

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Civil Action No.: CL-2019-0002911

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION TO USE PRIOR DEPOSITIONS

Benjamin G. Chew (VSB #29113)
Elliot J. Weingarten (*pro hac vice*)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
eweingarten@brownrudnick.com

Camille M. Vasquez (*pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Phone: (949) 752-7100
Fax: (949) 252-1514
cvasquez@brownrudnick.com

Robert B. Gilmore (*pro hac vice*)
Kevin L. Attridge (*pro hac vice*)
STEIN MITCHELL BEATO & MISSNER LLP
901 15th Street NW, Suite 700
Washington, DC 20005
Phone: (202) 601-1589
Fax: (202) 296-8312
rgilmore@steinmitchell.com
kattridge@steinmitchell.com

Adam R. Waldman (*pro hac vice*)
THE ENDEAVOR GROUP LAW FIRM, P.C.
5163 Tilden Street, NW
Washington, DC 20016
Phone: (202) 715-0966
Fax: (202) 715-0964
awaldman@theendevorgroup.com

Counsel for Plaintiff John C. Depp, II

ARGUMENT

1. The Testimony of the Police Officers Bears Directly on the Core Dispute in this Case.

Defendant Amber Laura Heard (“Ms. Heard”) claims that Plaintiff John C. Depp, II (“Mr. Depp”) physically abused her on May 21, 2016 allegedly leaving marks and swelling on her face under her eye; Mr. Depp denies that. This is the central issue in this case as it was in their divorce action, where the parties took the depositions of the first set of police officers who arrived at the scene that night to respond to a report of an argument between husband and wife. Officer Melissa Saenz and Officer Tyler Hadden both physically examined Ms. Heard’s face that night and found *no sign whatsoever of any injury* to Ms. Heard’s face. They also made a protective sweep of the two penthouses at issue: PH-3, where Mr. Depp and Ms. Heard lived; and PH-5, which Ms. Heard used as a storage area for her large wardrobe of clothing and shoes, and did not find any signs of the vandalism Ms. Heard later claimed to have occurred before their arrival. The testimony of the two disinterested, well-trained police officers, taken on July 18, 2016, **less than two months after the incident** at issue, while their memories were fresh, could not be more relevant, credible, and important for the jury to hear. Though citing no basis, Ms. Heard objects to the use of these transcripts at trial, requiring Mr. Depp to file his motion.

Officer Melissa Saenz

As of May 21, 2016, Officer Saenz served as a training officer at Central Division, with seven years under her belt. *See Exhibit A* at 9. Trained in the investigation and detection of suspected domestic violence, Officer Saenz had answered more than 100 such calls before arriving at the East Columbia penthouses owned by Mr. Depp that evening.

Officer Saenz testified that she interviewed Ms. Heard and closely examined her face and found no marks, swelling, or injury to her face. *Id.* at 20, 22. Nor did Officer Saenz find any

indication of vandalism or property damage despite searching both penthouses. *Id.* at 24-29. Finally, Officer Saenz testified that Ms. Heard told her that she was not hurt (*id.* at 26), nor was Ms. Heard making a complaint against Mr. Depp. *Id.* at 31-33. Officer Saenz testified that had she seen physical injuries to Ms. Heard she would have proceeded with a further investigation even in the absence of cooperation from Ms. Heard. *Id.* at 34. Officer Hadden, a trainee who accompanied Officer Saenz to the penthouses that evening, testified that he and Officer Saenz did not even realize until later the identities (names) of Mr. Depp and Ms. Heard (*see Exhibit B* at 46), which were ascertained by a second set of later arriving officers who relied on the reports made by Officers Saenz and Hadden, so there can be no suggestion that Mr. Depp's celebrity earned him any favorable treatment.

Officer Tyler Hadden

Officer Hadden also testified that he examined Ms. Heard and found no marks, bruising, swelling, or other signs of injury on her face. *See Exhibit B* at 27. Nor did Officer Hadden see any signs of vandalism or property destruction. *Id.* at 34-35. The officer's testimony jibes with that of Isaac Baruch, who lived next door in PH-2, who saw Ms. Heard each of the next several days after the alleged incident (that is, on May 22, 23, and 24), and testified that on each occasion that she had no signs of any injury to her face or any indication that she was wearing make-up to conceal any injuries.

2. Rule 4:7 Allows the Use of These Crucial Prior Depositions.

Interpreting Rule 4:7, the Supreme Court of Virginia has held that in order to admit a deposition from an absent witness in a previous action, three criteria must be met: (1) the deponent must be "more than '100 miles from the place of [trial] or hearing, or [was] out of this Commonwealth'"; (2) the deposition must have been "taken in a previous 'action involving the

same subject matter' as the present action"; and (3) the present action must be "between the same parties' as the previous action." *See Burns v. Gagnon*, 283 Va. 657, 680 (2012). Each of these criteria is satisfied here.

First, it is undisputed that Officers Saenz and Hadden both reside in California, well outside this Commonwealth and more than 100 miles from the place of trial.

Second, the depositions from the divorce proceeding involve the "same subject matter" as the present action -- specifically, Ms. Heard's allegations relating to the purported May 21, 2016 incident. *See Exhibit C*. There is no requirement that the causes of action be identical; rather, there must be a "finding that the party opponent in the prior action had the same interest and motives in examining the deponent that the present opponent has." *See Azalea Drive-in Theatre v. Sargoy*, No. 73-347-N, 1974 WL 1014, at *1 (E.D. Va. Sept. 16, 1974). Ms. Heard was represented by sophisticated counsel at the depositions in the divorce proceedings, Samantha F. Spector, Esq., and had every incentive and opportunity to cross-examine the deponents regarding the events of May 21, 2016.

Third, the present action is between the exact same parties as the previous action -- Ms. Heard and Mr. Depp. Both Mr. Depp and Ms. Heard were represented by able counsel at the depositions of Officers Saenz and Hadden. Thus, each of the requirements enumerated by the Virginia Supreme Court are satisfied in this case.¹


¹ Mr. Depp also notes two additional requirements that appear in Rule 4:7 which were not addressed by the Virginia Supreme Court in the *Burns* case. Those requirements are (1) that the prior case has been dismissed and (2) that the prior depositions were "lawfully taken and duly filed." *See* Va. Sup. Ct. R. 4:7(a)(7). The divorce proceeding was settled and dismissed, and the depositions were lawfully taken. *See* Ex. A and Ex. B. While the depositions were not "duly filed" in the divorce proceeding, that is only because California law *prohibits* the filing of depositions with the court. *See* Cal. Civ. Proc. Code § 2025.550 ("The certified transcript of a deposition shall not be filed with the court."); *see also id.* at § 2025.560 ("An audio or video recording of deposition testimony...shall not be filed with the court."). In such cases, courts have

CONCLUSION

For the foregoing reasons, Mr. Depp respectfully requests that the Court grant his motion to use the depositions of Officers Saenz and Hadden at trial in the present action.

Dated: November 22, 2019

Respectfully submitted,


Benjamin G. Chew (VSB #29113)
Elliot J. Weingarten (*pro hac vice*)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
eweingarten@brownrudnick.com

Camille M. Vasquez (*pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Phone: (949) 752-7100

Robert B. Gilmore (*pro hac vice*)
Kevin L. Attridge (*pro hac vice*)
STEIN MITCHELL BEATO & MISSNER LLP
901 15th Street NW, Suite 700
Washington, DC 20005
Phone: (202) 601-1589
Fax: (202) 296-8312
rgilmore@steinmitchell.com
kattridge@steinmitchell.com

Adam R. Waldman (*pro hac vice*)
THE ENDEAVOR GROUP LAW FIRM, P.C.
5163 Tilden Street, NW
Washington, DC 20016
Phone: (202) 715-0966
Fax: (202) 715-0964

found that the “duly filed” requirement is satisfied where the depositions “have been delivered to the attorney taking the deposition or ordering the transcript.” *See, e.g., In re Paramount Payphones, Inc.*, 256 B.R. 341, 345-46 (Bankr. M.D. Fla. 2000) (recognizing that in order for a deposition from a prior lawsuit to be admitted, plaintiff had to demonstrate “that the depositions were ‘duly filed’” and ultimately holding that the depositions were “duly filed” under the rules “where local rule prohibits the filing of the deposition with the court and where they have been delivered to the attorney taking the deposition or ordering the transcript.”). Because of the substantial similarity between Federal Rule of Civil Procedure 32(a)(4) at the time the *Paramount Payphones* case was decided and the pertinent language of the current Virginia Supreme Court rule (*compare* Va. Sup. Ct. R. 4:7(a)(7) with *Leger v. Texas EMS Corp.*, 18 F. Supp. 2d 690, 694 (S.D. Tex. 1998) (citing to the pertinent language of FRCP 32(a)(4))), this Court should look to federal case law as persuasive authority, as Virginia courts regularly do. *See, e.g., Tabb v. Judd*, 2 Va. Cir. 406 (1975) (looking to federal court decisions as persuasive authority in interpreting FRCP 26, which was similar to the Virginia Rule and there were no Supreme Court of Virginia cases on point); *Stone v. Clifton Forge Health Care, LLC*, 83 Va. Cir. 479 (2011) (holding with respect to FRCP 26 and Va. Sup. Ct. R. 4:1, “In view of the similarity of the two rules, the interpretation of the federal rule provides persuasive authority in interpreting the Virginia rule.”).

Fax: (949) 252-1514
cvasquez@brownrudnick.com

awaldman@theendeavorgroup.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November 2019, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
John C. Quinn (*pro hac vice*)
KAPLAN HECKER & FINK, LLP
350 Fifth Avenue, Suite 7110
New York, New York 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
jqinn@kaplanhecker.com

A. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Davida Brook
Susman Godfrey L.L. P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
dbrook@susmangodfrey.com

Counsel for Defendant Amber Laura Heard

Timothy J. McEvoy
Sean Patrick Roche
CAMERON/MCEVOY, PLLC
4100 Monument Corner Drive, Suite 420
Fairfax, Virginia 22030
Telephone: (703) 273-8898
Facsimile: (703) 273-8897
tmcevoy@cameronmcevoy.com
sroche@cameronmcevoy.com

Eric M. George (*pro hac vice*)
Richard A. Schwartz (*pro hac vice*)
BROWNE GEORGE ROSS LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, California 90067
Telephone: (310) 274-7100
Facsimile: (310) 275-5697
egeorge@bgrfirm.com
rschwartz@bgrfirm.com

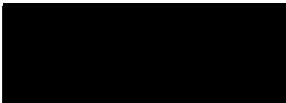

Benjamin G. Chew

EXHIBIT A

Officer Melissa Saenz
July 18, 2016

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

In re the Marriage of

Petitioner: AMBER LAURA DEPP

and

No: BD641052

Respondent: JOHN CHRISTOPHER DEPP
II (AKA JOHNNY DEPP)

DEPOSITION OF OFFICER MELISSA SAENZ

July 18, 2016

2:03 p.m. - 2:45 p.m.

