

October 08, 2025

CONFIDENTIAL

Page 32

1 Q And when was Wayfarer founded to your
2 understanding?

3 A Wayfarer Studios?

4 Q Yes.

5 A 2019.

6 Q And if I use the term "Wayfarer," I'm
7 referring to Wayfarer Studios LLC, unless I say
8 otherwise, okay?

9 A You got it.

10 Q So it was a fairly new company?

11 A Yes.

12 Q Were there any employees when you joined?

13 A Yes.

14 Q How many?

15 A One, two, three, four, five, six,
16 seven -- around 10 maybe, somewhere in that realm.

17 Q So when you were hired, what position
18 were you hired into?

19 A As I stated, there wasn't a particular
20 position. In the creative world, it's just more
21 come and bring your creativity, your observation,
22 your consultation, and -- and kind of like see where
23 that -- what that might look like.

24 Q Well, at some point, you became
25 president, though, right?

CONFIDENTIAL

Page 34

1 Q How long did you hold that position?

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

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

12 MS. SHAPIRO: Objection.

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

15 BY MS. HUDSON:

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

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

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

CONFIDENTIAL

Page 38

1 A Yes. He -- he -- yes, yes, he has.

2 Q And then for VP of creative, is that
3 Angela Cardon?

4 A Yes.

5 Q Has she held that position since 2023?

6 A She has.

7 Q For -- with respect to HR, is Cynthia
8 Barnes Slater your head of HR?

9 A She is.

10 Q You know she describes herself online as
11 retired. Is that not accurate?

12 A She retired from -- she was a head of HR
13 of -- I can't recall the company. It's like GMC or,
14 you know, a big corporation. She retired from that.
15 And then she does private working HR for smaller
16 companies.

17 Q So in a consultant role, essentially?

18 A Yes.

19 Q And how long has she held that position?

20 A With Wayfarer?

21 Q Yes.

22 A As long as I've been there so...

23 Q Is she physically present in California?

24 A She is.

25 Q She doesn't live in Illinois?

CONFIDENTIAL

Page 39

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

4 Q And does Wayfarer have an office?

5 A Yes.

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

8 A Not regularly.

9 Q Does she work from home?

10 A Yes.

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

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

15 Q Has Ms. Barnes Slater always worked at
16 home?

17 MS. SHAPIRO: Objection.

18 THE WITNESS: Yes.

19 BY MS. HUDSON:

20 Q Does she ever come into the office?

21 A Yes.

22 Q How often?

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

25 Q Can you give me an estimate?

CONFIDENTIAL

Page 54

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

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

10 A I did.

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

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

16 MS. SHAPIRO: Objection.

17 THE WITNESS: Correct.

18 BY MS. HUDSON:

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

22 MS. SHAPIRO: Objection.

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

CONFIDENTIAL

Page 138

1 THE WITNESS: Absolutely.

2 BY MS. HUDSON:

3 Q Okay. All right. But just to go back
4 to -- I want to make sure I understand. It's your
5 understanding that Indie movies just have no HR; is
6 that right?

7 MS. SHAPIRO: Objection.

8 THE WITNESS: That they don't have HR
9 departments, that they don't have a representative
10 on set specifically that's HR.

11 BY MS. HUDSON:

12 Q That they don't have any human resources
13 representatives?

14 MS. SHAPIRO: Objection.

15 THE WITNESS: That typically there are --
16 the understanding is that you would go to one of
17 your supervisors, production supervisor, or the line
18 producer, or the AD. Also on call sheets, there are
19 numbers of hotlines, and also there are -- you have
20 your unions such as SAG and -- and so on.

21 BY MS. HUDSON:

22 Q Do you know whether there was a hotline
23 provided to anybody who worked on It Ends with Us to
24 call regarding human resources matters?

25 A I believe there was a hotline on all the

CONFIDENTIAL

Page 139

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

3 Q If there was a hotline, who answered
4 that?

5 A I don't know.

6 Q You don't know who answered the hotline?

7 A I do not.

8 Q Did Wayfarer pay for someone to answer
9 the hotline?

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

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

15 A On a top level.

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

19 A No, I would have not seen that
20 specifically.

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

23 A No, I do know there was a hotline.

24 Q There was a hotline?

25 A There was.

CONFIDENTIAL

Page 179

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

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

6 A I did.

7 Q Okay. Where was that video stored?

8 A You mean when I -- at what point?

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

12 A I believe it was on my phone.

13 Q It was on your phone?

14 A I believe so.

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

17 A I did not.

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

20 A Correct.

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

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

CONFIDENTIAL

Page 180

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

3 Q That's what you recall?

4 A Yeah.

5 Q And your wife was in a tub?

6 A A birthing tub, yeah.

7 Q A birthing tub.

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

10 MS. SHAPIRO: Objection.

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

15 BY MS. HUDSON:

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

18 A I am.

19 Q And are you nude in that video?

20 A No.

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

23 A She did.

24 Q Were you in the tub when she gave birth?

25 A I was.

CONFIDENTIAL

Page 197

1 nothing. It seemed in context of -- they were there
2 filming and a lot of conversations happening. And
3 so I -- I did not think about that after that.

