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October 30, 2025

**VIA ECF**

The Honorable Lewis J. Liman  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Lively v. Wayfarer Studios LLC et al.*, No. 24-cv-10049 (LJL)**

Dear Judge Liman:

Ms. Lively respectfully moves the Court to sanction Defendant Jamey Heath pursuant to Rule 37 of the Federal Rules of Civil Procedure for failure to comply with the Court's August 27, 2025 order compelling the production of certain materials—the video Mr. Heath showed Ms. Lively on the set of the Film of his fully nude wife during the birth of their child during an at-home birth (“birth video”) without warning or consent—by September 2, 2025. *See* Dkt. 711 (“Order Compelling Production”). To date, Mr. Heath has produced only a three-minute video excerpt depicting [REDACTED]. Ms. Lively has consistently disputed that the video that Mr. Heath produced pursuant to the Order Compelling Production was the video that he showed her on the set of the Film. After his counsel insisted for weeks that they were “not aware” of any other video, Mr. Heath recently revealed at his deposition that [REDACTED]. Yet, Mr. Heath's counsel has refused to produce any further video on the sole basis that, in their view, the Order Compelling Production should be read exceedingly narrowly and does not require Mr. Heath to produce it. Not so. Moreover, Mr. Heath put this video at issue by showing it to Ms. Lively without her consent or any warning in the workplace. It is plainly improper for Mr. Heath to now contend that Ms. Lively, this Court and the jury must accept his word that the small excerpt of the [REDACTED] is the same video he showed her on set, when it does not comport whatsoever with her memory, and [REDACTED] by which Ms. Lively could challenge his assertion. By knowingly and willfully withholding [REDACTED] Ms. Lively was deprived of the opportunity to fully question Mr. Heath on this topic at his deposition, and has therefore been prejudiced.

Accordingly, Rule 37 sanctions are warranted that: (1) order Mr. Heath to produce all video footage depicting the birth video, within three days of the Court's order; and (2) precluding Mr. Heath from offering any evidence, including written or oral testimony, on the topic of his showing the birth video (or any portion thereof) to Ms. Lively. In the Order Compelling Production, the Court ordered the Wayfarer Parties to produce, *inter alia*, “documents and communications related to Lively's Civil Rights Department Complaint (the ‘CRD Complaint’)” and “documents identified in the Wayfarer Parties' Amended Complaint, *including the birth video*” no later than September 2, 2025. *See* Dkt. 50 (“Now-Dismissed Complaint”). The allegations in the CRD complaint include the following description of the birth video:

“To add insult to injury, Mr. Heath approached Ms. Lively and her assistant on set

and started playing a video of a fully nude woman with her legs spread apart. Ms. Lively thought he was showing her pornography and stopped him. Mr. Heath explained that the video was his wife giving birth. Ms. Lively was alarmed and asked Mr. Heath if his wife knew he was sharing the video, to which he replied “She isn’t weird about this stuff,” as if Ms. Lively was weird for not welcoming it. Ms. Lively and her assistant excused themselves, stunned that Mr. Heath had shown them a nude video.”

Dkt. 107-3 ¶ 37; *accord* Dkt. 520 (“Operative Complaint”) ¶ 90. The Wayfarer Defendants’ Now-Dismissed Complaint admitted that Mr. Heath showed Ms. Lively a video from his child’s home birth and confirmed that he did so at Mr. Baldoni’s insistence that it “demonstrated” Mr. Baldoni’s “vision” for the “*birthing scene*.” Dkt. 50 ¶ 101 (emphasis added).<sup>1</sup> But their Now-Dismissed Complaint criticized Ms. Lively’s description in the CRD Complaint and Operative Complaint of the birth video Mr. Heath showed her as “an outrageous and knowingly false suggestion that she was shown pornography or naked images of Heath’s wife on set.” *Id.* The Wayfarer Defendants pleaded that the full birth video is “by all accounts beautiful.” *Id.*

On August 22, 2025, the Wayfarer Defendants produced a 3:29 minute video that shows [REDACTED] (“Produced Video Excerpt”) (Declaration of Stephanie Roeser (“Roeser Decl.”), ¶ 3), a snapshot of which the Wayfarer Defendants included in an attachment to their publicly filed and Now-Dismissed Complaint. *See* Dkt. 50-1 at 30.