2049 Century Park East, Suite 800

Los Angeles, California

Reported by:

PAMELA J. FELTEN

CSR No. 5189

U.S. LEGAL SUPPORT
(800) 993-4464

1 APPEARANCES:

2 For Petitioner:

3 SPECTOR LAW
4 BY: SAMANTHA F. SPECTOR
5 Attorney at Law
6 1925 Century Park East
7 Suite 200
8 Los Angeles, California 90067
9 (310) 282-9478
10 ss@spectorlawfirm.com

9 For Respondent:

10 WASSER, COOPERMAN & MANDLES
11 BY: LISA SUTTON
12 Attorney at Law
13 2049 Century Park East
14 Suite 800
15 Los Angeles, California 90067
16 (310) 277-7117
17 Lisa@wcmfamilylaw.com

14 TAYLOR & BERK PC
15 BY: BLAIR BERK
16 HANS ALLHOFF
17 Attorneys at Law
18 9119 Sunset Boulevard
19 Los Angeles, California 90069
20 (310) 278-2111
21 blairberk@me.com

19 GLASER WEIL FINK JACOBS HOWARD
20 AVCHEN & SHAPIRO, LLP
21 BY: KERRY GARVIS WRIGHT
22 Attorney at Law
23 10250 Constellation Boulevard
24 19th Floor
25 Los Angeles, California 90067
(310) 553-3000
Kgarviswright@glaserweil.com

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INFORMATION REQUESTED

(NONE)

DOCUMENTS REQUESTED

(NONE)

WITNESS INSTRUCTED NOT TO ANSWER

(NONE)

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OFFICER MELISSA SAENZ

DEPP V. DEPP

Monday, July 18, 2016

Pamela J. Felten, CSR No. 5189

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Los Angeles, California

Monday, July 18, 2016, 10:16 a.m.

OFFICER MELISSA SAENZ,

having been first administered an oath, was
examined and testified as follows:

EXAMINATION

BY MS. BECK:

Q Good afternoon, Officer. My name is Blair Berk
and I represent Johnny Depp and I'm going to be asking
you some questions this afternoon.

A Okay.

Q There is something I need to read that's more
formal in terms of instructions. So bear with me and let
me get through it, and if there's anything you don't
understand, just let me know. Okay?

A Perfect.

Q This proceeding in which you're about to give
testimony here today is known as a deposition. Our
purpose in taking a deposition is to obtain facts and
information within your knowledge related to matters
involved in this lawsuit or proceeding. We do not seek
to trick you or to trap you. We do not wish to cause you
discomfort.

1 The person transcribing the deposition is the
2 certified shorthand reporter. At the onset, you'll be
3 placed under oath, which you already have been, and you
4 will then be asked questions which you're expected to
5 answer fully and truthfully under oath.

6 Please do not guess. We request your best
7 present recollection of the facts about which you will be
8 questioned. We will presume, therefore, that whatever
9 you testify to today is your best present recollection
10 and not a guess. Although this deposition is being held
11 in the informality of these lovely law offices, this
12 deposition does have all the solemnity of courtroom
13 testimony. Since you're under oath, your testimony here
14 today will have the same force and effect and be subject
15 to the same penalties as if you were testifying in a
16 courtroom before a judge. And among such penalties to
17 which you're subject is the penalty of perjury. Perjury
18 is defined as willfully and contrary to an oath
19 administered stating as true a material fact which one
20 knows to be false. Perjury is a crime. The penalties
21 for perjury are set forth in the Penal Code.

22 Everything said during your deposition will be
23 taken down and transcribed by the court reporter. Every
24 question we ask, every answer or comment you give,
25 everything said by you all will be duly transcribed. It

1 therefore is vital that if at any time you do not hear or
2 do not understand any question, you just tell us. And we
3 will have the opportunity to immediately repeat or
4 rephrase any question to you. Obviously, if you do not
5 promptly tell us otherwise, we'll have no choice but to
6 presume that you did clearly hear and understand each
7 question and that your answer to each question is based
8 upon your complete and full understanding. Please
9 remember that the court reporter is only able to
10 transcribe audible responses, so please don't nod or
11 shake your head or say merely uh-uh or uh-huh.

12 A Okay.

13 Q Please also remember that the court reporter
14 can record the words of only one person speaking at a
15 time. So allow for my questions to be completed before
16 you begin to respond. If you are inadvertently
17 interrupted by me or anyone else before you finish your
18 answer, please tell me immediately. Otherwise we'll
19 assume that you've completed the answer.

20 At the conclusion of this session, the reporter
21 will transcribe what's been said into a booklet form.
22 You'll have an opportunity to read it and make any
23 changes in the form or substance of any of the answers to
24 any question that you feel is necessary.

25 At the time of trial, if there is a trial,

1 you'll be questioned before the judge as to why you made
2 such changes and we'll contend at the time of trial that
3 your memory and recollection here today are as good or
4 better than at any time later.

5 Can you think of any reason, Officer Saenz, why
6 you'd be unable to provide me with accurate and
7 comprehensive answers today?

8 A I cannot.

9 Q Okay. Officer Saenz, have you ingested any
10 alcohol at any time in the last 12 hours?

11 A No, I have not.

12 Q Okay. Do you believe -- have you taken any
13 medication in the last 12 hours?

14 A No, I have not.

15 Q Okay. Do you feel that you are of sufficient
16 mind to answer my questions today?

17 A Yes, I do.

18 Q Okay.

19 MS. SPECTOR: Very good.

20 MS. BERK: Very good. I'm going to show you a
21 copy of your deposition subpoena marked as --

22 THE REPORTER: Mark it A.

23 MS. BERK: -- Exhibit A.

24 (Exhibit A marked)

25 BY MS. BERK:

1 Q Do you recognize that?

2 A Yes, I do.

3 Q And do you remember when you first saw that
4 document?

5 A Not the exact date. Approximately two to three
6 weeks ago.

7 Q And is this the document that brought you here
8 today?

9 A Correct.

10 Q Okay. And I assume there's a separate -- you
11 didn't ever see the Subpoena Duces Tecum for documents,
12 correct? That goes to a different division?

13 A Correct. I just get this, I initial it, and
14 then they take it back.

15 Q No worries. Very good.

16 If you'll just hand that to the court reporter.

17 Okay. Officer Saenz, let's start with where
18 you're employed. Could you tell us where you're
19 employed?

20 A Sure. I am a police officer for the City of
21 Los Angeles. I am a training officer at Central
22 Division.

23 Q How long have you been so employed?

24 A Seven years.

25 Q Okay. You look very young.

1 A Thank you.

2 Q In your seven years, how -- for how many of
3 those seven years, have you been a supervisor or a
4 train- -- someone who is training officers?

5 A It's been eight months.

6 Q Okay. And in your capacity as a training
7 officer, were you working in that capacity on May 21 of
8 2016?

9 A Yes, I was.

10 Q Okay. And before we get there, could you tell
11 us a little bit about your own training? Tell us about
12 your training to be a police officer.

13 A Well, we -- to become a police officer, we go
14 through a six-month academy where we get trained on
15 various law enforcement subjects. And after our six
16 months, we graduate, we go to a probationary period for a
17 year, and after that we go to -- we get chosen to go to
18 whatever division they need us at within the city.

19 Q And in your training, Officer Saenz, in the
20 academy, are you -- did you receive training in the
21 detection of -- investigation and detection of crimes of
22 suspected domestic violence?

23 A Yes, we did.

24 Q Okay. And in your field training, did you
25 receive field training in the investigation and detection

1 of crimes of domestic violence?

2 A Yes, we did.

3 Q Okay. And in your capacity as an officer,
4 would it be fair to say that you've responded to dozens
5 and dozens of calls related to the investigation and
6 detection of domestic violence?

7 A Yes.

8 Q Do you have any idea of how many calls related
9 in your seven or eight years of work as a Los Angeles
10 police officer?

11 MS. SPECTOR: Misstates testimony.

12 THE WITNESS: I honestly wouldn't be able to
13 put a number. Many.

14 BY MS. BERK:

15 Q Okay.

16 A Many, many.

17 Q Over a hundred?

18 A Yes.

19 Q Okay.

20 A Over a hundred, yes.

21 Q Okay. Officer Saenz, I'd like to draw your
22 attention to May 21, 2016 and a call that I understand
23 from dispatch you responded to at 8:49 South Broadway.
24 Do you recall that evening?

25 A Yes, I do.

1 Q Okay. And you were on duty that night with
2 Officer Hadden as your -- as your trainee partner?

3 A Yes, I was.

4 Q Do you recall the dispatch call itself?

5 A Yes, I do.

6 Q Okay. What do you recall the dispatch call
7 stating or relating to you prior to arrival at 849 South
8 Broadway?

9 MS. SPECTOR: Compound.

10 THE WITNESS: I believe it was a third person
11 caller that gave an address and just stated it was a
12 possible domestic incident at a penthouse and no room
13 number, just a penthouse.

14 BY MS. BERK:

15 Q Okay. And were you given any other specific
16 details about what was being claimed?

17 A No, I did not.

18 Q Upon arriving at the location, 849 South
19 Broadway, could you tell me what you first did?

20 A Yes. I responded with my partner up to the
21 penthouse to try to make contact with the possible victim
22 or suspect.

23 Q Okay. Before you got up to the penthouse, did
24 you have any interaction with anyone downstairs in the
25 first level of the building?

1 A I believe we asked the receptionist if we can
2 get up to the penthouse and I believe she scanned us up.
3 But other than that, we did not.

4 Q Okay. So prior to getting in the elevator, you
5 did not have any contact with any man or woman in the
6 lobby other than whoever assisted you in getting into the
7 elevator?

8 A Correct.

9 Q Okay. And did you travel in the elevator with
10 Officer Hadden?

11 A Yes, I did.

12 Q Okay. And was there anybody else in the
13 elevator?

14 A No, there was not.

15 Q Okay. Can you tell us, Officer Saenz, what
16 happened when you arrived at the penthouse level in the
17 elevator and left the elevator?

18 A Yes. We exited the elevator and we attempted
19 to door-knock the penthouse, and we did not receive an
20 answer. So we tried to listen for possible signs of
21 domestic violence. Glass breaking, fighting, shouting.
22 We heard nothing. So we responded to the outdoor
23 courtyard and we tried to make contact, tried to see if
24 there was anyone outside. There was a woman in the gym,
25 but it was obvious she was not related to the incident.

1 So we re-responded back into the hallway and we were met
2 by a gentleman. A male white.

3 Q And the male white, could you describe his
4 physical appearance other than male white?

5 A You know what, I don't recall details of him.
6 Just generic male white. He didn't look like he was
7 under distress or anything.

8 Q Okay. Did he give you his name? Do you
9 recall?

10 A No, he did not give me his name.

11 Q Okay. And what did he tell you, if anything?

12 A He actually approached us as we were walking
13 back into the hallway and he asked if we were here for a
14 call. And we advised him that we were here for a
15 possible domestic violence incident. And he just stated,
16 "She's in -- she's in my apartment."

17 And I said, "Okay. Who is 'she'?"

18 He said, "The one that lives here."

19 So I asked him if he could explain to us what
20 happened, and he didn't give us any details. He said,
21 "Everything is okay. It's fine. And she's in my
22 apartment with my girlfriend."

23 And I said, "Okay, I need to speak to her,
24 whoever she is."

25 And he said, "Okay. Just wait here and I'll go

1 inside and grab her."

2 So me and my partner waited outside --

3 Q Okay. Let me --let me just stop and just --

4 A Okay.

5 Q -- slow you down a little bit.

6 A Okay.

7 Q Okay? Did you ask him to describe what had
8 happened, if anything?

9 A Yes.

10 Q Okay. And what did he tell you, if anything?

11 A He gave us no details.

12 Q Okay.

13 A He just stated, "Everything is fine."

14 Q Okay. When you say he said, "Everything is
15 fine," was that -- was he indicating that your services
16 were not needed or that everything was just fine and he
17 was going to arrange for you to talk to Ms. Heard?

