

EXHIBIT 8

Filed Under Seal

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

---000---

BLAKE LIVELY,

Plaintiff,

vs.

CASE NO. 24-CV-10049-LJL (LEAD CASE)

25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.

Defendants.

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

WAYFARER STUDIOS LLC, et al.

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.

Consolidated Defendants.

****CONFIDENTIAL****

VIDEO-RECORDED DEPOSITION OF JAMEY HEATH

Los Angeles, California

Wednesday, October 8, 2025

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

CONFIDENTIAL

Page 313

1 the subject of testimony with your attorneys during
2 your break?

3 MS. SHAPIRO: I direct you not to answer
4 any questions about your discussions with your
5 attorneys.

6 BY MS. HUDSON:

7 Q Are you following that instruction?

8 A Yes.

9 Q Okay.

10 MS. HUDSON: Hand you Exhibit 16.

11 (Exhibit 16 marked for identification.)

12 THE WITNESS: Sure.

13 BY MS. HUDSON:

14 Q Exhibit 64 is a --

15 MS. SHAPIRO: Sixty-four or 16?

16 MS. HUDSON: I'm sorry.

17 BY MS. HUDSON:

18 Q Exhibit 16 is a text chain from --
19 between Jamey Heath and Mitz Toskovic, dated
20 June 17th, 2024, Bates-stamped TOSKOVIC_677.

21 Do you recognize this as a text chain
22 between you and Ms. Toskovic?

23 A Yes.

24 Q And you participated in this text
25 communication with Mitz Toskovic, correct?

CONFIDENTIAL

Page 314

1 A Yes.

2 Q And you ask her in this text chain, you
3 say you have -- you've got a big job for you.

4 Do you see that at 3:14 p.m. on page 1?

5 A I see it.

6 Q And then if you turn to the next page,
7 you tell her:

8 (As read):

9 "I need you to start putting a timeline
10 doc. Try to get as close to dates as
11 possible. We can fill in the links
12 when I get back. But when Justin and
13 Blake met to write. AJ maybe had in
14 calendar. Can you access? When we
15 shot the first karaoke scene, it's when
16 I showed her the video of Tasha. When
17 Ange visited the first time and had
18 the, quote, 'makeup trailer convo that
19 apparently looked at her,' end quote.
20 When we shot the graveyard scene. When
21 Justin met with trainer. When Justin
22 had convo with Blake and Ryan regarding
23 asking about her weight. When we had
24 the convo when we went back in Blake's
25 house with Ange and Todd. Essentially,

CONFIDENTIAL

Page 315

1 anything we can get either the date and
2 alleged incident or the general time
3 frame and we can narrow in later.
4 Something chronological. Best you can.
5 Consult with Reese where needed. The
6 doc can be have gaps but at least let's
7 get something started."

8 And then you go on to say:

9 (As read):

10 "Whatever you can remember. Whatever
11 Reese remembers. Whatever AJ may
12 remember. Anything at all. Also, when
13 we got letter from Blake. Just
14 anything that tells the story
15 chronologically, and then we will just
16 continue to build it."

17 Do you see that?

18 A I do.

19 Q Okay.

20 MS. HUDSON: I'm going to give you
21 another document now. What are we, Exhibit 17? And
22 Exhibit 18.

23 (Exhibit 17 marked for identification.)

24 (Exhibit 18 marked for identification.)

25

CONFIDENTIAL

Page 316

1 BY MS. HUDSON:

2 Q You asked Ms. Toskovic to put together a
3 timeline on June 17th, correct?

4 A Are you referring to this document?

5 Q Yes.

6 A I see that.

7 Q Okay. And Exhibit 17 is an email
8 forwarding a timeline.

9 Do you see that?

10 A I do.

11 Q And then Exhibit 18, I'll represent for
12 the record, is the document that was produced to us
13 that is reflected in the attachment to that email
14 that says "document produced in native format."