On September 24, 2025, counsel for Ms. Lively conferred with counsel for the Wayfarer Defendants, explaining that Produced Video Excerpt reflected only a few minutes of footage [REDACTED], rather than [REDACTED], and does not reflect the portion of the video that Mr. Heath showed Ms. Lively while she was on the set of the Film. (Roeser Decl., ¶ 4.) Opposing Counsel said they had “no reason” to believe that the Produced Video Excerpt was not what Mr. Heath showed Ms. Lively, and they were not willing to engage in further conferral absent additional information. (*Id.*)

Mr. Heath sat for his deposition on October 8, 2025. *See* Ex. A (“Heath Deposition”). During his deposition, Mr. Heath testified that [REDACTED]

*Id.* at 179:3-20. Mr. Heath confirmed [REDACTED]

and that [REDACTED]

*Id.* at 181:15-

182:22. Mr. Heath testified he [REDACTED]. *Id.* at 184:5-12; 186:22-23.

<sup>1</sup>Ms. Lively served discovery on Mr. Heath seeking “All Documents and Communications concerning Your allegation in paragraph 101 of the Wayfarer SDNY Complaint that Ms. Lively ‘falsely suggest[ed] that she was shown pornography or naked images of Heath’s wife on set.’” Ex. D at 20 (RFP No. 108 of Lively’s Third Set of Requests for Production to Jamey Heath); *see also* Dkt. 554-6 at 282 (Heath Responses and Objections to RFP No. 108); Dkt. 555 at 24-25 (citing RFP No. 108 as a request to which the birth video would have been responsive).

After the Heath Deposition, Ms. Lively's counsel sent an email regarding the Wayfarer Defendants' position taken on September 24, 2025. *See* Ex. B. The Wayfarer Defendants did not respond. Ms. Lively's counsel attempted to confer with counsel for the Wayfarer Defendants again on October 20, 2025, to obviate the need for this motion,<sup>2</sup> only to be met with refusal on October 29. *See* Ex. C.

The Court should exercise its "broad discretion" to sanction Mr. Heath pursuant to Rule 37(b)(2)(A) for failing to obey the Order Compelling Production. *Accettola v. Mei He*, No. 23-CV-1983 (LJL), 2024 WL 3274436, at \*3 (S.D.N.Y. July 1, 2024); *see* Fed. R. Civ. P. 37(b)(2)(A) (enumerating sanctions if a party "fails to obey an order to provide or permit discovery"). "The discovery provisions of the Federal Rules of Civil Procedure are 'designed to achieve disclosure of all the evidence relevant to the merits of a controversy'" and when "a party seeks to frustrate this design by disobeying discovery orders, thereby preventing disclosure of facts essential to an adjudication on the merits, severe sanctions are appropriate." *Wager v. G4S Secure Integration, LLC*, No. 19CV3547MKVKNF, 2021 WL 5304321, at \*5 (S.D.N.Y. Nov. 15, 2021) (citation omitted) (citing cases).

Specifically, the Court should (1) order Mr. Heath to produce all video footage depicting the birth video, including but not limited to all versions that show the delivery, within three days of the Court's order; and (2) preclude Mr. Heath from offering any evidence, including written or oral testimony, on the topic of his showing the birth video (or any portion thereof) to Ms. Lively. *See* Fed. R. Civ. P. 37(b)(2)(A)(ii) (court may enter sanction "prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence"); Fed. R. Civ. P. 37(c)(1) (if party "fails to provide information" as required "the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless").<sup>3</sup> Preclusion is warranted because Mr. Heath's refusal to produce all responsive footage has deprived Ms. Lively of "key evidence needed to litigate a contested issue" in advance of his deposition. *Shanghai Weiyi Int'l Trade Co. v. Focus 2000 Corp.*, No. 15CV3533CMBCM, 2017 WL 2840279, at \*10-11 (S.D.N.Y. June 27, 2017) ("preclusion orders are entirely appropriate where the disobedient party has violated a court order to produce the evidence necessary to resolve the issue as to which preclusion is sought"). Mr. Heath's failure to comply with the Order Compelling Production materially limited Ms. Lively's ability to probe Mr. Heath's recollection and testimony about the birth video at his deposition, and specifically the portion of the footage he claims to have shown Ms. Lively. Ex. A at 179:3-186:23; *see Icon Int'l, Inc. v. Elevation Health LLC*, 347 F.R.D. 274, 297 (S.D.N.Y. 2024) (granting preclusion where failure to produce evidence in violation of a court order denied party the "opportunity to include questioning about these documents in the depositions it has already taken"). If Mr. Heath's noncompliance stands, he will have successfully (and unfairly) deprived Ms. Lively from showing the jury the part of the footage she recalls Mr. Heath showing her on set. The Court should not "reward [Mr. Heath] for his own misconduct." *Barbera v. Grailed, LLC*, No. 24-CV-3535 (LJL), 2025 WL 2098635, at \*11 (S.D.N.Y. July 25, 2025).