4 Q And there's been some testimony about
5 Mr. Sarowitz being at the set the day of the
6 birthing video. I'm sorry -- the day the birth
7 scene was filmed?

8 A Yes.

9 MS. SHAPIRO: Objection.

10 BY MS. HUDSON:

11 Q And -- and you recall him being there
12 that day as well, correct?

13 A He was there later that day.

14 Q I understand. But he was there on the
15 set at some point during that day, correct?

16 A Correct.

17 MS. HUDSON: I'm going to hand you what
18 we've marked as Exhibit 9.

19 MS. SHAPIRO: There is already an
20 Exhibit 9.

21 MS. AHOURAIAN: I have Exhibit 9.

22 THE WITNESS: Do you need this back?

23 MS. HUDSON: It's Exhibit 10.

24 (Exhibit 10 marked for identification.)

25 THE WITNESS: Okay.

CONFIDENTIAL

Page 209

1 A I don't know that she was in a state of
2 undress.

3 Q Do you -- do you have a specific memory
4 of the incident that Ms. Carroll, Ms. Baker, and
5 Ms. Lively described?

6 A I do.

7 Q Okay. And what is your memory of that
8 incident?

9 A Well, this is day two of shooting. We
10 had got a text that morning, maybe the night before,
11 but it could have been that morning, from Ms. Lively
12 that she wanted to meet with me and Ange and Justin
13 and Alex. We tried to have the meeting that
14 morning. It didn't work out. We tried to have it
15 in the afternoon. Several attempts and we were not
16 able to achieve.

17 At the end of shooting, we were at the
18 cemetery. I approached her and said, I know you
19 wanted to meet today, but it's getting late, and
20 suggested that maybe we do it the next day or
21 something. She had said that she was going back to
22 her makeup trailer, could we meet her there, and we
23 could have the conversation then.

24 Not the conversation that she wanted to
25 have in the morning, the conversation about whether

CONFIDENTIAL

Page 210

1 or not we were going to do it that night or the next
2 day.

3 Q So the conversation, just so I understand
4 it, was just about when the meeting was going to
5 take place?

6 A She was hoping to have it that day, that
7 night, and now that it was at the end of the day, I
8 was concerned about her turnaround time.

9 Q So just to be clear, though, the
10 conversation that you were going to have with
11 Ms. Lively in her makeup trailer, in your
12 understanding, was about when this meeting was going
13 to take place?

14 MS. SHAPIRO: Objection.

15 THE WITNESS: Whether we were going to do
16 it that night or the next day.

17 BY MS. HUDSON:

18 Q Okay.

19 A So the four of us, Justin, myself,
20 Ange Giannetti, and Alex Saks, all went to her
21 makeup trailer, the four of us. I knocked. Heard
22 some sort of "come in" or "yes" or some indication
23 that led me to believe it was okay to open the door.

24 Q So the opposite of what the three
25 witnesses said?

CONFIDENTIAL

Page 211

1 A You asked me what.

2 Q I just want to make sure I understand.

3 You -- they said -- they all said they said no, and
4 you heard yes; is that right?

5 MS. SHAPIRO: Objection.

6 THE WITNESS: Can -- I don't --

7 MS. SHAPIRO: Will you let him finish his
8 answer? You asked him to describe his memory of the
9 event, and you keep interrupting him.

10 MS. HUDSON: Well, I'm asking questions
11 as he is providing the answer.

12 THE WITNESS: Would it be okay if I just
13 give you my answer?

14 BY MS. HUDSON:

15 Q Go ahead.

16 A Is that all right?

17 Q Go ahead.

18 A So I then knocked, to be clear, with
19 Justin and Ange and Alex with me at the bottom of
20 her steps. I knocked on the door, heard some
21 indication to come in. As I took a step up, I saw
22 that she was leaned back. She looked what I thought
23 was either maybe breastfeeding or nursing. I said
24 to her, oh, it looks like you're busy, I can come
25 back. As I turned around she says, no, that's okay.