18 A You know what, my perception was he just wanted
19 us to go, that he got it -- had it under control.

20 Q I see.

21 A But I let him know that we had to speak to
22 whoever the female was.

23 Q Okay. And did he say anything about what the
24 incident -- what the nature of the incident was?

25 A No, he did not.

1 Q Okay. You began to describe making contact
2 with the female.

3 A Correct. He -- the gentleman re-responded to
4 his apartment, which is across the hall from Ms. Heard's
5 apartment.

6 MS. BERK: Excuse me. Can we go off record for
7 a second.

8 (Discussion off the record.)

9 BY MS. BERK:

10 Q Starting again, Officer Saenz.

11 The gentleman you describe, had he described to
12 you this was his apartment?

13 A Yes. As I recall, he said, "She's in my
14 apartment."

15 Q Okay. And you had -- prior to entering the
16 apartment, you had had the opportunity to walk the
17 hallway with your fellow officer; is that correct?

18 A Correct.

19 Q Okay. While walking the hallway, did you walk
20 the full length of the hallway to see if you heard any
21 sounds or any activity?

22 A Yes, I did.

23 Q Was the hallway -- did it have lights? Was it
24 a lighted hallway?

25 A Yes, it was well-lit.

1 Q Okay. At any time when you first inspected
2 that area to listen for sounds or to observe the
3 surroundings, did you see any indication of vandalism or
4 property damage?

5 A No, I did not.

6 Q Did you see any broken glass or broken bottles
7 anywhere in the hallway?

8 A No, I did not.

9 Q Did you see any splashed wine on the floor or
10 the walls?

11 A No, I did not.

12 Q Okay. When you made entry to the apartment
13 described as the gentleman's apartment that you had
14 encountered earlier, did he open the door and let you in?

15 A No, we never made entry into that apartment.

16 Q Okay. You never went inside the apartment at
17 all?

18 A Correct.

19 Q Okay. What happened when you got to the
20 apartment described as that of the gentleman?

21 A He asked us to wait. He opened his door. He
22 shut it, and I could hear talking. I heard voices.

23 Q Did you hear what was said?

24 A No, I didn't. I heard a female. It was --
25 sounded like female voices. So I assumed it was his --

1 what he said was his girlfriend and Ms. Heard.

2 Q Okay.

3 A After I heard the voices, I knocked again. I
4 said, "Sir, I need you to open the door." And that's
5 when Ms. Heard came out with his girlfriend and he
6 re-responded to the hallway, too, as well.

7 Q Okay. When you say you knocked again, how long
8 were you left waiting when he first shut the door and
9 when you knocked again?

10 A It was probably about 30 to 40 seconds.

11 Q Okay. And then you knocked again?

12 A Correct.

13 Q And did he immediately answer or did you have
14 to wait again?

15 A Immediately one of the females opened the door
16 and came out --

17 Q Okay.

18 A -- into the hallway. I can't recall which
19 female it was..

20 Q Okay. And eventually did you make contact with
21 somebody you came to know as Amber Heard?

22 A Yes, I did.

23 Q Okay. Let's talk about that.

24 A Okay.

25 MS. BERK: Showing you what will be marked as

1 Exhibit B.

2 (Exhibit B marked)

3 BY MS. BERK:

4 Q Do you recognize this person?

5 A Yes, I do.

6 Q And is that the person you came to know at some
7 point was Amber Heard?

8 A Yes.

9 Q Okay. Tell me, Officer Saenz, when Ms. Heard
10 first came out of the apartment, did you speak with her?

11 A Yes, I did.

12 And just for the record, the last question was
13 did I know it was Amber Heard. I didn't -- the entire
14 call she would not give me her name and I did not
15 recognize her. I didn't know who she was. And I found
16 out probably two weeks later.

17 Q Okay.

18 A So . . .

19 Q And I meant to see, if I didn't, who you later
20 came to learn was Amber Heard --

21 A Yes, I later learned.

22 Q -- because that was my understanding as well.

23 When you first made contact with Ms. Heard, can
24 you tell me, were you speaking to her directly or was
25 your partner?

1 A I was.

2 Q Can you tell me what you said to her?

3 A Well, she was crying. And I asked her, "Are
4 you okay?"

5 And she said, "Yes."

6 And from her body language it was very clear
7 that she did not want to speak to us. She looked upset.
8 So I asked her, "Do you want to go into your apartment so
9 we can talk in private?" And usually as a female
10 officer, the females will open up with us in private.
11 And she said, "Yes. Can my friend come?"

12 I said, "Yes."

13 So Ms. Heard, her friend and I went into her
14 apartment.

15 Q Okay. Now, before you go into the apartment,
16 Officer Saenz, did you have the opportunity to be close
17 to Ms. Heard and look at her physically?

18 A Yes, I did.

19 Q Okay. And you had the opportunity to observe
20 her face and her body --

21 A Correct.

22 Q -- to the extent you could see anything?

23 Do you recall what she had on?

24 A I do not recall what she had on. I don't
25 recall if I seen her arms. I just know I seen her -- her

1 face --

2 Q Okay.

3 A -- and she had no injuries.

4 Q Okay. Let's talk about that a second.

5 You -- as part of your training in the
6 investigation of a potential domestic violence incident,
7 I'm assuming you deal with plenty of folks who indicate
8 that nothing happened when something happened, correct?

9 A Correct.

10 Q And, likewise, you deal with folks who indicate
11 that something happened when possibly nothing happened,
12 correct?

13 A Correct.

14 Q Okay. In this incident, I am assuming whatever
15 Ms. Heard was telling you, you were still independently
16 investigating any indicia, any signs that a crime had
17 been committed, correct?

18 A Correct.

19 Q Okay. And part of the reason that you look at
20 the person and look to see their physical condition is
21 to determine whether there had been a potential assault,
22 correct?

23 A Correct.

24 Q When you first encountered Ms. Heard, you
25 testified earlier that she was crying, correct?

1 A Correct.

2 Q And -- but that you looked at her face,
3 correct?

4 A Correct.

5 Q And could you describe -- did you see any marks
6 of any kind on her face at all?

7 A No, I did not.

8 Q Did you see any signs of swelling or injury to
9 her face at all?

10 A No, I did not.

11 Q Okay. Did you see any bruises or marks under
12 either eye?

13 A No, I did not.

14 Q Did you see any bruises or marks of any kind on
15 her cheeks?

16 A No, I did not.

17 Q Okay. At the point that you discussed with her
18 speaking, you began to testify earlier that you went to
19 another location?

20 A We went just across the hall --

21 Q Okay.

22 A -- to where her apartment was.

23 Q Okay. And is that where she said the incident
24 had occurred?

25 A She never stated that the incident occurred.

1 She didn't give me any details.

2 Q Okay. So she just -- you -- who suggested they
3 go to her apartment?

4 A I asked her if she would like to go next door.
5 I asked if she lived there. She said yes -- she nodded
6 her head. I said, "Okay. Would you like to talk in
7 there?" And she said, "Yes."

8 Q Okay. When you got to the door, did she open
9 the door?

10 A Yes, she did.

11 Q Okay. And you went inside the penthouse?

12 A Yes, I did.

13 Q Okay. And did your partner go inside the
14 penthouse?

15 A He did after a couple minutes.

16 Q Okay. Okay. And who else went inside, if
17 anyone, besides you and Amber Heard?

18 A Her unknown female friend that was next door
19 with her.

20 Q Okay. And when you got inside the apartment,
21 did you have an opportunity to see the -- the inside of
22 the penthouse?

23 A Yes, I did.

24 Q Okay. Can you describe for me was there a sofa
25 located in the penthouse?

1 A Yes, there was.

2 Q Okay. Is that where you spoke with Ms. Heard
3 or somewhere else?

4 A Yes. She was standing in front of a sofa in
5 the entryway.

6 Q Okay. And as you were inside the penthouse,
7 did you see any broken glass of any kind?

8 A No, I did not.

9 Q Did you see any broken picture frames of any
10 kind?

11 A No, I did not.

12 Q Did you see any wine bottles on the floor or
13 broken in any manner?

14 A No, I did not.

15 Q Did you see any spilled wine of any kind or
16 spilled liquids of any kind?

17 A No, I did not.

18 Q Okay. And you had an opportunity to observe
19 the various parts of that penthouse?

20 A Yes. I advised her -- when she refused to
21 speak to me, I advised her if -- that I would need to
22 check the location to make sure that there was nobody
23 hurt and there was no suspects. And she agreed and
24 her -- her male friend pointed us to where we could
25 check, and check inside the house.

1 Q Okay. Now, while you're still in the living
2 room of the penthouse, am I correct that there is also a
3 kitchen in that area?

4 A Yes. It's one large space.

5 Q Okay. And did you have an opportunity to
6 equally inspect that area?

7 A Yes, I did.

8 Q And was there any shattered glass anywhere?

9 A No, there was not.

10 Q Were there any broken bottles of any kind?

11 A No, there was not.

12 Q Were there any broken picture frames of any
13 kind?

14 A No, there was not.

15 Q Was there any spilled wine of any kind?

16 A No, there was not.

17 Q Or other liquids that were on the floor --

18 A Not that --

19 Q -- that you could detect?

20 A Not that I seen.

21 Q Okay. Did you sit with Ms. Heard at any point
22 on the sofa to speak with her?

23 A No, I did not.

24 Q Okay. Did she sit on any -- at any time on the
25 sofa while she was speaking with you?

1 A I believe after we checked the location, she
2 sat down on the sofa with her friend.

3 Q Okay. So we'll get back to that. Before you
4 did a -- a sweep or a check of the rest of -- of the
5 penthouse, did you have any opportunity to speak with
6 Ms. Heard when you were in the apartment?

7 A Yes, I did.

8 Q Okay. Could you tell us about that
9 conversation?

10 A Sure. I asked her, "What happened?" Opening
11 question.

12 She said, "Nothing," and she continued to cry.

13 I said, "Who do you live here with?"

14 She shook her head as if she did not want to
15 answer.

16 I asked her, "Are you hurt? Do you need an
17 ambulance?"

18 And she shook her head again no.

19 At that point, I asked her if she mind -- if
20 she would mind if I checked her apartment. And that's
21 when she said no.

22 Q At any time during that conversation, did she
23 say that she had been struck with any object or hit by
24 any person?

25 MS. SPECTOR: Compound.

1 THE WITNESS: No, she did not.

2 BY MS. BERK:

3 Q Okay. And did she say that she had been
4 assaulted in any way by any other human being?

5 A No, she did not.

6 Q Was there any reference to a verbal dispute at
7 any time that she had had?

8 A I believe I asked her if she had a verbal
9 dispute. Often when victims deny any sort of physical
10 altercation, I ask if it was verbal. Again, I got the
11 same response. She just shook her head. She did not
12 want to talk to me.

