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2.3. The first sentence of paragraph 8b is admitted.

2.4. Save that it is admitted and averred that the Claimant arrived at the party just under two hours late, having been at a meeting with his recently hired business manager and his accountants, the second sentence of paragraph 8b is denied. Earlier that day, the Claimant had told Ms Heard about this important meeting and, during the meeting itself, texted Ms Heard to let her know that he was likely to get out of the meeting far later than the birthday dinner was scheduled to start. The Claimant was not drunk or high on drugs; he was shocked from what he had learnt at the meeting about his business affairs. Despite the Claimant having told Ms Heard the reason why he was unable to make the birthday dinner on time, and had kept her updated by text, Ms Heard was cold towards the Claimant when he arrived.

2.5. As to the third and fourth sentences of paragraph 8b: it is admitted and averred that after the guests had left, Ms Heard began criticising the Claimant for being late. The Claimant got into bed and began reading, and Ms Heard, who had been drinking, became aggressive and violent towards the Claimant, punching him twice in the face. The Claimant defended himself by grabbing Ms Heard's arms to stop her punching him again and told her to stop. He pushed her away from him onto the bed and told her he was leaving and that she should not follow him.

2.6. The Claimant called Sean Bett (a member of his security team, and an 18 year veteran detective of the LA Sheriff's Department), who was stationed in a penthouse apartment next door, and asked to be driven home, explaining that Ms Heard was "*at me again*", or words to that effect. The Claimant was taken by Mr Bett to the Claimant's house in West Hollywood. The Claimant did not toss aside or smash items as he left.

- 2.7. The fifth and sixth sentences of paragraph 8b, and paragraph 8c in its entirety are denied. Paragraphs 2.5 and 2.6 above are repeated.

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- 2.8. As to paragraph 8d:

2.8.1. The first sentence of paragraph 8d is admitted, although in the meantime, Ms Heard repeatedly tried to contact the Claimant directly and through her sister, Whitney Heard, who pleaded for the Claimant to get back in touch with Ms Heard.

2.8.2. The second sentence of paragraph 8d is admitted save that the Claimant cannot recall the precise time he arrived at the South Broadway apartment, and accordingly no admission is made as to the time. The Claimant texted Whitney Heard on 21 May 2016 at 7.30 pm in response to a text he received from her at 7.15 pm, suggesting his arrival may have been later than 7.15 pm.

2.8.3. The building has multiple penthouses, some of which are adjoining. Penthouse 3 is the location Ms Heard alleged the "abuse" occurred; Penthouse 5 is the penthouse across the hallway in which Ms Heard and Ms Pennington claimed Mr Depp "destroyed" items on that evening. Penthouse 4 adjoins Penthouse 3.

2.8.4. The third sentence of paragraph 8d is denied. The Claimant was not drunk or high when he arrived. The Claimant came to the South Broadway apartment with two of his security team, Mr Bett and Jerry Judge, to collect some of his belongings from Penthouse 3. The Claimant brought his security guards with him precisely because he was concerned about what Ms Heard might do. The security guards waited immediately outside the door of Penthouse 3.

2.8.5. The fourth sentence of paragraph 8d is denied: to the best of the Claimant's knowledge, Ms Heard was alone in Penthouse 3 when he arrived and Ms Pennington came into Penthouse 3 a few minutes after the Claimant arrived. The Claimant does not know who Elizabeth Marz is, but observed a woman in Penthouse 5 with Mr Drew.

2.8.6. It is admitted that Ms Pennington kept a key to the South Broadway apartment, and that a number of Ms Heard's friends including Ms Pennington and Mr Drew lived in and worked out of the Claimant's penthouse apartments rent-free.

2.9. Save that no admissions are made as to whether Ms Heard sent a text to Ms Pennington, or as to what iO Tillett Wright said to Ms Heard on the phone as this is outside the Claimant's knowledge, paragraphs 8e to 8l are denied:

2.9.1. when the Claimant arrived at Penthouse 3 his security guards waited just outside the door while the Claimant went in for approximately 10 minutes in total. Ms Heard was upstairs at the time the Claimant entered the penthouse. When the Claimant went upstairs to get his belongings, Ms Heard went downstairs and began talking loudly on the phone to Ms Wright in mocking and goading terms about the Claimant.

2.9.2. Ms Pennington either used her key to let herself into Penthouse 3 or arrived from the adjoining Penthouse 4, (using a different entrance to the door where the security guards were waiting.) The Claimant came downstairs. Ms Pennington was sitting next to Ms Heard on the sofa. There was no conversation between Ms Heard and the Claimant, and Ms Heard did not call one of the Claimant's employees.

2.9.3. The Claimant asked to speak to Ms Wright and Ms Heard handed him the phone. The Claimant said to Ms Wright "you got what you want, you can have her [Ms Heard]" or words to that effect. He then tossed the phone onto the sofa and crossed the room away from Ms Heard towards the kitchen. The Claimant did not scream profanities or insults.