CONFIDENTIAL

Page 212

1 You can come in, just look away. And I said, sure.

2 Now, I never saw the front of her. I
3 just saw this which appeared to me a familiar --
4 familiar position of her feeding or nursing or
5 pumping. So then I walked over to the side, looked
6 away. We had a two-minute conversation, could have
7 been three minutes, about whether or not we were
8 going to have the meeting that night or the next
9 day. I was trying to negotiate with her, could we
10 do it tomorrow because I was worried about the
11 turnaround time, and we would lose money, which is
12 an implication -- we would lose hours in the next
13 day, which is an implication of money.

14 We had a conversation back and forth.
15 She eventually said no, she had to have it tonight
16 and she would not waive any sort of turnaround time
17 and do it off record. So I then left, walked down
18 the stairs out of the makeup trailer where Ange,
19 Justin, and Alex were. Reported to them, she wants
20 to do it tonight. I tried to convince her to do it
21 tomorrow, but she wants to do it tonight.

22 She walked out four or five minutes
23 later, greeted us, said, hello. We went into her
24 then trailer, and we had a discussion about what she
25 wanted to meet with us.

CONFIDENTIAL

Page 213

1 Q And when she came to the trailer for the
2 meeting, did she say anything about what had just
3 occurred in her makeup trailer?

4 A She did not. This is on day two. This
5 is May.

6 Q May 16th?

7 A May 16.

8 Q Did you ever learn that Ms. Lively had a
9 different view of the incident in the trailer prior
10 to her testimony?

11 A I learned that her different view is when
12 I read the CRD complaint.

13 Q So you didn't hear any concerns raised by
14 Ms. Lively regarding this incident in the trailer on
15 the second day of shooting until the CRD complaint?

16 A We had a conversation about it on
17 June 1st, two weeks later, but not that there was
18 a concern.

19 Q Okay. And when you say, "we had a
20 conversation about it two weeks later," who are you
21 talking about?

22 A There was a conversation with Blake,
23 Justin, myself, and Alex Saks, about she had got
24 COVID and we returned to set. And we had a morning
25 conversation before we started working.

CONFIDENTIAL

Page 219

1 BY MS. HUDSON:

2 Q Okay. So if Ms. Lively wasn't saying she
3 was uncomfortable, what was your understanding of
4 the reason she brought up the video?

5 MS. SHAPIRO: Objection.

6 THE WITNESS: I can tell you what the
7 interaction was and what I inferred from it.

8 BY MS. HUDSON:

9 Q Sure.

10 A As she came back from having COVID and as
11 her text said she wanted to get off to a -- to a:

12 (As read):

13 "Back to work on a solid track."

14 She said to me that, "Jamey, you know
15 when you walked up to me to show me the video with
16 your wife, I thought you were showing me porn." I
17 said, Oh my God. I'm so sorry. Really? Oh my
18 gosh. She was like, I know that it wasn't, but it
19 startled me. I thought that's what you were showing
20 me. I was like, Oh my gosh, I'm so sorry. And then
21 we moved on. She didn't say anything that it was
22 uncomfortable. She was just telling me that's what
23 she thought. She recognized that what she thought
24 it was, that it was, in fact, what I showed her.
25 And then she moved on to the next subject.

CONFIDENTIAL

Page 223

1 this is what Ms. Lively said. So you're disputing
2 Ms. Saks' memory?

3 MS. SHAPIRO: Objection.

4 THE WITNESS: I don't mean to dispute
5 anybody's memory. Okay? I can just only tell you
6 what had happened. That's not -- that's not --

7 BY MS. HUDSON:

8 Q Did Ms. Lively discuss the trailer
9 incident?

10 A She did bring it up, yeah.

11 Q What did she say about it in your memory?

12 A After she had said something about, as I
13 said, that she thought the video at first was porn,
14 recognized that it wasn't, because it was not. She
15 then said, also, you know, when you came into the
16 trailer a couple of weeks, I asked you to look away
17 and at some point you made eye contact with me. And
18 I was like, oh, I didn't even know that. She says,
19 I'm not saying you were trying to cop a look. I'm
20 just saying that I had asked you to turn away, and
21 you made eye contact with me. I was like, oh I'm so
22 sorry. I didn't even realize that. Maybe I
23 happened to glance through conversation. I have no
24 memory of it. But -- and then she moved onto the
25 next.

CONFIDENTIAL

Page 284

1 that there were other ones. "To BL and her or her
2 employees." So, yeah, we -- we talked about that
3 video again where she had brought it up.