<sup>2</sup> Upon discovering the Produced Video Excerpt buried within Mr. Heath's production, Ms. Lively's counsel immediately restricted access to only a limited group and has offered to do so for future footage productions.

<sup>3</sup> To the extent Mr. Heath still refuses to produce all versions of the video, Ms. Lively reserves the right to seek more severe sanctions, including an order directing that certain "designated facts be taken as established for purposes of the action." Fed. R. Civ. P. 37(b)(2)(A)(i).

Respectfully submitted,

/s/ Esra A. Hudson

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*Attorneys for Blake Lively*

# **DECLARATION**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BLAKE LIVELY,

Plaintiff,

v.

WAYFARER STUDIOS LLC, et al,

Defendants.

No. 24-cv-10049-LJL (lead case)  
No. 25-cv-449 (LJL) (member case)

JENNIFER ABEL,

Third-Party Plaintiff,

v.

JONESWORKS LLC,

Third-Party Defendant.

WAYFARER STUDIOS LLC, et al.,

Consolidated Plaintiffs,

v.

BLAKE LIVELY, et al.

Consolidated Defendants.

**DECLARATION OF STEPHANIE A. ROESER IN SUPPORT OF BLAKE LIVELY'S  
LETTER FOR RULE 37 SANCTIONS**

I, Stephanie A. Roeser, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney admitted to practice before this Court, a partner in the law firm of Manatt, Phelps & Phillips LLP, located at 2049 Century Park East, Suite 1700, Los Angeles, CA 90067, and counsel of record for Blake Lively in the above-captioned action.

2. I respectfully submit this declaration in support of Ms. Lively's Letter for Rule 37 Sanctions against Defendant Jamey Heath ("Mr. Heath"). I also submit this declaration to place before the true and correct copies of the below documents.

3. On or about August 22, 2025, the Wayfarer Defendants produced a 3:29 minute video that depicts [REDACTED] ("Produced Video Excerpt"), a snapshot of which the Wayfarer Defendants included in an attachment to their publicly filed and Now-Dismissed Complaint. *See* Dkt. 50-1 at 30. Upon learning that Mr. Heath had produced the Produced Video Excerpt, I took steps to restrict access to its contents.

4. On September 24, 2024, my co-counsel, Michaela Connolly of Willkie, Farr & Gallagher LLP, met and conferred with Mr. Heath's counsel with respect to the birth video. I am informed and believe that Ms. Connolly conveyed to Mr. Heath's counsel that the video footage produced by Mr. Heath did not contain portions of the video that Ms. Lively alleges to have been shown on set, as the video produced [REDACTED]. Mr. Heath's counsel responded to the effect that they had no reason to believe that the video was any different than the one Mr. Heath showed Ms. Lively.

5. Ms. Lively deposed Mr. Heath on October 8, 2025. A true and correct copy of excerpts from the transcript of the deposition of Mr. Heath, dated October 8, 2025, is attached hereto as **Exhibit A**.

6. On October 16, 2025, my co-counsel followed up with Mr. Heath's counsel regarding production of the remaining footage by email, a true and correct copy of which is attached hereto as **Exhibit B**.

7. On October 28, 2025, I conferred with counsel for Mr. Heath by phone in an effort to resolve this dispute short of motion practice and, at that time, offered to restrict access to future productions of the birth video.

8. The next day, Mr. Heath's counsel conveyed via email that Mr. Heath would not produce any additional footage. A true and correct copy of an email dated October 29, 2025, from counsel for the Wayfarer Defendants is attached hereto as **Exhibit C**.