13 Q Okay. Did you ever ask her who her husband
14 was?

15 A I believe so. I got no answer. She refused --

16 Q Okay.

17 A -- to give me any answer.

18 Q Okay. Was she otherwise cooperative or would
19 you describe her demeanor as uncooperative?

20 MS. SPECTOR: Vague as to "cooperative,
21 uncooperative."

22 BY MS. BERK:

23 Q During your encounter with her.

24 MS. SPECTOR: Same objection.

25 THE WITNESS: I don't want to call her

1 uncooperative, but she was not forthcoming, she refused
2 to speak to me, she didn't answer any of my questions. I
3 guess -- yeah, I guess you could call her uncooperative.

4 BY MS. BERK:

5 Q Okay. Fair enough. Fair enough.

6 Was there anything else she told you prior to
7 under- -- you undertaking a sweep of the apartment?

8 A No.

9 Q Okay. And did you ask her prior to undertaking
10 a sweep of the apartment specifically if anyone had
11 assaulted her?

12 A Can you repeat that question?

13 Q Had you asked her prior to taking a sweep of
14 the apartment had anyone assaulted her?

15 A Yes, I did ask her.

16 Q And what did she say?

17 A Again, I got no answer. Just . . .

18 Q Okay. And you then at the some point undertook
19 a sweep?

20 A Yes.

21 Q Okay. And you inspected the upstairs and
22 downstairs of this penthouse?

23 A Yes, I did.

24 Q Okay. And you went in all of the rooms?

25 A Yes, I did.

1 Q Did you see at any time any signs of a struggle
2 or vandalism in the -- in the penthouse apartment?

3 MS. SPECTOR: Compound.

4 THE WITNESS: No, I did not.

5 BY MS. BERK:

6 Q Okay. Did you see at any time in your
7 inspection of the premises broken glass?

8 A No, I did not.

9 Q At any time in your inspection of the premises
10 did you see any spilled wine of any kind?

11 A No, I did not.

12 Q At any time during your inspection of the
13 premises, did you see any broken bottles?

14 A No, I did not.

15 Q At any time during your inspection of the
16 premises, did you see any broken pictures or glass
17 picture frames or wooden picture frames?

18 A No, I did not.

19 Q Did you also undertake an inspection of other
20 penthouses connected to this residence?

21 A Yes, I did.

22 Q Okay. Tell me about that. How did that occur?

23 A After we completed the sweep of the first
24 penthouse that we were all standing in, the male advised
25 me that the next door penthouse also belonged to

1 Ms. Heard, and he walked us over, unlocked the door, and
2 my partner and I did a sweep of that --

3 Q Okay.

4 A -- penthouse as well.

5 Q Okay. And could you describe what you saw in
6 that penthouse?

7 A Yes. It was many racks with a lot of white
8 clothing and I remember asking the male, "Oh, do they
9 sell clothing? Are they" -- he's like, "Oh, yeah, they
10 design clothing and jewelry."

11 And I said, "Oh, okay. Just making
12 conversation. I said, "Okay." And I remember continuing
13 upstairs and we checked the whole loft and everything
14 seemed ordinary.

15 Q Okay. In your entry to the place where they
16 had described making jewelry and clothing, did you see
17 any other people as you and Officer Hadden went in?

18 A No, we did not.

19 Q Was the gentleman with you at that time?

20 A Yes, he was.

21 Q Okay. When you walked into that area, did you
22 see at any time any signs of a struggle --

23 A No, I did not.

24 Q -- having occurred?

25 Did you see any signs of vandalism to any of

1 the property in that location?

2 A No, I did not.

3 Q Did you see any -- did you see any broken glass
4 of any kind?

5 A No, I did not.

6 Q Did you see any wine bottles on the floor,
7 broken or unbroken?

8 A No, I did not.

9 Q Did you see any wine spilled on the floor of
10 any kind?

11 A No, I did not.

12 Q Okay. And you and Officer Hadden cleared that
13 location, as well?

14 A Yes, we did.

15 Q Okay. After you cleared that location, Officer
16 Saenz, what did you do next?

17 A We -- my partner and I re-responded to the
18 original penthouse where Ms. Heard was standing by.

19 Q Okay. When you arrived back at the original
20 penthouse, did you encounter Ms. Heard again?

21 A Yes, I did.

22 Q Okay. Is it true to say that you had an
23 opportunity to observe her face a second time when you --
24 when you encountered her?

25 A Yes, I did.

1 Q Okay. At this point, were there any signs on
2 her face that you could see that she had any injury to
3 her face?

4 A There were no signs of injury.

5 Q Did you see any red marks of any kind under
6 either eye on her face?

7 A No, I did not.

8 Q Did you see any bruising on her face?

9 A I did not.

10 Q Did you see any swelling of any kind on her
11 face?

12 A I did not.

13 Q And did you talk to her a second time?

14 A Yes, I did.

15 Q Okay. Could you describe for us that
16 conversation?

17 A Yes. So I advised her that we had checked both
18 of the lofts or the penthouses and, again, I asked her,
19 "Are you sure you don't want to speak to me? I'll have
20 everyone exit the room."

21 She was still -- she was still crying and she
22 said, "No, I don't -- I don't want anything."

23 I said, "Okay, ma'am, I'm going to write you a
24 business card in case you change your mind. If you
25 change your mind at any time, you can call us back and

1 we'll respond."

2 And I had my partner write out a business card
3 and I issued her one and I issued her neighbors one, as
4 well. And that was it. I asked them if they had any
5 questions. No one had any questions. The gentleman
6 walked me and my partner to the elevator and we left the
7 location.

8 Q Okay. Before we get to you leaving the
9 apartment, is it true that in your response to a dispatch
10 of suspected domestic dispute that you are looking for
11 any probable cause to believe a crime had been committed?

12 A Correct.

13 Q Okay. And in doing so, you are looking for
14 evidence that a crime has been committed? Physical
15 evidence?

16 A Correct.

17 Q And that includes injuries to the person who
18 you are encountering, correct --

19 A Correct.

20 Q -- who was involved in whatever the alleged
21 dispute was? And any signs of property damage or
22 vandalism correct?

23 A Correct.

24 Q Okay. At the point that you gave your card to
25 Ms. Heard, did you have any probable cause to believe any

1 crime whatsoever had been committed?

2 A No, I did not.

3 Q Okay. At any time did you tell Amber Heard
4 that you believed a crime had been committed and you were
5 willing to go out and arrest her husband?

6 A No, I did not.

7 Q Did you at any time say any words to that
8 effect to her?

9 A Excuse me. No, I did not.

10 Q Okay. Did you say any words to that effect to
11 anyone else you encountered at the penthouse?

12 A No, I did not.

13 Q And I am assuming, whether Ms. Heard cooperated
14 or not, if you had seen physical injuries to Ms. Heard,
15 that would be in and of itself enough to proceed with a
16 further investigation of a crime, correct?

17 A Correct.

18 Q And you did not proceed with further
19 investigation of a crime at that point, correct?

20 A Correct.

21 Q Okay. When you exited the apartment, did
22 someone show you down from the apartment?

23 A The gentleman involved walked us to the
24 elevator and we parted ways from there.

25 Q Okay. And did you talk to anybody else before

1 you left the building?

2 A No, I did not.

3 MS. SPECTOR: I have a few questions.

4 MS. BERK: Wait.

5 (Discussion off the record.)

6 BY MS. BERK:

7 Q I think we may have covered this, Officer
8 Saenz, but just to be clear. At no point from the moment
9 you received the dispatch to when you described you
10 conducted your investigation, cleared the building, and
11 left Ms. Heard at the apartment and exited the building,
12 am I correct at no time during that period were you aware
13 of either Amber Heard or that the matter involved Johnny
14 Depp? Is that correct?

15 A Correct.

16 Q Okay. And did I hear you say earlier that you
17 did not know this matter involved Johnny Depp until a
18 couple of weeks later?

19 A Correct.

20 MS. BERK: Okay. No further questions at this
21 time.

22 Go ahead.

23 MS. SPECTOR: Could I ask you a few questions?

24 THE WITNESS: Sure.

25

EXAMINATION

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BY MS. SPECTOR:

Q You've been discussing this white male -- white gentleman that you were dealing with when you were at the building that evening on May 29th -- May 21st. Do you recall approximately how tall he was?

A I don't. I do not recall.

Q Do you recall if he was wearing any glasses?

A I do not.

Q Do you recall if he had any facial hair?

A I do not recall.

Q A goatee?

A I don't recall.

Q Earlier you testified that you spoke to Ms. Heard; is that correct?

A Correct.

Q Do you recall anything in particular about her hair?

A I do not.

MS. SPECTOR: Thank you. No further questions.

MS. BERK: Okay.

MS. SPECTOR: Thank you.

MS. BERK: Officer, I hope this wasn't too painful.

Can we go off the record?

1 (Discussion off the record.)

2 MS. BERK: I offer the following stipulation:
3 That the court reporter be relieved of responsibility
4 with respect to the original transcript and that the
5 original be transcribed and signed by the deponent under
6 penalty of perjury; the original will be sent -- you know
7 what, we did forget something. May we go off record for
8 just a second?

9 (Discussion off the record.)

10

11 FURTHER EXAMINATION

12 BY MS. BERK:

13 Q Officer Saenz, I did neglect to ask you one
14 question.

15 You indicated before that you all -- you and
16 Officer Hadden had given Ms. Heard a card, a business
17 card. And that card had a telephone number on it?

18 A Yes, it did.

19 Q Did you become aware at any time -- did you
20 become aware at any time that any other patrol responded
21 to the same location?

22 A About two weeks later when I became aware that
23 who was involved.

24 Q Okay. And how did you -- what did you come to
25 learn about a second patrol responding?

1 A I had a supervisor advise me that a second
2 patrol unit got dispatched there, as well, and their
3 findings were the same as ours.

4 Q Okay.

5 A And that is it.

6 Q Okay. And did you have any indication who
7 those officers were that responded?

8 A No, I did not. He just said another unit and I
9 had no idea who responded.

10 Q Okay. And are you aware of any call made by
11 Ms. Heard to the police following your contact with her?

12 A No, I'm not aware.

13 MS. BERK: Okay. That's it. Okay. If we can
14 go off record again.

15 MS. SPECTOR: No.

16 MS. BERK: I'm sorry?

17 THE REPORTER: You didn't finish the --

18 MS. SPECTOR: You never --

19 MS. BERK: The original will be sent to counsel
20 for the deponent and read, corrected and signed within 30
21 days of receipt; if not notified of changes in writing
22 within the time frame, the original shall be deemed
23 signed and correct; the notice of corrections you can fax
24 to me if you choose; the original transcript shall be
25 maintained by the deponent and shall be made available at

1 the time of hearing without notice; if not available,
2 then a certified copy of same corrected -- or if the
3 original shall be otherwise lost, mutilated, altered or
4 destroyed, a certified copy of same as corrected may be
5 used in place and instead of the original and used for
6 all purposes for which the original could have been used.

7 This basically means we're going to send you a
8 copy of the transcript and if there's any corrections
9 you'd like to make, just let us know and we'll make sure
10 they're corrected.

11 THE WITNESS: Okay.

12 MS. BERK: This session is adjourned and
13 suspended.

14 MS. SPECTOR: So stipulated.

15 (Deposition concluded at 2:45 p.m.)
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EXHIBIT B

Officer Tyler Hadden
July 18, 2016

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

In re the Marriage of

Petitioner: AMBER LAURA DEPP

and

No. BD641052

Respondent: JOHN CHRISTOPHER DEPP
II (AKA JOHNNY DEPP)

DEPOSITION OF OFFICER TYLER HADDEN

July 18, 2016

10:16 a.m. - 11:06 a.m.

