- alleged incident?
Q Correct.

A I don't exactly recall that.

Q Okay. All right. And -- and you recall the sum and substance of it was that Ms. Lively was uncomfortable with you having come into the trailer and looked at her with her breasts exposed?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. I heard -- I heard her testimony.

BY MS. HUDSON:

Q Okay. You heard the testimony of Ms. Baker and Ms. Carroll that they also were uncomfortable?

MS. SHAPIRO: Objection.

THE WITNESS: I heard their testimony.

BY MS. HUDSON:

Q And you heard their testimony that they also observed Ms. Lively being uncomfortable at that moment?

MS. SHAPIRO: Objection.

THE WITNESS: I heard their testimony.

BY MS. HUDSON:

Q Okay. Was there an incident in which you were in Ms. Lively's makeup trailer, along with Ms. Carroll and Ms. Baker, when she was in a state of undress?

A I don't know that she was in a state of undress.

Q Do you -- do you have a specific memory of the incident that Ms. Carroll, Ms. Baker, and Ms. Lively described?

A I do.

Q Okay. And what is your memory of that incident?

A Well, this is day two of shooting. We had got a text that morning, maybe the night before, but it could have been that morning, from Ms. Lively that she wanted to meet with me and Ange and Justin and Alex. We tried to have the meeting that morning. It didn't work out. We tried to have it in the afternoon. Several attempts and we were not able to achieve.

At the end of shooting, we were at the cemetery. I approached her and said, I know you wanted to meet today, but it's getting late, and suggested that maybe we do it the next day or something. She had said that she was going back to her makeup trailer, could we meet her there, and we could have the conversation then.

Not the conversation that she wanted to have in the morning, the conversation about whether

or not we were going to do it that night or the next day.

Q So the conversation, just so I understand it, was just about when the meeting was going to take place?

A She was hoping to have it that day, that night, and now that it was at the end of the day, I was concerned about her turnaround time.

Q So just to be clear, though, the conversation that you were going to have with Ms. Lively in her makeup trailer, in your understanding, was about when this meeting was going to take place?

MS. SHAPIRO: Objection.

THE WITNESS: Whether we were going to do it that night or the next day.

BY MS. HUDSON:

Q Okay.

A So the four of us, Justin, myself, Ange Giannetti, and Alex Saks, all went to her makeup trailer, the four of us. I knocked. Heard some sort of "come in" or "yes" or some indication that led me to believe it was okay to open the door.

Q So the opposite of what the three witnesses said?

A You asked me what.
Q I just want to make sure I understand. You -- they said -- they all said they said no, and you heard yes; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: Can -- I don't --
MS. SHAPIRO: Will you let him finish his answer? You asked him to describe his memory of the event, and you keep interrupting him.
MS. HUDSON: Well, I'm asking questions as he is providing the answer.
THE WITNESS: Would it be okay if I just give you my answer?
BY MS. HUDSON:
Q Go ahead.
A Is that all right?
Q Go ahead.
A So I then knocked, to be clear, with Justin and Ange and Alex with me at the bottom of her steps. I knocked on the door, heard some indication to come in. As I took a step up, I saw that she was leaned back. She looked what I thought was either maybe breastfeeding or nursing. I said to her, oh, it looks like you're busy, I can come back. As I turned around she says, no, that's okay.

You can come in, just look away. And I said, sure.

Now, I never saw the front of her. I just saw this which appeared to me a familiar -- familiar position of her feeding or nursing or pumping. So then I walked over to the side, looked away. We had a two-minute conversation, could have been three minutes, about whether or not we were going to have the meeting that night or the next day. I was trying to negotiate with her, could we do it tomorrow because I was worried about the turnaround time, and we would lose money, which is an implication -- we would lose hours in the next day, which is an implication of money.

We had a conversation back and forth. She eventually said no, she had to have it tonight and she would not waive any sort of turnaround time and do it off record. So I then left, walked down the stairs out of the makeup trailer where Ange, Justin, and Alex were. Reported to them, she wants to do it tonight. I tried to convince her to do it tomorrow, but she wants to do it tonight.

She walked out four or five minutes later, greeted us, said, hello. We went into her then trailer, and we had a discussion about what she wanted to meet with us.

Q And when she came to the trailer for the meeting, did she say anything about what had just occurred in her makeup trailer?

A She did not. This is on day two. This is May.

Q May 16th?

A May 16.

Q Did you ever learn that Ms. Lively had a different view of the incident in the trailer prior to her testimony?

A I learned that her different view is when I read the CRD complaint.

Q So you didn't hear any concerns raised by Ms. Lively regarding this incident in the trailer on the second day of shooting until the CRD complaint?

A We had a conversation about it on June 1st, two weeks later, but not that there was a concern.

Q Okay. And when you say, "we had a conversation about it two weeks later," who are you talking about?

A There was a conversation with Blake, Justin, myself, and Alex Saks, about she had got COVID and we returned to set. And we had a morning conversation before we started working.

Q And who called that meeting on June 1st?

A I believe it was Blake.

MS. HUDSON: Exhibit 11.

(Exhibit 11 marked for identification.)

MS. SHAPIRO: Are we done with Exhibit 10?

MS. HUDSON: Yes.

MS. SHAPIRO: Okay.

BY MS. HUDSON:

Q Mr. Heath, do you recognize this as the text message in which Ms. Lively invited you to a meeting with Ms. Saks and Mr. --

A Yeah.

Q -- Baldoni?

A Yeah. I see it.

Q And she says she wants to give you a check-in before rehearsal:

(As read):

"I can pop out of my makeup trailer early and meet you in the -- in my trailer. Eager to get back to work on a solid track."

Do you see that?

A Yes.

Q Yes. And this is a text message that you received and participated in, correct?
A Correct.
Q And it's dated June 1st, 2023, Bates-stamped BL 11580.
Were you present for Ms. Saks' testimony about this meeting on June 1st?
A I was.
Q Okay. So you heard that in the meet- -- that Ms. Saks said in the meeting, Ms. Lively brought up that she had been shown a video of your wife giving birth, which made her uncomfortable?
MS. SHAPIRO: Objection.
THE WITNESS: What is the question?
BY MS. HUDSON:
Q You -- you -- did you -- you heard Ms. Saks testify that in this meeting on June 1st, Ms. Lively brought up that she had been shown a video of your wife giving birth and it made her uncomfortable?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall Ms. Saks' exact words, but I remember her talking about it.
BY MS. HUDSON:
Q And you remember her testifying to that

effect?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Whether those are the exact words she used, right?

A I honestly don't recall what she had said.

Q You don't -- do -- you don't recall any aspect of her testimony about the June 1st meeting?

MS. SHAPIRO: Objection.

THE WITNESS: No, no. I just don't recall what -- what she had said.

BY MS. HUDSON:

Q Okay.

A I just don't.

Q Well, did you -- do you recall from her testimony learning that or hearing that Ms. Saks described Ms. Lively in this meeting saying she was uncomfortable?

MS. SHAPIRO: Objection.

THE WITNESS: Honestly, I don't recall. I just -- I just remember her saying that there was a conversation about it.

BY MS. HUDSON:

Q Okay. Well, do you recall during that

meeting, regardless of what Ms. Saks said, do you recall Ms. Lively saying that she was uncomfortable by being shown the video?

A I do not.

Q You don't recall that?

A She never said to me that she was uncomfortable.

Q Okay. So Ms. Saks is lying?

MS. SHAPIRO: Objection.

THE WITNESS: I have no judgment about Ms. Saks. I'm just telling you what happened.

BY MS. HUDSON:

Q Okay.

Do you recall Ms. Saks testifying that you tried to clarify that you thought Justin told Ms. Lively about the video and that Ms. Lively wanted to see it?

A Hold on. For clarity, you were just talking about --

Q Yes.

A -- the trailer.

Q No. We're talking about --

A I thought --

Q -- the video.

A Okay.

Q We're talking about the June 1st meeting and what Ms. Saks said about it.

A Okay. I thought you were referring to the video so I misunderstood. Okay. About the trailer?

Q Yes.

A So both questions with regard to the video?

Q Correct.

A Yeah, okay. Now I'm clear.

Q During that meeting you recall Ms. -- do you recall Ms. Saks in her testimony saying that you said on this June 1st meeting that you tried to clarify that you thought Justin told Ms. Lively about the video and that Ms. Lively wanted to see it?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall what Ms. Saks said.

BY MS. HUDSON:

Q Okay. Did you do that in the meeting?

MS. SHAPIRO: Objection.

THE WITNESS: It was brought up and Justin did interject and say that he was the one that asked me to show her.

BY MS. HUDSON:

Q Okay. So if Ms. Lively wasn't saying she was uncomfortable, what was your understanding of the reason she brought up the video?

MS. SHAPIRO: Objection.

THE WITNESS: I can tell you what the interaction was and what I inferred from it.

BY MS. HUDSON:

Q Sure.

A As she came back from having COVID and as her text said she wanted to get off to a -- to a:

(As read):

"Back to work on a solid track."

She said to me that, "Jamey, you know when you walked up to me to show me the video with your wife, I thought you were showing me porn." I said, Oh my God. I'm so sorry. Really? Oh my gosh. She was like, I know that it wasn't, but it startled me. I thought that's what you were showing me. I was like, Oh my gosh, I'm so sorry. And then we moved on. She didn't say anything that it was uncomfortable. She was just telling me that's what she thought. She recognized that what she thought it was, that it was, in fact, what I showed her. And then she moved on to the next subject.

Q So you didn't take from her telling you she thought you were showing her porn as an indication that she might have been uncomfortable?

A I did not.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Okay. All right. And did Ms. Lively also say in that June 1st meeting that everything is too comfortable on set?

A I don't recall that.

Q Okay. Ms. Saks testified to that. If you don't recall, you don't have any reason to dispute Ms. Saks' memory, do you?

MS. SHAPIRO: Objection.

THE WITNESS: I can't speak about her memory in any way. I only can tell you what I recall. I don't recall that.

BY MS. HUDSON:

Q You don't recall one way or the other?

A I have no memory of it.

Q Okay. And Ms. Live- -- Ms. Saks also said that Ms. Lively said that she requested that the set be more professional in this meeting?

MS. SHAPIRO: Objection.

THE WITNESS: I remember something about

that. I just don't know the details, but I do remember her saying something about that.

BY MS. HUDSON:

Q Ms. Saks also said there was -- that Ms. Lively said there was a lot of hugging and touching amidst the Wayfarer team during that movie -- during that meeting?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. I don't know what I recall about that one because I don't really hug people on set, and mostly I high-five them. I'm a high-fiver. So I -- I didn't necessarily take that in other than maybe -- so I don't really recall the context for it. Maybe it was specific.

BY MS. HUDSON:

Q But -- but it is the case that you recall Ms. Lively saying that; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: I remember something about it. I just don't recall more than that.

BY MS. HUDSON:

Q Okay. And you also recall Ms. Lively saying sometimes that you all would make jokes about how you couldn't do that?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that at all.
BY MS. HUDSON:
Q Okay.
A In fact, I -- I specifically -- that would have perked my ears, so I have no memory of that.
Q Well, you remember Ms. Saks' testimony that she said, "In her view, that's not how a workplace or the leaders of a workplace should operate. They shouldn't be making light of the behavior that makes their employees uncomfortable."
Do you recall her saying that?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall Ms. Saks saying that.
BY MS. HUDSON:
Q Okay. And then in the June 1st meeting, did Ms. Lively also bring up the trailer incident as you coming into her trailer while she was getting her body makeup taken off and that she didn't have any clothes on?
MS. SHAPIRO: Objection.
THE WITNESS: No.
BY MS. HUDSON:
Q Okay. Ms. Saks testified to that, that

this is what Ms. Lively said. So you're disputing Ms. Saks' memory?

MS. SHAPIRO: Objection.

THE WITNESS: I don't mean to dispute anybody's memory. Okay? I can just only tell you what had happened. That's not -- that's not --

BY MS. HUDSON:

Q Did Ms. Lively discuss the trailer incident?

A She did bring it up, yeah.

Q What did she say about it in your memory?

A After she had said something about, as I said, that she thought the video at first was porn, recognized that it wasn't, because it was not. She then said, also, you know, when you came into the trailer a couple of weeks, I asked you to look away and at some point you made eye contact with me. And I was like, oh, I didn't even know that. She says, I'm not saying you were trying to cop a look. I'm just saying that I had asked you to turn away, and you made eye contact with me. I was like, oh I'm so sorry. I didn't even realize that. Maybe I happened to glance through conversation. I have no memory of it. But -- and then she moved onto the next.

She never said anything about being uncomfortable. She -- my experience with Ms. Lively at this point is that she pointed things out all the time. So it was just more. But it never felt like in any way did I get a sense that she was claiming that she was uncomfortable.

Q Would she have to use the specific words, "I am uncomfortable," in order for you to glean from what she was telling you that she was uncomfortable?

A No.

MS. SHAPIRO: Objection.

THE WITNESS: No, no, no.

BY MS. HUDSON:

Q Well, what would she have had to do, other than use those words, to indicate to you that she was uncomfortable?

MS. SHAPIRO: Objection.

THE WITNESS: I can't speculate to that. I only can say that there was nothing about it that made me believe that she was expressing that she was uncomfortable, other than she had COVID concerns. She was pointing out a lot of things that she didn't like about production, and it was a list of things.

BY MS. HUDSON:

Q Okay. And you knew then at minimum, she

didn't like these things; is that right?

MS. SHAPIRO: Objection. Objection.

THE WITNESS: I did not know that.

BY MS. HUDSON:

Q Mr. Baldoni testified that he understood she was bringing those things up because she wanted them to stop. She didn't want you to show her videos of your wife giving birth, and she did not want you to come into her trailer and look at her.

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that being his testimony, by the way, that he had said I did not -- that he said those words.

BY MS. HUDSON:

Q And what was your understanding? She was just pointing it out to you? She didn't have any concerns about those things?

MS. SHAPIRO: Objection.

THE WITNESS: I took it as her pointing out something like oftentimes people point out something that when we have a misunderstanding. I thought you were -- as like the video, for instance, oh my gosh, I thought you were showing me porn. It wasn't. So there's no issue there. She's just more expressing it, amongst other things. But I never

took it like there was any sort of insinuation of that she was uncomfortable.

BY MS. HUDSON:

Q And you said there were other things that she was pointing out during that meeting. What do you recall?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah. Her frustration with COVID. She had some trailer issues that I can't recall if it came up in that moment or not. She felt that -- I can't remember what she said about Alex, but there was a thing or two with Alex. She talked to Justin. She expressed some of the things that were -- she wanted us to be aware of about set.

MS. SHAPIRO: Can we take a break?

MS. HUDSON: Can we just finish this line?

MS. SHAPIRO: Sure.

BY MS. HUDSON:

Q So you said that you didn't recall Ms. Lively saying anything about making -- about how "you make jokes about how you can't make eye contact with people anymore as if to undermine and lessen the importance of people not wanting to be comfy/cozy on set." You don't recall her saying

anything like that?

MS. SHAPIRO: Objection.

THE WITNESS: I'm sorry. Can you -- Can you repeat that, please? I'm sorry.

BY MS. HUDSON:

Q You don't -- I just want to -- let me ask this in a different way.

A Okay.

Q After this meeting took place, Ms. Saks sent a summary of the meeting to Ange Giannetti in a text message.

A Okay.

Q Okay. And both Ms. Giannetti and Ms. Saks have testified about this text chain. And in the text chain, Ms. Saks says:

(As read):

"The other piece was that she was like, 'you, Jamey, make jokes about how you can't make eye contact with people anymore, as if to undermine and lessen the importance of people not wanting to be comfy/cozy on set.'"

Do you recall Ms. Lively saying that to you on June 1st?

MS. SHAPIRO: Objection.

THE WITNESS: No.

MS. HUDSON: Okay. We can take a break.

THE VIDEOGRAPHER: We are going off the record. The time is 2:58 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 3:26 p.m.

BY MS. HUDSON:

Q Mr. Heath, during Ms. Saks' deposition, she testified that Mr. Baldoni yelled at her three different times and that you were present for each of those.

Do you recall that?

MS. SHAPIRO: Objection.

THE WITNESS: I do not recall that.

BY MS. HUDSON:

Q Okay. Do you recall in Mr. Baldoni's testimony yesterday, he talked about an apology letter that he sent -- an email that he sent regarding an incident with Miss -- Ms. Saks on February 18th, 2023?

MS. SHAPIRO: Objection.

THE WITNESS: I'm sorry. The date, I'm not sure. So I might see something to refresh it, but I think -- I'm not sure what you're referring

to. I mean, I think I do, but I'm not sure.
BY MS. HUDSON:
Q You -- you know the -- the lengthy apology email that Mr. Baldoni --
A Yes.
Q -- wrote that he testified about yesterday. Do you recall that?
A I do.
Q You recall it arising out of an incident with Alex Saks?
MS. SHAPIRO: Objection.
THE WITNESS: I think all the testimony I've heard about it is -- is -- has much nuance that doesn't make what I've heard -- my memory at all about it. Not at all. Forgive me.
BY MS. HUDSON:
Q But you know which incident I'm referring to, correct?
A I do. I do. I do.
Q And you said your memory about that is different?
MS. SHAPIRO: Objection.
THE WITNESS: Yes, some -- some material things.

BY MS. HUDSON:

Q Some material things. Okay. And I'm going to come back to that in a moment.

A Sure.

Q Ms. Saks also testified that there was a Zoom call in January 2023 where you, Ms. Giannetti, and Mr. Calof, along with Mr. Baldoni, were discussing creative notes on the script and the Mr. Baldoni yelled at Ms. Saks.

MS. SHAPIRO: Objection. There is no question.

BY MS. HUDSON:

Q Do you recall that incident?

MS. SHAPIRO: Objection.

THE WITNESS: I believe that there is some confusion.

BY MS. HUDSON:

Q By whom?

A I don't know who. But I don't know there to be two incidences.

Q You don't know there to be two incidences?

A I do not.

Q Okay. So the only thing you recall is this one incident that resulted in the apology

letter, which you recall differently than the testimony you've heard; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: Correct.

BY MS. HUDSON:

Q Okay. So you don't recall the Zoom call that Ms. Saks testified about?

MS. SHAPIRO: Objection.

THE WITNESS: I think the Zoom call was the apology letter that came after.

BY MS. HUDSON:

Q So there was -- there -- but just to -- you -- there were not two incidents as far as you recall; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: As far as I recall? Correct.

BY MS. HUDSON:

Q Okay. And then she also testified about a third time when there was filming at the Root location, that she was sitting at the monitor and that you and Ms. Giannetti were behind her and that Mr. Baldoni went up to her and asked her how she thought the scene was going and if he was getting it. And she thought he did and expressed that she

didn't believe that they needed to reshoot it again. And that he yelled at her, slammed his hands on the director's chair next to her, and walked away.

And that she turned around, and told Ange and you that if something like that happened again, she would walk off the movie.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Did you hear that testimony from Ms. -- Ms. Saks?

MS. SHAPIRO: Objection.

THE WITNESS: I heard her talking about it, but I don't recall her words.

BY MS. HUDSON:

Q Okay. Do you recall her describing it effectively -- to the effect that I just did?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Well, strike that.

Do you recall an incident that is effectively similar to what Ms. Saks described?

A I recall the incident.

Q Okay.

A Of -- the incident that she's describing. But the way she describes it, I don't recall it

exactly that way. But more -- more importantly, I don't recall her testimony to it.

Q Okay. Fair enough. But you recall the -- the incident that I'm referencing here at the Root location --

A I do.

Q -- but you recall something different. So what do you -- what is your recollection?

A It's not that it's drastically different, just that it -- this is -- this is so -- let me be really honest with you. This whole process is really challenging because I'm one that speaks with -- with my hands and with excitement, and I'm trying to be very mindful and reverent of the -- the gravity of everything we're talking about.

There was a lot -- and what date was this? Can you remind me of the date, please, or I can see?

Q Ms. Saks said it was -- the set -- the filming on the -- the Root location.

A Yeah, I just can't recall the date that was.

Q I -- I don't think the date is that important.

MS. SHAPIRO: Objection.

THE WITNESS: Well, it's important for what --

BY MS. HUDSON:

Q I believe she testified that it was either June 17th or June 18th.

A Right. So this was --

Q I'm sorry. June 7th or June 8th.

A Okay. Fair enough. This was, we had new ADs.

Q Uh-huh.

A We had -- Justin was dealing with time constraint. A lot of pressure to get this scene within a certain time.

Whenever you have a lot of people working on something, it can cause some stress and different ideas and different opinions. We had new ADs with disgruntled PAs that were loyal to our previous ADs that we had to fire.

And now they're working under new ADs and there's feelings about that. And Justin is managing through, recognizing there is PAs that are having feelings that the other one was fired. And now they have to learn a new footing with these new ones. And now, from that, he's trying to get the scene. I'm constantly going in there with him. And I'm

saying to him, dude, we need to wrap this up. But he hadn't captured it yet.

And I've gone in there three or four times because I can speak to him very clearly, we need to wrap this up in ten minutes. And he understood, but he didn't capture it yet, which is his choice as director. So when he came out to talk to me and Alex and Ange, he was very passionate about that he didn't have it yet. And Alex said something. I don't recall what she said. And his response was like -- he said something like, Alex, I'm the director. I need to get this.

That was the volume and the tone that I remember. And I do remember him when he said that, he -- the director's chair has like flappy material. And when he did it, he -- he -- he hit this -- not hit it aggressively, but he hit it or it flapped and he was like, I'm the director. I gotta get this. And then he was forced to walk back -- not forced, but, you know, he had to hurry up and get back to set. And then Alex did respond with, did you see that? Did you see what he just did? And Ange's response was like, he's not wrong, Alex.

And Alex was like, yeah, but didn't you just see how he just yelled at me? And she's like,

she's [sic] not wrong. He's the director. And he's just -- he's trying to get this done. And she was like, if he ever does that to me again, I'm going to walk off the set.

And her and Ange got into it because Ange was like, what is the problem? He's just -- and Alex had her feelings about it. And that's essentially what I recall.

So I don't want to discredit Alex's feelings or whatever she felt, but I think the way that I've heard it, recall it testified is very exaggerated to -- to the actual incident and the circumstances.

Q And you understand that Ms. Saks said that she felt physically intimidated --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- by Mr. Baldoni's behavior?

MS. SHAPIRO: Objection.

THE WITNESS: Okay.

BY MS. HUDSON:

Q And she called his response rageful?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q But in your view, she was exaggerating?

MS. SHAPIRO: Objection.

THE WITNESS: Ms. Hudson, I feel like if you asked anybody that was on that set at that moment that no one would say he was rageful.

BY MS. HUDSON:

Q And Ms. Saks also testified that you did not say anything at that time of that incident; is that your memory also?

A At that exact moment, she and Ange were discussing it, and Alex then left out the back door. And then shortly after I went -- I would not say followed her but, you know, went to go have a conversation with her and see how she was because she seemed -- certainly, she was upset.

Q Did you say anything at that time?

A I just -- I don't recall our conversation. I just remember I went out and just walked with her for a little bit, and then tried to have her feel better.

Q Did Ms. Saks talk to you after she had a brunch with Jenny Slate on May 29th, 2023 about complaints that Ms. Slate had raised?

A She never talked to me about it that I recall.

Q Ms. Saks testified that she told you

about Ms. Slate's complaints. Are you saying that's not accurate?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that. I think she might be confusing that maybe she had a conversation with Justin, but I can't say for sure. But I don't have a recollection of her telling me directly anything.

BY MS. HUDSON:

Q She testified that she told you that Jenny Slate talked about two incidents in which Mr. Baldoni called her hot or sexy.

A No, that's not accurate. There was one incident that they were referring to, not two.

Q Did you have a Zoom call with Alex Saks in which she talked to you about Ms. Slate's concerns?

A I don't recall.

Q You don't recall, so you might have?

MS. SHAPIRO: Objection.

THE WITNESS: I have no memory of it.

BY MS. HUDSON:

Q You have no memory. Okay.

And Miss -- so Ms. Slate -- Ms. Saks also testified about a number of other things that

she's -- she told you about that brunch with Jenny Slate. And you're saying you don't recall her having any conversation with you about concerns raised by Ms. Slate at a brunch on May 29th, 2023?

MS. SHAPIRO: Objection.

THE WITNESS: I have no recollection of a conversation with her about it.

BY MS. HUDSON:

Q Okay. Ms. Saks also testified that she strongly encouraged you to investigate Ms. Slate's complaints. Do you recall Ms. Saks saying anything like that to you?

A No.

Q She testified that she encouraged you to do so on three separate occasions.

A Wow.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You don't recall her saying that to you on three separate occasions?

MS. SHAPIRO: Objection.

THE WITNESS: Those conversations never happened. I can say that emphatically, absolutely not.

BY MS. HUDSON:

Q And you didn't respond to her that you heard it and said they needed to talk about it?

MS. SHAPIRO: Objection.

THE WITNESS: I'm sorry. I didn't understand the question.

BY MS. HUDSON:

Q And you -- you don't recall saying that you heard what Ms. Saks was saying and that they needed to talk about -- you needed to talk about what you were going to do next, essentially?

MS. SHAPIRO: Objection.

THE WITNESS: No.

BY MS. HUDSON:

Q Okay. And you -- do you -- Ms. Saks also testified that, at some point shortly thereafter, you said that you weren't going to do an investigation and that you sort of tap danced around the idea that it would be better for all -- it would be better for all of this not to be on an official record?

MS. SHAPIRO: Objection.

THE WITNESS: Are you asking me if I remember when Alex said that?

BY MS. HUDSON:

Q I'm asking you if you said that to Alex consistent with her testimony?

A I will give you two statements. I never said that to her. And I remember her saying that. And when she said that, I wanted to -- it was all I could stand to not say something outloud like, what's happening?

Q She also testified that you didn't want the behavior written down, documented anywhere in the event that someone wanted to talk about it again in the future.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Is that accurate?

MS. SHAPIRO: Objection.

THE WITNESS: I'm sorry. You're asking if that -- if -- did I say that?

BY MS. HUDSON:

Q Did you say that to Ms. Saks?

A Absolutely not.

Q Okay. So your testimony is she's making that up?

MS. SHAPIRO: Objection.

THE WITNESS: My testimony is that I

never said that.
BY MS. HUDSON:
Q Okay. Did you become aware, at any time, that Ms. Slate had concerns?
A At what time?
Q Any time.
A Yeah, I -- I became aware that there was some things that she had shared. Yes.
Q And who did she share them with?
A I don't recall when I learned and who, but I believe Ange was someone I believe she spoke to. I'm -- I'm a little unclear about that. And I've learned after the fact that -- that apparently, she had this conversation with -- with Alex. Let me -- let me rephrase that. I know that she had a conversation with Alex, but I had never had the conversation with Alex so I didn't know firsthand from her.
Q And you learned from -- you are referring to, you said in your prior testimony, that Ms. Saks told you that there was one time when Mr. Baldoni -- that Ms. Slate reported to her that there was one time Mr. Baldoni said she was hot or sexy. Is that what you're referring to?
MS. SHAPIRO: Objection.

THE WITNESS: I had learned at some point that she -- that she had brought up this particular incident up, yeah.

BY MS. HUDSON:

Q "She" meaning Jenny Slate?

A Correct.

Q To -- to Ms. Saks?

A Correct.

Q Okay. And you learned that from Ms. Saks?

A I did not learn it from Ms. Saks. I do not recall and believe that. I think I learned that -- I think I learned that from Ange.

Q Okay. And do you recall when you learned it?

A I believe that would have been May 28th or May 29th.

Q And in what -- how did you learn that?

A In a conversation with Ange.

Q And did -- did -- what -- what did Ms. Giannetti tell you?

A She had said -- I don't recall the exact words at this point, but -- because honestly, there's so much that we've learned along the way. So much conflicting ideas. And when, who learned

what, and when at this point, it's all just a bunch of -- some of it is mumbo jumbo.

Q So you -- you only testify about what you recall.

A I know. I'm just giving you context of why I'm doing my best to think about it.

Q Okay.

A But I hear you.

Ange had -- I believe had called Justin. And then I believe Justin called me, so the three of us were on a call. We were talking about coming back from COVID because we had been shut down. What we were going to do, what scenes we had knocked out. Things of, you know, just kind of what was the plan.

And on that call, she had mentioned that she had a conversation with Blake and that she was unhappy about getting COVID. And she had some frustrations with the way that production had handled the COVID protocol or the lack of COVID protocol, something of that nature. And she had said during that call, she had mentioned to her something about Justin making reference to her wardrobe as sexy.

And that also, she had a conversation -- or that she had heard from Blake or she heard

directly from Jenny, I don't recall exactly that, about Justin making reference to her wardrobe.

Q So in -- in your memory, both Ms. Lively and Ms. Slate specifically said that the reference was to their wardrobes?

MS. SHAPIRO: Objection.

THE WITNESS: That's how I understood it to be.

BY MS. HUDSON:

Q And what was the reference? Did Ms. Giannetti say anything -- elaborate on what the specific reference was?

A You know, we have update calls all the time what's going on and report, like, what happened on set that day? What happened yesterday?

Q I'm just talking about this one phone call --

A I understand.

Q -- that you're talking about.

A I understand. I understand. So this was one of them.

Q Well, I'm asking you if Ms. Giannetti elaborated on what she meant by the wardrobe comment. Did she tell you what the comment was --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- for either Ms. Lively or Ms. Slate?

A Yeah, that something about Justin had used the word "sexy" in reference to their wardrobe.

Q For both of them?

MS. SHAPIRO: Objection.

THE WITNESS: I don't remember the exact words, but something of that nature.

BY MS. HUDSON:

Q Okay. Is there anything else you recall about that call with Ms. Giannetti?

A Yes. And then Ange had said, did you show Blake a video that had something to do with your wife and the birth of your child? And I said, yeah, I mean, I showed her the -- yeah, I showed her a video. We tried to. And then she was like, yeah, she was mentioning that you showed it to her, and she thought maybe it was something else or she didn't understand why you had showed it to her or something like that. I don't remember the exact dialogue, but it was something of that nature.

Q And --

A She -- she made me aware that she had had that conversation with Blake.

Q And that was before you had the

June 1st meeting --

A Correct.

Q -- with Ms. Lively directly, correct?

A Correct.

Q Is there anything else that Ms. -- Ms. Giannetti told you in this meeting on 5/28 or 5/29?

A I can't recall anything else.

Q Did she suggest any course of action as a result of the things she was telling you?

A I don't recall.

Q Did it -- so by this point -- well, strike that.

Did you have any conversations directly with Ms. Slate?

A I did not.

Q Did you have any conversations directly with Ms. Lively about the wardrobe comment that you referred to?

A Did I have a conversation --

Q Yes.

A -- with her directly?

Q Yes.

A Not directly.

Q Okay. Did you have it indirectly?

MS. SHAPIRO: Objection.

THE WITNESS: On the June 1st conversation that we were in her trailer, she had mentioned it to Justin.

BY MS. HUDSON:

Q She mentioned the -- Mr. Baldoni saying something about her looking sexy?

A She said something about like, hey, I know you guys talked to Ange. Just wanted to like say we're all cool. We're good. You know, I know that we had the conversation about the wardrobe. Something like this. I'm kind of paraphrasing a little bit. And she was just like, wanted to clear the air. We're good. I want -- let's get back from COVID. And let's get back on a good foot.

Q So your testimony is, she told you that she knew you had talked to Ange?

A Correct.

Q The comments that Ms. Giannetti told you about, the "sexy" comments to Ms. Slate and Ms. Lively, were you present for either one of those --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- when they were made?

MS. SHAPIRO: Objection.

THE WITNESS: In regard to the Jenny Slate, no. In fact, I don't know -- I don't know if I even knew about it until we had the conversation with Ange or something. I was not exactly close present for the Blake conversation, but minutes afterwards, I was -- I was on set and I was aware.

BY MS. HUDSON:

Q Minutes afterwards. Who told you?

A Justin.

Q What did he say?

A He had just been on set talking about wardrobe or something. I wasn't there for it. From what I understood, he then, a few minutes later, because he was directing and there was a lot to do on set, he walked over to me and said, hey, I just had a conversation with Blake and Jenny and I was -- we were talking about her wardrobe, and I was just apologizing to them because, you know, I may have mentioned that her outfit was -- I don't remember the expression exactly that he had said at the time. Only later did I learn, but maybe he said that I referred to her wardrobe as "sexy" or something.

And I apologized because I, you know -- I didn't want to make her feel like I was using

elementary language or something like that. I was like, oh, did you apologize? He was like, yeah. I was like, what happened? He was like, no, it was -- it was all fine. I just -- you know, that just happened. I was like, okay. Everything good? He was like, yeah. And then he went back over, and from what I understand, they -- they had a brief conversation about it, and then we started shooting.

So that's the extent that I knew at the time.

Q Did you understand when you had talked to Ms. Giannetti that neither Ms. Lively nor -- that both Ms. Lively and Ms. Slate were uncomfortable with Mr. Baldoni's references to them as "sexy"?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that being part of the dialogue.

BY MS. HUDSON:

Q No? Why did you think Ms. Giannetti was telling you about it?

MS. SHAPIRO: Objection.

THE WITNESS: There are so many moving parts all the time. There's always things happening. Always things to be aware of, and that's how I took it.

BY MS. HUDSON:
Q That's how you took it?
A Yeah.
Q Just a piece of information for you to gather and not do anything with?
MS. SHAPIRO: Objection.
THE WITNESS: There was nothing about it that appeared that there was something to do with.
BY MS. HUDSON:
Q Do you understand that Ms. -- now that Ms. Slate was uncomfortable --
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q -- with that comment?
MS. SHAPIRO: Objection.
THE WITNESS: Yeah, I heard -- I heard her deposition.
BY MS. HUDSON:
Q You heard her deposition. And you heard her describe the text exchange that she had with her team regarding press and promotion on the film in June of 2023?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know what you're referencing. I'm sorry.

BY MS. HUDSON:

Q Okay. Did you hear her testify about a text in which she told her team, hey, guys, I don't want anything to do with Justin. I don't want to talk to him, like nothing. And the same goes for Jamey, who is truly unprofessional.

Do you recall her testifying about that?

A I don't know if that was -- if I remember her exact words, but I remember her saying something of that nature.

Q Do you recall her saying also:

(As read):

"But this has been a really gross and disturbing shoot, and I'm one of many who feel this way. And Blake and I have both complained directly to Ange at Sony, and they agree with us, by the way. Justin is truly a false ally, and I'm unwilling to do anything that promotes the image that he's crafting as a male feminist. Like, honestly, I have no words to describe what a fraud he is."

Do you remember her talking about that in her deposition?

MS. SHAPIRO: Objection.

THE WITNESS: Her deposition was a couple of weeks ago.

BY MS. HUDSON:

Q Yes.

A Um...

Q You understand that --

A This is what she said a couple of weeks ago, is what I'm saying.

Q Yeah. You understand that she communicated -- these are the words she communicated to her team on June 4th, 2023?

MS. SHAPIRO: Objection.

THE WITNESS: I'm learning as we go.

BY MS. HUDSON:

Q Okay. So do you now understand that as of June 4th, 2023, Ms. Slate was uncomfortable?

MS. SHAPIRO: Objection.

THE WITNESS: I believe -- yes, I recognize that that is what she's stating.

BY MS. HUDSON:

Q Okay. And even though Ms. Giannetti raised to you that both Ms. Slate and Ms. Lively had talked to her about the fact that Mr. Baldoni had called them "sexy," you didn't think there was

anything to do with that information?

MS. SHAPIRO: Objection.

THE WITNESS: At that time, with the information given, there did not seem to be anything to do, no. Not from anybody that had had the conversation, including Ange.

MS. HUDSON: Okay. I'm going to hand you a document that we marked as Exhibit 12.

(Exhibit 12 marked for identification.)

BY MS. HUDSON:

Q Exhibit 12 is a text chain between you, Jamey Heath, and Justin Baldoni, dated May 28th, 2023, Bates-stamped HEATH 34492.

Do you recognize this as a text chain between you and Mr. Baldoni, Mr. Heath?

A Allow me a quick moment to read it.

Q My question to you is only about what is on the second page.

A I understand. I want to read up to that point, please.

Q How about we do this, if you don't mind: I'd like to direct your attention to what I'm asking you about, and if you feel like you need to read the entire thing to get context, then you can do so.

A I am so sorry. I want to be so

respectful. If you're going to put a document in front of me and you're going to ask me about it, I would really like to read it.

Q I am not asking about the whole document. I'm asking you about one or two things that you said. So I would like to ask you, and then if you feel like you need to read the entire thing for context, you're welcome to do that. But I don't want to do it in reverse order, because I'm not asking about this whole document, okay?

So if you could turn to the second page --

A I need to ask for guidance on this one. So forgive me.

Q What do you mean, you need to ask for guidance?

A I would like to ask my attorneys for guidance that if you hand me a document, do I not have a right to request to read it? Is that within my right, because you were asking me --

MS. SHAPIRO: Can we just -- this is a two-page document. I think you've spent more time arguing with him about it than it would've taken him to read it.

MS. HUDSON: Well --

MS. SHAPIRO: I'm just pointing it out.

MS. HUDSON: We're taking an excessive amount of time to read documents, respectfully. So --

MS. SHAPIRO: This is a two-page document.

THE WITNESS: You've given me four. I'm trying to do my best --

BY MS. HUDSON:

Q I understand, but I just want to ask you questions. So if you don't mind, if I could just bring you to the -- to the questions I want to ask you, and then if you need to look, that's fine.

That was a suggestion you made. Let's try and do that. How about it?

A Accepted.

Q Okay. Thank you.

If you would look at the second page, 35493. At the top of the page, it says, from Mr. Baldoni:

(As read):

"I told Steve more today."

Do you see that?

A I see it.

Q And then you respond:

(As read):
"I talked to Steve last night also. I didn't share about the comments the ladies had feelings about. Didn't want to share anything you hadn't yet."
Do you see that?
A I do.
Q Then Mr. Baldoni responds:
(As read):
"I shared with him today."
Do you see that?
A I do.
Q My question for you is, the comments the ladies had feelings about, what does that refer to?
A Okay. So, respectfully, you asked me about this and there's context beforehand, so I would like to read it.
Q All right. Go ahead.
A Okay. Thank you.
Q Which ladies' comments were you referring to there?
A I don't really recall exactly what was happening at this moment, but -- I don't.
Q Do you know who the ladies were that you were referring to there?

A I don't recall sending this.

Q Well, I am not asking if you recall sending it. I'm just asking if you recall which comments you were talking about there -- or which ladies you were talking about?

A I don't recall sending it, so I don't recall what I was thinking. So looking at it now, I would only be guessing. And I might be able to make a good guess, but I don't want to guess it incorrectly.

Q Well, you read the whole thing for context, right?

A I did.

Q Maybe Mr. Baldoni's response will help provide you some additional context.

He said:

(As read):

"I shared with him today. He said he should come to sit and remind Blake whose money this is. And I said, 'that's not the best idea.'"

A Right.

Q Does this refresh your recollection that one of the ladies was Ms. Lively?

A It may have been.

Q It may have been. And any other lady might have been Ms. Slate, right?

A It may have been, but I just don't know for sure.

Q It may have been that the comments that you are referring to were the ones that Ms. Slate and Ms. Lively had raised to Ms. Giannetti, correct?

A I don't recall sending it. I don't recall this conversation, so I really don't -- I'm not -- I just don't want to be wrong about something so...

Q Did you ever talk to Mr. Baldoni what it is that he shared with Steve?

A I did not.

Q Did you understand Steve to be Steve Sarowitz?

A I did.

Q Do you know what you talked to Steve Sarowitz about?

A Did I know what?

Q What you talked to Steve Sarowitz about the night before?

A I don't recall what we talked about, but I know this was during COVID and a shutdown. So maybe it was an update.

Q Are there any other two ladies who had -- I'm sorry.

Are there any other ladies who had feelings about comments other than Ms. Lively and Ms. Slate?

MS. SHAPIRO: Objection.

THE WITNESS: This is why -- I can guess. This is a tricky one for me here. You're asking me to deduce, and I can't.

BY MS. HUDSON:

Q I'm not asking you to deduce. I'm asking you, are there other ladies who may -- who had concerns about comments on set?

MS. SHAPIRO: Objection.

THE WITNESS: No. But I don't see that I'm saying "on set" here.

BY MS. HUDSON:

Q Okay. Are there other ladies that you knew about on May 28th, 2023 who had feelings about comments?

A I could guess that possibly it is about Blake and Jenny, since that's what you're asking. I could guess, but I don't know for sure.

Q It's an educated guess, right, that that's probably what you're talking about here?

MS. SHAPIRO: Objection.

THE WITNESS: I'm doing my best to not just hit a wall here. And I can't. I can't say.

BY MS. HUDSON:

Q Okay.

A This is two years ago, and I don't know.

MS. HUDSON: Okay. I'm going to hand you a document that we're marking as Exhibit 13.

THE WITNESS: Sure. Do you want this one?

THE STENOGRAPHIC REPORTER: Thank you.

(Exhibit 13 marked for identification.)

BY MS. HUDSON:

Q Exhibit 13 email from Lindsey Strasberg to Imene Meziane and Joseph Lanius, dated November 9th, 2023, and it has an attachment entitled "Protections for Return to Production," Bates-stamped WAYFARER 140991 through 140993.

A I see it.

Q Have you seen this email before, Mr. Heath?

A Yes. Just -- quickly just briefing it, but yes.

Q You understand this to be the cover email that sends to your -- Wayfarer's lawyers,

Ms. Lively's Protections for Return to Production, right?

A Yes, I see that.

Q With the protections attached, right?

A I see that.

Q Yes. And you understand that's what this is?

A I do.

Q Okay. Who is Imene Meziane?

A Imene, by the way, is how to pronounce it. And she's our legal counsel at Wayfarer.

Q Is she in-house counsel?

A She is.

Q And what is her title?

A VP of legal affairs.

Q And Mr. Lanius is outside counsel?

A Correct.

Q Okay. All right. And when did you first see this email and the Protections for Return to Production?

A November 9th, I believe, the day it was sent.

Q Okay. And when you received it, did you read it?

A I did.

Q What did you understand, if anything, the protections that are listed here to refer to?

A To refer to -- this seems like a list of conditions that she wants to return to set.

Q Okay. And this is sent in November.

What was the status of the production on November 9th?

A We were working through the WGA strike, which we finally got through. Then we were dealing with the SAG strike. We were trying to get ahead of the SAG strike because we didn't know when it would leave. So we took the risk of setting production back up, which incurred a lot of costs, hoping that the SAG strike would end so that we could get the movie done.

And we were successful in that, gambling that it would end. I was in contact with her agent and lawyers, trying to get Blake to commit to coming this day. I thought everything was fine. Instead of her showing up, we got this letter, and I was very confused.

Q You were confused?

A I was.

Q Okay. So it says:

(As read):

"In order for Blake Lively" --

If you look at page 2 of the beginning of the protections.

A Yeah.

Q (As read:)

"In order for Blake Lively to be able to return to production on the film, each of the following protections must be agreed to in writing and met without fail going forward."

Do you see that?

A I do.

Q So I'm going to take you to number 6.

A Okay.

Q It says:

(As read):

"No one will enter, attempt to enter, interrupt, pressure, or request entrance to BL's trailer while she is in a state of undress for any reason."

Do you see that?

A I do.

Q Did you have any idea why Ms. Lively wanted that protection?

MS. SHAPIRO: Objection.

THE WITNESS: It seems like a protection that anybody would want, that no one would enter, pressure, or request to enter anybody's trailer while they are in a state of undress.

BY MS. HUDSON:

Q Mm-hm. And when you saw this protection, did you connect it in any way to the incident that Ms. Lively raised to you on June 1st of you going into her trailer?

MS. SHAPIRO: Objection.

THE WITNESS: No, because I did not see this as anything other than a requirement to come back to set.

BY MS. HUDSON:

Q You didn't see it as an indication that things were not okay for Ms. Lively's perspective on set?

MS. SHAPIRO: Objection.

THE WITNESS: I saw this as a list of things that she needed to come back to set.

BY MS. HUDSON:

Q You didn't see this list as an indication that she was unhappy about things that were going on, on set?

MS. SHAPIRO: Objection.

THE WITNESS: If I would have thought that, then it would have said something different. I would assume if you want that to be known, then it would say something differently. So I didn't -- I did not read that --

BY MS. HUDSON:

Q What would you have needed to see in this list of 17 protections for you to understand that Ms. Lively was not okay with things that had happened on set?

MS. SHAPIRO: Objection.

THE WITNESS: I can only tell you that this -- if I got this in a contract tomorrow with an actor and number 6 was there, we would just say "Okay." It would be that simple.

BY MS. HUDSON:

Q So you didn't think anything was being insinuated by this document?

MS. SHAPIRO: Objection.

THE WITNESS: At this time when I got this, I was looking at it from how we get the movie back going. We had to share this with legal counsel because this was a legal document, and we all determined that these were all things that were reasonable.

BY MS. HUDSON:

Q Okay. Did you read the cover email?

A I did.

Q So if you look at the cover letter -- cover email, it says:

(As read):

"It is no surprise to the film's producers that the experience of shooting the film has been deeply concerning on many levels. The complaints of our client and others have been repeatedly conveyed and well-documented throughout pre-production and photography."

Did you read that when you read the protections?

A I did.

Q And that didn't give you any indication that the protections related to the description of the set that is contained in the cover email?

MS. SHAPIRO: Objection.

THE WITNESS: Our set had experienced two strikes. We had replaced our ADs. We had COVID. There was a lot going on. So I would say the film did have some concerns for a host of people. And as

well, this last sentence:

(As read):

"The complaints of our clients and others conveyed, well-documented throughout pre-production and photography."

I knew of no complaints, so this particular thing did not lead me to believe, therefore, it means this document is something specific that insinuates.

BY MS. HUDSON:

Q So when Ange Giannetti told you that both Jenny Slate and Ms. Lively had spoken to her, you didn't view those conversations as complaints?

MS. SHAPIRO: Objection.

THE WITNESS: No. Nor did she, nor did -- there was nothing to make us think that.

BY MS. HUDSON:

Q Okay. And the meeting on June 1st, where Ms. Lively told you directly, you didn't see that as a complaint?

MS. SHAPIRO: Objection.

THE WITNESS: Blake would have many meetings. So this was -- she got COVID, and she wanted to address and talk about some things. This

was no different than many.
BY MS. HUDSON:
Q You understand that Mr. Baldoni had written an apology note to both Ms. Slate and Ms. Lively?
A I'm aware.
Q You're aware of that?
A Yeah.
Q Did you not understand that those apologies arose from concerns that they raised?
MS. SHAPIRO: Objection.
THE WITNESS: I understood that Justin was wanting to meet anybody where they were and recognized, you know, that if someone talked to someone about something, he's -- he's an apologizer. He wants to recognize anything, whether he's at fault, at no fault, if he walks by you too quickly -- whatever it may be.
So, yeah, he wanted to -- and there were some feelings about it. We got shut down. There's -- I can't exactly speak to what he was going, but it wasn't uncustomary for Justin to send that.
BY MS. HUDSON:
Q Okay. And the letter goes on to say:

(As read):
"While we reserve all legal rights, at this stage our client is willing to forego a more formal HR process in favor of everyone returning to work and finishing the film, as long as the set is safe moving forward. In order for our client to feel safe returning to the production, we are attaching a list of protections that will need to be guaranteed and observed by the film's producers."
Did you have any understanding of why an HR process was invoked here?
MS. SHAPIRO: Objection.
THE WITNESS: I missed what you just read there. Can you take me to where you were just reading?
BY MS. HUDSON:
Q I'm reading from Ms. Strasberg's email, the second paragraph.
A Okay.
Q And asking you, did you understand why an HR process was invoked there?
MS. SHAPIRO: Objection.

THE WITNESS: I read this and read this as willing to forego a more formal HR process, meaning that there is nothing -- there is no HR to discuss. And I may have thought, what is this referring to? But my main concern was, how do we get this movie back going? She wants these things signed. They all seem like nothing that we have an issue with. So how do we move forward?

BY MS. HUDSON:

Q In your view, what constitutes a complaint? Does someone have to say, "I am now making a complaint," in your view, for it to be clear that it's a complaint?

MS. SHAPIRO: Objection.

THE WITNESS: No, not necessarily. I'm not -- this is not -- I'm not an HR expert, so...

BY MS. HUDSON:

Q But you get trained every two years, right?

A I do, yes.

Q And you read the handbook, right?

A I have.

Q So in any of those trainings or in the handbook, is there anything that you understood about what information had to be conveyed to you for

you to understand it as a complaint?

MS. SHAPIRO: Objection.

THE WITNESS: We are trained to have, from my understanding, discernment to some extent. And if there is anything that leads one to believe that there's something that needs to be addressed, then you take it to HR. At this point there was nothing that led us to believe that.

MS. HUDSON: So the next document is marked "attorneys' eyes only," but it -- but both but Mr. Heath is a recipient and Mr. Baldoni is a recipient.

THE WITNESS: Okay.

MS. HUDSON: So I'm going to ask if you will waive the "attorneys' eyes only"?

MS. SHAPIRO: Can I see the document?

MS. HUDSON: Yeah. It's something that's been testified to by --

THE WITNESS: So I suppose, either way, I get to see it.

MS. HUDSON: You get to see it.

THE WITNESS: Yeah.

MS. SHAPIRO: Can I just have a minute to consult with counsel?

MS. HUDSON: Off the record. Let's go

off the record.

THE VIDEOGRAPHER: We're going off the record. The time is 4:16 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 4:35 p.m.

MS. HUDSON: For the record, Exhibit 14 had been designated "attorneys' eyes only." Counsel for Mr. Heath, who is production assist, has de-designated the document as "attorneys' eyes only," and it's designated as "confidential" for the purposes of the deposition, reserving the right to redesignate it as "attorneys' eyes only" following the deposition if it's going to be filed in court.