15 A Can you repeat the -- the last thing?
16 Sorry, I was --

17 Q Sure.

18 A -- I was finishing 17.

19 Q Sure.

20 So Exhibit 17 is an email forwarding a
21 timeline.

22 Do you see that?

23 A I do.

24 Q Okay. And then it says, on the second
25 page of that email, "produced in native format"?

CONFIDENTIAL

Page 317

1 A Uh-huh. I do. Yes.

2 Q I'm representing to you that the native
3 format that we received in the production from your
4 lawyers is that document.

5 A Okay.

6 Q Okay? Is this document, Exhibit 18, the
7 timeline that you asked Ms. Toskovic to create?

8 A It looks to be so.

9 Q Okay. Why did you ask Ms. Toskovic to
10 create a timeline on June 17th?

11 A Just to have a timeline of our whole
12 experience of the movie.

13 Q Your whole experience of the movie, as it
14 relates to Ms. Lively?

15 A Just our -- the timeline of what we
16 experienced throughout the movie, yes.

17 Q For what purpose?

18 A So we could have a record of our --
19 our -- the last year and a half of what we have
20 experienced.

21 Q Why?

22 A There was a lot that went on over the
23 year and a half on different levels, production and
24 all levels. I just wanted to have a timeline of it.

25 Q Well, your -- your text message to

CONFIDENTIAL

Page 318

1 Ms. Toskovic doesn't say anything about things that
2 happened during production in general, right?

3 MS. SHAPIRO: Objection.

4 THE WITNESS: Right. Uh-huh.

5 BY MS. HUDSON:

6 Q All of the things that are in your text
7 message to Mitz Toskovic relate to Ms. Lively,
8 correct?

9 MS. SHAPIRO: Objection.

10 THE WITNESS: Yeah, I see that's in the
11 -- in the text message. Yeah.

12 BY MS. HUDSON:

13 Q So why did you ask Ms. Toskovic to create
14 a timeline on June 17th, 2024 related to Ms. Lively?

15 A That was one of the aspects of our whole
16 time on the movie, and I also wanted to include
17 that.

18 Q Well, you didn't say reference anything
19 else, correct? You only referenced issues related
20 to Ms. Lively in your text messages to Mitz
21 Toskovic, correct?

22 MS. SHAPIRO: Objection.

23 THE WITNESS: In this particular text
24 message, that's -- that's all it speaks to.

25

CONFIDENTIAL

Page 319

1 BY MS. HUDSON:

2 Q Yeah, that's all you said when you asked
3 Ms. Toskovic to create a timeline, correct?

4 MS. SHAPIRO: Objection.

5 THE WITNESS: In this text message,
6 that's what it refers to. Yes.

7 BY MS. HUDSON:

8 Q Do you have another text message?

9 MS. SHAPIRO: Objection.

10 THE WITNESS: I don't know.

11 BY MS. HUDSON:

12 Q Okay. Well, why are -- my question to
13 you, Mr. Heath, is: Why you were asking Ms.
14 Toskovic to create a timeline that references events
15 related to Ms. Lively on June 17th, 2024?

16 A Our experience of the movie, and at this
17 point in June, we were unsure. Justin had lost the
18 movie, I think, by this point. We were dealing with
19 a lot of conversations with Sony about how to
20 navigate moving forward with him as the director.
21 We've got the release of the movie coming up -- and
22 in all of this and being confused of where we stood
23 with all of this, I just wanted to have documented
24 just our -- our whole experience with the movie.

25 Q For what purpose?

CONFIDENTIAL

Page 320

1 A Just so I could have a good recollection
2 of it. So that I knew what our last year and a half
3 was.

4 Q Were you looking for a timeline of
5 incidents related to Ms. Lively's complaints?

6 MS. SHAPIRO: Objection.

7 THE WITNESS: No, not necessarily. We
8 just -- I just wanted any experience that we had in
9 all capacities to be -- have a timeline.

10 BY MS. HUDSON:

11 Q Well, but the timeline doesn't address
12 every experience that you had in all capacities,
13 does it?

14 A I haven't gone through the whole thing,
15 but in all capacities, just with our experience.
16 Certainly with -- I mean, I can see that, you know,
17 a lot of this is with Blake, so that was a big part
18 of our experience.