2049 Century Park East, Suite 800

Los Angeles, California

Reported by:

PAMELA J. FELTEN

CSR No. 5189

U.S. LEGAL SUPPORT
(800) 993-4464

1 APPEARANCES:

2 For Petitioner:

3 SPECTOR LAW
4 BY: SAMANTHA F. SPECTOR
5 Attorney at Law
6 1925 Century Park East
7 Suite 200
8 Los Angeles, California 90067
9 (310) 282-9478
10 ss@spectorlawfirm.com

11 For Respondent:

12 WASSER, COOPERMAN & MANDLES
13 BY: LISA SUTTON
14 Attorney at Law
15 2049 Century Park East
16 Suite 800
17 Los Angeles, California 90067
18 (310) 277-7117
19 Lisa@wcmfamilylaw.com

20 TAYLOR & BERK PC
21 BY: BLAIR BERK
22 HANS ALLHOFF
23 Attorneys at Law
24 9119 Sunset Boulevard
25 Los Angeles, California 90069
(310) 278-2111
blairberk@me.com

GLASER WEIL FINK JACOBS HOWARD
AVCHEN & SHAPIRO, LLP
BY: KERRY GARVIS WRIGHT
Attorney at Law
10250 Constellation Boulevard
19th Floor
Los Angeles, California 90067
(310) 553-3000
Kgarviswright@glaserweil.com

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INFORMATION REQUESTED

(NONE)

DOCUMENTS REQUESTED

(NONE)

WITNESS INSTRUCTED NOT TO ANSWER

(NONE)

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OFFICER TYLER HADDEN

DEPP V. DEPP

Monday, July 18, 2016

Pamela J. Felten, CSR No. 5189

MARKED	DESCRIPTION	PAGE
Exhibit A	Deposition Subpoena For Personal Appearance	11
Exhibit B	Document titled "Incident Recall" for May 21, 2016 incident at 849 South Broadway	14
Exhibit C	Photograph of Amber Heard	24

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Los Angeles, California
Monday, July 18, 2016, 10:16 a.m.

OFFICER TYLER HADDEN,

having been first administered an oath, was
examined and testified as follows:

EXAMINATION

BY MS. BECK:

Q Good morning, Officer Hadden. I'm Blair Berk and I represent the respondent in this case. I'm going to be asking you some questions, and first I'm going to read you some instructions, and if you have any questions, just let me know. Okay?

A Yes.

Q Okay. This proceeding in which you're about to give testimony here today is known as a deposition. Our purpose in taking your deposition is to obtain facts and information within your knowledge related to matters involved in this lawsuit or proceeding. We do not seek to trick or to trap you. We do not wish to cause you discomfort.

The person transcribing the deposition is a certified shorthand reporter.

A Okay.

1 Q This very handsome lady right here.

2 At the onset, you will be placed under oath.
3 You will then be asked questions which you're expected to
4 answer fully and truthfully under oath. Please do not
5 guess. We request your best present recollection of the
6 facts and events about which you will be questioned. We
7 will presume, therefore, that whatever you testify today
8 is your best present recollection and not a guess.

9 Although this deposition is being held in the
10 informality of these beautiful law offices, this
11 deposition does not have all the solemnity of courtroom
12 testimony. Since you're under oath, your testimony here
13 today will have the same force and effect, however, and
14 be subject to the same penalties as if you were
15 testifying in a courtroom before a judge. Among such
16 penalties to which you're subject is the penalty of
17 perjury. Perjury is defined as willfully and contrary to
18 an oath administered stating as true a material fact
19 which one knows to be false. Perjury is a crime, as you
20 know. Penalties for perjury are set forth in the
21 California Penal Code.

22 Everything said during your deposition will be
23 taken down and transcribed by the court reporter. Every
24 question that we ask, every answer or comment that you
25 give, everything said by your attorney all will be duly

1 transcribed.

2 It is therefore vital if at any time you do not
3 hear or do not understand any question, you tell us at
4 once so that we may have the opportunity immediately to
5 repeat or rephrase our question to you. Obviously if you
6 do not promptly tell us otherwise, we'll have no choice
7 but to presume that you did clearly hear and understand
8 each question and that your answer to each question is
9 based upon such complete and full understanding by you.

10 Please remember that the court reporter is only
11 able to transcribe audible responses. So do not of
12 share -- I think it's shake your head, not share your
13 head -- or say merely uh-uh or uh-huh.

14 A Okay.

15 Q Please also remember that the court reporter
16 can record the words of only one person speaking at a
17 time so allow for the question fully to be completed
18 before you seek to respond. If you inadvertently are
19 interrupted before you finish your answer, please tell me
20 immediately. Otherwise, we must assume that your answer
21 was complete and that you had nothing further to say on
22 the subject.

23 A Okay.

24 Q At the conclusion of this session, the reporter
25 will transcribe what has been said into booklet form.

1 You'll have an opportunity to read that booklet and make
2 any changes in the form or substance of the answer to any
3 question that you feel is necessary. Be advised that at
4 the time of trial, you'll be questioned before the judge
5 as to why you made such changes, and we will contend at
6 the time of trial that your memory and recollection here
7 today is as good or better that at any time later.

8 A Okay.

9 Q Can you think of any reason why you've been
10 unable to provide me with accurate and comprehensive
11 answers today?

12 A No.

13 Q Have you ingested any alcoholic beverages in
14 the last 12 hours?

15 A No.

16 Q Okay. Do you believe that your consumption of
17 alcohol could affect -- in the past 24 hours could affect
18 your ability to testify here today?

19 A No.

20 Q Have you taken any medication in the last 12
21 hours?

22 A No.

23 Q Do you feel that you are of sufficient mind to
24 answer questions today?

25 A Yes.

1 Q Okay. I show you a copy -- do we have his
2 deposition notice?

3 MS. SUTTON: I'll pull one for you.

4 MS. BECK: I appreciate that.

5 Q I show you your own copy of the deposition --

6 MS. SUTTON: That's for -- that's for the
7 hearing on the 15th.

8 MS. BECK: Oh, it is?

9 MS. SUTTON: Yes. That's separate.

10 MS. BECK: Okay.

11 MS. SUTTON: I can get you --

12 MS. BECK: Okay.

13 MS. SUTTON: -- one of his --

14 BY MS. BECK:

15 Q I show you --

16 MS. SUTTON: I will show you.

17 BY MS. BECK:

18 Q -- a notice which I'm sure your sergeant or
19 the --

20 A Liaison.

21 Q -- court liaison told you about and never even
22 showed you, but we'll mark it as an exhibit and go from
23 there.

24 A Okay.

25 MS. SPECTOR: You want to go off the record?

1 THE REPORTER: You want to go off the record?

2 MS. BECK: Yeah, we'll go off the record for a
3 second.

4 (Discussion off the record.)

5 BY MS. BECK:

6 Q Officer Hadden, good morning again. I show you
7 what will be marked as Exhibit A.

8 Do you recognize that document?

9 A Yes.

10 Q Okay. And is that the -- when did you first
11 see this document?

12 A I would say, approximate, three weeks ago, four
13 weeks ago.

14 Q Okay. And did you receive the subpoena to
15 bring documents with you today?

16 A No, I did not.

17 Q That was sent to a different agency in your
18 department?

19 A Um, this is the only thing that I've seen.

20 Q Okay.

21 Do we need to do anything else on it?

22 MS. SUTTON: I don't think so.

23 MS. BECK: Okay.

24 MS. SUTTON: Can we give -- can you hand it to
25 Pam so she can mark it?

1 (Exhibit A marked)

2 MS. SPECTOR: I don't think there is a
3 document --

4 MS. BECK: No.

5 MS. SUTTON: There was a separate for --

6 MS. BECK: Yeah. They have --

7 MS. SUTTON: -- records.

8 MS. BECK: -- two different agencies --

9 MS. SPECTOR: Okay.

10 MS. BECK: -- for records.

11 MS. SUTTON: No, no. That's his.

12 MS. BECK: Oh, that's his? Okay.

13 Q Okay, Officer Hadden. Could you tell us where
14 you're employed?

15 A Los Angeles Police Department.

16 Q And could you tell us what you do for the
17 Los Angeles Police Department?

18 A I am a P-1 at the Central Division. I'm
19 currently P-1 probationer, meaning I'm with a training
20 officer who is a P-3.

21 Q And is that training officer an Officer Saenz?

22 A Yes.

23 Q And, Officer Hadden, could you tell us a little
24 bit about the training you've gone through in order to be
25 a sworn police officer?

1 A Sure. I've gone through a six-month academy, a
2 time where we physically -- we learn arrest control, we
3 learn Penal Code, we go through extensive training, how
4 to recognize certain crimes. And now I'm on my third
5 month in the field and so, with that, I've had one
6 training officer and now I'm currently on a new training
7 officer. And that's hands on. And that's -- you're in
8 the field learning and they guide you with what -- what
9 you're supposed to recognize and what things are that's
10 different from the academy.

11 Q Okay. And let's start with the academy and
12 then we'll talk about your field training.

13 A Sure.

14 Q Okay? You mentioned before that in the academy
15 you're recognized -- you're trained and educated about
16 recognizing certain crimes?

17 A Yes.

18 Q Is one of those crimes that you're trained and
19 educated about domestic violence?

20 A Yes.

21 Q Could you tell us a little bit about your
22 training in domestic violence and the detection of
23 domestic violence?

24 A Yes. We spend a good portion of the academy,
25 it's a focus in the academy, we read about it and we get

1 presentations about it and special guests about it. And
2 then towards the end of the academy, we go through a
3 scenario that is domestic violence and we have to be able
4 to detect what the crime is, what the appropriate actions
5 are, and how we handle the situation.

6 Q And in terms of your field training, I suspect
7 a number of your dispatch calls involve suspected
8 domestic violence?

9 A Yes. Where the radio will come out as domestic
10 violence and it's not always domestic violence.

11 Q Very good. Thank you.

12 Let me draw your attention to the evening of
13 May 21, 2016.

14 A Okay.

15 Q You were on duty that night?

16 A Yes.

17 Q Okay. And could you tell us who you were on
18 duty with?

19 A My partner at the time was Officer Melissa
20 Saenz.

21 Q And were you and Officer Saenz in a patrol
22 vehicle?

23 A Yes.

24 Q Okay. And do you have a certain area of the
25 city that you are assigned to?

1 A Yes. Our area -- our unit is 181, and that's
2 the -- most of the northern part of downtown.

3 Q Okay?

4 A That's Central area.

5 Q Okay. And do you recall on the evening of
6 May 21, 2016 receiving a dispatch call?

7 A Yes.

8 Q Okay. And how did the dispatch call come
9 through? It comes through --

10 A Um, we got it through our -- our computer
11 that's in the police vehicle. So it wasn't necessarily
12 coming through the radio. It came through our computer
13 in the vehicle.

14 Q Okay. And do you, as you sit here today,
15 recall anything about the dispatch call that came
16 through?

17 A I do not recall.

18 MS. BECK: Okay. Showing you what -- what will
19 be marked as Exhibit B for respondent.

20 (Exhibit B marked)

21 BY MS. BECK:

22 Q Do you recognize this document?

23 A Yes.

24 Q Okay.

25 MS. SPECTOR: May I see it?

1 MS. BECK: Yes.

2 MS. SPECTOR: Thank you. Okay. Thank you.

3 BY MS. BECK:

4 Q And is that what is known as a dispatch log or
5 incident recall?

6 A Yes.

7 Q Okay. And looking at that document, does that
8 in any way refresh your recollection about what you
9 were -- what information you were given in the dispatch
10 on May 21?