9. A true and correct copy of Ms. Lively's Third Set of Requests for Production to Mr. Heath, dated March 26, 2025, served on all counsel of record, is attached hereto as **Exhibit D**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: October 30, 2025

/s/ Stephanie A. Roeser  
Stephanie A. Roeser

# EXHIBIT B

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**From:** Connolly, Michaela  
**Sent:** Thursday, October 16, 2025 8:23 PM  
**To:** Theresa Troupson; Joel Glover; Nicholas Inns; Local KAF. Counsel; Bryan Freedman; Kristin Tahler; Maaren Shah; Morgan Anastasio; Local MS. Counsel; Amit Shertzer; Summer Benson; Vaneta Birtha; Miles Cooley; Cortni Davis; Jose Perez; Jason Sunshine; mitra@ahouraianlaw.com; Chip Babcock; Kim Zeldin  
**Cc:** Gottlieb, Michael; Hudson, Esra; Bender, Kristin; Nathan, Aaron E.; Meryl Governski; Roeser, Stephanie; Bruno, Matthew; Taustine, Melissa; Climaco, Katelyn  
**Subject:** RE: Lively v. Wayfarer, et al, No. 24-cv-10049 [IMAN-MATTERS.FID37310]

Counsel,

We write to follow up on the below-referenced conferral and certain outstanding issues stemming from Ms. Lively's omnibus motion to compel or arising thereafter.

As you might recall, in advance of our September 24 conferral, we identified in writing a number of Ms. Nathan's documents that bear impermissibly broad non-responsive redactions. You were not prepared to discuss the redactions when the parties conferred, even though Ms. Lively had raised this issue over a month earlier in her omnibus motion to compel (Dkt. No. 552). Nonetheless, per your request, we clarified that the documents at issue either bear (1) non-responsive redactions on text that we know is responsive and relevant from other party/third-party productions; or (2) non-responsive redactions that are overbroad on their face. We have categorized the documents below. Please promptly confirm that Ms. Nathan will reproduce these documents without non-responsive redactions.

As to Mr. Sarowitz's document deficiencies, we shared an excel tracking 178 documents that bear a SAROWITZ bates prefix but that are not custodial to Mr. Sarowitz and were not produced from Mr. Sarowitz's devices. You indicated that you would confer with your vendor regarding the discrepancy and circle back. It has been over three weeks and you have yet to provide any explanation. Please do so.

We also discussed WAYFARER\_000141838, a video that Wayfarer produced only after Ms. Lively successfully moved to compel the same, *see* Dkt. No. 711, and allegedly the birth video identified in the Wayfarer Defendants' Amended Complaint. We conveyed that the video produced at WAYFARER\_000141838 is not the video Mr. Heath showed to Ms. Lively on the set of *It Ends With Us*, including because [REDACTED]. We requested that you produce all copies and excerpts of the birth video. You indicated that you had "no reason" to believe that the produced video was any different than the one Mr. Heath showed to Ms. Lively and refused to engage further unless we could provide additional information.

All rights reserved.

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**NR Redactions (Category 1)**—NATHAN\_000000426; NATHAN\_000000515; NATHAN\_000000526; NATHAN\_000000885; NATHAN\_000001158; NATHAN\_000001247; NATHAN\_000001930; NATHAN\_000001942; NATHAN\_000002110; NATHAN\_000002313; NATHAN\_000002493; NATHAN\_000002515; NATHAN\_000002524

**NR Redactions (Category 2)**—NATHAN\_000000509; NATHAN\_000001361; NATHAN\_000001736; NATHAN\_000001772; NATHAN\_000001780; NATHAN\_000001795; NATHAN\_000001936; NATHAN\_000002016; NATHAN\_000002108; NATHAN\_000002356; NATHAN\_000002410; NATHAN\_000002462; NATHAN\_000002575; NATHAN\_000002694; NATHAN\_000002717; NATHAN\_000002926; NATHAN\_000002941; NATHAN\_000003535; NATHAN\_000003599;

NATHAN\_000005580; NATHAN\_000026751; NATHAN\_000027548; NATHAN\_000027606; NATHAN\_000027715;  
NATHAN\_000027790; NATHAN\_000027796; NATHAN\_000027816