19 Q That was a big part of your experience.
20 And incidents where Ms. Blake -- or Ms. Lively
21 expressed concerns, correct?

22 MS. SHAPIRO: Objection.

23 THE WITNESS: I would say it's exactly
24 what I said it was.

25

CONFIDENTIAL

Page 321

1 BY MS. HUDSON:

2 Q And the incidents that you identified to
3 Ms. Toskovic are incidents that you were aware that
4 Ms. Lively had raised concerns of prior to
5 June 17th, 2024, correct?

6 A Can you repeat that, please?

7 MS. HUDSON: The incidents that you
8 raised to Mitz Toskovic were incidents that you were
9 aware of prior to June 17th, 2024 that Ms. Lively
10 had raised concerns about, correct?

11 MS. SHAPIRO: Objection.

12 THE WITNESS: In this text message, it
13 references some of those. Yes.

14 BY MS. HUDSON:

15 Q Yes. So the -- you -- you were aware of
16 the incidents that you told Ms. Toskovic about prior
17 to June 17th, 2024, correct?

18 MS. SHAPIRO: Objection.

19 THE WITNESS: Was I aware? Yes, I was
20 aware that Justin met with the trainer. I was aware
21 about -- he asked about the weight. I was aware of
22 some of these things. Yes.

23 BY MS. HUDSON:

24 Q Well, you were aware of all of them
25 because you wrote them down, right?

CONFIDENTIAL

Page 322

1 A Yes.

2 Q And you wouldn't have been able to write
3 them down if you weren't aware of all of them,
4 correct?

5 A I was aware --

6 MS. SHAPIRO: Objection.

7 THE WITNESS: I was aware that these were
8 included, yes.

9 BY MS. HUDSON:

10 Q That these were all things that
11 Ms. Lively had raised concerns about, correct?

12 MS. SHAPIRO: Objection.

13 THE WITNESS: Some of them; some of them
14 not.

15 BY MS. HUDSON:

16 Q Okay. Which one of these lists are not
17 things that Ms. Lively had raised concerns about
18 that you were aware of on June 17th?

19 MS. SHAPIRO: Objection.

20 THE WITNESS: Well, just as I go through
21 it, when we shot the graveyard scene. When we had a
22 meeting at Blake's home.

23 BY MS. HUDSON:

24 Q Why did you want to have a record of when
25 you had the meeting at Blake's home?

CONFIDENTIAL

Page 323

1 A It was one of the things that we'd
2 experienced on the movie.

3 Q Uh-huh. And when you said "essentially
4 anything we can get either the date and alleged
5 incident," what did you mean by "alleged incident"?

6 A I don't recall. I don't know.

7 Q Are -- are -- you don't know what you
8 meant by "alleged incident"?

9 A I don't know exactly.

10 Q Okay. And did you have any further
11 follow-up with Mitz Toskovic about what you meant by
12 "alleged incident"?

13 A I don't know.

14 Q You don't know if you did?

15 A I don't know.

16 Q But somehow from -- did you give her any
17 direction beyond what you put in this Exhibit 16?

18 A I don't know.

19 Q Had you talked to Ms. Toskovic about the
20 alleged incidents before?

21 MS. SHAPIRO: Objection.

22 THE WITNESS: I don't recall.

23 BY MS. HUDSON:

24 Q Do you -- did you assume she understood
25 what you meant by that?

CONFIDENTIAL

Page 324

1 MS. SHAPIRO: Objection.

2 THE WITNESS: I don't know what I meant
3 by that, but I see that there's a list of things
4 here that specifically asked her to. So other than
5 that, I don't.

6 BY MS. HUDSON:

7 Q What I'm asking you, Mr. Heath, is: Did
8 you have a belief that Mitz Toskovic would
9 understand what you meant by "alleged incidents"?

