

Claim No QB-2018-006323
 IN THE HIGH COURT OF JUSTICE
 QUEEN'S BENCH DIVISION
 MEDIA AND COMMUNICATIONS LIST
 Royal Courts of Justice,
 Strand,
 London, WC2A 2LL.
 Monday, 27th July, 2020
 Before:
 MR. JUSTICE NICOL

 BETWEEN:
 JOHN CHRISTOPHER DEPP II
 Claimant

-and-

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

 (Transcript of the Stenograph Notes of
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 MR. DAVID SHERBORNE, MS. ELEANOR LAWS QC and MS. KATE WILSON
 (instructed by Schillings) appeared for the Claimant.

MS. SASHA WASS QC, MR. ADAM WOLANSKI QC and MS. CLARA HAMER
 (instructed by Simons Muirhead & Burton) appeared for
 the Defendants.

 P R O C E E D I N G S
 (DAY 15)
 (TRANSCRIPT PREPARED WITHOUT ACCESS TO COURT BUNDLES)

1 CLOSING - WASS
 2 the comfort of knowing that the references I use are actually
 3 recorded in this document.
 4 MR. JUSTICE NICOL: That is very helpful.
 5 MS. WASS: I hope that is helpful. Can I then ask my Lord to turn
 6 to the back of that bundle. There should be tabs at the back.
 7 There are at the moment three, but I am told by the midmorning
 8 break, there will be four chronologies. Again, if I just
 9 explain how these work, I hope it will enable the court to
 10 follow what I am saying rather than worrying about finding
 11 documents. The first relates to the painting incident.
 12 My Lord will see the dates, what happened and the reference to
 13 the trial bundle. That goes over the pages. Then, on page 4,
 14 for example, there is the photograph of the cocaine that
 15 played a large part in this case, and ----
 16 MR. SHERBORNE: I hesitate to interrupt Ms. Wass, but I do not
 17 know whether we are going to be provided with a copy of this.
 18 MS. WASS: Yes, of course.
 19 MR. SHERBORNE: None of us have this so it is quite hard to follow
 20 what Ms. Wass is saying.
 21 MR. JUSTICE NICOL: Certainly you should have it and I think it is
 22 about to be passed to you.
 23 MS. WASS: Sorry, I thought that had been provided. I am not
 24 actually making submissions on this document now. What I am
 25 doing is simply explaining what my Lord will have so that it

1 CLOSING - WASS
 2 MR. JUSTICE NICOL: Yes. Ms. Wass, I assume it is your
 3 submissions today and the claimant's on Tuesday.
 4 MS. WASS: Yes.
 5 MR. JUSTICE NICOL: This applies to both of you. If you want to
 6 divide the time between you and other counsel, then of course
 7 you may do so, but you must conclude your submissions by
 8 today.
 9 MS. WASS: I entirely understand. I do not anticipate that that
 10 is going to be a problem.
 11 MR. JUSTICE NICOL: The other thing is that although we are not
 12 having witnesses today, I would benefit from the break at a
 13 convenient point.
 14 MS. WASS: Yes. My Lord, before I start, can I ask that a bundle
 15 is handed up to my Lord, which I hope will make the court's
 16 task easier today, because it will mean that it is not
 17 necessary to actually open, apart from possibly on one or two
 18 occasions, the trial bundles. My Lord will see that the first
 19 document in that bundle is an 82-page document entitled
 20 "Closing submissions on behalf of the defendants". My Lord
 21 will see that in bold, throughout that document, there are
 22 references, so when there is a quotation, there is a reference
 23 in respect of each and every matter relied on. I am not going
 24 to ask my Lord to look at that today, but it means that when
 25 I refer to things in my oral submissions, my Lord will have

1 CLOSING - WASS
 2 is not necessary for my Lord to take down ----
 3 MR. JUSTICE NICOL: Just pause a moment, Ms. Wass. Mr. Sherborne,
 4 I can see you have a copy. Ms. Laws has a copy now?
 5 MS. LAWS: I have, yes.
 6 MR. SHERBORNE: Yes, I think we have three copies between us and
 7 there is a fourth being offered. Thank you.
 8 MR. JUSTICE NICOL: Thank you.
 9 MS. WASS: My Lord will see throughout that chronology that the
 10 times of the critical dates of 21st, 22nd and 23rd March are
 11 dealt with and the text put in chronological order, which
 12 I hope will be of assistance.
 13 MR. JUSTICE NICOL: Yes.
 14 MS. WASS: The second chronology deals with Australia. That is
 15 in landscape format.
 16 MR. JUSTICE NICOL: Just a minute. (Pause)
 17 MS. WASS: And deals largely with texts, with one or two
 18 photographs, for example, on page 7 and 13. Then the missing
 19 tab after that will be filled. I am told that during the
 20 course of the morning, you will have 15th December chronology,
 21 so the James Corden show incident. Then, the final chronology
 22 in the bundle should be there. That deals with the events of
 23 21st May and into the 22nd, and indeed the later days in May,
 24 which form part of this. I hope this means that the court's
 25 task is easier today in terms of having to find documents and

<p style="text-align: right;">[Page 2366]</p> <p>1 CLOSING - WASS</p> <p>2 being concerned that references are correctly recorded. What</p> <p>3 I propose to do is effectively summarise the defendants' case</p> <p>4 as part of what I say to the court.</p> <p>5 The article complained of in this defamation action</p> <p>6 referred to Mr. Depp as a wife beater. The defence is one of</p> <p>7 truth, namely, that Mr. Depp did indeed beat his wife. For</p> <p>8 the defence of truth to be substantiated, the defendants need</p> <p>9 to prove, on a balance of probabilities, that Mr. Depp</p> <p>10 assaulted Ms. Heard on at least one occasion.</p> <p>11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>12 MS. WASS: During the last two weeks, the defendants have</p> <p>13 established that many more than one incident of wife beating</p> <p>14 took place over the course of the relationship between the</p> <p>15 claimant and Amber Heard. Evidence of the claimant's drug and</p> <p>16 alcohol-fuelled lifestyle provides a backdrop to the events in</p> <p>17 question. The relevance of the substance abuse by Mr. Depp</p> <p>18 ----</p> <p>19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. Relevance of the</p> <p>20 ----</p> <p>21 MS. WASS: Substance abuse, is two-fold. First of all, it</p> <p>22 demonstrates that the claimant was subject to irrational mood</p> <p>23 swings and abnormal behavioural patterns.</p> <p>24 MR. JUSTICE NICOL: Just a minute. (Pause) Mood swings; what was</p> <p>25 the other thing you said?</p>	<p style="text-align: right;">[Page 2368]</p> <p>1 CLOSING - WASS</p> <p>2 Ms. Heard. This, we submit, is not a meritorious observation</p> <p>3 in the context ----</p> <p>4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>5 MS. WASS: This is not a meritorious observation in the context of</p> <p>6 domestic violence. Domestic violence, as the name suggests,</p> <p>7 takes place behind closed doors, in the home, in private, and</p> <p>8 it takes place against the backdrop of a complex relationship.</p> <p>9 As the Los Angeles Police Department Officer Saenz was able to</p> <p>10 confirm, the victim may love the perpetrator and still be in</p> <p>11 fear of them.</p> <p>12 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>13 MS. WASS: I am trying to assist. I know my Lord is trying to</p> <p>14 take a note of this, but what I am saying is being recorded in</p> <p>15 a transcript. I can either undertake to provide my Lord with</p> <p>16 what I am saying overnight by e-mail, if that would assist in</p> <p>17 terms of the notetaking, or it may be that the transcript will</p> <p>18 help. The reason I say that is because it may be that there</p> <p>19 is more fluency and the process is slightly more efficient if</p> <p>20 it is not necessary for my Lord to write this all down.</p> <p>21 MR. JUSTICE NICOL: Well, I have each day read the transcript.</p> <p>22 While in some senses, having a transcript is a boon, in other</p> <p>23 senses it is a burden.</p> <p>24 MS. WASS: I understand exactly what my Lord means.</p> <p>25 MR. JUSTICE NICOL: And my preference is to make a note as I go</p>
<p style="text-align: right;">[Page 2367]</p> <p>1 CLOSING - WASS</p> <p>2 MS. WASS: Irrational mood swings and abnormal behavioural</p> <p>3 patterns, which would not have been present when Mr. Depp was</p> <p>4 clean and sober. Mr. Depp had a name for this metamorphosed</p> <p>5 entity, namely, the monster.</p> <p>6 The other aspect which is important in terms of</p> <p>7 substance abuse is Mr. Depp's recollection of his own</p> <p>8 disgraceful conduct, which was so severely impaired by drug</p> <p>9 misuse that he may not even have been aware of the extent of</p> <p>10 his violence and terrifying behaviour, which, on more than one</p> <p>11 of these pleaded incidents, put Ms. Heard in fear of her life.</p> <p>12 Each and every pleaded incident is supported by the testimony</p> <p>13 of Ms. Heard herself, and if my Lord found her ----</p> <p>14 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>15 MS. WASS: If my Lord found her to be a truthful and plausible</p> <p>16 witness, doing her best to account what must have been</p> <p>17 extremely traumatic events, then Ms. Heard's evidence alone is</p> <p>18 sufficient to establish the defence of truth in this case.</p> <p>19 The days are long past when the courts in this country</p> <p>20 required corroboration before accepting the unsupported</p> <p>21 testimony of a female complainant. During this trial, in</p> <p>22 addition to the evidence of Ms. Heard herself, the court has</p> <p>23 been provided with a wealth of supporting evidence. The point</p> <p>24 has been made in cross-examination of the witnesses called by</p> <p>25 the defence that they did not see Mr. Depp actually hit</p>	<p style="text-align: right;">[Page 2369]</p> <p>1 CLOSING - WASS</p> <p>2 along. Generally I have found that the note has been</p> <p>3 reasonably comprehensive. I do not want to stop you from</p> <p>4 saying things that you feel you would like to say, but if it</p> <p>5 can be accommodated while I take a note, that would be my</p> <p>6 preference.</p> <p>7 MS. WASS: Then I certainly will not interfere with my Lord's</p> <p>8 preference.</p> <p>9 MR. JUSTICE NICOL: Anyway, you were saying as Officer Saenz said</p> <p>10 ----</p> <p>11 MS. WASS: Officer Saenz was able to confirm, when she gave</p> <p>12 evidence, that in the context of domestic violence, the victim</p> <p>13 may love the perpetrator and yet still be in fear of the</p> <p>14 perpetrator.</p> <p>15 MR. JUSTICE NICOL: Yes.</p> <p>16 MS. WASS: The victim may be motivated by a desire to protect the</p> <p>17 perpetrator, and she said that even in cases where the victim</p> <p>18 had actually called for the assistance of the emergency</p> <p>19 services, the victim may refuse to provide a statement against</p> <p>20 the perpetrator. Officer Saenz was well aware of the</p> <p>21 complexity and contradictions, having herself received</p> <p>22 training in domestic violence offending. In addition, the</p> <p>23 court will also bear in mind the shame and humiliation that</p> <p>24 victims of domestic abuse may feel, and this may make them</p> <p>25 reluctant to disclose what had happened to them.</p>

CLOSING - WASS

CLOSING - WASS

Any argument which suggests that Ms. Heard could have left the relationship whenever she wanted to, and the suggestion that by staying in the relationship, she was not a genuine victim of domestic violence, we suggest, is misconceived. The relationship between domestic abusers and their victims is far from logical or straightforward. Ms. Heard loved Mr. Depp. Her first year with him, during which he was clean and sober, was idyllic and in March 2012, Mr. Depp had acknowledged, in an e-mail to Elton John, that had it not been for Elton John's support, "the monster", as he put it, would have swallowed him up. Mr. Depp was well aware that he was prone to uncontrolled outbursts as a result ----

is, we suggest, trite to suggest that a person who chooses to remain with a violent partner cannot be a victim. MR. JUSTICE NICOL: Sorry, it is trite that a person who remains ---- MS. WASS: To suggest. MR. JUSTICE NICOL: Oh, to suggest. MS. WASS: Just because a person remains with an abusive partner, it means they are not a victim of domestic abuse. That is outdated and facile ----

MR. JUSTICE NICOL: The Elton John reference, is that in your ----

MR. JUSTICE NICOL: You say that is fallacy.

MS. WASS: It should be. I am not able to find it now. I will ensure that it is and I will double-check that everything I have referred to is in the bundle, if I may do at the end of the day.

MS. WASS: I say that is a fallacy, absolutely. We submit in this case that the testimony of a complainant of domestic violence is sufficient to prove the case, provided the complainant, Ms. Heard in this case, gives credible and reliable evidence.

MR. JUSTICE NICOL: Of course.

Of course, my Lord will make allowances for the fact that witnesses in these circumstances (and Ms. Heard in particular) was recounting violent and emotionally traumatic events, but unusually in this case, in addition to Ms. Heard's testimony, there is a wealth of evidence that supports her complaints and is consistent with her account and inconsistent with the claimant's account. There are e-mails and text messages sent and received at the time of these incidents, which support the evidence of Ms. Heard that these assaults took place. There are admissions made at the time by the claimant and apologies

MS. WASS: Thank you very much. So Mr. Depp was aware in March

2012, as he expressed it in the e-mail to Elton John, that he was prone to uncontrolled outbursts as a result of his addiction, aware of "the monster", but it was not until a year later, in March 2013, a year after the Elton John e-mail, when Mr. Depp started abusing illegal drugs and alcohol again, that

CLOSING - WASS

CLOSING - WASS

Ms. Heard became aware of the monster for the first time.

made by him and those working for him which support Ms. Heard's account of Mr. Depp's violent conduct.

Once Ms. Heard realised that Mr. Depp drank and took illegal drugs to excess, she was completely committed to the relationship, or I ought to say that by the time she realised that he took illegal drugs to excess, she was committed to the relationship and she was not prepared to abandon it. As Ms. Heard told her mother in a text on the day of the painting incident, which is in my Lord's bundle, what she said was this: "I feel like I'm on a very fast moving train that is about to explode, but I don't want to jump off and leave my love behind. So I stay on the train, even though I know it is about to explode." Ms. Heard actually said the same or a similar thing in her evidence. She said: "I was so in love with Johnny at that time, we had a wonderful year together when he was sober and clean and that is how I got to know him. And Johnny, when he was clean and sober, could be this wonderful person, generous and loving. He's a remarkable man when he is like that and I loved him. I thought he could get better and clean. The other side of him was a monster. But I thought, always held out that he would get clean and sober."

There is medical evidence from those who were treating Mr. Depp for substance abuse. This paints a picture of a hopeless addict, who repeatedly lost his self-control and all ability to restrain his anger. There is photographic evidence, timed and dated, which depicts Ms. Heard's injuries and they have been presented to the court in support of her evidence of being assaulted. Of course, there is also eye witness testimony from those who saw either the entirety of an assault or the last stages of it; and I refer to Whitney Henriquez, Rocky Pennington, and reluctant though he was to admit it, to Stephen Deuters.

Of course, my Lord will bear in mind that both Ms. Heard and her sister, Ms. Henriquez, come back from a background of domestic abuse where their own father was violent to their mother until the time when she died in April of this year. It

But permeating all of the evidence in this case is the character of Mr. Depp himself and his well-documented episodes of violence and destruction over his adult life, which have occurred when he is under the influence of drink and drugs. Mr. Depp has accepted limited responsibility for is destructive behaviour. He was quick to qualify the matter, insisting that he does kick and punch property, but he does not kick and punch people.

MR. JUSTICE NICOL: Just a minute. (Pause)

MS. WASS: We suggest that where a person's behaviour is so impaired by the consumption of drink and drugs, it is only a

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1 CLOSING - WASS
 2 small step to turn violent anger against an inanimate object
 3 into violent anger against other people. Mr. Depp accepted as
 4 much when he described the episode when he picked up a plank
 5 of wood and beat the hands of a photographer who was hoping to
 6 take his picture outside a London restaurant. Any distinction
 7 that is drawn between hitting an object and hitting a person
 8 is meaningless when a person is as intoxicated as Mr. Depp was
 9 on so many of these pleaded episodes; he would not have known
 10 what he was doing.
 11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 12 MS. WASS: In answer to what we suggest is overwhelming evidence
 13 of domestic violence or wife-beating behaviour, catalogued
 14 over a three-year period between 2013 and 2016, Mr. Depp's
 15 response is to claim that he is the victim of an elaborate
 16 hoax that has been perpetrated upon him by Ms. Heard and her
 17 friends, many of whom had been his friends at the relevant
 18 time.
 19 Mr. Depp has suggested that Ms. Heard and her friends
 20 have painted on injuries, manipulated photographs and
 21 destroyed property which they then went on to photograph in
 22 order to create what he described as some sort of insurance
 23 policy for Ms. Heard. What exactly Ms. Heard was insuring
 24 against in the course of this hoax remains unexplained.
 25 We will conduct an analysis of the likelihood and the

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1 CLOSING - WASS
 2 viability of this hoax, which must include texts and e-mails
 3 sent in 2013 before the couple were even engaged, let alone
 4 married. It would have entailed Ms. Heard engaging in a
 5 pre-planned conspiracy over her entire relationship with
 6 Mr. Depp.
 7 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 8 MS. WASS: Such a suggestion, we say, is risible. The approach
 9 taken by Mr. Depp from the time Ms. Heard obtained a domestic
 10 violence restraining order against him on 27th May 2016 was as
 11 follows: to deny that he ever assaulted Ms. Heard; to accuse
 12 Ms. Heard of being the violent party.
 13 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 14 MS. WASS: And to reverse his role with hers. So, deny, accuse
 15 and reverse the role of victim and offender.
 16 Mr. Tillet Wright expressed this clearly last Friday,
 17 when he said this: "Shortly after the divorce was filed,
 18 Mr. Depp's PR machine had kicked in gear and was trying to
 19 make it sound like something other than we behind the scenes
 20 knew to have happened." One such example of the PR machine
 21 kicking into gear, as Mr. Tillet Wright put it, is the story
 22 released to the media and published in early June 2016
 23 suggesting that Ms. Heard had been arrested for domestic
 24 violence in the past. That event dated back to 2009, and
 25 my Lord may remember the ----

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1 CLOSING - WASS
 2 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 3 MS. WASS: The article in the paper dated in early June 2016,
 4 dealing with Ms. Heard's arrest in 2009. It was no
 5 coincidence, we suggest, that this emerged within days of
 6 Ms. Heard being granted protection of the court by way of a
 7 restraining order. Shortly before that article was published
 8 in the press, Stephen Deuters, Mr. Depp's assistant, was
 9 receiving information from people by text who had clearly been
 10 prying into Ms. Heard's relationship with Ms. van Ree. It is
 11 apparent from material put in the bundles in this case that no
 12 charges were brought against Ms. Heard after her ----
 13 MR. JUSTICE NICOL: Just slow down. (Pause) No charges brought.
 14 Yes.
 15 MS. WASS: Were brought against Ms. Heard following her arrest,
 16 and that Ms. van Ree herself has denied that any assault took
 17 place. This aspect of the case is a red herring and one of
 18 many red herrings that have been put forward.
 19 There was another suggestion, or another attempt to
 20 resurrect the suggestion that Ms. Heard was the violent party,
 21 when a film clip of a reality television programme made in
 22 2006 was put forward by Mr. Depp and his team last Friday.
 23 The witness who was being questioned on the reality programme
 24 was Whitney Henriquez, and she flatly denied that the fatuous
 25 exchange that was recorded on that television show was a

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1 CLOSING - WASS
 2 reference to physical violence. What she was saying on the
 3 programme was she refused to discuss anything and she felt her
 4 co-contributors were simply hoping to make some sort of
 5 sensational story.
 6 The suggestion made in the application to adduce this
 7 evidence was that Ms. Henriquez refused to discuss, rather
 8 than to deny matters when she was asked about that around that
 9 swimming pool. Again, we suggest that piece of evidence is
 10 nothing more than a red herring. It has no bearing whatsoever
 11 on whether Mr. Depp hit Ms. Heard on the occasions that this
 12 court is considering.
 13 MR. JUSTICE NICOL: Help me with this. I think I said in the
 14 course of the evidence that the relevance of violence by,
 15 alleged violence by Mr. Depp is because of the defendants'
 16 reliance on the defence of justification or truth.
 17 MS. WASS: Yes.
 18 MR. JUSTICE NICOL: At some point I would value your help in just
 19 what is the relevance of any alleged violence by Ms. Heard on
 20 Mr. Depp.
 21 MS. WASS: Yes, absolutely. I will deal with that almost
 22 straightaway.
 23 MR. JUSTICE NICOL: Before you do, let me just say my provisional
 24 thoughts, that I need to keep coming back to where all this
 25 fits into what, after all, is a libel claim.

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1 CLOSING - WASS
 2 MS. WASS: Exactly.
 3 MR. JUSTICE NICOL: And the reliance, as I have said, on
 4 Mr. Depp's alleged violence is because it is said to justify
 5 or prove the truth of the libel. If it were the case -- and
 6 let me emphasise the "if" -- if it were the case that all that
 7 Mr. Depp was doing to the extent that he was violent towards
 8 Ms. Heard was defending himself, then that would not assist
 9 the defendants in proving the truth of the alleged libel that
 10 Mr. Depp is a wife beater.
 11 MS. WASS: I agree. It would have to be unlawful violence,
 12 namely, not in self-defence.
 13 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 14 MS. WASS: But the way the case has been put by the claimant, on
 15 behalf of Mr. Depp, assumes that if it can be established that
 16 Ms. Heard had struck him on one occasion -- nothing to do with
 17 the pleaded incidents, for example -- this absolved Mr. Depp
 18 from any responsibility for the many occasions when he
 19 assaulted her. It is as though Mr. Depp is seeking to justify
 20 his physical assaults on Ms. Heard on the basis that she may
 21 have deserved it from something she had done on another
 22 occasion. This court is not concerned whether Ms. Heard may
 23 have fought back or even lost her temper.
 24 MR. JUSTICE NICOL: Yes.
 25 MS. WASS: The issue is whether Mr. Depp used unlawful violence

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1 CLOSING - WASS
 2 against Ms. Heard. One only has to look at the picture of
 3 Ms. Heard and Mr. Depp together -- and this is one of the few
 4 documents I will ask my Lord to look at, it is file 9,
 5 tab 86G.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) 86G.
 7 MS. WASS: It should be a photograph that looks like that,
 8 my Lord.
 9 MR. JUSTICE NICOL: Yes.
 10 MS. WASS: Giving a very clear indication of the respective
 11 physical capabilities of Mr. Depp against the physical
 12 capabilities of Ms. Heard. One only has to look at that
 13 picture to see that Ms. Heard lacked the physical capability
 14 to be the successful party in any fight. (Pause) Reference
 15 was made to that observation by Ms. Heard herself during one
 16 recording when she told Mr. Depp, and I feel sure that my Lord
 17 will hear about this tomorrow, she told Mr. Depp that no
 18 injury would believe that she, a woman weighing 115 pounds,
 19 would be able to beat Mr. Depp himself, would be able to beat
 20 him up. Now, the meaning of this sentence has been distorted
 21 by the claimant. Ms. Heard was not saying she could lie to a
 22 jury. She was saying that no right-minded person would
 23 believe that she, given their respective sizes, was beating
 24 him up and that he was the defenceless victim. That was an
 25 absurd suggestion and would not be believed. This is yet

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1 CLOSING - WASS
 2 another example of Mr. Depp attempting to reverse the role of
 3 victim and offender. This is a ploy that he has utilised
 4 throughout this case and throughout his witness statement.
 5 When he, Mr. Depp, is accused of violence, he claims that she
 6 is the violent party. When he is accused of drinking to
 7 excess, he claims she is the drinker. When he is accused of
 8 being a drug addict, he accuses her of being the heavy drug
 9 user.
 10 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. Can I put
 11 9 away?
 12 MS. WASS: Yes, thank you.
 13 MR. JUSTICE NICOL: Yes.
 14 MS. WASS: In addition to these accusations of violence, drinking
 15 to excess and being a heavy drug user, none of which has been
 16 substantiated in evidence, Mr. Depp has sought to deploy the
 17 more old-fashioned methods used to discredit a woman, that she
 18 is a gold-digger, a shrew and an adulterer.
 19 MR. JUSTICE NICOL: Just a minute. (Pause)
 20 MS. WASS: My Lord has previously said during these hearings that
 21 infidelity takes the matter no further. It is denied by
 22 Ms. Heard and I will say no more about it. However, I will
 23 briefly address the allegation that Ms. Heard is a
 24 gold-digger, as it might be suggested in due course that money
 25 was the motivation for the so-called hoax.