(Exhibit 14 marked for identification.)

BY MS. HUDSON:

Q Mr. Heath, this is an email chain that Mr. Baldoni talked about yesterday with his prayer group on November 12th, 2023. And you were copied on this as well, right?

A I see that I am, yes.

Q And do you recall receiving this text chain on or about November 12th, 2023?

A I recall this. I don't recall receiving it at the time. There was a lot going on. So --

Q Okay.
A Yeah.
Q And you understand from Mr. Baldoni's testimony yesterday that this document, this text chain, was in reference to the 17-point list that you-all had received on November 9th, right?
A Yes. And, also, just know, I left many times during the -- during the deposition, and I think I left during this time. So I don't know if I know all that was said during that.
Q Okay. But you can see, seeing it now, that this text chain is in reference to the 17-point list, right?
A I see that.
Q Okay. And you see on the page Bates-stamped -- there are two Bates stamps, but the lower Bates stamp is 51220.
Do you see that?
A I see that.
Q That Mr. Baldoni says:
(As read):
"Pretty tough to digest, as, of course, we all know what this document insinuates, that I am/unsafe/sexually harassing, et cetera, et cetera,

et cetera. There's even silly things inferring Jamey was inappropriate, which is silly."

Do you see that?

A I do.

Q And did you understand at the time that Mr. Baldoni, at least, viewed the 17-point list as an insinuation that he was unsafe, sexually harassing, and inferring that you were inappropriate?

A I do see that he writes this here. This is on the 12th, right?

Q Yes.

A This is a few days after we had received the document.

Q Yes.

A I don't remember this exactly coming in because this is his writing and not mine. But I do know that Justin, at this point, was -- I don't know what the proper term is, but he was thinking of all scenarios and filling in blanks and trying to think of a lot of stuff, and I think this is an expression of some of his -- some of his thoughts.

Q Right. And his thoughts, at the time, were that that document insinuated that he was

unsafe, sexually harassing, and that you engaged in inappropriate conduct, right?

MS. SHAPIRO: Objection.

THE WITNESS: I need you to repeat what you said there because I didn't see that exactly.

BY MS. HUDSON:

Q Which part do you need me to repeat, Mr. Heath?

A Where you just --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You want me to say my question again?

A Yes, please.

Q Okay.

A I'LL tell you what. I withdraw it. I heard it. Now I'm understanding.

I see what he wrote here.

Q Yes. And you understand that it was his view that the 17-point list document insinuated that he is unsafe, sexually harassing, and inferred that you were inappropriate?

MS. SHAPIRO: Objection.

THE WITNESS: I see that this paragraph says that.

BY MS. HUDSON:

Q That's not what I am asking you because I know you can read, Mr. Heath. So I'm asking you --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q -- a different question.

MS. SHAPIRO: Objection.

THE WITNESS: I understand.

BY MS. HUDSON:

Q Okay? My question is: You understood when you saw this that Mr. Baldoni, he viewed the 17-point list as insinuating that he was unsafe, sexually harassing, and inferring that you engaged in inappropriate behavior?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Is that right?

MS. SHAPIRO: Objection.

THE WITNESS: I -- I'm just having a hard time saying that you're asking me to determine what Justin meant, and I don't know what he was thinking at this time.

BY MS. HUDSON:

Q I'm not asking you to ask -- say what he's thinking. I'm asking you, if you read the

words --

A Yes.

Q -- you understand that that -- that this is -- that he was saying how he viewed this document?

MS. SHAPIRO: Objection.

THE WITNESS: I see that this -- this suggests that he was considering this to be something that could be possible.

BY MS. HUDSON:

Q I see. Okay.

And do you know how your in-house counsel, Imene, I think you said her name was?

A Imene.

Q How she responded to Ms. Strasberg's email?

MS. SHAPIRO: Objection.

THE WITNESS: I don't see that.

BY MS. HUDSON:

Q Do you recall her saying that the protections were not -- were not only reasonable but essential?

A I don't recall the -- the language. You can show it to me.

Q Okay. Did you think the 17 protections

that were in that document were reasonable?

A I think taking them -- take -- taking them as they are written, yes, I think they are ultimately reasonable.

Q Okay. At some point, did Ms. Lively come back to the production?

A She did.

Q And did filming resume?

A It did.

Q What date did it resume; do you recall?

A January 5th, 2024, I believe.

Q Prior to returning to filming, was there a meeting at Ms. Lively's apartment?

A There was.

Q And were you at that meeting?

A I was.

Q And if you go back to the protections document --

A Okay.

Q -- you will see --

A Can I pull this one up? I think it's this one. Maybe it's this one. Okay. I see it.

Q Number 17 was:

(As read):

"An all-hands, in-person meeting before

production resumes which will include the director, all producers, the Sony representative, the newly-engaged third-party producer, Ms. -- BL and BL's designated representative to confirm and approve a plan for implementation of all the above that will be adhered to for the physical and emotional safety of BL, her employees and all the cast and crew moving forward."

Do you see that?

A I do.

Q Okay. And there was a meeting that included all of those participants in her apartment on January 4th, the day before production began, right?

A Yes.

Q Okay. And have you read Ms. Lively's second amended complaint?

A I have.

MS. HUDSON: Okay. I'm going to hand you that document, the second amended complaint, which we have marked as Exhibit 15.

(Exhibit 15 marked for identification.)

THE WITNESS: Do you want me to read the whole thing?

BY MS. HUDSON:

Q I definitely don't want you to read the whole thing. I am going to point you to something very specific in this document.

If you turn to page 7.

A Okay.

Q You will see paragraphs 19 and 20 refer to the January 4th meeting and the participants.

Do you see that?

A I do.

Q And the participants that are listed in paragraph 19, is that an accurate list of who was present?

A Chris Surgent was also present for the beginning portion of it.

Q Okay. Other than that, is it an accurate list?

A Yes.

Q And then in paragraph 20, the complaint says that during the meeting, that Ms. Lively read the list below in its entirety. And then below is a list of 30 points.

Do you see that?

A I see the 30-point list that's included in this document.

Q Okay. And you see in the complaint where it says Ms. Lively said she read the list below in its entirety, right?

A I see that.

Q Okay. And did you attend the entire meeting?

A I did.

Q Okay. And you said you've read the second amended complaint before, right?

A I have, but I don't recall every single detail of it. There's been many legal motions moving on around. So I did at the time, yes.

Q Well, I would like you to take a moment and look at this 30-point list, and tell me if you recall Ms. Lively discussing each of these things during the January 4th meeting.

A You mean did she -- I just want to be clear -- discuss any of the things inferred in these things? Because she did not read this list.

Q Your position is she did not read from a list?

A She did read a few things from her phone. She did not read this list. So I just want to know

what you want me to do because...

Q Are you saying Ms. Lively read a different list?

A I'm saying Ms. Lively read a few things from her phone, maybe nine or ten things, that were not phrased in this way at all.

Q When you say they "were not phrased in this way," what do you mean by that?

A Well, nothing ever said "no more." And the way that it's written was not -- she read more -- it wasn't firsthand, but it was -- it was less -- it was not phrased like this.

Q So each one of these 30 points addresses a topic. Are -- are there any topics that are addressed in these 30 points that Ms. Lively did not cover during the meeting?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah.

BY MS. HUDSON:

Q Which ones?

A Okay. Well, we can take our time going through them. I -- I don't know how you want to do this. But, like, starting with number 1, "no more showing nude videos or images of women." Then it says "including producer's wife," which insinuates

that there were other ones. "To BL and her or her employees." So, yeah, we -- we talked about that video again where she had brought it up.

Q So you talked about the video but --

MS. SHAPIRO: Can you let him finish?

THE WITNESS: So we talked about the video. We didn't talk about the details of it. We just talked to -- brought up again that that video was shown. Again, I apologized to her recognizing that she was surprised by it. And -- but this wasn't written. But that topic was.

So no more mention of Baldoni or Heath's previous pornography addiction. I don't have a pornography addiction. So certainly, she wouldn't have never read that, and I don't know what that refers to. So no, that was not discussed.

Q Did she talk about Mr. Baldoni's referencing pornography addiction during this meeting?

A I believe she mentioned something about it.

Q Okay. Did she talk about wanting to -- neither her nor her employees to hear personal experiences of -- of other people's sex lives, including as it relates to spouses or others?

A Where -- what number are you reading, please?
Q Three.
A I think she said something about that.
Q Did she say -- did she talk about number -- in number 4, did she want to -- did she say that she wanted no discussion about -- with her or her employees of personal times that physical consent was not given in sexual acts either -- as either the abuser or the abused?
A I do not recall that.
Q You don't recall that?
A I do not.
Q Okay. Did she recount a story in which Mr. Baldoni talked about times that he had engaged in actions with women without consent?
A No.
Q She didn't talk about that. Okay.
Did she talk about the description -- anyone describing their own genitalia to her and asking that that not happen?
A No.
Q She didn't talk about Mr. --
A Let me rephrase it. No, not that I remember in any sense.

Q She didn't talk about Mr. Baldoni telling her that he was circumcised?
A No.
Q She didn't talk about that in this meeting?
A No.
Q Did she talk about how she didn't want to have any more jokes or disparaging comments about HR complaints that Wayfarer's already received or about missing the HR meeting?
A No.
Q She didn't talk about it; you're certain?
A I am -- she never said anything about HR complaints. Maybe -- she may have said something to Justin about the commenting -- referring to her wardrobe as "sexy." That may have been there, but these rest, no.
Q Okay. What do you remember her talking about at this meeting?
A I can continue to go through it.
Q Well, I think I would rather have your memory. What do you recall her talking about?
A I think I need to read through it.
Q I'm not asking you about that anymore. Now I'm asking just for your memory.

MS. SHAPIRO: Just for the -- you can ask whatever questions you want. I just want to be clear on the record that you did ask earlier for him to go through all 30 --

MS. HUDSON: Yes.

MS. SHAPIRO: -- and tell you. And he's -- he never got to finish that --

MS. HUDSON: I -- I understand --

MS. SHAPIRO: -- so I just want the record --

MS. HUDSON: I --

MS. SHAPIRO: To be clear on that.

MS. HUDSON: -- understand. I'm withdrawing that question now.

BY MS. HUDSON:

Q And I just want to ask you your memory of the January 4th meeting. What topics did Ms. Lively discuss in the January 4th meetings to your memory.

A I remember her talking about her father. I remember her talking about something about Justin lingering on her lip. I do not believe we talked about this trailer thing that has come up. I need -- I need to think about it for longer because there's been so much information and really that --

so let me read this so that some of it might reflect -- refresh my memory.

She mentioned -- I remember her saying something about that Justin shouldn't cry anymore to her or with her or something of that nature. There may have been a couple more, but those are the ones I remember. A lot of these things were not addressed, nor do they -- did they make any sense to be addressed being that many of them were already in the 17-point list.

For instance, why would she read number 30 to us as we were in an in-person meeting? That -- there's no sense in that. We had already agreed to no monitors being viewed and that the intimacy coordinator be on set at all times. Why would she read that when we already agreed to it? So...

Q So is it your memory she didn't raise things that you had already agreed to?

MS. SHAPIRO: Objection.

THE WITNESS: No, not necessarily. My memory is she did not read this list.

BY MS. HUDSON:

Q All right. And you have now testified all the things that you could recall her -- her

talking about during that meeting?

A Yeah. I could -- there could be maybe another one that I'm just not remembering. But as I said, she read a handful of these, maybe nine, maybe 10 of them. But not this. And -- and I can say that had I read anything at that moment that said "no more," it would have been a very different conversation.

Q And why is that?

A Because "no more" explicitly says that it's happened before.

Q Well, you knew that some things had happened before because you had been informed about them, right?

MS. SHAPIRO: Objection.

THE WITNESS: I'm just saying that it says "no more" in different ways. "No more descriptions of their own genitalia" does not imply, does not suggest, does not leave room for anything. It specifically says something of that nature. And had this list been read at that time, that would have been a different conversation.

BY MS. HUDSON:

Q How long did the meeting last?

A Five hours, six hours, somewhere around

there.

Q And you've given me a full scope of your memory about what was discussed in that five or six hours?

MS. SHAPIRO: Objection.

THE WITNESS: No, a lot of it was Ryan belittling Justin.

BY MS. HUDSON:

Q For five or six hours?

A A lot of it was.

Q And when you say "belittling," what do you mean by that?

A When this first -- when she first started reading a couple of her things and Justin was hearing this, taking this in, and trying to make sense of it, he was frozen by hearing this stuff. And instead of -- well, let me not say instead of -- and his reaction was -- was that he was being a coward. That what you do when a woman says this to you and points out these things, you just stand up and you just apologize and apologize. And Justin was just like, but I didn't do this. And then he raised his voice and used some language and insinuated that he was not a good guy.

Q That Mr. Baldoni was not a good guy?

A Yeah.
Q Yeah.
A And he -- and he did it very aggressively. He did it to me as well. More at him. It was -- it may have been the hardest thing I have ever witnessed someone talking to another person with such belittlement.
Q So after that meeting, did you have an understanding that there were things that were happening in connection with filming this movie that Ms. Lively was uncomfortable with?
MS. SHAPIRO: Objection.
THE WITNESS: I understood that she had shared some things that did not make sense, and I believe were fabricated.
BY MS. HUDSON:
Q You believe were fabricated?
A Not all of them.
Q Uh-huh.
A Either distorted --
Q Uh-huh.
A -- or fabricated.
Q Now, did you think it would be a good idea to conduct an investigation at that point?
MS. SHAPIRO: Objection.

THE WITNESS: Her letter started with -- as we went back to it after this meeting, with in lieu of an HR report, we would sign these things. And if any -- at this point, if any of these things were referencing that, there was nothing to investigate.

BY MS. HUDSON:

Q In lieu of a formal HR process, I think it said.

A Yes.

Q So you decided that since Ms. Lively said in November, in lieu of an HR process, there was no need for an investigation?

MS. SHAPIRO: Objection.

THE WITNESS: We did not determine that that was necessary.

BY MS. HUDSON:

Q You -- you did not determine. You -- so you determined it was not necessary; is that right?

A We did not determine it was necessary. We never came to the point to think that it was necessary because in it, while she was expressing it, it was very confusing because she was not -- it was almost like he was a child. Not that she felt threatened or that she felt -- it just felt like he

was a child and it was talking that. It wasn't -- so our perspective from that point was, once we left and had some conversations with Ange, and Justin was a little frozen because of -- of the aggressive nature of it, she couldn't wait to -- appeared to could not wait to get back to work tomorrow, and we moved forward.

Q So did Ms. Lively -- did you consider that other people might be uncomfortable on set?

A No, we hadn't heard anything else about anybody being uncomfortable. There was a lot of insinuations about -- I think she brought up also -- she brought up saging, talking to her dead father. There was a lot of stuff that was mixed in here that was just -- she didn't like Justin. She didn't like me. She didn't like that he cried. She mentioned that. There was a lot in there, so it was -- there was a lot going on.

Q Did you actually have a conversation and make a decision not to do an investigation?

A No.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Did the topic of an investigation come up at any time prior to receiving Ms. Lively's CRD

complaint?

A No. Not that I recall.

Q At some point, did you have a dinner with Colleen Hoover in connection with the trailer launch?

A We did.

Q And when was that?

A You're going to have to refresh my memory.

Q I will do that.

A I think it was, you know, two or three months before. Two months before release, I think. Three months maybe. But I don't know.

MS. SHAPIRO: Jonathan, how much more time?

THE VIDEOGRAPHER: We've been on the record for five hours and 14 minutes.

MS. SHAPIRO: Thank you.

THE WITNESS: Ms. Hudson, I won't need this anymore, will I?

BY MS. HUDSON:

Q No, thank you. Do you recall what day the trailer launch event took place? Was that May 6th?

A I don't recall.

Q Okay. You don't recall. Well, you recall the trailer was released in May, correct?

A I will take your word for it if you know it. There's a lot of dates in my head, so I don't recall.

Q Okay. All right. Well, you recall going to dinner with --

A I do.

Q -- Ms. Hoover the night of the trailer launch event, right?

A Uh-huh.

Q Okay.

A Was that May 6th?

Q Yes.

A Okay. I will trust that you're correct.

Q And who else was at that dinner?

A Myself, Justin, Colleen, and I believe her friend's name is Taryn (ph.).

Q Did you hear Ms. Hoover's testimony about that dinner?

A I believe I did.

Q Okay. And --

A But I don't -- I don't quite recall it.

Q What is your recollection about that dinner?

A You mean the whole dinner?

Q Well, let me ask you this. So it was -- it was -- what was the purpose of the dinner? Because you all invited Ms. -- Ms. Hoover to the dinner, correct?

A I believe Justin was responding to her request to go out to have a dinner. At least that's what I recall it, and then Justin informed me that they were going to go out to dinner and would I like to join.

Q Uh-huh. And did you tell Ms. Hoover that you were concerned that Ms. Lively was going to say that you had sexually harassed her?

MS. SHAPIRO: Objection.

THE WITNESS: I never said that. Absolutely not.

BY MS. HUDSON:

Q Did you tell Ms. Hoover that she had given you a list of 17 protections that she -- she required before she would return to work?

A We may have referenced that.

Q Okay. And why did you tell Ms. Hoover that?

A We had a -- Justin specifically had many years now, five years, or four years, or something

of working and having a friendship with her. I had developed one over the last couple of years. We were going out to dinner, and she was curious about what's been so hard. She could tell that it's been a troubled experience due to all of the strikes and the script and some of what we experienced with our AD and a lot of Blake's demands. And I don't recall what the impetus was, but it's just like, this is what we've been dealing with.

Q You told Ms. Hoover what, in your view, you had been dealing with with Ms. Lively, correct?

A As it pertains to the production of the film, yes.

Q Okay. Because Ms. Hoover didn't know anything about any issues with production up until that point, correct?

A That's not -- that's not entirely true.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Well, that's what she testified to.

MS. SHAPIRO: Objection.

THE WITNESS: Okay.

BY MS. HUDSON:

Q But you -- you think she knew something more?

MS. SHAPIRO: Objection.

THE WITNESS: She did.

BY MS. HUDSON:

Q Okay. And what is -- and what's your basis for that?

A Because we would talk to her throughout it, and she didn't know the details, but she knew that we were struggling with making our days. She knew that, at some point, we had to get rid of our AD. That Blake was -- had control of the script and the challenges of that. She knew that -- I don't recall if she knew -- what she knew of just how Justin was kind of tiptoeing around her constantly.

Q Around who?

A Blake.

Q You're -- you're saying that Ms. Hoover knew that --

A No, I said I don't recall if she knew, but she knew that he was treading, always being mindful of how to navigate. She had such strong opinions about stuff all the time. And him being the director and how -- how that -- how to navigate that.

Q Were you involved in conversations with Ms. Hoover and Mr. Baldoni where he talked about

that with Ms. Hoover?

MS. SHAPIRO: Objection.

THE WITNESS: No, I remember I'd had a couple conversations, how's it going. She came to visit set. It was just like, this is what we're doing. This is really hard. It wasn't anything other than she was a friend. We had known her. She had no relationship with Blake. It wasn't like anything other than just like, this is what we are experiencing.

BY MS. HUDSON:

Q Mr. Heath, I want to be very clear here. Are you saying that prior to this May 6th dinner, you participated in a conversation in which you told Ms. Hoover --

A That there were struggles?

Q With Ms. Lively specifically?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah, she knew a little bit.

BY MS. HUDSON:

Q I didn't ask you what she knew. I want to know what you told her prior to May 6, 2024.

MS. SHAPIRO: Objection.

THE WITNESS: Simply that it was a

struggle to manage Blake with the script. That we weren't making our days all the time. That she had an opinion about a lot. A little bit of that.

BY MS. HUDSON:

Q You told Ms. Lively prior to this dinner on May 6th -- I mean --

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q You told Ms. Hoover this prior to the dinner on May 6th, 2024?

MS. SHAPIRO: Objection.

THE WITNESS: I don't remember exactly to what detail, but there was some conversation about it.

BY MS. HUDSON:

Q When?

A I don't remember when. We had talk -- I had talked to her throughout.

Q Well, you had talked to Ms. Hoover throughout the production?

A No. Yes, throughout. But maybe once every month, once every -- she'd come to set. We'd ask her for questions.

Q You talked to Ms. Hoover once a month?

MS. SHAPIRO: Objection.

THE WITNESS: Probably.
BY MS. HUDSON:
Q Probably? Do you have any phone records reflecting that you talked to Ms. Hoover once a month? Well, we have your phone records, so we can look, right?
A Please. Please.
Q Okay.
A And text messages, yeah.
Q And text messages with her once a month about Ms. Lively?
MS. SHAPIRO: Objection.
THE WITNESS: Or emails. Yes. No, not about Ms. Lively. That I would just be in contact with Ms. Hoover.
BY MS. HUDSON:
Q Once a month?
MS. SHAPIRO: Objection.
THE WITNESS: It could be once every five weeks. I'm just telling you that I would -- throughout the production, we -- we would talk throughout the production.
BY MS. HUDSON:
Q Uh-huh. And how many times throughout the production did you tell Ms. Hoover prior to

May 6 that you were having difficulties with Ms. Lively?

MS. SHAPIRO: Objection.

THE WITNESS: It wasn't specifically about Ms. Lively. It just was the process of making the movie and what some of the difficulties are.

BY MS. SHAPIRO:

Q Okay. Well, I'm specifically asking about Ms. Lively. Because Ms. Hoover testified that the first time she heard --

A Yeah.

Q -- that you had any issues with Ms. Lively, "you" meaning Wayfarer and Mr. Baldoni, was May 6th?

A Yeah.

Q Okay? So I'm going to be very, very clear about whether you said anything before that. Are you clear in your memory that you said something about Ms. Lively to Ms. Hoover prior to May 6th?

A Yes.

Q Okay. But you don't know when and you don't know what you said; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: I would not remember when because the event was not some big event. It just

was when you catch up, how's it going? And then you share some of the stuff that you're experiencing.
BY MS. HUDSON:
Q And can you say with any specificity the stuff that you were experiencing with Ms. Lively that you told Ms. Hoover about prior to May 6?
MS. SHAPIRO: Objection.
THE WITNESS: I do not know specifically. I just know that there was a general update, and that would have been included to some degree.
BY MS. HUDSON:
Q What -- what is the "that"?
A That it was hard making our days. That Blake was -- Justin, we were navigating how to manage what was challenging about working with Blake. Her having this script, and us not always getting it. And the changes and then her and Justin trying to figure out the balance creatively. I don't know what portion of all of that, but that's what we were dealing with. And some of that I know that I would have expressed.
Q You know that you would have expressed?
A Yes.
Q Okay. You spoke on them at the May 6 dinner with Ms. Hoover about the return to work

protections. Did you tell Ms. Hoover, during this dinner, that Ms. Lively had raised issues about you sharing the birth video with her?

MS. SHAPIRO: Objection.

THE WITNESS: You know, I have a memory that we spoke about that, but I don't recall what was spoken about.

BY MS. HUDSON:

Q Did you tell Ms. Hoover that Ms. Lively had a -- had raised an issue about you coming into her trailer while she was undressed?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall ever saying that she raised an issue. I had said that we knew that the whole production included normal -- not problems, like normal situations like the strikes, everything I mentioned. And, also, this is what we were experiencing with Blake.

And in recalling it, we had thought about, huh, remember that she thought that I -- when I showed her that video, she thought it was porn. It was not. And I had shared that with her. Some -- some version of that.

BY MS. HUDSON:

Q Okay. And I think my -- my question to

you now is about the trailer. Did you say -- share anything about that with Ms. Hoover?

A Oh, I don't recall specifically about that.

Q Okay. Do you --

A And I don't think so, but I don't recall that.

Q Okay. Did you talk to Ms. Hoover about the fact that Ms. Lively had -- and Ms. Slate had raised that Mr. -- Mr. Baldoni had called them sexy?

A I think at least one of the events, maybe Justin had shared, but I don't recall what it was.

Q Okay. Did you tell -- did you or Mr. Baldoni tell Ms. Hoover that you were concerned that Ms. Lively might make her concerns public?

A No.

Q Did you tell Ms. Hoover that Ms. Lively was working on Sony's cut of the film?

A I imagine so.

Q Did you tell Ms. Hoover that you thought it was going to become public that Ms. Lively was working on a cut of the film?

A I don't recall. I mean, that -- that would have been something that we were navigating through because we were facing a lot. But...

Q Did you tell -- did you or Mr. Baldoni tell Ms. Hoover at this dinner that you're not saying she's a narcissist but she's exhibiting narcissistic behavior?

A I don't recall that comment.

Q You recall Ms. Hoover saying she heard that comment at the dinner?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that comment being said.

BY MS. HUDSON:

Q I understand, but I'm asking you if you recall Ms. Hoover testifying to that?

MS. SHAPIRO: Objection.

THE WITNESS: I can't recall exactly what her words were, but I don't recall that.

BY MS. HUDSON:

Q What was your -- you and Mr. Baldoni's purpose of talking to Ms. Hoover about Ms. Lively at this dinner?

MS. SHAPIRO: Objection.

THE WITNESS: I don't think there was an agenda. In fact, there wasn't an agenda. This was someone that we had worked with; we knew. Oftentimes you have conversations about what your

workday is like, what your workweek is like, what you've been experiencing. And there was a bit of sharing about that.

BY MS. HUDSON:

Q And did you hear Ms. Hoover's view of how she felt about that dinner after the fact?

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q And her --

A Specifically what?

Q She testified how she felt about this dinner in her deposition that you listened to, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall specifically.

BY MS. HUDSON:

Q You don't recall what she said about that?

A I would need you to refresh me.

Q Okay. You don't recall that she said she was essentially disturbed by the fact that you all were being so critical of a woman who she didn't even know at this time?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall her saying that.

BY MS. HUDSON:

Q You don't recall her saying that in her testimony? What do you --

A I don't --

Q Okay. Go ahead.

A I'm not saying she didn't. I don't recall that.

Q Okay.

A I do recall her saying something about that she felt that Justin and I were trying to get her on our side. I heard -- I remember something of that nature, which didn't make sense to me because they didn't know each other. Why would there be a need to bring someone on your side when there is no relationship on the -- on another side? That -- that was not our intention. So I didn't understand her testimony in that regard.

Q That is a very good question.

MS. HUDSON: Why don't we take a quick break?

THE WITNESS: Okay.

MS. HUDSON: Okay.

THE VIDEOGRAPHER: We are going off the

record. The time is 5:15 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 5:42 p.m.

BY MS. HUDSON:

Q Mr. Heath, did you discuss your testimony with your attorneys during the break?

MS. SHAPIRO: Objection. It's just yes or no.

THE WITNESS: Am I allowed to share --

MS. SHAPIRO: No.

THE WITNESS: -- what I talked about with my attorneys?

MS. SHAPIRO: No.

BY MS. HUDSON:

Q No. You can answer the question. Did you discuss your testimony with your attorneys during the break?

MS. SHAPIRO: I'm going to direct you not to disclose any communications with your attorneys.

THE WITNESS: A bit.

BY MS. HUDSON:

Q So is the answer yes?

MS. SHAPIRO: I'm directing you not to --

THE WITNESS: Answer?

MS. SHAPIRO: -- answer any question that calls for any communications you had with your attorneys.

MS. HUDSON: Well, the -- are you directing him not to answer the question, did you discuss your testimony with your attorneys during the break?

MS. SHAPIRO: Yes.

MS. HUDSON: You're telling him not to answer that?

MS. SHAPIRO: Correct.

MS. HUDSON: Well, he already answered it, and he said "a bit."

MS. SHAPIRO: Well --

MS. HUDSON: Okay? So I'm taking the position that there is no attorney-client privilege because you are not permitted to talk about his testimony during the break and that any privilege has been waived.

THE WITNESS: No, but I -- can I be clear about that, though?

BY MS. HUDSON:

Q Yes, you're free to speak about what you discussed with your attorneys during the break.

MS. SHAPIRO: No.

THE WITNESS: We're just talking about my -- my disposition and just me. Just my --

MS. SHAPIRO: Jamey, Jamey, we're directing you not to answer these questions.

BY MS. HUDSON:

Q Did you discuss the substance of your testimony with your lawyers during the break?

MS. SHAPIRO: I'm directing you not to answer that question.

BY MS. HUDSON:

Q Did you talk about how to answer questions with your attorneys during the break?

MS. SHAPIRO: I'm going to direct you not to answer any questions about your discussions with your attorneys during the break.

BY MS. HUDSON:

Q Are you following your attorney's instruction?

A I always will follow my attorneys.

Q Okay. So you won't answer that as a yes or a no? Did you discuss the substance of your testimony with your attorneys during the break?

MS. SHAPIRO: I'm directing you not to answer that question.

BY MS. HUDSON:

Q Are you going to follow your attorney's instruction?

A I think that would be best, always.

Q Okay. Did you discuss how to answer questions with your attorneys during the break?

MS. SHAPIRO: I'm directing you not to answer questions about your discussions with your attorneys.

BY MS. HUDSON:

Q Are you following your attorney's instruction?

A I think it's always best to follow my attorney's instructions.

Q Okay. Did you have any discussions with your attorney about how a question should be handled during the break?

MS. SHAPIRO: I'm going to direct you not to answer any questions about your discussions with your attorneys.

THE WITNESS: Same answer.

BY MS. HUDSON:

Q Same answer? You're not going to answer? Okay.

Did you discuss any documents that were

the subject of testimony with your attorneys during your break?

MS. SHAPIRO: I direct you not to answer any questions about your discussions with your attorneys.

BY MS. HUDSON:

Q Are you following that instruction?

A Yes.

Q Okay.

MS. HUDSON: Hand you Exhibit 16.

(Exhibit 16 marked for identification.)

THE WITNESS: Sure.

BY MS. HUDSON:

Q Exhibit 64 is a --

MS. SHAPIRO: Sixty-four or 16?

MS. HUDSON: I'm sorry.

BY MS. HUDSON:

Q Exhibit 16 is a text chain from -- between Jamey Heath and Mitz Toskovic, dated June 17th, 2024, Bates-stamped TOSKOVIC_677.

Do you recognize this as a text chain between you and Ms. Toskovic?

A Yes.

Q And you participated in this text communication with Mitz Toskovic, correct?

A Yes.

Q And you ask her in this text chain, you say you have -- you've got a big job for you.

Do you see that at 3:14 p.m. on page 1?

A I see it.

Q And then if you turn to the next page, you tell her:

(As read):

"I need you to start putting a timeline doc. Try to get as close to dates as possible. We can fill in the links when I get back. But when Justin and Blake met to write. AJ maybe had in calendar. Can you access? When we shot the first karaoke scene, it's when I showed her the video of Tasha. When Ange visited the first time and had the, quote, 'makeup trailer convo that apparently looked at her,' end quote. When we shot the graveyard scene. When Justin met with trainer. When Justin had convo with Blake and Ryan regarding asking about her weight. When we had the convo when we went back in Blake's house with Ange and Todd. Essentially,

anything we can get either the date and alleged incident or the general time frame and we can narrow in later. Something chronological. Best you can. Consult with Reese where needed. The doc can be have gaps but at least let's get something started."

And then you go on to say:

(As read):

"Whatever you can remember. Whatever Reese remembers. Whatever AJ may remember. Anything at all. Also, when we got letter from Blake. Just anything that tells the story chronologically, and then we will just continue to build it."

Do you see that?

A I do.

Q Okay.

MS. HUDSON: I'm going to give you another document now. What are we, Exhibit 17? And Exhibit 18.

(Exhibit 17 marked for identification.)

(Exhibit 18 marked for identification.)

BY MS. HUDSON:

Q You asked Ms. Toskovic to put together a timeline on June 17th, correct?

A Are you referring to this document?

Q Yes.

A I see that.

Q Okay. And Exhibit 17 is an email forwarding a timeline.

Do you see that?

A I do.

Q And then Exhibit 18, I'll represent for the record, is the document that was produced to us that is reflected in the attachment to that email that says "document produced in native format."

A Can you repeat the -- the last thing? Sorry, I was --

Q Sure.

A -- I was finishing 17.

Q Sure.

So Exhibit 17 is an email forwarding a timeline.

Do you see that?

A I do.

Q Okay. And then it says, on the second page of that email, "produced in native format"?

A Uh-huh. I do. Yes.
Q I'm representing to you that the native format that we received in the production from your lawyers is that document.
A Okay.
Q Okay? Is this document, Exhibit 18, the timeline that you asked Ms. Toskovic to create?
A It looks to be so.
Q Okay. Why did you ask Ms. Toskovic to create a timeline on June 17th?
A Just to have a timeline of our whole experience of the movie.
Q Your whole experience of the movie, as it relates to Ms. Lively?
A Just our -- the timeline of what we experienced throughout the movie, yes.
Q For what purpose?
A So we could have a record of our -- our -- the last year and a half of what we have experienced.
Q Why?
A There was a lot that went on over the year and a half on different levels, production and all levels. I just wanted to have a timeline of it.
Q Well, your -- your text message to

Ms. Toskovic doesn't say anything about things that happened during production in general, right?

MS. SHAPIRO: Objection.

THE WITNESS: Right. Uh-huh.

BY MS. HUDSON:

Q All of the things that are in your text message to Mitz Toskovic relate to Ms. Lively, correct?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah, I see that's in the -- in the text message. Yeah.

BY MS. HUDSON:

Q So why did you ask Ms. Toskovic to create a timeline on June 17th, 2024 related to Ms. Lively?

A That was one of the aspects of our whole time on the movie, and I also wanted to include that.

Q Well, you didn't say reference anything else, correct? You only referenced issues related to Ms. Lively in your text messages to Mitz Toskovic, correct?

MS. SHAPIRO: Objection.

THE WITNESS: In this particular text message, that's -- that's all it speaks to.

BY MS. HUDSON:

Q Yeah, that's all you said when you asked Ms. Toskovic to create a timeline, correct?

MS. SHAPIRO: Objection.

THE WITNESS: In this text message, that's what it refers to. Yes.

BY MS. HUDSON:

Q Do you have another text message?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q Okay. Well, why are -- my question to you, Mr. Heath, is: Why you were asking Ms. Toskovic to create a timeline that references events related to Ms. Lively on June 17th, 2024?

A Our experience of the movie, and at this point in June, we were unsure. Justin had lost the movie, I think, by this point. We were dealing with a lot of conversations with Sony about how to navigate moving forward with him as the director. We've got the release of the movie coming up -- and in all of this and being confused of where we stood with all of this, I just wanted to have documented just our -- our whole experience with the movie.

Q For what purpose?

A Just so I could have a good recollection of it. So that I knew what our last year and a half was.

Q Were you looking for a timeline of incidents related to Ms. Lively's complaints?

MS. SHAPIRO: Objection.

THE WITNESS: No, not necessarily. We just -- I just wanted any experience that we had in all capacities to be -- have a timeline.

BY MS. HUDSON:

Q Well, but the timeline doesn't address every experience that you had in all capacities, does it?

A I haven't gone through the whole thing, but in all capacities, just with our experience. Certainly with -- I mean, I can see that, you know, a lot of this is with Blake, so that was a big part of our experience.

Q That was a big part of your experience. And incidents where Ms. Blake -- or Ms. Lively expressed concerns, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I would say it's exactly what I said it was.

BY MS. HUDSON:

Q And the incidents that you identified to Ms. Toskovic are incidents that you were aware that Ms. Lively had raised concerns of prior to June 17th, 2024, correct?

A Can you repeat that, please?

MS. HUDSON: The incidents that you raised to Mitz Toskovic were incidents that you were aware of prior to June 17th, 2024 that Ms. Lively had raised concerns about, correct?

MS. SHAPIRO: Objection.

THE WITNESS: In this text message, it references some of those. Yes.

BY MS. HUDSON:

Q Yes. So the -- you -- you were aware of the incidents that you told Ms. Toskovic about prior to June 17th, 2024, correct?

MS. SHAPIRO: Objection.

THE WITNESS: Was I aware? Yes, I was aware that Justin met with the trainer. I was aware about -- he asked about the weight. I was aware of some of these things. Yes.

BY MS. HUDSON:

Q Well, you were aware of all of them because you wrote them down, right?

A Yes.
Q And you wouldn't have been able to write them down if you weren't aware of all of them, correct?
A I was aware --
MS. SHAPIRO: Objection.
THE WITNESS: I was aware that these were included, yes.
BY MS. HUDSON:
Q That these were all things that Ms. Lively had raised concerns about, correct?
MS. SHAPIRO: Objection.
THE WITNESS: Some of them; some of them not.
BY MS. HUDSON:
Q Okay. Which one of these lists are not things that Ms. Lively had raised concerns about that you were aware of on June 17th?
MS. SHAPIRO: Objection.
THE WITNESS: Well, just as I go through it, when we shot the graveyard scene. When we had a meeting at Blake's home.
BY MS. HUDSON:
Q Why did you want to have a record of when you had the meeting at Blake's home?

A It was one of the things that we'd experienced on the movie.

Q Uh-huh. And when you said "essentially anything we can get either the date and alleged incident," what did you mean by "alleged incident"?

A I don't recall. I don't know.

Q Are -- are -- you don't know what you meant by "alleged incident"?

A I don't know exactly.

Q Okay. And did you have any further follow-up with Mitz Toskovic about what you meant by "alleged incident"?

A I don't know.

Q You don't know if you did?

A I don't know.

Q But somehow from -- did you give her any direction beyond what you put in this Exhibit 16?

A I don't know.

Q Had you talked to Ms. Toskovic about the alleged incidents before?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. HUDSON:

Q Do you -- did you assume she understood what you meant by that?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know what I meant by that, but I see that there's a list of things here that specifically asked her to. So other than that, I don't.

BY MS. HUDSON:

Q What I'm asking you, Mr. Heath, is: Did you have a belief that Mitz Toskovic would understand what you meant by "alleged incidents"?

A I don't know.

Q You don't know?

A I don't know. I don't know what I meant by that.

Q Do you -- is it Ms. Toskovic that created the timeline in Exhibit 18?

A She was -- she assisted, yes.

Q Who else was involved in creating this timeline?

A Myself.

Q What did you do to create this timeline?

A Just gave -- gave more info to -- what this is here, added to this timeline.

Q How much of the information in this timeline did you put in the timeline?

A I don't know.

Q When -- did you create -- did you put the -- share information from yourself to put into this timeline around this same time period, June of 2024?

A I don't recall.

Q When was the timeline completed?

A I don't know. I don't recall really. Unless there was a date on it. I don't know.

Q Well, the timeline was completed at least by July 31st, right, which is the date that it was sent to TAG, correct?

A I believe here -- I believe here it says it's a work in progress.

Q A work in progress. So do you know how much of the timeline was complete by July 31st?

A I don't.

Q Was it at least the amount that was attached to the email?

MS. SHAPIRO: Objection.

THE WITNESS: I imagine so.

BY MS. HUDSON:

Q There are a couple of dates that postdate that email at the end of this timeline, August 3rd, 2024 and August 6th, 2024. Do you know how those dates got on there?

A I don't at the moment.
Q Okay. Do you think this timeline that was sent to TAG was complete up to at least July 30th, 2024 at the time it was sent?
A I would be guessing. I don't know for sure.
Q Okay. But it was complete at least as of August 6th, 2024, correct?
A I don't know.
Q Well, this is your document, Mr. Heath.
A I know. I just don't -- I don't recall.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Okay. Did you add or direct anyone to add any information to this timeline after August 6th, 2024?
A I don't have a recollection of it.
Q Okay. This timeline was complete, though, before -- well, let me ask you this.
When was the -- the -- the timeline that you produced in the form that it was produced, when was it completed?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know. I would need a document to help me -- help understand that

because I'm just guessing. I don't know.
BY MS. HUDSON:
Q Well, it was produced as attached to that email.
A I see.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Okay. So do you have any reason to believe that it was not complete as of the date of that email?
MS. SHAPIRO: Objection.
THE WITNESS: I'm -- I'm just guessing because I just don't know. I'm just looking at it and I'm seeing this, and I don't know at that time what was attached. So I don't.
BY MS. HUDSON:
Q Other than you and Ms. Toskovic, did anyone else provide information for this timeline?
A I don't know. It is possible. I don't know.
Q Well, this was a document you asked to have prepared, right?
A Correct. I imagine it's just Mitz and I, but that's the best -- that's the best that I know.
Q You think it's just you and Ms. Toskovic?

MS. SHAPIRO: Objection.

THE WITNESS: I believe, but I don't know for sure.

BY MS. HUDSON:

Q Did you talk to Mr. Baldoni about this timeline?

A I may have.

Q Did you get his input in preparing it?

A I do not think so.

Q This timeline was complete before Ms. Lively filed her CRD complaint, correct?

A Well, if it was sent on July 31st, then whatever -- at whatever stage it was, this would have been in July of '24.

Q And the document that we're looking at now that was produced to us as attached to that email, which is how it came to us, that -- July 31st, 2024 would have been before Ms. Lively filed her CRD complaint, correct?

MS. SHAPIRO: Objection.

THE WITNESS: July 31st is certainly before January '25, or December 21st.

BY MS. HUDSON:

Q And you have no -- you have no reason to believe that this timeline was updated or changed in

any way after, at minimum, August 6th, 2024, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q You don't know?

A I don't.

Q Okay. You have no recollection of making any changes to this timeline after August 6th, 2024, correct?

A To this timeline --

MS. SHAPIRO: Objection.

THE WITNESS: -- I don't have a recollection.

BY MS. HUDSON:

Q Okay. And you don't know -- you didn't direct Ms. Toskovic to make changes to this timeline after August 6th, 2024, correct?

A I don't recall. I don't know.

Q Okay. Why did you send the timeline -- or why did you have the timeline sent to -- well, strike that.

Do you know why the timeline was sent to The Agency Group?

A To TAG?

Q Yes.
A I think at that point, it was a -- a quick way to give them a glimpse of a timeline of our experience.
Q Your experience with Ms. Lively?
A Our experience that was outlined in this timeline.
Q Your experience with Ms. Lively?
A That is part of it.
Q Okay. It was a way to give TAG a quick update -- or a summary of the alleged incidents, as you described them, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I wouldn't characterize it as that. I just think it was a quick way to get a little bit of an update of some of the elements.
BY MS. HUDSON:
Q Some of the elements of issues that had arisen with Ms. Lively, correct?
A Of our experience of the set, and some of that included experiences with Ms. Lively for sure.
Q And that's because you had retained TAG at that point to help you with crisis management related to your concerns about Ms. Lively potentially going public, correct?

MS. SHAPIRO: Objection.

THE WITNESS: No, it wasn't about Ms. Lively going public.

BY MS. HUDSON:

Q What was it about?

A We didn't know what would become public. We knew that there was a lot of contention. We knew that Justin was at a point where he had lost the movie. People had unfollowed him. We heard whisperings that she was saying some things about us that were not kind. We didn't know where we stood, and some of this was like, what is this -- if any sort of media or people start looking into why are they unfollowing, what is going on there? We just wanted some guidance and some -- some consultation of how we manage that.

Q And this information that's in this timeline is what you wanted TAG to know if people were speculating about why Mr. Baldoni was being unfollowed, correct?

MS. SHAPIRO: Objection.

THE WITNESS: This was part of it.

BY MS. HUDSON:

Q Did you ever tell someone that you were hiring a crisis management team that was costing you

$9 million?

A Yeah, I said that. It was a hyperbole. It was a joke.

Q What does that mean?

MS. SHAPIRO: Objection.

THE WITNESS: I said to my wife yesterday about a sandwich that cost $6,000. It was a way to say that we're spending money. And it was an exaggeration just to make a funny point.

BY MS. HUDSON:

Q Meaning, it was, in your view, expensive?

A I mean, that's relative. It just was we're having to spend money. PR is expensive. Lawyers are expensive, as you know, like right now. Everything you do is expensive. It's just a reference to things cost money. But it certainly was not mine -- $9 million. That's just a way to have fun with a number.

Q And in addition to TAG, you also hired Jed Wallace and Street Relations, right?

A We eventually did, yes.

Q And you were involved in the decision to hire Mr. Wallace and Street Relations, correct?

A I was.

Q Who else was involved in that decision?

A Part of the consultation was me, Jen. Melissa was the one that suggested it to me. But in terms of the ultimate decision, I'm the one who signed off on it.

Q You authorized it?

A I did.

Q When did you first hear about Mr. Wallace and Street Relations?

A I don't recall when it was.

Q You -- you said Melissa Nathan recommended --

A Correct.

Q -- them?

A Correct.

Q Okay. And what did Melissa Nathan tell you about Mr. Wallace and Street Relations?

A That he was someone that helps supported crisis PR. That they would need some additional support in monitoring. That was pretty much it.

Q That was it, just additional support and monitoring?

A That was -- that was most -- mostly it. Yeah.

Q That was your understanding?

A It was.

Q Did you ever speak with Mr. Wallace or -- Mr. Wallace yourself?
A I did at some point.
Q Did you speak with Mr. Wallace before you retained him?
A I do not believe so.
Q You don't -- you don't believe so.
What did you understand that Wayfarer was hiring him to do?
MR. GLOVER: Objection, form.
BY MS. HUDSON:
Q Let me -- strike that.
Did you have an understanding of what Wayfarer was hiring him to do?
A Yeah, I had an understanding that crisis PR needed some support, and I don't understand that world. It's not my world at all. And when they said they needed some support, great.
Q So you thought it was generic support?
MS. SHAPIRO: Objection.
THE WITNESS: I don't speak the language. I don't understand it. They needed some help. It seemed reasonable. So we signed off on it.
BY MS. HUDSON:
Q And you had no idea what form this help

would come in; is that what you're saying?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: As I said, I don't -- I got a frog in my throat. Can you just give me this?

I would say that crisis PR and PR are not anything that I fully get. I understand, like, general PR that you have for, like, promoting movies and things of that nature. But when there are concerns that you don't know of any crisis that could potentially happen, you consult with those people and their recommendations, is what I went by.

BY MS. HUDSON:

Q You just blindly took the recommendation to retain Mr. Wallace without understanding what he did; is that what you're saying?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: That happens all the time.

BY MS. HUDSON:

Q That happens all the time?

A All the time. I just hired three contractors -- a contractor hired three people to help with my house. I have no idea what they're doing. He said he needed them. There's a plumber

to this. I don't know what they do exactly, other than he needed some support.

Q Did you understand what capabilities Mr. Wallace or Street Relations could perform before hiring him?

A I was understanding that he was going to monitor. He was more of a digital guy that understood the Internet, and he could view and monitor them.

Q So your understanding was he was only going to be monitoring?

A I believe so.

Q And what did you -- what did you understand that to mean?

A I did not understand it. It's like a code that I just don't get, so...

Q You think monitoring is a code?

A No, I'm saying it's like code. I don't understand code. I don't understand crisis PR.

Q Did you understand that there would be some output to Wayfarer from Mr. Wallace or Street Relations?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: I didn't have a full

understanding. I know that crisis PR, TAG, needed support and they would really work together.

BY MS. HUDSON:

Q Did you get a quote for how much it was going to cost to --

A At some point.

Q -- to get support from Mr. Wallace and Street Relations?

A Uh-huh.

Q And how much was that?

A I believe we agreed to 30 thousand a month.

Q And what did you understand that -- you said it was monitoring?

MS. SHAPIRO: Objection.

THE WITNESS: Yeah, I believe so. I believe that was pretty much what I understood.

BY MS. HUDSON:

Q Pretty much what you understood?

A Yeah.

Q Okay. I think earlier you said it was mostly monitoring. Did you have an understanding that it was anything else?

A Monitoring, possibly reporting maybe. That was -- that was the general understanding that

I had.

Q Did you discuss with Mr. Baldoni hiring Jed Wallace of Street Relations?

A I don't recall. I don't remember.

Q Did you discuss with anyone else at Wayfarer what Mr. Wallace was being hired to do?

A I may have.

Q Did you discuss it with Mr. Sarowitz?

A I don't have a particular memory of it but I -- but I may have. I don't know.

Q Did you receive an email outlining the work that Mr. Wallace would be doing for Wayfarer?

MR. GLOVER: Objection. Form.

THE WITNESS: I believe there was an email that came in that I only know about more recently, but I never looked at it.

BY MS. HUDSON:

Q You didn't look at it?

A I did not.

Q Did it come to you?

A I believe my email was on it, yes.

Q You believe it did come to you?

A I believe so.

Q But you're saying --

A Only because I've learned more recently

that something came and I may have got it.

Q So an email came to you outlining what Mr. Wallace would do?

MR. GLOVER: Objection.

BY MS. HUDSON:

Q You believe you --

MR. GLOVER: My apologies.

BY MS. HUDSON:

Q Just to make sure I understand.

You believe an email came to you that outlined what your understanding was, but what you believe -- what was being described about -- what -- strike that.

A It's okay.

MS. HUDSON: Let me show you the email. How about that?

THE WITNESS: All right. You got it.

MS. HUDSON: I'm going to hand you what we marked as Exhibit 19.

(Exhibit 19 marked for identification.)

THE WITNESS: Can I get some water? Do you mind if I just get up and get the water?

MS. HUDSON: Sure. Go right ahead. Actually, if you wouldn't mind. The videographer is going to get you some.

THE WITNESS: Thank you so much.
BY MS. HUDSON:
Q Exhibit 19 is an email chain, dated August 7th, 2024, Bates-stamped HEATH_28187. The bottom of this chain is an email from Katie Case to Jamey Heath, Jennifer Abel, Melissa Nathan and Breanna B.
A Yeah.
Q Subject "Social Digital Mitigation Remediation."
Do you see that?
A Uh-huh.
Q Is that a yes?
A I do see it.
Q Okay. And is this the email that you believe you received that set forth what Street Relations would do that you didn't read?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: Yes, now that I'm looking at this, I can confirm that I never saw this in real time at that time.
BY MS. HUDSON:
Q You did not see this in real time?
A I do not have any recollection of seeing

this.

Q This is your email address, though, correct?

A It is.