11 A Yes.

12 Q Okay. Could you tell us what that is?

13 A Just that it's a verbal argument only. And
14 that's in the comments. And, um, the location that we
15 were given. And just that it was between a husband and
16 wife.

17 Q Okay. And what was the location given for the
18 dispatch?

19 A I don't recall off the top of my head. I know
20 that it was on Broadway.

21 Q Okay. And if I told you that the residence was
22 at 849 South Broadway, does that refresh your
23 recollection?

24 A Yes.

25 Q Okay. And is that where you arrived that

1 evening with Officer Saenz?

2 A Yes. About half a block down, because that's
3 where we parked, and then we walked to the building.

4 Q Okay. When you entered the building on the
5 evening of May 21, could you tell us what you did first?

6 A Yes. We entered the building and we met with
7 the security guard. I don't remember her name. It was a
8 female. And we just asked how we could get to the
9 penthouse. And she guided us to the elevator and told us
10 how to get there.

11 Q Okay. Did you see or speak to anyone else
12 other than the security personnel that guided you to the
13 apartment on your way up to the building?

14 A No. No -- she was the only one we made contact
15 with before we got to that floor.

16 Q Okay. And did she accompany you up to the
17 penthouse or did you ride along in the elevator with
18 Officer Saenz?

19 A Just Officer Saenz.

20 Q I'm sorry. Officer Saenz?

21 A Yes.

22 Q Like S-i-g-n-s?

23 A Yes.

24 Q When you got up to the top floor to the
25 penthouse and the elevator opened, could you tell us what

1 you did next?

2 A Oh, my partner and I checked around the
3 location. We walked around and just kind of listening to
4 hear if we could hear any screaming or any sense of
5 urgency. We went -- there was a back patio kind of area
6 to the west of the building, I believe it was. And so we
7 walked outside. And as we came back in, that's when we
8 first made contact with someone.

9 Q Okay. So just to be clear, you rode up in an
10 elevator, correct?

11 A Yes.

12 Q You got off the elevator. And what did you
13 see. Was it a hallway?

14 A Yes. It was kind of a U-shaped hallway and we
15 walked through the hallway listening again for -- we
16 didn't -- I believe it was -- I can't recall the
17 penthouse numbers. But we walked through the hallway and
18 listening for screaming or crying or objects being thrown
19 because those are signs of domestic violence calls. And
20 so we listened to that prior to making contact. We
21 didn't hear anything. So then we searched -- a
22 protective sweep outside of the patio, the common ground
23 area. And after that, that's when we went back into the
24 hallway.

25 Q Did you see anybody outside in the common

1 ground area?

2 A No.

3 Q Did you see anybody in the hallways?

4 A No.

5 Q Okay. What was the first moment -- were you
6 still out in the hallway when you first saw someone?

7 A We -- we left the hallway to go outside, and as
8 we were walking back into the hallway, back inside, is
9 when we made contact with one of the neighbors.

10 Q Okay. And was that a male neighbor?

11 A Yes.

12 Q Okay. And did he identify himself? Do you
13 recall?

14 A I can't recall if he gave me his name or not.

15 Q Okay.

16 A I do not remember.

17 Q Okay. And could you tell us what was said with
18 the male neighbor?

19 A We -- he had directed us and grabbed our
20 attention and he had said that the victim of the call was
21 inside his house. And so we wanted to speak with her.
22 And so he guided us to his apartment.

23 Q Okay. Officer Hadden, if you could, and if you
24 don't remember, that's fine, but did -- did he actually
25 use the word victim or did he say something else --

1 A I --

2 Q -- to describe --

3 A I cannot recall if he used the exact word
4 victim.

5 Q Okay. Okay. And what did he look like?

6 A He was tall, white male, dark brown hair. And
7 that's -- that's about the description I can remember.

8 Q Okay. And when you say, "He told us where this
9 person was," do you remember how he told you or what he
10 said about where she was?

11 A I don't recall exactly how he brought it to our
12 attention.

13 Q Okay.

14 A He had just -- we -- he got our attention by
15 saying the wife -- exactly, I don't -- I don't -- can't
16 recall the exact words, but basically that the wife was
17 in his penthouse.

18 Q Okay. And you followed him at that point?

19 A Yes. But he had told us that she didn't want
20 to meet with us. And so he was more of just kind of
21 telling us that she's okay and that everything's okay.

22 Q Okay. So he intercepted you in the hallway --

23 A Yes.

24 Q -- before you ever made entry to any of the
25 other penthouses --

1 A Yes.

2 Q --- correct?

3 And he told you that the wife was in his --

4 A A friend of theirs.

5 Q A friend of his?

6 A Yes.

7 Q And in his penthouse?

8 A Yes.

9 Q And that she was uninterested in meeting with
10 you?

11 A Yes.

12 Q Okay. And did you ask him any questions?

13 A Um, my -- we -- my partner and I both
14 eventually just trying to get contact with her. We never
15 entered that penthouse. She eventually walked out
16 because we wanted to see where her -- where she lived to
17 see if the possible suspect was still in the building.
18 And so my partner was in the east side of the hallway and
19 I was on the west side of the hallway, and we separated
20 the two, because she eventually came out. And I spoke
21 with the contact male that initially contacted us and my
22 partner spoke with the possible victim.

23 Q Okay. Let me stop you there. When -- when
24 this gentleman first told you that she was not interested
25 in speaking with you --

1 A Uh-huh.

2 Q -- did you indicate to him that you would need
3 to speak to her?

4 A Yes. That's how we got contact with her is
5 because it's our job to make sure that she is okay and
6 that there are no injuries. It's legally we have to.

7 Q Okay. And how did you manifest that intention?
8 Did you ask him to bring her out or did you knock on the
9 door? What did you do?

10 MS. SPECTOR: Vague as to "manifest."

11 THE WITNESS: Yes. My -- my partner had
12 instructed that legally we needed to speak to her.
13 Whether she wanted to make a report or not, that was her
14 decision, but we needed to verify and make sure visually
15 and see that she's okay and that there are no injuries,
16 and then also to do a protective sweep of her house to
17 make sure that where she was at, there was no problems
18 inside.

19 BY MS. BECK:

20 Q Okay. How long between the time that the
21 gentleman indicated that she was uninterested in speaking
22 with you did she in fact come out of the apartment? How
23 much time would you estimate went by?

24 A Approximately five to ten minutes.

25 Q Was there any discussion in that intervening

1 five to ten minutes other than --

2 A Yes. My partner, she was speaking with them
3 and trying to get her to understand that we still need to
4 speak with her. And whether she was okay or not, we
5 still need to speak with her one-on-one and not have
6 someone intervene between us.

7 Q Was there any other person who came out during
8 that intervening time or --

9 A The -- the gentleman -- the neighbor, his wife
10 eventually came out, too, but I can't recall if she said
11 anything.

12 Q Okay. Okay. And, eventually, the person you
13 were interested in talking to came out of the apartment?

14 A Yes.

15 Q And was that person a woman named Amber Heard?

16 A At the time, we did not know her name.

17 Q Okay.

18 A We just knew that it was Heard -- yeah, Amber
19 Heard. It was in the call. But, again, we didn't know
20 who that was per se media-wise, but we just knew that we
21 need to speak with Ms. Heard, and that's who we were
22 trying to get in contact with.

23 MS. SPECTOR: I don't know what you said. Your
24 voice went down. Did you say media-wise? Is that what
25 you just said?

1 THE WITNESS: Yeah. Media-wise.

2 MS. SPECTOR: Okay. I'm sorry. I just wanted
3 to make sure that was it.

4 THE WITNESS: So we -- we met with her
5 eventually when she came out.

6 BY MS. BECK:

7 Q And so we can be clear, Officer --

8 A Yes.

9 Q -- am I correct that at the time you met with
10 Ms. Heard --

11 A Yes.

12 Q -- you had no idea that she was possibly
13 someone who was well known --

14 A Correct.

15 Q -- or that her husband was possibly --

16 A Correct.

17 Q -- someone well known?

18 These were just citizens --

19 A Correct.

20 Q -- that you had -- you did not recognize --

21 A No, did --

22 Q -- anyone and --

23 A -- recognize.

24 Q -- did not --

25 MS. SPECTOR: Vague as to time.

1 BY MS. BECK:

2 Q At the time you first responded to the call --

3 A Correct.

4 Q -- correct?

5 A Correct.

6 Q And at the time you first spoke, met and saw
7 Ms. Heard, correct?

8 A Correct.

9 MS. BECK: Okay. And showing you what will be
10 marked as Exhibit C for identification.

11 (Exhibit C marked)

12 BY MS. BECK:

13 Q Do you recognize that person?

14 A Yes.

15 Q Okay. And who is that person?

16 A That is the potential victim that we spoke
17 with.

18 Q Okay.

19 A Or my partner spoke with.

20 Q And did you later come to learn her name was
21 Amber Heard?

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q Okay. So I want to talk about when Ms. Heard

1 first came out of the apartment ---

2 A Okay.

3 Q -- that you've described as the gentleman's
4 penthouse.

5 A Yes.

6 Q Okay? How far away from Ms. Heard were you
7 when she first came out?

8 A Um, I was approximately five feet away.

9 Q Okay. Was there lighting in the hallway?

10 A Yes.

11 Q Could you have -- did you have a clear view of
12 Ms. Heard --

13 A Yes.

14 Q -- when she came out?

15 Okay. And did you make any attempt to observe
16 her physical features -- her face, any parts of her
17 body -- in your period of observation of Ms. Heard?

18 A Um, I did real briefly because I didn't
19 interview her, my partner did.

20 Q Okay.

21 A But just from her passing, I could see her, and
22 what I saw was just a red face. She was in tears crying.
23 And that's all that I observed. Again, my partner spoke
24 with her. And towards -- before we left the location, we
25 both spoke with her. And neither time did I see any type

1 of injury.

2 Q Okay. So let's talk about that. You -- you
3 have described that you had two encounters with
4 Ms. Heard, one where you didn't speak to her but were
5 about five feet away?

6 A Yes.

7 Q And then a later encounter where you did speak
8 to her and were -- were equally close; is that correct?

9 A I would say the second time when we encountered
10 her, she was sitting -- we were in her penthouse and she
11 was sitting on her couch approximately five to ten feet
12 away, and I had issued my business card to her. I wrote
13 the time, the date, the incident number, and what we
14 responded for and what we did, and that -- what she had
15 requested, and then I had given her the business card.

