

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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December 19, 2025

## VIA ECF

Hon. Lewis J. Liman  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dear Judge Liman:

Plaintiff Blake Lively respectfully moves for an order (1) imposing sanctions on two of Defendants' attorneys, Bryan Freedman and Kevin Fritz, for conduct that impeded, delayed, and frustrated the fair examination of one of their designated experts, Nicole Alexander, during her deposition on December 15, 2025 ("Deposition"); (2) compelling Ms. Alexander to sit for an additional deposition of up to one hour ("Supplemental Deposition") to answer questions that Mr. Fritz [REDACTED];<sup>1</sup> (3) assigning all reasonable fees and costs for the Supplemental Deposition to opposing counsel whose conduct necessitated this relief; and (4) awarding Plaintiff half of its reasonable expenses and attorneys' fees incurred in connection with the Deposition and this Motion.

Opposing counsel's improper behavior began less than twenty minutes into the Deposition. Ms. Alexander began to testify [REDACTED]

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<sup>1</sup> Ms. Lively respectfully asks the Court to limit the Supplemental Deposition to questioning by her counsel, so Defendants do not inure benefit from their own misconduct.

[REDACTED]

Ex. 1 at 16:17-28:15, 65:17-66:6 (emphasis added). Mr. Fritz continued to [REDACTED]

[REDACTED] *.Id.*<sup>2</sup> He asserted [REDACTED]

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<sup>2</sup> The transcript does not support Mr. Fritz's characterization of [REDACTED] to the Court (Ex. 2 at 14), nor his representation that counsel for Ms. Lively "[REDACTED]" asked about the "[REDACTED]" that necessitated rescheduling the Deposition. *Compare* Ex. 2 at 14:10-15:1, with Ex. 1 at 15:24-17:6 [REDACTED]

(*id.* at 59:4-20; 93:13-94:2; 135:3-144:9);

(*id.* at 99:12-23; 120:13-20; 136:23-139:11; 184:16-185:5);

(*id.* at 77:19-20; 126:13-14; 130:17-18; 133:20-21; 149:5-6). Mr. Fritz demanded

that

*Id.* at 108:15-112:9. Mr. Fritz

, which necessitated judicial intervention. *Id.* at 136:25-139:6; 185:1-5.

Because this behavior is part of an ongoing pattern of deposition misconduct, the Court should sanction Mr. Freedman and Mr. Fritz for

. See Rules 30(c)(2) & 30(d)(2); *Antolini v. McCloskey*, 2021 WL 5411176, at \*12 (S.D.N.Y. Nov. 19, 2021), *adopted*, 2022 WL 1689331 (S.D.N.Y. May 26, 2022); *Fashion Exch. LLC v. Hybrid Promotions, LLC*, 333 F.R.D. 302, 309 (S.D.N.Y. 2019); *Syntel Sterling Best Shores Mauritius Ltd. v. TriZetto Grp.*, 328 F.R.D. 100, 110, 124 (S.D.N.Y. 2018); *In re Omeprazole Pat. Litig.*, 227 F.R.D. 227, 229, 231 (S.D.N.Y. 2005); *Morales v. Zondo, Inc.*, 204 F.R.D. 50, 57–58 (S.D.N.Y. 2001); *see also Jungers v. Singh*, 514 F. Supp. 3d 579, 603 (W.D.N.Y. 2021). Mr. Fritz's

*Higher One, Inc. v. TouchNet Info. Sys., Inc.*, 298 F.R.D. 82, 87–88 (W.D.N.Y. 2014); *Nikkal Indus., Ltd. v. Salton, Inc.*, 689 F. Supp. 187, 190 (S.D.N.Y. 1988). Even if timing were not dispositive,

Ex. 1 at 18:24-28:15, 65:17-66:6; Ex. 2 at 14:10-15:14; *Heard v. Statue Cruises LLC*, 2020 WL 1285456, at \*9 (S.D.N.Y. Mar. 18, 2020). If *arguendo* Mr. Fritz

*See Sec. & Exch. Comm'n v. Rio Tinto PLC*, 2021 WL 2186433, at \*7 (S.D.N.Y. May 28, 2021); *In re Methyl Tertiary Butyl Ether (MTBE) Prods. Liab. Litig.*, 293 F.R.D. 568, 574 (2013).