4 Q So you talked about the video but --

5 MS. SHAPIRO: Can you let him finish?

6 THE WITNESS: So we talked about the
7 video. We didn't talk about the details of it. We
8 just talked to -- brought up again that that video
9 was shown. Again, I apologized to her recognizing
10 that she was surprised by it. And -- but this
11 wasn't written. But that topic was.

12 So no more mention of Baldoni or Heath's
13 previous pornography addiction. I don't have a
14 pornography addiction. So certainly, she wouldn't
15 have never read that, and I don't know what that
16 refers to. So no, that was not discussed.

17 Q Did she talk about Mr. Baldoni's
18 referencing pornography addiction during this
19 meeting?

20 A I believe she mentioned something about
21 it.

22 Q Okay. Did she talk about wanting to --
23 neither her nor her employees to hear personal
24 experiences of -- of other people's sex lives,
25 including as it relates to spouses or others?

CONFIDENTIAL

Page 290

1 there.

2 Q And you've given me a full scope of your
3 memory about what was discussed in that five or six
4 hours?

5 MS. SHAPIRO: Objection.

6 THE WITNESS: No, a lot of it was Ryan
7 belittling Justin.

8 BY MS. HUDSON:

9 Q For five or six hours?

10 A A lot of it was.

11 Q And when you say "belittling," what do
12 you mean by that?

13 A When this first -- when she first started
14 reading a couple of her things and Justin was
15 hearing this, taking this in, and trying to make
16 sense of it, he was frozen by hearing this stuff.
17 And instead of -- well, let me not say instead of --
18 and his reaction was -- was that he was being a
19 coward. That what you do when a woman says this to
20 you and points out these things, you just stand up
21 and you just apologize and apologize. And Justin
22 was just like, but I didn't do this. And then he
23 raised his voice and used some language and
24 insinuated that he was not a good guy.

25 Q That Mr. Baldoni was not a good guy?

CONFIDENTIAL

Page 291

1 A Yeah.

2 Q Yeah.

3 A And he -- and he did it very
4 aggressively. He did it to me as well. More at
5 him. It was -- it may have been the hardest thing I
6 have ever witnessed someone talking to another
7 person with such belittlement.

8 Q So after that meeting, did you have an
9 understanding that there were things that were
10 happening in connection with filming this movie that
11 Ms. Lively was uncomfortable with?

12 MS. SHAPIRO: Objection.

13 THE WITNESS: I understood that she had
14 shared some things that did not make sense, and I
15 believe were fabricated.

16 BY MS. HUDSON:

17 Q You believe were fabricated?

18 A Not all of them.

19 Q Uh-huh.

20 A Either distorted --

21 Q Uh-huh.

22 A -- or fabricated.

23 Q Now, did you think it would be a good
24 idea to conduct an investigation at that point?

25 MS. SHAPIRO: Objection.

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 338

1 I had.

2 Q Did you discuss with Mr. Baldoni hiring
3 Jed Wallace of Street Relations?

4 A I don't recall. I don't remember.

5 Q Did you discuss with anyone else at
6 Wayfarer what Mr. Wallace was being hired to do?

7 A I may have.

8 Q Did you discuss it with Mr. Sarowitz?

9 A I don't have a particular memory of it
10 but I -- but I may have. I don't know.

11 Q Did you receive an email outlining the
12 work that Mr. Wallace would be doing for Wayfarer?

13 MR. GLOVER: Objection. Form.

14 THE WITNESS: I believe there was an
15 email that came in that I only know about more
16 recently, but I never looked at it.

17 BY MS. HUDSON:

18 Q You didn't look at it?

19 A I did not.

20 Q Did it come to you?

21 A I believe my email was on it, yes.

22 Q You believe it did come to you?

23 A I believe so.

24 Q But you're saying --

25 A Only because I've learned more recently

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?

CONFIDENTIAL

Page 399

1 BY MS. HUDSON:

2 Q By whom?

3 A By the production supervisor, I believe
4 Alex Saks.

5 Q Alex Saks told you that employee
6 complaints should be brought to the line AD and
7 production supervisor?

8 A I don't know specifically. I just know
9 that they were saying if there's anything that
10 needed to be -- any concerns, that they would report
11 to them. That was standard protocol.

12 Q That's what Ms. Saks told you?

13 A At some point, yes.

14 Q And did she say that that was her
15 understanding of the protocol with respect to human
16 resources concerns on an independent film?

17 MS. SHAPIRO: Objection.

18 THE WITNESS: I don't recall beyond that.

19 BY MS. HUDSON:

20 Q You don't recall beyond that. So you
21 don't recall her specifically saying human resources
22 concerns of employees should be brought to the line
23 AD and production supervisor?