16 Q Okay. Very good. I'll come back to that --

17 A Okay.

18 Q -- second time. Let's just talk about the
19 first time.

20 As you passed -- as she passed you on your way
21 to Officer Saenz --

22 A Sure.

23 Q -- you had an opportunity to observe her and
24 described just now she was crying and red-faced --

25 A Yes.

1 Q -- is that fair to say?

2 A Yes.

3 Q Did you see -- as she walked by you, did you
4 see any swelling of any kind on her face?

5 A No, I did not.

6 Q Okay. Did you see any marks of any kind on her
7 face?

8 A No, I did not.

9 Q Any indication of bruising on her face?

10 A No.

11 Q Any indication of any sign whatsoever of any
12 injury to her face?

13 A No.

14 Q Okay. How about Ms. Heard's body, her arms or
15 her legs or any other part of her body? What did she
16 have on?

17 A I don't recall. I believe -- yeah, I don't --
18 I don't recall.

19 Q Okay.

20 A Yeah.

21 Q Did she have arms that were exposed? Do you
22 recall that?

23 MS. SPECTOR: Asked and answered.

24 THE WITNESS: I don't recall.

25 BY MS. BECK:

1 Q Okay. Did you see on her body any other signs
2 of injury?

3 A No.

4 Q Did you look --

5 A I did not initially, no.

6 Q Okay. But you did, it's fair to say, look at
7 her face --

8 A Yes.

9 Q -- for signs of injury?

10 A Yes.

11 Q Okay. Were you able to overhear, as Officer
12 Saenz spoke with Ms. Heard, any of their conversation?

13 A I did not.

14 Q Okay. Did you then engage in another
15 conversation with the gentleman?

16 A Yes, I did.

17 Q Okay. Can you tell us about that conversation?
18 What do you recall?

19 A Yeah. We separated both parties, mostly so
20 that my partner could speak with the victim, not being
21 distracted. And so I spoke with the gentleman and tried
22 to get description of the potential suspect, the husband
23 at the time, and he wasn't very cooperative. He
24 described him as a male, dark hair. And I'd ask, "Where
25 did he go?" He said, "I don't know." He said, "Oh, he

1 just left."

2 And I said, "Okay. Well, can you give me a
3 better description so that when my partner and I leave,
4 we could check the surrounding areas and see if we see
5 him on the street?"

6 And he had said -- it was kind of weird, and he
7 had said, "No, you're not going to find him."

8 And I was like, "Well, you don't know that.
9 Just give me some information and we'll -- my partner and
10 I will go look around when -- when we leave the
11 location."

12 And he said, "No, he's gone. You don't
13 understand."

14 And so -- and at that time, that's when my
15 partner had grabbed me to do a protective sweep.

16 Q Okay. Officer Hadden, you were standing in the
17 hallway outside of -- of the penthouse that the gentleman
18 claimed --

19 A Yes.

20 Q -- was his penthouse?

21 A Yes.

22 Q Did you have an opportunity to look around in
23 the hallway at the time you were having this
24 conversation?

25 A Yes.

1 Q Okay. Did you see any broken glass of any
2 kind --

3 A No.

4 Q -- in the hallway?

5 A No.

6 Q Would you normally look for signs of vandalism
7 or other destruction --

8 A Absolutely.

9 Q -- in investigation of domestic violence --

10 A Absolutely.

11 Q -- calls?

12 MS. SPECTOR: Could I just interrupt for one
13 second?

14 Can you just wait till she finishes her
15 questions so I can insert my objections and then you can
16 answer.

17 THE WITNESS: Yes.

18 MS. SPECTOR: Just doing it for the record.

19 THE WITNESS: Okay.

20 MS. SUTTON: Thank you so much.

21 BY MS. BECK:

22 Q Did you see anything thrown on the ground of
23 any nature?

24 A No.

25 Q Did you see any wine bottles on the floor?

1 A No.

2 Q Did you see any spilled wine on the floor or
3 the walls?

4 A No.

5 Q Did you at some point in speaking to the
6 gentleman ask him who Ms. Heard's husband was?

7 A Yes.

8 Q The name?

9 A Yes.

10 Q And you directly asked him the name?

11 A I asked him what was her husband's name and he
12 wouldn't give it to me.

13 Q He refused --

14 A Yes.

15 Q -- to give you --

16 A Yes.

17 Q -- the name?

18 A Yes.

19 Q Did you ask him to describe what had happened,
20 if anything?

21 A Um, I -- I did. I can't recall exactly word
22 for word what he had said. Yeah.

23 Q Do you recall anything he said?

24 A Um --

25 MS. SPECTOR: Vague as to time.

1 BY MS. BECK:

2 Q At the time you spoke to him in the hallway on
3 the evening of May 21.

4 A From what I can recall was just me trying to
5 gather the description of the potential suspect.

6 Q Okay. And would you have -- based on your
7 training and experience, would you have made a note had
8 the gentleman described any acts of violence at the time
9 you questioned him?

10 A Yes.

11 Q And did you make a note of any description of
12 any acts of violence?

13 A No.

14 Q Okay. If the gentleman had described any acts
15 of vandalism or assault, would you have made note in your
16 investigation of a domestic violence?

17 A Yes.

18 Q And did you make any notes of the gentleman
19 describing any acts of vandalism or other assault?

20 A No, I did not.

21 Q Okay. How long were you with the gentleman in
22 the hallway?

23 A Approximately 10 minutes.

24 Q Okay. And then did you go somewhere next?

25 A Yes.

1 Q Okay. Where did you go?

2 A My partner and I entered Ms. Heard's penthouse.
3 And from there, part of our mandate as police officers is
4 to do a protective sweep of the house to make sure there
5 is no potential suspect or someone else that could harm
6 anyone in there, and -- or any weapons, and so we did a
7 complete protective sweep of the house.

8 Q Okay. Now, before you did that sweep, you had
9 referred earlier to sitting down with Ms. Heard. Do you
10 recall that?

11 A Yeah. That was after the protective sweep?

12 Q Okay. So just so I'm clear on the chronology,
13 Ms. Heard accompanied you to her apartment?

14 A She entered the penthouse with us and then we
15 just said -- asked for them to stay in the I guess you'd
16 say living area by the entrance of the door inside the
17 penthouse, and then my partner and I did the sweep
18 throughout the house.

19 Q Okay. And did you specifically ask her and did
20 she communicate that this is where the incident had
21 occurred?

22 A Yes.

23 Q Okay. And she allowed you to come into the
24 penthouse?

25 A Yes.

1 Q Okay. And when you went into the penthouse,
2 you were with Officer Saenz, correct?

3 A Yes.

4 Q You were with Amber Heard, correct?

5 A Yes. She -- she stayed in the living area.

6 Q Okay.

7 A And then the only person that followed us was
8 the male, the neighbor.

9 Q The neighbor --

10 A Yes.

11 Q -- followed you into Ms. Heard's apartment?

12 A Yes.

13 Q Okay. And do you recall how long you were in
14 there with Ms. Heard before you began your protective
15 sweep?

16 A Minutes. Approximate -- I can't -- I mean, I
17 just -- just minutes because my partner had just finished
18 interviewing her. And at that time, we had entered in
19 order to do a protective sweep. That was the reason why
20 we entered.

21 Q Understood. Understood.

22 Officer Hadden, when you first entered the
23 living area of Ms. Heard's penthouse where she had
24 indicated the incident occurred, could you describe for
25 us -- did you see any broken glass of any kind on the

1 floor?

2 A No.

3 Q Did you see any spilled wine on the floor?

4 A No.

5 Q Did you see any other indicia of vandalism or
6 property destruction when you -- when you observed the
7 living room area of the penthouse?

8 A No.

9 Q Did you inspect the kitchen of the penthouse?

10 A Yes.

11 Q And did you see any shattered glass in the
12 kitchen?

13 A No.

14 Q Did you see any broken bottles in the kitchen?

15 A No.

16 Q Did you see any signs of vandalism or other
17 property destruction in the kitchen?

18 A No.

19 Q Did you see any spilled wine in the kitchen?

20 A No.

21 Q And you then undertook with Officer Saenz to
22 inspect the rest of the rooms of the penthouse?

23 A Yes. It was that penthouse and then one that
24 connects to their penthouse.

25 Q Okay. And am I correct, your intention in

1 doing that sweep is to determine if the person reported
2 in the 911 call, the so-called suspect, is still anywhere
3 on the premises --

4 A Yes.

5 Q -- correct?

6 A Yes.

7 Q And also to see if there are any signs that a
8 crime has been committed --

9 A Yes.

10 Q -- correct?

11 And you undertook the protective sweep for both
12 of those purposes?

13 A Yes.

14 Q Okay. And you went into the penthouse that she
15 had allowed you in, correct?

16 A Yes.

17 Q Okay. And you looked around all the rooms in
18 that penthouse?

19 A Yes.

20 Q Did you go upstairs and downstairs?

21 A Yes.

22 Q Okay. And you mentioned before that you went
23 to other penthouses?

24 A Yes. Their neighboring penthouse.

25 Q Okay. And that was described as also a place

1 where they lived?

2 A Yes. The gentleman that we were -- that we
3 were with, the neighbor, he described it as their working
4 place. He had told us that they were artists and created
5 jewelry.

6 Q Okay. And you specifically went into that
7 penthouse?

8 A Yes.

9 Q Okay. And you were let in by the gentleman or
10 Ms. Heard?

11 A The gentleman.

12 Q Okay. And when you went into that penthouse,
13 did you see any signs of a crime having been committed?

14 A No.

15 Q Did you see any signs of vandalism --

16 A No.

17 Q -- or indication of vandalism?

18 Did you see --

19 MS. SPECTOR: Thank you. Appreciate that.

20 BY MS. BECK:

21 Q Did you see any broken bottles of any kind or
22 shattered glass?

23 A No.

24 Q Did you see any spilled wine of any kind?

25 A No.

1 Q Did you see any furniture overturned or other
2 signs of a struggle?

3 A No.

4 Q Okay. And did you go anywhere else in your
5 protective sweep?

6 A Just the two penthouses.

7 Q Okay. Okay. What did you do when you -- when
8 you concluded your protective sweep?

9 A We acknowledged that it was a safe area to be
10 in and we let Ms. Heard know that, and that there was no
11 one else in the penthouses. Yeah.

12 Q Okay. Now, I want to talk to you a little bit
13 about your -- what you described earlier as your second
14 interaction with -- with Ms. Heard. Do you recall that?

15 A Yes.

16 MS. SPECTOR: Blair, I know you're on a roll,
17 but I need to take a five-minute break.

18 MS. BECK: No worries.

19 MS. SPECTOR: Okay. So I didn't want to -- I
20 thought this was a breaking point.

21 MS. BECK: Yeah. That's fine.

22 MS. SPECTOR: Is it okay?

23 MS. BECK: Sure.

24 MS. SPECTOR: Thank you. I just have to make a
25 call. Thank you.

1 MS. BECK: Can we go off the record?

2 (Recess)

3 MS. BECK: Back on the record.

4 Q So, Officer Hadden, we were just about to get
5 to after your protective sweep when you came back into
6 the penthouse you've described as Ms. Heard's
7 penthouse --

8 A Yes.

9 Q -- and that was the area she described the
10 incident as taking place?

11 A Yes.

12 Q Okay. And where was Ms. Heard when you came
13 back into the penthouse?

14 A She was sitting on her couch with the
15 gentleman's wife and --

16 Q Okay. And was she being comforted physically
17 in any way that you could observe?

18 A From what I can recall, the gentleman's wife
19 was just kind of holding her and kind of embracing her.

20 Q Okay. With her arms around her?

21 A Yes.

22 MS. SPECTOR: Assumes facts not in evidence.

23 BY MS. BECK:

24 Q Okay. Was that yes?

25 A Yes.

1 Q And both you and Officer Saenz came back into
2 the penthouse?

3 A Yes. Well, we -- this is after we did the
4 sweep, and so we were already in the penthouse and at
5 this time we made -- walked towards the front door as if
6 we were wrapping up the investigation.