Q Okay. So -- and it says on here that:

(As read):

"The team will focus on the social and digital elements."

Do you see that?

A I do.

Q (As read):

"Boosting SEO efforts and updating with new content to enforce SEO efforts, monitoring and directly influencing forums that are working against Justin and Wayfarer to adjust the narrative in real time and collate assets and background to work in conjunction with Jen and her team as well as TAG PR."

Do you see that?

A I do.

Q Okay. Now, you mentioned that you understood Mr. Wallace and Street Relations would be doing monitoring but not these other things that are listed here, right?

MS. SHAPIRO: Objection.
MR. GLOVER: Objection. Form.
THE WITNESS: I never saw these other things listed here.
BY MS. HUDSON:
Q And no one told you about them?
MS. SHAPIRO: Objection. Objection.
THE WITNESS: I -- I never discussed or recall seeing anything about this.
BY MS. HUDSON:
Q Okay. And the next sentence says:
(As read):
"The integral part here is to execute all without fingerprints."
Do you see that?
A I see that?
Q And your testimony here today is that you did not see this email at the time that the plan was to execute all of this without fingerprints?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I don't believe I ever responded to this. I never saw this at the time.
BY MS. HUDSON:
Q Okay.

So did you have any conversations with Mr. Wallace directly about what his work was?

A Not about what his work was.

Q You never talked to Mr. Wallace about what he was doing for Wayfarer?

A I did not have a -- at this point, I had a discussion with him more about saying, hello, I know you're here to help the team, but I did not talk about what he was doing.

Q Did you ever speak with Mr. Wallace about the work that he was doing for Wayfarer that he was retained to do?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: I don't believe so.

BY MS. HUDSON:

Q You never did?

A I do not believe so. I don't have a recollection of having a specific discussion.

Q Okay.

A About what he was doing.

Q So Ms. Abel responded to this email on August 7th?

A Yeah.

Q And you are copied on the response as

well. It's sent to you and Katie Case.

Do you see that?

A I do.

Q Did you receive Ms. Abel's email?

A I don't believe I have ever looked at this thread.

Q So you had two emails here, and you didn't look at either one of these; is that what you're saying?

MS. SHAPIRO: Objection.

THE WITNESS: I get so many emails today, and I'm not dealing with the granular work of this stuff. This was not my language so I was not monitoring all this stuff. Once it got to a point of decision-making, then they would report to me. I would either take a call, maybe respond to one or two emails, and that was it. But I did not look at the granular discussions.

BY MS. HUDSON:

Q Okay.

A Or at least I don't recall ever doing so. Not ever, but mostly.

Q Did you pay Mr. Wallace's invoices?

A I did.

Q Okay. Do you recall that Ms. Nathan also

described Mr. Wallace's services as "most importantly untraceable" to you?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall that at the time.

BY MS. HUDSON:

Q Do you recall her describing to you the crisis work that was going to be performed for Wayfarer to be "most importantly untraceable"?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: I don't have a particular memory about that. Is it possible that something of that nature was said and I don't recall it? I suppose, but I -- I don't -- I don't recall anything.

BY MS. HUDSON:

Q Did you receive a text that said that?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: I'm happy for you to share it with me.

BY MS. HUDSON:

Q You don't recall a -- a text that you

received that said, "all of this will most importantly be untraceable"?

MR. GLOVER: Objection. Form.

THE WITNESS: Is this a group text?

BY MS. HUDSON:

Q I'm just asking you if you recall?

A I don't -- as I've said, I don't recall.

Q Okay. Did -- yeah. And you don't recall Ms. Nathan communicating that to you verbally?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: Certainly, not verbally. But I don't recall anything that I looked at any of these at the time. There was a lot going on. I was distracted with most other things. And I assumed that Melissa was -- and Jen were more granular in it. And once there was time to discuss something in person, meeting on the phone, they would update me.

BY MS. HUDSON:

Q Okay.

A This just looks like a clarification -- as I'm reading it, like something -- Jen looks like she's just clarifying, so I don't see that I've responded to any of this.

Q And the -- well, the -- this details what

the money is for, right?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q This explains what the $30,000 is being used for; isn't that what this is -- what this email is?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: It appears that this is a proposal of some sort. And that these are possible services, and it's preliminary discussions. That's what it seems to me.

BY MS. HUDSON:

Q In Ms. Abel's email above, she talks about -- she says that the -- strike that.

MS. HUDSON: I'm handing you Exhibit 20.

MS. SHAPIRO: Mr. Hernandez, how much time is left?

THE VIDEOGRAPHER: We're at six hours, eleven minutes.

MS. HUDSON: Exhibit 20 is an email chain including Mr. Wallace, Katie Case, Jamey Heath and Melissa Nathan. Bates-stamped SR100009.

(Exhibit 20 marked for identification.)

BY MS. HUDSON:

Q Mr. Heath, do you recognize this as an email chain in which you participated?

A I do.

Q So this one you recognize?

MS. SHAPIRO: Objection.

THE WITNESS: I can see that I participated. Let me just say that I can see I participated, that my email is on it, but I'm looking for -- that have I participated in it? I don't see that I have. But I see that it's --

BY MS. HUDSON:

Q Do you recall receiving this email?

A I don't recall receiving it. But I see that it's directed to me. "Jamey, an absolute pleasure."

Q Well, I see -- I -- I'm -- I'm -- I want -- what I'm asking you, though, is what -- whether you recall receiving this email at the time. And your answer to that is no?

A I don't recall it.

Q Do you recall Melissa Nathan telling you -- introducing you to Jed and telling you that:

(As read):

"We will be having his team assist on all social activity based off our own conversations as well as their digital plan you are in receipt of."

Do you recall her communicating that to you?

A I don't recall this email.

Q You don't recall this email?

A I don't.

Q Do you recall learning that Ms. Nathan communicated to you that:

(As read):

"Jed and team have worked on some of the most monumental BTS projects globally"?

A I don't. I just know that, at this stage now, we were bringing on TAG, I believe, had already -- now was helping us. They had said they needed support. And maybe they were trying to introduce me to Jed at some point, but I don't believe we connected, and I did not read all the details of what was going on so...

Q So it says, in this email from Melissa Nathan at the bottom, that:

(As read):

"Jed is aware that we are going for their, quote, two option for $30,000 per month for three months."

Do you see that?

A I do.

Q Did you know what Ms. Nathan was referring to as the, quote, two option?

A I don't recall what I knew. I would need to see where I'm involved at this point. There was many conversations. I was, you know, quickly having phone calls. There was a lot. So what I recall is that for $30,000 a month, this is what it will cost for him to help and join. And I had to approve a number. I think there was another option with a different amount -- a different price to it. And this is what we chose. But, again, I was not involved in the granular of this.

Q You were not involved? Okay. All right.

A My only conversations were just to give instructions on what I expected anybody that was working for us to do.

Q And what was that? What were those?

A Just to do it in line with how we wanted to position ourselves always, was to keep a clear head about making sure that we're doing things that

doesn't add any fire to anything, that only defends whatever we need to to make sure that stories are accurate in case they come in, and to monitor what is going on. And I wanted people to hear that from me.

Q And you were not looking at the written communications that were coming to you that were describing the actual services that were going to be provided?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if I would have even understood the services. So I would have conversations just so that people could hear my voice, and I could tell them what I expected. I don't know how you do all the granular stuff. I just expect it to be done in this way.

BY MS. HUDSON:

Q Okay. And in the granular stuff was given to you, but you're saying you didn't read it, right?

MR. GLOVER: Objection. Form.

MS. SHAPIRO: Objection.

THE WITNESS: I did not read the granular stuff. I did not.

BY MS. HUDSON:

Q Okay.

A I don't -- I don't believe so because I have no memory of it at that time.

MS. HUDSON: Let's go off the record.

THE VIDEOGRAPHER: We are going off the record. The time is 6:28 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 6:44 p.m.

BY MS. HUDSON:

Q Mr. Heath, I'm handing you a document that we've marked as Exhibit 21.

A Okay.

MS. HUDSON: Exhibit 21 is an email chain between Mr. Heath and Jed Wallace, dated August 10, 2024, SR_154 through 55.

(Exhibit 21 marked for identification.)

BY MS. HUDSON:

Q Do you recognize this communication between you and Mr. Wallace, Mr. Heath?

A I do.

Q And you participated in this on August 10th, 2024 -- well, starting on August 10th, 2024?

A I did.
Q Okay. And the first communication in the chain is from you to Mr. Wallace, right?
A It is.
Q And you asked Mr. Wallace to give you a call, correct?
A I do.
Q Did you talk to Mr. Wallace? Did he give you a call?
A I don't remember who called, but we did speak.
Q You did speak. And what did you discuss?
A I -- I have a -- pretty much a very customary thing that I do whenever there's someone that's going to be working with us at Wayfarer. I want to say hello regardless of what they are doing. And then have them hear from me who we are, how we want to go about things. I know that you've joined the team. So nice to meet you. You know, we've hired crisis because we're not -- we just needed some consultation of some of the stuff we've been experiencing and some of our fears and all that we've been through at this point.
And I know that you're here to assist and, you know, just please know I'm not suggesting

you're doing anything that would not be consistent with who we are, but I want you to hear from me about how we operate. We exchanged some pleasantries. And the rest seems to be about that.

Q Did Mr. Wallace say anything in this phone call?

A Great to meet you. You know, we will do our best to -- to monitor and to, you know, do some good work. And it was more on that regard.

Q Did he say anything else?

A I don't recall exactly what he said. But that was the purpose of the call.

Q Did you talk at all about what Mr. Wallace would be doing for Wayfarer?

A I don't believe so.

Q And I think you said you wanted to make sure that -- that you're not suggesting that you're doing anything that would not be consistent with who we are. Did you have some concern that Mr. Wallace might be doing some work that would be inconsistent with who Wayfarer is?

MR. GLOVER: Objection. Form.

THE WITNESS: No, I did not have concern about him specifically. I just have this conversation with everyone. Every movie that we

make. Anyone that we're involved with in any level. I always express, like, how I like to do business. And he was one included in that.

BY MS. HUDSON:

Q And you didn't ask him anything about the work he was going to be doing for the money that Wayfarer was paying him; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: I don't believe so. I don't think so.

BY MS. HUDSON:

Q Did you have any other conversations with Mr. Wallace, other than this one, regarding the work that Mr. Wallace -- let me ask you first.

Did you have any other conversations with Mr. Wallace at all other than this one?

A Yeah, we had a few conversations.

Q When was your next conversation with Mr. Wallace?

A I don't remember when the next one was.

Q Was it in August of 2024?

A It may have been. I don't recall when it was.

Q How many times did you speak with Mr. Wallace in August of 2024?

A A handful. I don't know exactly.

Q And do you recall any of the -- those conversations with any specificity?

A From our first conversation, he seemed like a really nice guy. We talked about -- I remember we talked about our kids, and he would just check in, how are you doing. He knew that there was a lot of social noise going on, and he was just oftentimes calling to express his -- for lack of a better word, his love.

Q So Mr. -- your conversations with Mr. Wallace after meeting him in August of 2024 were about his love for you?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: No.

BY MS. HUDSON:

Q When you say "his love," what do you mean by that?

A That's a term I would use just to express some -- some nice words of encouragement. You know, we see what's going on. We're monitoring. I hope you're well. Things of that nature.

Q Did he tell you what he saw going on?

A We did not really get into that much,

other than him saying things like, things are looking okay out there. So sorry for what's going on. He would give some general acknowledgments of that nature, but we didn't get into the weeds.

Q He didn't tell you what it was he saw?

A I don't recall exactly what was said, but we did not get into weeds of stuff.

Q So your -- your testimony is that in the conversations that you had with Mr. Wallace, they were just check-ins essentially about your well-being?

MS. SHAPIRO: Objection.

THE WITNESS: I mean, I'm looking at our text threads here. "I appreciate this message. Congrats on a big weekend. Appreciate you. Looking forward to meeting you. Just checking in." That was typically, you know -- we connected.

BY MS. HUDSON:

Q You didn't have conversations about the work, though, is that what you're saying, that you had contracted with Mr. Wallace to do for nearly $100,000?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: It would be like me having

a conversation with somebody about a world in a language I just don't understand. That wasn't our conversation. It was just more -- we connected and that was what our conversations were.

BY MS. HUDSON:

Q I'm trying to understand why you feel the world that Mr. Wallace occupied was something that you couldn't understand. Why is that?

MS. SHAPIRO: Objection.

THE WITNESS: I am not a digital monitoring person that understands social media and all of that. So...

BY MS. HUDSON:

Q What did you understand digital monitoring to mean?

A Monitoring what was going on in the digital realm.

Q And you weren't curious about how Mr. Wallace did that?

A It wasn't one of my -- I didn't have any reason to be concerned about it or think about it beyond that. It just was he was here to help, and that's all that -- that's all that mattered. He was doing it in a way that I understood was aligned with us.

Q On August 11th, Mr. Wallace said -- you -- you refer to Signal.
Do you see that?
A Which one is this?
Q August 11th at 12:02 a.m.
A Hey, man, I appreciate your message. I could tell after speaking with you --
Q In the middle, you say:
(As read):
"As for Signal, I'm not on it, but we'll set that up this week for sure. I'll let you know once I've done that."
Do you see that?
A I do.
Q Did you set up Signal at this time?
A I must have. I think I might -- I think I did.
Q And did you let Mr. Wallace know that you had set it up?
A I don't know.
Q Did you communicate with Mr. Wallace on Signal at this -- after August 11th, 2024?
A I think there was a few -- a few messages sent.
Q And when did you first send a Signal

message to Mr. Wallace?

A I don't recall.

Q When did you first receive a Signal message from Mr. Wallace, if at all?

A I don't recall. I guess it would have been around this time. That's my guess.

Q Okay. And did you communicate on Signal with anyone else after you obtained Signal?

A I don't think so.

Q The only person --

A There could have been somebody, but I don't think so.

Q The only one you recall communicating with on Signal was Mr. Wallace?

MS. SHAPIRO: Objection.

THE WITNESS: The time, I don't remember. It could have been. I -- I would have to refresh my memory. Maybe there was something with Jen and Melissa on there, but I don't have a specific memory of it.

BY MS. HUDSON:

Q Did you have a group chain with Mr. Wallace, Ms. Abel, and Ms. Nathan at this time?

A I don't know if that was on Signal or a text message, but I think that we did.

Q You think you did on Signal?
A I don't know which one.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q You might have on Signal?
MS. SHAPIRO: Objection.
THE WITNESS: We may have.
BY MS. HUDSON:
Q You believe that there was at minimum a text chain with you, Ms. Nathan, and Mr. Wallace?
MR. GLOVER: Objection. Form.
BY MS. HUDSON:
Q Regardless of platform?
MS. SHAPIRO: Objection.
THE WITNESS: I think there may have been. I don't -- I'm happy to be refreshed.
BY MS. HUDSON:
Q Other than Mr. Wallace and possibly Ms. Nathan and Ms. Abel, is there anyone else that you recall communicating with on Signal and in August of 2024?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know the month. There was so many ways of communicating, email, phone -- excuse me -- text messages. Signal could

have been one of them. I just don't know.
BY MS. HUDSON:
Q So you may have communicated with other people on Signal in August of 2024 other than the ones you identify?
A I don't have a particular recollection of it because I think that was the only people that I communicated with at that time, but I don't know.
Q Did you communicate with Mr. Freedman on Signal in August of 2024?
A I don't know.
Q You may have?
A I don't know.
Q Did you communicate with Mr. Baldoni on Signal in August of 2024?
A I don't know.
Q When you downloaded Signal, did you make any effort to change any of the settings for the handling of preservation of messages?
A In August?
Q When you downloaded Signal?
A No.
Q Did the messages that you exchanged on Signal in August of 2024 automatically disappear as far as you know?

MS. SHAPIRO: Objection.

THE WITNESS: I think that depends on whatever thread I was on, whoever initiated it may have set the settings. I don't have any particular memory of myself setting something to disappear.

BY MS. HUDSON:

Q And did you set up your Signal messages so that they would not disappear?

A In August?

Q Yes.

A I don't believe I was thinking about that.

Q Did you communicate by Signal in September of 2024?

A I may have.

Q And who do you believe you may have communicated with on Signal in September of 2024?

MS. SHAPIRO: Objection.

THE WITNESS: It would be a guess. I just don't know.

BY MS. HUDSON:

Q Did you communicate with Mr. Wallace on Signal in September of 2024?

MR. GLOVER: Objection. Form.

THE WITNESS: I may have.

BY MS. HUDSON:

Q Did you communicate with Ms. Abel on Signal in September of 2024?

A I may have.

Q Did you communicate with Ms. Nathan on Signal in 2024?

A I may have.

Q Is -- did you communicate with Mr. Freedman on Signal in 2024 -- in September of 2024?

A I know for sure not.

Q And why do you know that one for sure?

A Well, because I only had one conversation with Mr. Freedman.

Q On Signal?

A No. I had one conversation with him in -- I don't remember what month it was. Maybe it was in August.

Q Did you communicate with anyone on Signal in October of 2024?

A I may have.

Q And did you speak with -- did you communicate with Mr. Wallace on Signal in October of 2024?

A It's the same. I may have. I'm -- I

don't have a particular recollection of it. I'm certainly not disputing that I would or would. I just don't have a memory. I mean, I don't know.

Q Did you communicate -- do you have any memory of communicating with Mr. Wallace in November of 2024 on Signal?

A I may have.

Q And I asked you about Mr. Wallace in October and November. In those months, did you communicate with Ms. Nathan or Ms. Abel on Signal?

MS. SHAPIRO: Objection.

THE WITNESS: I may have.

BY MS. HUDSON:

Q Did you communicate with anyone -- any Wayfarer employees on Signal between August and December 2024?

A I don't know during that -- during that period of time.

Q You don't know but you may have?

A I don't have a memory of it during that time, no.

Q For any of the communications that you had on Signal between August and December 2024, do you have any of them still?

MR. GLOVER: Objection. Form.

THE WITNESS: I haven't done anything to them.

BY MS. HUDSON:

Q You haven't done anything to them?

A I haven't deleted anything.

Q Have you looked at Signal to see if you have any messages with Mr. Wallace, Ms. Abel, Ms. Nathan, or anyone else connected to this matter between August and December 2024?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. HUDSON:

Q You don't know if you've looked?

A From August to December?

Q Yes.

MS. SHAPIRO: Objection.

THE WITNESS: You're saying from August to December, that period, if I've looked even like yesterday or last month or that? Or are you talking about in that time frame?

BY MS. HUDSON:

Q Have you looked for to see if you have any of the Signal communications that you engaged in with Mr. Wallace, Ms. Abel, Ms. Nathan, or anyone else connected with this matter for the time period

August 2024 through December 2024?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q You don't know if you've looked?

A I don't know.

Q Do you have your phone here with you?

A I do.

Q Is Signal on your phone?

A It is.

Q So if we wanted to know if you had any communications between August and December of 2024 with Mr. Wallace, Ms. Nathan, or Ms. Abel, or anyone else affiliated with this manner, you could check, correct?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: In theory, sure.

BY MS. HUDSON:

Q You would be capable of looking, right?

A I am capable.

Q Okay.

The Signal messages that you believe you engaged in with Mr. Wallace in August of 2024, do you recall what the subject matter of those

communications were?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: I don't.

BY MS. HUDSON:

Q Did Mr. Wallace tell you why he wanted you to -- why he suggested Signal for you?

MS. SHAPIRO: Objection.

THE WITNESS: I don't remember specifically.

BY MS. HUDSON:

Q Do you remember generally?

A I think Signal, from what I understood, was a platform that was protected beyond many others that could be hacked. So that's what I understood the reason for people using Signal.

Q Did you observe in any of the communications that you made on Signal that they disappeared?

A Did I ever observe -- repeat that, please.

Q Yes. Let me strike that. I am going to ask you a different question.

A Okay.

Q For the time period between August 2024

and December 2024, do you recall ever observing that a message you had sent or received on Signal during that time period disappeared?

A I don't have a particular memory of it.

Q Okay. Did Wayfarer have any policies, procedures, or practices regarding document retention?

A All of our emails are -- are retained. There is no auto delete.

Q Are they retained forever?

A I believe so.

Q Okay. Does Wayfarer have any policies or procedures on document retention?

A I -- I do not know the answer to that, if we have a particular policy about document retention.

Q So you said that your emails don't auto delete, right? Are there any policies that direct employees not to delete emails manually?

A I don't know the answer to that.

Q Does Wayfarer have any policies, procedures, or practices regarding document deletion?

A I don't know the answers to that in general -- generally.

Q Have you taken any steps to learn if Wayfarer has any policies, practices, or procedures regarding document retention or deletion?

MS. SHAPIRO: Objection. Just to be clear again, he's not here as a 30(b)(6) witness.

THE WITNESS: I have not taken any particular steps as a company to make sure that our -- there is some sort of policy. But Wayfarer is -- is aware to not delete anything.

BY MS. HUDSON:

Q And how would you know? How is Wayfarer aware not to delete anything?

MS. SHAPIRO: Objection.

THE WITNESS: Once we received the CRD complaint, sometime at that point we were made aware, and that was communicated.

BY MS. HUDSON:

Q So you -- you weren't aware of any obligations to preserve or not delete documents until you received the CRD complaint?

MS. SHAPIRO: Objection.

THE WITNESS: Was not aware.

BY MS. HUDSON:

Q So did you make any effort to preserve or not delete documents prior to receiving the CRD

complaint?

MS. SHAPIRO: Objection.

THE WITNESS: Other than what I said, that there was no reason or auto delete happening, there was no particular effort to go outside the normal scope.

BY MS. HUDSON:

Q And you said that you received instructions to preserve documents after Ms. Lively filed her CRD complaint?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know if it was the CRD complaint or the lawsuit. I don't recall, but during that period we learned that there was -- or maybe it was a -- maybe it was a notice from Mr. Gottlieb. Sometime in that frame we were made aware. I don't recall where it came from.

BY MS. HUDSON:

Q Are you talking about the cease and desist letter that we sent?

A It may have been that. I don't recall exactly. It was just in that time frame.

Q And did you take some steps to preserve documents once you received the cease and desist letter?

A Yes.
Q What steps did you take?
A Made sure that personally, if there was anything that was said to disappear or delete, that they were not. Told Wayfarer parties to not delete anything, that in case they otherwise might. I can't recall at the moment, but I think those were the general steps.
Q Okay. And did you have any personal devices that were set for automatic deletion at that time?
MS. SHAPIRO: Objection.
THE WITNESS: There may have been some threads that were on Signal. So I just reviewed them and made sure that they were not on disappearing mode.
BY MS. HUDSON:
Q So what was -- what was there between August and December 2024, you ensured it was not on auto disappearing mode?
MS. SHAPIRO: Objection.
THE WITNESS: I don't understand the question.
BY MS. HUDSON:
Q Well, you said that you had some

communications between August and December of 2024, correct?

A Yes.

Q And when you got the cease and desist letter, you looked at the threads to make sure that they were not on automatic disappearing mode, correct?

A Correct.

Q So at the time that you did that, those threads existed, correct?

A Correct. I imagine so.

Q And they should still be there then, right?

A I believe they would be.

Q And were any of those threads related in any way to Ms. Lively, Mr. Reynolds, or any of the issues in this litigation?

MS. SHAPIRO: Objection. Form.

THE WITNESS: I didn't pay attention to the content. I just made sure that whatever thread there was, was -- was not -- there is no nothing in there that would auto delete or auto disappear.

BY MS. HUDSON:

Q And that's for all your Signal communications?

A I believe so, yes.
Q And you said that there were instructions given to other Wayfarer parties. How were those instructions given?
A If I recall, I had a meeting with everybody that we had received a lawsuit or something and instruct everybody to just preserve, if they weren't already, their documents.
Q And this was verbal, this meeting?
MS. SHAPIRO: Objection.
THE WITNESS: I believe so.
BY MS. HUDSON:
Q And who was at that meeting? Was it -- what -- let me ask you this way.
It was Zoom? Was it in person? How did this meeting take place?
A Mostly in person. There may have been some Zoom participants.
Q And who was present?
A It would have been the Wayfarer staff.
Q All the Wayfarer staff?
A I believe so.
Q You assembled the whole company?
A I do that often.
Q Okay. But I'm asking you here. You

assembled the whole company to --

A I believe so.

Q And was the purpose of that, to discuss document preservation?

A That's one of the things that I had said. I don't recall the exact purpose, but that was something that I expressed.

Q Did you take any steps to ensure that people followed that direction?

A I don't recall.

Q When Mr. Wallace talked to you about Signal, did he mention the app's disappearing feature?

A I don't believe so.

Q Did he tell you that he used the app's disappearing feature?

MR. GLOVER: Objection. Form.

THE WITNESS: I don't believe so.

BY MS. HUDSON:

Q Did Mr. Wallace suggest to you that you should use the app's disappearing feature?

A I don't believe so.

MR. GLOVER: Objection. Form.

BY MS. HUDSON:

Q Did Mr. Wallace give you any explanation

at all as to why you should communicate using Signal?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall. I just know that I understood, again, that it was a safe platform to share sensitive material that oftentimes can be hacked through other means.

BY MS. HUDSON:

Q And what sensitive material did you understand that Mr. Wallace might be sharing with you?

MR. GLOVER: Objection. Form.

THE WITNESS: We were talking about sensitive text, this movie and our fear and crisis, how we manage through this. And that seemed to be something we wouldn't want any chance of someone hacking.

BY MS. HUDSON:

Q And those are the things you talked to Mr. Wallace about on Signal?

MS. SHAPIRO: Objection.

THE WITNESS: No. I'm giving you my reason of -- my understanding of why we would use Signal.

BY MS. HUDSON:

Q Okay. We talked earlier about Shane Norman's lawsuit against Wayfarer.

Do you recall that?

A I do.

Q Wayfarer was also sued by Travis Flores, correct?

A Yes.

Q And Travis Flores sued for copyright and infringement based on his book Three Feet Apart, correct?

A I don't know what the name of the book was, but I think that's basically the story.

Q And he claimed that the Wayfarer movie Five Feet Apart was based on his story, right?

A I believe something like that.

Q And it was your lawyer, Bryan Freedman, who represented Mr. Flores in that lawsuit, correct?

A I've learned something to that extent, but I was not -- I don't believe I was at Wayfarer at the time.

Q Okay. And did you ever see Mr. Freedman's statement in January of 2025, about the fact that he was representing you after having represented Mr. Flores in a lawsuit against

Wayfarer?

MS. SHAPIRO: Objection.

THE WITNESS: I vaguely recall something about it.

BY MS. HUDSON:

Q And do you recall that he said that, "the previous lawsuit that he filed against Mr. Baldoni and Wayfarer, that Mr. Baldoni had done nothing wrong and that there was no liability on their part whatsoever"?

MS. SHAPIRO: Objection.

MS. HUDSON: You're saying that's in his statement?

BY MS. HUDSON:

Q Yes. Do you recall hearing that statement from Mr. Freedman?

MS. SHAPIRO: Objection.

THE WITNESS: I have a vague memory of that. Something of that.

BY MS. HUDSON:

Q And do you recall Mr. Freedman's statement in which he said, "As a result, the case was resolved without any liability on Justin's or Wayfarer or any other defendant's part. This only further confirmed to me that Justin and Wayfarer are

exceedingly honorable and highly ethical"?

A Okay.

MS. SHAPIRO: Objection.

BY MS. HUDSON:

Q Do you recall that statement from Mr. Freedman?

A I have a vague memory of it.

Q Did it concern you at all that Mr. Freedman sued you even though he believed his client did nothing wrong and that there was no liability on your part whatsoever?

MS. SHAPIRO: Objection.

THE WITNESS: Can you repeat that, please?

BY MS. HUDSON:

Q Did it concern you at all that Bryan Freedman sued Wayfarer and Mr. Baldoni, even though he believed that they did nothing wrong, and that there was no liability on their part whatsoever?

MS. SHAPIRO: Objection.

THE WITNESS: Well, I don't know -- I don't know what the timing of that, so I can't really speak to it. It could certainly mean that after he took the case and was moving forward, he learned otherwise and that was his statement. I

don't know. I can speak to it.
BY MS. HUDSON:
Q Well, did it concern you that Mr. Freedman publicly stated that his own client claims had no merit?
MS. SHAPIRO: Objection.
THE WITNESS: I didn't give it a mind.
BY MS. HUDSON:
Q You didn't -- you didn't give it a mind?
A No.
Q You didn't think about that?
A I did not.
MS. SHAPIRO: Objection.
BY MS. HUDSON:
Q Okay. Did you know that Mr. Flores was dead at the time Mr. Freedman made his statement?
MS. SHAPIRO: Objection.
THE WITNESS: I am aware that Mr. Flores has passed, yes.
BY MS. HUDSON:
Q Okay.
MS. SHAPIRO: Counsel, this has nothing to do with this lawsuit.
MS. HUDSON: I don't need your speaking objections. My questions are done. We're moving

on. Thank you. Don't waste my time on the record with that.

MS. SHAPIRO: Well, you shouldn't waste the witness' time and counsel's time --

(Cross talk.)

MS. HUDSON: I'm going to hand the witness a document --

MS. SHAPIRO: -- with matters, not proper matters of discovery.

MS. HUDSON: That's a speaking objection. Please do not make it. Thank you.

MS. SHAPIRO: You got 14 minutes left.

BY MS. HUDSON:

Q Are you aware that Mr. Freedman threatened your --

MS. SHAPIRO: Fourteen.

MS. HUDSON: Counsel.

MS. SHAPIRO: Counsel.

MS. HUDSON: Let's go off the record. You can say whatever you want to say to me off the record.

MS. SHAPIRO: Let's go back on the record. Let's go back on the record.

MS. HUDSON: I'm not going on the record. You're not using my time --

(Cross talk.)
MS. SHAPIRO: If you're going to use them, use them up. Go.
THE VIDEOGRAPHER: Off the record?
MS. SHAPIRO: No. Go back on the record.
MS. HUDSON: I am not using my time for you to talk.
BY MS. HUDSON:
Q Are you aware that Mr. Freedman threatened journalists on Wayfarer's behalf?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know what you're referring to.
BY MS. HUDSON:
Q Are you aware that Mr. Freedman told a journalist that, "You are a liar and dishonest and I am coming after you"?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know what you're referring to.
MS. HUDSON: I'm going to hand the reporter a document -- hand the witness a document that we've marked as Exhibit 22 [sic].
(Exhibit 7 marked for identification.)

THE WITNESS: Okay.
BY MS. HUDSON:
Q We -- this is a text chain between Mr. Baldoni and Mr. Heath dated January 24th, 20 -- I'm sorry -- December 24th, 2022.
MS. HUDSON: Actually, can we switch that out? That was Exhibit 7 that I had previously marked.
THE WITNESS: You don't want me to read this?
BY MS. HUDSON:
Q I'm going to take that one because I'm going to give you Exhibit 7 instead.
Do you recognize this as a text chain between you and Mr. Baldoni on December 24th, 2022 Bates-stamped BALDONI 33491?
MS. SHAPIRO: I don't have Exhibit 7. I have 6 and 8.
MS. HUDSON: We -- you can take Exhibit 22 as now Exhibit 7.
MS. SHAPIRO: Okay.
THE WITNESS: What was your question?
BY MS. HUDSON:
Q I just asked you if you recognize this text chain?

A I don't yet. I need to look at it.
Q Have you looked at this long enough to recognize it as a text chain between you and Mr. Baldoni, Mr. Heath?
MS. SHAPIRO: Objection.
THE WITNESS: I haven't because I don't recall this.
BY MS. HUDSON:
Q You don't recall this text chain?
A I don't.
Q Okay. Do you recall Mr. Baldoni sending you a text in which he drafted a communication to Warren Zavala?
A I'm sorry. As I said, I don't recall this so --
Q Do you know who Warren Zavala is?
A I do.
Q You don't recall Mr. Baldoni giving you a draft of a text communication to Mr. Zavala?
A I don't recall this, so --
Q Okay. Well, you -- you -- can you see on page 333492 [sic], that Mr. Baldoni has written you a text?
A I can see that.
Q Okay. And at the top of the text, it

says "Warren."

Do you see that?

A I'm so sorry. If you're going to hand me a document, I -- I want to be able to read it.

Q I'm only asking you if you see the word "Warren"? Do you need to read the whole text to answer that question, Mr. Heath?

MS. SHAPIRO: Objection.

THE WITNESS: But before you ask me questions about it, if you're going to hand me a document, I would like to know what I'm reading.

BY MS. HUDSON:

Q I -- I am -- I am -- I -- I am not asking you questions about the whole document.

A Yeah.

Q I'm only asking you if you see the word "Warren."

Do you see that?

MS. SHAPIRO: Objection.

THE WITNESS: Okay. I can see "Warren."

BY MS. HUDSON:

Q Okay. Thank you.

And then, if you look at the first paragraph that Mr. Baldoni has written here --

A I'm sorry --

Q Are you refusing to answer questions unless you read this entire document?

MS. SHAPIRO: Objection.

THE WITNESS: If you're going to ask me something about a document, I just want to be able to read it.

BY MS. HUDSON:

Q I -- go ahead. Finish reading it. You've already read about half of it. You can finish.

A No, I hadn't. I would like to read it. If you're going to ask me, I just -- I just want to be -- understand what I'm responding to.

MS. HUDSON: Okay. Let's go off the record.

MS. SHAPIRO: We're not going off the record.

MS. HUDSON: I'm taking a break. Yes, we are.

MS. SHAPIRO: We're not going off the record.

MS. HUDSON: Yes, we are. Yes, we are. It's not up to you. This is my deposition. We're going to go off the record.

MR. BACH: How much time is left?

MS. SHAPIRO: There's six-minutes left. Oh, sorry, seven minutes.

MS. HUDSON: Okay. I have seven minutes.

THE VIDEOGRAPHER: Nine minutes left.

MS. HUDSON: Nine. There you go. We're gonna take a 10-minute break. We'll come back for the last nine.

MR. BACH: Let's make a record before you go. Let's make a record.

(Cross talk.)

MS. HUDSON: Not on the record. Not on my time.

MR. BACH: Can we go on the record?

MS. HUDSON: Absolutely not. Okay. You can go on the record and make any statement you want --

MR. BACH: I'm going to go on the record.

MS. HUDSON: -- but you're not taking my nine minutes. I'm not -- you are not taking my nine minutes to make a record.

MS. SHAPIRO: So you can ask more questions about a dead former client of one of the lawyers in this case?

MS. HUDSON: If you want to make a --

MS. SHAPIRO: And how is that -- how is

that proper?

MS. HUDSON: I understand that you are new to this case, and you don't understand everything.

MR. BACH: I want to go on the record. I don't care whether --

(Cross talk.)

MS. SHAPIRO: I'm new to this case, but I'm not new to the practice of law. I've been practicing law for over 30 years. I know the rules, ma'am.

MS. HUDSON: We're going off the record. I have nine minutes left, and I'm going to use them to ask some questions. If you want to make a record, you can add time and make whatever record you want.

MR. BACH: Okay.

MS. HUDSON: Okay? Will you agree that you will -- this is not counting against my nine minutes?

MR. BACH: That's fine. But I want it on the record. I want a record of what's happened.

MS. HUDSON: You -- you want a record of what's happened?

MR. BACH: Yes.

MS. HUDSON: You can make a record if -- if you will --

MR. BACH: I would like to, if you will let me.

MS. HUDSON: If -- I will let you if you will agree that it is not going to impact my nine minutes.

MR. BACH: I've already said fine to that. Do I need to say it again?

MS. HUDSON: Okay. You can make whatever record you want. I'm going to take a break.

MR. BACH: Okay. Can we go on the record for this?

MS. HUDSON: You don't need the video for this. You can just do it for the --

MR. BACH: I'll do it on the video. We're -- I don't need the video.

THE VIDEOGRAPHER: We're still on the record.

MR. BACH: Are we on the record?

Yeah, I just want to say, we had a break less than an hour ago. We made clear to counsel that we didn't want another break, that this same witness is being deposed tomorrow. That this process is exhausting. That he's expected to

testify for another seven hours plus breaks tomorrow.

She came back from a break and part of her questioning had nothing whatsoever to do with the claims and defenses in this case. She was clearly at the point where the questioning becomes optional and rhetorical, and she engaged in a series of questions aimed to drive a wedge between this deponent and his lawyer, and to tarnish the reputation of the lawyer. That is how she has used her time --

MS. HUDSON: This has nothing --

MR. BACH: Excuse me. I'm making a record.

MS. HUDSON: Then we are going to excuse the witness from the room because you are speaking and coaching the witness right now.

MR. BACH: I am not coaching the witness at all.

MS. HUDSON: This is totally inappropriate. This is totally inappropriate. You are coaching the witness. You are making a very long speaking objection. It -- there is no purpose. There's no judge in the room. Everything that you're saying is -- you can make an argument about

it. We're not going to do this in front of the witness.

MR. BACH: Technically, a speaking objection is when there's a question pending and you object to the question.

MS. HUDSON: No.

MR. BACH: I'm not objecting to --

(Cross talk.)

MS. HUDSON: Speaking on the record is not permitted like this. You're objecting to the break. Objection noted. We're taking a break.

MR. BACH: All right. This isn't -- this is silly.

MS. HUDSON: Okay.

MR. BACH: This is silly.

MS. HUDSON: I do not want you to coach the witness anymore and --

MS. SHAPIRO: We're not coaching the witness.

MS. HUDSON: -- make other statements on the record about the witness. If you insist on doing that, the witness should leave the room. Okay?

MR. BACH: I am going to defer to you in every respect. Whatever I need to do to let you

make my statement on the record, I'm going to do. Okay?

MS. HUDSON: Then you can excuse the witness from the room if you insist on making this statement.

MR. BACH: Okay. Jamey, go outside. Go outside, as I continue.

After we made clear our concerns about breaks, the witness is --

MS. HUDSON: Yeah. I would like to also note that you are not the -- the -- you are not the representative lawyer.

MR. BACH: If you cut me off again, I'm going to call Judge Hyman on the phone now.

MS. HUDSON: You want to tell him that you, who are not defending the deposition, are wanting to make a ten-minute speaking objection?

MR. BACH: Can you let me speak and then you can make whatever speech you want about me and you can say whatever you want about me. But you are going to let me --

(Cross talk.)

MS. HUDSON: Yeah, Mr. Bach, you are not defending this deposition. You are a participant here who has decided to make a speech on the record.

MR. BACH: We're not kids on a playground. You just said if Mr. Heath left the room, I could make my statement. Now you're not letting me make my statement. Can I make my statement?

MS. HUDSON: You can make your statement over my objection. Okay? That you --

MR. BACH: Just let me know when I can make my --

MS. HUDSON: -- you should --

MR. BACH: -- statement. I'm just going to sit here and not say --

MS. HUDSON: -- you should not be making any statement on the record.

MR. BACH: -- anything until you tell me I can make my statement.

MS. HUDSON: If you -- you are disrupting the deposition in order to make a statement as the non-defending lawyer in this deposition.

MR. BACH: Are you done?

MS. HUDSON: And if you -- I don't agree. I excused the witness. If you want to continue, I'm just going to let you do this so we can finish this deposition. And then we're going to take a break, and we're going to take our last nine minutes. So

if you want to make this statement, for whatever reason, go ahead.

MR. BACH: Are you done?

MS. HUDSON: I am done.

MR. BACH: Okay. Can I talk?

MS. HUDSON: You can talk.

MR. BACH: Okay.

As I've been saying, after we made clear that we're concerned about the breaks, we're concerned about the witness being tired, the next line of questioning had to do -- had nothing to do with the case, but simply had to do with the client and his lawyer and trying to drive a wedge. And now, the questioning lawyer wants to take yet another break. It's clear from the content of her questioning that she's no longer focused on the merits of the case, and that she's conducted her substantive questioning.

I don't see another need for a break. I think the deposition is practically over. The client is tired and has to go tomorrow. I think this is abusive. I think it's unnecessary, and I object.

MS. HUDSON: All right. Ten minutes. Off the record. Thank you.

THE VIDEOGRAPHER: We are going off the record. The time is 7:24 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 7:34 p.m.

BY MS. HUDSON:

Q Mr. Heath, as Wayfarer's sole human resources representative, has Ms. Barnes Slater, to your knowledge, provided human resources support to any Wayfarer production?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q You're not aware of Ms. Barnes Slater providing human resources support to any Wayfarer production?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q Did Wayfarer provide copies of its handbook to the cast and crew on It Ends with Us?

A I don't know.

Q Did Wayfarer provide access to its employee -- employee handbook to the cast and crew of It Ends with Us?

MS. SHAPIRO: Objection.

THE WITNESS: I don't know.

BY MS. HUDSON:

Q Do you know whether a training was provided to cast and crew regarding respectful workplace on It Ends with Us?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. HUDSON:

Q Are there -- do you know who attended that training?

A I believe all the crew.

Q Are there any records reflecting who attended the training?

A I don't know.

Q Who would know?

A I don't know.

Q You don't know who would know about the records?

A I don't.

Q Did you have any discussions with Ms. Barnes Slater regarding providing human resource support to It Ends with Us?

A I don't recall.

Q You have no specific recollection of

talking to Ms. Barnes Slater about providing human resources support for the film?

MS. SHAPIRO: Objection.

THE WITNESS: The one complaint that came in, she provided support. That's all I know.

BY MS. HUDSON:

Q Which complaint is that?

A When the sound mixer was not hired.

Q You're talking about the complaint that came through Local 52 that we looked at earlier?

A Correct.

Q You said Ms. Barnes Slater provided support for that?

MS. SHAPIRO: Objection.

THE WITNESS: I believe so.

BY MS. HUDSON:

Q And what support did she provide for that complaint?

A I don't know.

Q Why do you believe Ms. Barnes Slater provided support for that complaint?

A That's what I can recall. That's all I recall.

Q And in what manner did she provide support?

A I don't recall at the moment. I don't recall.

Q Did you speak with Ms. Barnes Slater about the complaint from Local 52?

A I have a vague recollection of speaking to her. That's...

Q Did she give you any advice on how to proceed with respect to that complaint?

A I don't recall. I know specifically they had asked to speak to HR at Wayfarer, so I put them in contact with them. That's what I remember.

Q Did you discuss with Ms. Barnes Slater providing support to address any cast or crew concerns on It Ends with Us?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. HUDSON:

Q You don't recall having done that?

A I don't.

Q What is the basis for your understanding that concerns of employees on an independent film should be raised to the line AD or the production supervisor?

MS. SHAPIRO: Objection.

THE WITNESS: That's what I was told.

BY MS. HUDSON:

Q By whom?

A By the production supervisor, I believe Alex Saks.

Q Alex Saks told you that employee complaints should be brought to the line AD and production supervisor?

A I don't know specifically. I just know that they were saying if there's anything that needed to be -- any concerns, that they would report to them. That was standard protocol.

Q That's what Ms. Saks told you?

A At some point, yes.

Q And did she say that that was her understanding of the protocol with respect to human resources concerns on an independent film?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall beyond that.

BY MS. HUDSON:

Q You don't recall beyond that. So you don't recall her specifically saying human resources concerns of employees should be brought to the line AD and production supervisor?

A I don't recall that.

Q The training that you referenced, did you

attend in person?
A It was a Zoom that I -- that I attended.
Q Did you attend in person?
MS. SHAPIRO: Objection.
THE WITNESS: The individual giving it was on Zoom so I was in person on the computer, but he was on Zoom.
BY MS. HUDSON:
Q You were in person on a computer?
A The training was remote. The individual giving the training was remote so I was in front of my computer on the training.
Q So were you -- you were not in a room with the other cast and crew; is that right?
A No.
Q Was the other cast and crew assembled in a room for the training; do you know?
A I don't know.
Q And where -- where were you physically located when you took it?
A I was at the production offices in New Jersey.
Q In an office?
A Correct.
Q And do you have any record of having

attended the training?
A I don't know.
Q Did you disclose any of the alleged incidents related to Ms. Lively to Ms. Barnes Slater?
MS. SHAPIRO: Objection.
THE WITNESS: No.
BY MS. HUDSON:
Q Did you ever speak with Ms. Barnes Slater about Ms. Lively?
A I don't recall.
Q Did you ever speak with Ms. Barnes Slater about Ms. Slate?
A I don't recall.
Q Did you ever speak with Ms. Barnes Slater about any concerns on the production of It Ends with Us?
A I don't recall.
Q You have no recollection of having done so, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall. I do not.
BY MS. HUDSON:
Q Earlier we talked about call recording.
A Uh-huh.

Q Have you ever recorded conversations with people in person?

MS. SHAPIRO: Objection.

THE WITNESS: I have not.

MS. HUDSON: Are you aware that Travis Flores's estate sued Mr. Freedman today for malpractice?

MS. SHAPIRO: Objection.

THE WITNESS: I am not.

MS. HUDSON: No further questions.

THE VIDEOGRAPHER: This concludes -- this marks the conclusion of today's deposition. We are going off the record. The time is 7:41 p.m.

(WHEREUPON THE DEPOSITION CONCLUDED AT 7:41 p.m.)

CERTIFICATE OF DEPONENT

I have read the foregoing transcript of my deposition and except for any corrections or changes noted on the errata sheet, I hereby subscribe to the transcript as an accurate record of the statements made by me.

_____

JAMEY HEATH

SUBSCRIBED AND SWORN before and to me this ____ day of _____, 20___.

_____

NOTARY PUBLIC

My Commission expires:

REPORTER'S CERTIFICATE

I, ASHLEY SOEVYN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent was/ was not requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Dated this 10th day of October 2025.



ASHLEY SOEVYN

CSR No. 12019

ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Blake Lively v. Wayfarer Studios LLC
DATE OF DEPOSITION: 10/8/2025
WITNESSES NAME: Jamey Heath

PAGE	LINE (S)	CHANGE	REASON

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Jamey Heath

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY OF _____, 20__.

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(NOTARY PUBLIC)

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
---000---

BLAKE LIVELY,
Plaintiff,
vs. CASE NO. 24-CV-10049-LJL (LEAD CASE)
25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.,
Defendants.

JENNIFER ABEL,
Third-party Plaintiff,
vs.
JONESWORKS, LLC,
Third-party Defendant.

WAYFARER STUDIOS LLC, et al.,
Consolidated Plaintiffs,
vs.
BLAKE LIVELY, et al.,
Consolidated Defendants.

CONFIDENTIAL

VIDEO-RECORDED DEPOSITION OF JAMEY HEATH
Los Angeles, California
Thursday, October 9, 2025

Stenographically Reported by: Ashley Soevyn,
CALIFORNIA CSR No. 12019

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
---0O0---

BLAKE LIVELY,
Plaintiff,
vs. CASE NO. 24-CV-10049-LJL (LEAD CASE)
25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.,

Defendants.

JENNIFER ABEL,
Third-party Plaintiff,
vs.
JONESWORKS, LLC,
Third-party Defendant.

WAYFARER STUDIOS LLC, et al.,
Consolidated Plaintiffs,
vs.
BLAKE LIVELY, et al.,
Consolidated Defendants.

CONFIDENTIAL

Video-recorded Deposition of
JAMEY HEATH, taken on behalf of the Plaintiff Stephanie Jones and Jonesworks, Pursuant to Notice, at the offices of Manatt Phelps & Phillips, 2049 Century Park East, Los Angeles, California beginning at 9:08 a.m. and ending at 6:39 p.m. on Thursday, October 9, 2025, before me, ASHLEY SOEVYN, California Certified Shorthand Reporter No. 12019.

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Jonathan Hernandez, Videographer

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CONFIDENTIAL DEPOSITION PROCEEDINGS

THURSDAY, OCTOBER 9, 2025

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THE VIDEOGRAPHER: Good morning. We're on the record. The time is 9:08 a.m. Pacific Daylight Time. Today is October 9th, 2025.

My name is Jonathan Hernandez. I'm a video technician with Veritext Legal Solutions located in Los Angeles, California. We are recording these proceedings at 2049 Century Park East, Los Angeles, California.

This is the video deposition of Jamey Heath in the action entitled Blake Lively v. Wayfarer Studios LLC, et al. This deposition is being taken on behalf of the plaintiff. The Case No. is 24-CV-10049.

Now, would you all please identify yourselves and who you represent, starting with the noticing attorney.

MS. SHAH: Maaren Shah from Quinn Emanuel Urquhart & Sullivan for Stephanie Jones and Jonesworks.

MS. HOLMES: Olivia Holmes from Quinn Emanuel for Stephanie Jones and Jonesworks.

MS. BABAYAN: Laurenne Babayan from Quinn Emanuel for Stephanie Jones and Jonesworks.

MS. HUDSON: Esra Hudson of Manatt, Phelps & Phillips for Plaintiff, Blake Lively.

MS. ROESER: Stephanie Roeser of Manatt, Phelps & Phillips, also for Plaintiff, Blake Lively.

MR. GLOVER: Joel Glover of Jackson Walker for Jed Wallace and Street Relations, Inc.

MR. FREEDMAN: Bryan Freedman for the Wayfarer-related parties.

MS. BENSON: Summer Benson of Liner Freedman Taitelman & Cooley on behalf of the Wayfarer parties.

MS. AHOURAIAN: Mitra Ahouraian on behalf of the Wayfarer parties.

MR. BACH: Jonathan Bach, Shapiro Arato Bach, Wayfarer parties.

MS. SHAPIRO: Alexandra Shapiro of Shapiro Arato Bach for Mr. Heath and the Wayfarer parties.

THE VIDEOGRAPHER: Thank you.

Will the court reporter please swear in the witness.

THE STENOGRAPHIC REPORTER: Do you solemnly state that the testimony you're about to

give in this deposition will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do, indeed.

THE STENOGRAPHIC REPORTER: Great. Thank you.

MS. SHAPIRO: Before we start, Mr. Heath wanted to clarify one of his answers from yesterday.

MS. SHAH: Okay. Please go ahead.

THE WITNESS: Thanks.