24 A I don't recall that.

25 Q The training that you referenced, did you

CONFIDENTIAL

Page 400

1 attend in person?

2 A It was a Zoom that I -- that I attended.

3 Q Did you attend in person?

4 MS. SHAPIRO: Objection.

5 THE WITNESS: The individual giving it
6 was on Zoom so I was in person on the computer, but
7 he was on Zoom.

8 BY MS. HUDSON:

9 Q You were in person on a computer?

10 A The training was remote. The individual
11 giving the training was remote so I was in front of
12 my computer on the training.

13 Q So were you -- you were not in a room
14 with the other cast and crew; is that right?

15 A No.

16 Q Was the other cast and crew assembled in
17 a room for the training; do you know?

18 A I don't know.

19 Q And where -- where were you physically
20 located when you took it?

21 A I was at the production offices in New
22 Jersey.

23 Q In an office?

24 A Correct.

25 Q And do you have any record of having

October 09, 2025

CONFIDENTIAL

Page 27

1 A I am.

2 Q Did you discuss with them, yes or no,
3 what you were going to testify about with respect to
4 that answer this morning?

5 MS. SHAPIRO: Same objection and same
6 instruction.

7 BY MS. SHAH:

8 Q Are you going to follow that instruction?

9 A I think it's best.

10 Q Okay. I don't have the words right in
11 front of me, but you did give me the correction that
12 you wanted to correct at the top of the testimony
13 today. Would you just explain that to me again?
14 What it is about yesterday's testimony that you
15 wanted to correct in today's testimony.

16 A I think simply, as I was testifying as it
17 pertains to 17-point list and my state of mind and
18 how I viewed it, in reflecting, while, of course, I
19 agreed that all of these things were reasonable
20 things that anyone asked for, I think I also
21 messaged that I may not have considered that some of
22 these things had some -- a nod to how -- what may
23 have been brought up in the past. And that's what I
24 wanted to.

25 Q I see. So am I understanding correctly

CONFIDENTIAL

Page 28

1 that what you're essentially saying is, you think
2 during the deposition yesterday, it may have
3 appeared from your testimony that you were not
4 leaving room for the possibility that some of the
5 things on the 17-point list related in some way to
6 past incidents, and -- and that's the aspect of it
7 that you want to expand on this morning?

8 MS. SHAPIRO: Objection.

9 Go ahead.

10 THE WITNESS: Not necessarily that it
11 related or not, but that I -- that I had considered
12 that could some of these things have some sort of
13 nod -- for lack of a better term -- to what we had
14 discussed in the past.

15 BY MS. SHAH:

16 Q What you and Ms. Lively and others had
17 discussed in the past?

18 A What -- yeah, some of the concerns that
19 she may have spoken about.

20 Q Okay. And when you say the word "nod,"
21 like it may have some nod to those things, do you
22 mean reference, or relatedness, or can you give me
23 another verb?

24 A That it could have insinuated that
25 possibly, is this related to anything that's come up

CONFIDENTIAL

Page 29

1 before? While I didn't necessarily land on that,
2 but that it was a consideration.

3 Q It's something that went through your
4 mind at the time?

5 A Sure.

6 Q Okay. Why was it important to you to
7 correct that aspect of your testimony this morning?

8 MS. SHAPIRO: Objection.

9 THE WITNESS: I want to really do my best
10 to reflect and to be truthful. And if that was
11 sitting in me, that did I convey that correctly?
12 And so that was -- that was the purpose.

13 BY MS. SHAH:

14 Q Is there anything else about your
15 testimony yesterday that you want to take the
16 opportunity now to correct?

17 A No.

18 Q Okay. You were in the room, the breakout
19 room with your lawyers last night after the
20 deposition with some of the other defendants here,
21 and I believe your wife and Mr. Baldoni's wife for
22 quite a long time last night. During that time, did
23 you discuss the substance of your deposition
24 testimony yesterday in any respect?

25 A I don't believe so.

CONFIDENTIAL

Page 38

1 Q Okay. Thank you.

2 Can you describe for me what are your
3 responsibilities as CEO of Wayfarer?

4 A I can. Quickly, the financial strategy
5 of Wayfarer, what we're investing in. Everything
6 that has to do with that, investments, the way that
7 we do our deals, where we are holding our money,
8 anything of that nature. Creatively, projects that
9 we do, are they in line with who we are, are they
10 good, the quality of it. There is more to it than
11 that, but that's the basic.

12 Also, our leadership and culture. How we
13 walk, our purpose as a company, what our goals are,
14 and to build relationships with others.