10 A I don't know.

11 Q You don't know?

12 A I don't know. I don't know what I meant
13 by that.

14 Q Do you -- is it Ms. Toskovic that created
15 the timeline in Exhibit 18?

16 A She was -- she assisted, yes.

17 Q Who else was involved in creating this
18 timeline?

19 A Myself.

20 Q What did you do to create this timeline?

21 A Just gave -- gave more info to -- what
22 this is here, added to this timeline.

23 Q How much of the information in this
24 timeline did you put in the timeline?

25 A I don't know.

CONFIDENTIAL

Page 329

1 any way after, at minimum, August 6th, 2024,
2 correct?

3 MS. SHAPIRO: Objection.

4 THE WITNESS: I don't know.

5 BY MS. HUDSON:

6 Q You don't know?

7 A I don't.

8 Q Okay. You have no recollection of making
9 any changes to this timeline after August 6th, 2024,
10 correct?

11 A To this timeline --

12 MS. SHAPIRO: Objection.

13 THE WITNESS: -- I don't have a
14 recollection.

15 BY MS. HUDSON:

16 Q Okay. And you don't know -- you didn't
17 direct Ms. Toskovic to make changes to this timeline
18 after August 6th, 2024, correct?

19 A I don't recall. I don't know.

20 Q Okay. Why did you send the timeline --
21 or why did you have the timeline sent to -- well,
22 strike that.

23 Do you know why the timeline was sent to
24 The Agency Group?

25 A To TAG?

CONFIDENTIAL

Page 330

1 Q Yes.

2 A I think at that point, it was a -- a
3 quick way to give them a glimpse of a timeline of
4 our experience.

5 Q Your experience with Ms. Lively?

6 A Our experience that was outlined in this
7 timeline.

8 Q Your experience with Ms. Lively?

9 A That is part of it.

10 Q Okay. It was a way to give TAG a quick
11 update -- or a summary of the alleged incidents, as
12 you described them, correct?

13 MS. SHAPIRO: Objection.

14 THE WITNESS: I wouldn't characterize it
15 as that. I just think it was a quick way to get a
16 little bit of an update of some of the elements.

17 BY MS. HUDSON:

18 Q Some of the elements of issues that had
19 arisen with Ms. Lively, correct?

20 A Of our experience of the set, and some of
21 that included experiences with Ms. Lively for sure.

22 Q And that's because you had retained TAG
23 at that point to help you with crisis management
24 related to your concerns about Ms. Lively
25 potentially going public, correct?

CONFIDENTIAL

Page 356

1 A A handful. I don't know exactly.

2 Q And do you recall any of the -- those
3 conversations with any specificity?

4 A From our first conversation, he seemed
5 like a really nice guy. We talked about -- I
6 remember we talked about our kids, and he would just
7 check in, how are you doing. He knew that there was
8 a lot of social noise going on, and he was just
9 oftentimes calling to express his -- for lack of a
10 better word, his love.

11 Q So Mr. -- your conversations with
12 Mr. Wallace after meeting him in August of 2024 were
13 about his love for you?

14 MS. SHAPIRO: Objection.

15 MR. GLOVER: Objection. Form.

16 THE WITNESS: No.

17 BY MS. HUDSON:

18 Q When you say "his love," what do you mean
19 by that?

20 A That's a term I would use just to express
21 some -- some nice words of encouragement. You know,
22 we see what's going on. We're monitoring. I hope
23 you're well. Things of that nature.

24 Q Did he tell you what he saw going on?

25 A We did not really get into that much,

CONFIDENTIAL

Page 357

1 other than him saying things like, things are
2 looking okay out there. So sorry for what's going
3 on. He would give some general acknowledgments of
4 that nature, but we didn't get into the weeds.

5 Q He didn't tell you what it was he saw?

6 A I don't recall exactly what was said, but
7 we did not get into weeds of stuff.

8 Q So your -- your testimony is that in the
9 conversations that you had with Mr. Wallace, they
10 were just check-ins essentially about your
11 well-being?

12 MS. SHAPIRO: Objection.

13 THE WITNESS: I mean, I'm looking at our
14 text threads here. "I appreciate this message.
15 Congrats on a big weekend. Appreciate you. Looking
16 forward to meeting you. Just checking in." That
17 was typically, you know -- we connected.