I just want to make a point regarding the 17-point list. I was in bed all night, I was reflecting, and realizing that everything that I said yesterday, while I was, indeed, true about how I saw it, I kind of tripped myself up, and I was not able to see clearly that, indeed, at that time, I also saw that it may have insinuated some of past feelings. And I just want to be clear about that so that my testimony today can reflect that.

MS. SHAH: Okay. Thank you.

EXAMINATION

BY MS. SHAH:

Q Now, you said in your last answer that you came to this realization by reflecting overnight; is that correct?

A Indeed.

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Q Did you discuss your answer to that question yesterday or any issues around the answer that you just gave to me today with anyone else between the end of your deposition last night and the beginning of the deposition today?
You can just do a yes or no, and then I will get into whether they were attorneys or not.
A Yes.
Q Okay. Were any of the people that you discussed this answer with, or the issues surrounding this answer, attorneys?
A I'm sorry. Were anyone -- were they anybody attorneys?
Q Yes.
A Can I answer that?
Q Just yes or no.
MS. SHAH: He can answer that.
MS. SHAPIRO: Yes. Just yes or no.
THE WITNESS: Yes.
BY MS. SHAH:
Q Okay. Which attorneys? And you can answer by name.
A I spoke with -- with Alexandra and Jonathan.
Q Okay. Any other attorneys?

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A I don't recall.
THE WITNESS: Can I answer this?
BY MS. SHAH:
Q You can answer by name.
MS. SHAPIRO: You can give the names.
THE WITNESS: It was Jonathan and Alexandra, and I believe Bryan and Summer.
BY MS. SHAH:
Q Okay. Did you speak about this between the end of the deposition last night and the beginning of the deposition this morning with anyone else who was not an attorney?
A My wife.
Q Okay. Anyone else?
A No.
Q Okay. Did you speak about it with your wife outside of the presence of attorneys?
A I was in bed with my wife last night.
Q Okay. What did you discuss with your wife about the answer you just gave to me today?
MS. SHAPIRO: Objection. That is covered by the marital privilege. So I'm going to direct him not to answer that.
BY MS. SHAH:
Q Are you going to take your counsel's instruction?

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A I would like to be able to just say the statement that I made.
Q You need to consult with your counsel about that?
MS. SHAPIRO: Yeah. Can we just take a brief break?
MS. SHAH: Yes. Let's go off the record.
THE VIDEOGRAPHER: We are going off the record. The time is 9:13 a.m.
(Recess.)
THE VIDEOGRAPHER: We're back on the record. The time is 9:18 a.m.
MS. SHAH: Ms. Shapiro, do you want to put something on the record?
MS. SHAPIRO: Yes, so we spoke off record and indicated to Ms. Shah that Mr. Heath was willing to answer conversations about that -- sorry -- questions about that particular conversations with his wife if counsel would stipulate that it wasn't a waiver for other purposes of the marital privilege. And I understand that counsel is not willing to do that, so the instruction to not answer the question on grounds of marital privilege still stands.
MS. SHAH: Thank you.

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BY MS. SHAH:
Q And you are going to follow your counsel's instruction?
A I think it's always wise to follow my counsel's instruction.
Q Okay. How long would you say this conversation with your wife was? Just how long, the time that you think it took?
A Thirty seconds.
Q Okay. And when you discussed this with your lawyers, how long would you say that conversation was?
A A couple minutes.
Q Okay. Did that conversation take place yesterday evening or this morning?
A This morning.
Q Okay. Where did it take place?
A In the office this morning in a breakout room.
Q Okay. In the large breakout room at the end of the hallway?
A Yes, our room. Yes.
Q Who was present in the room when that conversation took place?
A My lawyers, my wife. I don't know if

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Justin and Emily were there. But then -- I don't know.
Q It's possible that they were in there?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know. I don't know.
BY MS. SHAH:
Q Was Jennifer Abel in there?
A I don't believe so.
Q Was anyone else in there?
A I don't believe so.
Q Did you talk to Justin Baldoni about this between last night's deposition and the start of this morning's deposition?
A About this particular thing here?
Q Yes.
A I didn't talk to him about it, but I shared with him that I needed to talk to the lawyers.
Q Did you share with him what you needed to talk to the lawyers about?
A Yes.
Q And what did you share with him that you needed to talk to the lawyers about?
A That I had -- exactly what I said. That

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I was thinking last night and I was reflecting on testimony, and I feel that I was a little confused in how I was thinking about this 17-point list. And I needed to talk to attorneys. And he said, follow your heart.
Q Did he say anything else?
A It was really about, follow your heart.
Q Any other words that you can remember?
A He was the spirit of, I trust you, follow your heart. Whatever you need to share, don't worry about anything, just share. Share whatever you need to. I don't remember the exact words, but it was in that spirit.
Q Did he offer to you his recollection or interpretation of the 17-point list?
A No, absolutely not.
Q Okay. When did that conversation take place?
A This morning.
Q How long was that conversation?
A A minute.
Q In person or on the phone?
A In person.
Q Where was that?
A In the office downstairs. In this

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building downstairs.
Q Okay. Was there anyone else present for that conversation?
A I believe it was just he and I.
Q Okay. Give your lawyers a chance to object.
When you spoke to your wife about this last night, what did she say to you?
MS. SHAPIRO: Objection. I'm going to instruct you not to answer that question on marital privilege grounds.
BY MS. SHAH:
Q Are you going to follow that instruction?
A I think it's best.
Q Okay. And when you spoke to your lawyers about this issue this morning, what did you say to them?
MS. SHAPIRO: Objection. And I'm going to instruct you not to answer that on attorney-client privilege grounds.
BY MS. SHAH:
Q Are you going to follow that instruction?
A Yes.
Q And when you spoke to your lawyers about it this morning, what did they say to you?

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MS. SHAPIRO: Same instruction. Do not answer on the grounds of attorney-client privilege.
BY MS. SHAH:
Q Are you going to follow that instruction?
A Yes.
Q Did you speak with your lawyers between the end of last night's deposition and the start of the deposition this morning about what the substance of your testimony this morning would be?
A About --
Q Yes or no?
A No. I did not. About the substance of today?
Q About the substance of the answer you gave to me at the top of the deposition this morning?
A No.
Q You did not speak to them in any respect about what it was that you wanted to correct from your testimony yesterday?
MS. SHAPIRO: Objection.
THE WITNESS: Oh, I see.
Can I answer that?
MS. SHAPIRO: You can answer yes or no.
THE WITNESS: I'm a little confused about

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what you mean by "substance."
BY MS. SHAH:
Q Did you explain to them, yes or no, what it was about your testimony yesterday that you wanted to correct?
MS. SHAPIRO: Yeah. I'm going to object and direct you not to answer on privilege grounds. I mean, you're essentially asking him to discuss the substance of the conversations but in the form of a yes-or-no question, which is the basis for the objection and the instruction not to answer.
BY MS. SHAH:
Q Are you going to follow that instruction?
A Yes.
Q All right. I'm going to try and use a different word.
Yes or no, when you were speaking to your attorneys about this subject this morning, did you discuss with them -- I'm trying not to use the word "substance" -- the contents of your testimony?
MS. SHAPIRO: I will make the same objection and give the same direction not to answer that on the same grounds.
BY MS. SHAH:
Q Are you going to follow the instruction?

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A I am.
Q Did you discuss with them, yes or no, what you were going to testify about with respect to that answer this morning?
MS. SHAPIRO: Same objection and same instruction.
BY MS. SHAH:
Q Are you going to follow that instruction?
A I think it's best.
Q Okay. I don't have the words right in front of me, but you did give me the correction that you wanted to correct at the top of the testimony today. Would you just explain that to me again? What it is about yesterday's testimony that you wanted to correct in today's testimony.
A I think simply, as I was testifying as it pertains to 17-point list and my state of mind and how I viewed it, in reflecting, while, of course, I agreed that all of these things were reasonable things that anyone asked for, I think I also messaged that I may not have considered that some of these things had some -- a nod to how -- what may have been brought up in the past. And that's what I wanted to.
Q I see. So am I understanding correctly

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that what you're essentially saying is, you think during the deposition yesterday, it may have appeared from your testimony that you were not leaving room for the possibility that some of the things on the 17-point list related in some way to past incidents, and -- and that's the aspect of it that you want to expand on this morning?
MS. SHAPIRO: Objection.
Go ahead.
THE WITNESS: Not necessarily that it related or not, but that I -- that I had considered that could some of these things have some sort of nod -- for lack of a better term -- to what we had discussed in the past.
BY MS. SHAH:
Q What you and Ms. Lively and others had discussed in the past?
A What -- yeah, some of the concerns that she may have spoken about.
Q Okay. And when you say the word "nod," like it may have some nod to those things, do you mean reference, or relatedness, or can you give me another verb?
A That it could have insinuated that possibly, is this related to anything that's come up

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before? While I didn't necessarily land on that, but that it was a consideration.
Q It's something that went through your mind at the time?
A Sure.
Q Okay. Why was it important to you to correct that aspect of your testimony this morning?
MS. SHAPIRO: Objection.
THE WITNESS: I want to really do my best to reflect and to be truthful. And if that was sitting in me, that did I convey that correctly? And so that was -- that was the purpose.
BY MS. SHAH:
Q Is there anything else about your testimony yesterday that you want to take the opportunity now to correct?
A No.
Q Okay. You were in the room, the breakout room with your lawyers last night after the deposition with some of the other defendants here, and I believe your wife and Mr. Baldoni's wife for quite a long time last night. During that time, did you discuss the substance of your deposition testimony yesterday in any respect?
A I don't believe so.

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Q What were you in there talking about?
MS. SHAPIRO: Objection. I'm going to direct you not to answer that question on the grounds of privilege.
I will just represent on the record that given the Judge's ruling, that we did take some time to prepare Mr. Heath for the 30(b)(6) aspect of today's deposition.
MS. SHAH: Understood.
BY MS. SHAH:
Q So am I to understand that when you all were in the room towards the end of the hallway last night until about 8:30 p.m., I think, at least part of that time you were preparing for the 30(b)(6) or corporate representative deposition today; is that correct?
A Yes.
Q Was Justin Baldoni present for that?
A No.
Q He was not in the room?
A He was not. You're talking about for when we were prepping for the 30(b)(6)?
Q Uh-huh.
A He was not.
Q Okay. Where was he?

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A I don't know.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Okay. Was your wife in the room?
A I don't know. I don't think so. I don't know. I wasn't -- I was focused on the two of them right there.
Q Forgive me for saying it this way, but I saw you all leave together at the end of the night. So if certain people were not in the room while you were prepping, were they elsewhere in this building? Did they leave and come back?
A I can be clearer.
Q Okay.
A When I was prepping with them --
MS. SHAPIRO: Objection.
THE WITNESS: There is two rooms we have.
BY MS. SHAH:
Q Understood. Thank you.
A We were in one room. Then afterwards, I believe everybody was in support waiting for me so that we could be together.
Q All right.
A And that was the other room.
Q Thank you. That was helpful

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clarification.
So do I take it that while you were preparing for the 30(b)(6) deposition with your lawyers, was there anyone else present in that room other than your lawyers?
A I don't think so. You asked me about my wife. I don't think she was in there.
Q Uh-huh.
A But that's it.
Q Okay.
A Just the three of us, and I can't say for certain if she was in there or not --
Q Okay.
A -- but I don't believe so.
Q And you don't recall anyone else being in there?
A There was nobody else in there.
Q Okay. How long did you spend last night preparing for the 30(b)(6) deposition?
A Fifteen minutes maybe.
Q Okay. All right.
And so I take it that you understand that you are testifying today, A, in your personal capacity as Jamey Heath, an individual; and, B, in your capacity as Wayfarer, the company's, corporate

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representative; is that correct?
A I am aware of that.
Q Okay.
A It's all a bit confusing to me, to be honest, but I'm aware.
Q And as CEO of Wayfarer, do you feel capable to testify about the activities of Wayfarer?
A I believe so.
Q Okay. Can you describe for me what your responsibilities --
MS. SHAH: Actually, let's pull up tab 1.
THE WITNESS: Can I ask a question?
Will I know when this is a question that's of me, Jamey Heath, versus that of a representative of Wayfarer?
BY MS. SHAH:
Q Let me put it this way. As we go through the testimony today, if you feel like there is a need to distinguish in your answer whether you are answering on behalf of Jamey Heath, yourself as an individual, or answering on behalf of Wayfarer, the company, please go ahead and make that distinction.
A Okay.
Q Otherwise, I will assume that you are answering all questions in both capacities.

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A Okay.
Q Thank you.
A In both capacities?
Q Yes.
A Can I have clarity on that? I'm sorry. I just want to have clarity.
Q Meaning, whatever your answer is --
A On all questions throughout the day?
Q Yes, unless you distinguish it for me, will be your answer as Jamey Heath and your answer as Wayfarer, the company.
A Okay. I have a clarifying question about this, just so I'm clear.
Q Please go ahead.
A I'm so sorry.
Q No, it's all right.
A There are certain topics on here that regard -- in regard to the 30(b)(6). There will be other topics that you may ask me about that have nothing to do with the topics. Why would my answer as individual be applicable to Wayfarer if, in fact, they are not topics on the 30(b)(6)?
Q It's very difficult to answer in a vacuum.
A Okay.

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Q This might be a better question for your lawyers on a break.
A Okay.
Q But I think the best way to go about it is, if in response to any question you want to tell me, you know, this I don't know as Jamey Heath --
A Okay.
Q -- but I learned as Wayfarer's corporate designee, then tell me that.
A Okay.
Q Or vice versa.
A I'll do my best.
Q Thank you.
MS. SHAPIRO: Counsel, just to be clear, I'm not sure that -- that your instruction is correct. Because to the extent that -- you know, the -- the purpose of the 30(b)(6) is only to cover the specifically delineated topics. If you ask him something about a different topic, he's not here on behalf of Wayfarer; he's just here as Jamey Heath.
MS. SHAH: And I will say --
MS. SHAPIRO: I don't think he should have to memorize and remember each time to make that distinction and have in mind what the 16 topics are. So I think we should have understanding that if the

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question deviates from those topics, that whether he says, this is just me as Jamey Heath, or not, that we have to assume it's just his individual testimony.
MS. SHAH: I'm not going to agree to that or assume that. If you think an objection is proper on that basis, please make the objection.
MS. SHAPIRO: Well, that's what I'm doing.
MS. SHAH: To each question.
MS. SHAPIRO: Okay. Well, we're going to have a standing objection along those lines, but I'll do my best to try to police it.
MS. SHAH: All right. Your side requested a co-extensive 30(b)(6) and individual deposition. And so that's why we're doing it that way today. So if you think any of the questions deviate from the notice and you have not prepared him in a corporate capacity or you think the question is outside that knowledge, make an objection or he can so indicate.
Thank you.
THE WITNESS: Would it be helpful if I answer every question that this is on behalf of Jamey Heath?

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MS. SHAH: No.
THE WITNESS: Well, I will --
MS. SHAH: Thank you, though.
So I'm going to mark this as Exhibit 1. This is the notice -- oh, sorry, 2? Oh, 22, Exhibit 22. This is the notice of 30(b)(6) deposition that we served on Wayfarer Studios.
(Exhibit 22 marked for identification.)
BY MS. SHAH:
Q And my first question is: Have you ever seen this document before?

A I have.
Q If you will -- when did you see it?
A I believe I looked at it last night, and I think I saw it a few days ago.
Q Okay. If you will look for me at the Topics for Examination starting on page 6. I just want you to read through the topics 1 through 16 and tell me if there is any topic in there that you are not prepared to testify about today.
A Okay. I think for the most part, I can. Although, I am not an expert on these things. So I haven't had much time to prepare, so I will do my best.

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Q Okay. Thank you.
Can you describe for me what are your responsibilities as CEO of Wayfarer?
A I can. Quickly, the financial strategy of Wayfarer, what we're investing in. Everything that has to do with that, investments, the way that we do our deals, where we are holding our money, anything of that nature. Creatively, projects that we do, are they in line with who we are, are they good, the quality of it. There is more to it than that, but that's the basic.
Also, our leadership and culture. How we walk, our purpose as a company, what our goals are, and to build relationships with others.
Q What is Wayfarer's purpose as a company?
A We want to make art that lifts the human spirit, that speaks to things that oftentimes don't have an opportunity to be commercial. They don't have to be commercial, but oftentimes they're -- they don't have a path. To give filmmakers, sometimes new filmmakers, opportunities to make movies. To tell stories that a lot of people may not see are worth telling.
And, as I say -- and my CFO gets mad at me all the time -- is we want to make things that

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have impact whether or not they make money. Of course we have to make money, but that's not our primary goal.
Q Is Wayfarer profitable?
A No.
Q Has it ever been?
A No.
Q I believe Mr. Sarowitz testified that Wayfarer is paying for the litigation fees and expenses of the various defendants in these two related litigations; is that correct?
A I don't know about -- well, the defendants, yes, we are paying for those.
Q And that includes litigation fees and expenses for Mr. Baldoni's defense?
A It does.
Q And for Ms. Abel's defense?
A It does.
Q And for Ms. Nathan's defense?
A It does.
Q And for Wayfarer's defense?
A Yes.
Q For Mr. Wallace's defense?
A Yes. Sorry. I just needed to -- there is a lot of expenses, so I'm just making sure.

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Q And for Street Relations' defense?
A I believe so. I don't know if there is a distinction between the two.
Q And for The Agency Group's defense?
A I believe so.
Q For your defense?
A Yes.
Q For Mr. Sarowitz's defense?
A Yes.
Q Am I missing any defendants that you are paying for?
A I don't think --
MS. SHAPIRO: Objection.
THE WITNESS: -- there's any other defendants.
BY MS. SHAH:
Q Okay. How about attorneys' fees for Ms. Case's legal fees related to this case?
MS. SHAPIRO: Objection. Objection.
THE WITNESS: I don't know.
BY MS. SHAH:
Q How about for the attorneys' fees related to Ms. Koslow's involvement in this case?
MS. SHAPIRO: Objection.
THE WITNESS: Similarly, I don't know.

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BY MS. SHAH:
Q Okay. Are there any other third-party non-defendant witnesses or individuals whose involvement in this case Wayfarer is paying costs and attorneys' fees for?
A Yes.
Q Who are they?
A I don't know everyone. I believe Isabela Ferrer, we have to pay for. I'm drawing a blank on who anyone is, but if you give me a memory on who's on part of it, I might be able to answer better. There are so many components, so I don't -- I can't think of anyone else, but there may be.
Q How about Jenny Slate?
MS. SHAPIRO: Objection.
THE WITNESS: I believe that is a yes.
BY MS. SHAH:
Q How about Colleen Hoover?
MS. SHAPIRO: Objection.
THE WITNESS: I believe that's a no.
BY MS. SHAH:
Q Now, I believe you testified yesterday that Wayfarer received about 60 million in revenue from the film It Ends with Us; is that correct?
A Correct.

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Q Okay. And that of that 60 million, 31 million was tied to Wayfarer's investment in the film; is that right?
A Correct.
Q Okay. Of the 29 million from that, that presumably remained available after accounting for Wayfarer's investment in the film. Are you aware whether or not Wayfarer is paying for litigation expenses and attorneys' fees in relation to this case out of those funds?
MS. SHAPIRO: Objection.
THE WITNESS: I don't believe there is a distinction.
BY MS. SHAH:
Q A distinction in what?
A Meaning, out of those funds. I believe that the funds, they come in but then are given to Wayfarer. Now Wayfarer has its fund of money, and we're paying for legal fees. That's a question my CFO would have better answer to, but I believe that's the general answer.
Q Okay. So to the extent that that 29 million were still available in the pull of money that Wayfarer has, it's reasonable to presume that the litigation expenses and fees are being paid out

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of that general pool of money; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: I believe so.
BY MS. SHAH:
Q Okay. As CEO of Wayfarer, do you have ultimate decision-making responsibility on all major material aspects of the company?
MS. SHAPIRO: Objection.
THE WITNESS: Ultimate decision-making, I would say no.
BY MS. SHAH:
Q How would you characterize your authority or decision-making role as CEO of Wayfarer?
A There is not a document that stipulates here's a ceiling and anything above that. There is a general understanding that normal course of business and, you know, I will approve any outgoing expenses or investments. But I consult with the chairmen, Justin and Steve, for anything that's substantial. That number is arbitrary. And then we will make a decision together.
Q Okay. Do you have oversight or approval over the legal contracts that Wayfarer enters into?
A Oversight is probably too strong a word. I have legal counsel. So I trust them. We consult,

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certainly. We have some outside counsel. So we get their minds together, whatever contracts we're going into. And then -- but certainly, I end up signing them.
Q Okay. And do you have some approval, even if it's not ultimate or sole approval, over legal contracts before Wayfarer signs them?
MS. SHAPIRO: Objection.
THE WITNESS: I'm a little confused on that. Jamey?
BY MS. SHAH:
Q Yes. As CEO, I'm trying to understand your role with respect to any legal agreements that Wayfarer enters into or has with anyone else.
A So the question is? Sorry.
Q The question is: With respect to legal agreements that Wayfarer either enters into with anyone else or has with anyone else, what is your role as CEO?
A My role is to trust the individuals that are positioned to give me the information. We consult whether or not this is the right path to turn left, or turn right, to whatever that may be. And then I also make the decision --
Q Okay.

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A -- whether to move forward.
Q Okay.
Did you -- were you -- how to say this.
Were you involved with Wayfarer when it was first started?
A No.
Q Okay. How long after Wayfarer was first started did you become involved with Wayfarer?
A And for Wayfarer, you mean Wayfarer Studios?
Q Yes, I do.
A Nine months to a year maybe.
Q How did you first come to meet Stephanie Jones?
A I don't recall the first time I met her, but through Justin, or through -- through Wayfarer.
Q Sure.
A Sure.
Q Do you recall that when you came onto the Wayfarer Studios team, that Stephanie Jones was and had been doing personal publicity for Justin?
A I don't know that I knew that at the beginning. I didn't have a relationship with Stephanie Jones. But at some point, I learned that. Obviously, I know she's the namesake. It's her

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company. But then I learned that Justin had a relationship with her prior to the team that we had once I joined.
Q I understand. And are you aware or do you recall when you joined Wayfarer, whether Jonesworks was already representing Wayfarer, the company, as its publicist?
A When I joined, Jonesworks was representing the company.
Q Okay. Okay. Did you ever, from the time you joined Wayfarer, until, let's say, the start of filming on It Ends with Us movie, did you have any personal interaction or conversations with Stephanie Jones around Jonesworks' publicity work for Wayfarer?
A I do not believe so. I don't think I had any conversation with Stephanie. You're saying up until the start of the production regarding publicity?
Q For anything.
A I don't recall. There may have been one, and it was maybe inadvertent. But I don't recall it, as she was not active in my -- my daily life with Wayfarer and Jonesworks.
Q Okay.

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MS. SHAH: I'm showing you what's been marked as Exhibit 23. It's a Jonesworks contract, Bates-stamped JONESWORKS_, several zeros, 38539.
(Exhibit 23 marked for identification.)
BY MS. SHAH:
Q Do you see this?
A I do.
Q And do you see that it's been marked "confidential" at the bottom of each page?
A I do.
Q Would you agree that this is a confidential document?
MS. SHAPIRO: Objection.
THE WITNESS: I would agree that it has "confidential" on it, so that would suggest yes, indeed.
BY MS. SHAH:
Q Sure. In your own estimation, though, do you agree that a contract entered into between Wayfarer Studios and an outside vendor is a confidential document?
A Yes.
Q Okay. Have you seen this before?
A I didn't really look at it long, but it looks like if this is the agreement with Wayfarer

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and Jonesworks, which it looks to be, I have seen it before.
Q Okay. And this is the agreement with Wayfarer and Jonesworks; is that right?
A Yes.
Q It was signed by Labid Aziz, who I believe is Wayfarer's former CEO; is that correct?
A Correct.
Q Okay. And at the time this contract was signed, did Labid Aziz have signature authority in terms of entering into contracts on Wayfarer's behalf?
A I believe so.
Q Okay. And at the time, or around the time this contract was signed in May or June of 2020, did Labid Aziz have authority to enter into agreements on Wayfarer's behalf?
A I wasn't there, so I can't speak to if he had authority or not. But it appears that he may have.
Q Okay. And as Wayfarer's corporate representative, you don't have any reason to understand that he did not have such authority around this time, correct?
MS. SHAPIRO: Objection.

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THE WITNESS: Correct.
BY MS. SHAH:
Q Okay. But you were not at Wayfarer at the time this contract was signed; do I take that correctly?
A I was not.
Q Okay. If you look for me at paragraph 2 of this contract on the first page.
A Hold on. May we just pause for a minute because I am looking at the date here?
Q Uh-huh.
A I just want to be sure.
Yes, I was not.
Q Okay.
A I was just looking at the date and I got confused.
Q Meaning, you were not at Wayfarer at the time the contract was signed, correct?
A I was -- I was not.
Q Look for me at page -- the first page of this, at the second paragraph. It starts "The initial term of client's engagement."
A Yes.
Q And it says:
(As read):

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"The initial term of client's engagement of company as contemplated in this agreement shall commence on May 7th, 2020 and conclude on May 6th, 2021. This agreement shall automatically renew for additional one-year periods unless notice is received by either party 90 days prior to the expiration of the initial term of this agreement or any extension period."

Do you see that?

A I do.

Q Okay. Wayfarer did not terminate Jonesworks before May 7th of 2024, did it?

A Before May 7th of 2024, we did not.

Q Okay. And Wayfarer did not send to Jonesworks any sort of termination notice or termination letter before May 7th of 2024, correct?

A Correct.

Q Okay. Flip for me to the last page of this agreement, marked Schedule A, please.

A Yes.

Q In your understanding, does this list

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fairly reflect or encompass the general services that Jonesworks was to perform for Wayfarer under this agreement?

A Yes.

Q And did Jonesworks also perform similar services around this time for Mr. Baldoni personally?

A I say yes, but it was his personal so he would have been more contact than I necessarily would have been. But I believe so.

Q Okay. And you're aware that, from the time of this agreement and afterwards, Jonesworks performed publicist services for Wayfarer and also performed publicist services separately for Mr. Baldoni; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: Correct. I just want to clarify that as I see what's on Schedule A. I don't know if all of these would have been applicable to Justin as an individual.

BY MS. SHAH:

Q Sure.

A So, again, I just want to be clear that I'm not sure all that they did for him. But I know Jonesworks represented him. And I'm, of course,

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very well aware of that, but to all capacities, I don't know.

Q Okay. Okay.

And after the time of this agreement, Wayfarer paid for the portion of Jonesworks' fee attributable to its personal publicity services for Mr. Baldoni; is that correct?

MS. SHAPIRO: Objection.

THE WITNESS: Correct.

BY MS. SHAH:

Q And you're aware, are you not, that Wayfarer had requested of Jonesworks around the time that this agreement in Exhibit 23 was signed, that Jonesworks issue a single invoice to Wayfarer for payment that encompassed both the fee for Wayfarer services and the fee for Mr. Baldoni's personal publicity services, correct?

MS. SHAPIRO: Objection.

THE WITNESS: I believe that to be accurate.

BY MS. SHAH:

Q Okay. And Wayfarer regularly paid those joint or bundled invoices when they were issued by Jonesworks on behalf of both Wayfarer's services and Mr. Baldoni's personal publicity services, correct?

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MS. SHAPIRO: Objection.

THE WITNESS: We did.

BY MS. SHAH:

Q Okay. And that total fee for Jonesworks services that was paid by Wayfarer and that encompassed both Jonesworks' services for Wayfarer and Jonesworks' services for Mr. Baldoni, was $25,000 a month; is that right?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. SHAH:

Q And you understand that Wayfarer had requested, around the time that this agreement in Exhibit 23 was signed -- well, let me ask it this way.

Prior to the time when Jonesworks began working for Wayfarer and before this agreement that we looked at in Exhibit 23 was signed, Jonesworks had already been working for Mr. Baldoni personally, right?

A I have knowledge that they worked together, yes, that Stephanie was his publicist. I don't know to what capacity and what agreements because it was before I was there.

Q Sure.

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A But I know they worked together.
Q Okay. And once this agreement between Wayfarer and Jonesworks was signed that we're looking at in Exhibit 23, you're aware that Wayfarer asked Jonesworks to bundle Mr. Baldoni's contract together with this Wayfarer contract, right?
MS. SHAPIRO: Objection.
A I don't know if I understand the mechanics that happened when they were bundled, but I'm aware that they were bundled at some point.
Q Okay.
MS. SHAH: I am going to show you what's been marked as tab 3 -- sorry.
THE STENOGRAPHIC REPORTER: Twenty-four.
MS. SHAH: Thank you. What is going to be marked as Exhibit 24.
THE WITNESS: Thank you.
(Exhibit 24 marked for identification.)
BY MS. SHAH:
Q For the record, this is a text thread between Labid Aziz and Stephanie Jones dated June 10th, 2020, and it's marked JONESWORKS_, several zeroes, 41594.
Have you seen this text exchange before?
A I have not.

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Q Okay. Please go ahead and take a minute to review it.
A It says -- but -- okay.
Q So if you look at the page marked 595 at the bottom --
A Yup.
Q -- at 3:03 p.m. Labid Aziz texts:
(As read):
"Just wanted to ask if you'll give me a little break for bundling for contracts under Studios."
Do you see that?
A I do.
Q Do you have an understanding of what "bundling for contracts under Studios" means?
A Well, I would be guessing, obviously, I have never seen this between them. But it appears that studios would be Wayfarer Studios.
Q Okay. And it appears he's essentially asking to bundle Justin's personal contract under the Wayfarer Studios' contract, right?
A That's what I gather.
Q Okay. And he's asking for some sort of fee adjustment in consideration for that bundling, right?

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A Yes, that's what it appears.
Q Okay. And at the end it seems that -- that the fees for bundled contracts that is agreed on is a total of $25,000 a month, right?
A Correct.
Q And that is your understanding of what Wayfarer paid after this point forward for the bundled contracts of Wayfarer and Mr. Baldoni, right?
A Yes.
Q Okay.
A Do you want me to keep looking at this?
Q I don't think so.
A Okay.
Q Thank you.
Did there come a time when Wayfarer also engaged Jonesworks in 2024, moving forward in time to 2024, for specific social media services?
A Yes.
Q Was that request related -- or was that -- were the social media services to be performed specifically related to the promotion of It Ends with Us?
A I can't say for certain if it was specifically for It Ends with Us.

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Q Okay.
A But I believe it was also during that time so I don't know.
Q You do you have a recollection of how the request from Wayfarer to Jonesworks to perform certain social media services came about?
A I don't recall it, but I know that we wanted to give Justin some social support.
Q Okay.
A So this was born out of that.
Q Okay.
And do you know what the social media services were to encompass?
A I think I have a general understanding.
Q What is that general understanding?
A Help come up with ideas of social posts, post them for him, record any video that might be needed to be recorded at a particular event or something he may have been doing, and to help strategize about the best way to run its social.
Q Okay.
A It may have included more than that, but that's my -- that's my memory.
Q Do you recall that that -- that there was an agreement related to the social media services of

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Jonesworks?
A I do.
Q I have the agreement here. I believe it's been marked attorneys' eyes only by us, so let's go AEO.
THE A/V TECHNICIAN: For counsel in the room, I do have a Katelyn Climaco, a Ms. Nathan, so I will assign her to the room.
MS. HUDSON: Katelyn is an attorney.
THE A/V TECHNICIAN: That's the only other name I don't recognize today.
MS. HUDSON: It would be Melissa and Steve.
THE A/V TECHNICIAN: Katelyn Climaco, is she part of counsel?
MS. HUDSON: She is part of counsel, yes.
MS. SHAPIRO: Melissa and Steve need to log off.
MS. SHAH: But Steve Sarowitz and Melissa Nathan, if you can put them in the waiting room for a few minutes, I would appreciate it.
THE A/V TECHNICIAN: Yes, ma'am.
MS. SHAH: Thank you.
THE A/V TECHNICIAN: We're all set.
MS. SHAH: Thank you.

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MS. SHAPIRO: Thank you.
(The following testimony is designated Attorneys' Eyes Only.)
MS. SHAH: So I'm showing you what's been marked as Exhibit 25. It's a contract between Wayfarer Studios and Jonesworks marked JONESWORKS_00041705.
Have you seen this before?
(Exhibit 25 marked for identification.)
THE WITNESS: I'm sure I have but I don't -- I don't recall it. And I believe, if I'm not incorrect, that this one is not signed, so I don't know if this is the most recent one.
BY MS. SHAH:
Q This is -- I don't have another signed one, so I can represent that to you.
A Okay.
Q What I will ask is, without holding you to whether this is the final version or an execution copy, et cetera, looking at this, do you have a general understanding that this is at least a draft of the contract with Jonesworks for the social media services that we were just discussing?
A I do.
Q Okay. And does it fairly reflect to your

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understanding what you understand the scope of the agreement for social media services to be?
A Can I ask for clarity? Are you asking about what the services will be or the contract language?
Q That's a fair request for clarity. What I'm -- what I'm trying to get at is, does this essentially look to you in your understanding for what you recall this social media agreement to be?
MS. SHAPIRO: Objection.
THE WITNESS: I believe this reflects in general terms what we were discussing. I just want to be clear that I don't know if this is what we ended up agreeing to.
BY MS. SHAH:
Q Sure.
A So this may have been a first round versus -- you know, so I just wanted to state that.
Q Okay. If you look at the back page, Schedule A, does the scope of work fairly reflect your understanding of what the scope of the intended social media services were to be?
A Yeah, I think so.
Q And if you look at the front, it may help you recall the first page and the second paragraph.

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But my question is going to be, do you recall that the agreement was to run for an initial four-month term with an option for renewal after that?
A I recall a version of that. I don't know if that's what we ended up agreeing to, but I do recall there was a short period of time that we were committing to, and then we didn't continue.
Q Right. So it's your recollection that after the short period of time, Wayfarer elected not to continue with this contract; is that right?
A Correct.
Q Okay. And what was the purpose in your understanding, at least from Wayfarer's perspective, of the initial short period of time for the social media agreement?
A I think it's whenever you go into any relationship, you don't know how long -- if it's working, will it last? Do I still need it? And what is uncustomary about when I would see this is, typically you might do a month to month. I understand initially someone is going to get their feet wet, so they need three months run time to get going. So I oftentimes will agree to that, and then it goes to month to month, oftentimes like agents.
So there was a concern with wanting to

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commit to anything more than what we needed to.
Q Sure.
A That was the reasoning.
Q Okay. And, again, in your understanding, was the purpose of this social media agreement and the initial period for it, related directly to promotion for It Ends with Us on social media or not?
A I don't think I can say that, but I can -- I think Justin is a -- to whatever level he is a celebrity, has social media and has a following and he doesn't manage it in the way many celebrities might have a social media manager. So this was an effort to give him support. I don't know if it was specifically for It Ends with Us, rather than it being included in the scope of work he might need.
Q Sure. And you recall Jonesworks, in fact, did perform social media services for Wayfarer and Justin during some few-month period around this time; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know if it was for Wayfarer as well, other than by proxy, because Justin is also part of Wayfarer. I believe it was all focused on Justin.

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BY MS. SHAH:
Q Okay.
A That's my -- that's my recollection.
Q Okay. But Jonesworks did perform social media services for Justin or Wayfarer or both during these few months; is that right?
A Yes.
Q And at some point in time, I believe you said Wayfarer elected to cease those services moving forward?
A Yes.
Q Let's look at --
A You didn't go through the rules with me at the beginning to not nod and say yes or no. Forgive me for the nod.
Q No problem. I will remind you if -- if --
A It's okay.
Q -- it happens.
And during the time that Jonesworks performed social media services for Wayfarer or Justin, Wayfarer paid Jonesworks for those social media services, right?
A Correct.
Q Okay.

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MS. HOLMES: Do you want to go off AEO here?
MS. SHAH: This one is not on AEO?
MS. HOLMES: No.
MS. SHAH: Okay. We can go off AEO.
(End of the Attorneys' Eyes Only designation of the testimony.)
THE WITNESS: Is there a reason why we would see something -- Sorry. I'm not supposed to talk to her.
I just don't know why we would look at a document that is not signed versus one that's a draft.
BY MS. SHAH:
Q So let me ask you this question: Do you believe that Wayfarer has a copy of this contract or whatever contract that was ultimately agreed to with Jonesworks for social media services in its files?
A I don't know myself as we sit here today, but typically, if we have a contract that was signed, we would, of course, have a copy.
Q Okay. And if you had a contract that wasn't signed but reflected your agreement and understanding, would you typically also keep a copy?
A Yeah.

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Q Okay.
Do you know whether you went back as part of discovery in this case and searched Wayfarer's files for a copy of the social media contract with Jonesworks?
A ^I don't know specifically what we looked for other than what our attorneys were instructed to do, and we gave them access to turn over everything that we were supposed to.
Q Okay. To the extent that this has not been produced by Wayfarer and is encompassed within our discovery request, we are going to call for production.
MS. SHAPIRO: Okay. If it exists.
MS. SHAH: I've shown you what has been marked as Exhibit 26.
(Exhibit 26 marked for identification.)
THE WITNESS: Okay.
BY MS. SHAH:
Q It's an email dated July 31, 2024, between Mitz Toskovic and Jennifer Abel, copying yourself. And it's marked Jonesworks_Wayfarer_000003776.
Do you see this?
A I do.

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Q Do you recall this email?
A I can't say that I recall it, but this makes sense. I mean, yes.
Q And does this reflect Wayfarer's termination of the social media engagement or agreement with Jonesworks that we were just discussing?
A Yes.
And what I notice here it says, "beyond the 3 month term." So that suggests to me -- because I think this said 4 months, so I believe...
Q So does this refresh your recollection that there was an initial three-month term or are you just relying on what this says?
A That's my recollection, is that it was a three-month term.
Q Okay. And is it your recollection that at the end of the three-month term, Wayfarer elected not to continue with that agreement?
A Yes.
Q Okay. And is it your recollection that during the three-month term, there was at least some agreement between Wayfarer and Jonesworks to perform these social media services in exchange for payment?
A During those three months, yes.

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Q Yes. Okay. Thank you.
As of the date of this email in Exhibit 26, July 31, 2024, do you recall whether Wayfarer had already decided to leave Jonesworks and go with Jen Abel when she was to leave Jonesworks, as Wayfarer's publicist?
MS. SHAPIRO: Objection.
THE WITNESS: So I'm sorry. Can you rephrase the question? Just so -- it was --
BY MS. SHAH:
Q Sure.
What I'm asking is, do you recall if as of the time of this email, Wayfarer had already decided that it was going to leave Jonesworks to go with Jen Abel when she left Jonesworks?
A No. We had not decided to do anything as it pertains to Jonesworks based on this. This was -- is standing alone.
Q Okay. But even if not based on this, do you recall if as of this time you had made a decision whether or not to leave Jonesworks to go with Jen Abel?
A I do not believe so. I think this is -- no.
Q Okay.

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A Sorry. I'm just making sure about dates because there's a lot of dates. So...
Q Please do. I appreciate that and encourage that.
Do you recall when Wayfarer made the decision to leave Jonesworks and go with Jen Abel as a publicist?
A I think your question included two things in it, so I want to be clear. First question was, when we decided to sever ties with Jonesworks. The second one is, when we decided to have Jen as our publicist. That's two different conversations, so you encapsulate it in one. So maybe we can separate those.
Q Sure.
Tell me about -- so you recall those two things as being two separate conversations?
MS. SHAPIRO: Objection.
THE WITNESS: Two separate decisions, conversations.
BY MS. SHAH:
Q Sure.
You recall those things as being two separate decisions?
A Correct.

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Q Do you recall them as being related in any way to one another?
MS. SHAPIRO: Objection.
THE WITNESS: No.
BY MS. SHAH:
Q So it's your testimony that Wayfarer's decision to leave Jonesworks had absolutely nothing to do with the fact that Jen Abel was leaving Jonesworks?
MS. SHAPIRO: Objection.
THE WITNESS: I think that's broad. I think Jen Abel was the only person I had worked with at Jonesworks. Once I learned that she was leaving, would that play a part of my thinking, I would be ridiculous to not acknowledge that. Certainly, where is the person in your relationship? What are they doing? But that wasn't my reason to decide to sever ties with Jonesworks.
BY MS. SHAH:
Q When did you learn that Jen Abel was planning to leave Jonesworks?
A I don't recall the date.
Q Do you recall where you were when the conversation happened or where you learned that?
A I don't.

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Q Do you recall how you learned that?
A Not for certain.
Q What is your best recollection of how you learned that?
A I have a memory of Jen sharing with me that she had put in her notice or had put it in, but I don't know when that was.
Q Was it evident to you from that conversation with Jen that she was telling you shortly after she had put in her notice?
A I can't recall the time that it was when she put it in. It could have been five days, it could have been two weeks, it could have been -- that wasn't in my purview, nor did it really matter for me at that point.
Q Do you recall how long -- you recall when Jen Abel was terminated from Jonesworks, right?
MS. SHAPIRO: Objection.
THE WITNESS: What do you mean by that?
BY MS. SHAH:
Q You recall when Jen Abel actually did leave Jonesworks, right? It was pretty disruptive?
MS. SHAPIRO: Objection.
THE WITNESS: I do remember that.

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BY MS. SHAH:
Q Okay. Is that a fairly clear memory in your mind of when she left and how that happened?
MS. SHAPIRO: Objection.
THE WITNESS: It's a general -- generally clear.
BY MS. SHAH:
Q So my question is, do you have a sense of how long before that you learned that she was planning to leave?
A I don't. I don't -- I would need something to reflect or give me some recollection because there was a lot going on. There were so many balls in the air. So when one -- when what was what, I don't know.
Q Do you think it was like the day before she left or like a week or two before she left or like six months before she left?
MS. SHAPIRO: Objection.
THE WITNESS: Not six months.
BY MS. SHAH:
Q Do you think it was three months before she left?
MS. SHAPIRO: Objection.
THE WITNESS: I would say not

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three months.
BY MS. SHAH:
Q Do you think it was more than a month before she left?
MS. SHAPIRO: Objection.
THE WITNESS: The question is, more than a month?
BY MS. SHAH:
Q Before she left that you learned she was planning to leave?
A Before she left, meaning the June 20 --
Q The August, when --
A August?
Q Yeah.
A When was it, August?
Q August 21st.
A 21st. Okay. So I'm a little confused on the question.
Q My question is, do you think you learned she was planning to leave and had put in her notice --
A Before that event?
Q -- more than a month before she actually did leave?
A I don't think so.

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Q Okay.
A The reason why I'm having trouble is because when she -- when I learned that she had planned on leaving, put in her notice, is a different understanding than when she left this event that you just mentioned, the one that we all know was when she was let go. To me, those are two -- I'm a little confused by the two, because one is putting her notice and one is when she -- this August 21st date when she was terminated or something.
Q Uh-huh. Can you explain a little bit more to me what you mean by that?
A Just that I learned at some point, she put in her notice. To me that means someone is -- let an employer know that I'm leaving, whatever the terms are. This 21st, from what I understand now, was more of a termination. So there is a different -- those are kind of two different things.
Q Sure. So you don't understand how those two things relate?
A I don't recall timing of how they relate.
Q Sure.
Do you recall whether Jen Abel informed you that she had put in her notice before you

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engaged Melissa Nathan?
A I don't recall.
Q Okay. So to the best of your recollection, sometime between when Jen Abel put in her notice and when she was let go from Jonesworks, you learned that she had put in her notice and was planning to leave?
A Say that again for me?
Q At some point in time between when she put in her notice at Jonesworks and when she actually left Jonesworks, is when you learned that she planned to leave?
A I believe so.
Q And you said you recall learning that through a conversation with Jen?
MS. SHAPIRO: Objection.
THE WITNESS: No. Because I don't recall the conversation, but I have a memory of learning about it from her.
BY MS. SHAH:
Q Okay.
A I don't recall how.
Q Can you tell me everything you remember about that?
A I can't because I don't recall how. I

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just remember getting the information at some point.
Q Okay. Is there anything else that you can tell me about your recollection of getting the information?
A There is not because it was not a -- an event. It was just me learning that she had put in her notice, but I don't recall anything -- any specifics around it.
Q Did you immediately think at that point or wonder what would happen to Wayfarer at Jonesworks when she left?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know what I immediately felt. I don't know.
BY MS. SHAH:
Q Was it ever a concern for you or a consideration for you about what would happen with Wayfarer at Jonesworks after Jen left?
A Sure.
Q Okay. Tell me about that consideration.
MS. SHAPIRO: Objection.
THE WITNESS: I had a four-year, give or take, relationship with Jen. Matthew Mitchell was there. I like Matthew very much. But not the one that I would feel safe being a leader of handling

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Wayfarer. So if this person was putting in their notice and moving on, what would that mean for Wayfarer? So it was something to consider.
But I do recall that in her notice, that that didn't mean she was leaving tomorrow. There was a duration of time. I don't know -- I don't know if that was a month or two months or three months or whatever it would have been. But certainly, that would have been on my mind.
BY MS. SHAH:
Q You just said something about Matthew not being the person you felt safe considering to be like the leader of the Wayfarer account, right? Who was the person that you felt safe with being the leader of the Wayfarer account?
A Jen.
Q Okay. Anyone else at Jonesworks?
A Jen.
Q Okay. How would you describe the cadence of your relationship and interactions with Jen as Wayfarer's publicist over the four years she had been on that account?
MS. SHAPIRO: Objection.
THE WITNESS: Jen is on top of it. She understands and gets what we're about and how we

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like to operate. And I trusted her judgment. And based on that, we built a relationship that was a professional trusting of the path we wanted to take. While I liked Matthew Mitchell, he didn't feel to be a leader to me in the way that Jen is.
BY MS. SHAH:
Q Did you feel like you had that close relationship of trust on a professional level with anyone else than Jen at Jonesworks?
A I didn't have distrust with anybody, but Jen was our point.
Q Okay.
THE STENOGRAPHIC REPORTER: Was our what?
THE WITNESS: Point. Point person. Sorry.
BY MS. SHAH:
Q And I think you testified a little bit ago that, like, sure, when you found out Jen was considering leaving, Jonesworks, it was a consideration for you in terms of what would happen to Wayfarer after she left?
A Sure.
Q Can you tell me a little bit more about how you thought about that in your mind?
MS. SHAPIRO: Objection.

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THE WITNESS: You're asking me to think about what I was thinking at that time. I -- I don't know. That was one piece of a million pieces going on.
BY MS. SHAH:
Q Okay.
A So it was information. I recognize that I have to consider when one thing affects the way a boat floats, I have to figure out how to next navigate that. That makes sense. But I don't know what I was thinking at that moment.
Q Okay. You were present for at least part of the deposition that I did with Mr. Baldoni; is that right?
A Yes.
Q I believe you were not in the room the whole time?
A I was not.
Q Okay. Do you recall him testifying that the conversation and consideration about whether to go with Jen when she left Jonesworks was something that he discussed in consultation with you and Tera Hanks?
A I remember that.
Q Is that consistent with your

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recollection?
A Yes.
Q Okay. Can you tell me about those conversations?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall when they were timeline wise. But they were exactly that. If, in fact -- excuse me -- our point person is leaving, what would that mean? What do we do? I would have to investigate what the next -- who's going to fill it maybe. What -- what just -- what does that mean? That was one part of the conversation. And then there was another conversation, and I don't know which one happened first, but of my concern separately that I had with Jonesworks.
BY MS. SHAH:
Q Okay.
A Or with us being at Jonesworks irrespective of Jen Abel.
Q Okay. Around that time when you were discussing this with -- at least when you were discussing what it would mean for Wayfarer if Jen Abel left Jonesworks and whether you should go with Jen Abel when she left Jonesworks with Tera and

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Justin, was it important to you how comfortable Justin felt with his own personal publicist?
MS. SHAPIRO: Objection.
THE WITNESS: Sure.
BY MS. SHAH:
Q Was it important to you how comfortable Justin felt with respect to who was going to be Wayfarer's publicist?
MS. SHAPIRO: Objection.
THE WITNESS: Was it comfortable for Justin?
BY MS. SHAH:
Q Meaning, was it important to you as the head of Wayfarer what Justin's perspective was on who he might want to be Wayfarer's publicist?
A Yes, of course.
Q Okay. Would you have felt comfortable hiring a publicist for Wayfarer that was not Justin's preference or that he did not feel comfortable with?
MS. SHAPIRO: Objection.
THE WITNESS: No. I would never do that.
BY MS. SHAH:
Q Okay. So fair to say that his opinion of who he wanted to be his publicist and Wayfarer's

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publicist was pretty important to you in making decisions?
A Yes. That doesn't mean I wouldn't challenge him --
Q Sure.
A -- for one reason or another and we go back and forth. But I would not hire a publicist for his company or himself that he didn't feel was the right one.
Q Okay. So you said there was a -- you were having conversations with Tera and Justin about whether to go with Jen when she left Jonesworks, and --
A I don't know. No, that wasn't -- it was more, what does this mean for Wayfarer?
Q Okay.
A It was more -- or maybe Justin. I don't recall exactly, but I know we had to have a conversation about if, in fact, your point person is no longer there and there is a hole --
Q Sure.
A -- what does that mean?
Q And I apologize if I asked this already, but can you tell me the substance of those conversations?

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A Not more than that because I don't recall everything said. But that was -- that was the substance. What does it mean? I don't know what the next steps were to do. Whether it was to wait out a period of time. I don't -- I don't know.
Q Okay.
A I just know that we had a conversation about it.
Q Do you recall anyone in that conversation expressing a view one way or another?
A I don't.
Q Okay. And then you said there was separate conversations around being at Jonesworks, irrespective of Jen's decision to leave; am I getting that correct?
A Correct.
Q Okay. What do you recall about those conversations and who were they with?
A I don't recall the exact -- but I -- if it was Justin and I., maybe Tera was there, maybe. But my concern -- I'm really trying to be mindful that I don't speak ill of another. I don't want to do that.
Q Understood. But please give me your best recollection in candid terms.