15 Q What is Wayfarer's purpose as a company?

16 A We want to make art that lifts the human
17 spirit, that speaks to things that oftentimes don't
18 have an opportunity to be commercial. They don't
19 have to be commercial, but oftentimes they're --
20 they don't have a path. To give filmmakers,
21 sometimes new filmmakers, opportunities to make
22 movies. To tell stories that a lot of people may
23 not see are worth telling.

24 And, as I say -- and my CFO gets mad at
25 me all the time -- is we want to make things that

CONFIDENTIAL

Page 76

1 Wayfarer. So if this person was putting in their
2 notice and moving on, what would that mean for
3 Wayfarer? So it was something to consider.

4 But I do recall that in her notice, that
5 that didn't mean she was leaving tomorrow. There
6 was a duration of time. I don't know -- I don't
7 know if that was a month or two months or
8 three months or whatever it would have been. But
9 certainly, that would have been on my mind.

10 BY MS. SHAH:

11 Q You just said something about Matthew not
12 being the person you felt safe considering to be
13 like the leader of the Wayfarer account, right? Who
14 was the person that you felt safe with being the
15 leader of the Wayfarer account?

16 A Jen.

17 Q Okay. Anyone else at Jonesworks?

18 A Jen.

19 Q Okay. How would you describe the cadence
20 of your relationship and interactions with Jen as
21 Wayfarer's publicist over the four years she had
22 been on that account?

23 MS. SHAPIRO: Objection.

24 THE WITNESS: Jen is on top of it. She
25 understands and gets what we're about and how we

CONFIDENTIAL

Page 77

1 like to operate. And I trusted her judgment. And
2 based on that, we built a relationship that was a
3 professional trusting of the path we wanted to take.
4 While I liked Matthew Mitchell, he didn't feel to be
5 a leader to me in the way that Jen is.

6 BY MS. SHAH:

7 Q Did you feel like you had that close
8 relationship of trust on a professional level with
9 anyone else than Jen at Jonesworks?

10 A I didn't have distrust with anybody, but
11 Jen was our point.

12 Q Okay.

13 THE STENOGRAPHIC REPORTER: Was our what?

14 THE WITNESS: Point. Point person.

15 Sorry.

16 BY MS. SHAH:

17 Q And I think you testified a little bit
18 ago that, like, sure, when you found out Jen was
19 considering leaving, Jonesworks, it was a
20 consideration for you in terms of what would happen
21 to Wayfarer after she left?

22 A Sure.

23 Q Can you tell me a little bit more about
24 how you thought about that in your mind?

25 MS. SHAPIRO: Objection.

CONFIDENTIAL

Page 96

1 THE WITNESS: Sorry. Danny then called
2 me after the call with Patrick. He may have been on
3 the call as Patrick, as well, Danny. I just don't
4 recall. He called me shortly after the call and was
5 going to read to us a letter that the Reynolds -- I
6 guess I can refer to both of them as the Reynolds --
7 had written, and I could not believe what was
8 happening. So I recorded it because I wanted it
9 documented.

10 BY MS. SHAH:

11 Q What about the --

12 A Not -- not only documented. I also -- he
13 was going to dictate to me a letter, and I didn't
14 have a hard copy of it, so I wanted to record it so
15 that I could actually write it down and have it.

16 Q And what about the Sony marketing call?

17 MS. SHAPIRO: Objection.

18 THE WITNESS: In the Sony call, we were
19 planning how to navigate these two different
20 premieres, the ins and outs about it or whatever was
21 gonna -- how it was going to look. And we had, from
22 what I believed, a really good relationship with
23 Sony. But it started feeling like there was -- and
24 while I understand they have to kind of pay
25 middleman to whatever they think is going on or not

CONFIDENTIAL

Page 163

1 whether the conversations referenced only incidents
2 that happened within some ten-day or short period of
3 time --

4 A Okay.

5 Q -- do you think that the fact that it
6 kept being brought up over and over and over, at
7 least on June 1st in the November 17-point letter
8 and in the January 2024 meeting, was an indication
9 that, perhaps, at least from Blake's perspective,
10 whatever had happened before was not, in fact,
11 resolved?

12 MS. SHAPIRO: Objection.

13 THE WITNESS: Again, I think there wasn't
14 multiple, multiple ones. June 1st was the first
15 conversation. There was the first conversation with
16 Blake, right? Some thoughts had been shared. We
17 had a conversation on June 1st. No other
18 conversations about it. You're referencing the
19 November 9th letter as if that's a conversation.
20 But it was clear. I'm not trying to hide away from
21 the language.