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1 CLOSING - WASS
 2 The argument that might be advanced on behalf of
 3 Mr. Depp is that the purpose of the hoax was for Ms. Heard to
 4 enrich herself with Mr. Depp's money obtained in a divorce
 5 settlement; and I can rebut that suggestion very quickly. The
 6 divorce agreement was executed on 15th August 2016. The
 7 reference, if my Lord would like it for the note, is file 9,
 8 tab 139. I do not invite my Lord to look at it now. A joint
 9 statement was made by the parties, and it read as follows:
 10 "Our relationship was intensely passionate and at times
 11 volatile, but always bound by love. Neither party has made
 12 false allegations for financial gain. There was never any
 13 intent at physical or emotionality harm. Amber wishes the
 14 best for Johnny in the future. Amber will be donating
 15 financial proceeds of the divorce to charity. There will be
 16 no further public statements about this matter."
 17 Again, I leave my Lord just with the reference, rather
 18 than asking you to look it up now. File 5.1, tab 206A,
 19 page F1334 shows a list of donors to the children's hospital
 20 of Los Angeles, making donations between \$1 million and just
 21 shy of \$5 million, so in that bracket, and it includes the
 22 name of Amber Heard. The relevance is that when your Lordship
 23 comes to consider the hoax defence, the question must be
 24 asked, well, what is the purpose of this hoax? We suggest
 25 that the court can exclude any suggestion that it was money.

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1 CLOSING - WASS
 2 My Lord has rightly said that these are libel
 3 proceedings, they are not matrimonial proceedings, although an
 4 onlooker ----
 5 MR. JUSTICE NICOL: Might think that.
 6 MS. WASS: ---- might have been forgiven for confusing the two.
 7 This court is not here to consider who is at fault in their
 8 conduct during the relationship, who drank more than the other
 9 or who took more drugs. The only issue that the court has to
 10 consider is whether it is true, on a balance of probabilities,
 11 that Mr. Depp assaulted Ms. Heard on at least one occasion.
 12 Ms. Heard is not on trial in this case. She is not a party to
 13 this case. What she told the court in the witness box was
 14 that the last thing she wanted was to expose herself and
 15 Mr. Depp to ridicule. Mr. Depp, on the other hand, has
 16 brought these proceedings, and as such has put his own
 17 character very much in issue.
 18 MR. JUSTICE NICOL: Just a minute. (Pause)
 19 MS. WASS: In his sworn statement he made a number of assertions
 20 which have been demonstrated to be false.
 21 MR. JUSTICE NICOL: Sorry, his sworn statement.
 22 MS. WASS: His statement in this case, statement number 2, which
 23 was his evidence-in-chief. So, he said it was true as his
 24 evidence-in-chief.
 25 MR. JUSTICE NICOL: Statement number 2.

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1 CLOSING - WASS
 2 MS. WASS: Statement number 2, that is his main statement. There
 3 are others, and I am including all of the statements which he
 4 agreed were true after he had taken the oath, hence why the
 5 description of sworn statement. He made a number of
 6 assertions demonstrated to be false. Right at the beginning
 7 of his first statement, or his second statement, he described
 8 himself as "a Southern gentleman who had respect for women".
 9 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 10 MS. WASS: A perusal of his texts demonstrates this to be entirely
 11 untrue. He described women as sluts, fat ugly whores. He
 12 boasted to someone in an exchange, "I will smack the ugly cunt
 13 around", after asking whether a worthless hooker arrived.
 14 Mr. Depp denied that conversation was concerning the payment
 15 of sex. He said that this was a joke between himself and his
 16 ex-partner Vanessa Paradis, whom incidentally, he described as
 17 "a withering cunt" in another e-mail. Mr. Depp has chosen not
 18 to rely on Ms. Paradis as a witness in this case. But far
 19 from treating women with respect, the evidence in this case
 20 demonstrates a deep misogyny which lay at the root of
 21 Mr. Depp's anger and the anger that Mr. Depp felt towards
 22 Ms. Heard, which translated into violence when he, Mr. Depp,
 23 felt threatened by her.
 24 Mr. Depp, in his statement, denied the allegation made
 25 by Ms. Heard that he was a drug addict. He claimed he was

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1 CLOSING - WASS
 2 only ever addicted to a legal prescription painkiller called
 3 Roxicodone, but insisted he never suffered addiction with any
 4 other substance. Nothing could be further from the truth.
 5 Evidence in this case has shown Mr. Depp to be a hopeless
 6 addict who his own doctor, Dr. David Kipper, described in
 7 these terms, and I quote: "He actually romanticises the entire
 8 drugs culture and has no accountability for his behaviours.
 9 He has a fundamental issue with anger. There is also an issue
 10 of patience....(reads to the words)... when he does not get
 11 immediate satisfaction."
 12 There has been a great deal of evidence presented in
 13 this court about Mr. Depp's drug taking and his drug
 14 addiction, and the reason for this focus is the effect that
 15 the cocktail of drink and illegal drugs had on Mr. Depp's
 16 behaviour. The evidence of Ms. Heard and witnesses called by
 17 the defendants was that Mr. Depp was charming, kind and
 18 generous when he was clean and sober; but that he became very
 19 different when under the influence of drink and drugs. As
 20 I have already said, Mr. Depp was aware of this metamorphosis
 21 and described his alterego as "the monster", long before
 22 Ms. Heard first came across the monster in March 2013. He was
 23 trying, Mr. Depp, he told the court, to remain sober and
 24 drug-free from late 2011 and through 2012.
 25 MR. JUSTICE NICOL: Just a minute. From late 2011.

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1 CLOSING - WASS
 2 MS. WASS: Through 2012. It is this period to which Ms. Heard was
 3 referring when she said in evidence: "We had a wonderful year
 4 together when he was sober and clean, and that is how I got to
 5 know him"; and it was in March 2012 that Mr. Depp wrote that
 6 e-mail to Elton John, thanking him for his support in
 7 sobriety, saying, "I would have been swallowed up by the
 8 monster if it was not for you." My Lord, that Elton John
 9 e-mail is quoted in paragraph 22 of the document that was
 10 presented this morning.
 11 MR. JUSTICE NICOL: Let me have a look at it.
 12 MS. WASS: I can give you ----
 13 MR. JUSTICE NICOL: Let me just look at paragraph 22. (Pause)
 14 MS. WASS: Mr. Depp knew full well that illegal drugs and alcohol
 15 turned him into a monster, that is why he repeatedly attempted
 16 detoxification programmes. But each time he fell off the
 17 wagon, as he described it, his grip on reality became more and
 18 more tenuous and his conduct became more violent and more
 19 extreme.
 20 Now, once Ms. Heard became aware of Mr. Depp's chronic
 21 addictions, she drew upon the experience of her own father's
 22 alcohol and drug addictions and thought she could reform him.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 24 MS. WASS: Unfortunately, this had the reverse effect. Mr. Depp
 25 was both ashamed and annoyed by what he saw as Ms. Heard's

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1 CLOSING - WASS
 2 criticisms and his inadequacies. This served to inflame
 3 Mr. Depp, only to make the situation worse. Whenever
 4 Ms. Heard sought to assist Mr. Depp in his effort of sobriety,
 5 this reignited his resentment of her, and he created the
 6 misogynistic persona of her as the stereotype of a nagging
 7 woman. Texts between Mr. Depp and Paul Bettany, taking place
 8 in June 2013, illustrates Mr. Depp's hostility towards
 9 Ms. Heard. Mr. Depp says to Mr. Bettany: "Let's burn Amber.
 10 Let's drown her before we burn her. I'll fuck her burnt
 11 corpse afterwards to make sure she's dead." And a repetitive
 12 and downward spiral emerged between Ms. Heard and Mr. Depp.
 13 Alcohol and narcotics brought out the monster in Mr. Depp with
 14 his violent explosions, only to be followed by embarrassment,
 15 expressions of love and apologies. Ms. Heard is not on trial.
 16 The issue is, did Mr. Depp lose his temper, lose his
 17 self-control and assault Ms. Heard?
 18 There are 14 pleaded incidents in this case. I will not
 19 address each and every pleaded incident during my address to
 20 the court. It would not be possible to do so in the allocated
 21 time; but each incident remains a live issue in this case.
 22 What I hope to do is to concentrate on the events where the
 23 supporting evidence is overwhelming. We submit that each of
 24 these incidents is cross-admissible; the truthful and accuracy
 25 of one is capable of supporting the truthful and accuracy of

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1 CLOSING - WASS
 2 the other.
 3 MR. JUSTICE NICOL: Just a minute.
 4 MS. WASS: The first two pleaded incidents coincided with the time
 5 Mr. Depp broke his sobriety by drinking alcohol and taking
 6 cocaine, this was in March 2013. This was incidentally the
 7 very time when Mr. Depp was overseeing his 13 year old
 8 daughter's experience on taking cannabis for the first time.
 9 Mr. Depp accepted that he was spending time at the house in
 10 Orange Avenue, which Ms. Heard rented with her sister,
 11 Whitney.
 12 MR. JUSTICE NICOL: He accepted that he was spending time at
 13 Orange Avenue.
 14 MS. WASS: Yes. It was before he and Ms. Heard moved into the
 15 Eastern Columbia Building penthouses. Mr. Depp, in March
 16 2013, was taking cocaine and drinking alcohol. He must have
 17 been deeply disappointed with himself when he broke his
 18 sobriety after a relatively long period of abstinence and
 19 my Lord will know that it was during this time that a document
 20 was being filmed, or certainly days of filming took place.
 21 There is no evidence as to ----
 22 MR. JUSTICE NICOL: Is this the Keith Richards?
 23 MS. WASS: Yes, Keith Richards is in March, but before then we
 24 have the first incident of violence which I will deal with
 25 briefly before I come to that. As I said, there is no

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1 CLOSING - WASS
 2 evidence as to what it was that caused Mr. Depp to break his
 3 sobriety in March 2013, but there is no evidence to suggest
 4 that it was Ms. Heard's responsibility.
 5 The evidence of Ms. Heard is that one evening Ms. Heard
 6 was with Mr. Depp and she laughed at a tattoo that Mr. Depp
 7 had which read "Wino" and my Lord will, I am sure, remember
 8 the tattoo originally said "Winona Forever" which is a
 9 previous girlfriend, and it was altered when that relationship
 10 came to an end, thus reading "Wino Forever". Obviously
 11 Ms. Heard would have seen this tattoo many times before, but
 12 it only became a joke when Mr. Depp started behaving like a
 13 wino or an alcoholic.
 14 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 15 MS. WASS: It was at that stage that Ms. Heard saw the monster for
 16 the first time, the monster that Mr. Depp had told Elton John
 17 would swallow him up. The first incident of violence was
 18 short-lived. After Ms. Heard had laughed at the sentiments or
 19 the description of Mr. Depp as a wino, he slapped her three
 20 times, and very quickly this assault was followed by tears,
 21 apologies, and the explanation that Mr. Depp would regularly
 22 offer to explain his violent outbursts; namely, that he had an
 23 illness and it was the monster who had hit Ms. Heard, not him,
 24 Mr. Depp.
 25 When we look at texts Mr. Depp sent to Ms. Heard after

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1 CLOSING - WASS
 2 the Boston plane incident, so we are a year later, Mr. Depp is
 3 saying exactly the same thing. He said, after the Boston
 4 plane incident, "I really do not know what happened, but
 5 I will never do it again. I want to get better for you and
 6 for me. My illness somehow crept up on me." So, blaming a
 7 third person or an extraneous feature for his conduct.
 8 Now, March 2013 was a time when Ms. Heard said there
 9 were numerous incidents of violence and as she was reviewing
 10 her evidence immediately prior to the start of this trial,
 11 Ms. Heard realised that she had muddled up two of the dates
 12 and she immediately corrected them before the trial began.
 13 The painting incident occurred ----
 14 MR. JUSTICE NICOL: Just a minute, the correction I think, this is
 15 a reference to the seventh witness statement.
 16 MS. WASS: Exactly. (Pause) Her account of what happened has not
 17 changed, merely the date, and her account is that the painting
 18 incident occurred on an evening when Mr. Depp was consuming a
 19 vast amount of cocaine and alcohol. Mr. Depp took exception
 20 to a work of art by Tasya van Ree which was hanging in the
 21 house at Orange Avenue. Mr. Depp was jealous of Ms. Heard's
 22 previous close relationship with Ms. van Ree. Mr. Depp
 23 accepted that there was an incident when he had asked
 24 Ms. Heard to remove the painting; so, there is agreement to
 25 that extent. Jealousy was the trigger for this incident of

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1 CLOSING - WASS
 2 violence, and jealousy proved to be the catalyst for several
 3 future explosions. So, the jealousy of Tasya van Ree provoked
 4 the painting incident; the jealousy of Kelly Sue provoked the
 5 attack in the Hicksville trailer park; the jealousy of James
 6 Franco provoked the attack on Ms. Heard on the Boston plane;
 7 jealousy of Clive Baker provoked the attack on December 2014;
 8 and jealousy of Billy ----
 9 MR. JUSTICE NICOL: December ----
 10 MS. WASS: 2014, it is an incident which is referred to by apology
 11 and text only, but referred to in the pleadings.
 12 MR. JUSTICE NICOL: Yes.
 13 MS. WASS: And jealousy provoked the rampage of violence that was
 14 conducted by Mr. Depp in Australia in March 2015. Mr. Depp
 15 agreed in evidence that Ms. Heard refused to remove the
 16 painting, or the work of art, by Tasya van Ree. Ms. Heard
 17 said that Mr. Depp tried to set fire to the painting with a
 18 cigarette lighter. He did in any event do much damage, but
 19 when she tried to stop him doing that, he hit her in the face
 20 with the back of his hand, and my Lord was asked to look at
 21 his rings when he gave evidence. Mr. Depp accused her of
 22 having an affair with Ms. van Ree and at various points he
 23 grabbed her, shook her, shoved her into a wall and he carried
 24 on drinking alcohol and taking cocaine for most of the night.
 25 The following day, Mr. Depp refused to leave the house, he was

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1 CLOSING - WASS
 2 due to appear on the Keith Richards film set. This is the
 3 account that Ms. Heard gave in her original statement, and it
 4 all stands and holds together with what has come to light
 5 since. Whitney Henriquez came over the following day, and it
 6 took several hours for Mr. Depp to be persuaded to leave the
 7 house to go to the film set.
 8 Now, on looking at the dates of certain photographs on
 9 her telephone, Ms. Heard recollected that the argument about
 10 the painting which provoked the assault on her took place on
 11 the evening before 22nd March. If my Lord goes to the ----
 12 MR. JUSTICE NICOL: Evening before 22nd March, so on the 21st.
 13 MS. WASS: Yes, the evening of the 21st. Because, as we will see,
 14 the refusal to go to work, the calling of the sister and the
 15 like, all took place and are well-documented on the 22nd.
 16 If my Lord takes the bundle we handed up this morning to
 17 go behind tab 1 at the back, these are the chronologies.
 18 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 19 MS. WASS: My Lord, this should be painting incident chronology;
 20 has my Lord got that?
 21 MR. JUSTICE NICOL: Yes.
 22 MS. WASS: On 21st March, there was filming that day, as is plain,
 23 and there are pictures of Keith Richards and both Ms. Heard's.
 24 Then, over on page 4, at the bottom, this was the second day
 25 of filming. My Lord has the ----

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1 CLOSING - WASS
 2 MR. JUSTICE NICOL: "The Happy Documentary"; is that the title of
 3 the Keith Richards documentary?
 4 MS. WASS: Yes. We see the events of Friday, 22nd March. That
 5 photograph on page 4, timed at 13.37, was the photograph that
 6 Ms. Heard said caused her to question whether she had got the
 7 correct date in her first statement because of the cocaine,
 8 the whiskey, the fact that Mr. Depp's box was there and the
 9 premises of Orange Avenue, which Mr. Depp agreed. So, what
 10 this chronology shows was that Mr. Depp was indeed late for
 11 filming on that day.
 12 MR. JUSTICE NICOL: This is the 22nd.
 13 MS. WASS: This is the 22nd. (Pause) On the top of page 5, the
 14 event is described as a text between Mr. Deutters and Mr. Depp:
 15 "We're not shooting yet but could start any minute". Then,
 16 further down the page, a text from Mr. Deutters, "We've started
 17 shooting, just so you know".
 18 MR. JUSTICE NICOL: Sorry, where was that second text from
 19 Mr. Deutters?
 20 MS. WASS: The top hole punch on page 5.
 21 MR. JUSTICE NICOL: Oh, "We've started shooting".
 22 MS. WASS: Yes, and Mr. Depp is obviously not there. He says it
 23 does not matter. Then, at 15.08, so the next text down,
 24 Ms. Heard is texting her sister: "Let me know before you get
 25 here, Johnny is over, we're still fighting, it's kind of nasty

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1 CLOSING - WASS
 2 but winding down."
 3 MR. JUSTICE NICOL: I am sorry, that is from Ms. Heard to her
 4 sister?
 5 MS. WASS: Yes. I am not going to go through each and every text,
 6 but they are here for my Lord to see and they tell a story.
 7 Over on page 6, at the second hole punch down, this is now
 8 5.15, so two and a quarter hours later. This is Ms. Heard to
 9 her mother.
 10 MR. JUSTICE NICOL: Yes.
 11 MS. WASS: Dealing with Johnny's spiral ----
 12 MR. JUSTICE NICOL: Paige is Ms. Heard's mother ----
 13 MS. WASS: Yes, and David is the father.
 14 MR. JUSTICE NICOL: Of Whitney Henriquez.
 15 MS. WASS: Yes. So, Ms. Heard is saying to her mother, "Dealing
 16 with Johnny's spiral, it's terrible, mum. I don't know what
 17 to do." Then, over on the following page, again, there are
 18 more texts between herself and her mother. Then, there are
 19 texts in the middle of that page, page 7, from Nathan Holmes:
 20 "Success, he's coming down now".
 21 MR. JUSTICE NICOL: Just a minute. (Pause) That is a text from
 22 Ms. Heard to ----
 23 MS. WASS: Mr. Holmes.
 24 MR. JUSTICE NICOL: To Nathan Holmes; is that right?
 25 MS. WASS: Yes. Then, over the page, page 8, the conversation

1 CLOSING - WASS
 2 with Paige and Amber Heard carries on at 20.14 right at the
 3 bottom: "You should tell your dad and be honest. JD will
 4 listen, best chance". Then, it is later that Ms. Heard
 5 backtracks. I am now on page 9 at 20.42. She says, "It's
 6 okay, mum, he's not being violent with me. He's just raging
 7 in general and the crazy mood swings and binges are really
 8 difficult for me to handle." As Ms. Heard said in the witness
 9 box, as soon as the suggestion was made by her mother that the
 10 father would be involved, she immediately backtracked and said
 11 he was not being violent even though she had said something
 12 quite different before.

13 We have here a series of texts and, in our submission,
 14 they do paint a clear picture which is entirely supportive of
 15 the chronology of what Ms. Heard said in her first statement
 16 about the painting incident. Of course, the photograph with
 17 the cocaine and the whiskey, Mr. Depp told us was whiskey,
 18 which was at 1337 on page 4 ----

19 MR. JUSTICE NICOL: Just a minute. (Pause)
 20 MS. WASS: My Lord may remember that photograph because Mr. Depp
 21 denied having a special box to keep his cocaine in. It is
 22 rather small in that print, but it is a box that looks,
 23 I would suggest, two inches square, a skull and crossbones on,
 24 "Property of JD", and Mr. Depp remembered that this is how he
 25 kept his cocaine.

1 CLOSING - WASS
 2 what was suggested to Ms. Henriquez. It is significant that
 3 when Mr. Depp was asked about this photograph, he did not
 4 suggest that it was a set-up. He was able to identify the
 5 liquid in that case as being whiskey.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 7 MS. WASS: He identified his box and his cocaine. He identified
 8 the place where that was taken was the kitchen table in Orange
 9 Avenue. Mr. Depp himself never suggested this was a setup and
 10 when Ms. Heard gave evidence, it was not suggested that this
 11 photograph was a setup. The first time it was suggested that
 12 this photograph was a setup was when Ms. Henriquez was giving
 13 evidence and it is quite clear from the chronology that she
 14 was not even at the house at the time because she is saying at
 15 the 15.23 on the opposite page ----
 16 MR. JUSTICE NICOL: Just a minute. Which page are you looking at?
 17 MS. WASS: Page 5, opposite the cocaine picture. At 15.10,
 18 Ms. Heard says to her sister, "Did you not get that text?"
 19 and Whitney says, "Sorry, I was driving and couldn't read
 20 them." She was not at the house at the time that photograph
 21 was taken and yet it was only at the stage of these
 22 proceedings, when she was giving evidence, that the suggestion
 23 was that the photograph was somehow staged or set up, however
 24 setup is going to be explained in due course.
 25 Whitney Henriquez came to make a statement about the

1 CLOSING - WASS
 2 Cocaine was a drug Ms. Heard did not take, and spirits
 3 ----
 4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 5 MS. WASS: Mr. Depp accepted that Ms. Heard did not drink spirits,
 6 so this was not two of them on a drugs binge; this was
 7 Mr. Depp on a drink and drug-fuelled binge to the extent that
 8 he was not even able to get to work on time, which is exactly
 9 what Ms. Heard said in her first witness statement when she
 10 got the date mixed up. She said also that he was being
 11 violent to her, and the texts to her mother and her friends,
 12 which I am not going to take my Lord to now, in the
 13 chronology, suggest that she was sufficiently frightened that
 14 when she got back home that night, she bolted the door.