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A I did not feel through my conversations with Stephanie that she was capable of being our point. I didn't feel that she was invested. I didn't think her mind -- not about her mental mind on a clinical level -- but, was present.
Forgive the analogy, but I often say if I have someone taking care of my kids, I need them to be present of mind to do well with the kids. And if they've got something else going on in their life, I fully get it, but I still need the person to take care of my kids, irrespective of what is going on in their life. That's what I felt. For a host of reasons. And I was concerned.
Q Did you -- other than what you just described to me, were there any other concerns you had about staying at Jonesworks?
A I'm thinking. I believe my concerns all stemmed around my faith in Stephanie.
Q Okay. And by your "faith in Stephanie," does your concern around your faith in Stephanie essentially encompass what you just described to me or is there anything else --
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q -- that would impact your feeling of your faith in Stephanie?
MS. SHAPIRO: Objection.
THE WITNESS: I think her -- God bless her. She was going through a hard time, I'm sure. But I remember she was talking to Justin about what was going on in her life, and she had a bit of an emotional breakdown, which I hold space for as a human. But I didn't know if she was able to draw the line between her job. Justin was going through a lot at that time himself, and I believe her job was to, as a job, show up for him versus the other. Not dismissing humanity.
When I would speak to her leading up, I didn't speak to her much, but the couple of times and the way she would articulate where she was at, led me feeling that she was maybe not the best person to handle whatever is what we needed. I can't give you a concrete example for everything, but that's the feeling I had.
And then once we got to a phone call I had with her, for me that was a clear indication that I don't know if I can have this person be, as the analogy I said, our babysitter. There was some other events there that happened. So I would need a moment to reflect so that I'm not just leaving them out.
But the accumulation of some of these things, I just -- and -- and honestly, it didn't feel unreasonable. You know, sometimes you have a relationship with someone and it doesn't serve its same purpose today as it did four years later, as last year, and that was something to consider.
BY MS. SHAH:
Q And are all these current -- sorry. Are all these concerns that you just described to me about Stephanie and her ability to be your babysitter in your analogy and your faith in her and her attention to Wayfarer, the reason Wayfarer ultimately decided to cease working with Jonesworks?
A Can you repeat that or rephrase it, please?
Q Sure.
All these concerns that you have just described to me about Wayfarer's relationship with Jonesworks, are those concerns the reason you ultimately decided to terminate your relationship with Jonesworks?
A A great part, yes.
Q Okay. What was any other part of that decision, other than these concerns you just

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described to me?
A The gaping hole that would be there.
Q When Jen left?
A When Jen left.
Q Okay.
A Not necessarily only about Jen, but the hole that would be there. And that was a concern, also.
Q Okay. Anything else?
A At the moment, that's what I can recall. I'm sure as we keep talking, maybe something will come to the surface.
Q Okay.
And you said that phone call that you had with Stephanie around --
A May I -- may I interject?
Q Yes, of course.
A Also, Tera Hanks had some conversations with her also that she had shared with me that she didn't feel that she was in her best state of mind and had concerns with her as well. So that also helped give me context from my own feelings.
Q Okay. And what do you recall about the conversations that Tera had with Stephanie that Tera shared with you in that respect?

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A I don't have a direct recollection. I just -- the overall theme that I understood was that she was feeling that Stephanie was not at her best.
Q Okay. And the phone call that you just described to me a moment ago that you had with Stephanie around this time, where you said that was a clear indication to you that you didn't know if, essentially, you wanted Wayfarer to continue to work with Stephanie --
A Yup.
Q -- is that the phone call that you recorded?
A It is.
Q Okay. What about that phone call was a clear indication to you that you may not want to continue to move forward with Jonesworks?
A I believe this was August 8th, I think, 7th or 8th. We had just left the premiere in New York. We were treading every step lightly because we just didn't know what was around the corner for a host of reasons. Justin was going through a lot. There was chatter on social media speculating different things. We were trying to get our head around everything.
And in the midst of that, I had learned

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through Josh Greenstein that Stephanie had been engaging with someone. I didn't know the extent of it at the time because it was all new information. I didn't know all the backstory, but when I called to talk to her about it, her behavior and her ability to be present as someone who was working for Wayfarer versus her own, God bless her, personal stuff, and her own was conflicting for me and, I felt, unprofessional.
And as I was having the conversation with her and trying to separate those things, she did not have the ability, in my estimation, to separate them. And this went on for a while. And I needed her to hear my instruction to not contact anybody. Even though, again, I understand she was worried about a reputation. And I feel for her. But we had a big fire going on we were trying to manage, and she was one of our firefighters, and she was concerned about her own fire. No judgment, but I needed a firefighter in ours. And I did not feel I was getting that. And it gave me great concern moving forward how to work with that.
Q Do you recall where you were when that phone call took place?
A I was in Chicago, I believe.

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Q Okay. You were in a car with Jen Abel; is that right?
A I don't know for certain if I was in a car. But I remember yesterday I spoke and that was mentioned. So it's quite possible. But I don't know for certain.
Q Okay.
A I just don't remember where I was in that exact moment. There was many calls and conversations, but possibly.
Q You remember being with Jen Abel, though, when you had that conversation with Stephanie on the phone?
MS. SHAPIRO: Objection.
THE WITNESS: I don't have a clear memory because I don't remember where I was, so I can't say that I remember her there.
BY MS. SHAH:
Q Have you listened to that recording ever?
A I have.
Q Have you listened to it recently?
A No.
Q When is the last time you listened to it?
A Maybe when we turned things over to our attorneys, maybe sometime around there.

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Q Did you make the recording?
MS. SHAPIRO: Objection.
THE WITNESS: Did I myself?
BY MS. SHAH:
Q Yes.
A Yes.
Q How?
A I used somebody's phone. I don't know who was ever with me. I don't recall it, but I know I was on my phone. I don't have a direct recollection, but I must have used somebody's device to record it.
Q Okay. So there was at least somebody else with you at the time?
A Sure.
Q Do you remember how many people were with you at the time, or anyone else who was there?
A I don't.
Q Okay. Why did you record that call?
A This was at a time when we were treading lightly. I was. I didn't know at this moment who to -- as dramatic as it sounds, who to trust. And her behavior was suspect to me, and I felt like I needed to have something documented. I can't exactly explain every moment why, but that's what I

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felt.
Q Did you record any other calls or conversations with anyone else around that period of time?
A Pertaining -- pertaining to Stephanie Jones and Jonesworks?
Q No, pertaining to anything.
A Anybody?
Q Uh-huh.
A Yes.
Q Which ones do you recall?
A A call with Patrick Whitesell.
Q Uh-huh.
A A call with Danny Greenberg.
Q Uh-huh.
A And there was a Sony marketing call.
Q You did not tell Stephanie Jones she was being recorded when you recorded that call with her, did you?
A I didn't.
Q And you are aware that she was on vacation in Europe with her family at the time, right?
A I have a recollection of that. I don't know if I knew that at the time or I learned it

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afterwards, but I know now that she was there.
Q Okay. You didn't tell Patrick Whitesell that he was being recorded; did you?
A I didn't.
Q Okay. Where were you when you recorded that call?
A I believe I was in my office. Are you referring to Patrick?
Q Yes.
A Yes, I believe I was in my office.
Q In your office in Los Angeles?
A Correct.
Q Okay. And he was also in Los Angeles when you spoke with him on the phone, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know for sure.
BY MS. SHAH:
Q Your best -- your best recollection or expectation is that he was, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know. He very well could have been. He could have been somewhere else too.
BY MS. SHAH:
Q Okay.

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A He's a traveler. I mean, he's -- he's, you know, so I don't know.
Q You know that he lives in Los Angeles, right?
A I do know he lives in Los Angeles.
Q You know that he works in Los Angeles, right?
A I do.
Q Okay. Did you tell Danny Greenberg you were recording him when you recorded that call?
A I did not.
Q Okay. Were you in Los Angeles when you recorded that call?
A I was.
Q Danny Greenberg was also in Los Angeles when you recorded that call, correct?
A I believe he was.
Q Did you tell anyone on the Sony marketing call that you were recording that call?
A I did not.
Q You were in Los Angeles when you recorded that call, correct?
A I believe so.
Q At least some other participants on that call were in Los Angeles when you recorded that

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call, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I believe so.
BY MS. SHAH:
Q Okay. Other than these four calls that you have described to me, did you recall -- do your -- do you recall recording any other phone calls or conversations with anyone around this period of time?
A No.
Q Okay. When I say "around this period of time," I mean July and August of 2024; is that fair?
A Yes.
Q Do you recall recording any other calls or conversations with anyone between the time that you began filming It Ends with Us and August of 2024?
A It's a long question. Do I remember recording anyone from the time the movie started --
Q Uh-huh.
A -- until August of '24?
Q Yes.
A I do not. Unless, as I testified yesterday, I may have had a therapy call that we both knew we were recording something.

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Q Okay.
A I don't have a memory of it. But just want to make that clear.
Q Do you have a practice of recording calls and conversations?
A I do not.
Q Okay. Was there something specific about these four calls that made you want to record them?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. SHAH:
Q What was that?
MS. SHAPIRO: Objection.
THE WITNESS: The call I had with Patrick was an intense time. We were dealing with what I would just refer to as fireworks all over. Was not sure what Ryan Reynolds and Blake Lively were capable of. And already, we had experienced so much. He was calling what appeared to be either on their behalf or of some nature of that, and I wanted to have documented whatever was being said to us.
Q Okay. What about the other calls that you recorded?
A Danny --
MS. SHAPIRO: Objection.

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THE WITNESS: Sorry. Danny then called me after the call with Patrick. He may have been on the call as Patrick, as well, Danny. I just don't recall. He called me shortly after the call and was going to read to us a letter that the Reynolds -- I guess I can refer to both of them as the Reynolds -- had written, and I could not believe what was happening. So I recorded it because I wanted it documented.
BY MS. SHAH:
Q What about the --
A Not -- not only documented. I also -- he was going to dictate to me a letter, and I didn't have a hard copy of it, so I wanted to record it so that I could actually write it down and have it.
Q And what about the Sony marketing call?
MS. SHAPIRO: Objection.
THE WITNESS: In the Sony call, we were planning how to navigate these two different premieres, the ins and outs about it or whatever was gonna -- how it was going to look. And we had, from what I believed, a really good relationship with Sony. But it started feeling like there was -- and while I understand they have to kind of pay middleman to whatever they think is going on or not

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going on. And then there is this group over here. I felt unsure, and I wanted to record the conversation.
BY MS. SHAH:
Q Now, at some point, Jen Abel was terminated from Jonesworks on August 21st. Had you make -- had you made a decision that you wanted to continue with Jen Abel as Wayfarer's publicist before she was terminated from Jonesworks?
A I don't recall. I don't know -- that was August 21st.
Q Uh-huh.
A I don't recall.
Q Okay. Regardless of the date, do you have a memory when she was terminated that you had already kind of knew that you were going to go with her when she left, or when she was terminated, it was like, oh, what do we do?
MS. SHAPIRO: Objection.
THE WITNESS: So the question is, do I have a memory of that?
BY MS. SHAH:
Q Yeah, do you have a memory of kind of understanding before she was terminated that you were already -- you had already basically decided to

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continue with her as your publicist after she left Jonesworks?
A I don't have a particular memory of that.
Q Okay. Do you have the opposite memory? Meaning --
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q -- do you have a memory that she was terminated and you were like, oh, we hadn't made a decision yet, we have to make it right now?
MS. SHAPIRO: Objection.
THE WITNESS: No. She was terminated -- this August 21st date, there was a lot happening in my life, in our lives, Wayfarer's life. So I don't recall what I was thinking about that moment, that event, that period, any more than I remember so much going on.
BY MS. SHAH:
Q Fair to say you were pretty surprised when you found out she was terminated?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. SHAH:
Q How did you come to learn that?
A I don't remember how I first came to

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learn it. Meaning, I don't remember the first phone call, who it came from. Did it come from Matthew Mitchell? Did it come from a text that maybe Jen -- I don't know. So I don't know.
Q But you recall, at some point, coming to learn that Jen Abel had been let go from Jonesworks?
A Yes.
Q And you recall that you came to learn that at some point on the same day, that she was terminated, right?
A Yeah, it was the same day.
Q Yeah. Okay.
What did you understand about what had happened at that point?
A I understood that she went to the office. She was met by some individuals. I believe an attorney, security, maybe someone that represented the company. She was asked for her devices and her company card and things -- whatever had to do with the company. They took her phone, and -- and she was distraught.
Q How did you come to understand that she was distraught?
A I think I spoke to her at some point. I think I spoke to her.

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Q Okay. At some point on that day?
A I believe so.
Q Okay. Before she was terminated from Jonesworks, do you recall whether you or anyone at Wayfarer had already communicated to her that you were thinking of continuing with her as your publicist after she left Jonesworks?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall, but I know if I see something that will refresh my memory as to timing. But I don't recall the timing of it.
BY MS. SHAH:
Q Okay. Do you recall if at any point before she was terminated from Jonesworks, ever having a conversation that included Jen Abel regarding, like, what is Wayfarer going to do once you are gone from Jonesworks?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall a conversation like that.
BY MS. SHAH:
Q Like, did you ever talk to her about this? Like, she said, I put in my notice, and did you ever have any other conversation with her after that?

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A Fair question.
Q Yeah.
A I don't recall it. I overshare. I don't think it's unreasonable that maybe there was a conversation.
Q Okay. Before Jen Abel was terminated from Jonesworks, do you recall having any conversation with Melissa Nathan about the fact that Jen Abel had planned to leave Jonesworks?
A No.
Q Okay.
A No.
Q Do you know, one way or another, whether Melissa Nathan knew that Jen was going to leave Jonesworks before she was terminated?
A I have no recollection of that. I don't -- I don't think so.
Q Okay. Do you know whether Melissa Nathan ever had a conversation with Mr. Baldoni essentially saying, like, Jen is so great. She loves you so much. Like, you should definitely stick with her?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know that firsthand. I think I heard you say something about that with Justin. But I don't know that otherwise.

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BY MS. SHAH:
Q Okay. Other than what you recall me discussing about this with Justin, do you have any other recollection of knowing that or having heard that?
A I don't.
Q Okay. Did Melissa Nathan ever have that kind of conversation with you?
A I do not think so.
Q Okay. Apart from -- well, would you agree with me that August 21st when Jen was let go from Wayfarer --
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q -- was that, like, disruptive for Wayfarer or not disruptive for Wayfarer?
MS. SHAPIRO: Objection.
THE WITNESS: Can you repeat that?
BY MS. SHAH:
Q Yeah, sorry.
Was Jen Abel's termination from Jonesworks disruptive for you or not?
MS. SHAPIRO: Objection.
THE WITNESS: I don't remember how that applied. I don't know.

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BY MS. SHAH:
Q Fair to say that Wayfarer continued working with Jen Abel as its publicist after she was terminated from Jonesworks?
A Yes.
Q And do you recall any pause in Wayfarer's relationship with or ability to contact Jen Abel for advice after she was terminated?
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Or was it pretty seamless?
A I think Jen, after this termination date, knew that we were in a firestorm and out of her care, didn't just abandon us. And so I -- I don't recall a gap in her assistance on some level.
Q Okay. After she was terminated from Jonesworks, Jen Abel, that is, did Wayfarer continue paying for her assistance?
A You mean directly after?
Q Uh-huh.
A I don't believe so.
Q Okay. Between the period of time that -- well, I'll ask it a different way.
At some point after Jen was terminated from Jonesworks, Wayfarer entered into an agreement

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for publicity services with her company, RWA; is that right?
A At some point?
Q Yes.
A Yes.
Q Between the time that Wayfarer entered into the agreement with RWA and the time that she was terminated from Jonesworks, did you pay her at all for any services?
A I don't believe so.
Q Okay. But she did continue to help you during that time, right?
A Sure.
Q Okay.
A Yeah. I don't have a specific memory of something. But I don't -- I know she didn't just drop her hands.
Q Yeah. She didn't just stop working with you guys, right?
MS. SHAPIRO: Objection.
THE WITNESS: She didn't stop assisting. I don't know -- I don't know what to call it. If it was work, I don't know. I just don't know. But yes, she was mindful to make sure that we weren't out in the wind.

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BY MS. SHAH:
Q Okay. And she didn't stop assisting you with publicity matters, right?
MS. SHAPIRO: Objection.
THE WITNESS: I don't believe so.
BY MS. SHAH:
Q Okay.
THE WITNESS: How long have we been going? Can we take a break?
MS. SHAPIRO: Sure.
MS. SHAH: Would you guys like a break?
MR. BACH: I think so. It's been a couple of hours.
MS. SHAPIRO: If the witness wants one, yes.
MS. SHAH: If you'd like a break, I'm happy to take a break.
THE WITNESS: That would be great. How long have we been going? A couple of hours, it feels like, and I haven't --
MS. SHAH: A couple hours.
THE VIDEOGRAPHER: We are going off the record. The time is 11:06 a.m.
(Recess.)
THE VIDEOGRAPHER: We're back on the

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record. The time is 11:28 a.m.
BY MS. SHAH:
Q Coming back to something that you testified about earlier, I just want to make sure the record is clear.
I asked you about the recording that you made of your call with Stephanie Jones on August 7th or 8th of 2024.
A Yeah.
Q And I believe you said that you did not inform her that you were recording that call; is that correct?
A That's correct.
Q Meaning, you did not inform her that you were recording that call?
A I did not inform her.
Q Thank you.
And did I hear you correctly that you believe you listened to that call shortly before you provided it to your attorneys in early September of 2024?
MS. SHAPIRO: Objection.
THE WITNESS: I don't believe I said that.

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BY MS. SHAH:
Q Okay. What do you recall? Or --
A I don't recall exactly when I listened to it. I think that I testified that I would -- well, forget what I testified to.
Q Sure. Tell me what your recollection is.
A I believe I listened to it at the time that I had turned everything over to the attorneys.
Q Okay.
A That's -- that's my recollection.
Q Okay. And when you say turned everything over to your attorneys, did you turn -- did you give them your entire physical phone?
A Yes.
Q Okay. Do you have an understanding of whether or not they made a forensic image of your phone?
A They did.
Q Okay.
A Not my attorneys, but whatever the party is. I mean --
Q Sure.
A -- whatever their method is.
Q Yes. Was it your attorneys who were in charge of deciding what materials from your phone

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would be produced in this litigation and when?
A I imagine so. My job was to give them everything and then they follow the rules of engagement.
Q You did not make the individual decisions about what from your phone was going to be provided in this litigation and when?
A I did not.
Q Okay. When you -- when did you turn your phone over to your attorneys?
A Sometime during discovery, whenever it was requested. So we're in -- what are we in?
Q October.
A We're in October. I don't know.
Q Was it before this summer?
MS. SHAPIRO: Objection.
THE WITNESS: Summer is July?
MS. SHAPIRO: What year?
BY MS. SHAH:
Q This year.
A I -- I don't recall.
Q Okay. It was certainly before the first production of documents and materials from your phone was made in this case, right?
MS. SHAPIRO: Objection.

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BY MS. SHAH:
Q Like, you had to have given your phone to your attorneys before they provided materials to us in this case, right?
A I imagine so.
Q Okay.
A I'm only just being careful, not for any other reason.
Q Sure.
A I just don't -- as soon as I was informed that we had to -- they needed information, we gave all that stuff over.
Q Okay.
A So I don't know when that was.
Q You gave your phone over to your attorneys before October 1st, right?
A Yes.
Q Yes. Before September 1st, right?
A I imagine so.
Q Okay.
A That makes sense.
Q Were the four recordings that you recalled to me that you had made of calls involving Stephanie Jones, Patrick Whitesell, Danny Greenberg, and the Sony marketing people, contained on your

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phone?
A Yes.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Okay. And they were contained on your phone at the time you gave your phone to your attorneys, whenever that was, for purposes of discovery in this case?
A I believe so.
Q Okay. You don't have a recollection of going through your phone or any other repository and selecting those four recordings and individually giving them to your attorneys, do you?
MS. SHAPIRO: Objection.
THE WITNESS: I don't have a specific recollection.
BY MS. SHAH:
Q Did you do that?
A That's what I'm saying. I don't have a specific recollection of that.
Q You don't have any recollection of doing that, right?
A I'm trying to think through. I don't recall.
Q Okay.

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MS. SHAH: Can you pull tab 7?
I'm going to show you what's been marked as Exhibit 27. It's a document -- email with an attachment, dated October 24th, 2024, Bates-stamped JONESWORKS_WAYFARER_, several zeroes, 3754.
(Exhibit 27 marked for identification.)
BY MS. SHAH:
Q Do you see that?
A I do.
Q Who is Mitz Toskovic at Wayfarer? And forgive my pronunciation.
A Mitz Toskovic or Toskovic. She's our vice president of operations.
Q Who is Laura Voglesong?
A She's our controller.
Q Who is brian@wayfarerstudios?
A He's our CFO.
Q What is his last name?
A Singer.
Q You're not on this email, it doesn't appear to me. Unless, are you part of the -- so there is a --
A I'm on it.
Q You're on the accounting listserv?

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A Well, I'm looking at the top of the email where it says "cc" and my -- my name is there.
Q Oh, it is. All right. You are on this email. Thank you.
This is the contract -- attached to this email is the contract between Wayfarer Studios and Justin Baldoni on the one hand, and RWA, Jen Abel's company; is that right?
A Yes, it looks like it.
Q Okay. And you signed this contract on behalf of Justin Baldoni and Wayfarer Studios, correct?
A Is there a signature page? I would -- I'm not --
Q Yes. It's at the page --
A Yes, I see it.
Q -- ending 3762.
A So I can confirm I did, yes.
Q And you signed that contract on September 27th, 2024.
Do you see that?
A I do.
Q And Jennifer Abel signed the contract on September 30th, 2024.
Do you see that?

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A I do.
Q Did you, in your role as CEO of Wayfarer, make the ultimate decision for Wayfarer and Mr. Baldoni to enter into this contract with RWA?
MS. SHAPIRO: Objection.
THE WITNESS: Sure. Did I -- did I end up making this decision to do so?
BY MS. SHAH:
Q Uh-huh.
A Through consultation with Justin and others, yes, of course I did.
Q And why did you decide to enter into this contract with RWA?
A Because at this point, we decided to have Jen be our publicist, and her company is RWA.
Q Okay. How far in advance of entering into this -- into this contract did Wayfarer make the decision to have Jen as Wayfarer's publicist?
A This is the end of September, so I would be guessing. This is a year ago, and I -- I don't know -- I don't know if it was -- I don't know. I would need something to refresh my memory. But certainly before this.
Q After Wayfarer and Mr. Baldoni entered into this contract with RWA, Wayfarer did pay RWA

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for its publicity services, correct?
A Correct.
Q Does Wayfarer pay RWA for publicity services both for Wayfarer and for Mr. Baldoni?
A We do.
Q Okay. If you flip to the page that's marked at the bottom 3763.
A 3763? I see it.
Q Does this generally comprise the services that RWA performs for Wayfarer and Mr. Baldoni?
A Yes.
Q And at the time Wayfarer and Mr. Baldoni entered into this agreement with RWA, Jonesworks was no longer providing publicity services to either Wayfarer or Mr. Baldoni; is that right?
A Correct.
Q And since the time that Wayfarer and Mr. Baldoni entered into this contract with RWA, Jonesworks has not provided Wayfarer or Mr. Baldoni with any publicity services, right?
A Correct.
Q And that is at Wayfarer and Mr. Baldoni's request, correct?
MS. SHAPIRO: Objection.
THE WITNESS: Correct.

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BY MS. SHAH:
Q I may have asked you this already, so forgive me.
Why did you decide to hire Jen and RWA as Wayfarer and Mr. Baldoni's publicist?
A I would say for two reasons. We need a publicist, and we like Jen.
Q Okay. So you testified earlier about learning at some point in time that Jen had put -- yes, you can put that aside -- that Jen had put in her notice to Jonesworks; is that correct?
A Yes.
Q Had she ever, prior to that, indicated to you that she was resigning from Jonesworks?
A I do not think so.
Q Do you recall an email from her to you in around May of 2024 entitled "Resignation"?
A I don't.
Q Okay.
A But you got one.
Q I do.
MS. SHAH: I'm showing you what's been marked as Exhibit 28 for the record. It's an email between you and Jennifer Abel, dated May 6th, 2024, bearing the Bates stamps JONESWORKS_WAYFARER_,

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several zeroes, 3838.
(Exhibit 28 marked for identification.)
BY MS. SHAH:
Q Do you recognize this email?
A I haven't seen this email since then, but I recognize it as being my email for sure.
Q Okay. Do you remember receiving this as you sit here today?
A I don't.
Q Okay. Do you remember anything about what this -- what this is about?
A I can deduce what this is about.
Q Before you deduce what it's about, do you have a recollection of what this is about?
A I don't.
Q Okay. What is your best guess?
MS. SHAPIRO: Objection.
THE WITNESS: I often tell people jokingly to each shit. It's a childhood thing. A lot of us said that, but it's a childhood thing. And some people know I go in and I will say it in a positive way. Whatever. And I think it was in response to her saying it's been real, peace and love. Because I would joke with her like, I'm not talking to you for a week. I'm not -- it's banter.

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So it looks like banter.
BY MS. SHAH:
Q Do you have any understanding of why -- sorry.
Do you have any understanding of why Jen Abel is writing to you on May 6 of 2024 an email entitled "Resignation" where she writes:
(As read):
"It has been real. Peace and love.
Jen"?
A I don't recall this email so I -- I can't speculate, other than I don't know what this is referencing.
Q Okay. Would you agree with me that when people say things like "it has been real, peace and love," that's kind of a parting salutation?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. SHAH:
Q Do you know one way or another whether Jen had indicated to Jonesworks at this time that she was or was thinking about resigning from Jonesworks?
A And the question for me is, sorry, what?
Q Do you know --

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A Do I know about it?
Q Yeah.
A No, I don't think so.
Q Okay. Meaning, you don't think that was happening or you don't think you knew one way or another?
A I don't think I knew one way or another --
Q Okay.
A -- in May of '24, no. Is that when this is?
Q Yeah.
A Yeah.
Q So you just don't know one way or another?
A I have no recollection of that.
Q Okay. All right. You can put that aside.
I want to talk to you now about conversations that you may have had with Stephanie Jones during the period of filming It Ends with Us.
A Okay.
Q Do you recall having any conversations, whether on the phone or in person, with

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Stephanie Jones during the filming of It Ends with Us, whether or not other people were involved in those conversations?
A Yes.
Q Okay. What do you recall?
MS. SHAPIRO: Objection.
THE WITNESS: Can you be more specific?
BY MS. SHAH:
Q How many conversations do you recall having?
A I believe I had two conversations with her, and she visited set one day.
Q Okay. Do you recall when the set visit was?
A Oh, I would guess.
Q What is your best guess?
A June of '23.
Q Okay. Would her visit to the set have been recorded anywhere on the call log or anywhere else?
A I don't know.
Q Okay.
A Call log. I'm sorry. You mean --
Q Call sheet?
A Call sheet? Yes. I don't think so but I

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don't know.
Q Okay. Apart from this set visit, you recall having two calls with Stephanie Jones during the filming of It Ends with Us; is that correct?
A Correct.
Q Do you recall when those calls took place?
A So I have to correct myself. I remember two calls. One was during filming; one was after filming or in between filming.
Q I see. And by "in between filming," what do you mean?
A In between phase one and phase two. There was June until January, so five, six months. Sometime in that time.
Q Okay. In the first call that you recall during filming, what period of time do you think that happened in?
A I believe that was in the end of May.
Q Of what year?
A Of '23.
Q Okay. So the two calls you remember having with Stephanie Jones, one was at the end of May of 2023, and the second was sometime in the period that you took a break from filming between

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June of '23 and January of '24; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: Correct. Now, those are the ones that stand out to me that I remember having conversation with her. There may have been an inadvertent text. I don't even know when it was. I just want to be clear that I'm not saying those are the only ones, but these -- you know, there may have been -- I just want to be clear. That's what I recall.
BY MS. SHAH:
Q Sure. Yeah, sure.
And putting aside like text messages and emails and other forms of written communication, what I'm really asking you is if you recall any --
A Okay.
Q -- oral conversations on the phone or in person?
A Those are them.
Q So does this comprise what you recall about any oral conversations with her, either on the phone and in person during that period of time?
A It does.
Q Do you recall speaking to her during her set visit in June 2023?

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A Yeah.
Q Okay. What do you recall speaking to her about?
A She was a blast.
Q She's pretty fun, right?
A A lot of fun. A lot of jokes. We joked about craft services, too much chocolate. She was mindful that we had had some challenges to one degree or another, and she made some jokes about that.
Q How had she -- so is it your understanding that she had already come to learn that you were having some challenges on the film by the time she visited the set?
A Yes.
Q Okay. Do you have an understanding of how she had come to learn that you were having some challenges on the set before she visited the set?
A We had a conversation with her.
Q In May of 2023?
A Correct.
Q Okay. In that May 2023 call, what do you recall discussing with her about the challenges that you were having on the set?
A I'm just trying to reflect if it was the

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end of May or the beginning of June, but I think it was end of May. So please don't hold me, I'm not like saying that is exactly it, but that's what I recall.
I think we were shut down for COVID. I think we had learned that Blake and Jenny had shared that they didn't really care for the "sexy" comments. And we got through that, but Justin just wanted to talk to Stephanie and Jen because I think that was a safe place for him to just be like, oh, you know, I wish I wouldn't have said something of this nature, and there was a conversation about that.
Q Tell me what you recall about that conversation.
A That's pretty much what I recall.
Q Okay. Do you recall anything else being discussed during that call with Stephanie?
A Not specifically. I do not. I mean, Stephanie is -- I don't know her well. Stephanie is pretty crass, she's got a mouth. I don't say that negatively. I mean, she's just -- it's how she speaks. She was more of the spirit of, like, don't fucking worry about it. Yeah, you fucking said "sexy." That kind of thing. That's what I remember

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her energy being.
Q Do you remember feeling like she was being supportive of Wayfarer and Justin on that call?
A Yes, I do.
Q Do you remember feeling like she believed what you and Justin were telling her about your experiences on set on that call?
A Yeah.
Q Do you think you had given her, or Justin had given her, any reason not to believe what you were telling her about your on-set experiences during that call?
A I don't think she had any reason to believe -- to not believe.
Q Who was on that call?
A Justin, myself, Stephanie, and Jen, I believe.
Q About how long did that call last?
A No idea.
Q More than five minutes?
A Yes.
Q More than an hour?
A I don't think so.
Q More than ten minutes?

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A Could be. I don't know.
Q Okay. Is there anything else that you recall about the substance or conversation on that call, other than what you've told me?
A No, not at the moment.
Q Did -- did Jen speak during that call?
A I would only imagine that she may have said something, but I don't have a recollection of it.
Q Prior to that call, did Jen already have an understanding of the challenges you were experiencing on set?
A I don't know.
Q Then you said there was a second call that you recall with Stephanie Jones sometime during the period when you were shut down for filming between roughly July of 2023 and January of 2024; is that right?
A Correct.
Q Tell me what you remember about that second call.
A That call, I believe, was after we received on November 9th the 17-point list. And I believe a couple of days later within that time frame, there was a call with them. Justin, again,

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wanted to speak with Stephanie.
Q Do you recall what was discussed during that call?
A I don't have a memory of it other than -- I don't really have a memory of it.
Q Do you recall one way or another whether the 17-point list was discussed during that call?
A I don't have a recollection of us specifically talking about any points. I don't.
Q Who was on that call?
A I believe it would have been me and Justin, Jen, and Stephanie.
Q About how long did that call last?
A I don't know. I don't know.
Q Can you give me an estimate?
A Ten minutes.
Q Okay.
A And if you showed me something that said 30 minutes, I would be like, okay.
Q Okay. Other than the two calls that you just described to me and the on-set visit that you described to me, do you recall any other conversation with Stephanie Jones at any point in time where you discussed with her any of the challenges that you were experiencing on the set of

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It Ends with Us?
A I have no memory of it.
Q Coming back to the subject of these recorded calls that you -- the call recordings that you made of the four calls, do you know, yes or no, whether or not your attorneys ever shared any of those recordings with any of the witnesses in this case or those witnesses' counsel?
A Say it one more time so I understand it clearly. I'm sorry.
Q Sure.
With respect to the four call recordings that you made that we've discussed earlier today, do you have any knowledge, yes or no, whether your attorneys ever shared any of those recordings with any of the witnesses in this case or their counsel?
A No, I have no knowledge.
Q Okay. Now, at some point in time, Wayfarer made the decision to bring on TAG and Melissa Nathan as crisis communications professionals, right?
A We did.
Q And by "TAG" you understand I'm referring to The Agency Group, which is Melissa Nathan's company, right?

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A I do.
Q Who made the decision to bring on TAG to Wayfarer's account?
MS. SHAPIRO: Objection.
THE WITNESS: I'm just thinking if there was a collective discussion, if there was or not, but it was me.
BY MS. SHAH:
Q Okay. And what were they brought on to do?
A They were brought on to -- to manage -- not to manage crisis PR. They were crisis PR. And they, from what I understand, crisis PR manages negative stories and things that are happening in the world and help you manage through them. And they were brought on to manage that.
Q Okay. What do you mean by "manage"? Give me some examples of what you understand them to do to manage that.
A Field incoming calls of stories that may be incorrect, to have those and correct them, which at the time, I didn't really understand the difference in -- it's all PR. I thought maybe Jonesworks did that on a level, why wouldn't your publicist do that, but what I came to learn is

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crisis PR is more if somebody is potentially in a crisis of some sort, regardless of what it is, that you hire them. That's what I pretty much understood.
Q Okay. And part of their job was to manage incoming calls for reporters about potential stories, correct?
A I believe so. That's one of their -- or one of their -- I'm not sure if, like, for instance, Jen in this case who was at Jonesworks, who would field those and how that works but -- but yes.
Q Okay. And part of their job was to communicate with reporters to either correct or help to manage any stories that would be coming out about you; is that right?
A I believe so.
Q Okay. And you had an understanding while TAG worked for Wayfarer that they, in fact, were doing those things, right, to manage the crisis?
MS. SHAPIRO: Objection.
THE WITNESS: Yes.
BY MS. SHAH:
Q Okay. What was the crisis?
A That's a big question.
In July, before we hired them, Justin

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personally had lost his movie after a lot of -- lot of tribulation and back and forth with Sony and us and the movie being taken, strippen, what I would say was felt like coercion of sorts. What we believed to be as veiled threats. He had been unfollowed. Not that being unfollowed -- that sounds high school, but the mere fact that you have all of these people who were no longer associating with him, which we didn't understand why.

Honestly, we understood at this point that there was -- there was contention with Blake for one reason or another, but we didn't understand Isabela Ferrer. We didn't understand Brandon Sklenar, and then Colleen. What was happening? We were having conversations now with Danny Greenberg and kind of his optics and what he's hearing, and hearing that they are saying ill things about us. Talking to Sony and some of the executives or people that had certain jobs there that alluded to the fact that Blake has got it out -- these weren't their words, but the sense that I got was that Blake's got it out for Justin.

So now that -- and then also, she was very, in my estimation, very disgruntled about not having a bigger role in the movie or at least not

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having control of edits and all of her ideas being embraced. Justin did his best with that, but you know, he had a line. Her not getting them caused a lot of feelings. We had a year prior, if not more, had some conversations that were of her expressing that she wasn't happy with certain things. And there was this veiled, like, what does that mean?

What -- so we didn't know. There was this -- for me, there was this fear of an unknown, but also things happening that we were witnessing. What do we do? Jen at some point recommended, I think you should talk to crisis PR. I think they would be helpful. So the purpose to originally meet with them and to hire them was to have some consultation. What does someone do in this particular time? And that's what led us to hire them.

Q Okay.

A Sorry for the long-winded explanation, but there was probably more in there but I just -- just giving you -- you asked me specifically what led us to do that.

Q Sure.

A Some of those things --

Q Thank you. I appreciate that.

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And I understand from your answer and from some of your testimony yesterday, that at the time this was happening and you thought about bringing on a crisis PR, there were things about this that you didn't understand why these things were happening; is that fair?

A Yeah.

Q And you were confused about why some of these things were happening, like the cast unfollowing Justin and all of this stuff, right?

A Yeah. We didn't have the answers to it.

Q And you'll forgive me for asking it this way, but I listened to your testimony yesterday --

A It's okay.

Q -- and I heard you recount some of the things that happened on set, and I heard counsel ask you questions about some of the things that various women and other movie employees have testified about in this case.

A Other movie employees?

Q Some of the women who were involved in the movie have testified about in this case.

A Oh, I see. Okay.

Q And, you know, coming into August of 2024, how do you think it's possible that you had

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missed so many indications by then from women involved in the film about their discomfort with the on-set behavior?

MS. SHAPIRO: Objection.

THE WITNESS: Okay. I have to understand that question, because in that question you said -- it sounded like you either implied, so correct me if I'm wrong, you said, "from so many women or other women," so I want that to be clarified so I can respond.

BY MS. SHAH:

Q Sure.

So counsel talked with you yesterday about Ms. Lively's experiences on the set and what she has testified to in this case, correct?

A Correct.

Q And counsel talked to you yesterday about Ms. Slate's experience on set and what she has testified to about this case, right?

A Yes.

Q And counsel talked to you yesterday about Alex Saks' experiences on the set in which she has testified to in this case, correct?

A Okay.

Q And counsel talked to you yesterday about

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Isabela Ferrer's experiences on the set and what she has testified to in this case, right?
A I don't believe we talked about Isabela yesterday.
Q Okay. Counsel talked to you yesterday about Ms. Hoover's experiences on the set, and what she has testified to about in this case, right?
MS. SHAPIRO: Objection.
THE WITNESS: I don't recall that.
BY MS. SHAH:
Q Okay. At least with respect to then three women involved in the film; Ms. Lively, Ms. Slate, and Alex Saks, coming into August of 2024, how do you think it's possible that by then you did not recognize indications of their discomfort and concerns about what had happened on the set and people's on-set behavior?
MS. SHAPIRO: Objection.
THE WITNESS: In order to have this conversation or for me to give testimony -- it's not really a conversation. I don't know how this is working. We're going to have to separate Alex Saks. Because other than what I heard and some testimony and until she then also would not go to the premiere, up until that time, we were on fine

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speaking terms. She and I were -- everything was good.
So other than, which I acknowledge there was a moment that they bumped heads on set, there was no indication that there was anything more than that with Alex Saks, nor have I heard any accusations that there was more other than they bumped heads a few times.
I don't want to belittle what someone may feel, but I want to be clear that in intense situations, people bump heads all the time. I'm sure you've bumped heads with an attorney once or twice. I saw you guys going at it a few times. It happens, but then do you go and think that there is a problem with this person because you bumped heads? That's what the experience was with Alex. So I think it's important to separate that from anything else. Because there was no indication for me at that point to think when you say "other women" to include Alex, if that's fair.
BY MS. SHAH:
Q I don't know whether it's fair or not, but I accept your answer.
And I guess my question is, respectfully, your perspective of these various incidents seems

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very different from a lot of these women's perspective about these various incidents, including Alex Saks'.
A Okay.
Q And so my question is, how do you think it's possible that you missed so many signs of all these women's complaints about on-set behavior up until August of 2024?
MS. SHAPIRO: Objection.
THE WITNESS: This -- this is -- I'm struggling at the moment. Here's why.
There's all these rules to this deposition, and I'm just a person that just wants to have a conversation. So I'm trying to follow the idea of what is like the proper process, and just have a conversation.
BY MS. SHAH:
Q Just tell me whatever your answer is.
A So I'm going to be mindful of it all and just do my best.
Q Sure, fair.
A We had a hard time. Before there was any alleged discomfort that I was aware of or Justin, outside of she was unhappy that he asked about -- the trainer about the weight, which, fine, she had a

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feeling about it, whatever she interpreted by that. But was nothing in our radar of any sort of issue other than she was -- she had some feelings about him asking someone about the weight. Fine.
Now we're in pre-production, and I don't say this illfully towards her, but she's very controlling and Justin was managing through this. And when I say "controlling," wonderfully kind and generous in her expression, but it feels a bit, unless you end up bending to what she's wanting, it keeps going. So we were trying to manage that.
Now we're in wardrobe and we're having issues with wardrobe. There is a few other things I can get to, but I'm just kind of giving you a clear picture. Now we've started filming and there has already been a, like, how do we manage her personality, and all that comes with her?
Now we're filming and she gets COVID. During that COVID period, there were some conversations. I know clearly now, she had some conversations with Jenny. And for the first time, Justin and I hear about that there was some feelings about something, was through a conversation with Ange, and it was very casual. It wasn't a big red flag. It was, she's got COVID. She's unhappy. I

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called to talk to her about -- I think it was -- I think it was about the script or her wardrobe or something. And she said on that conversation she had shared, she don't really like it when you refer to her as sexy, her wardrobe as sexy. And Jamey, I think she said you showed her a video, and she thought she -- you know, let's not show her any videos. It's like, okay. Yeah, it was in the context of -- but, okay.

But she gets better from COVID and we come back on June 1st. And then we had a meeting, and she talked about all of this stuff. Her upset with getting COVID. She had some concerns with the trailer. She wanted to address and clear the air, as she said. And as I said yesterday, she -- Jamey, when you showed me this video, I thought you were showing me porn. I know it wasn't. Of course it was your wife. But I was like, okay. She wasn't saying anything that it was anything other than what she thought it was. And yes, I got that she didn't really care for that.

She brought up me going into her trailer that -- that moment. But all she said was, like, when I asked you to look away, at some point you made eye contact with me. And I was like, I'm so

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sorry, I didn't realize it. She says, I'm not saying you were trying to cop a look. Okay, great. It didn't -- it didn't feel like it had gravity to it, but she wanted it -- she wanted to express it.

She mentioned to Justin about him referring to her wardrobe as "sexy," and acknowledged that he apologized, but she wanted to address it. So I felt it was addressed. It was adults having a moment sharing what they would like an adjustment made.

It wasn't just those things. It was also -- she had -- she had come to me about toilet paper that was in her -- that she didn't have enough toilet paper into something. And it was, I don't want to say it was a bit problem, but it was like, it bothered her, as if that were my job necessarily. Okay. And then she made a -- there were some thoughts that she had. And we talked about them, and we moved on. And there was no other suggestions of anything that was uncomfortable. This was June 1st.

Other than, now we're dealing with the strike. There's production things. Something every production maybe would have had to deal with. We had new ADs. We had production stuff happening,

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which made it contentious because for a lot of people, you just walk through some of these hurdles and you figure out a way through them. And maybe for some others, they are annoyed with them or blame someone else for them. And that's what I felt like was happening. But we had discussed it and addressed and moved. Then we got shut down, phase one.

But there was no other conversations about anything that she didn't -- wasn't -- wasn't comfortable with or wanted some course adjustment.

So now we're done. Now we're in the -- Justin has now got five or six months before we come back in January. We don't know when that date is, right? But now during that time he's kind of getting ahead of the movie and he's editing it. He doesn't have a full movie to edit, but he can edit and get ahead of like the first half that we shot so we can kind of start putting some of the pieces together.

And at some point, she wanted to be involved. And he was conflicted with this. Because typically, an actress, an actor is not involved in this process at this stage where he gets to play in the sandbox for himself and throw everything at the

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wall and just look at what he's got without the judgment or the eyes or the perspective of anyone, including his producers.

And he was trying to manage that. And we were also managing it with someone who we were unsure -- that we had experienced a lot of trying to manage all that came with Blake. And -- and it felt then when he would try to manage it, there felt to be some feelings about it, but we get through it. Okay. Nothing other than like production stuff and just maybe ego issue, whatever it is.

Then we think we're coming back after the strike. And then we get this protection letter. But we hadn't had any discussions about this since anything that may have been insinuated in there, there was no -- we had talked about it. What does this exactly mean? Okay. And then we looked at it and it's like, well, this is all reasonable.

But, yeah, there was a -- there was a sense of, could this? Is this? But we came to the conclusion through consultation, like this just means what it is. Let's get the movie done. It does say in there, "in lieu of any HR complaint," we just need these things to be -- okay. That doesn't mean that there's any allegations or anything. It

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doesn't mean that there was anything going on.
And then we go back to set. We film the movie with according to her, from what I heard, everything was fine. Continued to be fine since June of '23, and we finished the movie without any issue, other than what I keep mentioning is Justin navigating what we had determined that she was in control now of this movie, one way or another. Whether she was in physical control of it. But Justin was responding, all of us were responding. How do we manage without upsetting her?
I don't know how to put that fully in tangible things on every aspect, but this was the feeling. And Sony felt it too.
But we finished it, and now we're in post. And we're like, okay, we're done with production now. Justin gets to be back in his protected time. And then more stuff kept happening.
So when you ask me, how can I not see all the -- the signs? There was -- not until we got through this period -- I left out one thing. Forgive me. Let me back up. We had the January 4th meeting.
But even in that moment, right or wrong, it felt like her clearing the air. It had been six

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months before we had any discussion on June 1st when she wanted to clear the air. It was six months later. Everything was fine other than some production stuff. And she wanted to clear the air, and then it was like, okay, let's get back to work.
Whatever she expressed in that meeting wasn't anything new. It was all stuff that we were hearing that was happening six months, eight months prior, which we had never heard before.
But there was no -- anything other than Justin's like in complete shock because we don't agree with anything that she's mentioning, but still, it was not -- there was no feeling of like, so, therefore, I need. It was just like, let's clear the air. And this is why I wanted the protection list. And moved on.
So I don't -- I don't think it's a -- I think it's a fair question why you would ask it. It's easy now at the end of this to put all this puzzle pieces together and say, here's the house. This is what it looks like. How was it? But when you're in real time, and you're having conversations and you and I walk down the hallway and we bump heads accidentally, and I go, oh sorry, and we worked it out and even though I just bumped your

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head and we're good. But then later you might say it was something else. Well, I thought we -- I thought we were good. It didn't seem like more than that.
So I don't want to keep going on. Maybe I'm taking too much of your time. We did not believe that there was all these signs, as you just suggested, until now. People started unfollowing Justin, then all this stuff. I go, what's going on? That to us was not an indication that there were -- there was other women that testified on behalf of Blake. I hear that. Colleen does not make any mention of it. She's got some contract or she's upset about a coffee table book, which I'm sure if you look more into it, you'll see the discussions we were having. It's not as it's being mentioned. There's no issue with Blake -- with Colleen, until she started spending time with Blake, as far as I know.
Some of the sequence may be a little out of order. I'm sure I'm leaving some stuff out, but I wanted to give you context here to your question.
Q No, I appreciate that. And let me ask you this: You mentioned a couple of the things that Blake raised over the course of time that she wanted

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to discuss or clear the air about. One of them was the incident with you and she in her trailer, right, when she was getting her body makeup removed. And you mentioned that she had said something to you like, I asked you to look away and I turned around and we made eye contact or something like that, right?
A In the June 1st meeting?
Q Okay.
A Is that what you mean?
Q Sure. At any point in time.
A Okay. I didn't know if you talked about --
Q Fair.
A -- other things.
Q I guess my question is, you understood, though, from your discussions with her that the issue about you entering her trailer was because she was nude from the waist up, right?
A No.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q You didn't think she asked you to turn around because she was nude from the waist up?
MS. SHAPIRO: Objection.

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THE WITNESS: I did not think that.
BY MS. SHAH:
Q Does she typically ask you to turn around when she's having conversations with you when she has her clothes on?
MS. SHAPIRO: Objection.
THE WITNESS: Fair.
BY MS. SHAH:
Q Okay.
A I didn't see her, what she was wearing or not wearing. I saw that she was leaning back, and it looked like she was either feeding or maybe nursing -- or pumping. That's what it appeared she was doing. When she asked me to look away, I thought it was in that regard.
Q I understand --
A So I never saw it, so I didn't question that. So I moved over and looked away based on that.
Q Okay. But even nursing or pumping involves activity with a woman's breasts, right?
A Sure.
Q And you understood that it was in that context that she was asking you not to look, right?
A Fair. She asked me to look away, so

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whatever she was doing, she didn't want me to --
Q Right.
A Sure.
Q And what she was doing was something that had to do with her breasts being exposed or involved?
A Okay.
Q Okay. The video that you mentioned that she -- that you showed her of your wife was one of the things that she raised for discussion with you, right?
MS. SHAPIRO: Objection.
THE WITNESS: Correct.
BY MS. SHAH:
Q Okay. However you want to characterize that video, that is a video -- I don't mean that in any way other than I'm trying not to say "birthing video," because I understand there's been some discrepancy around what exactly is in the video.
A Okay.
Q That is a video of some portion of your wife in an intimate scene with you during the process of birthing your child, right?
A The word "intimate" throws me when you say that.

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Q I will -- I'll say it again.
That video involves your wife during some portion of the process birthing your child, right?
A Not birthing.
Q That's why I was trying to avoid that word. When Blake raised this issue to you, she told you she thought it was porn, right?
A She thought it was porn.
Q Right. Porn has a sexual connotation, correct?
A It does.
Q Okay. And you testified yesterday that in that video, whether or not your wife's breasts were exposed, she was, in fact, nude from the waist up at least, correct?
A Okay.
Q And you understood from your conversation with Blake that the thing she was raising with you about being shown the video had something to do with her perceived -- her perception that it had a sexual connotation, right?
A I don't know if I agree with that.
Q When she said it was porn, what other connotation could that be?
A She didn't say it was porn.

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Q When she said she thought it was porn at first --
A Yes.
Q -- you understood that that has a sexual connotation?
A I understand that.
Q And that is what she was raising with you?
MS. SHAPIRO: Objection.
THE WITNESS: No. I don't see it that way. That's not what it felt like.
BY MS. SHAH:
Q Okay.
A It felt like her raising it was -- I wasn't prepared to see whatever it is you were showing, or what I thought it was, was porn. I know that it wasn't. So for lack of better argument, if I showed her kids playing in a sandbox and whatever reason someone thought it was porn, you might go, oh my God, I thought that was porn. But I realized it wasn't. At that point, the point was that I was shocked by whatever it was. But once you realize what it is, you're not -- it's -- there is no sexual connotation anymore. That's what -- the feeling that I had.