18 BY MS. HUDSON:

19 Q You didn't have conversations about the
20 work, though, is that what you're saying, that you
21 had contracted with Mr. Wallace to do for nearly
22 \$100,000?

23 MS. SHAPIRO: Objection.

24 MR. GLOVER: Objection. Form.

25 THE WITNESS: It would be like me having

CONFIDENTIAL

Page 358

1 a conversation with somebody about a world in a
2 language I just don't understand. That wasn't our
3 conversation. It was just more -- we connected and
4 that was what our conversations were.

5 BY MS. HUDSON:

6 Q I'm trying to understand why you feel the
7 world that Mr. Wallace occupied was something that
8 you couldn't understand. Why is that?

9 MS. SHAPIRO: Objection.

10 THE WITNESS: I am not a digital
11 monitoring person that understands social media and
12 all of that. So...

13 BY MS. HUDSON:

14 Q What did you understand digital
15 monitoring to mean?

16 A Monitoring what was going on in the
17 digital realm.

18 Q And you weren't curious about how
19 Mr. Wallace did that?

20 A It wasn't one of my -- I didn't have any
21 reason to be concerned about it or think about it
22 beyond that. It just was he was here to help, and
23 that's all that -- that's all that mattered. He was
24 doing it in a way that I understood was aligned with
25 us.

CONFIDENTIAL

Page 359

1 Q On August 11th, Mr. Wallace said --
2 you -- you refer to Signal.

3 Do you see that?

4 A Which one is this?

5 Q August 11th at 12:02 a.m.

6 A Hey, man, I appreciate your message. I
7 could tell after speaking with you --

8 Q In the middle, you say:

9 (As read):

10 "As for Signal, I'm not on it, but
11 we'll set that up this week for sure.
12 I'll let you know once I've done that."

13 Do you see that?

14 A I do.

15 Q Did you set up Signal at this time?

16 A I must have. I think I might -- I think
17 I did.

18 Q And did you let Mr. Wallace know that you
19 had set it up?

20 A I don't know.

21 Q Did you communicate with Mr. Wallace on
22 Signal at this -- after August 11th, 2024?

23 A I think there was a few -- a few messages
24 sent.

25 Q And when did you first send a Signal

CONFIDENTIAL

Page 360

1 message to Mr. Wallace?

2 A I don't recall.

3 Q When did you first receive a Signal
4 message from Mr. Wallace, if at all?

5 A I don't recall. I guess it would have
6 been around this time. That's my guess.

7 Q Okay. And did you communicate on Signal
8 with anyone else after you obtained Signal?

9 A I don't think so.

10 Q The only person --

11 A There could have been somebody, but I
12 don't think so.

13 Q The only one you recall communicating
14 with on Signal was Mr. Wallace?

15 MS. SHAPIRO: Objection.

16 THE WITNESS: The time, I don't remember.
17 It could have been. I -- I would have to refresh my
18 memory. Maybe there was something with Jen and
19 Melissa on there, but I don't have a specific memory
20 of it.

21 BY MS. HUDSON:

22 Q Did you have a group chain with
23 Mr. Wallace, Ms. Abel, and Ms. Nathan at this time?

24 A I don't know if that was on Signal or a
25 text message, but I think that we did.

CONFIDENTIAL

Page 361

1 Q You think you did on Signal?

2 A I don't know which one.

3 MS. SHAPIRO: Objection.

4 BY MS. HUDSON:

5 Q You might have on Signal?

6 MS. SHAPIRO: Objection.

7 THE WITNESS: We may have.

8 BY MS. HUDSON:

9 Q You believe that there was at minimum a
10 text chain with you, Ms. Nathan, and Mr. Wallace?

11 MR. GLOVER: Objection. Form.

12 BY MS. HUDSON:

13 Q Regardless of platform?

14 MS. SHAPIRO: Objection.

15 THE WITNESS: I think there may have
16 been. I don't -- I'm happy to be refreshed.

17 BY MS. HUDSON:

18 Q Other than Mr. Wallace and possibly
19 Ms. Nathan and Ms. Abel, is there anyone else that
20 you recall communicating with on Signal and in
21 August of 2024?