15 Now, we suggest that the texts that are listed on that
 16 chronology are the clearest supporting evidence for
 17 Ms. Heard's account and Ms. Heard gave that account without
 18 the assistance of those texts.

19 MR. JUSTICE NICOL: Just a moment. When you say she gave her
 20 account without the texts, this is a reference to her first
 21 witness statement.
 22 MS. WASS: Exactly. The texts that have come to light support
 23 what she says entirely. The claimant's response is that this
 24 photograph, the photograph of the whiskey and cocaine and what
 25 we now know to be a tampon applicator, was a set-up. That is

1 CLOSING - WASS
 2 events of the painting incident. She said she arrived at
 3 Orange Avenue and had to persuade Mr. Depp to go to the
 4 studio. She remembered the argument about the painting.
 5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 6 MS. WASS: And she believed that it was on that date, namely, 22nd
 7 March, that Mr. Depp defaced the painting by changing the
 8 signature from "van Ree" to "van Pee".
 9 MR. JUSTICE NICOL: She believed it was on 8th March.
 10 MS. WASS: Leaving aside 8th March, she believed it was the day
 11 when she had to persuade Mr. Depp to go to the studio and he
 12 would not leave the house that the Van Pee alteration was
 13 made. She was obviously wrong about that because texts that
 14 have come to light show that the alteration was made by
 15 Mr. Depp in February 2014 and in fact what Ms. Henriquez has
 16 done is to conflate two separate episodes of Mr. Depp ----
 17 MR. JUSTICE NICOL: Just a moment. (Pause) Two episodes.
 18 MS. WASS: Two separate episodes of Mr. Depp defacing an artwork
 19 of Ms. van Ree's. So, one was in March 2015 and the other was
 20 the following year, and there clearly are two paintings,
 21 because they have been photographed and they are in the
 22 bundle.
 23 What Ms. Henriquez said in her statement was that Amber
 24 had told her about the Van Pee alteration. The suggestion
 25 that somehow this is an indicator that Ms. Henriquez is lying

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1 CLOSING - WASS
 2 and concocting evidence in the company of her sister is not
 3 borne out by the facts. Amber Heard never mentioned the Van
 4 Pee alteration in her statement. Ms. Henriquez has made a
 5 genuine mistake and this does not detract from the powerful
 6 evidence of the contemporaneous texts cataloguing Mr. Depp's
 7 inebriated and violent behaviour. Before I leave that, it is
 8 as well to bear in mind that at the end of this long day --
 9 sorry, it is the following day, on page 14 ----
 10 MR. JUSTICE NICOL: Just a minute.
 11 MS. WASS: ---- there is a photograph of Ms. Heard's bruised arm
 12 sent ----
 13 MR. JUSTICE NICOL: Sorry, page 14?
 14 MS. WASS: Page 14. There are two photographs actually in here of
 15 Ms. Heard's bruised arm, which she sends to her mother the
 16 following day at 13.22, with the information "from two weeks
 17 ago today". So that was on the 23rd, two weeks before, of
 18 course being 8th March, where another incident, albeit not
 19 pleaded, another incident of violence took place. So, all of
 20 this material supports wholly what Ms. Heard and her sister
 21 have said about this and the fact that they may have made
 22 errors about the precise dates or the particular painting do
 23 not detract from the force of their evidence, which is
 24 supported by this contemporaneous material.
 25 As I have reminded the court, the claimant's response to

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1 CLOSING - WASS
 2 the painting incident and the allegations of violence is that
 3 it is part of a long-running hoax. It was suggested, as I
 4 have reminded the court, to Whitney Henriquez that the
 5 photograph of the drugs paraphernalia was a set-up, but that
 6 does not explain the contents of the texts between Ms. Heard
 7 and her mother, when Ms. Heard says, "He's nuts, mum, violent
 8 and crazy. I am heartbroken this is who I love."
 9 MR. JUSTICE NICOL: Just remind me -- (Pause) I remember seeing
 10 the text, but where is it?
 11 MS. WASS: I am just looking for it. Sorry.
 12 MR. JUSTICE NICOL: That is all right. (Pause)
 13 MS. WASS: Here we are. It is page 8 at 19.02. In fact, it is
 14 straight after one from Ms. Heard to Ms. Dembrowski. It is
 15 page 8 of the chronology. Has my Lord got it?
 16 MR. JUSTICE NICOL: I do.
 17 MS. WASS: "He's nuts, mum, violent and crazy. I am heartbroken
 18 this is who I love." The focus on the issue of dates of the
 19 painting incident, we suggest, is a distraction from the real
 20 issue in this case, which was that Mr. Depp was violently
 21 assaulting Ms. Heard on that date in a drunken rage.
 22 Now, again, Mr. Depp suggests that the accusations that
 23 Ms. Heard makes about this incident are part of the hoax, but
 24 it is important to always bear in mind, we say, that this
 25 event, the painting incident, took place in March 2013.

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1 CLOSING - WASS
 2 Mr. Depp and Ms. Heard had not even moved in together. They
 3 were not engaged and the suggestion is that Ms. Heard was
 4 already creating a dossier of false information as an
 5 insurance policy. Can I turn briefly to Hicksville before we
 6 have our break?
 7 MR. JUSTICE NICOL: Yes.
 8 MS. WASS: In June 2013, there was a visit to the Hicksville
 9 trailer park. It is agreed that everyone was taking illegal
 10 drugs. Ms. Heard said that Mr. Depp was taking more illegal
 11 drugs than anyone else. It is common ground that Mr. Depp
 12 took exception to a woman called Kelly Sue, who was becoming
 13 familiar with Ms. Heard, and this was the trigger which caused
 14 Mr. Depp to lose his self-control.
 15 Ms. Heard said that when she and Mr. Depp returned to
 16 their trailer, all hell was let loose. Mr. Depp assaulted her
 17 in the way that was set out in her statement and in the
 18 confidential schedule and during the course of the assaults,
 19 Mr. Depp trashed their trailer. Now, Mr. Depp has accepted
 20 parts of this account. He accepted that he was uncomfortable
 21 about the interaction between Ms. Heard and Kelly Sue.
 22 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 23 MS. WASS: He also accepted that he broke a wall sconce in the
 24 trailer, but he denies any damage. Now, Kristina Sexton, who
 25 gave evidence last week, was Ms. Heard's acting coach. She

[Page 2401]

1 CLOSING - WASS
 2 attended Hicksville and she described the damage which she saw
 3 to the trailer the following day. She saw broken glass strewn
 4 everywhere. Fabric and window coverings had been ripped.
 5 Substantially more damage was done than merely one broken
 6 sconce.
 7 Ms. Sexton was a careful and precise witness. She did
 8 not exaggerate or attempt to say anything other than what she
 9 had actually seen. She has since emigrated to Australia and
 10 has not seen Ms. Heard for three years. She has no possible
 11 motive ----
 12 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 13 MS. WASS: She has no possible motive to make up the extensive
 14 damage that she said she saw to the trailer.
 15 Once Ms. Sexton's evidence is accepted, a picture of
 16 Mr. Depp emerges as a man fuelled by drugs, which we know he
 17 took, and jealousy, and capable of physical destruction and
 18 violence. Mr. Depp recognised throughout that cocaine was
 19 destroying his relationship with Ms. Heard. Later that year,
 20 in October 2013, he sent a text to Mr. Deuters, and it is
 21 page 17 of the text schedule in volume 6. I am not going to
 22 ask my Lord to look at it. What he says to Mr. Deuters is
 23 this: "Amber is extremely upset and we are dying. Do you want
 24 to speak to her when you are there and give her some
 25 perspective on me and what I am and what I am not." Then he

CLOSING - WASS

CLOSING - WASS

later says, "Ask if she needs to talk. She thinks my Peruvian period has made me a monster and that I am ruining the relationship."

complaints about Mr. Depp's behaviour in 2013 and it says it all. It says that his drink and drug consumption is out of control. It says that he has hit Ms. Heard repeatedly under the influence of substances and it says that he does not remember what he has done after these drug-fuelled binges.

Indeed, Mr. Depp, at that stage, had the intelligence to see that his Peruvian period, meaning the period when he was taking excessive cocaine, was indeed turning him into a monster and was ruining the relationship.

When asked about this e-mail, Mr. Depp said it was part of the hoax. The suggestion by Mr. Depp is that Ms. Heard was writing private e-mails to herself in June 2013, which she later intended to use an ammunition to make a false complaint of domestic violence against Mr. Depp in 2016. We suggest that is absurd.

Can I just deal with one e-mail which we suggest is instructive, before our break. At around the time of the visits to Hicksville, and coinciding with the texts that Mr. Depp was communicating with Mr. Bettany about how they would burn Amber and desecrate her corpse, Ms. Heard wrote an e-mail to herself, describing Mr. Depp's conduct, rather like a diary entry.

Mr. Lord, if this is a convenient time for a break, I return to the Boston plane incidents after we have had a break.

MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

MR. JUSTICE NICOL: Good. Ten minutes then.

MS. WASS: The importance, because it is an e-mail, is that it is date and time-stamped and it is dated 11th June 2013. I will ensure that my Lord has the reference in the bundle. But this is what Ms. Heard says: "I don't know if I can do this any more. It's like Dr. Jekyll and Mr. Hyde. I love madly the other half scares me. I can't take him. I wish I could, but I can't. I never know or understand which one I am dealing with until it's too late. The drinking assures me that I'm dealing with the monster, the abused insecure violent little

(A short break)

MR. JUSTICE NICOL: The ranks have thinned but Mr. Sherborne is here!

MS. WASS: Well, that is all that matters. My Lord, may I then turn to the events of the Boston plane incident. The Boston plane incident mirrors exactly the description in that June 2013 e-mail from Ms. Heard to herself, drink, drugs, violence and then passing out in the bathroom. The trigger to this

CLOSING - WASS

CLOSING - WASS

boy. I just can't tell where the line starts. Also, drugs seem to guarantee I will be forced to deal with the monster, well, once again. The morning after is just as bad as the full on disco bloodbath I've come to expect. I watched yesterday as everyone around you" -- this is a note to herself but addressed to Mr. Depp -- "I watched yesterday as everyone around you picked you up off the floor, helped you up, got you on with your life. Yesterday I saw you pass out amongst vomiting three times. All three times, Jerry" -- that is Jerry Judge -- "had carried you from the floor on the plane. Nathan mentioned how many times he's had to break into locked doors to wake up after passing out on the toilet. You would have embarrassed yourself countless times if someone would be honest enough to tell you to show you. If someone filmed you while you were in this state you would be mortified. I myself have watched you pass out cold on the floor after drinking yourself sick. One of these times you cut yourself so badly that you needed stitches and you get the convenient benefit of never having to remember it. That's nice for you, so you get away with so many lies that you tell yourself. ...(reads to the words)... and none of this would have been possible without the booze and the drugs, none."

MR. JUSTICE NICOL: Drink, drugs.

MS. WASS: Violence.

MR. JUSTICE NICOL: Passing out in the bathroom.

MS. WASS: The bathroom or toilet, I think the American word is used. The trigger to this episode was Mr. Depp's jealousy, and this time in respect of an actor called James Franco. Ms. Heard was well aware of Mr. Depp's jealousy and she had given instructions to her assistant that neither Mr. Depp's sister nor Mr. Depp's own assistant, Nathan Holmes, were to be given details of the subject matter of each particular scene of filming.

MR. JUSTICE NICOL: Sorry, neither Christi.

MS. WASS: Christi nor Nathan Holmes was to be given the details of the subject matter of each particular scene.

Ms. Heard had good reason to be cautious, as Mr. Depp was blind with jealousy about the fact that Ms. Heard was acting in a film in New York with James Franco. While Ms. Heard was filming in New York Mr. Depp was filming in Boston, and Mr. Depp chartered a plane on 24th May 2014 to pick up Ms. Heard from New York, then to collect him from Boston and then take the two of them back to Los Angeles.

We suggest that e-mail is a critical piece of evidence in this case. It is a contemporaneous account of Ms. Heard's

MR. JUSTICE NICOL: So, the plane was going?

MR. WASS: New York, Boston, LA. Mr. Depp said in evidence that

CLOSING - WASS

CLOSING - WASS

1 he was unable to remember whether he had been drinking before
 2 he got on to the plane. That is not what he told Mr. Bettany
 3 a week later. What Mr. Depp said to Mr. Bettany was this:
 4 "I'm going to properly stop the booze thing, darling. Drank
 5 all night before I picked Amber up to fly to LA this past
 6 Sunday. Ugly, mate, no food for days. Powders, half a bottle
 7 of whiskey, a thousand Red Bull and vodkas. Pills, two
 8 bottles of champers on the plane and what do you get, an angry
 9 aggro Indian in a fucking blackout, screaming obscenities and
 10 insulting any fuck who got near. I'm done. I'm admittedly
 11 too fucked in the head to spray my rage at the one I love.
 12 For a little reason as well, I'm too old to be that guy, but
 13 pills are fine."

14 The consumption of drink and drugs outlined in that text
 15 accords exactly with Ms. Heard's evidence, when she gave that
 16 account before even knowing of that text. The behaviour which
 17 Mr. Depp describes, his behaviour in that text accords exactly
 18 with the account that Ms. Heard gave in her witness statement.

19 Mr. Depp wrote an apology to Ms. Heard, blaming ----
 20 MR. JUSTICE NICOL: Ms. Wass, you said before she knew of the text
 21 to Mr. Bettany. Do I have evidence that the texts to
 22 Mr. Bettany came out after the first witness statement?
 23

24 MS. WASS: That evidence arose when there was a complaint about
 25 disclosure on 26th February of this year, and my Lord was

1 All of the available evidence supports Ms. Heard's
 2 account that Mr. Depp was in a rage, screaming obscenities and
 3 assaulting her in the presence of his staff, who did nothing
 4 to intervene and to protect her. This was an occasion when
 5 Ms. Heard wrote herself another e-mail on 25th May 2014, and
 6 she said at the end of that e-mail: "The man I loved called me
 7 an embarrassment and a whore in front of a plane full of
 8 people who did nothing, before kicking me in the back and then
 9 mocking me for crying about it."

10 Mr. Depp's account in his witness statement was that he
 11 was quietly sketching in his notebook during this plane trip,
 12 and then peacefully went into the bathroom to sleep. A
 13 recording was made on that plane by Ms. Heard. My Lord will
 14 recall that in her June 2013 e-mail, she mentioned that really
 15 Mr. Depp had no recollection of things, and he was told or if
 16 there was a record of what he had done, and she said "If
 17 someone filmed when you were in this state, you would be
 18 mortified." On the Boston plane incident, she recorded him
 19 when he went to the bathroom, and my Lord will remember that
 20 recording. We suggest the metadata date of 24th May is
 21 accurate. The sounds of the plane are apparent from the
 22 recording, and there are sounds of male voices there, none of
 23 that is consistent with Mr. Depp's suggestion that this took
 24 place when he was having his detoxification on the island
 25

CLOSING - WASS

CLOSING - WASS

1 given the chronology of when the Bettany texts were disclosed.
 2 I can ensure that the ----

3 MR. JUSTICE NICOL: I do not recall being told about that
 4 particular part of the disclosure complaint, and so if there
 5 is a document that shows what you have just said is correct,
 6 then perhaps in due course you can take me to it.

7 MS. WASS: Yes, Mr. Waldman dealt with the disclosure, and if
 8 my Lord is agreeable I will speak to him over the short
 9 adjournment -- sorry, Mr. Wolanski. Mr. Waldman, I am sure,
 10 will not want to speak to me over lunch! I will speak to
 11 Mr. Wolanski over lunch, and deal with the chronology of how
 12 this unfolded. All right, if my Lord is happy with that.

13 MR. JUSTICE NICOL: Yes.

14 MS. WASS: Following the Boston plane incident, Mr. Depp wrote an
 15 apology to Ms. Heard, blaming his behaviour on his illness and
 16 again he said: "Once again I find myself in a place of shame
 17 and regret. Of course I'm sorry, I really don't know what
 18 happened but I will never do it again." Mr. Deuters, who was
 19 Mr. Depp's assistant, wrote an apology to Ms. Heard on
 20 Mr. Depp's behalf. Mr. Deuters said: "He's incredibly
 21 apologetic and knows he has done wrong. He wants to get
 22 better now. He wants to see you so much he's distraught. He
 23 was appalled when I told him he kicked you. He cried. It was
 24 disgusting and he knows it."
 25

1 later that year. The recording on the plane that was made by
 2 Ms. Heard reveals the true state of Mr. Depp, not quiet, not
 3 peaceful, he was howling like the monster that he was on that
 4 journey.
 5

6 Mr. Depp apologised in the witness box when faced with
 7 the evidence in relation to the Boston plane incident. He
 8 accepted, having seen Mr. Bettany's texts, that he had taken
 9 pills and powder and alcohol, and that he had drunk two
 10 bottles of champagne on the flight and that his memory or he
 11 had blacked out so that parts of his memory were sketchy.

12 Now, this recognition of his lapse in memory is exactly
 13 what Ms. Heard was referring to a year before, when she wrote
 14 herself that e-mail on 11th June 2013.

15 MR. JUSTICE NICOL: Just a minute. Did you say the year before?

16 MS. WASS: Yes.

17 MR. JUSTICE NICOL: I thought the Boston -- when was the Boston
 18 plane ----

19 MS. WASS: The Boston plane was a year after, May 24th 2014. But
 20 the point is that Ms. Heard was experiencing the sort of
 21 conduct which Mr. Depp displayed on the Boston plane when she
 22 wrote an e-mail to herself a year later, describing how
 23 Mr. Depp was essentially embarrassing himself, had to be
 24 picked up off the floor, vomiting, hurting her physically, and
 25 the like. This is exactly how Mr. Depp behaved on the Boston

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1 CLOSING - WASS
 2 plane. The violence is supported by the apology given by
 3 Mr. Deuters, and Mr. Depp accepts now that his consumption of
 4 drink and drugs was considerable and that he lapsed in memory.
 5 What I am saying, in effect, and I apologise if it has
 6 not been clear, is that this was an ongoing syndrome which
 7 Ms. Heard described in 2013 and then an example of that is
 8 when he hit and kicked her on the Boston plane in 2014. So,
 9 I hope I have clarified that for my Lord.
 10 Stephen Deuters came to court to lie about the text he
 11 had sent to Ms. Heard. A newspaper report dating back some
 12 years suggested that Mr. Deuters had claimed that the texts
 13 were doctored, the texts apologising for Mr. Depp and telling
 14 Mr. Depp that Mr. Depp had kicked Ms. Heard. That was the
 15 first line of defence to this damning evidence; but it was a
 16 line of defence that was unsustainable. The texts are
 17 genuine. Mr. Deuters now says he was having a conversation
 18 with Ms. Heard, apologising for Mr. Depp's behaviour that was
 19 not in fact bad at all and he and Mr. Depp merely wanted to
 20 humour Ms. Heard.
 21 Now, Mr. Deuters is one of many employees who have come
 22 to court to lie for their boss, the man who pays their wages,
 23 the man without whom they would not have a job. Mr. Depp's
 24 staff have variously supplied him with drugs, provided false
 25 evidence to a court in Australia, put out ----

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1 CLOSING - WASS
 2 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 3 MS. WASS: Provided false evidence to a court in Australia, put
 4 out false information as to how he damaged his finger, and
 5 have colluded with him to provide false evidence in this case,
 6 as we will see in the text message that postdate the divorce.
 7 Mr. Depp's employees have come to court to variously describe
 8 Ms. Heard as consuming two bottles of wine a night, being bad
 9 tempered, aggressive, and violent. But each of those
 10 witnesses who have made these allegations is tainted.
 11 Can I turn to the detoxification process under the
 12 auspices of Dr. Kipper on Mr. Depp's island in August of 2014.
 13 Dr. Kipper had planned a detoxification programme that was to
 14 begin on 8th August 2014. Mr. Depp's resentment of Ms. Heard
 15 was apparent the night before the detox was to begin.
 16 Mr. Depp sent a text to Mr. Deuters saying this: "She's
 17 accused me of boozing. I told her no, she's a cunt. I guess
 18 I'll go back to 80 or to the island alone." 80 is a reference
 19 to Sweetzer Avenue; the island speaks for itself. He then
 20 goes on: "She accuses me of being wasted on something else
 21 every night or sometimes she makes me look like an idiot for
 22 being stoned and smarter than she is. I'm so sick of it."
 23 Mr. Depp could not bear to be told that he was drinking
 24 too much and taking too many drugs. In fact, the photograph
 25 of Mr. Depp passed out with ice cream running down his

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1 CLOSING - WASS
 2 trousers ----
 3 MR. JUSTICE NICOL: Just a moment. (Pause)
 4 MS. WASS: ---- which is dated 7th August 2014, provides evidence
 5 that a detoxification process was well overdue. It is perhaps
 6 the revisionist account of Ms. Heard's attempt to help
 7 Mr. Depp through the detoxification process, in August 2014,
 8 that is the most unconscionable aspect of Mr. Depp's
 9 accusations.
 10 MR. JUSTICE NICOL: Just a minute. (Pause)
 11 MS. WASS: It is clear from the medical notes that Ms. Heard acted
 12 as Mr. Depp's nurse day and night while the medical staff
 13 remained at another part of the island, about 20 minutes away.
 14 Texts demonstrate that on 17th August Ms. Heard complained
 15 that Mr. Depp had been physical and had pushed her, and that
 16 is why she was calling for the help of the medical staff.
 17 Mr. Depp describes the pain that he was going through as part
 18 of his withdrawal, and it made him angry and it made him
 19 violent. Ms. Heard was trying to help Mr. Depp kick his
 20 addictions because she loved him. What other feasible
 21 explanation could there be?
 22 Mr. Depp recognised as much when he wrote an e-mail to
 23 Ms. Heard's mother on 18th August 2014. He said this: "I am
 24 beyond thankful to have you in my life. There is no luckier
 25 man on this earth to have the strength that Amber gives me and

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1 CLOSING - WASS
 2 the full support of each of you. What you do need to know is
 3 that your daughter has risen far above the nightmarish task of
 4 taking care of this poor old junkie. Never a second has gone
 5 by that she didn't look out for me or have her eyes on me to
 6 make sure I was okay. Suffice to say that I have never met or
 7 loved a woman or thing more. She has the strength of a
 8 thousand men."
 9 Ms. Heard tolerated the violence and the abuse because
 10 she loved Mr. Depp and she believed that she was capable of
 11 getting him better, but her efforts took a toll on her own
 12 health and she started to receive treatment for anxiety at the
 13 recommendation of Dr. Kipper from a Dr. Connoll Cowan. So far
 14 as Dr. Cowan's notes are concerned, which are in the trial
 15 bundle, they are extensive. They show a frankness of
 16 Ms. Heard to reveal very detailed parts of herself to
 17 Dr. Cowan, but there is no evidence whatsoever that Ms. Heard
 18 required treatment for drink or drug addiction ----
 19 MR. JUSTICE NICOL: Just a minute. (Pause)
 20 MS. WASS: ---- or self-harm, or any of the other matters that
 21 Mr. Depp relies on in order to discredit Ms. Heard. There
 22 were two pleaded incidents at the end of 2014 and early 2015,
 23 and I will deal with them briefly, but they need to be put in
 24 the context of further drug abuse. To that end, it is
 25 instructive to look at a text sent by Mr. Depp to a friend on

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1 CLOSING - WASS
 2 4th October 2014. So, this was within weeks of him leaving
 3 the detoxification on the island, and what Mr. Depp said on
 4 4th October was this: "I shall exit in one hour a
 5 monster...(reads to the words)... of the heat that we push
 6 ourselves to conquer ever goddamn day." He signs himself
 7 Mashata(?)
 8 In December of 2014, another jealous outburst took place
 9 when Ms. Heard wanted to meet a writer, somebody called Clive
 10 Baker. Ms. Heard said this resulted in yet another assault
 11 and Mr. Depp wrote her an apology afterwards. On 17th
 12 December 2014, Mr. Depp said this: "I have let it go, we went
 13 too far, we/I tend to do that. I always regret it when I jump
 14 or, worst, when you jump. I don't want to be conditioned to
 15 continue that behaviour. I'm sorry for being less, for your
 16 disappointment in me, for my behaviour. I'm a fucking savage.
 17 The devil is all around, right?" That is a pleaded incident
 18 and when Mr. Depp was asked, in relation to the Boston plane
 19 incident, how he would describe somebody who kicked a woman in
 20 the back, he interestingly said he would describe such a
 21 person as a savage.
 22 Ms. Heard also described another incident in Tokyo where
 23 Mr. Depp was attending the screening of one of his films.
 24 After that visit, Mr. Depp was texted by a friend, asking him
 25 this: "Did you survive Japan? No monster attacks, I hope."