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Now, I will admit this. Whether I'm right or wrong, that's what I felt. That's what it felt like.
Q I understand. But I guess I'm just trying to cut through to, you understood that what she was saying was, when I thought it was porn, that shocked me?
A Okay.
Q Yes? Fair?
MS. SHAPIRO: Objection.
THE WITNESS: All I can say is that the feeling of it when she had mentioned it, was not that she suggested that I did anything inappropriate as it pertained to a sexual nature. I did not think that.
BY MS. SHAH:
Q Okay. Fair to -- fair to say that you understood, though, that she didn't want you to show her porn on the set?
A Everybody should not want them to show porn. I didn't show porn.
Q I understand that, but fair to say that you understood that she did not want to be shown porn on the set?
A Of course.

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Q Okay.
The other thing that she raised to you and that others also raised to you at the time was the comments that had been made to her about a sexy or hot wardrobe, right?
MS. SHAPIRO: Objection.
THE WITNESS: Okay.
BY MS. SHAH:
Q And the comments that had been made to Jenny Slate about a sexy wardrobe, right?
MS. SHAPIRO: Objection.
THE WITNESS: No. I don't -- I don't think that was talked about with Blake.
BY MS. SHAH:
Q But if --
A If you're referring to the June 1st, when we had like a, she's back from COVID --
Q I'm not referring to that meeting.
A Okay.
Q I'm just referring to, like, during filming.
A I see.
Q Okay.
Among the conversations that you had either with Blake or Alex or Ange or anyone during

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filming, was that -- was about the comments to Blake about her sexy or hot wardrobe, right?
MS. SHAPIRO: Objection.
THE WITNESS: I'm having trouble with the language, but let me just -- but I don't think you're saying anything I disagree with, so let's go ahead.
BY MS. SHAH:
Q Sure. And you understand those are being raised to you because of the word -- the words "sexy" and "hot" were used, right?
MS. SHAPIRO: Objection.
THE WITNESS: Okay. That's -- I don't think that's unfair.
BY MS. SHAH:
Q And when you had conversations with anyone about Jenny Slate, the comment made to her about "sexy," you understood that that was being raised to you because the word "sexy" had been used, right?
A Fair.
Q Okay. The letter -- 17-point letter that came to you in November of 2024 -- November of 2023, mentions in several places behavior and restrictions around intimate scenes on the film, right?

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MS. SHAPIRO: Objection.
THE WITNESS: Yes. Yes, sorry.
BY MS. SHAH:
Q Mentions the requirement for an intimacy coordinator, right?
A Intimacy coordinator was already engaged and now the request was that they wanted them to be there every day, even if she was doing a whatever -- whatever scene that was, yeah, she requested that.
Q It mentioned restrictions around nudity in certain forms and respects, right?
A It mentioned that standard protocol that you would have for those things, yes.
Q It mentioned restrictions or limitations on sexual connotations and sexual comments, correct?
MS. SHAPIRO: Objection.
THE WITNESS: I -- I think I would need to reread it to -- at the moment, just but -- but there is some -- something in there that says some restriction about -- yeah, mentioning -- making mention of her person outside of the character or something like that. Characteristics such as what you mentioned, something like that.
BY MS. SHAH:
Q Okay. Characteristics around sexuality?

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A I hear that. That's in there.
Q Yeah.
A There is an implied.
Q And it mentions at least the idea or contemplation of an HR process, right?
A In the cover letter. Okay.
Q The January 4th meeting that you had with Blake and Ryan Reynolds and others, issues around nudity and sexuality and sexual comments and intimacy on set were discussed, correct?
MS. SHAPIRO: Objection.
THE WITNESS: When you put them in a list like that, it's hard for me to say correct to each one.
BY MS. SHAH:
Q Okay.
A So I'm not mistaken and --
Q All right.
The incident in Blake's trailer that we've discussed was mentioned during the June 4 -- the January 4th meeting, right?
A I don't think that was mentioned during the January 4th meeting.
Q No. The comment to her regarding "sexy" or "hot" was discussed in the January 4th meeting,

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right?
A I don't recall if that one was or not. It had already been discussed, so I don't know why we have to discuss it again, but it could have been. I don't recall.
Q Ryan was very irritated at that meeting, right?
A Very much.
Q You understood that some of his irritation at least had to do with some of the things that Blake felt she was experiencing on the set, right?
MS. SHAPIRO: Objection.
THE WITNESS: I would not say that. I would say his frustration is that he didn't think Justin was being what he wanted Justin to be. That's -- that's what -- that's what the anger or frustration was at.
BY MS. SHAH:
Q And part of what he wanted Justin to be, you understood, was like not to make comments to his wife that she was sexy and hot, right?
MS. SHAPIRO: Objection.
THE WITNESS: No. That wasn't it.

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BY MS. SHAH:
Q Okay.
A I'm saying that -- that wasn't what he was getting angry about.
Q Okay.
A He was getting angry when she would say something that Justin was like, what are you talking about? For instance, linger on the lip. He is upset with him just saying, it doesn't matter if you agree with her or not, just fucking apologize. He was like, but I didn't do it. He was mad at him, not necessarily -- I'm not saying he didn't have feelings about -- I can't -- I can't talk about that. But our experience, my experience was, his anger and rage was at Justin for not being the person he wanted him to be in that moment. That's what his rage and anger was and belittlement.
Q Okay. When you mention the linger on the lip incident --
A Right.
Q -- you're talking about the complaint that Justin's mouth lingered too long on Blake's lips when they kissed during a scene in the movie, right?
A Correct.

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Q Okay. So my question is, all of these things that we've just discussed, that you had conversations with people at various points in time about during filming before August of 2024, all have the common thread that they are concerns involving nudity, intimacy, sexuality, sexual comments, pornography on set.
Do you recognize that?
MS. SHAPIRO: Objection.
THE WITNESS: I can't agree with the way you phrased that.
BY MS. SHAH:
Q Okay.
A I don't. I mean, when --
Q And my question --
A Because you said a lot in there. All of the conversations. All this list. Some maybe -- somewhat correct; somewhat not, the framing of it. And then so that it was a big question with a lot of information in there, so I don't think one could say yes or no to that.
Q Okay.
A At least the way that I heard it.
Q Okay.
By August of 2024, you had had at least

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several conversations with different people regarding incidents that involved in some respect issues touching on intimacy or nudity or sexual commentary or behavior, correct?

MS. SHAPIRO: Objection.

THE WITNESS: Who are the several people? Are you saying with other people or with Blake?

BY MS. SHAH:

Q Blake, Jenny Slate, Ange Giannetti, and Alex Saks, at least.

MS. SHAPIRO: Objection.

THE WITNESS: We never had a conversation with Jenny Slate about that.

BY MS. SHAH:

Q About the "sexy" comment to her?

A I never had a conversation with her about it.

Q She never raised it to anyone on set?

A You were saying "we had a conversation with." Yes, she did mention to someone that she had this.

Q Okay. And I guess my question to you is, coming into August of 2024, how do you think it's possible the issues touching on nudity and intimacy and sexual words and sexual behavior had been

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mentioned so many times and you didn't see this as any sort of serious concern or situation?

MS. SHAPIRO: Objection.

THE WITNESS: As I -- the best I can tell you is, the movie started May 15th. We had a conversation on June 1st. That's a two-week period. During those two weeks, on May -- I think it started May 16th. On May 17th was the day that I was -- the conversation about the trailer. That's on day two. May 23rd is when I understand when Justin made reference to her wardrobe being sexy. Also on that same day, when she's referring to him lingering on his [sic] lip or smelling her and these things that she's put in her complaint, was also on that day.

The day that she's claiming I showed, whatever version she is saying that I've shown of my wife, which I did not, was also on May 23rd. Shortly after, she got COVID. We came back on June 1st. There was no conversation about any of these things. We had the conversation on June 1st. So you're talking about a ten-day period almost, that then we had discussed on June 1st, addressed whatever -- all the conversations about production and as well as how

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she wanted to express those, and then we moved without incident.

Whatever correction she need -- I'm sorry. I'm leaving out one. We had heard something about hugs. I didn't know what to make of that, but okay. Okay, there's no more hugs. I didn't hug her. But Justin, if he was hugging her, there was no more incident. We talked about it on June 1st, whatever it was. So any conversations that you're referencing that was multiple, multiple, multiple, conversations, the few that you're saying, whatever that is, was all relating to five months ago, ten months ago, around this period.

We'd had the conversation on the 1st. Now we get this protection letter on November 9th. Okay. Figure it out. We have January 4th. She's not saying something happened in November. She's not saying something happened in July, that continued behavior. It's just a regurg -- regurgitation of what happened in those ten days, or what she alleges happened in those ten days. So we're like, okay, she needs to get some more off of her chest. I don't agree with it. It was very confusing, but okay. And then nothing else.

So I -- forgive me, but when you keep

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referencing, as if it were continued behavior, whatever, however you view if it was -- if I see it one way and you see it another way and then there was all these conversations, okay. How could you not see it? But it's multiple conversations about the same period of time. And if I step on your foot today and you bring it up and then you bring it up again in two years, and four years, we're still talking about the incident that happened when I stepped on your foot. That doesn't mean that it's, why didn't you do something six months later? It's like, we're talking about the same thing. So that's why.

BY MS. SHAH:

Q Looking back on it now --

A I'm sorry. I need to apologize. If my energy is up --

Q You don't need to apologize.

A It's not directed at you.

Q You don't need to apologize.

A I'm sorry.

Q Don't worry about that.

Looking back on it now, do you think you misunderstood the gravity of the situation?

MS. SHAPIRO: Objection.

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THE WITNESS: I don't know how to answer that. You're asking that based on everything that you've heard and allegations of looking at this big, ugly monster that seems to be painted, and you're saying, should you have done something different based on what grew to be this? But at the time, I don't think we missed it. I don't think so.

We had the June 1st meeting. We had talked to Ange, Alex. I don't know what Alex was saying in -- behind -- not behind our backs, but unbeknownst to us, but there was no -- it felt reasonable that people bump heads. For one reason or another, you move on. You talk about it like adults and we move on and nothing else happens. So I can't say that we -- but I hear that you're trying to make that argument or others are trying to make that argument.

But at the time, given what we were experiencing, I felt that we handled it with the consultation of others, in the best way that it was supposed to be handled, which is what she wanted. That's what we understood. She wanted the conversation and wanted to move on.

BY MS. SHAH:

Q Do you think the fact regardless of

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whether the conversations referenced only incidents that happened within some ten-day or short period of time --

A Okay.

Q -- do you think that the fact that it kept being brought up over and over and over, at least on June 1st in the November 17-point letter and in the January 2024 meeting, was an indication that, perhaps, at least from Blake's perspective, whatever had happened before was not, in fact, resolved?

MS. SHAPIRO: Objection.

THE WITNESS: Again, I think there wasn't multiple, multiple ones. June 1st was the first conversation. There was the first conversation with Blake, right? Some thoughts had been shared. We had a conversation on June 1st. No other conversations about it. You're referencing the November 9th letter as if that's a conversation. But it was clear. I'm not trying to hide away from the language.

In lieu of an HR complaint, we know that there's a lot of things that happened on set. That involved a lot. There was a lot. We had a lot of strikes. We had COVID. We had issues, production,

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that had nothing to do with you and me bumping heads. But to say it and characterize that as it's coming up again, it was like, here's the protections that I need to make sure that I feel safe, as she put it, moving forward.

It wasn't bringing back up the June 1st stuff, the conversation. It was like, here's what I need moving forward. Here's some guidelines. We'd give this to anybody, but it wasn't a conversation about it. We did not think it was kept being brought up and brought up. This is, contracts happen all the time of what they need to go on set. Here was one.

The January 4th is what I would consider the second conversation, no matter how you want to frame the other. And that meeting, with a Sony representative, the new Sony producer, myself, Justin, Alex Saks, our other producer, no one felt that this was a -- a nod to then, what do you do next? She got -- she wanted to express it. She said, just want to clear the air, after we talked about it, then we talked about production. See you guys tomorrow.

There was no indication that we were supposed to take another step. We thought the step

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was done. We talked about it. She got it off her -- even though we disagreed. I still contend to this day that most of what she is saying, either all of it -- either it's twisted or fabricated.

She says I talked about my genitals. I still haven't had -- heard anybody ask me. She said I had a porn addiction in her complaint. No one has asked me where that came from as it pertains to me. But we talked about it.

And our belief -- I don't know if lawyers like it if I say this or not, whether we were right or wrong, our belief at the time was that it was handled, it was discussed, and then we moved on. I'm sorry.

BY MS. SHAH:

Q Don't be sorry.

THE WITNESS: Can we take a break?

MS. SHAH: Yes, absolutely. Why don't we take the lunch break?

MS. SHAPIRO: Forty-five minutes?

MS. SHAH: We can go off the record. Forty minutes?

MS. SHAPIRO: Forty minutes is fine.

THE VIDEOGRAPHER: We are going off the record. The time is 12:50 p.m.

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(Lunch recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 1:42 p.m.
BY MS. SHAH:
Q Good afternoon, Mr. Heath.
A Good afternoon.
Q Before lunch we were discussing your decision to bring on TAG and Melissa Nathan to handle crisis communications. You had mentioned that at some point, Jen had recommended to you that you should consider bringing on crisis communications professionals; is that right?
A Correct.
Q What do you recall about that conversation?
A I recall her saying that she doesn't do crisis PR and this might be a conversation with a crisis PR firm.
Q Do you recall when that conversation occurred?
A I don't.
Q Do you think it was like within several days of when you first talked to Melissa Nathan?
MS. SHAPIRO: Objection.

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THE WITNESS: I don't know if it was in several days, but it wasn't weeks.
BY MS. SHAH:
Q Okay. Did she recommend Melissa Nathan to you as a potential person that you could hire for crisis comms?
A I believe it was her. Yes.
Q Okay. Meaning, it was Jen?
A I believe so.
Q Did she give you any other names of any other people or firms other than Melissa Nathan that you should consider for crisis communications?
A I don't remember. She may have. I don't remember.
Q Okay. You can't think of any as you sit here today?
A I can't.
Q Did you personally speak with Melissa Nathan or anyone from TAG before you decided to hire them?
A I did.
Q Did you personally speak with or interview any other crisis communications professional?
A I did not.

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Q Did anyone at Wayfarer ever speak with or interview any other crisis communications professional than Melissa Nathan?
A Not that I'm aware of.
Q Okay. Did you also ask or did anyone at Wayfarer ask Stephanie Jones for recommendations for crisis communications professionals?
A I believe we did.
Q Okay.
A Or -- I don't know if we asked or if they were just shared. But I do know that we got some recommendations from Stephanie Jones. I don't recall how that happened.
Q Okay. And Melissa Nathan was not on Stephanie Jones' list of recommendations to you for crisis communications, right?
A She was not.
Q You were aware that Stephanie Jones expressly warned you that you should not hire Melissa Nathan for this role, correct?
A I was aware.
Q What was your understanding of the reasons that Stephanie thought you should not hire Melissa Nathan in this role?
A To start with, I had a phone conversation

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with Stephanie also because she -- I believe she called me about it. And there was some either text or email or something suggesting it. I don't know what happened when. At some point, yes, she had said that she didn't think she was the right fit because she thought she was shady.
Q What did you understand Stephanie to mean when she said she thought Melissa Nathan was shady?
A I didn't know exactly. But she went on to tell me, I believe on a phone call, and she was very passionate, as Stephanie wonderfully can be, about her feelings for her.
Q And what did she tell -- what did Stephanie tell you on that phone call about the reasons that she thought Melissa Nathan was shady?
A I don't think on that phone call that I recall anything specific of what she said. It's one of the many phone calls that you have with people so I don't remember exactly. But the sentiment was, she didn't like her. I remember knowing that they had some history. She was pretty adamant about it. Where by the end of the call, I had deduced that they had personal history.
Maybe some of it was based on fact. Maybe some of it was based on personal differences.

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A common theme that happens all the time everywhere in the world and in Hollywood. People like each other one day; they don't another day. I got that sense.

Q And you ultimately hired Melissa Nathan over Stephanie Jones' objections, correct?

A I did.

Q Do you recall understanding at the time, whether from your phone call with Stephanie Jones or from any of the text or email communications you were having at the time, that one of the reasons that Stephanie Jones was uncomfortable working with Melissa Nathan was because of work that Melissa Nathan had done in connection with an incident in Miami where a young aspiring singer was found dead in a bathtub in David Bolno's hotel room?

MS. SHAPIRO: Objection.

THE WITNESS: I did learn something vague about it. She did send me -- she sent me, I think it was a text or a screenshot or a link or something. I remember looking at it for a moment. Not reading it, just kind of glancing at it because who has time to read a whole article about something. And so I don't even recall the content of it other than she was involved in PR to some

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degree with it.

Q Meaning, Melissa Nathan was involved in PR to some degree with the incident with a girl in the hotel room?

A Correct.

Q You understood from this that Stephanie Jones was expressing that she was uncomfortable with the tactics that Melissa Nathan had used in connection with her PR work relating to that incident, right?

MS. SHAPIRO: Objection.

THE WITNESS: Can you repeat that?

BY MS. SHAH:

Q Yeah. You understood that what Stephanie Jones was expressing to you was that she didn't like some of the tactics and work that Melissa Nathan had done with respect to PR around this incident with a girl in the Miami hotel room, right?

MS. SHAPIRO: Objection.

THE WITNESS: I was aware she had those feelings.

MS. SHAH: Let's mark this one and hand it out.

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BY MS. SHAH:

Q Do you recall telling Stephanie Jones during any of these conversations that every crisis person has a little dirt on their nose?

A I've heard someone say that. I don't know if it was her or something. I think that's a misrepresentation. I think that's an inaccurate quote. But I heard something about that.

Q Okay. In what way do you think it's inaccurate?

A Well, because the way I've heard it said to me, and maybe I'm mistaken, is that it's a bit dismissive. And I'm realistic and understanding that if I hire some lawyers, I understand that they -- at some point may have defended someone that's not the best type of person you'd want to be associated with.

If you -- I get that. So anyone in crisis, I imagine is dealing with not pretty flowers. So it was in that spirit. Not dismissive. That's the way at least I interpreted that from how I heard it. My response to you now would be like, I mean, I suppose everyone in this field might have some -- dealt with some dirty stuff, some icky stuff.

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Q Okay. So you recall saying something like that in sum and substance to her; you just didn't mean it dismissively?

MS. SHAPIRO: Objection.

THE WITNESS: I do not recall me saying it. But I know my sentiment and my spirit. So if she's saying I said something of that nature, I would say that would be the only way I would mean that.

BY MS. SHAH:

Q But you don't dispute that you may have said something like that to her?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall it.

BY MS. SHAH:

Q And so you're not disputing it one way or another?

MS. SHAPIRO: Objection.

THE WITNESS: I am disputing that if I said anything dismissive in that way, I would not have done that. That's the best I can give you.

BY MS. SHAH:

Q Sure. But you're not disputing that you may have said something of that sum and substance to her?

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MS. SHAPIRO: Objection.
THE WITNESS: Okay. Sure. I don't have a recording, a video of it, a text of it. So I can't dispute something that I don't know.
MS. SHAH: Okay. Showing you something that's been marked as Exhibit 29. It's a text thread between Stephanie Jones, you, Tera Hanks, and Justin Baldoni, dated July 26th, 2024, Bates-stamped JONESWORKS_JV_, several zeroes, 1142.
Do you see that?
(Exhibit 29 marked for identification.)
THE WITNESS: I didn't even know you had it in front of me. I do see it.
BY MS. SHAH:
Q So in this text message -- well, let me ask you this. Do you recall receiving this text message?
A I recall seeing this message. I don't recall when I received it or when I looked at it. But yes, this -- I remember this text message.
Q Sure. In reading it now, this is reflective of the kinds of things that you understand Stephanie Jones was expressing to you about her reservations with Melissa Nathan at the time, correct?

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A Correct.
Q And she notes in here:
(As read):
"I just downloaded Tera on some dark stuff. But please, we cannot work with Melissa Nathan."
Do you know what dark stuff she had downloaded Tera on?
A I don't.
Q Did Tera ever convey that to you in your recollection?
A I don't believe so.
Q Then she goes on to say:
(As read):
"Not someone we would want in Justin's orb or for Blake's PR to use as a weapon against him."
Do you see that?
A I do.
Q And do you -- did you understand from this or any other communication with Stephanie that part of what she was expressing to you was she didn't think it would be good for Justin to be associated with someone like Melissa Nathan?
A I did recognize that was her -- those were her thoughts.

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Q Did you also recognize that part of what she was expressing to you was that if Justin were to be associated with someone like Melissa Nathan, Blake's PR people could potentially use that association against Justin?
A I did.
Q Okay. Because of the negative connotations it might have to be associated in that way; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: I see that. I can understand that, yeah. I can understand that that's what she's saying.
BY MS. SHAH:
Q Okay. Did you have any understanding of what dirty work Stephanie thought Melissa Nathan had done apart from the incident in Miami with the girl in the hotel room that we just discussed?
A Can you say it one more time?
Q Sure. In the text she says there is a lot of dirty work she has done.
A I see.
Q So what was your understanding at the time, other than this incident about the girl in the

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Miami hotel room, of the dirty work that Stephanie thought Melissa Nathan had done?
A I don't recall. And I also frame that with what we all know. That what comes out in different times and then to remember what I knew then is hard to separate. So I don't know.
Q Sure. What do you know now that you might think or have you learned that you think might fall into the category of dirty work that Melissa Nathan had done?
MS. SHAPIRO: Objection.
THE WITNESS: I don't mean -- I don't mean dirty work that I know now. I mean what people say what I knew a week later what Stephanie's thoughts were about it that may have been more colorful.
So I don't know at this time reading this what that meant. But I've seen a lot of noise out there about who Melissa is. So it's all of that, is what I'm saying, is that it's what -- what did she say? I don't know. It's hard to separate them all.
MS. SHAH: Okay. Showing you what's been marked as Exhibit 30. It's a text thread between you and Stephanie Jones also from July 26th 2024. Bates-stamped JONESWORKS_three zeroes, 40269.

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(Exhibit 30 marked for identification.)
BY MS. SHAH:
Q You're free to read through this. But I'd also like you, when you're ready, to compare the prior Exhibit 29 to this exhibit so please have that handy.
A Okay. I have the other one here. Okay.
Q If you have the two of them together, Exhibit 29 and Exhibit 30. You will see in Exhibit 29, it's dated July 26, 2024 with a time stamp of 7:57 p.m.
Do you see that?
A I do.
Q And in Exhibit 30, the first text message in that thread from Stephanie Jones just to you is also dated July 26th, 2024 at 7:57 p.m.
A Okay.
Q So these two text conversations were happening roughly around the same time; is that right?
A It looks like it. Yes.
Q Okay. And in one of the text conversations in Exhibit 29, Stephanie is -- has texted this to you and Tera and Justin.

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Do you see that?
A I do.
Q And then Exhibit 30 is a separate text conversation between Stephanie and just you. Do you see that?
A Yup.
Q You start the conversation by saying:
(As read):
"Hey hey. I'm at the barber. I'll call you when I'm done."
Do you see that?
A I do.
Q Okay. Do you have a recollection that she had called you right around this time to discuss this with you?
A I do remember this call.
Q Okay.
A I remember because I was in the barber.
Q Okay.
A I know she called.
Q Okay.
A And I texted this back. But I just remember.
Q Okay. I see. And here's the conversation where she texts you what looks like a

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link to this incident with the girl in the Miami hotel room.
Do you see that?
A I do.
Q And then down below, if you look at time stamp 8:09 p.m., Stephanie says to you:
(As read):
"I can't get into detail but this is not a crisis PR person we need to align JB with."
Do you see that?
A I do.
Q And you understood that what she was saying again was that, you know, this is not a good association for Justin Baldoni to have with someone like Melissa Nathan?
A I see that. Yes.
Q And she again says "Also don't want Blake's team to weaponize this against us either."
Do you see that?
A I do.
Q And this is consistent again with what you understood her to be expressing to you at the time, correct?
A Yeah.

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Q Okay. And then if you go over one to the page marked 40271. At the top of the page, Stephanie says to you:
(As read):
"I love you and Tera and Justin. I can bow out if you'd like to work with her, but I think it will be a massive mistake and blowup."
Do you see that?
A I do.
Q Did you understand that Stephanie was essentially offering to bow out or back off if you decided to work with Melissa Nathan?
A Yeah, that's what it says.
Q Did you ever have any further conversation or communication with her about that?
A I want to say yes, but I don't recall. I can't recall.
Q Okay. Did you -- did you understand from this that Stephanie's objection to working with Melissa Nathan was so strong that she was willing to take a step back from working with you if that meant she would need to work alongside Melissa Nathan?
MS. SHAPIRO: Objection.
THE WITNESS: Say that one more time?

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BY MS. SHAH:
Q Did you understand from this --
A Please.
Q Sure.
Did you understand from this that Stephanie's objection to working with Melissa Nathan was so strong that she was willing to take a step back in working with you if it -- if you decided that you were going to bring Melissa Nathan on?
MS. SHAPIRO: Objection.
THE WITNESS: I read this -- Stephanie was not involved in our day-to-day. There is a couple of calls we had, for sure. But she was not -- she was not involved in anything Wayfarer.
She may have been behind the scenes at Jonesworks. I have no idea what she does or doesn't do. But my experience was, she was never around. So I read this not as if she would -- where does she say it -- I can bow out -- meaning, more like I'll stop giving my opinion. Not that she would be working alongside or doing anything of that nature because she was never working, as far as I knew, on our account.
BY MS. SHAH:
Q Okay. Do you really mean to say she was

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never working as far as you knew on your account or do you mean to say she wasn't really like the visible point person on it?
MS. SHAPIRO: Objection.
THE WITNESS: As far as I know, and I was involved in all the Wayfarer stuff, and I've been there coming up on five years. So let's say four by the time we're here.
Other than these few conversations we had had during the It Ends with Us period, I may have talked to her once. Maybe there's -- maybe there's another inadvertent one. And there was calls all the time. Real-time decisions being made, she wasn't involved. It wasn't decisions being made that went back to reflect on that maybe someone could say was consulted on. They were real-time decisions.
So I have no -- nothing to fall on to say that she was involved in our account; in-person meetings. So that's my experience.
So when I read that, I just go like, oh, it's not -- it's not really applicable in the sense that she's going to be on the ground. But meaning, okay, you guys make your decision.

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BY MS. SHAH:
Q Okay. And then below, at 10:25 p.m. Stephanie says:
(As read):
"I meant to text you, Jen, and Tera.
And it was Justin by mistake, sorry."
Do you see that?
A Yeah, which one is this?
Q Same page. But two texts down.
A Yes, I see it.
Q What did you understand she meant by that?
A This is a text thread. I remember this one a bit. This one is just me. So I believe I said something. I don't know if it's on this page.
Q Flip the page.
A Flip a page?
Q I think. Maybe not. Anyway, tell me what you remember.
A I asked her to not send certain texts with Justin on them, because Justin didn't need to see all the stuff that was -- his heart was heavy. And I was trying to, like, just be mindful of his condition right now.
Q Okay. So your recollection is you had

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asked her essentially to not text Justin or include Justin on texts --
A About this stuff. Not, not text Justin by yourself or whatever that was.
Q Right.
A Just as regard to this, don't -- because she had included him -- I don't know what text thread it is. And at some point, I mentioned to her, could you not keep -- include Justin on some of these things that are hard to see in real-time or discussions. And then that's, I believe, her response.
MS. SHAH: Okay. Showing you what's been marked as Exhibit 31.
THE WITNESS: Are we done with these two?
MS. SHAH: Yes, I think so. It's a text thread between you, Tera Hanks, and Stephanie Jones dated July 26, 2024. Bates-stamped HANKS_several zeroes, 12.
(Exhibit 31 marked for identification.)
THE WITNESS: So this is the day before this other text we just read?
BY MS. SHAH:
Q It is the same day.
A Same day? I thought the other one was

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27. Okay. Okay.
Q Let me amend what I said earlier. It appears that Jen Abel is also on the text thread.
A The previous one as well?
Q No. Just this one. I think this is a text thread between you, Tera Hanks, Stephanie Jones, and Jen Abel.
A Yes, I see that.
Q Stephanie references a conversation that you or some combination of you all had had.
A Okay.
Q And then says:
(As read):
"I think instead of solo calls, it's better if our brain trust here all talk together Monday. Have a nice weekend."
Do you see that?
A I do.
Q Did you have an understanding of what she was suggesting there?
A "I think instead of solo calls, it's better if our brain trust here all talk together Monday. Have a nice weekend." Yeah. This is around the time that I felt -- I felt that Stephanie was inserting herself in a way that I hadn't

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experienced before.
There was always calls happening, you know, a lot of fast moving, moving things in real-time. And then she had suggested because she knew that two other people spoke, I don't know which two. And she was suggesting we do it all together. But I do remember having the feeling around this time that she was trying to insert herself in something.
Q Okay. And she was suggesting you all reconvene and she would make herself available to talk again about this issue on Monday, right?
A She did.
Q Okay. You went ahead and hired or informed her that you were going to hire or made the decision that you were going to hire Melissa Nathan before Monday rolled around, right?
A It looks like it.
Q If you stay on that first page. Go down to the last text on the page that starts with "edited."
A Yes.
Q It says:
(As read):
"Thanks, all. As per our conversation,

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I also had a negative experience where I confronted her lies and shady behavior and the attempts to poach, and I had to get the client involved to straighten out the situation."
Do you see that?
A I do.
Q Do you recall this as being a text from Jennifer Abel?
A It looks like it. Yes.
Q And do you recall her communicating that to you in sum or substance?
A I had already known before this text on some level that when she had -- I don't know if she was the one who originally suggested Melissa, but when there was a conversation about it, that they had some history where they -- I don't know if it was bumped heads, but it's a term I'll use -- that they hadn't worked through and she was giving me that heads up. So when I see this, it's more context.
Q Okay. And in the next text on the page marked 13 at the bottom --
A Yes.
Q -- this is a text from you.

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Do you see that?
A I do.
Q And you say, essentially, to start by thanking Steph and Jen for the information and insight that they had both provided, right?
A Uh-huh.
Q And then you say:
(As read):
"I'm the one essentially who is going to have to see for my own self what I think about the situation and make the ultimate determination on whether or not to hire Melissa Nathan."
Right?
A Yes.
Q And then at the bottom, you say:
(As read):
"Please filter things through us first, as Justin is needing time to recover from so much and I should be the one to navigate when and how we include him."
Do you see that?
A I do.
Q Is this what you were referencing when you essentially asked Stephanie to not loop Justin

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in these communications?
A No. I think this is me reiterating a point that I made in another time.
Q Okay.
MS. SHAH: I'm going to hand you what has been marked as Exhibit 32.
(Exhibit 32 marked for identification.)
THE WITNESS: Thank you.
BY MS. SHAH:
Q It's a text thread between Stephanie Jones and Tera Hanks marked JONESWORKS_WAYFARER_, several zeroes, 4651.
Have you seen this text message before?
A I do not believe so. I am not on this.
Q No, you are not.
In the top text message, Tera Hanks is communicating to Stephanie Jones that Wayfarer had decided to hire Melissa Nathan for crisis communications, correct?
A I see that.
Q Were you aware before Tera communicated this to Stephanie Jones that she was going to communicate to Stephanie Jones that you had decided to hire Melissa Nathan?
A I just -- let me understand the question.

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Was I aware that Tera was going to communicate this to Steph?
Q Uh-huh.
A Yes.
Q And in the middle of the page at 7:41, Stephanie Jones texts to Tera:
(As read):
"My cybersecurity guys found her behind the site."
Do you see that?
A I do.
Q Did Tera ever communicate to you around this time that Stephanie Jones believed that Melissa Nathan was behind some defamatory websites that had popped up on the Internet about Stephanie?
A I remember hearing about this at some point. I don't know when. So I don't know if she had shown it to me then.
Q Do you remember if Stephanie Jones herself shared that sentiment with you around this time?
A I don't recall.
Q Okay. When you say you remember hearing about that at some point, what do you recall about hearing about that?

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A I mean, it's been all over. It's one of the things we're dealing with in this case. So at some point, I remember her learning of this.
Q Okay. Were you present for the portions of the depositions of either Melissa Nathan or Mr. Baldoni where I asked them questions about Melissa Nathan's involvement in the Stephanie Jones Leaks and Stephanie Jones Lies websites?
A I don't believe so.
Q Okay.
A And I was barely in Melissa's so...
Q Okay.
A I think there was a time or two I was there but kicked out because of AEO stuff so then -- but I have no recollection. Let's start there.
Q Okay. Did you observe any portion of Katie Case's deposition?
A Small portions.
Q Okay. Did you observe the portion of Katie Case's deposition where she discussed Melissa Nathan's involvement in the Stephanie Jones Leaks website and associated Twitter account?
A I'm just trying to remember what Katie was and I remember watching Breanna a little bit. So I don't recall. It's all -- it would all be

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vague if I even heard. But I don't have a particular memory.
Q Okay. Did you read the transcript of Katie Case's deposition afterwards?
A No.
Q This issue of Melissa Nathan's involvement in the Stephanie Jones Leaks websites and associated social media accounts, is this the first time you're hearing about it or --
A No. No. No.
Q No. Okay.
A No, I'm just saying I wasn't there for the deposition.
Q Sure.
A I know what the accusations are.
Q Okay. How do you know what the accusations are?
A I don't know. I just heard it. It's either in -- I don't know.
Q Are you aware that Katie Case testified under oath that Melissa Nathan instructed Katie to write copy for the Stephanie Jones Leaks website that included things specifically saying Stephanie Jones holds clients hostage -- is -- mistreats her employees and leaks clients'

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confidential information?
MS. SHAPIRO: Objection.
THE WITNESS: That was a long question.
BY MS. SHAH:
Q I will break it down.
A Thank you.
Q Are you aware -- are you aware that Katie Case testified under oath in her deposition in this case that Melissa Nathan instructed Katie Case while Katie Case worked at TAG to write the copy for the Stephanie Jones Leaks website?
MS. SHAPIRO: Objection.
THE WITNESS: I don't think I'm aware of that.
BY MS. SHAH:
Q Okay. You have not heard that before?
A I don't recall it.
Q Okay. Are you aware that Katie Case testified under oath in this case that it was Melissa Nathan who instructed Katie Case specifically to write that Stephanie Jones holds clients hostage, leaks clients' confidential information, and mistreats her employees?
MS. SHAPIRO: Objection.
THE WITNESS: The question is, have I

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heard that?
BY MS. SHAH:
Q Yeah.
A I don't recall hearing that.
Q Okay. And you don't -- you don't know that Katie Case testified to that under oath in this case?
MS. SHAPIRO: Objection.
THE WITNESS: I don't think so.
BY MS. SHAH:
Q Okay. Are you aware that Katie Case testified under oath in this case that Jed Wallace was also involved in the creation and publication of the Stephanie Jones Leaks website?
MR. GLOVER: Objection. Form.
THE WITNESS: No.
BY MS. SHAH:
Q Are you aware that Katie Case testified under oath in this case that she also worked with Melissa and Jed Wallace in relation to -- to other defamatory websites?
MS. SHAPIRO: Objection.
THE WITNESS: To other ones?
BY MS. SHAH:
Q Uh-huh.

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A Besides?
Q Stephanie Jones'.
A I am not.
Q Okay. Is part of TAG's engagement with Wayfarer, did anyone at TAG ever offer to you to put up a website about someone else involved in the controversy?
MS. SHAPIRO: Objection.
THE WITNESS: Be more specific, I'm sorry.
BY MS. SHAH:
Q Did they ever offer to you, hey, we can do a smear website about someone?
A No.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Okay. Is putting out smear websites about people a tactic that you approve of?
MS. SHAPIRO: Objection.
THE WITNESS: No.
BY MS. SHAH:
Q Is that something you would want to be associated with?
A It's not something I would ever do.
MS. SHAPIRO: Objection.

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BY MS. SHAH:
Q Is it something that you would want someone you were associated with to do?
A I would not want them to do it.
Q Okay.
A And I can only be responsible for my own actions.
Q Understood. But had you been aware that this is something that TAG and Melissa Nathan did at the time, would that have influenced your decision whether or not to hire them for Wayfarer?
MS. SHAPIRO: Objection.
THE WITNESS: You're saying if I was aware that they were capable of doing something like that?
BY MS. SHAH:
Q That they had, in fact, done something like this in the past.
A That's a hypothetical that's really hard to answer because you're -- if they had -- I don't know that this to be -- what you're telling me, I don't know this to be true.
I'm not discrediting your, what you're telling me. I just don't know it to be true. So you're asking me would I hire them, be associated

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with them if a hypothetical or an allegation were true is a tough thing to answer.
Q Is it really a tough thing to answer, though? I mean, if you don't -- if you don't approve of that kind of conduct and don't want to be associated with people who do it --
A Okay.
Q -- is it really tough to understand whether or not you would willingly hire someone who you knew did that kind of thing?
MS. SHAPIRO: Objection.
THE WITNESS: Okay. Fair enough. Fair enough. Hypotheticals are tough for me because I kind of more deal in concrete things -- or I try to.
If I had fact, if I had knowledge that somebody is doing something that was not aligned with how I like to do things -- well, that was contrary to how I like to do things, no, I would not want to work with them.
BY MS. SHAH:
Q And so if you had knowledge that Melissa Nathan and TAG put up smear websites about people, would that have affected your decision to hire them for Wayfarer?
MS. SHAPIRO: Objection.

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THE WITNESS: But I didn't have knowledge. So -- and I don't know what you're telling me. So I can't answer that.
BY MS. SHAH:
Q Are you going to investigate this after you leave this room today?
MS. SHAPIRO: Objection.
THE WITNESS: You want to know if I'm going to investigate a hypothetical as far as I know? I don't know how to answer that.
BY MS. SHAH:
Q I'm not asking you if you're going to investigate a hypothetical. I'm going to ask you if you're going to investigate as a factual matter whether there is evidence in this case or otherwise that this is something that Melissa Nathan and TAG and Jed Wallace do?
MS. SHAPIRO: Objection.
MR. GLOVER: Objection. Form.
BY MS. SHAH:
Q Now that I've just told you there's evidence about it in this case.
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.

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BY MS. SHAH:
Q Are you going to look into this at all?
MS. SHAPIRO: Objection.
MR. GLOVER: Objection. Form.
THE WITNESS: I'm sorry. I'm not trying to be combative with you, but I think a lot of people have evidence against people that doesn't necessarily amount to what they're alleging. So if you're telling me you have evidence that's proven, is different than you saying you have evidence that's unproven. I -- so I don't want to -- I don't know how to respond to you right now.
BY MS. SHAH:
Q I'm just asking if what I've just said to you is important enough that you're going to do anything to look into it for yourself or not. You can say no.
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I don't know.
BY MS. SHAH:
Q Okay.
A I'm just hearing it, so let me digest it for a day or two.
Q Very fair.

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And apologies if I asked you this already, but why did you make the decision to hire Melissa Nathan and TAG?
A You did ask me before. Maybe twice before.
Q I'm sorry. It's been a long day.
A Short answer?
Q Please.
A We were scared. We didn't know what was coming in the world. And it made sense to consult with people who might be able to help us navigate any negative stories and PR that might be going around.
MS. SHAH: Okay. I'm going to show you what is going to be marked as Exhibit 33.
THE WITNESS: Thank you.
(Exhibit 33 marked for identification.)
BY MS. SHAH:
Q It's a text thread dated August 4th, 2024, between a few people at TAG, Jennifer Abel, and at least somewhere in this text thread, yourself, and --
A This is an email, right?
Q Oh, I'm sorry. Yeah.
A Just making sure I'm looking at the right

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document.
Q I think you're correct. This is an email dated August 4th, 2024, with the Bates-stamp JONESWORKS_MN_000001208.
Do you see this?
A I do.
Q Okay. I'm going to point you to the bottom email on the page marked 1208.
A Okay.
Q You write:
(As read):
"Thanks, everyone. As I will be in the air and not able to join, can you please record the Zoom? I would like to be able to review and be up to speed."
Do you see that?
A I do.
Q And this referred to a Zoom call that TAG and Jennifer Abel and people from Wayfarer were going to be on together; is that right?
A I don't know what call this was so I can't --
Q You don't? Can you look through this and see if it jogs your memory --

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A Sure.
Q -- of what call this was?
A Sure. It looks like it starts in the back, though, right?
Q That's right.
A Because it's backwards?
Okay.
Q Do you recall what this call was to be about?
A I do not.
Q Okay. Do you remember asking them to record the Zoom?
A Only because I'm reading it here.
Q And then Katie Case responds to you:
(As read):
"That's not a problem, Jamey. We'll record and send."
Do you see that?
A I do.
Q Do you have any recollection of whether they did actually record the Zoom and send it to you?
A I don't.
Q Do you have any recollection of whether you ever watched that Zoom?

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A I would almost 99 percent say I did not.
Q Okay.
A But -- because, yeah.
Q Okay. That's all I have on that.
A Okay.
Q Do you recall at some point in time also bringing on Jed Wallace and Street Relations onto the Wayfarer team?
A Yeah.
Q Whose suggestion was that?
A I believe it would have been Melissa's.
Q Did you ever discuss that with Stephanie Jones?
A No.
Q Okay. Did you ever discuss that with Jen Abel?
A I'm sure.
Q Do you recall a point in time, we discussed it a little bit earlier in part, when there were some issues around like whether and who had reached out to The Daily Mail?
A Say that one more time. You probably said that perfectly fine, but I didn't follow.
Q It's all right.
There was a Daily Mail article published

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on August 8th, and you recall there being some issues with Stephanie and others and Sony and Josh Greenstein about whether anyone reached out to The Daily Mail, right?
A Yes.
Q I believe you testified earlier something about it coming through Josh Greenstein that someone had contacted The Daily Mail; am I getting that correct?
A I heard from Josh -- Josh Greenstein. I don't know who -- I don't know on their end, but Josh was the one that told me.
Q Okay. Tell me about that conversation.
A Okay. It was a quick one, but it was -- I don't remember in time what day this was or what's going on, but -- I mean, I remember that period. I just don't know the sequence. He said, who -- who is -- he didn't say the first name. He said, who is Ms. Jones, or who is Steph, Stephanie at Jonesworks? And I said, Stephanie Jones, it's her namesake. And he had said, Okay, she's the one reaching out. You gotta get a fucking hold of these people.
Q Was that a phone conversation?
A It was.
Q Did he call you or did you call him?

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A He called me.
Q Okay. Did anything else happen during the conversations?
A That was pretty much the conversation.
Q Okay. Did you respond to him?
A Yeah. I was like, let me look into this. I don't know what's going on.
Q Okay.
Did you have an understanding before you talked to Josh Greenstein that someone had reached out to The Daily Mail?
A I have -- yes. I don't know exactly what. There was a lot happening. A lot of moving, just things happening at the same time. I do believe there was some -- that someone from Sony or someone was trying to figure it out. And then I don't know where they got to, but then he called me and then told me who he heard it was.
Q Okay. Other than hearing that from Josh Greenstein, meaning that Stephanie Jones had reached out to her contact -- well, let me ask you this: What was he -- what did you understand him to be saying? That Stephanie Jones had tried to contact The Daily Mail, or that she had actually contacted and spoken to someone at The Daily Mail?

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A That's what was being conveyed.
MS. SHAPIRO: Objection.
THE WITNESS: That he was -- what I believe was being conveyed is that she was in communication and talking bad about Blake.
BY MS. SHAH:
Q To The Daily Mail?
A I believe it was The Daily Mail.
Q Okay.
A I just -- yeah.
Q Sure.
Other than what Mr. Greenstein conveyed to you in that short phone call, did you have any other basis to understand that Stephanie Jones had contacted The Daily Mail to talk badly about Blake?
A Here's what's my basis. And by the way, I didn't necessarily think she did or didn't. I didn't have a personal perspective. But my basis was, I know and believe that it was not anyone that was in daily conversations or in -- in the -- on the -- on the field with us right then, which would have been Jen and Melissa. Maybe Matthew Mitchell was -- I can't recall if he was on calls. Maybe he was. Because we essentially were trying to manage the relationship with Leslie Sloane and keep

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everything kosher. So I did not believe it was someone that I was in contact with. And he called me and said he learned that it was Stephanie. So that seemed plausible. I don't know for sure, so then I had a conversation with her.
Q With Stephanie?
A Yes.
Q Okay. Apart from that, you didn't have any personal knowledge one way or another whether she had done this or not, correct?
A I did not.
Q Okay. And you didn't necessarily have a belief at the time as to whether she had or had not done this; is that correct?
A I did not have a strong belief, but it just seemed -- I didn't have a strong belief.
Q What was your -- you said, "and then I had a conversation with her." What was your conversation with Stephanie about this?
A And maybe before the conversation, maybe there was a text thread. I don't remember the sequence, but there was communication about it, including a conversation. And I think it was text first, but including a conversation, which is the one that we have talked about that I recorded.

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Q I understand. Okay. What was the problem for Wayfarer at the time, if someone had contacted The Daily Mail to speak badly about Blake?
A Well, number one, I didn't want anybody speaking badly about Blake. We were very clear that our only messaging would be how great she was in the movie. Justin had spoken publicly about her involvement and just flying colors about her.
As everyone knew from my direct instruction, was while we are -- always should defend ourselves and be prepared for any incoming, that we were always and never say anything ill about anybody, number one.
Number two, we also don't want to stir any pots just to give it any -- any gasoline. So contacting anyone at that point would have just been, it's gasoline, it's stirring a pot. And that was pretty much the reason.
Q Okay. You said you gave direct instructions about this to the team; is that right?
A Correct.
Q Including to TAG?
A Unless there was incoming to them, to not go and do anything negative.
Q Okay.

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A Yes.
Q Are you aware that Breanna Butler Koslow testified under oath in this case that she leaked information to help plant a negative article about Blake during this time?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know that.
BY MS. SHAH:
Q You've never heard this before?
A I don't know that.
Q Did you authorize that?
MS. SHAPIRO: Objection.
THE WITNESS: Did I authorize it?
BY MS. SHAH:
Q Uh-huh.
A Never in my life.
Q Would that have been contrary to your direct instruction to TAG?
MS. SHAPIRO: Objection.
THE WITNESS: If that happened and I know that to have happened, that would have been contrary to my instruction, yes.
BY MS. SHAH:
Q Okay. You're aware that Stephanie Jones denied ever contacting anyone at The Daily Mail,

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right?
A Say it again --
Q You're --
A -- please.
Q You're aware that Stephanie Jones denied ever contacting anyone at The Daily Mail, right?
A I'm aware that she said that to me, yes.
Q And she said that to everyone, right?
A All I can speak is what she said to me.
Q Sure.
I'm going to show you The Daily Mail article.
MS. SHAH: Tab 31 and tab 33, please. We are going to mark as Exhibit 34 an article from The Daily Mail, by Lillian Gissen, published on August 8th, 2024.
(Exhibit 34 marked for identification.)
MS. SHAH: We're also handing you what's been marked Exhibit 35, which is a text thread dated August 8th, 2024, bearing the Bates stamp HEATH_000044697. Okay.
Just take a look through these and let me know when you're ready.
(Exhibit 35 marked for identification.)
THE WITNESS: What is that?

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Okay.
BY MS. SHAH:
Q Okay. Do you remember this text thread?
A Do I -- do I need to keep reading the rest of this stuff? I get it. I remember this stuff. So I'll read -- I reserve the right to continue reading if you ask me something I --
Q Thank you. All right.
So you generally remember this text thread, right?
A Generally.
Q Yeah.
So if you look at the top of the text -- and I want you to have the article next to you as well. If you look at the top of the text thread in Exhibit 35, it is a screenshot that Stephanie Jones is forwarding to you and other people of an email that Lillian Gissen sent to her and Jennifer Abel and Wayfarer Studios.
Do you see that?
A I do.
Q Yes. Okay. And the email says, "Call for comment."
Do you see that?
A Yes.

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Q And Lillian Gissen is The Daily Mail senior reporter who wrote the article in Exhibit 34.
Do you see that?
A I see that.
Q Okay. And the article in Exhibit 34 was published at 11:20 Eastern Daylight Time on August 8th, 2024.
Do you see that?
A I do.
Q Okay. Stephanie Jones' text to you and others in Exhibit 35, forwarding the screenshot of Lillian Gissen's inquiry, comes at 11:19:50 a.m. on August 8th, 2024.
Do you see that?
A I do.
Q That is -- looks to be about ten seconds before the article was published.
Do you see that?
A I do.
Q Okay. If you look at the time stamp in that email --
A Timestamp in the email?
Q -- in the email that she screenshotted from Lillian Gissen --
A Okay.

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Q -- it says 4:16 p.m.
Do you see that?
A I do.
Q "Today at 4:16 p.m."
Do you see that?
A I do.
Q Okay. I am going to represent to you that is 4:16 p.m. UK time, because Stephanie was in the UK, which is 11:16 a.m. Eastern Standard Time.
A Okay.
Q Okay.
So what we're looking at here is an email that came into Stephanie Jones and Jen Abel and Wayfarer Studios at 11:16 a.m. on August 8th --
A Okay.
Q -- asking for comment on an article that was published at 11:20 on August 8th.
Do you see that?
A I see that.
Q Okay.
Do you have any reason to believe that Stephanie Jones contacted Lillian Gissen and spoke badly about Blake between the time that she received that email asking for comment and the time the article was published?