22 In lieu of an HR complaint, we know that
23 there's a lot of things that happened on set. That
24 involved a lot. There was a lot. We had a lot of
25 strikes. We had COVID. We had issues, production,

CONFIDENTIAL

Page 164

1 that had nothing to do with you and me bumping
2 heads. But to say it and characterize that as it's
3 coming up again, it was like, here's the protections
4 that I need to make sure that I feel safe, as she
5 put it, moving forward.

6 It wasn't bringing back up the June 1st
7 stuff, the conversation. It was like, here's what I
8 need moving forward. Here's some guidelines. We'd
9 give this to anybody, but it wasn't a conversation
10 about it. We did not think it was kept being
11 brought up and brought up. This is, contracts
12 happen all the time of what they need to go on set.
13 Here was one.

14 The January 4th is what I would
15 consider the second conversation, no matter how you
16 want to frame the other. And that meeting, with a
17 Sony representative, the new Sony producer, myself,
18 Justin, Alex Saks, our other producer, no one felt
19 that this was a -- a nod to then, what do you do
20 next? She got -- she wanted to express it. She
21 said, just want to clear the air, after we talked
22 about it, then we talked about production. See you
23 guys tomorrow.

24 There was no indication that we were
25 supposed to take another step. We thought the step

CONFIDENTIAL

Page 165

1 was done. We talked about it. She got it off
2 her -- even though we disagreed. I still contend to
3 this day that most of what she is saying, either all
4 of it -- either it's twisted or fabricated.

5 She says I talked about my genitals. I
6 still haven't had -- heard anybody ask me. She said
7 I had a porn addiction in her complaint. No one has
8 asked me where that came from as it pertains to me.
9 But we talked about it.

10 And our belief -- I don't know if lawyers
11 like it if I say this or not, whether we were right
12 or wrong, our belief at the time was that it was
13 handled, it was discussed, and then we moved on.
14 I'm sorry.

15 BY MS. SHAH:

16 Q Don't be sorry.

17 THE WITNESS: Can we take a break?

18 MS. SHAH: Yes, absolutely. Why don't we
19 take the lunch break?

20 MS. SHAPIRO: Forty-five minutes?

21 MS. SHAH: We can go off the record.
22 Forty minutes?

23 MS. SHAPIRO: Forty minutes is fine.

24 THE VIDEOGRAPHER: We are going off the
25 record. The time is 12:50 p.m.

CONFIDENTIAL

Page 166

1 (Lunch recess.)

2

3 THE VIDEOGRAPHER: We're back on the
4 record. The time is 1:42 p.m.

5 BY MS. SHAH:

6 Q Good afternoon, Mr. Heath.

7 A Good afternoon.

8 Q Before lunch we were discussing your
9 decision to bring on TAG and Melissa Nathan to
10 handle crisis communications. You had mentioned
11 that at some point, Jen had recommended to you that
12 you should consider bringing on crisis
13 communications professionals; is that right?

14 A Correct.

15 Q What do you recall about that
16 conversation?

17 A I recall her saying that she doesn't do
18 crisis PR and this might be a conversation with a
19 crisis PR firm.

20 Q Do you recall when that conversation
21 occurred?

22 A I don't.

23 Q Do you think it was like within several
24 days of when you first talked to Melissa Nathan?

25 MS. SHAPIRO: Objection.

CONFIDENTIAL

Page 167

1 THE WITNESS: I don't know if it was in
2 several days, but it wasn't weeks.

3 BY MS. SHAH:

4 Q Okay. Did she recommend Melissa Nathan
5 to you as a potential person that you could hire for
6 crisis comms?

7 A I believe it was her. Yes.

8 Q Okay. Meaning, it was Jen?

9 A I believe so.

10 Q Did she give you any other names of any
11 other people or firms other than Melissa Nathan that
12 you should consider for crisis communications?

13 A I don't remember. She may have. I don't
14 remember.

15 Q Okay. You can't think of any as you sit
16 here today?

17 A I can't.

18 Q Did you personally speak with
19 Melissa Nathan or anyone from TAG before you decided
20 to hire them?

21 A I did.

22 Q Did you personally speak with or
23 interview any other crisis communications
24 professional?

25 A I did not.

CONFIDENTIAL

Page 168

1 Q Did anyone at Wayfarer ever speak with or
2 interview any other crisis communications
3 professional than Melissa Nathan?

4 A Not that I'm aware of.

5 Q Okay. Did you also ask or did anyone at
6 Wayfarer ask Stephanie Jones for recommendations for
7 crisis communications professionals?