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Pronouns: she, her, hers

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**From:** Theresa Troupson <[ttroupson@lftcllp.com](mailto:ttroupson@lftcllp.com)>  
**Sent:** Wednesday, September 24, 2025 3:45 PM  
**To:** Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>; Joel Glover <[jglover@jw.com](mailto:jglover@jw.com)>; Nicholas Inns <[nicholasinns@quinnemanuel.com](mailto:nicholasinns@quinnemanuel.com)>; Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Kristin Tahler <[kristintahler@quinnemanuel.com](mailto:kristintahler@quinnemanuel.com)>; Maaren Shah <[maarenschah@quinnemanuel.com](mailto:maarenschah@quinnemanuel.com)>; Morgan Anastasio <[morgananastasio@quinnemanuel.com](mailto:morgananastasio@quinnemanuel.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Amit Shertzer <[as@msf-law.com](mailto:as@msf-law.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Vaneta Birtha <[vbirtha@lftcllp.com](mailto:vbirtha@lftcllp.com)>; Miles Cooley <[mcooley@lftcllp.com](mailto:mcooley@lftcllp.com)>; Cortni Davis <[cdavis@lftcllp.com](mailto:cdavis@lftcllp.com)>; Jose Perez <[jperez@lftcllp.com](mailto:jperez@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; mitra@ahouraianlaw.com; Chip Babcock <[cbabcock@jw.com](mailto:cbabcock@jw.com)>; Kim Zeldin <[kzeldin@lftcllp.com](mailto:kzeldin@lftcllp.com)>  
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**Subject:** RE: Lively v. Wayfarer, et al, No. 24-cv-10049 [IMAN-MATTERS.FID37310]

\*\*\* EXTERNAL EMAIL \*\*\*

Counsel, we can make ourselves available at 5:00 p.m. Pacific today. Please confirm.

Please also confirm definitively that the [REDACTED] deposition is off calendar for this Friday.

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*Please note that LFTC's domain name has changed from FTLLP.com to LFTCLLP.com. Emails sent from this domain are not spam.*

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**From:** Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>  
**Sent:** Tuesday, September 23, 2025 9:45 PM  
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Subject: RE: Lively v. Wayfarer, et al, No. 24-cv-10049

Theresa,

We can be available to discuss further in the following windows tomorrow: 2:00–3:00 p.m. PT or 4:00–5:30 p.m. PT.

As for [REDACTED] we are exploring September 29 as an alternative, but [REDACTED] expressed that later next week would be more workable for them. We are amenable to proceeding later in the week if the Wayfarer Parties agree to the same.

Best,  
Michaela

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Pronouns: she, her, hers

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From: Theresa Troupson <[ttroupson@lftcllp.com](mailto:ttroupson@lftcllp.com)>  
Sent: Tuesday, September 23, 2025 8:18 PM  
To: Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>; Joel Glover <[jglover@jw.com](mailto:jglover@jw.com)>; Nicholas Inns <[nicholasinns@quinnemanuel.com](mailto:nicholasinns@quinnemanuel.com)>; Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Kristin Tahler <[kristintahler@quinnemanuel.com](mailto:kristintahler@quinnemanuel.com)>; Maaren Shah <[maarenschah@quinnemanuel.com](mailto:maarenschah@quinnemanuel.com)>; Morgan Anastasio <[morgananastasio@quinnemanuel.com](mailto:morgananastasio@quinnemanuel.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Amit Shertzer <[as@msf-law.com](mailto:as@msf-law.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Vaneta Birtha <[vbirtha@lftcllp.com](mailto:vbirtha@lftcllp.com)>; Miles Cooley <[mcooley@lftcllp.com](mailto:mcooley@lftcllp.com)>; Cortni Davis <[cdavis@lftcllp.com](mailto:cdavis@lftcllp.com)>; Jose Perez <[jperez@lftcllp.com](mailto:jperez@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; [mitra@ahouraianlaw.com](mailto:mitra@ahouraianlaw.com); Chip Babcock <[cbabcock@jw.com](mailto:cbabcock@jw.com)>; Kim Zeldin <[kzeldin@lftcllp.com](mailto:kzeldin@lftcllp.com)>  
Cc: Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>; Hudson, Esra <[EHudson@manatt.com](mailto:EHudson@manatt.com)>; Bender, Kristin <[KBender@willkie.com](mailto:KBender@willkie.com)>; Nathan, Aaron E. <[ANathan@willkie.com](mailto:ANathan@willkie.com)>; Meryl Governski <[mgovernski@dirllp.com](mailto:mgovernski@dirllp.com)>; Roeser, Stephanie <[SRoeser@manatt.com](mailto:SRoeser@manatt.com)>; Bruno, Matthew <[MBruno@manatt.com](mailto:MBruno@manatt.com)>; Taustine, Melissa <[MTaustine@willkie.com](mailto:MTaustine@willkie.com)>; Climaco, Katelyn <[KClimaco@manatt.com](mailto:KClimaco@manatt.com)>  
Subject: RE: Lively v. Wayfarer, et al, No. 24-cv-10049 [IMAN-MATTERS.FID37300]