22 MS. SHAPIRO: Objection.

23 THE WITNESS: I don't know the month.

24 There was so many ways of communicating, email,
25 phone -- excuse me -- text messages. Signal could

CONFIDENTIAL

Page 362

1 have been one of them. I just don't know.

2 BY MS. HUDSON:

3 Q So you may have communicated with other
4 people on Signal in August of 2024 other than the
5 ones you identify?

6 A I don't have a particular recollection of
7 it because I think that was the only people that I
8 communicated with at that time, but I don't know.

9 Q Did you communicate with Mr. Freedman on
10 Signal in August of 2024?

11 A I don't know.

12 Q You may have?

13 A I don't know.

14 Q Did you communicate with Mr. Baldoni on
15 Signal in August of 2024?

16 A I don't know.

17 Q When you downloaded Signal, did you make
18 any effort to change any of the settings for the
19 handling of preservation of messages?

20 A In August?

21 Q When you downloaded Signal?

22 A No.

23 Q Did the messages that you exchanged on
24 Signal in August of 2024 automatically disappear as
25 far as you know?

CONFIDENTIAL

Page 363

1 MS. SHAPIRO: Objection.

2 THE WITNESS: I think that depends on
3 whatever thread I was on, whoever initiated it may
4 have set the settings. I don't have any particular
5 memory of myself setting something to disappear.

6 BY MS. HUDSON:

7 Q And did you set up your Signal messages
8 so that they would not disappear?

9 A In August?

10 Q Yes.

11 A I don't believe I was thinking about
12 that.

13 Q Did you communicate by Signal in
14 September of 2024?

15 A I may have.

16 Q And who do you believe you may have
17 communicated with on Signal in September of 2024?

18 MS. SHAPIRO: Objection.

19 THE WITNESS: It would be a guess. I
20 just don't know.

21 BY MS. HUDSON:

22 Q Did you communicate with Mr. Wallace on
23 Signal in September of 2024?

24 MR. GLOVER: Objection. Form.

25 THE WITNESS: I may have.

CONFIDENTIAL

Page 364

1 BY MS. HUDSON:

2 Q Did you communicate with Ms. Abel on
3 Signal in September of 2024?

4 A I may have.

5 Q Did you communicate with Ms. Nathan on
6 Signal in 2024?

7 A I may have.

8 Q Is -- did you communicate with
9 Mr. Freedman on Signal in 2024 -- in September of
10 2024?

11 A I know for sure not.

12 Q And why do you know that one for sure?

13 A Well, because I only had one conversation
14 with Mr. Freedman.

15 Q On Signal?

16 A No. I had one conversation with him
17 in -- I don't remember what month it was. Maybe it
18 was in August.

19 Q Did you communicate with anyone on Signal
20 in October of 2024?

21 A I may have.

22 Q And did you speak with -- did you
23 communicate with Mr. Wallace on Signal in October of
24 2024?

25 A It's the same. I may have. I'm -- I

CONFIDENTIAL

Page 365

1 don't have a particular recollection of it. I'm
2 certainly not disputing that I would or would. I
3 just don't have a memory. I mean, I don't know.

4 Q Did you communicate -- do you have any
5 memory of communicating with Mr. Wallace in November
6 of 2024 on Signal?

7 A I may have.

8 Q And I asked you about Mr. Wallace in
9 October and November. In those months, did you
10 communicate with Ms. Nathan or Ms. Abel on Signal?

11 MS. SHAPIRO: Objection.

12 THE WITNESS: I may have.

13 BY MS. HUDSON:

14 Q Did you communicate with anyone -- any
15 Wayfarer employees on Signal between August and
16 December 2024?

17 A I don't know during that -- during that
18 period of time.

19 Q You don't know but you may have?

20 A I don't have a memory of it during that
21 time, no.

22 Q For any of the communications that you
23 had on Signal between August and December 2024, do
24 you have any of them still?