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MS. SHAPIRO: Objection.
THE WITNESS: That's a long, good setup there. And unfortunately, all I can say is, I don't -- I respect what you pointed out. I don't really have a perspective. I would need to, like, digest this, and I don't know -- let me just start with the simple thing.
The question was, do I have any reason to believe what?
BY MS. SHAH:
Q That Stephanie Jones reached out and contacted and spoke to Lillian Gissen between the time she sent Stephanie this email and the time the article was published? In those four minutes, do you know one way or another whether Stephanie spoke to Lillian Gissen?
A I don't know.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q You don't know. And as you sit here today, you don't have any evidence and -- and you just don't know one way or another whether Stephanie spoke to Lillian Gissen ahead of the publication of the article in Exhibit 34 or whether she didn't; is that correct?

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A At this time here, looking at this, I would say I don't know. What my attorneys know now --
MS. SHAPIRO: Objection.
THE WITNESS: -- might be different than what I know.
BY MS. SHAH:
Q Yeah, I understand that. And I'm not asking you what your attorneys know. I'm asking you as you sit here today, do you know one way or another whether Stephanie spoke to Lillian Gissen ahead of the publication of the article in Exhibit 34?
A I don't know.
Q Okay. At the -- at the bottom of the text thread on the first page here on Exhibit 35, it's the page stamped at the bottom ending in 97.
A I see it.
Q Jen Abel says:
(As read):
"Melissa and team" -- "her team are into this one already."
Do you see that?
A Yup.
Q Okay. What does that mean?

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A I don't know for sure, but it looks like based on what was read before:
(As read):
"Lillian has been nice, fixed things. I can give her a ring. This is nothing."
And then that is Jen's number, right?
Q I believe so.
A (As read):
"Melissa and her team are into this one already."
So I think it's in response to that.
Q So she's essentially telling Stephanie, like, nothing for you to do. Melissa's handling this one?
A Sure. I mean, this is English to me. But I don't know. I mean, when I say, "I don't know," I -- look, I don't want to -- I don't want to be silly here. She's saying she can give her a call. There's a response that says, "Melissa and her team are already into this one." I think that's information. I don't necessarily know what it means beyond that, but it looks like more information, context.
Q Okay. If you flip the page, there's a

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text from you at 11:35 a.m. that says:
(As read):
"Hold on, guys. Please, no one call Daily Mail right now. Melissa is in the middle of it."
What did you mean by, "Melissa is in the middle of it"?
A It looked like that she was fielding -- we brought in, at this point, crisis to navigate through this. And she was discussing it, and I didn't want multiple people calling. Stephanie, as I had mentioned, was not in the daily loop in conversations. So what she might know the marching orders are and the intricacies of it, she's not involved or I don't know how much she knows. So I've asked Michelle to take care of it. Please, it's okay. She's taking care of it.
Q Okay. So at this point in time, you were having Melissa Nathan handle any inquiries from The Daily Mail and otherwise manage the press around this, and you did not want Stephanie Jones to do it; is that fair?
MS. SHAPIRO: Objection.
THE WITNESS: I didn't want anyone doing it that wasn't in our inner circle talking about it

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all the time. Because there were daily, hourly, possibly, whatever, decisions and conversations of navigating it. And unless you were in that loop every day, I didn't want anyone doing something.
BY MS. SHAH:
Q I understand that. But Stephanie Jones in your mind was not in that loop and so you did not want her interfacing with The Daily Mail on this; is that correct?
A Correct. I did not want her to.
Q Okay. And that was at least in part because Melissa Nathan was already doing it and -- and you wanted Melissa Nathan as the crisis person to be doing that, right?
A I don't know if I would -- I can say that. I think it was, there's a team of people that are meeting. We've consulted. That's how I wanted to handle it. Now, whether it was Melissa or whether it was another person at TAG or maybe it would have been Jen, I don't know, necessarily, again this wasn't my world. But I just knew it was all people that were hearing from me, and Stephanie was not one.
Q Okay. Who were the people that were hearing from you on this that were in the circle?

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A Justin, to an extent, tried to -- Melissa, Jen, Breanna, Katie. I don't know them well, but I -- but enough. There was -- I think there was another one. I don't recall. That's what I can recall.
Q Okay.
A There may have been others. And Justin. Of course, Justin. Just maybe -- he may have been not in every single conversation just because I'm trying to spare him.
Q Yeah. So down below on the page marked ending in the Bates stamp 98, you say:
(As read):
"I am hearing from Sony that, quote, 'someone named Stephanie Jones' has responded out to The Daily Mail saying that Blake is to blame and now this has escalated it all."
Do you see that?
A I'm sorry. I just got lost because I was looking --
Q Sorry. I'm just on the second page.
A Yep.
Q Ending in 98 at the bottom.
A Okay. I got you.

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Q Near the bottom you send a text at 12:16 p.m. It says:
(As read):
"I am hearing from Sony that, quote, 'someone named Stephanie Jones' had responded out to Daily Mail saying that Blake is to blame and now this has escalated it all."
Do you see that?
A I do.
Q Is that -- when you say, "I am hearing from Sony that, quote, 'someone named Stephanie Jones' had responded out," you're referring to the brief call you had with Josh Greenstein; is that right?
A Correct.
Okay. And right below that, Stephanie Jones immediately says:
(As read):
"I did not even speak to Daily Mail so I know this isn't true."
Do you see that?
A I do.
Q Okay. And if you flip the page, ending in 99, in middle of the page at 12:33 p.m., she says

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again:
(As read):
"To clarify again, I have not spoken to Daily Mail."
Do you see that?
A I do.
Q And at the bottom of the page at 12:35 she says:
(As read):
"I am not contacting press, but it is concerning if Danny or Kim are saying I have escalated this, as I haven't even touched this."
Do you see that?
A I do.
Q And that's consistent with what she was conveying to you at the time, right?
MS. SHAPIRO: Objection.
THE WITNESS: It's consistent, yes, with all of her messaging in this. Yes.
BY MS. SHAH:
Q Okay. At this point in time or at any point in time, you did not know whether or not she was or was not contacting The Daily Mail, right?
A Other than, you mean, getting a call from

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Sony?
Q Yeah.
A I did not have confirmation of either way.
Q Okay. Did you believe her when she was saying, "I didn't contact anyone"?
A Mostly.
Q Okay. Did you think she was outright lying to you?
A The fact that I'm putting on and off glasses is --
Q Is that your tell?
A It's my tell I'm getting old. No, no, no. It's like that I'm getting older. I'm actually using glasses, my God. No, I don't think she was outright -- outright lying. I didn't have that sense. I just mostly believed her. I think oftentimes, it happens.
Q Okay.
A I just can't see you when they're on, so that's why --
Q It's no problem.
Did you listen in on Leslie Sloane's deposition in this case?
A I think I logged in and probably -- I

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don't think so. I think not. I think I may have logged in for a moment, but there was another deposition happening, and I just never...
Q Did you read the -- excuse me -- transcript from Leslie Sloane's deposition?
A I did not.
Q Are you aware that Leslie Sloane has testified that Josh Greenstein's information that it was Stephanie Jones who contacted The Daily Mail came from Leslie?
A One more time.
Q Are you aware that Leslie's testified in this case that Josh Greenstein's information that he relayed to you that it was Stephanie Jones who had contacted The Daily Mail, that information came from Leslie Sloane?
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Are you aware of that?
MS. SHAPIRO: Objection.
THE WITNESS: Let me -- let me follow. Leslie Sloane -- Josh called me to say that he heard about Stephanie Jones, and --
BY MS. SHAH:
Q Leslie told Josh?

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A Leslie told Josh.
Q Yeah. Did you know that?
A That she testified to that?
Q Yeah.
A I did not.
Q Okay. Did you know that she testified that she came to that understanding from a suggestion by the reporter James Vituscka or Vituscka?
MS. SHAPIRO: Objection.
THE WITNESS: Okay.
BY MS. SHAH:
Q You didn't know that?
A I don't think so.
Q Okay.
A I'm trying to follow your map.
Q I -- I hear you on that.
Are you aware that Leslie's testified in this case that she believes that during this whole period about this issue of who's contacting The Daily Mail, that she now believes that she was being played by Melissa Nathan and her sister Sara Nathan?
MS. SHAPIRO: Objection.
THE WITNESS: That Leslie is saying this?

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BY MS. SHAH:
Q Uh-huh.
A Okay.
Q You -- you're not aware of that?
A I am not aware.
Q Okay. Did you ever talk to Leslie Sloane about this issue whatsoever?
A I've never talked to Leslie Sloane.
Q Ever?
A Not that I have ever known.
Q Okay.
A Unless it was -- I don't know if it was by accident.
Q Okay.
Are you aware that a reporter at The Daily Mail told Melissa Nathan around this time, that Colleen Hoover had, in fact, leaked negative information about the production to The Daily Mail?
MS. SHAPIRO: Objection.
THE WITNESS: Okay. Give me that map again.
BY MS. SHAH:
Q Colleen Hoover leaked. Are you aware of that?
A Who is saying that?

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Q A reporter at The Daily Mail told Melissa Nathan.
A A reporter at The Daily Mail told Melissa that Colleen actually leaked what?
Q Negative information about the film.
A I'm not aware of that.
Q Okay.
A Can I ask you a question?
Q Probably not, but go ahead.
A Is this information just because you want me to have it or because you have a question for me about it?
Q I'm not going to answer that question. Let's move onto my next question.
A Okay. Fair enough.
Q Did you tell Stephanie Jones around this time that she should not be contacting any press in any respect on behalf of Wayfarer or Justin Baldoni?
A At some point, I did.
Q Okay. Do you have any indication that she didn't follow that instruction after you gave it?
MS. SHAPIRO: Objection.
THE WITNESS: After I gave indication? Well, I would have to reflect on that because I do

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remember getting -- answer [sic] me the question one more time, if you don't mind.
BY MS. SHAH:
Q Sure.
Do you have any basis to tell me as you sit here today that Stephanie Jones didn't follow your instruction for her to stand down after you told her to do that?
A I don't know. I -- I can't recall anything.
Q Okay. And after the point in time that you told Stephanie she was not to contact any reporters on behalf of Wayfarer or Justin, did you have any substantive or strategy or other conversations or communications with Stephanie about Wayfarer's publicity after that?
MS. SHAPIRO: Objection.
THE WITNESS: After I asked her to stand down?
BY MS. SHAH:
Q Uh-huh.
A Did I have any subsequent conversations with her?
Q Yes.
A About the positioning of Jonesworks with

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Wayfarer?
Q About -- no, about Wayfarer's publicity plans.
A Right. Not immediately after, I don't. When I say "immediately," I don't mean within days because we were dealing with the current flames. But that is something that became a little -- became apparent to me that there seemed to be no discussion on that at some point. Once I had learned -- you mean during this time or at anytime?
Q What I'm essentially asking is, after you told her to stand down, did you later, like, loop her back onto the team and get her involved, or no?
A As I said, she's never been involved.
Q Okay.
A As far as I'm concerned.
Q Okay. So you didn't invite her into the team after that?
MS. SHAPIRO: Objection.
THE WITNESS: She was -- she was never a part of it.
BY MS. SHAH:
Q Okay.
A No -- no offense to Stephanie.
Q Understood.

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A She just never was. So other than some of these instances, but...
Q Now, there came a time in late August of 2024 where Wayfarer provided notice to Jonesworks that it was terminating Jonesworks; is that right?
A Late August?
Q Uh-huh.
A I probably need to see an email or something so I can confirm the date, but for the moment I can take your word for it.
Q Sure. Even apart from the date, you recall that there came a point in time when Wayfarer terminated Jonesworks, right?
A Yes.
Q Okay. Who made that decision?
A Ultimately?
Q Uh-huh.
A Me.
Q Okay. Why did you make that decision?
A I mean, I think I expressed it before so I will just give you the short version.
Q Please.
A I had come to the conclusion that I had lost faith. I don't like saying -- I had lost faith in what I believed Stephanie could provide and

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Jonesworks felt like -- thank you so much -- a place that we've been for some years and, you know, changes happen. And also, our point person who I trusted with my kids, going back to the babysitter analogy, I just trusted her. And here she's going somewhere else. And this happens all the time with agencies and managers. You know, you have a relationship with -- with Ms. Shah, not the law firm you are at.
THE WITNESS: Thank you.
MS. SHAPIRO: Do you want a break?
MS. SHAH: Yes. I think the reporter would like a break. Why don't we go off the record. How long would you like?
THE WITNESS: Was this for me?
THE VIDEOGRAPHER: We are going off the record. The time is 3:04 p.m.
(Recess.)
(Recess.)
THE VIDEOGRAPHER: We're back on record. The time is 3:44 p.m.
BY MS. SHAH:
Q You're aware that Wayfarer filed counterclaims against Jonesworks and Ms. Jones in this case, correct?

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A I am.
Q Who ultimately at Wayfarer made the decision to file those counterclaims?
A I believe that would be Steve, Justin, and I.
Q What is Steve's last name?
A Sarowitz.
Q Did you review the counterclaims before they were filed on Wayfarer's behalf?
A We did.
Q One of your counterclaims is for breach of contract against Jones and Jonesworks, correct?
A Correct.
Q And that is a breach of the contract that we looked at earlier from 2020 between Wayfarer and Jonesworks, correct?
A Correct.
Q Okay. And you allege -- Wayfarer alleges in its counterclaims that "Jones and Jonesworks have breached this contract because Jonesworks and Jones failed to render services in a professional manner and in accordance with Wayfarer's goals"; is that correct?
A Correct.
Q What is your basis for alleging that

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Jones and Jonesworks failed to render services in a professional manner and in accordance with Wayfarer's goals?
A Okay. First, I'm not a lawyer. So in terms of the category that they fit in under law is not my expertise. Once we came to a point, a feeling that Stephanie Jones was working -- not working in a way that was helpful to us, number one, and that she had taken confidential information, what we believe handed over, was in itself and some others, based on breaching a contract that we had of confidentiality.
Q Those are the bases for your breach of contract claims against Stephanie Jones and Jonesworks?
A Also, I would say that we had an expectation that once Jen either had put in her notice or was let go, that there would be some clear guidance of how Jonesworks, for the money we were paying for, was showing up for us. And there was no conversation about that, and there was nothing put in place.
Q Okay. Other than what you just described -- well, let me ask it this way: Other than what you just described, are there any other

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bases to your understanding for Wayfarer's breach of contract claim against Stephanie Jones and Jonesworks?

MS. SHAPIRO: Objection.

THE WITNESS: I think I would have to defer to my lawyers for anything more than that.

BY MS. SHAH:

Q Okay. Regarding what you alleged to be and what Wayfarer alleges to be disclosure by Stephanie Jones and Jonesworks of Wayfarer's confidential information, tell me the basis for your allegation that Stephanie Jones and Jonesworks disclosed Wayfarer's confidential information.

A We had learned that confidential information about our company and Justin was shared to some extent with Leslie Sloane, was also given over to Blake Lively. We had had enough information and info to -- or two of the same words, "information" and "info," by the way. I repeated myself -- for us to believe that our confidential information was breached.

Q What was the information that was disclosed or breached?

A Well, I mentioned a couple of them, and I believe the rest, I'd have to leave for my

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attorneys.

Q So one of the bases you mentioned was that you learned that confidential information about Wayfarer and Justin was shared to some extent with Leslie Sloane. Is that one of the bases for the claim?

A Correct.

Q Okay. What specific information or evidence do you have to support your belief that confidential information about Wayfarer and Justin was shared by Stephanie Jones with Leslie Sloane?

A Specifically, I believe that we -- I don't recall who it was, a name. But that the information was then shared to Leslie Sloane via Stephanie that I think a reporter had said that they had gotten ahold of or had been read to or something, which led back to us knowing that Jen's information, which included Wayfarer's information, was then breached. And based on that, through the counsel of our attorneys who did their own work, I'd have to leave that for them.

Q Okay. You're going to have to explain that for me a little bit more. I don't --

A Okay.

Q I don't totally follow.

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A Okay.

Q Are you saying you learned from a reporter that Stephanie had shared confidential information with Leslie Sloane?

A No. That's -- Stephanie had shared with Leslie Sloane. The reporter part, I'm a little confused on.

Q Me too.

A Me too. So I'm doing my best to recollect it. So I would have to say that this is not something that I'm prepared to speak eloquently on. Other than we had enough information and belief to discuss with our attorneys and then move from there.

Q But what was that information that you had that you thought was enough to file this claim?

A I don't know what the exact information was. But that there was information gathered from Jen's phone that was shared with another, regarding Wayfarer communication.

Q Why did you come to think that?

A There was communication between, I believe, either Melissa or Jen who spoke to Leslie Sloane who had said something to the effect that I have seen -- maybe it was Melissa, that you guys are

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going -- I've seen the text messages and I know what you guys are doing, or something alluding to that she's got information from Stephanie.

Q And is that the entire basis for your allegation, that Stephanie Jones shared Wayfarer confidential information with Leslie Sloane?

MS. SHAPIRO: Objection.

THE WITNESS: I cannot say that's the entire basis, but my understanding is limited to that.

BY MS. SHAH:

Q Okay. And as you sit here today, you cannot think of any other basis or information that you have that would support the allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Leslie Sloane?

MS. SHAPIRO: Objection.

THE WITNESS: As I sit here today, that is what I'm able to speak of.

BY MS. SHAH:

Q Okay. Still sticking with Leslie Sloane.

A Okay.

Q You said that your belief is that Stephanie shared Wayfarer confidential information with Leslie?

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A Correct.
Q What was the Wayfarer confidential information that you think Stephanie Jones shared with Leslie Sloane?
A I don't have that information off the top of my head.
Q Do you have it anywhere?
MS. SHAPIRO: Objection.
THE WITNESS: I would have to consult with my lawyers.
BY MS. SHAH:
Q Other than consulting with your lawyers, do you have any information from which you could tell me what Wayfarer confidential information you believe was shared with Leslie Sloane?
A Communications between Justin, myself, Jen, Melissa, during the month of August. I don't know if it's sometime in July or September but sometime in that frame.
Q Which communications?
A I am not at -- I don't know at the moment.
Q Did you ever know?
A I may have.
Q But you don't recall sitting here today

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if you ever knew with specificity which communications were allegedly shared with Leslie Sloane?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know. I don't recall.
BY MS. SHAH:
Q What is your basis for saying that the communications that were shared with Leslie Sloane were text messages between you, Justin, Melissa, and Jen in this July and August 2024 time period?
A And the question is what? What is the basis for what?
Q For you saying that the communications that were shared with Leslie Sloane were communications between you four in this time period?
A What I can recall right now is that that information gathered by Stephanie from Jen's phone was then shared with Leslie Sloane and also shared with Blake Lively at some point.
Q But putting aside Blake Lively, I'm trying to focus on when you say that information was gathered by Stephanie and shared with Leslie Sloane, are you talking about text messages?
A I believe text messages, possibly emails,

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communication that would have been gathered from a phone.
Q Do you have any idea which communications we're talking about?
A I don't know at this moment as we're speaking.
Q Okay. Did you ever see any communications that were allegedly shared by Stephanie Jones to Leslie Sloane?
MS. SHAPIRO: Sorry. I just want to give Mr. Heath a direction to make sure that to the extent his answer is based on information provided to him by his counsel, that you can't answer the question if that's the source of your information. If it's some other source, you can answer.
THE WITNESS: Understood.
So one more time, please.
BY MS. SHAH:
Q Sure. Can you identify for me as you sit here today, the substance of a single specific communication that you have evidence to believe was shared by Stephanie Jones with Leslie Sloane?
MS. SHAPIRO: Objection.
THE WITNESS: Other than what I've learned from my attorneys, I can't speak of any.

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BY MS. SHAH:
Q Yes or no, have you even learned from your attorneys the substance of a specific communication that you understand was shared by Stephanie Jones to Leslie Sloane?
MS. SHAPIRO: I'm going to object and direct you not to answer that question which calls for attorney-client communications, which are privileged.
BY MS. SHAH:
Q Are you going to follow your counsel's instruction?
A I am.
Q We've been undergoing discovery in this case for several months, correct?
A Yes.
Q And you're aware that you, as a party to the case, have access subject to potentially AEO limitations to the discovery that's been produced, correct?
A Correct.
Q Have you seen any evidence in discovery in this case that would support the allegation that Stephanie Jones shared Wayfarer confidential information with Leslie Sloane?

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MS. SHAPIRO: I'm going to, again, direct you not to answer to the extent the answer calls for information about communications with your attorneys or documents attorneys may have shown you in the course of those communications.

MS. SHAH: Well, I'm not asking you what your attorneys may have told you. So let's put that to the side. If he has seen a document produced in discovery in this case, the fact that he has seen it is not privileged.

MS. SHAPIRO: Well, the fact that an attorney showed it to reflects --

MS. SHAH: I'm not asking if an attorney showed it to him. I'm asking if he's ever seen it.

MS. SHAPIRO: So my direction is that to the extent he has seen a document because his attorneys produced it in discovery, because his attorneys showed it to him, that is work product. And to that extent, he can't answer the question.

MS. SHAH: I disagree that he -- that prevents him from answering my question as asked.

MS. SHAPIRO: Well, that's fine, but that's my instruction.

BY MS. SHAH:

Q All right. I'm going to ask it again.

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Have you seen any evidence produced in discovery in this case that supports Wayfarer's allegation that Stephanie Jones disclosed Wayfarer confidential information to Leslie Sloane?

A Any evidence I may or may not have seen has come from the guidance of my attorneys so I'm not at liberty to speak to it.

Q Well, I'm not asking what you may or may not have seen. I'm asking if you have seen anything.

If the answer is, no, I can't think of anything I have seen, then I'm entitled to that answer.

MS. SHAPIRO: Well, I don't --

MS. SHAH: If the answer is no, then his attorneys, obviously, didn't show him anything. So it is not privileged.

MS. SHAPIRO: No, but -- but you're asking him yes or no so if the answer is yes --

MS. SHAH: If the answer is no, there's nothing privileged about that. So if the answer is no, you can answer that question.

MS. SHAPIRO: Well, I don't think you can answer that. To the extent, whatever your answer is, is based on what your attorneys have shown you

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or selected to show you or not, that's privileged.

MS. SHAH: But if the answer is no, nobody showed him anything, attorneys or not. So that cannot be privileged and you cannot stop him from answering the question that he has no evidence to support this claim.

MS. SHAPIRO: Well, that's not --

MS. SHAH: That's what I'm asking.

MS. SHAPIRO: It's a very interesting way of describing what you're asking, but I don't agree with you, and I'm going to direct him not to answer the question.

BY MS. SHAH:

Q Are you going to follow your attorney's instructions?

A Yes.

Q Can you identify for me any evidence that would support the allegation that Stephanie Jones shared Wayfarer confidential information with Leslie Sloane?

A I believe I'm -- this falls under attorney-client privilege.

Q I'm asking you if you can identify from your own memory any evidence whatsoever that supports Wayfarer's allegation that Wayfarer, not

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its attorney, made in this case? That is not privileged.

MS. SHAPIRO: It is privileged if he learned the information through his attorneys. I think that's the point of my instruction.

MS. SHAH: I understand that, but it doesn't hold logical sense.

MS. SHAPIRO: Well, that's your view. Obviously, we disagree so...

MS. SHAH: I'm asking you --

MS. SHAPIRO: I'm entitled to give him an instruction. You know, you can try to phrase your question around it. But...

BY MS. SHAH:

Q As you sit here today, other than what you told me already, can you tell me any other basis or evidence for your allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Leslie Sloane?

A I cannot tell you something that I've learned outside of my attorneys.

Q Can you tell me anything that you have learned not from your attorneys?

A I don't recall.

Q So other than information that you may or

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may not have learned from your attorneys, sitting here today, you cannot tell me any other basis or evidence that supports your allegation that Stephanie Jones shared Wayfarer confidential information with Leslie Sloane?

MS. SHAPIRO: Objection.

THE WITNESS: Outside of what I've already told you, the rest I believe falls under attorney-client.

BY MS. SHAH:

Q Is there something you're thinking of that falls under attorney-client or not? Yes or no?

A That feels like a question that still falls under attorney-client.

Q It's not.

MS. SHAPIRO: Objection to the commentary.

BY MS. SHAH:

Q Is there something that you're thinking of right now as you sit here today that falls under attorney-client? Yes or no?

MS. SHAPIRO: Objection. I don't think you can answer that without breaching privilege.

MS. SHAH: You're either going to have to instruct him not to answer or just make an

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objection. Don't coach.

MS. SHAPIRO: I'm not coaching. I'm instructing you not to answer.

BY MS. SHAH:

Q Are you going to follow that instruction?

A I am.

MS. SHAH: I'm going to hold this deposition open pending going to Judge Liman on this question.

MS. SHAPIRO: You can do whatever you want, but let's get through the seven hours, if you're going to take them.

MS. SHAH: I am going to end up taking them if we keep fighting about this. So I'm going to ask it one more time. If you want to instruct him, you can, obviously. I'm going to hold the deposition open in that case pending going to Judge Liman to get an answer on these questions.

MS. SHAPIRO: What is your question that you think you can ask that won't require him to reveal anything he learned from his attorneys about the basis for the claims in the complaint?

MS. SHAH: I think there is nothing he learned from his attorneys. And if that's the case, I'm entitled to a "no" answer.

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MS. SHAPIRO: Well, I don't agree with that.

MS. SHAH: Okay. Then I'm going to ask it again and you can give your instruction. But that's subject to leaving the deposition open.

THE WITNESS: Meaning, we have to go through this again?

BY MS. SHAH:

Q Uh-huh.

Sitting here today, can you tell me any basis or evidence, other than what you've already told me, that would support Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Leslie Sloane?

MS. SHAPIRO: Objection. Can we -- can we take a break? We would like to just consult with him about the privilege.

MS. SHAH: Yes. Let's go off the record.

THE VIDEOGRAPHER: We are going off the record. The time is 4:07 p.m.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 4:19 p.m.

BY MS. SHAH:

Q Okay. I'm going to ask this to you as a

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yes or no question. That's been approved by your attorneys.

A Okay.

Q Yes or no, sitting here today, can you tell me any basis or evidence other than what you've already told me that supports Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Leslie Sloane?

A I believe I will say yes, because if the question is -- does that include information I've learned from my attorneys?

Q It could include information that you've learned from your attorneys.

A Okay. Yes.

Q Okay. Other than information that you may have learned from your attorneys, can you tell me any evidence or basis for Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Leslie Sloane?

MS. SHAPIRO: Objection. Do you mean other than what he's already talked about?

MS. SHAH: Yes. All right. Here we go again.

MS. SHAPIRO: Sorry.

MS. SHAH: It's all right.

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THE WITNESS: I've been up and down a lot so maybe it's a little bit...
BY MS. SHAH:
Q It's no problem.
Other than information that you may have learned from your attorneys and other from what you have already testified to, is there anything else that you can tell me that forms a basis or evidence for Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer's confidential information with Leslie Sloane?
A I believe not.
Q Okay. Thank you.
I want to move on to Blake Lively.
A Should I get up again?
Q No. I hope we've worked this out by now.
You mentioned that among the bases for Wayfarer's claim for breach of contract for disclosing confidential information is that you believe that Ms. Jones or Jonesworks shared Wayfarer confidential information with Blake Lively; is that right?
A Correct.
Q Tell me the basis for that claim.
A When the CRD complaint came out, we

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saw -- and there were allegations of information and text messages that would have been part of our confidential information, which gives us the belief that that came from Stephanie Jones.
Q Is what you've just told me the entire basis for Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer's confidential information with Blake Lively?
A Other than what I've learned from my attorneys.
Q Okay. Yes or no, have you learned anything from your attorneys other than what you just told me that would support that claim? Yes or no?
A Yes.
Q Okay. Is the Wayfarer confidential information that you believe and allege Stephanie Jones and Jonesworks shared with Blake Lively anything other than the text messages and information contained in Ms. Lively's CRD complaint?
MS. SHAPIRO: Objection.
THE WITNESS: Other than what I've learned from my attorneys; is that your question?
BY MS. SHAH:
Q What is the Wayfarer confidential

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information that you believe Stephanie Jones and Jonesworks shared with Blake Lively specifically?
A Text messages, emails, communications that would have been retrieved from Jen Abel's phone.
Q Anything else?
A Anything else would be what I learned from my attorneys.
MS. SHAH: I'm going to put a pin in that one.
THE WITNESS: Okay.
MS. SHAH: Can you mark that?
THE STENOGRAPHIC REPORTER: Yes.
BY MS. SHAH:
Q Other than what you may have learned from your attorneys and what you just told me, does anything else comprise the information, the Wayfarer confidential information, that you believe Stephanie Jones shared with Blake Lively?
A I don't follow the question. I'm sorry.
Q Okay. What I'm trying to get at is, other than what we talked about that you think is Wayfarer's confidential information that was shared with Blake lively; text messages, emails, communications pulled from Jen Abel's phone, right?

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A Right.
Q And other than anything that you learned from your attorneys, is there anything else that you think Stephanie Jones shared with Blake lively that was Wayfarer's confidential information?
A Not that I can recall.
Q Can you identify for me as you sit here today what specific text messages or emails or communications pulled from Jen Abel's phone you believe contained Wayfarer confidential information?
A There's a bit of that that I'm confused about. What specific text?
Q Uh-huh.
A I can't identify a specific text.
Q Okay. Can you identify any specific communication, whether it's a text message, email or other communication, with specificity, that you believe was Wayfarer's confidential information that was shared with Blake Lively?
A I cannot identify a specific one.
Q Okay. Do you have any evidence that Stephanie Jones or Jonesworks shared any text messages, emails or communications pulled from Jen Abel's phone with Blake Lively, not pursuant to a subpoena?

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MS. SHAPIRO: Objection.
THE WITNESS: I would have to defer to my attorneys for that one.
BY MS. SHAH:
Q Sitting here today, other than deferring to your attorneys, can you tell me any basis or evidence that you have that any text messages, emails or communications pulled from Jen Abel's phone were shared by Stephanie Jones to Blake Lively other than pursuant to a subpoena?
MS. SHAPIRO: Objection.
THE WITNESS: Outside of communications with my attorneys, I cannot speak to any.
BY MS. SHAH:
Q Your complaint also lists that you allege, Wayfarer alleges, that Stephanie Jones and Jonesworks shared Wayfarer confidential information with Ryan Reynolds.
What is the basis for that allegation?
A I believe that would fall under what I have learned from my attorneys.
Q Have you -- yes or no, have you learned anything from your attorneys that you believe you cannot tell me on this question due to attorney-client privilege?

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A I don't follow that one.
Q You just testified that you can't say anything other than what you've learned from your attorneys on that, right?
A Yes.
Q Okay. And I'm asking you, have you actually learned anything from your attorneys that would support that allegation? Yes or no?
A I believe so.
Q Okay. Other than information that you may have learned from your attorneys about this, can you tell me any basis or evidence for Wayfarer's allegation that Stephanie Jones or Jonesworks shared Wayfarer confidential information with Mr. Reynolds?
A I cannot recall.
Q What Wayfarer confidential information do you allege Stephanie Jones or Jonesworks shared with Mr. Reynolds?
A I believe that information would have come from conversations with my attorney.
Q Okay. Other than conversations with your attorneys, can you identify any specific piece of Wayfarer confidential information that you claim Stephanie Jones or Jonesworks shared with Ryan Reynolds?

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A I believe that's information I've learned from my attorneys.
Q Okay. So other than information that you learned from your attorneys, there's nothing else you can tell me about that?
A I cannot recall.
Q Okay. Wayfarer has also asserted a cause of action against Jonesworks and Ms. Jones for breach of the implied covenant and -- of good faith and fair dealing. Are you aware of that?
A I am.
Q (As read):
"And Wayfarer has alleged that Jones and Jonesworks engaged in conduct that prevented Wayfarer from receiving the benefits contemplated under the agreement, including by maliciously feeding its confidential information to hostile third parties for the specific purpose of harming Wayfarer and Baldoni, acting against Wayfarer's interests, and otherwise depriving Wayfarer of the benefit of its bargain."
Okay?

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A Yup.
Q Okay. Identify for me the conduct that Wayfarer alleges Jonesworks and Jones engaged in that prevented Wayfarer from receiving the benefits contemplated under the agreement.
A I believe confidentiality is a benefit that we have in our agreement. So anything as we've spoken about before, would have been a breach of that and fell under that.
Q So do I understand that correctly to mean that any breach by Jones or Jonesworks of Wayfarer's confidentiality clause is the basis for that claim?
A Anything more than that, I would have discussed with my attorneys or learned.
Q Okay. Yes or no, is there anything more than that that you are aware of sitting here today that supports this claim that you learned from your attorneys? Yes or no?
A Yes.
Q Okay. Other than what you may have learned from your attorneys, can you tell me any other basis for Wayfarer's claim that Jonesworks and Jones prevented Wayfarer from receiving the benefits contemplated under the agreement?
A I cannot recall.

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Q Okay.
(As read):
"Wayfarer also alleges that Jonesworks and Jones maliciously fed its confidential information to hostile third parties."
I'm going to stop there.
A Okay.
Q What is the basis for your allegation that Jones and Jonesworks acted in malice?
A In layman's terms, I can tell you.
Q Yes, please.
A I believe Stephanie Jones in her heart knows that Justin and I and Wayfarer are innocent of any of these claims. The fact that she would take confidential information to give to another side, that is, she knew that we all believed had some intentions of hurting us one way or another. And to give information to support wherever [sic] they were doing was malicious.
Q Other than that, anything else that was malicious?
A I believe that would fall under things that I have learned in consult with my attorneys.
Q Yes or no, is there anything sitting here

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today that you have learned that would constitute additional malicious conduct -- let me start again.
Sitting here today, yes or no, is there anything that you have learned from your attorneys that you believe would constitute additional malicious conduct that you are not telling me?
A Yes.
MS. SHAH: Okay. I'm going to put your attorneys and you on notice for all of the prior questions and any questions to follow in this vein that we're going to take the position that any additional fact that you later disclose in this case that has been shielded during this deposition by an invocation of privilege is not going to be admissible in this case.
MS. SHAPIRO: On what basis? I mean, what is your basis for that?
MS. SHAH: Because part of the purpose of discovery is to understand the factual basis for the claim. So if there are facts that are not being disclosed in discovery, on the basis of privilege now, we are going to take the position that you may not later disclose them and ambush us and use them in this case.
MS. SHAPIRO: But you're talking about

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facts, not evidence. So...
MS. SHAH: Well, evidence is facts.
MS. SHAPIRO: Well, no. I mean, I'm not sure whether it's appropriate to get into a debate on the record.
MS. SHAH: That's fine. We don't have to --
MS. SHAPIRO: We can discuss this further off the record.
MS. SHAH: We can discuss this further off the record. I'm just putting you on notice of this now.
If something's being shielded by privilege that constitutes facts or evidence in this case that we're not getting --
MS. SHAPIRO: That you're not getting in some other form?
MS. SHAH: I disagree.
MR. BACH: I know I'm the second attorney. So let me ask. Can I just ask you one clarifying question?
MS. SHAH: Yes.
MR. BACH: So you're asking a non-lawyer about the bases for claims and their work --
THE WITNESS: Should I leave? I just

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don't want --
MR. GLOVER: No, no, no.
MS. SHAH: It's all right. You can stay for the moment.
THE WITNESS: Okay.
MS. SHAH: You can stay for the moment.
MR. BACH: There were objections to the 30(b)(6) notice invoking attorney-client privilege, and I know that you're asking a non-attorney about the basis for legal claims. So I'm assuming you understand that there's a complaint that lays out the bases for these claims. There's been additional discovery other than through Mr. Heath. And so I don't hear you to be implying, but I just want to be clear, that you get to preclude all that other stuff just because he couldn't remember it on the spot in the context of a 30(b)(6) questioning about a legal instrument to which there were objections in a 30(b)(6) notice.
MS. SHAH: Here's what I will say on the record, and then I think if we need to discuss this more, we should go off.
MR. BACH: Okay.
MS. SHAH: Number one, the complaint does not lay out evidence for the claim. It lays out

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allegations to be proven in discovery and trial.
Number two, he is not testifying that he can't recall any other bases. He is testifying that there are other bases that he can recall that he will not recount now under oath because of privilege.
So to that extent, if there is facts or evidence that is being shielded in this deposition by invocations of privilege, we are later going to take the position, if it becomes necessary, that you cannot later use those facts or evidence in the case. And I don't want to debate the contours and "if thens" of that. I want to put you on notice about this.
MR. BACH: And notice is always appreciated. I just want to say, I think if you're really going to say that this is the litmus test of what's admissible going forward, you need to put that in your notice and say, I expect the witness to be able to come here and recite every evidentiary basis for these claims. Otherwise, you know, to put someone on the spot, not put documents in front of them, and just say this is a high school test on the bases of your complaint, I just don't think a judge is going to see that as determinative of the scope

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of the litigation going forward.
I just want to note that on the record. You're free to make whatever argument you want. But we did object to the 30(b)(6) questions, and I do think it's a little bit of a weird kind of 30(b)(6) to do it in the way you're doing it. Not that you're not asking excellent questions or being very careful.
MS. SHAH: I understand. I don't agree with that position. I don't think it's worth debating.
MR. BACH: Okay.
MS. SHAH: And I don't agree with the validity or timing of the 30(b)(6) objections, but I also don't think that's worth debating. I think we can move on.
MR. BACH: Okay. Thank you.
MS. SHAH: Thank you.
THE WITNESS: So stay?
MS. SHAH: Yes, please.
BY MS. SHAH:
Q Going back to your allegation that Stephanie Jones and Jonesworks maliciously fed Wayfarer's confidential information to hostile third parties. Who are the hostile third parties that

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this allegation refers to?
A I believe Blake Lively, Ryan Reynolds.
Q Okay. You then go on to allege that Jones and Jonesworks did that for the specific purpose of harming Wayfarer and Baldoni.
What bases do you have for the allegation that Jones and Jonesworks provided information for the specific purpose of harming Wayfarer and Baldoni?
A I think I spoke to it. Number one, I do not believe she believes any of this. So for her to turn over something that's confidential, that we are alleging is confidential, and to share it in spite of that, against a party that she knows had intentions of some sort, that in its very nature is malicious, and what I've learned from my attorneys.
Q When you say "she" in that last answer, you mean Stephanie Jones, right?
A I believe I mean Stephanie Jones, but I'm only talking about Stephanie Jones and/or Blake Lively and Ryan Reynolds. So the "she" would be Stephanie Jones.
Q Okay. Is there any other way than what you've described to me in this whole prior conversation that you believe Stephanie Jones or

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Jonesworks acted against Wayfarer's interests or otherwise deprived Wayfarer of the benefit of its bargain?
A Can you repeat that, please?
Q Other than what we've just discussed in the last however long --
A Sure.
Q -- is there any other way, any other conduct by Stephanie Jones or Jonesworks that you believe acted against Wayfarer's interests or otherwise deprived Wayfarer of the benefit of its bargain?
MS. SHAH: Objection.
THE WITNESS: I believe that falls under what I've learned from my attorneys.
BY MS. SHAH:
Q Okay. Other than what you may have learned from your attorneys, anything else?
A I do not recall.
Q Okay. If someone were to say -- sorry.
If someone were to disclose the contract between Wayfarer and Jonesworks that we looked at earlier in the day, do you believe that would be in breach of a confidentiality obligation?
A Could you be more specific?

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Q If either Wayfarer or Jonesworks were to give to anyone else the Wayfarer/Jonesworks contract, do you believe that would breach the contract's confidentiality --
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q -- as between Jonesworks and Wayfarer?
MS. SHAPIRO: Objection.
THE WITNESS: I would rely on my, in that case, my in-house legal to determine if it does or not. I don't know.
BY MS. SHAH:
Q Okay. If either Jonesworks or Wayfarer were to disclose communications between Jonesworks and Wayfarer to someone else, do you think that would breach the contract's confidentiality obligations?
MS. SHAPIRO: Objection.
THE WITNESS: Repeat that again. It sounds like an important question so I just want to understand it.
BY MS. SHAH:
Q If either Jonesworks or Wayfarer or anyone acting on their behalf were to disclose communications, emails, texts between Jonesworks and

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Wayfarer to somebody else, would that breach a confidentiality obligation between Jonesworks and Wayfarer?
MS. SHAPIRO: Objection.
THE WITNESS: Again, I would have to rely on counsel's legal perspective on that, as I'm not a lawyer and I have to understand from that.
BY MS. SHAH:
Q Okay. Did you authorize Mr. Freedman, your lawyer, to disclose to reporters at Puck --
A At where?
Q Puck News -- the Wayfarer/Jonesworks contract?
MS. SHAPIRO: Objection. I'm going to instruct you not to answer to the extent that would disclose your communications with Mr. Freedman.
THE WITNESS: That makes it easy because that was going to be my answer anyways.
BY MS. SHAH:
Q So you're not going to answer on the basis of attorney-client privilege?
A That would be -- you asked me, just to be clear, if I instructed my attorney? Which would mean that is communication between me and my attorney.

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Q So you are not going to answer on the basis of attorney-client privilege?
A Correct.
Q Okay. Did you instruct your attorney, Mr. Freedman, to send to reporters at Puck News emails between Jonesworks and Wayfarer?
MS. SHAPIRO: I'm going to make the same objection and give you the same instruction to not disclose.
THE WITNESS: I'm confused. Because I think the question itself is asking about communication I have had with Mr. Freedman. And so I believe that falls under client-attorney privilege.
BY MS. SHAH:
Q And so you are not going to answer on the basis of attorney-client privilege, correct?
A Of course not. Why -- yeah, why would I answer a question that's attorney-client privilege?
Q Did you approve Mr. Freedman sending to Puck News reporters the Jonesworks/Wayfarer complaint or emails between Jonesworks and Wayfarer?
MS. SHAPIRO: I will make the same instruction and -- sorry, the same objection and give you the same instruction.

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THE WITNESS: Yes, I will follow my attorney's advice.
BY MS. SHAH:
Q Okay.
A You didn't ask me that, but...
Q You know the drill by now.
A I know the drill.
MS. SHAH: All right. I'm going to show you what's been marked as Exhibit 36. It's a text thread between Matt Belloni at Puck News and Bryan Freedman dated December 22, 2024.
With the Bates stamp WAYFARER, several zeroes, 167550.
(Exhibit 36 marked for identification.)
THE WITNESS: Okay.
BY MS. SHAH:
Q Have you seen this before?
A I have not.
Q Okay. Let me know when you're ready.
Okay. You'll see that on the first page marked 167550, Mr. Freedman under the moniker of "Dad" sends a contract to Matt Belloni, right?
A Yes. The part that says:
(As read):
"Here is contract - refer yes but print

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no"?
Q Yes.
A Okay. I don't know what that is, but I see that there's an attachment.
Q Okay. And if you flip to the page marked 555 at the end.
A Okay.
Q You'll see that the attachment is the Jonesworks/Wayfarer contract, dated May 6, 2020. Do you see that?
A Dated May 6, 2020. I'm sorry, you're talking about this document here?
Q Yeah. That's the Jonesworks/Wayfarer contract, right?
A Yeah, dated May 7 -- okay, I see what you're talking about, yes.
Q But this is the Jonesworks/Wayfarer contract, right?
A It appears to be so, yes. Yes.
Q Okay. And then Matt Belloni at 2:04 says --
A Sorry. Can I ask you a question? Are you saying that this attachment is what I'm looking at here?
Q Yes.

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A Okay.
Q And I'll represent to you that this is how you produced this to us.
A Okay.
Q Matt Belloni says:
(As read):
"Okay, got it. I'm on plane for next couple hours. But I'm confused what this 'subpoena' is that New York -- NYT says led to the publication of the private communications."
Do you see that?
A I do.
Q (As read):
"You can't subpoena documents until a formal proceeding, lawsuit or labor complaint is filed, right?"
You see that?
A I do.
Q And then Bryan Freedman says:
(As read):
"You're correct. Subpoena is a lie."
Do you see that?
A I do.
Q What evidence do you have that the

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subpoena that was issued to Stephanie Jones and Jonesworks that's been produced in this case was a lie?
A I'm confused because I'm not on this. This is the first time I'm seeing this so I don't know anything about this.
Q Okay. Did you read the New York Times article about Blake Lively's CRD complaint?
A I did. But I read it one time and it was a while ago, so I don't recall a lot of it.
Q Do you recall that that article references that documents were provided to Blake Lively pursuant to a subpoena?
A I don't recall.
Q Do you have any evidence sitting here today that you can think of that when The New York Times said the documents were provided by Stephanie Jones pursuant to the subpoena, that was a lie?
MS. SHAPIRO: Objection.
THE WITNESS: You mean outside of this communication, or are you asking me in general?
BY MS. SHAH:
Q Sure. Yes.
A Outside of what I learned from my

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attorneys, this would have happened, this text, after the CRD complaint. So anything I would have learned from my attorneys, I can't speak of.
Q Okay. Are you saying, yes or no, that you have learned facts from your attorneys that would lead you to believe that when The New York Times wrote that documents were provided by Stephanie Jones pursuant to a subpoena, that was a lie?
A I'm a little confused because this is not something that is in a document of ours or a -- so I'm just looking at a text thread. So...
Q Mr. Freedman is your lawyer in this case, right?
A Yes.
Q Wayfarer's lawyer in this case?
A Yes.
Q Do you understand when you look at this text thread that he was acting and speaking on Wayfarer's behalf?
A Actually, I don't know the answer to that.
Q Do you think when you look at this text thread that he was speaking and acting in his own personal -- on his own personal behalf?

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MS. SHAPIRO: Objection.
THE WITNESS: I don't know the answer to that. I don't know what this falls under. I don't know if every communication an attorney has is on behalf of their client or not and if they're allowed personal conversations or what is what. So I don't know.
I don't know how the law works in that regard so I just don't have an answer.
BY MS. SHAH:
Q Do you think Bryan Freedman has any reason to talk to a reporter about Blake's CRD complaint and The New York Times article other than on Wayfarer's behalf and your-all collective behalf?
MS. SHAPIRO: Objection.
THE WITNESS: Ask me that one more time? It's a fair question. I just want to understand it.
BY MS. SHAH:
Q Do you think Bryan Freedman has any reason to talk to a reporter about Blake's CRD complaint and The New York Times article other than on Wayfarer's and the Wayfarer defendant's behalf?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know.

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BY MS. SHAH:
Q Okay. Outside of this document so --
A Okay.
Q -- put that document to the side.
A All right.
Q As the CEO of Wayfarer and in your capacity as a Wayfarer corporate representative witness --
A Okay.
Q -- can you tell me any evidence or basis that you have for believing that the statement that Stephanie Jones provided information pursuant to a subpoena is a lie?
MS. SHAPIRO: Objection.
THE WITNESS: As the CEO of Wayfarer, and if I'm separating myself from Jamey Heath the individual, I'm not sure how that works.
BY MS. SHAH:
Q Me neither.
A Any information that I would know would be what I could get from attorneys, and I don't know what they would share with me. I'm confusing myself. I'm just -- I'm trying to work through it.
Q Sure. Let me try and make it easier, if I can.

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A Please.
Q Do you have any basis to think this whole subpoena thing is a lie? Any basis whatsoever?
MS. SHAPIRO: Objection.
THE WITNESS: I think that would be learned from the attorneys.
BY MS. SHAH:
Q Okay. Outside of anything that you may have learned from your attorneys, any basis you can think of that this whole subpoena thing is a lie?
MS. SHAPIRO: Objection.
THE WITNESS: I think any information after 22nd, once the CRD complaint came out, we had attorneys and all information happened with attorneys.
BY MS. SHAH:
Q Okay. So other than information that you may have learned from your attorneys, any other basis to think that this subpoena thing is a lie?
MS. SHAPIRO: Objection.
THE WITNESS: I believe all information I have is through my information from attorneys.
BY MS. SHAH:
Q Okay. Flip to the page marked 552 at the end, please.

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A Ending in 552?
Q Yes.
A Okay.
Q You'll see that Bryan Freedman under the moniker of "Dad" shares a screenshot of an email from Stephanie Jones to you, Tera, Imene, and Mara. Do you see that?
A And Mara? Are you talking about ending in 552?
Q Yes. Do you see a screenshot there?
A Yeah, I see -- I don't know. Oh, I see. Got you. It's very small.
Q Yes.
A Jamey, Tera, Imene, and Mara.
Q So this is an email that Stephanie Jones sent to you, Tara, Imene, and Mara, right?
A Appears to be so, yes.
Q Okay.
A Is there a bigger version?
Q I don't think so.
A Okay. I'll do my best.
Q All right.
A Well, do you want me to read that?
Q No, I can't even read that so...
A Oh, okay.