\*\*\* EXTERNAL EMAIL \*\*\*

Counsel,

Per my call with Michaela this afternoon, the Wayfarer Parties are available to meet and confer within 48 hours of your email on items 1-2 and 4-5 identified below. Please provide available windows for tomorrow afternoon, Pacific time.

As item 3 involved depositions noticed for Friday, September 26<sup>th</sup>, it is imperative that we understand what the "scheduling" issues you wish to raise are immediately: [REDACTED]

[REDACTED]. So I'm unclear what there is to meet and confer about. As for [REDACTED] has informed us that they are not appearing on Friday, September 26<sup>th</sup>. As you are the noticing party, please confirm in writing that the [REDACTED] deposition is not proceeding on September 26<sup>th</sup>.

Regards,

Theresa M Troupson  
Partner  
LINER FREEDMAN TAITELMAN + COOLEY LLP  
1801 Century Park West, 5th Floor  
Los Angeles, California 90067  
Telephone: (310) 201-0005  
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**From:** Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>  
**Sent:** Tuesday, September 23, 2025 11:31 AM  
**To:** Theresa Troupson <[ttroupson@lftcllp.com](mailto:ttroupson@lftcllp.com)>; Joel Glover <[jglover@jw.com](mailto:jglover@jw.com)>; Nicholas Inns <[nicholasinns@quinnemanuel.com](mailto:nicholasinns@quinnemanuel.com)>; Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Kristin Tahler <[kristintahler@quinnemanuel.com](mailto:kristintahler@quinnemanuel.com)>; Maaren Shah <[maarenschah@quinnemanuel.com](mailto:maarenschah@quinnemanuel.com)>; Morgan Anastasio <[morgananastasio@quinnemanuel.com](mailto:morgananastasio@quinnemanuel.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Amit Shertzer <[as@msf-law.com](mailto:as@msf-law.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Vaneta BIRTHA <[vbirtha@lftcllp.com](mailto:vbirtha@lftcllp.com)>; Miles Cooley <[mcooley@lftcllp.com](mailto:mcooley@lftcllp.com)>; Cortni Davis <[cdavis@lftcllp.com](mailto:cdavis@lftcllp.com)>; Jose Perez <[jperez@lftcllp.com](mailto:jperez@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; [mitra@ahouraianlaw.com](mailto:mitra@ahouraianlaw.com); Chip Babcock <[cbabcock@jw.com](mailto:cbabcock@jw.com)>; Kim Zeldin <[kzeldin@lftcllp.com](mailto:kzeldin@lftcllp.com)>  
**Cc:** Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>; Hudson, Esra <[EHudson@manatt.com](mailto:EHudson@manatt.com)>; Bender, Kristin <[KBender@willkie.com](mailto:KBender@willkie.com)>; Nathan, Aaron E. <[ANathan@willkie.com](mailto:ANathan@willkie.com)>; Meryl Governski <[mgovernski@dirllp.com](mailto:mgovernski@dirllp.com)>; Roeser, Stephanie <[SRoeser@manatt.com](mailto:SRoeser@manatt.com)>; Bruno, Matthew <[MBruno@manatt.com](mailto:MBruno@manatt.com)>; Taustine, Melissa <[MTaustine@willkie.com](mailto:MTaustine@willkie.com)>; Climaco, Katelyn <[KClimaco@manatt.com](mailto:KClimaco@manatt.com)>  
**Subject:** Lively v. Wayfarer, et al, No. 24-cv-10049

Counsel,

Please advise when you are available to meet and confer regarding (1) Melissa Nathan's improper non-responsive redactions; (2) WAYFARER\_000141838, which appears to be altered and incomplete; (3) 30(b)(6) depositions of [REDACTED], which are each noticed for Friday; (4) the attached documents produced by Mr. Sarowitz, despite that it appears he is not the custodian of any of these documents and has not produced them from his own devices; and (5) redactions appearing on Mr. Sarowitz's phone logs.