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1 CLOSING - WASS
 2 Mr. Depp suggests that this is a reference to Godzilla and
 3 nothing to do with the monster that he was referring to so
 4 freely in his texts to others.
 5 I turn now to the events of Australia. The account that
 6 Ms. Heard gave of the ordeal she suffered at the hands of
 7 Mr. Depp in Australia is perhaps one of the most shocking
 8 aspects of this case. Ms. Heard was in a remote location.
 9 Mr. Depp was on an extensive drug and alcohol binge and he was
 10 angry. He was angry about the film he was doing, as he
 11 explained in the text to Mr. Deuters. My Lord has the
 12 Australian chronology. Can I ask my Lord to turn to that
 13 although I am not going to take my Lord through it line by
 14 line. It is there, I hope, for the court's assistance.
 15 MR. JUSTICE NICOL: Just a minute.
 16 MS. WASS: It is the second tab.
 17 MR. JUSTICE NICOL: Yes.
 18 MS. WASS: My Lord, it is in landscape format. At the bottom, on
 19 Friday, 6th March, there is a long text. It has been read out
 20 before. It is to Mr. Deuters from Mr. Depp explaining how he
 21 was angry about something to do with the filming and the
 22 production company of the filming.
 23 In addition to his anger at what he was doing
 24 professionally at this time, Mr. Depp was also angry and
 25 jealous that Ms. Heard was doing a film with Billy Bob

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1 CLOSING - WASS
 2 Thornton.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 4 MS. WASS: I am not going to take my Lord through the chronology
 5 quite yet. Mr. Depp was also angry that Ms. Heard was judging
 6 him for taking drink and drugs. The combination of drink,
 7 drugs, jealousy and anger was lethal.
 8 Mr. Depp said in his witness statement that he had not
 9 taken MDMA or any other drug in March 2015. That was a lie,
 10 as the drug texts with Nathan Holmes revealed. We have been
 11 through those drug texts extensively during the course of this
 12 case and my Lord knows that they were disclosed very shortly
 13 before this trial began. When Ms. Heard signed her statement
 14 on 19th December of last year, she was not even aware of those
 15 texts. They wholly support her account and are ---
 16 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.
 17 MS. WASS: They wholly support her account and are wholly
 18 inconsistent with Mr. Depp's account. At the remote house
 19 which Ms. Heard was sharing with Mr. Depp on the Gold Coast of
 20 Australia, Ms. Heard saw the pills that had been supplied to
 21 Mr. Depp by his assistant, Nathan Holmes. They were in the
 22 kitchen of the house. Ms. Heard saw Mr. Depp drinking spirits
 23 from the bottle. He was goading her to take the bottle from
 24 him. Ms. Heard described this in the witness box. Each time
 25 he handed it to her and she went out to reach for it, he

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1 CLOSING - WASS
 2 pulled it back. After a few episodes of this absurd routine,
 3 Ms. Heard grabbed the bottle off him and smashed it to the
 4 ground, and it was this gesture that set Mr. Depp off and
 5 unleashed the monster.
 6 Ms. Heard said that Mr. Depp threw bottle after bottle,
 7 smashing them with such force that one of them broke a window.
 8 Mr. Depp pushed Ms. Heard against the ping-pong table, which
 9 broke. He pushed her up against the fridge and ripped her
 10 clothing. Ms. Heard described this ordeal as a hostage
 11 situation. One has to really imagine how frightening it must
 12 have been for her. She was in a strange place and would have
 13 lost all sense of time. The man that she had married had
 14 completely lost his mind.
 15 Because this ordeal was in the context of a
 16 relationship, one can understand why Ms. Heard did not call
 17 for help. Officer Saenz, from the LAPD, explained -- victims
 18 protect their perpetrators. Ms. Heard said in evidence that
 19 this was her marriage; this was her life. The description
 20 that Ms. Heard has given in her statement might sound like an
 21 incredible account, but of course the damage to that house was
 22 there for Mr. Depp's security to see when they eventually
 23 attended on 8th March. The house had been completely wrecked.
 24 Mr. Depp's staff variously assessed the damage as being
 25 between \$75,000-\$150,000. It was not only that Mr. Depp had

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1 CLOSING - WASS
 2 wrecked the house; he had cut off his own finger and he had
 3 gone on to use it in order to deface the walls and mirrors of
 4 the house. He told this court that he went on to dip his
 5 injured finger in paint and scrawled graffiti over the
 6 property. We have some of the photographs, but they do not
 7 reflect the extent of what we know of the damage.
 8 Mr. Ben King's second statement is instructive on this point,
 9 which outlines the extent of the damage.
 10 The question has got to be asked, what sort of state was
 11 Mr. Depp in when he behaved in this way? He was literally out
 12 of his mind. He was certainly in the mood to hurt Ms. Heard
 13 and he did hurt Ms. Heard.
 14 MR. JUSTICE NICOL: Just a minute. (Pause)
 15 MS. WASS: He was screaming abuse at her and that abuse extended
 16 on to the graffiti on the lampshades and on the mirrors.
 17 "Billy Bob", he wrote, "Easy Amber".
 18 MR. JUSTICE NICOL: Just a moment. (Pause)
 19 MS. WASS: "Good luck and be careful at the top." This was hatred
 20 and violence directed at Ms. Heard and Mr. Depp's resentment
 21 of her career. The five-hour tape that inadvertently recorded
 22 Mr. Depp's staff in that house was significant. The staff
 23 appeared neither surprised nor shocked when they saw the
 24 damage.
 25 MR. JUSTICE NICOL: Just a minute. (Pause)

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1 CLOSING - WASS
 2 MS. WASS: Nor were they surprised or shocked when they were told
 3 by Ms. Heard that Mr. Depp had taken ten Ecstasy tablets. It
 4 appeared that their primary concern was one of damage
 5 limitation, to keep this shameful episode quiet. Mr. Depp
 6 texted Dr. Kipper to say that he had cut off his own finger.
 7 You see that on page 5 of the chronology at the bottom. In
 8 fact, the relevant part is at the top of page 6.
 9 MR. JUSTICE NICOL: Just a minute. (Pause)
 10 MS. WASS: The first seven lines up are a text at 11 o'clock on
 11 the 8th, time-stamped on the 7th actually. There is a problem
 12 with the timing because it is Australia. Mr. Depp says:
 13 "I have cut the top of my finger off. What should I do
 14 ...(reads to the words)...Fuck the world. JD." So, abuse
 15 directed at Ms. Heard, but no suggestion whatsoever that
 16 Ms. Heard had been responsible for the injury to Mr. Depp's
 17 finger.
 18 The very next text, five minutes after telling
 19 Dr. Kipper that he had cut off his own finger, Mr. Depp texted
 20 his assistant Nathan Holmes: "Need more whitey stuff ASAP,
 21 brother, and the E business." So before any sort of
 22 assistance arrives, he is asking for more cocaine and more
 23 Ecstasy. We suggest that Mr. Depp must have been in a state
 24 of advanced inebriation and intoxication not to realise that
 25 he needed urgent medical attention rather than more illegal

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1 CLOSING - WASS
 2 drugs.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 4 MS. WASS: Mr. Depp said in evidence that while his staff were
 5 driving him to hospital, they had all agreed on a false story
 6 that would be presented to doctors as to how the injury to
 7 Mr. Depp's finger occurred. There was never any suggestion
 8 that Ms. Heard was responsible for that injury.
 9 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 10 MS. WASS: Mr. Depp and his staff later presented a variety of
 11 contradictory accounts to explain the finger injury, including
 12 that Mr. Depp had been go-carting, and Mr. Depp's sister wrote
 13 a text to Stephen Deuters with these instructions: "Just make
 14 sure you are not sure how he hurt his hand".
 15 In these proceedings, Malcolm Connolly, one of
 16 Mr. Depp's security, lied in his witness statement when he
 17 said that Mr. Depp told him in the car on the way to hospital
 18 that it was Ms. Heard who had smashed a bottle against his
 19 hand and it was that that caused the injury. That evidence
 20 ---
 21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 22 MS. WASS: That evidence cannot be right. Mr. King, who was part
 23 of Mr. Depp's staff on that trip, said he had only ever heard
 24 the suggestion that this was an injury caused by Ms. Heard
 25 after it was in the press, after the divorce proceedings were

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1 CLOSING - WASS
 2 instituted, so after May 2016. We suggest it is inconceivable
 3 that Mr. King would have been unaware of that suggestion had
 4 Mr. Depp told other members of staff that Ms. Heard was
 5 responsible at the time when they were in Australia. This
 6 story that Ms. Heard was responsible was only concocted after
 7 Ms. Heard obtained the domestic violence restraining order
 8 against Mr. Depp.
 9 MR. JUSTICE NICOL: Just a minute. (Pause)
 10 MS. WASS: What Mr. Depp did on 30th May 2016 was to send a text
 11 to Dr. Kipper saying this: "I am completely in shock over the
 12 restraining order. I finally get to see who she is. I am
 13 sad, I am not so angry, though the injustice is clear, and I
 14 did nothing of the kind of what she is spouting off about.
 15 Man, you were there." Then he says this: "I lied to everyone
 16 about what happened to my finger." So he is telling
 17 Dr. Kipper that in fact there was a different account that he
 18 was finally going to unleash on 30th May 2016. That was well
 19 after the publicity about the domestic violence restraining
 20 order and this was a story circulated by Mr. Depp and his "PR
 21 machine", as Mr. Tillet Wright referred to it, in order to
 22 discredit Ms. Heard.
 23 In any event, we suggest that the account that Mr. Depp
 24 chose to give as to how his finger was broken in two places --
 25 because that is the medical evidence ---

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1 CLOSING - WASS
 2 MR. JUSTICE NICOL: Just a moment. Was it broken in two places?
 3 MS. WASS: There were two fractures; one is crushing and one was
 4 linear.
 5 MR. JUSTICE NICOL: Right. (Pause)
 6 MS. WASS: We suggest that is wholly inconsistent with the
 7 bottle-smashing explanation. Regarding Mr. Depp's finger, he
 8 said the tops of his hands were resting on the counter. The
 9 nail side of the finger was relatively undamaged and it was
 10 the under part that was damaged, again not consistent with his
 11 hand being on a hard surface at the time. Moreover, there was
 12 no sign of any glass shards. If a bottle had smashed on the
 13 hand, one would have imagined that splinters caused by glass
 14 would have been present.
 15 It was not only Mr. Depp who was injured in Australia.
 16 Ms. Heard was too. The reason we know this is because of
 17 Mr. Judge's comments in the recording that took place in the
 18 house. He said he saw cuts to Ms. Heard's arms and he saw
 19 ----
 20 MR. JUSTICE NICOL: Sorry, who was this?
 21 MS. WASS: Jerry Judge, the man who is deceased, who was head of
 22 security. He is extensively making contributions to that
 23 five-hour tape. Mr. Judge said he saw cuts to Ms. Heard's
 24 arms and he saw bruises. The cuts to the arm, which were on
 25 the outside of the forearm -- not the inside but the outside

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1 CLOSING - WASS
 2 of the forearm -- are consistent with Ms. Heard's account of
 3 having to pull herself up by the forearms after Mr. Depp had
 4 thrown her on to the floor. The floor had been covered with
 5 the glass bottles that Mr. Depp had smashed and it was the
 6 glass that caused those injuries.
 7 MR. JUSTICE NICOL: Just a minute. (Pause) Ms. Wass, again I am
 8 just going back to my task in relation to the allegations of
 9 violence. You have already accepted, I think, that in order
 10 to justify the alleged libel, I think the way you put it was
 11 that the violence would have to be unlawful.
 12 MS. WASS: Exactly so.
 13 MR. JUSTICE NICOL: "Unlawful" really needs to be put in quotation
 14 marks here because I am not concerned with the law of assault
 15 or self-defence in Australia. However, the point is a larger
 16 one, that the allegation that the claimant is a wife-beater
 17 would only be true if it was not being done in self-defence.
 18 MS. WASS: Yes. Absolutely.
 19 MR. JUSTICE NICOL: And we have discussed that already. The same
 20 would be true, would it not, that since what I am trying to
 21 decide is whether the libel is true, if there were injuries to
 22 Ms. Heard that were accidentally caused, that would not assist
 23 the defendants to establish the truth of the allegation of
 24 wife-beating.
 25 MS. WASS: I think it would depend, my Lord, on findings that you

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1 CLOSING - WASS
 2 would have to make earlier before you got to that stage. If
 3 there was an unlawful act, an assault, for example, that did
 4 not cause a visible injury ----
 5 MR. JUSTICE NICOL: Just a minute. (Pause) Sorry, can you start
 6 that again?
 7 MS. WASS: If the position is -- and I am talking hypothetically
 8 -- that there was an unlawful act on the part of Mr. Depp, an
 9 assault, but that that assault did not cause an injury, point
 10 one is that it does not matter if it did not cause an injury;
 11 beating your wife does not require injuries. However, if,
 12 after the unlawful act which did not cause an injury,
 13 Ms. Heard was thrown to the ground, which itself would be an
 14 unlawful act, and that in order to get up, she injured her
 15 arms on glass that Mr. Depp had broken, there is still a
 16 continuing unlawful act although technically Mr. Depp did not
 17 intend her arms to get damaged. Assault does not require a
 18 specific intent.
 19 MR. JUSTICE NICOL: This is getting a little ----
 20 MS. WASS: I agree, but my Lord raised it. I agree.
 21 MR. JUSTICE NICOL: Yes, but I raised it because I was musing on
 22 the implications of if any of these assaults were accidental,
 23 whether that would assist the defendants, or whether
 24 accidental injury would not assist the defendants because it
 25 would not justify the allegation of wife-beating.

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1 CLOSING - WASS
 2 MS. WASS: I agree that if Mr. Depp hit Ms. Heard by accident and
 3 that was the only finding of fact that my Lord made, then that
 4 would not be sufficient to describe him as a wife-beater,
 5 obviously.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 7 MS. WASS: But, of course, there is a distinction between accident
 8 and recklessness, which is significant, or might be
 9 significant in the context of Mr. Depp's drunkenness.
 10 My Lord, I know, is more than familiar with the law on
 11 self-induced intoxication, which again needs to be factored
 12 in. I think I was on Ms. Heard's forearms.
 13 MR. JUSTICE NICOL: You were, and I distracted you.
 14 MS. WASS: No, it was a useful exchange. So, consistent with her
 15 pulling herself up by the forearms, having been thrown to the
 16 floor by Mr. Depp and having cut herself on the glass bottles
 17 that Mr. Depp had smashed, the words of Jerry Judge, head of
 18 security, in that recording illustrate how the Depp PR machine
 19 was working. Mr. Judge recognised that there were visible
 20 injuries on Ms. Heard, the cuts to the arms, but he said they
 21 must be self-inflicted.
 22 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 23 MS. WASS: Self-harm to the outer forearm is not the traditional
 24 place for self-harm. But leaving that aside, Mr. Depp was
 25 asked in the witness box whether there was any question of

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1 CLOSING - WASS
 2 Ms. Heard self-harming herself, and said not. I remind
 3 my Lord that none of the extensive medical notes on Ms. Heard
 4 suggest that she ever engaged in self-harm. Yet, despite the
 5 fact that Mr. Depp does not suggest there is a self-harm
 6 element to Ms. Heard, that the medical notes do not suggest
 7 it, in cross-examination it was put to Ms. Heard that she had
 8 self-harmed to explain the injuries that were present on her
 9 forearms during that ordeal in Australia. But Ms. Pennington
 10 of course gave evidence that there were cuts and scars over
 11 Ms. Heard's feet, which she saw when Ms. Heard returned from
 12 Australia. Again, I do not think anybody would suggest
 13 self-harm extends to the soles of one's feet. But it is
 14 consistent with the many, many bottles that Mr. Depp was said
 15 to be throwing around that property in the course of his
 16 violent and drunken rage.
 17 Mr. Depp's staff again have displayed the fact that they
 18 were prepared to lie in their statements about Ms. Heard's
 19 injuries. I ought to just remind the court that as well as
 20 the arms, Mr. Judge mentioned bruises. So, the person who was
 21 commenting on this at the time, Jerry Judge, noticed two types
 22 of injuries, the cuts and the bruises. Mr. Ben King, in his
 23 first witness statement in this case, said there were no
 24 injuries to Ms. Heard. He then made a second statement,
 25 saying that there were some, he recalls seeing cuts but only

[Page 2427]

1 CLOSING - WASS
 2 on one arm. Now, Mr. King accepted that before making ----
 3 MR. JUSTICE NICOL: Just a minute. (Pause)
 4 MS. WASS: Mr. King accepted that before making his second
 5 statement, he had been made aware that there was a recording
 6 of Mr. Judge, or there was a recording in court suggesting
 7 that somebody from Mr. Depp's staff had seen cuts to
 8 Ms. Heard's forearm. Of course, Mr. King realised at that
 9 stage he had said something in a statement which could be
 10 disproved; so he made his second statement. Mr. King also
 11 suggested that the telephone in the house was intact. Because
 12 of course Ms. Heard's evidence has always been that Mr. Depp
 13 at one stage snatched a wall-mounted telephone and was beating
 14 it against, ripping it from the wall and then beating it on
 15 the wall over and over again to the extent that the phone
 16 itself was destroyed. Ms. Heard presumed that that action
 17 caused the injury to Mr. Depp's hands.
 18 Now, Mr. King's contribution was, let me show you a
 19 photograph of a phone, and indeed there was a phone in the
 20 photograph that he produced. But it was not a wall-mounted
 21 telephone, and it failed to deal with the fact that Mr. Depp
 22 in his evidence accepted that he had pulled a wall-mounted
 23 telephone off the wall.
 24 MR. JUSTICE NICOL: Just a minute. (Pause)
 25 MS. WASS: The incident in Australia provides a cogent account and

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1 CLOSING - WASS
 2 a graphic account of how Mr. Depp behaved when fortified with
 3 a surfeit of drink and drugs, and the extraordinary extent of
 4 the damage and the extraordinary extent of his deranged
 5 behaviour, not seeking medical advice for the injury to his
 6 finger but going on to deface the property in his own blood
 7 and then in paint, naming the person who was the subject of
 8 his jealousy, Billy Bob Thornton and his wife.
 9 Can I turn to the staircase incident ----
 10 MR. JUSTICE NICOL: Just a moment. I do not know if you can
 11 remind me of what evidence there was of the interval in time
 12 between Mr. Depp injuring his finger and seeking medical
 13 attention for it?
 14 MS. WASS: As I understand it, and I will be helped from my left,
 15 it was the day before. (Pause)
 16 MR. JUSTICE NICOL: Certainly I think the claimant put it
 17 differently. But at some point, perhaps not necessarily now,
 18 you would be able to remind me of the different parts of the
 19 evidence about what, if any, delay there was in him seeking
 20 medical attention.
 21 MS. WASS: Yes. One helpful piece of evidence would be the Kipper
 22 text.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Kipper text?
 24 MS. WASS: On page 5 of the chronology, and the actual, the end of
 25 the text appears on page 6: "I cut the top of my little

[Page 2429]

1 CLOSING - WASS
 2 finger off."
 3 MR. JUSTICE NICOL: It is put as 50053.
 4 MS. WASS: Yes.
 5 MR. JUSTICE NICOL: I do not know what time zone was recording
 6 there.
 7 MS. WASS: I think that is, I am going to ask my Lord ----
 8 MR. SHERBORNE: It is America, my Lord.
 9 MS. WASS: It is America. There is a difference, there is no
 10 question of that. Perhaps what is important is not the time
 11 zone, but the interval. Because we know that shortly after
 12 the Kipper text, there was clearly help on its way, if I can
 13 put it like that. Because Malcolm Connolly, over on the
 14 bottom of page 6, is saying: "I'll be there in 30 minutes,
 15 I'll be outside." "I'll be 20 minutes", then 15 minutes, then
 16 10 minutes, then four minutes.
 17 MR. JUSTICE NICOL: So, he will be there in 30 minutes, but
 18 Malcolm Connolly presumably is in Australia.
 19 MS. WASS: Yes. Oh yes.
 20 MR. JUSTICE NICOL: So, presumably, it is Australian time that is
 21 the time recorded on his text?
 22 MR. SHERBORNE: My Lord, does it help if I just give you the time
 23 difference. I do not want to interrupt too much, but it is
 24 eight hours to get you from UTC and then ten more to get you
 25 to Brisbane, to it is 11 a.m. in Brisbane at the time of that