7 Q Okay. Where was Ms. Heard as you were talking
8 towards the front door?

9 A On the couch.

10 Q Okay. And did you have an opportunity to
11 observe her and talk to her?

12 A My partner again spoke with her.

13 Q Okay.

14 A I was there and I did observe her and -- yeah.

15 Q Okay. Did your partner, to your knowledge, ask
16 her if she had been injured in any way?

17 A Yes.

18 Q Okay. And how did Ms. Heard respond?

19 A She said she wasn't injured and she refused for
20 us medical treatment where we would need to call an
21 ambulance.

22 Q Okay. Did she say that she had been touched or
23 physically assaulted in any way whatsoever?

24 MS. SPECTOR: Compound.

25 THE WITNESS: I do not recall that.

1 BY MS. BECK:

2 Q Okay.

3 A My -- again, my partner did the investigation
4 with her, so I'm not sure what was said --

5 Q Okay.

6 A -- between them.

7 Q Is it fair to say that Ms. Heard at various
8 times in your encounter was being difficult with you?

9 MS. SPECTOR: Objection.

10 THE WITNESS: Yes.

11 MS. SPECTOR: Vague as to difficult. Sorry.
12 Vague as to difficult.

13 BY MS. BECK:

14 Q Do you understand what I mean by difficult?

15 A Yes. Uncooperative.

16 Q Okay. Can you describe specifically how she
17 was uncooperative?

18 A She was uncooperative in -- was -- was being
19 emotional, crying, was refusing that she wasn't hurt, and
20 she didn't know whether initially she wanted a report or
21 not and said that she didn't want a report. And then, as
22 well, the -- the male was also uncooperative, like I had
23 stated earlier. He wasn't cooperative with me giving
24 details about what had happened, what the possible
25 suspect detailed description would have been. And so

1 those were ways that they were both uncooperative.

2 Q Okay. And in terms of this second encounter
3 you had with Ms. Heard, did she describe at any time what
4 had happened?

5 A Not to me, no.

6 Q Okay. Was there any discussion of a verbal
7 argument in your presence?

8 A In front of me, not that I'm aware of.

9 Q Okay. What, if anything, do you recall
10 Ms. Heard saying when you were present with her after the
11 protective sweep?

12 A My partner asking if she wanted a report and
13 she refused a report. She refused any type of medical
14 treatment. She said she was okay. She didn't -- there
15 was nothing wrong, and that she just asked us to leave.

16 At that point, that's where I wrote out our
17 business card, my name, my partner's name, our serial
18 numbers, the unit we were working, the date and time and
19 the incident number and what we responded for, and we
20 also noted that she refused the report.

21 Q And it would be fair to say that she was not
22 forthcoming with information?

23 A Yes.

24 MS. SPECTOR: Vague as to "forthcoming."

25 Can you please just --

1 BY MS. BECK:

2 Q And she did not --

3 MS. SPECTOR: -- give a pause before you
4 answer.

5 THE WITNESS: Sorry.

6 BY MS. BECK:

7 Q And would it be fair to say that she was not
8 cooperative?

9 MS. SPECTOR: Vague as to "cooperative."

10 THE WITNESS: Yes.

11 BY MS. BECK:

12 Q And you had an opportunity to observe her in
13 that second encounter in the -- after the protective
14 sweep?

15 A I would say from her face, yes.

16 Q Okay. And on her face, did you see any
17 swelling of any kind on her face?

18 A No.

19 Q And did you see any injury under her eye of any
20 kind?

21 A No.

22 Q And did you see any red mark or mark of any
23 kind on her face?

24 A No.

25 Q Okay. And other than crying, did you -- were

1 there any -- any signs of injury to Ms. Heard?

2 A. No.

3 Q Okay. After you wrote and gave her the card,
4 did you do anything else in the apartment?

5 A We did not -- we -- our last communication with
6 her was if she changes her mind about the report or if
7 the husband returned then to give us a call and we would
8 come back.

9 Q Okay. Did you ever at any time indicate to
10 Ms. Heard that based on what she had relayed, there was
11 enough to arrest her husband for a crime?

12 A I personally didn't. I don't know what my
13 partner had told her.

14 Q Okay. And at that point after writing the
15 card, did you exit the penthouse?

16 A After we had that last discussion about her
17 final refusal of the report and then letting her know to
18 give us a call back if she needed anything, then, yes, we
19 exited the penthouse.

20 Q Did anyone escort you down to the lobby?

21 A The gentleman escorted us to the elevator and
22 that was as far as he went.

23 Q Okay. After you prepared your card -- I missed
24 asking you this.

25 After you prepared your card for Ms. Heard, did

1 you personally give it to her?

2 A My partner gave it to her.

3 Q Okay. And when you said you were observing her
4 face in that last encounter, how far away from her would
5 you describe yourself as being?

6 A Approximately 10 to 12 feet.

7 Q Okay. And did you have an opportunity to
8 see -- have a clear view of her face?

9 A Yes.

10 Q Okay. And there was clear lighting that
11 allowed you to have that clear view?

12 A Yes.

13 Q Okay. And when you were escorted downstairs,
14 did the gentleman ride with you in the elevator
15 downstairs?

16 A No.

17 Q Okay. And did you speak to anyone else in the
18 building before exiting the building?

19 A I believe we just said thank you to the
20 security guard and walked out.

21 Q And the card you left Ms. Heard, did it have
22 any phone number on it?

23 A Yes.

24 Q Where was that phone number to?

25 A To the station.

1 Q Okay.

2 A To the Central Division station.

3 Q Okay. And you had indicated to her to call
4 that number if -- if she ever wanted to report anything
5 about the incident?

6 A Yes. Or if she had any further questions.

7 Q If she had any further questions. And, to your
8 knowledge, did Ms. Heard ever call that number?

9 A I am not aware. I was told that she had called
10 later on, but not to my personal experience.

11 Q Okay. Who told you that she had called later
12 on?

13 A My partner.

14 Q Okay.

15 Officer --

16 MS. SPECTOR: Just like court.

17 MS. BECK: Oh, The question. Here it is.

18 MS. SPECTOR: The question.

19 BY MS. BECK:

20 Q Officer Hadden, I understand a second patrol
21 vehicle responded to the location subsequent to you and
22 Officer Saenz. Are you aware of that?

23 A I was unaware until I was told that when we
24 found out about this case and it being actually Johnny
25 Depp and Amber Heard.

1 Q Is it true to say that during the entirety of
2 your response to the Broadway residence in your
3 investigation of this dispatch report that you had no
4 idea this involved Johnny Depp?

5 A Correct.

6 Q Okay. And you learned that at some point after
7 you had left the building?

8 A Yes. It was approximately a week and a half
9 later.

10 MS. BECK: Okay. Thank you, Officer. That's
11 it.

12 THE WITNESS: Thank you.

13 MS. BECK: I'm going to read one more thing.

14 THE WITNESS: Okay.

15 MS. SPECTOR: You're getting good at this,
16 Blair.

17 MS. BECK: I guess at some point civil lawyers
18 memorize this.

19 MS. SPECTOR: Yes, we do.

20 MS. BECK: I offer the following stipulation:
21 That the court reporter be relieved of responsibility
22 with respect to the original transcript and that the
23 original be transcribed and signed by the deponent under
24 penalty of perjury; the original will be sent to the
25 deponent and read, corrected and signed within 30 days of

1 receipt; if not notified of changes in writing within
2 that time frame, the original shall be deemed signed and
3 correct; the notice of corrections you can fax to me if
4 you choose; the original transcript shall be maintained
5 by counsel or the deponent and shall be made available at
6 the time of hearing without notice; if not available,
7 then a certified copy of the same will be corrected; or
8 if the original shall be otherwise lost, mutilated,
9 altered or destroyed, a certified copy of same as
10 corrected may be used in place and instead of the
11 original and used for all purposes for which the original
12 could be used.

13 This session is adjourned and suspended.

14 THE WITNESS: Okay.

15 THE REPORTER: Do you stipulate?

16 MS. SPECTOR: Stipulate.

17 (Deposition concluded at 11:06 a.m.)

18

19

20

21

22

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24

25

EXHIBIT C



SPECTOR LAW

1925 Century Park East, Suite 200 | Los Angeles, California 90067 | 310.282.9478 tel | 310.220.3889 fax

SAMANTHA F. SPECTOR
ss@spectorlawfirm.com

May 24, 2016

VIA EMAIL AND U.S. MAIL

Jacob A. Bloom, Esq.
Bloom Hergott Diemer Rosenthal Laviolette
Feldman Schenkman Goodman
Email: jab@bhdrl.com

Re: In re Marriage of Depp

Dear Mr. Bloom:

Please be advised that our firm has filed a Petition for Dissolution of Marriage on behalf of Amber Depp.

As you may be aware, your client and Amber's husband, Johnny Depp, violently attacked and threatened Amber on Saturday night, May 21st, in their penthouse apartment located at 849 S. Broadway. There are several witnesses to this particular incident, and there are photographs depicting the property damage Johnny caused, as well as the physical injuries he inflicted on Amber.

Unfortunately, this is not the first incident of domestic violence perpetrated by Johnny against Amber. In fact, there have been two other incidents in the past six months. Although Amber is afraid of Johnny, she strongly insists that we do everything possible to keep this personal matter out of the media spotlight, which is why she has not yet sought a CLETS DV TRO and why we did not arrange for Johnny to have been personally served at last night's movie premiere.

Amber wishes to work quickly towards a private and amicable resolution of all matters, but she will need Johnny's immediate cooperation to do so. To this end, please have Johnny promptly sign and return by Friday, May 27, 2016, the enclosed Notice and Acknowledgment of Receipt form (FL-117 form) confirming service of the Summons, Petition, Family Law Case Cover Sheet and blank Response (FL-120 form). If the requested Notice is not signed and the original executed form is not returned to me by May 27th, we will not alternative but to arrange for Johnny to be personally served.

In addition, we are requesting on Amber's behalf the following: (i) appropriate *pendente lite* support; (ii) exclusive use and possession of the black Range Rover, the vehicle she is currently

driving, with Johnny to continue to make all payments for any encumbrances thereon; (iii) exclusive use and possession of 849 S. Broadway, Penthouse Nos. 1, 3 and 5 with Johnny to continue to pay mortgage, utilities, etc. associated therewith; and (iv) a contribution towards her reasonable and necessary attorney's fees in the amount of \$100,000 and \$25,000 for forensic accounting costs, to be paid to my firm by close of business (5:00 pm) on May 27, 2016.

Further, I believe it would be beneficial for all if this case was assigned to a private retired judicial officer for all purposes. My proposed list of private retired judicial officers is as follows: Hon. Gretchen Taylor, Hon. Robert Schneider or Hon. Melinda Johnson. The fees of the judicial officer can be paid with funds from the parties' community estate. Kindly let me know at your earliest convenience if you and your client are agreeable to doing so as well as which judicial officers are acceptable. Upon hearing from you, I will have my assistant obtain rates and availabilities.

We are indeed hopeful that we can swiftly work out mutually acceptable short and long term solutions outside of the public eye.

Thank you. I look forward to your prompt follow up and reply.

VERY TRULY YOURS,
SPECTOR LAW, APLC


SAMANTHA F. SPECTOR

SFS:ks
Enclosures
cc: Client