8 A I believe we did.

9 Q Okay.

10 A Or -- I don't know if we asked or if they
11 were just shared. But I do know that we got some
12 recommendations from Stephanie Jones. I don't
13 recall how that happened.

14 Q Okay. And Melissa Nathan was not on
15 Stephanie Jones' list of recommendations to you for
16 crisis communications, right?

17 A She was not.

18 Q You were aware that Stephanie Jones
19 expressly warned you that you should not hire
20 Melissa Nathan for this role, correct?

21 A I was aware.

22 Q What was your understanding of the
23 reasons that Stephanie thought you should not hire
24 Melissa Nathan in this role?

25 A To start with, I had a phone conversation

CONFIDENTIAL

Page 228

1 remember getting -- answer [sic] me the question one
2 more time, if you don't mind.

3 BY MS. SHAH:

4 Q Sure.

5 Do you have any basis to tell me as you
6 sit here today that Stephanie Jones didn't follow
7 your instruction for her to stand down after you
8 told her to do that?

9 A I don't know. I -- I can't recall
10 anything.

11 Q Okay. And after the point in time that
12 you told Stephanie she was not to contact any
13 reporters on behalf of Wayfarer or Justin, did you
14 have any substantive or strategy or other
15 conversations or communications with Stephanie about
16 Wayfarer's publicity after that?

17 MS. SHAPIRO: Objection.

18 THE WITNESS: After I asked her to stand
19 down?

20 BY MS. SHAH:

21 Q Uh-huh.

22 A Did I have any subsequent conversations
23 with her?

24 Q Yes.

25 A About the positioning of Jonesworks with

CONFIDENTIAL

Page 229

1 Wayfarer?

2 Q About -- no, about Wayfarer's publicity
3 plans.

4 A Right. Not immediately after, I don't.
5 When I say "immediately," I don't mean within days
6 because we were dealing with the current flames.
7 But that is something that became a little -- became
8 apparent to me that there seemed to be no discussion
9 on that at some point. Once I had learned -- you
10 mean during this time or at anytime?

11 Q What I'm essentially asking is, after you
12 told her to stand down, did you later, like, loop
13 her back onto the team and get her involved, or no?

14 A As I said, she's never been involved.

15 Q Okay.

16 A As far as I'm concerned.

17 Q Okay. So you didn't invite her into the
18 team after that?

19 MS. SHAPIRO: Objection.

20 THE WITNESS: She was -- she was never a
21 part of it.

22 BY MS. SHAH:

23 Q Okay.

24 A No -- no offense to Stephanie.

25 Q Understood.

CONFIDENTIAL

Page 230

1 A She just never was. So other than some
2 of these instances, but...

3 Q Now, there came a time in late August of
4 2024 where Wayfarer provided notice to Jonesworks
5 that it was terminating Jonesworks; is that right?

6 A Late August?

7 Q Uh-huh.

8 A I probably need to see an email or
9 something so I can confirm the date, but for the
10 moment I can take your word for it.

11 Q Sure. Even apart from the date, you
12 recall that there came a point in time when Wayfarer
13 terminated Jonesworks, right?

14 A Yes.

15 Q Okay. Who made that decision?

16 A Ultimately?

17 Q Uh-huh.

18 A Me.

19 Q Okay. Why did you make that decision?

20 A I mean, I think I expressed it before so
21 I will just give you the short version.

22 Q Please.

23 A I had come to the conclusion that I had
24 lost faith. I don't like saying -- I had lost faith
25 in what I believed Stephanie could provide and

CONFIDENTIAL

Page 231

1 Jonesworks felt like -- thank you so much -- a place
2 that we've been for some years and, you know,
3 changes happen. And also, our point person who I
4 trusted with my kids, going back to the babysitter
5 analogy, I just trusted her. And here she's going
6 somewhere else. And this happens all the time with
7 agencies and managers. You know, you have a
8 relationship with -- with Ms. Shah, not the law firm
9 you are at.

10 THE WITNESS: Thank you.

11 MS. SHAPIRO: Do you want a break?

12 MS. SHAH: Yes. I think the reporter
13 would like a break. Why don't we go off the record.
14 How long would you like?

15 THE WITNESS: Was this for me?

16 THE VIDEOGRAPHER: We are going off the
17 record. The time is 3:04 p.m.

18 (Recess.)

19 (Recess.)

20 THE VIDEOGRAPHER: We're back on record.
21 The time is 3:44 p.m.

22 BY MS. SHAH:

23 Q You're aware that Wayfarer filed
24 counterclaims against Jonesworks and Ms. Jones in
25 this case, correct?