2.9.4. The phone did not hit Ms Heard on the face or elsewhere. Nor did the Claimant pull Ms Heard's hair or strike her, or grab her face, or touch her. Two police officers who attended the apartment directly after the alleged incident and interviewed Ms Heard twice in good light, saw no injuries or bruising or swelling to Ms Heard's face (or elsewhere). When one of the officers asked Ms Heard what had happened she responded "nothing". When Ms Heard was asked if she was hurt, she shook her head. Ms Heard did not say to the officers that she had been assaulted, and when asked if she had been injured in any way she said she wasn't injured and refused medical treatment. Ms Heard said she did not want to make a police report and there was nothing wrong.

2.9.5. Both of these officers subsequently confirmed their evidence to this effect in separate depositions, which are attached to this Reply at Annex A. In the premises, if and to the extent that Ms Pennington subsequently took a photograph of Ms Heard's face (as pleaded in paragraph 8g and which is not admitted), it was not a photograph of any "injury" caused by the Claimant. In the subsequent proceedings brought by Ms Heard, hardcopy photographs were put in evidence, but neither the original images nor the associated metadata were produced.

2.9.6. As the Claimant was crossing the room away from Ms Heard towards the kitchen, Ms Heard began shouting. Upon hearing Ms

Heard shouting, the security guards immediately, i.e. within one or two seconds, opened the door and rushed into Penthouse 3 via the kitchen where the Claimant was standing. Immediately upon opening the door, the security guards observed the Claimant standing in the kitchen area, far away from Ms Heard. At that moment, Ms Heard yelled *"stop hitting me Johnny"* into the phone. The Claimant was not hitting Ms Heard. Ms Heard and Ms Pennington were standing in front of the sofa about 25 feet away from the Claimant.

2.9.7. Ms Heard was visibly shocked to see the security guards enter, and attempted to feign crying, as did Ms Pennington. Ms Heard changed from the present tense to the past tense and said: *"he hit me with a phone"* and *"that's the last time you hit me Johnny"*. The Claimant did not move but said: *"What are you talking about? You're crazy. I didn't hit you."* Ms Heard screamed *"Call 911"* (presumably because Ms Wright was still on the phone). One of the security guards, Mr Judge, said to Claimant: *"Let's just get out of here boss"* and took the Claimant immediately out of the door.

2.9.8. There was no interaction between the security guards and Ms Heard. The time between the security guards entering the apartment and leaving with the Claimant was about 30 seconds. The Claimant did not move from the kitchen from the time the security guards entered to the point he left the penthouse with them. The Claimant did not touch Ms Pennington during the entire time she was there.

2.9.9. The Claimant did not smash any items in Penthouse 3, Penthouse 5 or elsewhere. For the avoidance of doubt: the Claimant did not brandish a magnum sized, or any other sized bottle of wine, or any object at all. The Claimant did not use a bottle to, or



otherwise, strike glass, fruit, cutlery, flowers, candles or any other object. The police officers who attended shortly after the alleged incident, inspected the property and saw no smashed items, broken bottles, broken glass, destroyed cutlery, destroyed flowers, or spilled wine in either Penthouse 3 or 5, (as detailed in their depositions at Annex A). In the premises, if and to the extent that Ms Pennington subsequently took photographs of smashed items (as pleaded in paragraph 8g and which is not admitted), those items were not smashed by the Claimant.

2.9.10. After leaving Penthouse 3, the Claimant went with his security guards to check Penthouse 5 where he discovered Mr Drew, a woman (whom he now presumes was Elizabeth Marz) and a dog. It appeared they were using Penthouse 5 to operate their business, (some kind of craft beading business). The Claimant ordered them to leave Penthouse 5 which they did and the Claimant and his security then left.

2.10. Save that the imputation that Ms Heard needed to be kept "safe" from the Claimant is denied, no admissions are made as to paragraph 8m because the Claimant does not know what Ms Heard did after he left Penthouse 3.

2.11. As to paragraph 8n: it is admitted that Ms Heard filed a petition for the dissolution of her marriage to the Claimant on 23 May 2016 and issued an application for a domestic violence restraining order against the Claimant on 27 May 2016 but it is denied that this was "following the incident" as described in the Defence. The second and third sentences are admitted.

2.12. It is admitted that Ms Heard's declaration contained the matters set out in paragraph 8o. As to the first sentence of that paragraph, the true facts are as set out above. As to the second to fourth sentences, the Claimant does

not plead further to the second to fourth sentences as it is not necessary to do so.

2.13. Paragraph 8p is admitted. Ms Heard repeatedly failed to cooperate with the court process and in particular attended but refused to participate in her first scheduled deposition. A number of Ms Heard's witnesses repeatedly delayed attending for deposition.

2.14. Paragraph 8q is admitted. Ms Heard's application for a restraining order was dismissed with prejudice.

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**VICTORIA JOLLIFFE**