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1 CLOSING - WASS
 2 text. Mr. Kipper's text.
 3 MS. WASS: I am very grateful to Mr. Sherborne. If my Lord looks
 4 at the Kipper text on page 5, it says "11", and then over on
 5 the right, in that column ----
 6 MR. JUSTICE NICOL: It says 11 where?
 7 MS. WASS: Australia time.
 8 MR. SHERBORNE: Yes. Brisbane.
 9 MS. WASS: The time stamp is actually 5 o'clock, but that is
 10 because of the eight hour time difference. So, the local
 11 time, I think we are all agreed about that.
 12 MR. JUSTICE NICOL: Ms. Wass, do not let me distract you.
 13 MS. WASS: No, it is helpful. The answer is, it is not possible
 14 to be completely certain, that Kipper text is useful because
 15 it shows that by the time that was sent, he had damaged his
 16 finger. It does not mean he had damaged his finger and
 17 immediately texted Dr. Kipper, because we know there was a lot
 18 of graffiti being performed in the house. Whether he realised
 19 he had done what he had done then or whether it was done then,
 20 I do not think anyone is going to be able to establish by
 21 texts. That is, if you like, the latest that it was done.
 22 MR. JUSTICE NICOL: Yes. All right.
 23 MS. WASS: So, may I then turn to the staircase incident, please?
 24 MR. JUSTICE NICOL: Yes.
 25 MS. WASS: Despite Mr. Depp and Ms. Heard's joint experience in

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1 CLOSING - WASS
 2 Australia, neither chose to separate, and this is yet a
 3 further illustration of the complexity of the relationship.
 4 But on 23rd March 2014, an argument broke out ----
 5 MR. JUSTICE NICOL: No, it cannot be 2014.
 6 MS. WASS: 2015, my fault.
 7 MR. JUSTICE NICOL: 23rd March ----
 8 MS. WASS: 2015, so just within weeks of the Australia events, an
 9 argument broke out when Ms. Heard discovered Mr. Depp's texts
 10 on his telephone to someone called Rochelle. The two were
 11 shouting at each other. Whitney Henriquez was woken up from
 12 her bed, in PH4, and she tried to separate them. Mr. Depp
 13 pushed Ms. Henriquez as she was at the top of the stairs, the
 14 mezzanine of the stairs. Ms. Heard feared that Mr. Depp would
 15 push Whitney again.
 16 MR. JUSTICE NICOL: Slow down, please. (Pause) Yes.
 17 MS. WASS: Mr. Depp had actually pushed Whitney in an attempt to
 18 hit Ms. Amber Heard, missed Amber Heard and pushed Whitney
 19 Heard, and the immediate response of Amber Heard was to punch
 20 Mr. Depp; she said, in an attempt to protect her sister. This
 21 is the only incident in which Ms. Heard accepts causing injury
 22 to Mr. Depp and the photograph of the left-hand side of
 23 Mr. Depp's face has been exhibited in this case. We now have
 24 a date stamp of the 23rd.
 25 MR. JUSTICE NICOL: Just a minute. (Pause) That is dated

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1 CLOSING - WASS
 2 the 23rd.
 3 MS. WASS: Exactly, 23rd March 2015. Mr. Depp went on to punch
 4 Ms. Amber Heard with his right hand, which was covered in a
 5 plaster cast at the time.
 6 MR. JUSTICE NICOL: Dinosaurs.
 7 MS. WASS: Dinosaurs, absolutely. I think Ms. Henriquez
 8 remembered the dinosaurs, but Ms. Amber Heard mentioned the
 9 cast, and it was suggested to Amber Heard that she had made up
 10 that detail as she was going along.
 11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 12 MS. WASS: In fact, Ms. Amber Heard made a declaration in the
 13 American libel proceedings in which she mentions the cast in
 14 relation to this incident. So, the suggestion this is a
 15 recent fabrication is completely incorrect. It was suggested
 16 that Whitney Henriquez, who witnessed this incident, had lied
 17 to protect her sister.
 18 Mr. Depp's security guard, Travis McGivern, gave
 19 evidence about this incident, and his account was that the
 20 violence was all emanating from Ms. Heard, and none from
 21 Mr. Depp. We suggest that cannot be right, because Debbie
 22 Lloyd, the nurse who was there with Mr. McGivern, sent a text
 23 after this incident to Mr. Deuters.
 24 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. Have we got that
 25 in ----

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1 CLOSING - WASS
 2 MS. WASS: It will be in the chronology. No, the Australia
 3 chronology does not deal with the staircase. The chronologies
 4 are for the painting incident, Australia, James Corden and
 5 21st March. But the Debbie Lloyd text will be referenced in
 6 the other documents. What Debbie Lloyd said to Mr. Deuters
 7 was this, and this is after the staircase incident: "Bad night
 8 last night, they got into it and got violent again. I had to
 9 separate them. We are now at 80." She said: "I was there at
 10 1.30 to give him a shot. He took his meds, went back to bed
 11 but then she found the text to Rochelle and all hell broke
 12 lose. He and Travis got me round there around four. Good
 13 thing he called or they both would have hurt each other. Had
 14 to restrain both of them."
 15 So, Mr. Depp's employee, Travis McGivern, is not giving
 16 an account that is consistent with the other witness,
 17 Ms. Lloyd, who was present at this incident, but suggests both
 18 were hurting each other; which is exactly Ms. Amber Heard's
 19 account, because she accepts she did punch Mr. Depp.
 20 Before leaving the Eastern Columbia Building, Mr. Depp
 21 went into the upper rooms of penthouse 5. I do not know if
 22 you remember Mr. Depp said he had put interconnecting doors on
 23 the upper floors of penthouses 3, 4 and 5.
 24 MR. JUSTICE NICOL: Somebody was going to provide me with a little
 25 sketch plan.

[Page 2434]

1 CLOSING - WASS
 2 MS. WASS: I am sure there will be one, but the evidence is that
 3 there were interconnecting doors.
 4 MR. JUSTICE NICOL: There were interconnecting doors between some
 5 of the penthouses.
 6 MS. WASS: Between 3, 4 and 5.
 7 MR. JUSTICE NICOL: Just a minute.
 8 MS. WASS: When my Lord sees the plan.
 9 MR. SHERBORNE: My Lord, I will take you to it.
 10 MR. JUSTICE NICOL: 3, 4 and 5. Yes.
 11 MS. WASS: They were all facing the same way, and the other two
 12 are on the other side of the lift area. But Mr. Depp, after
 13 the staircase incident -- of course Whitney Henriquez was
 14 living in 4 at the time, Ms. Heard and Mr. Depp living in 3,
 15 and penthouse 5 ----
 16 MR. JUSTICE NICOL: Just a minute. Whitney Heard was in 4.
 17 MS. WASS: Yes.
 18 MR. JUSTICE NICOL: Yes.
 19 MS. WASS: And 5 was where Ms. Heard kept her wardrobe.
 20 MR. JUSTICE NICOL: Yes.
 21 MS. WASS: Before Mr. Depp left with Travis McGovern on that
 22 occasion, he went into the upper room of penthouse 5, through
 23 the connecting door, and made efforts to destroy Ms. Heard's
 24 wardrobe -- not the physical wardrobe, her clothing. There
 25 are pictures of the damage, clothes strewn all over the floor,

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1 CLOSING - WASS
 2 clothes racks knocked over. Whitney Heard took photographs of
 3 the damage done and she sent them to Kevin Murphy, just before
 4 7 o'clock on 23rd March. So, the events of the staircase took
 5 place in the early hours of the morning, and at 7 o'clock,
 6 Ms. Henriquez, Whitney Heard, sent photographs of the damage
 7 that Mr. Depp had done to Ms. Heard's wardrobe, to Kevin
 8 Murphy, with the text saying, "Johnny destroyed Amber's
 9 wardrobe". Mr. Depp has offered no explanation for this
 10 destruction, but it is an indicator of his mood, his frame of
 11 mind and his aggression. The likelihood of Ms. Heard
 12 destroying her own wardrobe, we suggest, is inconceivable.
 13 I am told, very helpfully, that the floor plans, if
 14 my Lord wants to make a note, are at file 5.1, tabs 203-205.
 15 MR. JUSTICE NICOL: Just a minute. (Pause)
 16 MS. WASS: In fact, 204, which is possibly the one that would
 17 explain why the interconnecting doors would be through 3, 4
 18 and 5. At the top of that document ----
 19 MR. JUSTICE NICOL: I am now on F1330.
 20 MS. WASS: Exactly. At the top of that, as one is holding the
 21 page up in portrait form, PH5 is the top left.
 22 MR. JUSTICE NICOL: Just a minute. (Pause)
 23 MS. WASS: That is where Ms. Heard's wardrobe was.
 24 MR. JUSTICE NICOL: Then just remind me where penthouse 3 is?
 25 MS. WASS: It is on the top right-hand corner.

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1 CLOSING - WASS
 2 MR. JUSTICE NICOL: Yes.
 3 MS. WASS: My Lord, that is actually seen as the lower of the two
 4 floors where the kitchens are on this plan. (Pause)
 5 MR. JUSTICE NICOL: Okay. Thank you.
 6 MS. WASS: It is significant, we say, that shortly after Whitney
 7 Heard witnessed the firsthand violence of Mr. Depp against her
 8 sister, that Mr. Depp accused her of leaking photographs of
 9 his wedding to the media. My Lord was told during the course
 10 of Ms. Henriquez's evidence that these two sisters, who had
 11 always been so close, were then estranged for many months.
 12 Following the staircase incident, the evidence is that
 13 Mr. Depp made another attempt to remain clean and sober, or
 14 I should say to get clean and sober. He had to return to film
 15 the Pirates of the Caribbean in Australia, and Ms. Heard
 16 agreed to go with him.
 17 MR. JUSTICE NICOL: Just a moment. (Pause)
 18 MS. WASS: She had been filming in London. She said she flew to
 19 LA and then almost immediately got on to the flight to
 20 Australia, which of course was a private jet chartered by
 21 Mr. Depp.
 22 MR. JUSTICE NICOL: She went on that journey to Australia with
 23 Mr. Depp.
 24 MS. WASS: Yes. Now, it was suggested to Ms. Heard that she would
 25 never have returned to the house in Australia had it been the

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1 CLOSING - WASS
 2 scene of such a dreadful assault, and yet again, we suggest
 3 this belies what is known about the complexity of domestic
 4 violence. Assaults on Ms. Heard had taken place at a number
 5 of addresses that the couple had shared, Orange Avenue,
 6 Sweetzer Avenue, and the Eastern Columbia Building.
 7 MR. JUSTICE NICOL: Just a minute. (Pause) Orange Avenue,
 8 Sweetzer, Eastern Columbia Building.
 9 MS. WASS: But most importantly, the Mr. Depp who went back to
 10 Australia on 21st April 2015 was a very different man from the
 11 monster who had been present at the early part of April. It
 12 appears that Mr. Depp had made a real effort to renounce drink
 13 and drugs and the evidence of contemporaneous texts is that
 14 the couple were happy. In a text on 26th April 2015, so five
 15 days after they arrived, what Mr. Depp said to Jerry Judge is
 16 this: "We", that is himself and Ms. Heard, "have been perfect.
 17 All I had to do was send the monster away and lock him up. We
 18 have been happier than ever." This text demonstrates that
 19 Mr. Depp was perfectly aware that taking drink and drugs led
 20 to a lack of control and unleashed a violent monster that was
 21 the Mr. Depp who was the hopeless addict.
 22 Would that be a convenient time?
 23 MR. JUSTICE NICOL: Yes, thank you. Five past two.
 24 (Adjourned for a short time)
 25

<p style="text-align: right;">[Page 2438]</p> <p>1 CLOSING - WASS</p> <p>2 MS. WASS: My Lord, before I continue, can I just deal with a</p> <p>3 number of matters raised by my Lord this morning.</p> <p>4 MR. JUSTICE NICOL: Yes.</p> <p>5 MS. WASS: The texts between Paul Bettany and Mr. Depp were in the</p> <p>6 hands of those instructing me before Ms. Heard made her first</p> <p>7 witness statement, but the point remains that it was never</p> <p>8 suggested to Ms. Heard that she had tailored her account</p> <p>9 around those texts. Secondly, on the timing of the finger</p> <p>10 injury in Australia, the evidence is conflicting. Ms. Heard</p> <p>11 suggests that when she came down in the morning, Mr. Depp had</p> <p>12 been defacing the walls and the mirrors of the house, which we</p> <p>13 know he did after the injury because ----</p> <p>14 MR. JUSTICE NICOL: Just a minute. Defacing the walls ----</p> <p>15 MS. WASS: And mirrors of the house, because he said that he first</p> <p>16 started doing the graffiti in blood and after that dipped his</p> <p>17 injured finger into paint and did the graffiti in the paint,</p> <p>18 so that the evidence. Then, of course, there are the texts</p> <p>19 which are at times on local time in the left-hand column and</p> <p>20 the calculation as to how the local time is achieved is</p> <p>21 apparent from the right hand column.</p> <p>22 MR. JUSTICE NICOL: Can you just give me an example of that?</p> <p>23 MS. WASS: Yes, we can use the Kipper text itself. Has my Lord</p> <p>24 got the Australia chronology? It is chronology 2, which is</p> <p>25 behind tab 2. If my Lord opens up 5, you see 4 on the top and</p>	<p style="text-align: right;">[Page 2440]</p> <p>1 CLOSING - WASS</p> <p>2 MR. JUSTICE NICOL: 2007?</p> <p>3 MS. WASS: 2017, for three years. It may not make any difference,</p> <p>4 but the actual evidence was that she had not worked with her</p> <p>5 since 2017.</p> <p>6 MR. JUSTICE NICOL: I think Ms. Sexton was an acting coach; is</p> <p>7 that right.</p> <p>8 MS. WASS: Exactly. Finally, the Elton John e-mail is found at</p> <p>9 file 8, tab 62C. Can I then return to the submissions?</p> <p>10 MR. JUSTICE NICOL: Yes.</p> <p>11 MS. WASS: I am turning now to the importation of the dogs to</p> <p>12 Australia.</p> <p>13 MR. JUSTICE NICOL: Yes.</p> <p>14 MS. WASS: Now, a considerable amount of evidence has been given</p> <p>15 about the importation of the two Yorkshire terriers, Pistol</p> <p>16 and Boo, into Australia on 23rd April 2015. Ms. Heard made it</p> <p>17 plain, and indeed this was uncontentious evidence, that her</p> <p>18 dog was Pistol and that Boo had been bought by Mr. Depp</p> <p>19 originally for his mother and his mother had returned Boo to</p> <p>20 him, Mr. Depp.</p> <p>21 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>22 MS. WASS: So, they effectively owned one dog each. The dogs were</p> <p>23 taken on a private plane to Australia on 21st April, 2015.</p> <p>24 The private plane had been chartered by Mr. Depp. The staff</p> <p>25 were Mr. Depp's staff who were on the plane and both Ms. Heard</p>
<p style="text-align: right;">[Page 2439]</p> <p>1 CLOSING - WASS</p> <p>2 4 is dated Sunday, 8th March. Does my Lord see that? There</p> <p>3 is a grey stripe across the page saying Sunday 8th March.</p> <p>4 MR. JUSTICE NICOL: Yes.</p> <p>5 MS. WASS: If one goes down the left-hand column, 11 o'clock, "JD</p> <p>6 texts Kipper". Does my Lord see that?</p> <p>7 MR. JUSTICE NICOL: Yes.</p> <p>8 MS. WASS: 11 o'clock is the local time.</p> <p>9 MR. JUSTICE NICOL: The Australian time.</p> <p>10 MS. WASS: The Australian time. If my Lord goes to the right-hand</p> <p>11 column, the right-hand column suggests that the date stamp is</p> <p>12 7th March at 5 o'clock. So that is the time that perhaps does</p> <p>13 not help. The important time is the local time, which is</p> <p>14 calculated by adding eight hours, or minus eight hours,</p> <p>15 I should say. It is the local time which is perhaps the</p> <p>16 relevant one, but the evidence is conflicting because</p> <p>17 Ms. Heard's evidence is that she came downstairs the following</p> <p>18 morning to see the graffiti and damage to the house and the</p> <p>19 damage to Mr. Depp's finger.</p> <p>20 There is one matter I would like to just make clear. It</p> <p>21 may sound technical, but it is important to be accurate.</p> <p>22 I suggested that Kristina Sexton, who gave evidence about the</p> <p>23 damage to the trailers at Hicksville, had not seen Ms. Heard</p> <p>24 since 2007. What she actual said is that she had not worked</p> <p>25 with her since 2007.</p>	<p style="text-align: right;">[Page 2441]</p> <p>1 CLOSING - WASS</p> <p>2 and Mr. Depp would have been obliged to sign the immigration</p> <p>3 forms.</p> <p>4 MR. JUSTICE NICOL: Just a moment. (Pause) Not quite immigration;</p> <p>5 it is the form that says you are not carrying any animal into</p> <p>6 Australia.</p> <p>7 MS. WASS: Yes, it is a declaration of some sort, but both would</p> <p>8 have signed. Ms. Heard explained that in fact she had been</p> <p>9 working in London before going to Australia, had flown to</p> <p>10 Los Angeles in order to board the plane to Australia, and</p> <p>11 although she had been aware of some difficulty earlier on, she</p> <p>12 had been led to believe there was no problem with the</p> <p>13 importation of the dogs. The Australian court accepted</p> <p>14 Ms. Heard's explanation in full.</p> <p>15 Although Ms. Heard took the responsibility for the</p> <p>16 presence of the dogs in Australia, she explained that, as far</p> <p>17 as Mr. Depp was concerned, he had already compromised the</p> <p>18 filming of Pirates of the Caribbean by virtue of the fact that</p> <p>19 he had taken time off to see to his finger, and as a result of</p> <p>20 Mr. Depp engaging his lawyer, Marty Singer, in the United</p> <p>21 States, it is agreed that rather than both of them accepting</p> <p>22 responsibility, one for each dog, Ms. Heard was going to take</p> <p>23 responsibility.</p> <p>24 MR. JUSTICE NICOL: It is not exactly for Ms. Heard and Mr. Depp</p> <p>25 to decide who is going to take the blame, is it? I mean,</p>

[Page 2442]

1 CLOSING - WASS
 2 presumably, it is for the Australian authorities.
 3 MS. WASS: It is, but the Australian authorities never pursued
 4 Mr. Depp on this. He was shielded from responsibility by a
 5 combination of his lawyer, Marty Singer, and Ms. Heard
 6 accepting responsibility. The point is to suggest that this
 7 episode is a sign of Ms. Heard's deceit and mendacity and
 8 failing to mention any part Mr. Depp played is utterly
 9 misleading. The suggestion that has been made by Mr. Murphy,
 10 whose responsibility it was to ensure that the dogs' paperwork
 11 was in order, that Mr. Murphy was bullied by Ms. Heard is
 12 again utterly false and yet another distraction in this case,
 13 another red herring that has been concocted in order to
 14 distract from the central issue as to whether Mr. Depp is a
 15 wife beater or not.
 16 Now, Mr. Murphy said in his first witness statement in
 17 this case that Ms. Heard had told him, Mr. Murphy ---
 18 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 19 MS. WASS: Mr. Murphy said that Ms. Heard had threatened him that
 20 if he did not make a statement in the Australian proceedings,
 21 his job would be at risk. Had such a threat been made, it
 22 would be inconceivable that Mr. Murphy did not go to Mr. Depp
 23 about this matter. Mr. Murphy's first statement in this case
 24 gives the misleading impression that having been threatened to
 25 make the statement, he did not go on to make a statement in

[Page 2443]

1 CLOSING - WASS
 2 the Australian proceedings.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 4 MS. WASS: And it emerged shortly before the beginning of this
 5 trial that Mr. Murphy had indeed made a statement in the
 6 Australian proceedings and that he had lied in that statement
 7 made to the Australian court.
 8 MR. JUSTICE NICOL: Just remind me of the nature of the lie.
 9 MS. WASS: Mr. Murphy accepted, because I went through the
 10 statement with him one by one, but when he suggested that he,
 11 Mr. Murphy, believed that Kate James had organised the
 12 paperwork for the importation of the dogs ----
 13 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 14 MS. WASS: ---- that was not true. It was not Ms. James'
 15 responsibility. Ms. James, of course, had been sacked by this
 16 stage. It was Mr. Murphy's responsibility to ensure the
 17 correctness of the paperwork; and Mr. Murphy accepted that
 18 that was a lie in those proceedings. The lie was for
 19 Mr. Murphy to cover up his own incompetence at not doing his
 20 job properly. The importance is that Mr. Murphy was clearly
 21 willing to lie to a court and that is exactly the suggestion
 22 that is levelled at him in these proceedings.
 23 Can I briefly turn to the Malaysia train incident, the
 24 Southeast Asia train incident. In July 2015, Mr. Depp and
 25 Ms. Heard took their honeymoon, and Ms. Heard described an

[Page 2444]

1 CLOSING - WASS
 2 argument in which Mr. Depp tore her shirt and assaulted her.
 3 Mr. Depp's account or answer to this allegation was simply to
 4 say, "I was not violent to Ms. Heard in any way."
 5 My Lord will remember the diary entry of Ms. Heard in
 6 handwriting, dated 27th July, 2015, in which she gives a
 7 graphic description of Mr. Depp trying to strangle her with
 8 her own shirt.
 9 Despite the fact Mr. Depp said that he was not violent
 10 to Ms. Heard in any way, he makes a strange admission in what
 11 is referred to as argument 2. This is the very long
 12 tape-recorded argument between Ms. Heard and Mr. Depp, which
 13 Mr. Sherborne has invited my Lord to listen to in full. It is
 14 about two and a half hours' long. I will give my Lord the
 15 reference to this in case that is an exercise my Lord
 16 undertakes. It is file 4, tab 154. Mr. Depp makes a number
 17 of admissions completely contrary to the suggestions that had
 18 been made already. What Mr. Depp says is, "Since Australia,
 19 we had been on our honeymoon and we had a great time other
 20 than the fact that we had a fight on the train which was
 21 physical."
 22 MR. JUSTICE NICOL: Just a minute. (Pause) The transcript is at
 23 154, volume 4, is it?
 24 MS. WASS: Yes.
 25 MR. JUSTICE NICOL: Can I just look at that?