25 MR. GLOVER: Objection. Form.

CONFIDENTIAL

Page 370

1 Q Have you taken any steps to learn if
2 Wayfarer has any policies, practices, or procedures
3 regarding document retention or deletion?

4 MS. SHAPIRO: Objection. Just to be
5 clear again, he's not here as a 30(b)(6) witness.

6 THE WITNESS: I have not taken any
7 particular steps as a company to make sure that
8 our -- there is some sort of policy. But Wayfarer
9 is -- is aware to not delete anything.

10 BY MS. HUDSON:

11 Q And how would you know? How is Wayfarer
12 aware not to delete anything?

13 MS. SHAPIRO: Objection.

14 THE WITNESS: Once we received the CRD
15 complaint, sometime at that point we were made
16 aware, and that was communicated.

17 BY MS. HUDSON:

18 Q So you -- you weren't aware of any
19 obligations to preserve or not delete documents
20 until you received the CRD complaint?

21 MS. SHAPIRO: Objection.

22 THE WITNESS: Was not aware.

23 BY MS. HUDSON:

24 Q So did you make any effort to preserve or
25 not delete documents prior to receiving the CRD

CONFIDENTIAL

Page 371

1 complaint?

2 MS. SHAPIRO: Objection.

3 THE WITNESS: Other than what I said,
4 that there was no reason or auto delete happening,
5 there was no particular effort to go outside the
6 normal scope.

7 BY MS. HUDSON:

8 Q And you said that you received
9 instructions to preserve documents after Ms. Lively
10 filed her CRD complaint?

11 MS. SHAPIRO: Objection.

12 THE WITNESS: I don't know if it was the
13 CRD complaint or the lawsuit. I don't recall, but
14 during that period we learned that there was -- or
15 maybe it was a -- maybe it was a notice from
16 Mr. Gottlieb. Sometime in that frame we were made
17 aware. I don't recall where it came from.

18 BY MS. HUDSON:

19 Q Are you talking about the cease and
20 desist letter that we sent?

21 A It may have been that. I don't recall
22 exactly. It was just in that time frame.

23 Q And did you take some steps to preserve
24 documents once you received the cease and desist
25 letter?

CONFIDENTIAL

Page 372

1 A Yes.

2 Q What steps did you take?

3 A Made sure that personally, if there was
4 anything that was said to disappear or delete, that
5 they were not. Told Wayfarer parties to not delete
6 anything, that in case they otherwise might. I
7 can't recall at the moment, but I think those were
8 the general steps.

9 Q Okay. And did you have any personal
10 devices that were set for automatic deletion at that
11 time?

12 MS. SHAPIRO: Objection.

13 THE WITNESS: There may have been some
14 threads that were on Signal. So I just reviewed
15 them and made sure that they were not on
16 disappearing mode.

17 BY MS. HUDSON:

18 Q So what was -- what was there between
19 August and December 2024, you ensured it was not on
20 auto disappearing mode?

21 MS. SHAPIRO: Objection.

22 THE WITNESS: I don't understand the
23 question.

24 BY MS. HUDSON:

25 Q Well, you said that you had some

CONFIDENTIAL

Page 373

1 communications between August and December of 2024,
2 correct?

3 A Yes.

4 Q And when you got the cease and desist
5 letter, you looked at the threads to make sure that
6 they were not on automatic disappearing mode,
7 correct?

8 A Correct.

9 Q So at the time that you did that, those
10 threads existed, correct?

11 A Correct. I imagine so.

12 Q And they should still be there then,
13 right?

14 A I believe they would be.

15 Q And were any of those threads related in
16 any way to Ms. Lively, Mr. Reynolds, or any of the
17 issues in this litigation?

18 MS. SHAPIRO: Objection. Form.

19 THE WITNESS: I didn't pay attention to
20 the content. I just made sure that whatever thread
21 there was, was -- was not -- there is no nothing in
22 there that would auto delete or auto disappear.

23 BY MS. HUDSON:

24 Q And that's for all your Signal
25 communications?