As for Ms. Nathan's improper application of non-responsive redactions, Ms. Lively challenges Ms. Nathan's redactions on documents bearing following bates: NATHAN\_000000885, NATHAN\_000000426, NATHAN\_000002313, NATHAN\_000002356, NATHAN\_000002694, NATHAN\_000000426, NATHAN\_000000509, NATHAN\_000000526, NATHAN\_000000885, NATHAN\_000001158, NATHAN\_000001247, NATHAN\_000001361, NATHAN\_000001772, NATHAN\_000001780, NATHAN\_000001795, NATHAN\_000001930, NATHAN\_000001936, NATHAN\_000001942, NATHAN\_000002108, NATHAN\_000002110, NATHAN\_000002462, NATHAN\_000002493, NATHAN\_000002515, NATHAN\_000002524, NATHAN\_000002575, NATHAN\_000002694, NATHAN\_000002717, NATHAN\_000002926, NATHAN\_000002941, NATHAN\_000003535, NATHAN\_000003599, NATHAN\_000005580, NATHAN\_000026751, NATHAN\_000027548, NATHAN\_000027606, NATHAN\_000027715, NATHAN\_000027790, NATHAN\_000027796, NATHAN\_00001736, NATHAN\_00002016, NATHAN\_00002462, NATHAN\_00002410 and NATHAN\_000027816.

We reserve all rights, including to supplement the aforementioned.

Best,  
Michaela

**Michaela Connolly**  
**Willkie Farr & Gallagher LLP**  
787 Seventh Avenue | New York, NY 10019-6099  
Direct: [+1 212 728 8808](tel:+12127288808) | Fax: +1 212 728 9808  
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Pronouns: she, her, hers

---

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# EXHIBIT C

---

**From:** Theresa Troupson <ttroupson@lftcllp.com>  
**Sent:** Wednesday, October 29, 2025 6:26 PM  
**To:** Roeser, Stephanie; Kim Zeldin; Rose Khatchikian; Christina Puello; Summer Benson; Alexandra Shapiro; Jonathan Bach; Alice Buttrick; Bryan Freedman; Ellyn Garofalo; Amir Kaltgrad; Jason Sunshine; Local MS. Counsel; Local KAF. Counsel; mitra@ahouraianlaw.com  
**Cc:** Bruno, Matthew; Meryl Governski; Hudson, Esra; Nathan, Aaron E.; Gottlieb, Michael; Climaco, Katelyn; Connolly, Michaela; Kristin Tahler; Maaren Shah; Nicholas Inns; Babcock, Chip; Emery, Tori; Morgan Anastasio; Glover, Joel; Taustine, Melissa; Bender, Kristin; Moses, Sarah  
**Subject:** RE: Lively et al. v. Wayfarer Studios LLC et al., Civ. No. 24-cv-10049; 25-cv-449 [IMAN-MATTERS.FID37300]

\*\*\* EXTERNAL EMAIL \*\*\*

Counsel,

The Court ordered the Wayfarer Parties to produce “documents identified in the Wayfarer Parties’ Amended Complaint, including the birth video.” Dkt. No. 711, at 2. The video described in the Wayfarer Parties’ Amended Complaint “shows Heath’s wife, himself, *and their baby* after his wife gave birth at home.” Wayfarer Parties’ Amended Complaint, ¶ 101. The video that was [REDACTED] shown to Ms. Lively was produced more than a month and a half ago. The Wayfarer Parties have fully complied with the Court’s order with respect to the video. No other footage of Mr. Heath’s family is responsive to any request for production Lively has propounded, and accordingly, none will be produced.