[Page 2445]

1 CLOSING - WASS
 2 MS. WASS: Yes. (Pause)
 3 MR. JUSTICE NICOL: Where is the passage that you just talked
 4 about?
 5 MS. WASS: I am going to find that. I think it might be at a
 6 different page as well. I am going to refer my Lord to three
 7 particular passages and I have got them at a reference F929.
 8 MR. JUSTICE NICOL: Just a minute. (Pause) In fact, that is the
 9 one that I had marked.
 10 MS. WASS: That is helpful.
 11 MR. JUSTICE NICOL: "... we had a great time other than the fact
 12 that we had a fight on the train, which was physical".
 13 MS. WASS: Exactly. That is the passage I referred to.
 14 MR. JUSTICE NICOL: So that is 929.
 15 MS. WASS: That must be a reference to the train journey on which
 16 Mr. Depp said he was not violent. Then, if my Lord can go to
 17 F940, I am just going to refer to two passages. Mr. Depp
 18 says, in the third part of speech attributed to him from the
 19 bottom, "I left last night" ----
 20 MR. JUSTICE NICOL: Third from the bottom?
 21 MS. WASS: "I left last night honestly, I swear to you, because
 22 I just couldn't take the idea of more physicality, more
 23 physical abuse on each other."
 24 This is not a tape that simply deals with Ms. Heard
 25 being responsible for everything. Mr. Depp is quite prepared

<p style="text-align: right;">[Page 2446]</p> <p>1 CLOSING - WASS 2 to admit his involvement, which is completely absent from his 3 witness statement or his evidence in this case. 4 MR. JUSTICE NICOL: Just a minute. (Pause) 5 MS. WASS: Then at the last three lines of that page, Mr. Depp 6 says, "... and if I'm the culprit majority of the time, 7 I will fucking do everything I can, and I will recognise when 8 I am fucking starting to go sideways. I will recognise it, 9 but please do the same. Please do the same. And it's okay to 10 fight. Like you said, it's okay." 11 Mr. Depp appears to be accepting that he is the culprit 12 the majority of the time. There are several references to 13 Mr. Depp accepting that being the case. I am going to skip 14 forward to F959 where, at the top of the page, Ms. Heard says, 15 "I'm sorry I did, it is okay, just, but, you know, sometimes 16 that fucking thing happens. You do it too sometimes when you 17 are just" and then Mr. Depp says, "I know, I freak out." 18 That is exactly what this case is about; Mr. Depp 19 freaking out after he has taken too many illegal drugs and 20 drunk too much alcohol. 21 Can I go ahead to the night of 15th December 2015. 22 MR. JUSTICE NICOL: Can I put this file away? 23 MS. WASS: Yes, please. There is a chronology for this event, 24 which I am going to ask my Lord to put in the divider between 25 Australia and ----</p>	<p style="text-align: right;">[Page 2448]</p> <p>1 CLOSING - WASS 2 MS. WASS: Yes. Ms. Heard was due to appear as a guest on the 3 James Corden show the following day. If my Lord is looking at 4 the chronology, my Lord will see at 23.52. 5 MR. JUSTICE NICOL: Just a minute. 6 MS. WASS: On 15th December -- perhaps I can take you ---- 7 MR. JUSTICE NICOL: This is a text to Jodie Gottlieb. 8 MS. WASS: Yes, sorry, my fault. Can I start earlier on. There 9 is a text from Ms. Heard to Connoll Cowan at 8 o'clock: 10 "Emergency, can you please call me". He responds, after 11 10 o'clock. There is then the text I was asking my Lord to 12 look at. It is a text from Ms. Heard to Jodie Gottlieb, who 13 is her publicist, who would have obviously been involved in 14 the James Corden programme. Ms. Heard said this: "I had an 15 accident tonight Jodie. I am really bruised and might have a 16 black eye or two tomorrow, same with my nose. ...(reads to the 17 words)... I'll call you tomorrow to let you know." Now, 18 pausing for a moment. 19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. 20 MS. WASS: If this was an elaborate hoax, why would Ms. Heard be 21 protecting Mr. Depp at this stage, and a similar excuse about 22 having had an accident ---- 23 MR. JUSTICE NICOL: Just a minute. Why would Ms. Heard protect -- 24 (Pause) 25 MS. WASS: Because she is not telling her publicist she was</p>
<p style="text-align: right;">[Page 2447]</p> <p>1 CLOSING - WASS 2 MR. JUSTICE NICOL: All right. 3 MS. WASS: Sorry? 4 MR. JUSTICE NICOL: I was just making an injudicious sigh at the 5 volume. There we are. Just let me insert it. (Pause) Have I 6 got two copies? 7 MS. WASS: I am afraid I do not know. It is a 42-page document. 8 MR. JUSTICE NICOL: I think I have two copies. (Pause) 9 MS. WASS: A 45-page document. 10 MR. JUSTICE NICOL: Yes. 11 MS. WASS: My Lord, Ms. Heard described this incident, 12 15th December 2015, as one of the most violent nights of her 13 relationship with Mr. Depp, and again her allegations are 14 supported by a wealth of evidence. Mr. Depp was intoxicated 15 and violent. He headbutted her. He chased her up the stairs, 16 got hold of her hair, and dragged her by the hair into PH4. 17 He threw her on to the bed ---- 18 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. 19 MS. WASS: Threw her on to the bed and hurled himself on top of 20 her with such force that the bed frame was damaged. After he 21 had left, it was apparent that Mr. Depp had defaced the 22 kitchen counter of PH3 with the words "Why be a fraud, all is 23 bullshit" in gold paint. 24 MR. JUSTICE NICOL: Just a minute. (Pause) That is the counter 25 top in the kitchen of PH3.</p>	<p style="text-align: right;">[Page 2449]</p> <p>1 CLOSING - WASS 2 assaulted by her husband, which is, we suggest, the truth; she 3 is pretending it was an accident. For the avoidance of doubt, 4 there is no room for accident in the injuries that Ms. Heard 5 suffered, because it was not only the headbutt which I will 6 deal with in a minute, but it was the pulling out of her hair 7 in clumps and the damage that caused to her scalp, which is 8 visible on the photographs. Although Mr. Depp now has changed 9 his position to say there may have been a headbutt but it was 10 an accident, there is no way he was dragging Ms. Heard up the 11 stairs across a bedroom by her hair in a way that was anything 12 other than deliberate. 13 Rocky Pennington was able to give evidence about the 14 aftermath of what Mr. Depp had done to Ms. Heard on this 15 occasion. Ms. Pennington was called over to PH3 to check on 16 Ms. Heard. She could see that Ms. Heard's head was bloody and 17 chunks of her hair had been torn out. In cross-examination, 18 Ms. Pennington said that this was the most serious part of the 19 injury that she saw on Ms. Heard that night. Ms. Heard's 20 face was red and her nose was swelling up, this is 21 Ms. Pennington's observations, and Ms. Heard's lip was 22 bleeding. Ms. Pennington was able to give an account of what 23 Ms. Heard said had happened at the hands of Mr. Depp. 24 Ms. Pennington called the assistance of Nurse Erin Burin and 25 Ms. Pennington took photographs of Ms. Heard's injuries at the</p>

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1 CLOSING - WASS
 2 time on her phone.
 3 The images, and although they appear here, I am going to
 4 ask my Lord to look at the copies in file 6, where we have the
 5 better resolution, and they are behind divider 148C. I can
 6 take my Lord through them fairly quickly, but they are
 7 important evidence in this case. If my Lord goes to
 8 F894.095A, that is a picture of the graffiti over the sink.
 9 MR. JUSTICE NICOL: Just a moment. (Pause)
 10 MS. WASS: Does my Lord have that? It is 10.41 the following
 11 morning. Over the page after that, 096, these were
 12 photographs taken by Kevin Murphy, which I will deal with in a
 13 moment. Then, over the page F894.097A, again, the same time,
 14 16th December 2015, 10.58, damage, bottles on the floor,
 15 rubbish strewn on the floor, broken light. Then at F894.099A,
 16 a broken bed. Then, 894.101A, more damage to the flat. Then
 17 we have the images of Ms. Heard. F894.103, if my Lord has the
 18 high resolution copy, we suggest that shows the beginnings of
 19 bilateral bruising to Ms. Heard's eye and the beginning of
 20 swelling over the bridge of the nose, consistent with a
 21 headbutt. That photograph is taken ----
 22 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 23 MS. WASS: It is taken, as we can see from 103A, on the 16th at
 24 14.39.
 25 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.

[Page 2452]

1 CLOSING - WASS
 2 MS. WASS: This is now the 17th. My Lord will remember
 3 Ms. Pennington described an abrasion to the side of
 4 Ms. Heard's face, and she pointed around the hairline. At
 5 F894.141, that is apparent on that photograph. My Lord has
 6 the metadata of 17th December at 10.19. At F894.143, the
 7 damage to the lip is apparent. That was taken on the morning
 8 of 17th December.
 9 MR. JUSTICE NICOL: Yes.
 10 MS. WASS: As part of that series, because that is at 10.19, as
 11 part of that series, damage to the scalp, the photograph was
 12 taken on 17th December at 10.20, so a minute after the lip
 13 injury. That can be seen both at F894.145 and F894.145A.
 14 My Lord can see the damage to the crown of the head, where
 15 Ms. Heard said that Mr. Depp had pulled her by the hair and
 16 dragged her across the room, and that is how the hair was
 17 removed. My Lord will remember Ms. Pennington said it was the
 18 injury to the head and scalp that was the most pronounced. It
 19 is quite clear that there is hair missing from that part of
 20 the scalp. By 18th December the bruising is becoming more
 21 pronounced and one can see that at F894.147.
 22 MR. JUSTICE NICOL: Just a minute. (Pause) Give me the
 23 page again, please.
 24 MS. WASS: F894.147.
 25 MR. JUSTICE NICOL: Thi is the 18th at 14.40?

[Page 2451]

1 CLOSING - WASS
 2 MS. WASS: The same picture of the bilateral bruising and swelling
 3 to the nose, at F894.107. This was taken at 14.40, as one can
 4 see from the metadata at 894.107A.
 5 MR. JUSTICE NICOL: 14.40 on 16th December.
 6 MS. WASS: Yes.
 7 MR. JUSTICE NICOL: Yes.
 8 MS. WASS: F894.109, again, the injuries to the eye, the injury to
 9 the lip and the swelling to the nose starting to show. Then,
 10 F894.111, photograph on 16th December, 2.40 p.m. The
 11 photograph of a clump of hair was taken by Ms. Pennington
 12 earlier on the day of the 16th at 10.56 in the morning, we see
 13 that at F894.122A.
 14 MR. JUSTICE NICOL: Sorry, 122.
 15 MS. WASS: Yes, F894.122A, it has the time on it.
 16 MR. JUSTICE NICOL: Yes.
 17 MS. WASS: Then, photographs were taken on the following day, as
 18 the bruise is starting to come up, and we can see that at
 19 F894.132. The eyes are becoming more like black eyes, I am
 20 going to suggest. Then, at F894.134, the injury to the lip
 21 appears to have started bleeding again, and there is evidence
 22 about this from Nurse Burin, which I will remind my Lord about
 23 in a moment, the wound had reopened.
 24 Could my Lord then go to F894.141.
 25 MR. JUSTICE NICOL: This is now the 17th, you say?

[Page 2453]

1 CLOSING - WASS
 2 MS. WASS: Yes. My Lord will recall that we just looked at a
 3 photograph of clumps of hair and the broken bed, timed at
 4 10.56 a.m. on 16th December. Ms. Heard sent texts to iO
 5 Tillet Wright on the morning of 16th December: "I need you",
 6 she said, "J beat me up pretty good. Rock's on the couch with
 7 me now. I'm hurt. Don't know what to do."
 8 Ms. Heard sent a text to Kevin Murphy, the man who had
 9 given the false statement in Australia, and said. "I just
 10 want to let you know that the maids will be needed downtown
 11 today".
 12 MR. JUSTICE NICOL: Just a moment. Is this something that you
 13 included in your ----
 14 MS. WASS: It will be in the statement. I am just trying to find
 15 it.
 16 MR. JUSTICE NICOL: I was thinking of the chronology.
 17 MS. WASS: It is in the chronology, yes, it is page 5. Just to
 18 get the chronology right, if one looks at page 5 at the
 19 bottom, at 11.03 to 27, there is an exchange between Ms. Heard
 20 and Mr. Murphy. Ms. Heard says: "Hey there, I just wanted to
 21 let you know that the maids will be needed downtown today even
 22 though Johnny didn't sleep here last night."
 23 MR. JUSTICE NICOL: Just a moment, downtown is a reference to
 24 Eastern Columbia Building, as opposed to Sweetzer, which is
 25 somewhere else.

[Page 2454]

1 CLOSING - WASS
 2 MS. WASS: Yes, West Hollywood.
 3 MR. JUSTICE NICOL: Yes.
 4 MS. WASS: So, Ms. Heard has sent that text to Mr. Murphy, saying:
 5 "Johnny didn't sleep her last night, he left quite a dent on
 6 the place before he left", and by the time that text was sent,
 7 the photograph of the hair had been taken, because my Lord
 8 sees that at the bottom of page 4, and the bed, at the top of
 9 page 5.
 10 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 11 MS. WASS: Now, Mr. Kevin Murphy went around to the flat, to the
 12 penthouse, that afternoon and saw the damage, the broken bed
 13 and the various tufts of hair, and his photographs were taken
 14 some time later on. He has produced those photographs, do you
 15 remember my Lord saw the photographs at the beginning by
 16 (unclear) Mr. Murphy's photograph was at F894.096. (Pause)
 17 Does my Lord see that? Somebody has written Kevin Murphy on
 18 my copy.
 19 MR. JUSTICE NICOL: Yes.
 20 MS. WASS: Now, the importance is that Ms. Pennington's
 21 photographs of the hair and the bed pre-date Ms. Heard asking
 22 for Mr. Murphy to come downtown.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Why is that
 24 significant?
 25 MS. WASS: I am about to tell my Lord. The photographs, we

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1 CLOSING - WASS
 2 submit, taken several hours later by Mr. Murphy, would
 3 inevitably about slightly different, and Ms. Heard made it
 4 plain that there was more than one tuft of hair that had been
 5 pulled out of her head. But these small differences of the
 6 photographs were used by Mr. Murphy in his witness statement
 7 to claim that Ms. Heard and Ms. Pennington had staged the
 8 damage of the flat and the loss of Ms. Heard's hair.
 9 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 10 MS. WASS: In May 2019, so just over a year ago, Mr. Murphy sent
 11 the photographs that he had taken of Ms. Heard's hair and the
 12 broken bed to Mr. Depp. Mr. Murphy said this ----
 13 MR. JUSTICE NICOL: Just a minute.
 14 MS. WASS: I will ensure my Lord has the reference, I have got it
 15 down here, but I will ensure you get it, the text from
 16 Mr. Murphy to Mr. Depp says this: "Here is an example of the
 17 evidence I sent Adam" -- we suggest that is a reference to
 18 Adam Waldman -- "Her photo shows an unmade bed. Shen she was
 19 showing me the hair and the broken bed I snapped photos.
 20 ...(reads to the words)... and location-stamped photos, shows
 21 that Amber, and whoever was helping her stage scenes, lacked
 22 continuity skills; i.e. fraud, setup, lie." Of course, we
 23 know that the photographs Ms. Pennington took were
 24 time-stamped as well. But it is quite clear that a scheme is
 25 being set up by those acting for Mr. Depp, Mr. Waldman in

[Page 2456]

1 CLOSING - WASS
 2 particular, to try to suggest that the photographs of the
 3 damaged furniture and Ms. Heard's hair, was part of a hoax.
 4 The minor differences between these two sets of photographs,
 5 if indeed there are minor differences, are being used to
 6 create a false story in order to conjure up evidence in
 7 support of this supposed hoax between Ms. Heard and her
 8 friends, which the claimant suggests began in 2013. The
 9 suggestion was made in this court to Ms. Heard that she had
 10 manipulated the photographs of her injuries.
 11 MR. JUSTICE NICOL: Just a minute. (Pause)
 12 MS. WASS: It seemed to be suggested that different colouration
 13 would make things look different. But our submission is that
 14 one sees a progression of the injuries from the early time of
 15 the 16th to the 17th through to the 18th, when the marks which
 16 were red at the early stages are gradually discolouring,
 17 becoming the brown-purple of bruising. Those photographs are
 18 timed and date stamped. But it is not only the photographs
 19 that provide evidence of Ms. Heard's injuries on
 20 15th December. Melanie Inglessis was ----
 21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 22 MS. WASS: Melanie Inglessis was Ms. Heard's makeup artist at the
 23 time. She was also a friend. But there was no suggestion
 24 that Ms. Inglessis was part of the hoax squad comprising Rocky
 25 Pennington, Josh Drew and Ms. Heard herself. Ms. Inglessis

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1 CLOSING - WASS
 2 was a witness in this case. She was a reluctant witness who
 3 had to be compelled to give evidence. I remind my Lord of
 4 Mr. Tillet Wright's evidence last Friday. What iO
 5 Tillet Wright said was this: "A number of people who worked in
 6 the entertainment industry were very afraid that speaking up
 7 and saying what they had seen would result in being
 8 blacklisted by Mr. Depp's connection in the entertainment
 9 industry." Ms. Inglessis attended this hearing as result of a
 10 witness summons compelling her to do so, she gave important
 11 evidence. Ms. Inglessis was alerted to what had happened when
 12 Ms. Heard sent her a text saying that Johnny had beat on her.
 13 Ms. Inglessis attended the flat, she saw the graffiti in gold
 14 paint and saw Ms. Heard was distressed. Ms. Heard told
 15 Ms. Inglessis that there had been an incident on the bed when
 16 Mr. Depp had tried to suffocate her. Ms. Inglessis said that
 17 Ms. Heard said, he had tried to kill her that night, and had
 18 dragged her by the hair. On 16th December, Ms. Inglessis had
 19 to apply makeup to Ms. Heard. She would have known if any
 20 bruises had been painted on, although that was only suggested
 21 in fairness ----
 22 MR. JUSTICE NICOL: Just a minute. (Pause) She would have known
 23 if any bruises had been painted on.
 24 MS. WASS: Yes.
 25 MR. JUSTICE NICOL: You were going to add something else.

CLOSING - WASS

CLOSING - WASS

1 CLOSING - WASS

2 MS. WASS: That suggestion was only made in evidence to Ms. Heard

3 about the bruises on 21st May.

4 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.

5 MS. WASS: But if that is to be resurrected, it is completely

6 absurd that a makeup artist would not know, when preparing

7 Ms. Heard's face, what was a genuine injury and what was an

8 injury created by makeup. Ms. Inglessis described Ms. Heard

9 as having minimal discolouration under her eyes and the bridge

10 of her nose being a little red and swollen, she had a cut on

11 her lip. That is actually what we see in the photographs

12 taken by Ms. Pennington. There is no reason whatsoever for

13 Ms. Inglessis to say this unless it was true.

14 Samantha McMillen gave a different account in support of

15 Mr. Depp.

16 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

17 MS. WASS: Ms. McMillen had been Mr. Depp's stylist for 18 years

18 and had worked for Ms. Heard only during the period when

19 Ms. Heard and Mr. Depp were together. She claimed to have

20 seen Ms. Heard with no makeup ---

21 MR. JUSTICE NICOL: Sorry, go a bit slower. She worked for

22 Ms. Heard only while Ms. Heard and the claimant were together.

23 MS. WASS: Yes.

24 MR. JUSTICE NICOL: Yes.

25 MS. WASS: She claimed to have seen Ms. Heard with no bruises and

1 CLOSING - WASS

2 Light can be shed on the way in which those witness

3 statements were drafted by the evidence given in this court by

4 Laura Divenere. Ms. Divenere made a declaration to the US

5 court and was relied upon as a hearsay witness in this case,

6 but was available for cross-examination. As a result of texts

7 that she had sent or forwarded to Ms. Heard that she had

8 received from Adam Waldman, and the recorded conversation

9 between herself and Ms. Heard, it was apparent that she had

10 been coerced into making that declaration to the US court by

11 Adam Waldman. I asked Ms. Divenere about the paragraph in her

12 statement which reads as follows, "I have never seen Ms. Heard

13 with any sign of physical abuse or injury, including redness,

14 swelling, cuts, bruising or damage of any kind."

15 Ms. Divenere told this court that the declaration in its

16 entirety was written by Adam Waldman and she was told to sign

17 it. It contains some details she knew nothing about, such as

18 Ms. Heard previously having been arrested for domestic abuse.

19 Ms. Divenere said that the more accurate picture would have

20 been to say that she had seen Ms. Heard's face swollen and

21 red, but that she attributed this to the fact that Ms. Heard

22 had been crying.

23 Now, with Laura Divenere's evidence in mind, it is

24 instructive to see the drafting of what other witnesses said

25 on the subject of makeup and injuries. Samantha McMillen, who

CLOSING - WASS

CLOSING - WASS

1 CLOSING - WASS

2 no makeup. She could not be budged from that position. So

3 there is a direct conflict in this case between the person who

4 actually did the makeup and would have seen Ms. Heard at close

5 range and the stylist who was present while the makeup was

6 being done.

7 What Ms. McMillen did confirm is that at the end of the

8 James Corden show, Ms. Heard said to her, "I do not know how

9 I got through the show with two black eyes". Ms. McMillen

10 said that despite being given what was extraordinary

11 information, she failed to ask Ms. Heard anything about it.

12 We suggest Ms. McMillen has not told the truth. Whether she

13 is lying to protect Mr. Depp or lying because she fears being

14 blacklisted by Mr. Depp, it is not possible to say, but she

15 has lied.

16 In this case, there are disconcerting similarities of

17 the phraseology between the statements made by Mr. Depp's

18 dependants and employees, particularly when it comes to the

19 question of makeup and injuries. They all claim to say that

20 they saw Ms. Heard, on a given occasion, with no makeup and no

21 injuries, and they have not left any room for mistake. The

22 evidence might have been more credible had they said something

23 along the lines of, "It did not look to me like she was

24 wearing makeup" or, "I certainly did not notice any injuries",

25 but that is not what they have said in their statements.

1 CLOSING - WASS

2 we have just looked at, said, "I saw her in good light at

3 close range wearing no makeup. I could see clearly that

4 Ms. Heard did not have any visible marks, bruises, cuts or

5 injuries to her face or any other part of her body."

6 Ms. Esparza, the concierge at the Eastern Columbia

7 Building, said, "I did not see any visible injuries to her

8 face. I did not see any bruises, cuts, swelling, red marks or

9 any injuries of any kind to Ms. Heard's face or body.

10 Ms. Heard was not wearing any makeup at the time of our

11 conversation."

12 Kate James said, "I never saw any bruising, swelling or

13 any evidence of what could have resulted in violence."

14 Hilda Vargas said, "She did not appear to be wearing

15 makeup. I saw no bruises or marks on her face of any kind."

16 Sean Bett said, "I have good eyesight. I am able to say

17 that Ms. Heard was wearing little or no makeup. She had no

18 red mark or evidence of any bruises or abrasions to her face

19 and body."

20 Kevin Murphy said, "Ms. Heard did not appear to be

21 wearing any makeup on this occasion and there were no marks,

22 bruises, cuts, redness or swelling to Ms. Heard 's face."