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Q Right above that screenshot -- we're still on the page ending 552.
A Okay.
Q It looks like there's a cut and paste of an email from Stephanie to you.
Do you see that?
A It looks like it, yes.
Q Do you recognize that as an email that Stephanie wrote to you?
A Let me just read it real quickly because I haven't. Yes, I recognize that.
Q Okay. Do you think it's kind of rich that Wayfarer is accusing Stephanie Jones of breaching its confidentiality by providing internal text messages and information when Wayfarer's lawyer is doing the same thing?
MS. SHAPIRO: Objection.
THE WITNESS: You're probably frustrated when I asked you to say it one more time, but will you ask it one more time?
BY MS. SHAH:
Q Do you think it's kind of rich that Wayfarer is accusing Stephanie Jones of breaching confidentiality by providing internal text messages and information when Wayfarer's lawyer is doing the

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same thing?
MS. SHAPIRO: Objection.
THE WITNESS: I don't think I have enough understanding or information to be able to comment on that.
MS. SHAH: Okay.
THE WITNESS: I do like the use of the word "rich." I did like that.
BY MS. SHAH:
Q How about ironic?
Do you see any irony here?
MS. SHAPIRO: Objection.
THE WITNESS: It's okay. Is that a question?
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q That is a question.
A My answer is still the same.
Q Okay. Wayfarer has asserted damages against Jonesworks and Stephanie Jones in this case, correct?
A Correct.
Q What is your understanding of the damages that Wayfarer is seeking from Stephanie Jones?
A We are working with an expert, and I

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don't have that information myself.
Q Okay.
THE WITNESS: Bless you.
THE STENOGRAPHIC REPORTER: Thank you.
BY MS. SHAH:
Q If I give you a document that is long, are you going to want to read the whole thing or can I point you to a specific paragraph and ask you a question?
MS. SHAPIRO: Objection.
THE WITNESS: I think that's a fair question. And I respect it. And I don't want to play games so I'm not going to just read something just to screw with you. I am not going to do that. But I cannot promise that I don't need to read enough for me to feel comfortable and safe.
BY MS. SHAH:
Q That is fair.
Are you aware that Wayfarer has submitted disclosures to us in this case that lay out its theory of damages?
A Am I aware that my attorneys --
Q Yes.
A -- gave you what? Say it again.
Q Disclosures in this case. Like written

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disclosures about certain things, including Wayfarer's theory of damages.
A Probably. But there is a lot of terms that are lost in my mind.
Q Sure. I will represent to you that we have disclosures from your attorneys.
A Great, thank you.
Q That among other things, talk about Wayfarer's damages. Okay?
A Okay.
Q Those disclosures say in part that as a result of the Jones' parties wrongful actions, Wayfarer has suffered and is seeking recovery for damages resulting from lost business, harm to relationships likely to lead to future economic advantage and reputational harm. Okay?
A Okay.
Q Can you tell me what lost business Wayfarer has suffered as a result of the Jones parties" wrongful actions?
A Really?
Q Yeah.
A I believe that, as we allege, that these communications that were confidential, that has ultimately led to an incredibly -- incredible amount

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of damaged reputation. In our business, you know, reputation is one of the ways that you work, which allows for more business. We have lost a lot of business. We've lost projects that are -- were incredibly important. And all of this stuff has led to that, to the loss of this.

Q What project specifically?

A Can I name those?

MS. SHAH: Do you want to go on AEO?

MS. SHAPIRO: Yes.

MS. SHAH: There may not be anyone else here. Justin can stay.

We can mark it as AEO. I think all of those are attorneys.

THE VIDEOGRAPHER: Jason, Lindsey, and Matthew.

MS. SHAH: They're attorneys.

THE A/V TECHNICIAN: The only new person we have on right now is Ms. Strasberg.

THE VIDEOGRAPHER: She's fine.

MS. SHAH: Okay. Happy to mark this AEO. I understand that you agree that Justin can stay in the room?

(The following testimony is designated Attorneys' Eyes Only.)

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MS. SHAPIRO: Yes.

BY MS. SHAH:

Q Okay. Yeah. Which projects?

A Okay. We can start with one. Pac-Man.

Q Okay.

A We had spent the last three years developing. We had the rights to the property, Pac-man, the IP, which belongs to Bandai Namco. We had spent quite a bit of money in development. We were just about to go out to the market with a -- when I say this, I don't say this lightly. This is a company's dreams to land IP like this.

And as a result of this, we lost it. And we were just -- the doors were just -- not the doors. All the work we had done was just about to come to fruition. And as a result, we lost that.

Q What do you mean when you say you've lost it?

A Because of what we are going through, they have pulled the project from us.

Q Who has?

A Bandai Namco.

Q And what do you mean when you say "pulled the project from you"?

A Ended our contract.

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Q Did you have a written contract?

A Yes.

Q Signed?

A Yes.

Q Have you produced it in this case?

A Anything that should be produced, I leave to the attorneys. I don't know.

Q Okay. When you say they pulled the project as a result of all this, what do you mean by "all this"?

A This lawsuit.

Q Okay.

A These allegations.

Q Okay. How did they communicate that to you?

A First, I believe on Zoom.

Q I mean, what did they say to you?

A Sorry.

Q Sorry.

A It's okay. That they were concerned -- this was the steps. This was a few steps.

Q Sure. Tell me all of it, if you would.

A We've had an incredible relationship with them for over the years. Then they had some concern that the allegations themselves and what was being

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said would hurt their brand.

Q Which allegations?

A The allegations of sexual harassment and retaliation.

Q Okay. So they communicated that to you --

A Correct.

Q -- as a reason they were pulling the project?

A Initially, no. Initially was they raised the concern.

Q Okay.

A Over the next couple months from that time, so this would have been back in January.

Q Of 2025?

A Correct.

Q Okay.

A I was trying to think if it was possibly the end of '24, but I believe it was January so let's just call it December, January.

They expressed their concern. I thought it was reasonable that they would want to have a conversation about this. They didn't really lay any groundwork to begin with, but they wanted to let us know they were concerned and get some information.

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We had said we need to just take a breath for a minute and see what's happening. I believe this was -- I don't remember. I can't remember. I would just be guessing, but sometime in January.

Q Okay.

A Which then led to over the months, us having further communications and them eventually saying that they have decided that while they appreciate us and the work we've done, that they would need to sever our ties.

Q Because of what reason?

A Because of the allegations of sexual harassment and retaliation.

Q Okay. What other projects?

A That's the big one. And then many others that I cannot think of the names of these. But just because I just can't recall them right now.

We have movies that come in all the time. We had -- and I wish, and then I'm going to regret this in a few minutes because I'm going to be like, oh, I didn't name this one or this one. So I don't know how this works. I will talk to the attorneys, but I'm happy to provide a list of them.

Q Thank you. Can you give me your best recollection today of those other projects?

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A Oh, I think I just mentioned that right now.

Q Even if you don't have names.

A Okay.

Q Anything about them that would help me identify them or anything you can remember about other projects that you contend you've lost as a result of this?

A I'm going to state again, I'm going to regret it, but if you ask me my kids' names right now, I couldn't remember them. It's not -- and I promise you, I'm not playing games with you. We have so many projects that we do. Development and production. And for me to think of these right now, they're escaping me.

Q Okay. Can you tell me with specificity what was communicated to you about the reason you lost those other projects, and by whom?

A Well, let me just give you generally since I'm not recalling the projects.

Q Uh huh.

A There is different stages that you have. Things in development, you have things that we have investments in, things that we can invest in money wise, that, obviously, lead to the same thing. And

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new-coming projects that come in. You get 100 knocks on your door a week and then it goes down to five.

So there are also projected projects that were coming in, especially off a successful year for many reasons; not just It Ends with Us. Those calls stopped coming in. Projects that we had that were ready for us to invest in development, hoping to get into production, essentially with the same reason that Bandai, that there was too much heat around your name with these allegations and we're not comfortable to move forward working with us.

Q Do you recall, at least with respect to some of those projects, it being actually communicated to you that there's too much heat around you with respect to the allegations of sexual harassment and retaliation?

A The "heat" term is mine.

Q That they determined not to have moved forward with those projects?

MS. SHAPIRO: Objection.

THE WITNESS: Yes.

BY MS. SHAH:

Q Okay.

A Not only that. As a result, losing our

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positioning with WME. Not necessarily only Justin as an artist, but representing Wayfarer. Which is where a lot of the projects would come from. That faucet was shut off as a result of them dropping us. And the projects that were coming in through that faucet were also opportunities that were no longer there.

Q Okay. Apart from projects that were in some stage of development already with you, in terms of your expectation of incoming calls, was it ever communicated to you with respect to the lessening of any incoming calls that the reason communicated to you -- that the reason that the calls were not coming was allegations surrounding -- was the issues surrounding the allegations of sexual harassment and retaliation?

MS. SHAPIRO: Objection.

THE WITNESS: Well, I can answer that with this. If you're getting 100 calls a week and the 95 don't come, then you can't get from the 95 why they're not calling. But I think it's a fair reasoning that if all of a sudden that stops, and there's an event that happens, that you tie them together. So aside from the actual concrete ones that I can say that we've lost, and then the

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incoming would be -- it's a hard question to ask when you do that.
BY MS. SHAH:
Q Okay.
A Answer -- it's a hard question to answer is what I mean.
Q Sure. And Wayfarer has also alleged harm to relationships likely to lead to future economic advantage and reputational harm.
A Yeah.
Q Describe to me the reputational harm and harm to relationships likely to lead to future economic advantage that you are contending Wayfarer lost as a result of Ms. Jones and Jonesworks' actions.
MS. SHAPIRO: Objection.
THE WITNESS: While our industry is big in one regard, it's really small. So other producers, writers, people that we build projects on, other studios and distributors, it has been very hard to get them to return calls.
There was a moment -- well, still where it was impossible for our Head of Physical -- not Head of Physical, our President of Production Development at Wayfarer to get meetings to continue

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anything that was going on. So simply because of what we were going through. And that has ripple effects.
BY MS. SHAH:
Q Do you think the same reputational impacts and implications that you are experiencing in your industry also hold true for the PR, entertainment PR industry?
MS. SHAPIRO: Objection.
THE WITNESS: I think your question is do I -- if I'm giving you my reason for Wayfarer and for Justin, is that applicable to others as well -- I'm starting to lose my voice -- to others as well in other fields?
BY MS. SHAH:
Q Uh-huh.
A I couldn't argue against that.
Q Okay.
A Water here?
Q Do you want any?
A Yes, I do. Please.
Q Holding out on you.
A Thank you very much.
Q Are you aware that Wayfarer is asserting no less than $8 million in such damages as a result

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of Jonesworks' and Ms. Jones' conduct?
A I am aware.
Q Okay. Does that number sound right to you?
A In what context? I mean, do I know that that's what we're asserting?
Q Uh huh.
A Yes.
Q Okay. What is to your understanding the basis for quantifying and asserting damages of that number, $8 million?
MS. SHAPIRO: Objection.
THE WITNESS: I would have to defer to the experts on this one.
MS. SHAH: Okay. Handing you what's been marked as Exhibit 37. It is a text conversation bearing the dates August 17th to August 18th, 2024. Bates-stamped KCASE, several zeroes, 369.
(Exhibit 37 marked for identification.)
THE WITNESS: I'm not on this, to be clear?
BY MS. SHAH:
Q I don't believe so.
A Okay. Thank you. I just -- it's helpful for any to have that.

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Is this the one that you had said, will I read all the way through?
Q No. That one was longer. You can read this, but I will focus you on the last two pages.
A Okay.
MS. SHAH: Oh, and we can go off AEO to the extent that that was not clear on the transcript.
(End of the Attorneys' Eyes Only designation of the testimony.)
THE WITNESS: Okay.
BY MS. SHAH:
Q Okay.
A I might have to reread it, whoever you bring, but --
Q Sure.
A -- I kind of do it -- I try to do it quickly.
Q Sure. Thank you.
Look for me at the page marked 372. It's the second from the last.
A Okay.
Q At Jen Abel's text at the bottom of the page at 1:13 a.m., she writes:
(As read):

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"So this girl is claiming that Justin invited her up to his hotel room years ago. I didn't want to share the vid but Mitz did a screen record and this is her account so you guys can look at it. Part of me wants Will, his former assistant, to comment and say this never happened. Ridiculous." And then there's an attachment.

Do you see that?

A I do.

Q Do you have any understanding of what this is about?

A Do I know what this is referring to?

Q Yes.

A I do.

Q Okay. What?

A Some video of a young girl -- young woman, forgive me. She was young, maybe in college or something, who did a video who appeared to be intoxicated to some sort, claiming that Justin invited her up to his -- to his room.

Q Have you seen the video?

A I saw it.

Q How did you see it?

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A I don't remember. I don't recall how I saw it. I just remember seeing it.

Q Did someone send it to you?

A I don't know.

Q Or did they show it to you on their phone?

A I don't know.

Q Okay.

A This would have been -- this is back when this is -- I don't know when this communication is in, but I don't know.

Q Do you think you saw it around the time of this communication when it was first flagged?

A Maybe.

Q Okay.

Did you tell Justin about this?

A I don't have a memory of it, but I probably did. I mean, this was -- this wasn't anything that I was afraid of.

Q Okay. Did Wayfarer ever send a cease and desist to this woman?

A I don't know. I don't recall.

Q It's possible?

MS. SHAPIRO: Objection.

THE WITNESS: I don't have a memory of it.

BY MS. SHAH:

Q You don't have a memory one way or another?

A I don't.

Q Okay. If you flip the page, at 11:30 a.m., Breanna Butler says:

(As read):

"Let us chat to Jed as well on this."

Do you see that?

A I do.

Q Were you aware that TAG was raising this video with Jed Wallace?

MS. SHAPIRO: Objection.

THE WITNESS: I don't recall.

BY MS. SHAH:

Q It's possible?

MS. SHAPIRO: Objection.

THE WITNESS: I don't -- I don't recall.

MR. GLOVER: Objection. Form.

BY MS. SHAH:

Q Okay. Do you have any understanding of why TAG would be raising this video with Jed Wallace?

MS. SHAPIRO: Objection.

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MR. GLOVER: Objection to form.

THE WITNESS: Well, I mean, I could do simple math.

BY MS. SHAH:

Q Tell me.

A He's monitoring, looking at everything that's going on, trying to get a temperature of what is happening in the world. If he hadn't seen this, wasn't aware of it, this would be important for him to know about, I imagine. Now, I'm speculating, but that seems reasonable to me.

Q Why would it be important for him to know about?

MS. SHAPIRO: Objection.

MR. GLOVER: Objection. Form.

THE WITNESS: Because from what I understood, his role is that he was in support of crisis, monitoring and having his pulse on the temperature of what was happening in the world. And if this is what's happening out in the world as it pertains to Justin, it would be good for him to know.

BY MS. SHAH:

Q Okay. In text below that from Breanna Butler at 1:44 p.m., she says:

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(As read):
"Positive videos being boosted."
Do you see that?
A I do.
Q What do you understand "being boosted" means?
A I think -- in my mind, I don't know. This is, again, I think I said yesterday it's kind of like code to me. I don't understand code. My son builds games and has code. I have no idea what it means. And he's -- and he's nine.
But boosted in this sense meant to me, and I've used this analogy, and this is the only way I can think of it. If you post something on Facebook years ago, and you want a lot of people to see it, it would say "boost this," and you could click it and spend a dollar and it would be on more feeds than normal. That to me is what I would imagine a boost would be. How do I get more eyes to see something that's up there?
Q Okay. And so from this where Ms. Butler says "positive videos being boosted," you understood that to mean that positive videos about Justin were being boosted, right?
A Well, I'm not on this so I don't know

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what this was.
Q I'm just asking for your best understanding. When she says, "positive videos being boosted," do you understand the mean -- that to mean she's talking about positive videos of Justin being boosted, right?
MS. SHAPIRO: Objection.
THE WITNESS: I would speculate. I'm sorry, I'm not trying to be nuanced in the weeds, but I don't know. I mean, it -- could it be that it's about something you press the dollar sign to get it on more -- on more feeds, or is it like they are boosted? I don't know. I'm just speculating.
BY MS. SHAH:
Q Okay. But we are talking about videos that are like relevant to Wayfarer and Justin, right?
A We are.
Q Okay. Then, she goes on to say:
(As read):
"The crazy Charlotte gal."
Do you understand that the woman in the video, her name was Charlotte Poole, did you know that?
A I did not know that.

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Q Okay.
A Or if I did, I forgot it.
Q Okay.
(As read):
"The crazy Charlotte gal," comma, "team said it actually works in our favor to have negative comments below post. Already now she's getting slammed, so they'll work with that to elevate how ridiculous/false story is while keeping watch to make sure it doesn't spiral more."
Do you see that?
A I do.
Q What do you understand it to mean that the team will "work with that to elevate how ridiculous and false the story is"?
A No idea.
Q What does "elevate" mean to you?
A Elevate, to raise from one level to another.
Q Make higher, make better?
MS. SHAPIRO: Objection.
THE WITNESS: I think that would be included in elevated, sure.

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BY MS. SHAH:
Q Okay. Did you have an understanding that the TAG team and Jed Wallace were working to elevate how ridiculous and false Charlotte Pole's story was?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: Say that again, please.
BY MS. SHAH:
Q Did you have an understanding that the TAG team and Jed Wallace were working to elevate how ridiculous and false Charlotte Pole's story was?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I have no knowledge of that.
BY MS. SHAH:
Q Okay. No reason to dispute it?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I have no knowledge of it.
BY MS. SHAH:
Q One way or another?
MR. GLOVER: Objection. Form.
THE WITNESS: I have no knowledge of it.

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BY MS. SHAH:
Q Okay.
A But I like your follow-up questions.
MS. SHAH: How much time is left?
THE VIDEOGRAPHER: Forty-nine. Six hours and 11 minutes.
THE WITNESS: You want two more hours?
MS. SHAH: We're at 49?
THE WITNESS: Would you like a nine-hour deposition?
MS. SHAH: I don't think we'll need that today.
THE WITNESS: Okay. Good. I don't want to give it to you. I'm just asking if you'd like it. Here. There you go. I'm just trying to keep myself alive.
MS. SHAH: I hear you.
THE WITNESS: So I'm only bantering for -- I do need to potty. Is that okay?
MS. SHAH: Let's take a -- yes.
THE WITNESS: I can go by myself if you'd like really quickly.
MS. SHAH: It's totally fine. Let's take a break. Let's go off the record.
THE VIDEOGRAPHER: We are going off the

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record. The time is 5:32 p.m.
(Recess.)
THE VIDEOGRAPHER: We're back on the record. The time is 5:51 p.m.
BY MS. SHAH:
Q So Mr. Heath, before the break, recall we were discussing a video on Instagram featuring a woman named Charlotte Pole. And I had asked you if you knew whether Wayfarer had sent a cease and desist to Charlotte Pole?
A Right.
Q I am going to ask it a bit of a different way now, which is, do you know if any cease and desist letter was ever sent to Charlotte Pole?
A I don't -- I don't know.
MS. SHAH: I'm going to show you what's been marked as Exhibit 38.
(Exhibit 38 marked for identification.)
THE WITNESS: Thank you.
BY MS. SHAH:
Q This is an email thread dated August 7th, 2024, with the Bates stamp HEATH_000028187.
A Okay.
Q This is an email that you're included on

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with a number of people from TAG and Jennifer Abel, discussing what looks to be a statement of work for potential social, digital mitigation and remediation.
Do you see this?
A I do.
Q Okay. And you received this email, correct?
A I see that I'm on the -- that I received it, so yes, my -- I received it.
Q Okay. And it says:
(As read):
"Following up on the social/digital conversation this morning, with specifics re: social and digital mitigation and remediation."
Do you see that?
A I do.
Q Do you have a recollection of being on a conversation the morning of August 7th, 2024 with respect to social and digital efforts?
A I don't have a particular memory.
Q Do you have a general memory?
A I have a general memory that I would have conversations with TAG, but not this particular one.

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Q Okay. Do you have general memory of having conversations with TAG about social and digital mitigation and remediation efforts?
A Yeah.
Q Okay. Can you tell me your recollection of those conversations?
A I remember learning that they needed support. Again, I don't know exactly what that meant. We hired someone to be in charge of -- of PR crisis, so if they needed support, it was just, sure, what do you need? Excuse me. So I remember having conversations like that. At some point, when I learned that they wanted to bring on Jed, they were working out whatever details that meant, and then they would report to me, essentially, what this would cost, things of that nature.
Q Okay. And do you recall having any conversations with TAG or Jed about what the social and digital services would be?
A Say that again?
Q Do you recall having any conversations with either TAG or Jed Wallace about what the social and digital services would be?
A Not specifically. Generally, I understood, as I had said, that he was being brought

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on to monitor the digital realm. And I mean, that's really what I knew.
Q You understood that "social" meant social media, right?
A Sure.
Q Okay. And if you look at Katie Case's email, the first sentence, she says:
(As read):
"Following up on the social/digital conversation this morning, with specifics re: social and digital mitigation and remediation."
What do you understand social and digital mitigation and remediation to mean?
A I don't think I gave that mind, other than -- and on this particular document, I have no recollection of seeing this. But looking at social/digital mitigation, remediation, if I ever heard those terms at that time, it just would mean to me in the world of their -- their crisis PR.
Q Mitigation means to make lesser, right?
MS. SHAPIRO: Objection.
THE WITNESS: I'm only pausing because I'm thinking about the definition and what it includes. I think that's one of the term -- terms.

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I think it can also mean to manage. But I don't want to nitpick. I think that's a fair understanding from -- from -- in most circumstances.
BY MS. SHAH:
Q Okay. And remediation means to make better, right?
MR. GLOVER: Objection. Form.
THE WITNESS: Yeah.
BY MS. SHAH:
Q Okay.
A I'm not willing any -- winning any spelling bees, but...
Q This isn't a spelling test.
A Or not spelling bee, but definition contest. But I believe so. I would understand that to mean that, generally.
Q And then it goes on to say:
(As read):
"The team will focus on the social and digital elements, boosting SEO efforts, and updating with new content to enforce SEO efforts."
Let's stop there.
A Okay.
Q What do you understand "boosting SEO

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efforts" to mean?
A I don't know if -- what I knew at the time. I think I've learned that boosting SEO means search engine, something.
Q Optimization?
A There you go. And from what I understand in layman's terms is, you have a business, you want to search for it, it comes tenth. How do you make it so it's on the top three so that people see your business? Something like that.
Q And when it says, "updating with new content to enforce SEO efforts," do you have an understanding what that means?
A I don't.
Q Okay. Do you understand that you can update or create digital webpages in order to help make SEO efforts more prominent? For example, if you create more web pages that have certain content, then when people search for things on Google, it essentially boosts that search result?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
BY MS. SHAH:
Q Do you understand that?
MS. SHAPIRO: Objection.

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THE WITNESS: I want to say I will take your word for it because I don't know.
BY MS. SHAH:
Q Okay. You don't have any understanding of that in general terms?
A I don't.
Q Okay.
A And all these years, I thought I was like technologically capable.
Q So you don't know one way or another whether that kind of thing is what is being referred to here?
A I don't.
MR. GLOVER: Objection. Form.
BY MS. SHAH:
Q And then it goes on to say:
(As read):
"Monitoring and directly influencing forums that are working against Justin and Wayfarer to adjust the narrative in real-time."
Do you see that?
A I do.
Q Did you have an understanding that that was something that the TAG team and Jed Wallace were

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doing on Wayfarer and Justin's behalf?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I did not. And also, sorry, but to be clear, I don't recall ever seeing this, so I did not have an understanding of something I don't recall seeing. But if you are asking me if I understand it now, I don't know that anyone engaged in this or not. I don't know.
BY MS. SHAH:
Q Okay.
You would agree with me that, "Directly influencing forums that are working against Justin and Wayfarer to adjust the narrative in real-time," is something different than monitoring, right?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: (Witness reading the exhibit.)
I would agree that the word "influencing," just in general terms, is a bit different than maybe simply monitoring. But I don't know how that is applicable in the case of -- I don't know how that's applicable necessarily.

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BY MS. SHAH:
Q And you would agree with me that monitoring is a passive observation, and directly influencing to a Justin narrative in real-time is active participation; that's one way they are different, right?
MS. SHAPIRO: Objection.
MR. GLOVER: Objection. Form.
THE WITNESS: I don't know.
BY MS. SHAH:
Q You don't know?
A I don't. Again, I'm trying to not be a stickler for words, because there's always nuance to everything. I don't know. I don't know if -- let me say this: Did I -- do I think that when someone's monitoring, that simply just means only looking and looking around? I have ADT security, and they monitor. But in their monitoring, they also will call the police if they see something because of their monitoring. That's included in monitoring. So I only say that to say that, I don't know if monitor just means to simply just watch. It might require some sort of action that's under the realm of monitoring.
Q Okay.

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A Please don't tell anyone I have ADT security.
Q We can designate that part AEO.
A Thank you.
Q And then it goes on to say:
(As read):
"And collate assets and background to work in conjunction with Jen and her team as well as TAG PR."
Do you see that?
A I do.
(As read):
"And collate assets and background to work in conjunction with Jen and her team."
Okay.
Q Do you have an understanding of what "collate assets and background" means?
A I don't.
Q Okay.
A Even to this moment when I'm looking at it, I cannot.
Q Then it goes on to say:
(As read):
"The integral part here is to execute

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all without fingerprints."
Do you see that?
A I do.
Q And you understand that when they say "without fingerprints," they mean so that you cannot discover who is responsible for it, right?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I would be speculating, so I don't know.
BY MS. SHAH:
Q What does it mean to you to do something without fingerprints?
A Look, I -- I would just be pointlessly getting into a back and forth with you. I understand that what that could imply. I don't know what that means, though.
Q Okay. And what is your understanding about what this could imply?
MR. GLOVER: Objection. Form.
THE WITNESS: To do something without fingerprints would mean without leaving behind fingerprints, so that someone may not know that you are involved in it. I can see that what you're saying, but I don't know how that's applicable

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necessarily.
BY MS. SHAH:
Q Okay.
A But as a standalone sentence, I see that.
Q Sure.
And then there's a bulleted list of items under the heading "Specific Efforts Include."
Do you see that?
A I do.
Q Do you understand that these were among the services that Jed Wallace was to provide to Wayfarer and Mr. Baldoni?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: Say that again? Do I understand that these were the services?
BY MS. SHAH:
Q That Jed Wallace was to provide for Wayfarer and Mr. Baldoni?
MR. GLOVER: Objection. Form.
THE WITNESS: I did not understand that these were the services.
BY MS. SHAH:
Q Do you disagree that these were the services or you just don't know one way or another?

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MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I disagree that these were the services that I was aware of, or that I approved of, or that I gave instruction to.
BY MS. SHAH:
Q Okay. Which ones of these are outside of the services that you approved of?
A Well, I didn't see this list or didn't respond to this list, so I can't speak to it in an itemized way. Only again, to just reiterate one thing, my conversation with anybody was what I expected everyone to do. And some of these would have -- had I seen this, I would have said, yeah, this is a menu of items. I don't need all of these menu of items. No, thank you. Thank you for sharing what is on your menu. And so you want me to go through each one and say what I would say "no, thank you" to?
Q Yes.
A Huh?
Q Yeah.
A At least the way I understand them. I might ask for clarity, because I don't know, but:
(As read):

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"Monitor and report forums, threads, sites, and more."
I'd say that makes sense. Okay.
Q So that's a yes?
A I would say yes --
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: -- to the -- to the general understanding of it.
BY MS. SHAH:
Q Okay.
A Right? But I didn't see this so this conversation didn't happen.
Q Okay.
A (As read):
"Justin and the overall narrative as well as derogatory comments."
I don't know what that means. So I -- I would probably ask for clarity.
(As read):
"Leverage relationships with Discord, Reddit, to expose behavior of Blake and other parties both current and past and engage directly with communities to adjust or influence conversations

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taking place in real-time."
"Leverage relationships," I would -- this would be a big flag for me. I'd be like, what does that mean? So I would definitely need clarity on that one. Because as a statement in itself, it wouldn't feel like something I would approve.
(As read):
"Utilize CTR manipulation. Change subject matter opinion on first page of Google."
I mean, I can go through each one. I'm looking as I'm reading. I would probably need clarity on each one of these.
Q Okay.
A Work to remove links that are harmful to Wayfarer Studios. I would want clarity on that. Is that -- you know, I think that's within general scope if -- if I have a friend who is a celebrity, and they took movies of hers in the past and put still images of her nude and posted them everywhere. And they worked to take these harmful things down. That was certainly within her legal right. And I would just want to understand like those things seem reasonable to me. And...
(Witness reading exhibit.)

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You know what? I don't understand what these things mean.
(Witness reading exhibit.)
My question would be, what does that mean to sway an algorithm? If this is something that we're actively doing that's harmful to another, don't f'ing do that.
"Taking down full Reddit and also social accounts as needed." Again, you put a nude photo of someone from a movie and put it out there and you -- it's within your understandable right to take something like that down. That seems -- I would be like that seems reasonable, but I don't know.
(Witness reading exhibit.)
Organically engaging. "Changing the overall narrative and helping keep it on track."
The last one:
(Witness reading exhibit.)
Yeah, so I'm sorry it took so long to go through it, but --
Q It's all right.
A -- we did agree that we would. There's a lot of this that I would have questions to. But I can tell you this, if I see this right now and someone says, do I have permission to move ahead, my

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answer would be absolutely not.
Q Okay.
A Stop in your tracks. I need to understand this. This does not feel like anything that I'm comfortable with without full clarity. And that conversation didn't happen based on this document.
Q Okay. And because you don't remember reading this list at the time or having a further conversation about it, you don't know one way or another whether this list is, in fact, what TAG instructed Jed Wallace to do, correct?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.
THE WITNESS: I can't know something I don't know. But I will tell you this, if anyone instructed anybody to do this, it would have been a big problem.
BY MS. SHAH:
Q Okay.
A So I never approved this. We never would have. And nor do I believe that this is what anyone did because I gave clear instruction over and over again of what I expected people to do and not do, without necessarily looking at this, just as an

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overall theme and message.
Q Okay.
A And I say that on my kids. It is not how I can live in the world.
Q There's been a lot of social media influencer and content creator posting on the Internet since these litigations have started. Are you aware of that?
A There's a lot.
Q Yes. Is Wayfarer paying any social media influencers to post content in relation to these litigations or subject matter?
MS. SHAPIRO: Objection.
THE WITNESS: Easy. Never. Absolutely not.
BY MS. SHAH:
Q Is Wayfarer paying any content creators to post content in relation to these litigations or subject matter?
A Easy. Absolutely not.
Q Okay. Is Wayfarer using any bots to influence the social media discourse in relation to this litigation or the subject matter?
A Okay. I'm going to change my answer to this. Easy. Absolutely not. I would never approve

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that.
Q Okay.
A And nor do I have any belief to think that anyone is doing otherwise.
Q Okay. If you look at the email at the top of the page, Jen Abel writes back to Katie Case:
(As read):
"Thanks, Katie. Just for clarity so we understand, does this cover your initial fee plus what we discussed in terms of social media mitigation and proactive fan posting to counter the narrative, or is this in addition to the 15K previously agreed upon fee for TAG and does not include what we discussed with MN earlier regarding social manipulation?"
Do you see that?
A I do.
Q What do you understand "social manipulation" to be?
A I don't have an understanding.
Q What do you understand the word "manipulation" to mean?
A Fair question. To manipulate would be to

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change something from one stage to another in some capacity. Did I pass that test?
Q We'll find out later.
A Okay.
Q Do you have any knowledge of whether Jen Abel discussed social manipulation with Melissa Nathan in advance of this email?
A Do I have any knowledge that Jen Abel spoke to Melissa Nathan about social manipulation in advance of this coming?
Q Uh-huh.
A I have no knowledge.
Q Okay. You don't know one way or another?
A I don't have any recollection of anything of that.
Q Okay.
A Unless you remind me of some -- something I'm missing.
Q It's correct that -- well, it looks like the estimated fee for these services that are listed out below is $30,000.
Do you see that?
MS. SHAPIRO: Objection.
THE WITNESS: I do.

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BY MS. SHAH:
Q Did Wayfarer, in fact, pay Jed Wallace $30,000 a month for his services once he was engaged?
A We did.
Q Over the course of Wayfarer's relationship with Jonesworks, it paid Jonesworks $20,000 a month, correct, for publicity?
MS. SHAPIRO: Objection.
THE WITNESS: It was 25 for both.
BY MS. SHAH:
Q Twenty-five for both --
A Correct.
Q -- Baldoni and Wayfarer, correct?
A Correct.
Q And when you brought on TAG, what was TAG's monthly retainer fee?
A Fifteen, I believe.
Q What do you believe Jed Wallace was doing for Wayfarer at this time that was worth double the fee that Wayfarer was paying to Melissa Nathan?
MS. SHAPIRO: Objection.
THE WITNESS: I don't know how to answer that beyond I overpaid all the time for things. I just had an editor do something, and he charged

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three times as much as the previous editor. Depending upon the time, you call a plumber in the middle of the night versus in the middle of the day, they charge more. So I don't know. You have particular fees, someone else has particular fees, and you determine for yourself what you're worth. So this is what he came with. Maybe I got scammed; maybe I didn't. At that point, I wasn't thinking about that.
MS. SHAH: Okay. I'm going to show you what's been marked as Exhibit 39.
MS. SHAPIRO: Can I just -- for clarification, was that last answer on behalf of you, Jamey Heath, or on behalf of Wayfarer?
THE WITNESS: That was on behalf of me, from my understanding.
MS. SHAH: Counsel, I --
THE WITNESS: Okay. I'm sorry I responded.
MS. SHAH: -- we would appreciate just an objection. Although, I realize I did ask you to object just on that basis. So...
MS. SHAPIRO: You did.
This is the -- the question about -- I was referring to the answer relating to the -- what

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he -- what they were paying for.
MS. SHAH: Yeah.
MS. SHAPIRO: -- and whether it was worth it, et cetera.
MS. SHAH: Yeah. All right. Well, okay.
So let me ask that again then.
BY MS. SHAH:
Q Wayfarer is the one that paid Jed Wallace $30,000 a month, right?
A Correct.
Q And Wayfarer is the one that paid TAG $15,000 a month, right?
A Correct.
Q So as CEO of Wayfarer and as Wayfarer's corporate designee, what is your understanding of what Jed Wallace was doing that was worth double the fee that Melissa Nathan was being paid?
MS. SHAPIRO: Objection.
MR. GLOVER: Objection. Form.
THE WITNESS: That's what he charged.
BY MS. SHAH:
Q And you just accepted it?
A Oftentimes, I do.
Q Okay.
A And if you look -- sorry, I know you

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maybe do not want commentary. If you look at what I pay people, if you looked at all of my emails with everything, I most of the time overpay people because I think people need to be valued for their worth.

MS. SHAH: Okay. I'm going to hand you what's been marked as Exhibit 39. It's a text thread dated August 18th, 2024.

(Exhibit 39 marked for identification.)

THE WITNESS: Okay. Am I on this one?

BY MS. SHAH:

Q I'm looking. I don't believe so.

A Okay.

Q Oh, you are.

A I am on it.

Q Yeah, you are.

A Okay.

Q It's between you and Justin and a bunch of people from TAG, and Jennifer Abel and Matthew Mitchell. Bates-stamped JONESWORKS_00014718.

A May I read this?

Q Yes, please. Although, I'm going to focus you on the first three pages.

A Okay.

Q This appears to be a thread, at least at

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the beginning, where Mr. Baldoni is sending social media posts and asking the digital team to boost them online, right?

A He is saying to boost. I see that, to boost.

Q Okay.

A I see that.

Q And if you flip to the page ending in 720, Mr. Baldoni says, among other things:

(As read):

"I really don't want bots defending me as it feeds into their potential narrative."

Do you see that?

A What time? I'm so sorry, I thought you were --

Q Oh, that's all right. It's the -- it's the first text at the top. It looks like it is at --

A The first text, it says --

Q You'll have to -- you'll have to flip the page back one --

A Oh, I see.

Q -- to see. It's a text from Mr. Baldoni, timestamped 6:02. And then if you -- you have to

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flip the page to see the content.

A It starts with "Hey, TAG team"?

Q Yes.

A Yes, okay.

Q So he says:

(As read):

"I really don't want bots defending me as it feeds into their potential narrative."

A Correct.

Q Was that the reason that Wayfarer did not want to use bots?

MS. SHAPIRO: Objection.

THE WITNESS: Well, can I read his whole text?

BY MS. SHAH:

Q Yeah.

A Because it's saying:

(As read):

"I've been seeing some IG comments on random posts defending me by people who are -- who are private with no followers and they feel like bots. Can you please confirm we are not doing any of that? I really don't want bots

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defending me as it feeds into their potential narrative."

I think this is further confirmation that we were -- did not want to do anything of this nature.

Q Right.

A And by asking them, because he's saying that, is like, we just want to be sure that we're clear. That's how I read that.

Q Okay. And my question to you is: Is it your understanding that you didn't want to be doing anything of that nature because it fed into Blake Lively's potential narrative?

MS. SHAPIRO: Objection.

THE WITNESS: No, that was not the reason. I think, in this particular thing, he might state that. But the whole context of this is saying he doesn't want to be doing that. And also, I don't -- I don't want to do something because it's not okay to do. And also, if anything like that were to ever happen, they could suggest that we're doing that.

So I think it's twofold.

BY MS. SHAH:

Q Okay. And then Melissa Nathan responds:

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(As read):
"I can fully, fully confirm we do not have bots. This is also not" -- "this is not also what we do. Bots look fake to anyone."
And then she says:
(As read):
"The other team is doing something very specific in terms of what they do. I know Jamey and Jed connected on this."
Do you see that?
A I do.
Q What did you and Jed connect on in relation to this?
A About this very thing.
Q And what was that?
A Hey, Jed, there's nothing fishy happening, right? Nobody's doing anything that I haven't said? Absolutely not. Of course, not. We don't do this kind of stuff. Okay. I just want to be sure. Which is what I do all the time with people, even when -- it's not because I don't trust people. I just know human nature sometimes can -- needs to be reminded. So I think that's what she was talking about.

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Q Is it your testimony that you have a recollection of a conversation you had with Jed Wallace where you said, hey, I just want to make sure you're not doing anything fishy?
MS. SHAPIRO: Objection.
THE WITNESS: No.
BY MS. SHAH:
Q In sum or substance?
A Thank you. I -- that's -- I'm not quoting.
Q Yes, I understand.
A But yes, I remember having a conversation, as I did with everybody, constantly reminding of that. And if I saw something and I had a question -- because sometimes your brain can go like, dang, there's a lot of this stuff out there. What the heck? I know it's not happening. But I just need sometimes confirmation over and over again. Sometimes I would do that.
Q Okay. So you called Jed to ask him about that; is that right?
MS. SHAPIRO: Objection.
THE WITNESS: I don't remember who called who. I don't remember how it happened. I just know that there was a -- a connection on that. I

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remember having -- asking for clarity.
BY MS. SHAH:
Q Do you remember whether it was a phone conversation or some sort of written communication?
MR. GLOVER: Objection. Form.
THE WITNESS: I don't. I don't recall.
BY MS. SHAH:
Q You don't --
A I -- I imagine it was a phone call, but I don't know for sure.
Q Okay. So you don't have a specific recollection of a phone call where you said this to him?
A No, I just have a specific recollection of inquiring and stating -- restating.
Q Okay. It says:
(As read):
"The other team is doing something very specific in terms of what they do. I know Jamey and Jed connected on this."
Did you connect with Jed on what his team was doing that was something very specific that his team does?
MR. GLOVER: Objection. Form.
MS. SHAPIRO: Objection.

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THE WITNESS: I don't read that that way.
(As read):
"I can fully confirm we do not have bots. This is not also what we do. Bots look fake to anyone."
The other team -- I could be wrong, but I read this as the other team, as in Blake Lively, is doing something very specific in terms of what they do. "I know Jamey and Jed connected on this." I don't know. That's how I read it. But this is from Melissa. I just don't know.
BY MS. SHAH:
Q Okay. You can put that document to the side.
A Okay. People don't like it when I speculate, but I -- I -- I don't -- I'm not...
Q All right. I'm going to show you a contract that is a very long document now.
A Oh, this is the one you wanted to know if I'm going to read from beginning to end?
Q Yes. And I will direct you to the pages that I have a question about, which are only two pages in this. Feel free to flip through it. I would appreciate if you don't take a long time, given that we're near the end.

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A I promise you, I will not.
Q Thank you.
A Let -- let me just see what it is.
Q Sure.
A And then I will understand context.
Q Sure.
A What is this I'm looking at?
MS. SHAH: This has been marked as Exhibit 40. It's an email from, I believe, Wayfarer's legal counsel to Ms. Lively's legal counsel that attaches Ms. Lively's draft contract.
(Exhibit 40 marked for identification.)
THE WITNESS: It's an email from my counsel?
BY MS. SHAH:
Q Your counsel, to Ms. Lively's counsel.
A In this case, Lindsey Strasberg.
Q That's right. That attaches -- that attaches a markup, like a redline revision to Ms. Lively's contract.
A Her loan-out contract?
Q Yes.
A So this is an email, so is this going backwards to forwards? I'm trying to move it along quickly. But -- okay.

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Q Sure. Yeah, what -- I'm going to ask you about something in the contract.
A Why don't you ask me the question. I'm trying --
Q Great --
A -- we can help each other here.
Q -- thank you. Yes.
A And then if I feel like I need to reflect on something, I will.
Q Okay. That sounds great.
My first question is: Joseph Lanius at Convergence was Wayfarer's legal counsel, right?
A He's outside counsel.
Q Outside counsel. Okay.
If you flip to page ending in 504.
A Ending in 504?
Q Paragraph 7 is entitled "Sexual Harassment."
A I see it.
Q Okay. I'm going to represent to you that what is in the black writing was the way the contract had originally been written. And then the blue writing at the end of that paragraph is what Blake's counsel, Ms. Strasberg, added to the contract around this time. And it is struck out by

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Wayfarer's counsel, deleted.
A Okay.
Q Okay? So I'm focusing on that deleted blue portion at the end of this paragraph --
A Okay.
Q -- that was proposed by Blake's legal counsel and rejected by Wayfarer's legal counsel.
A I have just have one question.
Q Sure.
A Is this the most current contract, or the last one, or is this an early stage? Do we know anything about that?
Q This is the one that was being negotiated on March 7th of 2024.
A Okay.
Q And in the blue writing that's struck out, it says:
(As read):
"In the event Artist is aware of any sexual harassment conduct by company, notwithstanding the terms of paragraph 16.6 below, Lender and/or Artist shall have the right to terminate this agreement, shall remain entitled to full compensation, and shall have the

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right to avail themselves of all rights and remedies hereunder and under applicable law."
Do you see that?
A I do.
Q Do you have a recollection of Ms. Lively wanting this language to be added to her contract around this point in time?
A Do I have a recollection of why she would want this added at this point in time?
Q Not why, but do you have a recollection of the fact that she wanted this added at this point in time?
A This has to do with indemnification in some way. And my memory is when this was added, this was a conversation with Michael Marshall at Sony. I believe other legal from their side, our legal, about this and that they would not approve to this. They would not themselves approve to this kind of language. But that's my recollection of it. Outside of that, this is between attorneys.
MS. SHAPIRO: Can we ask Mr. Hernandez how much time is left?
THE VIDEOGRAPHER: Ten minutes.

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BY MS. SHAH:
Q Okay. Is it also your understanding that Wayfarer did not approve of this language?
A I don't know either way.
Q Okay. You see the comment bubble there, it says "this is not acceptable"?
A Yes.
Q (As read):
"There can be no instances where there is a right to terminate the agreement or have a right of injunctive relief."
A Injunctive relief. I assumed indemnification. I spoke incorrectly. Thank you.
Q Oh, I understand. So your prior answer -- when you said "indemnification" in your prior answer, you meant "injunctive relief"?
A Yeah. I don't think that was my answer. I think it was more of a statement. I think this had to do with indemnification. But I meant to say I think this had to do with injunctive relief. Okay.
Q Okay. And you understood that if this clause were added, it would give Ms. Lively the right to quit the movie and keep the money in the event of any sexual harassment conducted by the

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company, right?
MS. SHAPIRO: Objection.
THE WITNESS: Did I understand at the time or do I understand now?
BY MS. SHAH:
Q Either. Both.
A I don't know. Well, forget both. I understand now.
Q Okay.
A Of what this implies. At the time, I don't recall.
Q Okay. And do you understand that it was Wayfarer's position that they would not accept this because they did not want there to be any instances in which Ms. Lively had a right to terminate the agreement or seek injunctive relief on this basis?
MS. SHAPIRO: Objection.
THE WITNESS: I think that this was a conversation -- I know -- sorry, guys. I'm trying to -- I know you guys are talking and you need to because you're lawyers, but I'm -- I'm hearing you, and I don't want to hear you. And I don't want her to think that I'm listening to you. So...
MS. SHAH: Thank you.
THE WITNESS: This was a conversation

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with Sony and our lawyers, and I don't think I really understand the implication of this at all.
BY MS. SHAH:
Q Okay.
A Or understood, I should say.
Q Would there be any reason for Wayfarer not to agree to this if there was no risk that this might happen?
MS. SHAPIRO: Objection.
THE WITNESS: From my understanding, injunctive relief isn't something that is ever really given. Don't hold me to that. That's why I'm saying from my understanding. So I -- I don't know.
BY MS. SHAH:
Q Okay. This is in March of 2024 and explicitly references a remedy that Ms. Lively could get in relation to any sexual harassment conducted by the company.
Do you see that?
MS. SHAPIRO: Objection.
THE WITNESS: Okay.
BY MS. SHAH:
Q My question to you is: In addition to some of the things that we discussed earlier that

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occurred on set and otherwise, did her request for this clause to be added to the contract indicate to you, in March of 2024, that there -- she perceived that there could be an issue relating to sexual harassment conducted by the company?
MS. SHAPIRO: Objection.
THE WITNESS: You're asking me to reflect back -- when -- when is this? May of '24, so this is --
BY MS. SHAH:
Q March of '24.
A March of '24. So this is a year and a half ago. Ms. Shah, I don't understand the question. I don't know.
Q Okay. You didn't, for example, look at this and say, sexual harassment conducted by the company, what is she talking about? Why is she bringing this up?
MS. SHAPIRO: Objection.
THE WITNESS: If this was in March and we came back in January, and now we finish the movie, and as I testified before, that any such concerns that happened in June of '23, and now we're a year later without incident or anything, that I think this represented that? I don't believe that was top

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of mind. But I also don't recall what -- I -- this was between attorneys at this point, so --
BY MS. SHAH:
Q Okay.
A -- you're asking me now how I see it.
Q If you'll flip to the page ending in 510.
A Okay.
Q Paragraph 18 is the confidentiality clause.
Do you see that?
A Paragraph 18 ending in -- oh --
Q 510.
A -- I'm sorry. I went the other way.
Okay. I see it.
Q Paragraph 18 is a confidentiality clause. And there is, again, blue language that's been added by Ms. Lively's attorney and struck out by Wayfarer's counsel.
Do you see that?
A I do.
Q It says:
(As read):
"Nothing herein shall prevent any party from making truthful statements about their participation in the production

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or in connection with any exercise of their legal rights hereunder, or under any agreement in connection with the production."
Do you see that?
A I do.
Q Why would Wayfarer not want to agree to that?
MS. SHAPIRO: Objection.
THE WITNESS: Let me read this one again, if you don't mind.
BY MS. SHAH:
Q Sure.
A So I'm -- I'm going to have to say that this was language that was happening again, I know that Sony's legal, Michael Marshall and their team. And from what I recall, a big problem with this is, "nothing herein shall prevent any party from making truthful statements." And truthful, I remember a conversation about, well, what constitutes truthful? And that's -- that was the conversation.
MS. SHAPIRO: I just -- Mr. Heath, just make sure you're not disclosing any conversations with lawyers.
THE WITNESS: Fair enough.

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MS. SHAPIRO: If you have a conversation with someone else, that's fine.
THE WITNESS: Fair enough.
BY MS. SHAH:
Q But if it's Sony's lawyers, that's fine?
A No, I'm not trying --
Q Okay.
A I hear -- I hear it. I'm also not -- I need these to see. I don't need them. I can see it.
I think there was some conversation about that. But I know that they went back and forth on this. I didn't quite understand it all. And -- and I suppose this is why this was Xed out, crossed out.
Q Did you have any understanding that it could open a whole can of worms on a debate about what is and is not truthful --
A Oh, there it is. It says it there.
Q -- because that could be subjective? Was that the sum and substance of the concern?
MS. SHAPIRO: Objection.
THE WITNESS: Or I think that says there, so I had not read that when I spoke, so I think my recollection was somewhat on -- somewhere in the world of what this bubble says. But I don't know.

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I don't understand. I mean, you lawyers pick apart every single word and what it could imply and what it doesn't imply and all that. So the lawyers are doing that, and I defer to the lawyers on potential language.
BY MS. SHAH:
Q Okay. Do --
MS. SHAPIRO: I think we're almost out of time.
BY MS. SHAH:
Q Do you think -- do you think the truth is often subjective and not objective?
MS. SHAPIRO: Objection.
THE WITNESS: That's a big philosophical question there. I don't know how to answer that. Do I think the truth -- no, I think truth is truth.
MS. SHAPIRO: Mr. Hernandez, how much -- is there any time left?
THE VIDEOGRAPHER: A minute.
THE WITNESS: Okay. I think truth is truth. But I do think -- I believe in God; you may not. To me, it's as true as it can be. You may not, and that could be subjective.
BY MS. SHAH:
Q Did Wayfarer have any interest, at the

time, in preventing Ms. Lively from being able to tell the truth about her experience on the production?

MS. SHAPIRO: Objection.

THE WITNESS: Can you repeat that, please?

BY MS. SHAH:

Q Did Wayfarer have any interest, at the time, of preventing Ms. Lively from telling the truth about her experience on the production?

MS. SHAPIRO: Objection.

THE WITNESS: Do we have any interest in preventing her from telling the truth? No, I don't have a problem with someone speaking the truth. But if someone says that -- if my truth is that you're racist against me and that in this room you were calling me names, and there was a clause that says I can say my truth and that was the truth, I think that's a problem. So I think there is some conversation around that.

MS. SHAPIRO: Okay.

MS. SHAH: Okay.

MS. SHAPIRO: I'm pretty sure we're done now.

MS. SHAH: Thank you, Mr. Heath. I

appreciate your time.

THE VIDEOGRAPHER: This marks the conclusion of today's deposition. We are going off the record. The time is 6:39 p.m.

(WHEREUPON THE DEPOSITION CONCLUDED AT 6:39 p.m.)

REPORTER'S CERTIFICATE

I, ASHLEY SOEVYN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent was/ was not requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Dated this 10th day of October 2025.



ASHLEY SOEVYN

CSR No. 12019

BLAKE LIVELY vs. WAYFARER STUDIOS LLC, ET AL.

10/9/2025 - JAMEY HEATH

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JAMEY HEATH Date

BLAKE LIVELY vs. WAYFARER STUDIOS LLC, ET AL.
10/9/2025 - JAMEY HEATH

ACKNOWLEDGEMENT OF DEPONENT

I, JAMEY HEATH, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted on the Errata to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

_____ _____

JAMEY HEATH Date

*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20___.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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