Regards,

Theresa M Troupson  
Partner  
LINER FREEDMAN TAITELMAN + COOLEY LLP  
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**From:** Roeser, Stephanie <SRoeser@manatt.com>  
**Sent:** Wednesday, October 29, 2025 10:45 AM  
**To:** Kim Zeldin <kzeldin@lftcllp.com>; Rose Khatchikian <rkhatchikian@lftcllp.com>; Christina Puello <cpuello@lftcllp.com>; Summer Benson <sbenson@lftcllp.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jonathan Bach <jbach@shapiroarato.com>; Alice Buttrick <abuttrick@shapiroarato.com>; Bryan Freedman <bfreedman@lftcllp.com>; Ellyn Garofalo <egarofalo@lftcllp.com>; Amir Kaltgrad <akaltgrad@lftcllp.com>; Jason

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**Subject:** RE: Lively et al. v. Wayfarer Studios LLC et al., Civ. No. 24-cv-10049; 25-cv-449

Theresa,

As we discussed last night, please advise by 1:00 p.m. PST today whether Mr. Heath will be producing the complete footage of the birthing video alleged in Ms. Lively's Second Amended Complaint.

Thanks,  
Stephanie

**Stephanie Roeser**  
Partner

---

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---

**From:** Roeser, Stephanie

**Sent:** Monday, October 20, 2025 5:51 PM

**To:** Kim Zeldin <[kzeldin@lftcllp.com](mailto:kzeldin@lftcllp.com)>; Rose Khatchikian <[rkhatchikian@lftcllp.com](mailto:rkhatchikian@lftcllp.com)>; Christina Puello <[cpuella@lftcllp.com](mailto:cpuella@lftcllp.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Alexandra Shapiro <[ashapiro@shapiroarato.com](mailto:ashapiro@shapiroarato.com)>; Jonathan Bach <[jbach@shapiroarato.com](mailto:jbach@shapiroarato.com)>; Alice Buttrick <[abuttrick@shapiroarato.com](mailto:abuttrick@shapiroarato.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Ellyn Garofalo <[egarofalo@lftcllp.com](mailto:egarofalo@lftcllp.com)>; Amir Kaltgrad <[akaltgrad@lftcllp.com](mailto:akaltgrad@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; [mitra@ahouraianlaw.com](mailto:mitra@ahouraianlaw.com)

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**Subject:** Lively et al. v. Wayfarer Studios LLC et al., Civ. No. 24-cv-10049; 25-cv-449

Counsel,

We write regarding Mr. Heath's failure to produce complete footage of the birthing video alleged in Ms. Lively's Second Amended Complaint, despite the agreement to do so in the Wayfarer Defendants' opposition to Ms. Lively's Omnibus Motion to Compel (Dkt. No. 611) and despite the Court's August 27, 2025 Order requiring the same (Dkt. No. 711).

In his recent deposition, Mr. Heath testified that [REDACTED]  
[REDACTED] . To  
date, however, Mr. Heath has produced only [REDACTED]  
As we have previously conveyed, Ms. Lively disputes that the video produced at WAYFARER\_000141838 captures the  
footage that she was shown on set, [REDACTED]  
[REDACTED] .

We thus request that Mr. Heath produce all footage [REDACTED]  
[REDACTED] , in compliance with the Court's order. As we did with the previously produced version, given  
the sensitivity of the content, we intend to restrict access to such footage to only a select group.

Please confirm by end of day tomorrow your agreement to produce the remaining footage. Ms. Lively reserves all rights.

Thank you,  
Stephanie

**Stephanie Roeser**  
Partner

---

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# **MOTION TO SEAL**



**Esra A. Hudson**  
Manatt, Phelps & Phillips, LLP  
Direct Dial: 310-312-4381  
ehudson@manatt.com

October 30, 2025

**VIA ECF**

The Honorable Lewis J. Liman  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Lively v. Wayfarer Studios LLC et al.*, No. 24-cv-10049 (LJL)**

Dear Judge Liman:

On behalf of Blake Lively, we write pursuant to Rule 4.b of Attachment A to the Court's Individual Rules to respectfully request that the Court preliminarily seal portions of Ms. Lively's Letter for Rule 37 Sanctions (the "Letter"), as well as portions of the Declaration of Stephanie A. Roeser in support of the Letter and Exhibits A-D accompanying the Letter, filed contemporaneously herewith. The declaration as well as Exhibits A-D have been designated as Confidential by the Wayfarer Parties and/or discuss material that has been designated Confidential.

In accordance with Rule 4.b of Attachment A, Ms. Lively respectfully requests that the Court not rule on this letter-motion to seal for one week, so that the parties have the opportunity to meet and confer, and the parties may file a motion for continued sealing if they so choose.

Respectfully submitted,

/s/ Esra A. Hudson

**WILLKIE FARR & GALLAGHER LLP**

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*Attorneys for Blake Lively*