23 Starling Jenkins said, "I saw no marks or bruises of any

24 kind to her face or body." Stephen Deuters said, "I never saw

25 any injury." Tara Roberts said, "Amber was free from makeup

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1 CLOSING - WASS
 2 and unmarked throughout the Christmas visit to the island. "
 3 Isaac Baruch, who my Lord will remember was the next
 4 door neighbour of Mr. Depp, said this: "I had an excellent
 5 view of Ms. Heard's face. I was literally about 12 inches
 6 from her inspecting her face. I did not see a single mark or
 7 evidence of any marks, bruising, swelling of any kind anywhere
 8 on her face. She definitely did not seem to be wearing any
 9 makeup at this time that could cover any marks and swelling."
 10 Now, many of these witnesses deal with 21st May.
 11 Malcolm Connolly said that there were no marks on
 12 Ms. Heard's face or arms in Australia. We know that that is
 13 not true as it has been directly contradicted by what
 14 Mr. Judge has said. I have dealt already with Ben King, who
 15 in his first statement said there were no marks but then had
 16 to amend that after he heard what Mr. Judge had said on the
 17 subject.
 18 Just for completeness, there are two more witnesses.
 19 Alejandro Romero said, "I did not notice any bruises, cuts,
 20 swelling, red marks or any other injuries to Ms. Heard's
 21 face." Finally, Cornelius Harrell said that he spoke to
 22 Ms. Heard for eight minutes. He says, "I could not have been
 23 more than one foot apart due to the confines of the mail room.
 24 Ms. Heard appeared to be wearing minimal makeup or no makeup."
 25 Now CCTV evidence was played of this incident, first on

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1 CLOSING - WASS
 2 behalf of the claimant, where it was seen that Ms. Heard went
 3 to the concierge's desk. Mr. Harrell went out through a hatch
 4 at the side and then walked in front of Ms. Heard towards the
 5 mail room so he certainly was not looking at her face at that
 6 stage. Then, footage of the mail room was shown where
 7 Mr. Harrell alone went into the mail room and Ms. Heard stayed
 8 outside playing with her phone or sending a text on her phone.
 9 The eight-minute suggestion is belied by the evidence of the
 10 lift because we played, my Lord, the evidence from camera 2,
 11 which is the lift CCTV. Ms. Heard is seen going down the lift
 12 at 1.06 and she enters ----
 13 MR. JUSTICE NICOL: Just a minute. (Pause)
 14 MS. WASS: On the same camera footage, so if the timer is wrong it
 15 does not matter as it is the differential between her being in
 16 the lift to go down and being in the lift the second time, it
 17 is within three minutes that she returns with that parcel.
 18 She did not go into the mail room, she did not go outside and
 19 from what we see of Mr. Harrell, he did not pay a great deal
 20 of attention to Ms. Heard's face.
 21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 22 MS. WASS: Just for completeness, with Mr. Harrell, he deals with
 23 22nd May. Ms. Heard went straight from that lift, where she
 24 is seen with the parcel, to Rocky Pennington's bead show. We
 25 see that photograph of the bead show at file 6, tab E, at

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1 CLOSING - WASS
 2 F894.230 if my Lord wants to look at the photograph.
 3 MR. JUSTICE NICOL: Just a moment. (Pause) Yes, this is the
 4 photograph of Ms. Heard and Ms. Pennington.
 5 MS. WASS: Yes, the importance of this is that Mr. Harrell
 6 describes an interaction which immediately preceded Ms. Heard
 7 attending the bead show. Ms. Laws commented on the fact that
 8 Ms. Heard was wearing exactly the same clothes on the CCTV
 9 footage and Ms. Heard said she went straight from the
 10 concierge, from collecting the mail, to the area where the
 11 cars are parked, and she drove straight to Ms. Pennington.
 12 So, we see here how Mr. Harrell would have seen Ms. Heard had
 13 he been paying the attention to her that he claimed to have
 14 done. You can see quite clearly, under the sunglasses, on her
 15 right cheek, the mark that has been photographed many times
 16 beforehand, covered up with sunglasses, covered up with
 17 makeup, Ms. Heard says, but still visible in that photograph.
 18 So, how, one asks, could Mr. Harrell have been so
 19 mistaken? The answer, we suggest, lies in the evidence of
 20 Ms. Divenere. When one looks at the terms of all of these
 21 descriptions, there is a mantra that is repeated -- wearing no
 22 makeup, no bruises, cuts or injuries, and the like.
 23 Can I return to the events of 15th December. On 17th
 24 December, so, two days later, Nurse Burin attended the
 25 apartment in order to drop off some medication for Ms. Heard.

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1 CLOSING - WASS
 2 What Nurse Burin said was this: "Client greeted RN at the
 3 door looking dishevelled. Hair appeared unbrushed. Appeared
 4 weepy and sad. ...(reads to the words)... she stated it was
 5 from the injuries sustained in the argument between her and
 6 her husband and it continued to bleed actively."
 7 My Lord has seen in those later photographs that there
 8 is a reopening of that injury: "Client also states that her
 9 head is bruised and that she has lost clumps of hair in the
 10 altercation. RN looked briefly at the scalp. Unable to
 11 visualise any haematomas as described." Then she recommended
 12 her going to the physician.
 13 Nurse Burin was not performing a clinical task this
 14 evening. She was delivering medication. She did not examine
 15 Ms. Heard carefully, but what we see in those photographs is
 16 that there certainly was damage to the scalp.
 17 Now, Ms. Heard sent the photographs taken by
 18 Rocky Pennington of her injuries to iO Tillet Wright and she
 19 also sent the photographs to her mother. Ms. Heard's mother,
 20 Paige Heard, told her daughter that Amber's father, David
 21 Heard, had sent a scathing text to Mr. Depp. Paige Heard said
 22 to Amber Heard, "Look, please stop engaging with him. He's
 23 clearly still using and is ramping up and out of his mind."
 24 On 19th December, Mr. Depp sent an apology to Ms. Heard
 25 by text, and he said this: "It all happened so fast and so

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1 CLOSING - WASS
 2 ugly, but I want you to be happy and I want to be happy. Life
 3 is fucking short. I can't stand how much I disappoint you."
 4 On 21st December, having been sent the photographs of
 5 his daughter's injuries, David Heard wrote this to Mr. Depp:
 6 "JD, I understand a little more what's going on then than I
 7 did. I'm not mad. I understand a man has got to be a man
 8 ...(reads to the words)... I wish you and I were talking."
 9 So, he is clearly talking about the assault: "A man has got to
 10 be a man, not saying you are justified." It is worth bearing
 11 in mind that both Ms. Heard and Ms. Henriquez said that David
 12 Heard had been an abusive husband to their mother so we have a
 13 situation of one abusive man talking to another on equal
 14 terms, we say.
 15 Going on, "I can tell you and I told you before I could
 16 fix this. I could sit down with you and Amber at the same
 17 time by ourselves and you would understand why I don't want to
 18 kill you and to beat you up or anything." This is obviously
 19 in response to the suggestion that he had caused those
 20 injuries to his daughter. "I would say there is no more
 21 hitting for anybody. Amber needs help with her
 22 temper...(reads to the words)... and I love her
 23 unconditionally, but I think you do too."
 24 Then, Mr. Depp sent a text to David Heard saying, "Yes,
 25 I fucked up and went too far in our fight. I cannot and will

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1 CLOSING - WASS
 2 not excuse my part inside these dramas." So he is admitting
 3 that he went too far in the fight.
 4 MR. JUSTICE NICOL: Just a minute. (Pause) The term "fight" is
 5 sometimes used to refer to physical altercations and sometimes
 6 by these parties to merely verbal altercations.
 7 MS. WASS: Yes.
 8 MR. JUSTICE NICOL: So the fact that Mr. Heard is admitting to a
 9 fight is not an admission to physical assault.
 10 MS. WASS: It has to be read in because it is a response to David
 11 Heard ----
 12 MR. JUSTICE NICOL: No, I appreciate that.
 13 MS. WASS: ---- who was saying that there must be no more hitting.
 14 It is an inference. He has not said, "I hit her", I accept
 15 that, but he is saying that he went too far in a fight and
 16 that was after David Heard had been sent photographs of
 17 Ms. Heard's injuries, and after Mr. Heard said, "I am not
 18 going to kill you, but there must be no hitting any more."
 19 My Lord has the point, that there could well be a
 20 distinction, but it has to be put in the context of how the
 21 apology was made and we say ----
 22 MR. JUSTICE NICOL: I understand the point.
 23 MS. WASS: We say ----
 24 MR. JUSTICE NICOL: Ms. Wass, I would like to take a short break
 25 whenever is convenient to you.

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1 CLOSING - WASS
 2 MS. WASS: Can I just very quickly finish 15th December. It is
 3 just another couple of observations.
 4 MR. JUSTICE NICOL: Yes.
 5 MS. WASS: There was a meeting, as my Lord knows, in July 2016,
 6 when Ms. Heard and Mr. Depp met in San Francisco during the
 7 currency of the restraining order, but in the presence of a
 8 third party, a Mr. Christian Carino, and tapes were made of
 9 those exchanges. During those exchanges, Mr. Depp admitted
 10 headbutting Ms. Heard. That evidence came to light shortly
 11 before this trial. Mr. Depp has now changed his evidence and
 12 has accepted that he may have headbutted Ms. Heard, but that
 13 it was accidental. That suggestion was never made in
 14 Mr. Depp's witness statement.
 15 MR. JUSTICE NICOL: Witness statement singular or witness
 16 statements plural?
 17 MS. WASS: Plural. That being the case, Mr. Depp is saying for
 18 the first time that there is a possibility that accidentally
 19 he could have caused some injury to Ms. Heard on 15th
 20 December. That being the case, where does this leave the
 21 evidence of Ms. McMillen, who clearly claims to have seen no
 22 injuries on Ms. Heard before the James Corden show? On that
 23 rhetorical question, I will pause so that we can have a break.
 24 MR. JUSTICE NICOL: We will take ten minutes. Thank you.
 25 (A short break)

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1 CLOSING - WASS
 2 MS. WASS: My Lord, I promised a reference, and it is in relation
 3 to the Kevin Murphy text dated May 2019, the reference about
 4 the hoax of the photographs. It is file 10, 147A and it is
 5 page O71. I do not ask my Lord to look at it now, but it is
 6 there in relation to that. I referred to it and it was not in
 7 the written document.
 8 The penultimate incident of violence in this case
 9 related to the night before Ms. Heard's 30th birthday, the
 10 night of her 30th birthday dinner. The trigger for the
 11 violence on this occasion was not jealousy, as it had been in
 12 so many previous events, but this was the catastrophic news
 13 that Mr. Depp had received about the state of his financial
 14 affairs.
 15 Now, we know that Mr. Depp turns to drink and drugs when
 16 he is under stress. There are differing accounts of
 17 Mr. Depp's condition from the other guests at the party, but
 18 nobody suggests that violence took place at the party. When
 19 the guests had gone, Mr. Depp and Ms. Heard were in the
 20 bedroom. Both agreed that Ms. Heard was upset by the fact
 21 that Mr. Depp was several hours' late for her birthday
 22 celebrations.
 23 Ms. Heard's account of the argument following her
 24 birthday party was that she was sad that Mr. Depp had missed
 25

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1 CLOSING - WASS
 2 her party and that her recriminations caused him to get angry.
 3 She said he was complaining that she was always blaming him
 4 for everything. He got angry, he picked up a magnum of
 5 champagne, which he threw at her, it missed and it hit the
 6 wall. He then grabbed her by shoulders and pushed her on to
 7 the bed. He grabbed her hair and pushed her on to the ground.
 8 At some stage, a lamp got broken. That Ms. Heard's account.
 9 Mr. Depp suggested that it was Ms. Heard who had been
 10 the violent party and that she punched him in the face.
 11 Mr. Depp said he called Mr. Bett to take him to his Sweetzer
 12 home in West Hollywood. In support of this account, Sean Bett
 13 claimed that Mr. Depp told him that Ms. Heard had punched him
 14 and this had caused what Mr. Bett said was a visible injury.
 15 Mr. Bett claimed to have taken a photograph of this visible
 16 injury. In fact, the photograph that Mr. Bett produced was
 17 taken on 23rd March 2015.
 18 MR. JUSTICE NICOL: Just a minute. (Pause)
 19 MS. WASS: Over a year before, in relation to the staircase
 20 incident, during which Ms. Heard has always accepted that she
 21 punched Mr. Depp in defence of her sister.
 22 The account given by Mr. Bett, producing a photograph
 23 that did not record the incident that he sought to claim
 24 support for, is the clearest example of one of Mr. Depp's
 25 employees falsifying evidence for their boss and supporting

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1 CLOSING - WASS
 2 Mr. Depp's claim that he was injured and in turn concealing
 3 the fact that Mr. Depp had been the violent party.
 4 Mr. Bett was a police officer in the Los Angeles
 5 sheriff's department. He would know better than any other
 6 witness how important it is to be accurate when producing
 7 exhibits. Yet Mr. Bett told the court how it came about that
 8 he produced a photograph of the wrong date. He said
 9 Adam Waldman had sent it to him. It is looking, I suggest,
 10 more and more ----
 11 MR. JUSTICE NICOL: He said that Adam Waldman ----
 12 MS. WASS: Had sent him the photograph to exhibit as a photograph
 13 that was taken on 21st April. I suggest it is looking more
 14 and more as if other witness statements have been signed which
 15 have been prepared by Adam Waldman, false witness statements
 16 being signed. Mr. Bett claimed that there was an injury that
 17 he photographed on 21st April, but that appears to be -- well,
 18 it has disappeared, if it ever existed at all.
 19 Now, on Mr. Depp's account, his explanation for what
 20 happened, there would be no reason no have any broken glass in
 21 that bedroom on 21st April 2016, or indeed on the morning of
 22 the 22nd.
 23 The following morning, and we are now 22nd April,
 24 Ms. Pennington went to Ms. Heard's bedroom and she said this
 25 in her statement: "I opened the bedroom door and saw that

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1 CLOSING - WASS
 2 there was shattered glass all over the floor. I made my way
 3 around the broken glass and climbed into Amber's bed and
 4 gently woke her." Ms. Pennington woke Ms. Heard in order that
 5 they could go to celebrate Ms. Heard's birthday at the
 6 Coachella music festival, which was to last several days, the
 7 excursion had been planned for some time. Ms. Pennington
 8 confirmed there were no faeces in the bed.
 9 MR. JUSTICE NICOL: Just a minute. (Pause)
 10 MS. WASS: Hilda Vargas, the housekeeper, would come in every
 11 afternoon to clean the Eastern Columbia Building penthouses,
 12 having spent the morning cleaning the Sweetzer Avenue house.
 13 Ms. Vargas arrived at the penthouse several hours after
 14 Ms. Heard and Ms. Pennington had left. She described that
 15 there was broken glass on the bedroom floor.
 16 MR. JUSTICE NICOL: Just a minute. (Pause)
 17 MS. WASS: She said that in answer, in cross-examination, not in
 18 her witness statement. But this evidence supports Ms. Heard's
 19 account and not Mr. Depp's account. Ms. Vargas said she found
 20 faeces on the bed, which she believed were human, and she took
 21 a photograph which is time-stamped at 6.54 p.m., a little
 22 before 7 o'clock in the evening. She sent the photograph to
 23 Mr. Murphy, who later forwarded it to Mr. Depp.
 24 Now, the suggestion that Ms. Heard would defecate in her
 25 own bed, knowing that Ms. Vargas would find it, is patently

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1 CLOSING - WASS
 2 absurd. Ms. Heard was accused in cross-examination of this,
 3 and said: "I cannot fathom what adult would ever do such a
 4 thing. I do not think that is funny. I do not think that is
 5 ever something that could be called a prank. I cannot imagine
 6 what kind of human being would have a sense of humour like
 7 that, other than Johnny. But I do not think it is funny,
 8 I think it is horrific, which is why I can only imagine the
 9 dogs being responsible for it."
 10 In an echo of the text that Mr. Depp sent Mr. Deuters in
 11 October 2013, in which Mr. Depp suggested that Mr. Deuters
 12 should defecate outside the bedroom and pretend that it was,
 13 as a result of the dog Boo ----
 14 MR. JUSTICE NICOL: Sorry, this was an echo of a text from whom to
 15 whom.
 16 MS. WASS: From Mr. Depp to Mr. Deuters, dated October 2013, in
 17 which Mr. Depp jokes, there is no suggestion this was anything
 18 other than a vulgar joke, that Mr. Deuters should defecate on
 19 the floor outside the bedroom in order that Ms. Heard could
 20 walk in it and imagine would blame the dog for doing such a
 21 thing. Mr. Depp described the faeces in his bed as a fitting
 22 end to his relationship.
 23 MR. JUSTICE NICOL: I mean, the evidence about the faeces was
 24 pretty dramatic; but does it really go to any issue in this
 25 case?

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1 CLOSING - WASS
 2 MS. WASS: Not at all, except when we come to 21st May, this was
 3 something that was the cause of an argument.
 4 MR. JUSTICE NICOL: It may have been the cause of an argument,
 5 I understand that, but I am struggling at the moment to find
 6 why I would have to make a decision as to who defecated in
 7 this bed.
 8 MS. WASS: We do not suggest for a moment that my Lord has to make
 9 a decision along those lines.
 10 MR. JUSTICE NICOL: Yes.
 11 MS. WASS: On 21st May, Mr. Depp went to the Eastern Columbia
 12 Building to see Ms. Heard.
 13 MR. JUSTICE NICOL: This is 21st May.
 14 MS. WASS: Yes, so this is the last incident.
 15 MR. JUSTICE NICOL: So, is there anything you are going to say
 16 about Coachella?
 17 MS. WASS: No.
 18 MR. JUSTICE NICOL: Or is that also something that ----
 19 MS. WASS: There is no assault at Coachella, there was a
 20 suggestion ----
 21 MR. JUSTICE NICOL: There was an issue about who vomited.
 22 MS. WASS: Again, I am going to suggest, unless my Lord finds that
 23 is determinative of one of the issues in the case, Ms. Heard
 24 accepted that she had taken mushrooms; she accepted it was an
 25 unpleasant experience; she accepted she was feeling unwell;

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1 CLOSING - WASS
 2 she does not say that she vomited in the car park. Her sister
 3 said she did that because she was pregnant.
 4 MR. JUSTICE NICOL: I think her sister said she vomited, I am not
 5 sure it was an admission it was particularly the car park.
 6 MR. WASS: My Lord may well be right.
 7 MR. JUSTICE NICOL: Anyway, you have answered the question that as
 8 far as the defendants are concerned you are not saying that
 9 I need to make a decision about who vomited in a car park.
 10 MS. WASS: It has no bearing as to whether Mr. Depp beat up his
 11 wife or not.
 12 What does have a bearing is the incident of 21st May.
 13 Mr. Depp's mother died shortly before this date. Mr. Depp had
 14 recently lost a substantial sum of money, he had lost his
 15 mother, and his marriage was on the rocks. Ms. Heard
 16 described him as arriving at the penthouse drunk and high.
 17 Instead of discussing the death of his mother or his financial
 18 loss or the state of the marriage, Mr. Depp immediately
 19 launched into the subject of the faeces that Ms. Vargas found
 20 in the bed. That is the only relevance of that.
 21 MR. JUSTICE NICOL: It may have been the cause of the argument or
 22 the prompting of an argument. Anyway, you have answered the
 23 question that I put to you.
 24 MS. WASS: Mr. Depp claimed that Ms. Heard had told Mr. Murphy
 25 that it was a prank. Ms. Heard denied doing so. So, Mr. Depp

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1 CLOSING - WASS
 2 telephoned Mr. Murphy seeking support. Ms. Heard denied that
 3 and castigated Mr. Murphy later by text for telling such a
 4 lie, that she admitted being involved in such a bizarre prank.
 5 The call to Mr. Murphy from the flat, made by Mr. Depp, was at
 6 7.45. Mr. Depp was seen arriving at the Eastern Columbia
 7 Building at about 7 o'clock, I think 6.59 is one of the ----
 8 MR. JUSTICE NICOL: Just a minute. (Pause)
 9 MS. WASS: That being the case, Mr. Depp would have spent nearly
 10 45 minutes accusing Ms. Heard of knowing about who defecated
 11 in the bed and Mr. Depp specifically accused iO Tillet Wright
 12 of being responsible. Ms. Heard and Mr. Tillet Wright then
 13 spoke on the phone, with the loud speaker on, in order that
 14 Mr. Depp could hear what Mr. Tillet Wright's response was.
 15 Mr. Tillet Wright's evidence of that night was as follows:
 16 "When he first called me" -- this is Mr. Depp -- "he seemed to
 17 be agitated. He would get into these moods where he would
 18 convince himself of things that were generally paranoid
 19 delusions about things that have happened or people who were
 20 forming conspiracies about him...(reads to the words)...
 21 I reminded him that I was not in the building that day", that
 22 is the date of the birthday party. Mr. Tillet Wright was
 23 concerned for Ms. Heard's safety because he had been aware of
 24 the violence after Ms. Heard's birthday and he expressed as
 25 much to her on the phone. Mr. Depp then started screaming at

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1 CLOSING - WASS
 2 Mr. Tillet Wright. Mr. Tillet Wright then heard a whelp and
 3 the sound of Ms. Heard shouting, "He threw the phone at my
 4 face", Mr. Tillet Wright heard Mr. Depp say, "Oh, so you think
 5 I hit you. What if I pulled (or peeled) your hair back", of
 6 course, that is exactly what Mr. Depp had done in so many of
 7 the previous assaults. Either Mr. Tillet Wright or Ms. Heard
 8 said, "Call 911" and Mr. Tillet Wright makes the observation
 9 that Ms. Heard had never done that before. Meanwhile
 10 Ms. Pennington was drawn into the increasingly heated
 11 argument. Ms. Pennington had been sent a text by Ms. Heard at
 12 8.06 asking her to come to penthouse 3.
 13 MR. JUSTICE NICOL: Just a minute. (Pause)
 14 MS. WASS: Ms. Pennington also received a text from Mr. Tillet
 15 Wright saying that JD was attacking Amber.
 16 MR. JUSTICE NICOL: I think we learned, did we not, that
 17 Mr. Tillet Wright was in New York at this time?
 18 MS. WASS: Yes, he was in New York this night and he was not in
 19 the Eastern Columbia Building on the date of the birthday
 20 party. Mr. Depp's guards came into PH3, where there clearly
 21 had been an argument that had taken place by this stage and
 22 the phone had been thrown at this stage. Mr. Judge, it is
 23 agreed by everyone, tried to usher Mr. Depp out, saying words
 24 to the effect of "Boss, please". But Mr. Depp did not leave
 25 the building directly, he committed a variety of acts of

<p style="text-align: right;">[Page 2478]</p> <p>1 CLOSING - WASS</p> <p>2 damage. He damaged PH3. He threw wine over the common</p> <p>3 hallway and he entered PH5 where he found that</p> <p>4 Rocky Pennington had invited a friend of hers to help prepare</p> <p>5 for the bead show that she was preparing the following day.</p> <p>6 MR. JUSTICE NICOL: Can we just look again at the plan.</p> <p>7 MS. WASS: Yes.</p> <p>8 MR. JUSTICE NICOL: That you provided or pointed me to.</p> <p>9 MS. WASS: Can my Lord just remind me of the reference? I have</p> <p>10 put it away.</p> <p>11 MR. JUSTICE NICOL: It is tab 204.</p> <p>12 MR. SHERBORNE: File 5.1.</p> <p>13 MR. JUSTICE NICOL: File 5.1.</p> <p>14 MS. WASS: Yes, my Lord.</p> <p>15 MR. JUSTICE NICOL: We heard evidence about what is variously</p> <p>16 called the cubbyhole or the guards' place.</p> <p>17 MS. WASS: Yes.</p> <p>18 MR. JUSTICE NICOL: I am not sure, but I assume this is just one</p> <p>19 floor of the penthouse.</p> <p>20 MS. WASS: It is, it is the lower.</p> <p>21 MR. JUSTICE NICOL: Is it the upper or the lower floor?</p> <p>22 MS. WASS: It is the lower floor, because it is where the kitchens</p> <p>23 are and it is where the patio is.</p> <p>24 MR. JUSTICE NICOL: Just a minute. (Pause) So, is the guards'</p> <p>25 cubbyhole on this floor or the one above?</p>	<p style="text-align: right;">[Page 2480]</p> <p>1 CLOSING - WASS</p> <p>2 building, he committed a variety of acts of damage, not only</p> <p>3 did he damage PH3, which my Lord knows is top right, he threw</p> <p>4 wine over the common hallways and indeed Mr. Baruch said that</p> <p>5 when he came home that night, at about 9.30, he noticed wine</p> <p>6 splashed on the walls and he noticed a broken sconce.</p> <p>7 Mr. Depp also went into PH5, where he saw Rocky Pennington and</p> <p>8 a friend that she had invited and they had been prepared beads</p> <p>9 for the bead show that was to take place the following day.</p> <p>10 Mr. Depp inadvertently left his phone in PH3. Whether that</p> <p>11 was the phone he had thrown at Ms. Heard or not is not</p> <p>12 entirely clear; but Mr. Judge had to return to collect it</p> <p>13 after Mr. Depp had left the building.</p> <p>14 Now, there are texts which I am not, given the pressure</p> <p>15 of time, going to go through fully. The chronology of the</p> <p>16 21st May sets out the texts between the various parties that</p> <p>17 occurred on the night of 21st May.</p> <p>18 MR. JUSTICE NICOL: Just a minute. (Pause) This is now your</p> <p>19 chronology.</p> <p>20 MS. WASS: The last one in the series.</p> <p>21 MR. JUSTICE NICOL: Tab 4.</p> <p>22 MS. WASS: Yes, tab 4. My Lord will see that at 9.02 CCTV footage</p> <p>23 shows Mr. Bett, Mr. Judge and Mr. Depp arriving, and then</p> <p>24 leaving, at page 5, at 20.29. Can my Lord see that? My Lord</p> <p>25 was actually shown the footage with him appearing extremely</p>
<p style="text-align: right;">[Page 2479]</p> <p>1 CLOSING - WASS</p> <p>2 MS. WASS: As I understand it, it is on this floor.</p> <p>3 MR. JUSTICE NICOL: Do we know where it is?</p> <p>4 MS. WASS: That I do not know.</p> <p>5 MR. JUSTICE NICOL: Oh, I see there is a pool!</p> <p>6 MS. WASS: There is a pool, yes. The information that Mr. Depp</p> <p>7 confirmed was that the guards' room was actually part of PH5.</p> <p>8 It is not easy to ----</p> <p>9 MR. JUSTICE NICOL: Which is PH5?</p> <p>10 MS. WASS: PH5 is top left.</p> <p>11 MR. JUSTICE NICOL: Can you remind me again which was Mr. Baruch's</p> <p>12 penthouse.</p> <p>13 MS. WASS: PH2. PH1 was where ----</p> <p>14 MR. JUSTICE NICOL: Which is that one?</p> <p>15 MS. WASS: That is underneath PH3 on the plan. It actually says</p> <p>16 on it "Art studio".</p> <p>17 MR. JUSTICE NICOL: All right. So, can we get any further on</p> <p>18 where the cubbyhole is?</p> <p>19 MS. WASS: Not at the moment, but I am sure between us,</p> <p>20 Mr. Sherborne and I can provide some agreed information about</p> <p>21 that overnight.</p> <p>22 MR. JUSTICE NICOL: Anyway, I distracted from you what you were</p> <p>23 about to say.</p> <p>24 MS. WASS: What I was about to say can be assisted actually by the</p> <p>25 plan, so I am grateful. Because before Mr. Depp left the</p>	<p style="text-align: right;">[Page 2481]</p> <p>1 CLOSING - WASS</p> <p>2 agitated in the lift.</p> <p>3 MR. JUSTICE NICOL: I think he was wearing a cowboy hat.</p> <p>4 MS. WASS: He was, yes. My Lord, if we just stay with this for a</p> <p>5 minute, because it might be I can take my Lord through it</p> <p>6 quite quickly. We see that the first photograph of Ms. Heard</p> <p>7 with her injuries was taken by Ms. Pennington at 20.23. I am</p> <p>8 on page 4. So, at 20.23, before Mr. Depp had even left, so he</p> <p>9 had obviously left PH3 and in those six minutes before he goes</p> <p>10 down the elevator, we suggest he was damaging PH5 and throwing</p> <p>11 wine outside the hallway of Mr. Baruch's flat. We also know,</p> <p>12 turning to page 9, that the wine that was in the common parts</p> <p>13 of the penthouse was photographed at 21.04.</p> <p>14 MR. JUSTICE NICOL: Where is this?</p> <p>15 MS. WASS: Page 9, there is a carpet -- the bigger pictures show</p> <p>16 this more clearly, and splashes of wine to the wall. We see</p> <p>17 that officers Saenz and Hadden arrive at 21.04, and then at</p> <p>18 page 10 they leave at 21.19.</p> <p>19 MR. JUSTICE NICOL: I have 21.05.</p> <p>20 MS. WASS: 21.05 they get out of the lift, yes. Over the page,</p> <p>21 please, we see them leaving, on page 10, at 21.19. So, they</p> <p>22 are in the penthouse for 14 minutes. We know that the card</p> <p>23 was left by the officers, which is photograph on page 11, just</p> <p>24 after 21.19. Then, more photographs are taken of Ms. Heard's</p> <p>25 injuries and more photographs are taken of the damage to the</p>

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1 CLOSING - WASS
 2 flat at pages 13, 14, and at the top of 15.
 3 So, the chronology, we say, is instructive, because the
 4 first photograph of Ms. Heard's injuries is timed before the
 5 police arrive. So, officers Hadden and Saenz arrive at 9.05,
 6 they were met by Josh Drew who, my Lord will remember, was
 7 Ms. Pennington's fiancé. They were escorted to PH1, where
 8 Ms. Heard was being comforted by Ms. Pennington.
 9 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 10 MS. WASS: Ms. Heard, Miss Saenz said that Ms. Heard did not want
 11 to make a complaint and she noticed that Ms. Heard was crying,
 12 her face was red, but that she saw no injuries. The police
 13 asked to speak to Ms. Heard in private and took her to PH3 to
 14 talk to Ms. Heard.
 15 MR. JUSTICE NICOL: Just a minute. (Pause).
 16 MS. WASS: They claimed that they inspected the premises to look
 17 for damage and found none. Josh Drew gave evidence on this
 18 point and was clear that he identified each and every piece of
 19 damage which appears in the photographs and was caused by
 20 Mr. Depp that evening, and he pointed it out to the police.
 21 The police did not follow the correct procedures and made no
 22 record of the damage in this case.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Now, I have a
 24 recollection -- it is a while ago now -- that there was
 25 reference to an automatic incident report that was generated.

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1 CLOSING - WASS
 2 MS. WASS: Yes.
 3 MR. JUSTICE NICOL: Just remind me where I have that.
 4 MS. WASS: I am going to have to get back to my Lord on that.
 5 MR. JUSTICE NICOL: Please.
 6 MS. WASS: Others may be able to help while I am on my feet. That
 7 is not a report. That is similar to what ----
 8 MR. JUSTICE NICOL: That is why I wanted to see it because I did
 9 not remember seeing it when we went through the evidence, but
 10 I may have done.
 11 MS. WASS: It has definitely been in the bundles. I will find it.
 12 It is in effect equivalent to what is sometimes referred to as
 13 a CAD in police-speak, which we all remember: computer-aided
 14 despatch. Literally, entries are made, you attend the
 15 premises and at the end ----
 16 MR. JUSTICE NICOL: One has to be careful about transferring
 17 things that we do in the UK to things that would be done in
 18 California, but a CAD is what it says. It is the despatch, so
 19 it is effectively telling the police officer what to do, and
 20 often some very, very brief description about why they are
 21 doing it.
 22 MS. WASS: Yes.
 23 MR. JUSTICE NICOL: Well, I was going to say that the impression
 24 that I got was that the incident report that we were talking
 25 about from California was something that was generated after

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1 CLOSING - WASS
 2 the event and not before it, but if that is wrong, then I will
 3 be corrected.
 4 MS. WASS: No, it is right, but the importance is -- and there is
 5 no dispute here -- that no police report was made. All that
 6 there was is this computer-generated document which ends,
 7 "Incident closed". What we suggest, and indeed Officer Saenz
 8 said, is that had there been injury or damage, a police report
 9 would have been necessary, but they did not make a report
 10 because they saw neither in this case.
 11 Now, the police are seen leaving the lift at 9.19,
 12 14 minutes after they arrive. Miss Saenz claimed that she was
 13 in attendance for between 30 and 60 minutes. We suggest the
 14 police have exaggerated the length of their attendance because
 15 of the negligent way in which they dealt with an allegation of
 16 domestic violence.
 17 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 18 MS. WASS: It was two months later that Officers Saenz and Hadden
 19 were subpoenaed and gave depositions in court. They had the
 20 choice of either admitting their negligence or saying that
 21 there was nothing to report and there was no damage. The
 22 course that they took was the latter. However, the testimony
 23 of Josh Drew and Rocky Pennington and the photographs that
 24 they took casts doubt on the correctness of the evidence of
 25 the police. The observation must be made that if the

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1 CLOSING - WASS
 2 claimant's suggestion of a hoax or a charade had any merit
 3 whatsoever, it makes no sense that Ms. Heard refused to make a
 4 complaint to the police. This was her big opportunity.
 5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 6 MS. WASS: This will have been the denouement of her hoax, to say
 7 the police had come and she could finally make the complaint
 8 and put the hoax into operation and activate the insurance
 9 policy, whatever that was, but she said, as so many victims of
 10 domestic violence do, according to Miss Saenz, that she would
 11 not implicate her husband to the police.
 12 However, lawyers were contacted and on 27th May,
 13 Ms. Heard filed for divorce and filed for a restraining order
 14 so that Mr. Depp would not be able to come back to the family
 15 home and assault her again. Ms. Heard said that her lawyers
 16 said that she needed to attend court. The incident report --
 17 I am sorry to interrupt, but I know this was a subject that
 18 my Lord was interested in -- is at 5.1 ----
 19 MR. JUSTICE NICOL: Just a minute. 5.1.
 20 MS. WASS: At 191.
 21 MR. JUSTICE NICOL: Just a minute. (Pause)
 22 MS. WASS: It is just straight 191.
 23 MR. JUSTICE NICOL: Affidavit of James Sanders(?)
 24 MS. WASS: Yes, if my Lord turns over, that is the incident
 25 report. It should say 1197.1 at the bottom. (Pause)

CLOSING - WASS

CLOSING - WASS

1 MR. JUSTICE NICOL: I was just looking at the timings on this.
 2 MS. WASS: Yes. Can I help because if one goes to the eighth
 3 entry down, there is a commentary saying, "Secondhand FN,
 4 NYPD". That is because Mr. Tillet Wright was in New York when
 5 the 911 call was made and the New York NYPD transferred the
 6 matter to the LAPD. (Pause)
 7 MR. JUSTICE NICOL: There is an entry that says "Primary unit
 8 changed".
 9 MS. WASS: Yes.
 10 MR. JUSTICE NICOL: Then, "unit changed".
 11 MS. WASS: That, of course, was before the visit.
 12 MR. JUSTICE NICOL: Can we see when the visit started, according
 13 to this?
 14 MS. WASS: No.
 15 MR. JUSTICE NICOL: So it really does not tell us a great deal.
 16 MS. WASS: It is not very informative, I agree, but "Incident
 17 closed" is perhaps -- I mean, the officer never suggested for
 18 a moment that this was a proper police report. She said the
 19 only paperwork that would exist was an incident report.
 20 MR. JUSTICE NICOL: And this is what she is talking about.
 21 MS. WASS: I described it to her as a computer-generated document
 22 and it would have said "Incident closed" and she agreed.
 23 MR. JUSTICE NICOL: Right, there we are. Yes.
 24 MS. WASS: Can I just deal with the aftermath of the filing for
 25

1 Thank you, sweetheart." They have obviously had contact
 2 immediately prior to this, but that has not been disclosed.
 3 "Thank you, sweetheart. I'm disgusted that I ever fucking
 4 touched that scum...(reads to the words)... nice and good.
 5 Loveth J." I am sure my Lord will remember Kate James as a
 6 witness and whether she approached the evidence that she had
 7 to give in a fair and balanced way or not.
 8 The divorce itself was granted on 15th August and then
 9 Mr. Depp sent this text to Christian Carino: "She is begging
 10 for global humiliation. She is going to get it. I am going
 11 to need your text about San Francisco, brother." Mr. Carino
 12 was supposedly the third independent party at this meeting in
 13 San Francisco. "I'm sorry to even ask ...(reads to the
 14 words)...overused flappy fish market." This is the Southern
 15 gentleman speaking! "I'm so happy she wants to go and fight
 16 this out...(reads to the words)... out of my life". Then the
 17 text goes on.
 18 On 16th August, Mr. Depp sent a text to Dr. Kipper:
 19 "Settled with the whore, 5 mill, can you fucking imagine,
 20 charges dropped for 5 million." That was charges no doubt
 21 relating to the domestic violence. On 16th August, Mr. Depp
 22 sent a text to Christian Carino: "It's finally over. I never
 23 have to see that scumbag gold-digging cunt ever again, never
 24 listening to her cloying know-it-all voice." Again,
 25

CLOSING - WASS

CLOSING - WASS

1 the domestic violence restraining order because from the
 2 moment Ms. Heard petitioned for divorce and for a restraining
 3 order, the full brute force of Mr. Depp and his PR machine was
 4 engaged. I have already referred to the attempt to discredit
 5 Ms. Heard by suggesting that she had assaulted her previous
 6 partner, Tasya van Ree, which amounted to nothing. Reports
 7 appeared in the press, that are in the trial bundles,
 8 suggesting that she was a gold-digger.
 9 Mr. Depp personally set out to damage her career. He
 10 sent a text on 4th June 2016 saying, "I want her replaced on
 11 that WB film". That is a reference to the Warner Brothers
 12 film, Aquaman, and indeed a petition garnered signatures from
 13 400,000 people to have Ms. Heard removed from that film.
 14 There were attempts to put matters on a more civilised
 15 footing by the secret meeting in San Francisco on 22nd July
 16 2016. They were not assisted by an episode, which we listened
 17 to in court, when Mr. Depp was holding a knife, offering to
 18 cut himself, in Ms. Heard's presence. That threat resonates
 19 with what Ms. Heard said in her evidence, that if anybody was
 20 self-harming, it was Mr. Depp. She referred to him stubbing a
 21 cigarette out on his cheek in Australia.
 22 As the divorce approached, Mr. Depp became more
 23 vengeful. On 13th August, he contacted Kate James, the
 24 assistant Ms. Heard had sacked. What he said to her was this:
 25

1 gold-digging, no basis whatsoever for making those
 2 allegations.
 3 Then, on 3rd September, there is an e-mail which we
 4 suggest is significant because Mr. Depp says, "If she releases
 5 anything, she will not get the dough as she will be in breach
 6 of her agreement." Now, if Mr. Depp was the victim of an
 7 abusive relationship, what could Ms. Heard possibly release?
 8 It suggests that he was more worried that she would release
 9 the type of information that has been aired in this court.
 10 At the heart of Mr. Depp's problems were two conflicting
 11 forces; his love of the drugs culture and his aspiration to be
 12 the Southern gentleman with a young and beautiful wife. On
 13 the one hand, Mr. Depp was proud of the influence of Hunter S
 14 Thompson, who he quoted in court, the quotation from Hunter S
 15 Thompson being: "I hate to advocate drugs, alcohol, violence
 16 or insanity to anyone, but they've always worked for me."
 17 Mr. Depp mourned his life muse's suicide by spending
 18 \$3 million sending his ashes into space.
 19 As Dr. Kipper observed, Mr. Depp glamorized the drug
 20 culture and he wanted a life surrounded by his clique of
 21 ageing male rabble-rousers with alcohol and drugs shared
 22 together, but by the time he was approaching 50, the lifestyle
 23 had taken its toll on Mr. Depp. Mr. Depp recognised that
 24 contrary to the experience of Hunter S Thompson, drugs and
 25

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1 CLOSING - WASS
 2 insanity were not working for him. They were destroying his
 3 life, his career and his health, and he identified the monster
 4 long before Ms. Heard did.
 5 Mr. Depp believed that he could find emotional stability
 6 with Ms. Heard. She was supportive and indicated a dedication
 7 to save him from himself and his demons, but he grew to hate
 8 her for her protectiveness. He grew to resent her for telling
 9 him how he could kick his addiction, telling him how to banish
 10 the monster.
 11 Mr. Depp has spent his entire adult life doing exactly
 12 what he wanted and he was not about to answer to a woman at
 13 this stage of his life. Underlying the relationship between
 14 Ms. Heard, on the one hand, and Mr. Depp, on the other, was a
 15 clash of cultures and a clash of generations. Ms. Heard was a
 16 modern and ambitious woman. It was not in her nature to wait
 17 until he got home so she could take his boots off. The
 18 self-scripted Southern gentleman required a supplicant wife
 19 and this was not a typecast role for the young Ms. Heard; they
 20 were, in effect, generations apart.
 21 When Mr. Depp chose Ms. Heard as his life partner, he
 22 did not expect her to carry on acting in films with young and
 23 attractive actors. Mr. Depp was unable to control Ms. Heard.
 24 It was a new concept for him and it had a detrimental effect
 25 on his state of mind. It may have literally driven him back

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1 CLOSING - WASS
 2 to the drink and drugs which he knew would unleash the
 3 monster; but he recognised that the monster existed and he
 4 blamed his illness.
 5 Having heard all of the evidence in this case and all of
 6 the supporting evidence of the incidents of violence, we
 7 suggest that there is no doubt that Mr. Depp regularly and
 8 systematically abused his wife. The characterisation that he
 9 is a wife-beater is entirely truthful. That is the way we put
 10 the case.
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[Page 2492]

1 DISCUSSION
 2 MR. JUSTICE NICOL: Thank you. Mr. Sherborne, can you tell me,
 3 first, whether it is you or Ms. Laws who is going to make your
 4 closing speech on behalf of the claimant?
 5 MR. SHERBORNE: My Lord, I think I have made clear it is me who is
 6 making the closing speech.
 7 MR. JUSTICE NICOL: All right. I am not going to call on you to
 8 start this afternoon.
 9 MR. SHERBORNE: I am very grateful.
 10 MR. JUSTICE NICOL: Keen as I am to make full use of the time we
 11 have available.
 12 MR. SHERBORNE: My Lord, yes.
 13 MR. JUSTICE NICOL: I will expect you to start and finish
 14 tomorrow.
 15 MR. SHERBORNE: My Lord, yes, I will endeavour to do so.
 16 MR. JUSTICE NICOL: No, no, Mr. Sherborne, not "endeavour". You
 17 will ----
 18 MR. SHERBORNE: I will do.
 19 MR. JUSTICE NICOL: ---- start and finish tomorrow.
 20 MR. SHERBORNE: My Lord, I understand what your Lordship is
 21 saying. What I meant is, your Lordship will probably
 22 understand there is rather a lot I have to say, and
 23 I will ----
 24 MR. JUSTICE NICOL: There is a lot that you have to say, there is
 25 a lot that Ms. Wass had to say. But it does not alter the

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1 DISCUSSION
 2 fact that you will start and finish tomorrow.
 3 MR. SHERBORNE: Of course, my Lord. I was only going to deal with
 4 the question of time estimates and the most efficient way to
 5 deal with tomorrow. Perhaps I can think about that overnight.
 6 Given what I have seen your Lordship is most interested in
 7 focusing on, that is all I was going to say.
 8 MR. JUSTICE NICOL: I have put some questions to Ms. Wass.
 9 Neither you nor anybody else should take any implications from
 10 that, and I have asked for something in writing, I am not
 11 pressing on you to produce it in advance of tomorrow. Of
 12 course, as and when you do produce it, you must have
 13 sufficient copies for Ms. Wass and her team.
 14 MR. SHERBORNE: We will, my Lord. We will.
 15 MR. JUSTICE NICOL: Is there anything else that usefully we can do
 16 this evening?
 17 MR. SHERBORNE: My Lord, no.
 18 MR. JUSTICE NICOL: Ms. Wass, is there anything else that you want
 19 to raise this evening?
 20 MS. WASS: No, thank you.
 21 MR. JUSTICE NICOL: Good. I will say 10 o'clock tomorrow.
 22 (Adjourned till 10 a.m. tomorrow morning)
 23
 24
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A	2419:14	2369:5	2375:14	2490:9	2419:24
a.m 2429:25	2445:23	accords	accused 2380:5	addictions	advice 2428:5
2453:4	2460:13,18	2406:16,18	2380:6,7	2385:21,22	advocate
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2379:19,19	2466:12,13	2395:20	accusing	2380:14	aftermath
2395:8	2489:8	2400:20	2476:10	2415:23	2449:14
2396:4	accept 2467:14	2403:25	achieved	address	2486:25
2428:18	accepted	2406:17,19	2438:20	2380:23	afternoon
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2366:23	2400:23	2421:17,23	2405:19	Adjourned	aggressive
2367:2	2401:15	2423:2	2440:6	2437:24	2411:9
abrasion	2409:8	2427:25	2455:25	2493:22	aggro 2406:10
2452:3	2423:9	2428:2	2490:22	adjournment	agitated
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2423:18	2474:25	2469:24	acts 2477:25	2372:25	2424:20,20
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