This type of disruptive behavior by opposing counsel is part of an unfortunate pattern. Throughout discovery, multiple defense counsel insisted on making speaking objections (often in depositions they were not defending) and consuming time on the record to demean and orate. Ms. Lively's attorneys consistently asked opposing counsel to stop, including by letter on September 29, 2025 highlighting their "inappropriate and unprofessional behavior," such as referring to questions as "[redacted]," laughing on the record, and complaining that "[redacted]" that does not "[redacted]." See Ex. 3. Despite attempting to resolve the issue, the conduct continued. See Ex. 4 at 386-394 (lengthy improper speech offered with nine minutes of questioning remaining by a member of Defendants' defense team who, again, was *not* defending the deposition).<sup>3</sup> Accordingly, the record amply supports the imposition of sanctions in connection with the Deposition of Ms. Alexander.

<sup>3</sup>

Respectfully submitted,

/s/ Michael J. Gottlieb

*Counsel for Blake Lively*

# Exhibit 2

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,

Plaintiff,

vs.

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

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

WAYFARER STUDIOS LLC, ET AL.

Defendants.

---

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

---

WAYFARER STUDIOS LLC, et al.

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.

Consolidated Defendants.

---

**\*\*REPORTER'S TRANSCRIPT OF COURT CALL PROCEEDINGS\*\***

TAKEN DURING THE VIDEO-RECORDED DEPOSITION OF

NICOLE ALEXANDER

WITH ALL PARTIES APPEARING TELEPHONICALLY

Monday, December 15, 2025

Stenographically Reported by: Ashley Soevyn,

CALIFORNIA CSR No. 12019

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1 separately with the court reporter. But let me hear  
2 from Mr. Fritz.

3 MR. FRITZ: Thank you.

4 MS. GOVERNSKI: Your Honor, I just want  
5 to make one quick correction. We did not submit the  
6 9/29 letter to the Court. I misspoke. We submitted  
7 it to the other side. I just wanted to make sure  
8 the record is clear.

9 THE COURT: Mr. Fritz.

10 MR. FRITZ: Thank you, Your Honor.  
11 Unfortunately, Ms. Governski's recitation is  
12 completely inaccurate. The way the deposition  
13 started was [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

19 THE COURT: What is wrong? [REDACTED]

[REDACTED]

21 MR. FRITZ: That's right. But the  
22 specifics I don't believe were necessary, Your  
23 Honor.

24 Then there was an objection [REDACTED]

[REDACTED]

1

[REDACTED]

2

THE COURT: With an expert? A testifying expert? I don't think that's an objection that you would enjoy with a testifying expert.

5

MR. FRITZ: The witness testified that

6

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

9 In the last instance, Your Honor, the  
10 witness said [REDACTED]

[REDACTED]

18 [REDACTED]

25 So this summary by Ms. Governski about

1 CERTIFICATE OF STENOGRAPHIC REPORTER

2 State of California )

)

3 County of Los Angeles)

4 I, ASHLEY SOEVYN, Stenographic Court  
5 Reporter at the Superior Court of California, County  
6 of Los Angeles, do hereby certify:

7 That I was present at the time of the  
8 above proceedings;

9 That I took down in machine shorthand  
10 notes all proceedings had and testimony given;

11 That I thereafter transcribed said  
12 shorthand notes with the aid of a computer;

13 That the above and foregoing is a full,  
14 true, and correct transcription of said shorthand  
15 notes, and a full, true and correct transcript  
16 of all proceedings had and testimony taken;

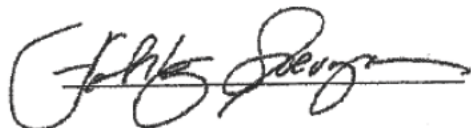
17 That I am not a party to the action or  
18 related to a party or counsel;

19 That I have no financial or other interest  
20 in the outcome of the action.

21 Dated: December 16, 2025

22

23



24

ASHLEY SOEVYN

25

CSR No. 12019

# Exhibit 3

manatt

Esra A. Hudson  
Manatt, Phelps & Phillips, LLP  
Direct Dial: (310) 312-4381  
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September 29, 2025

**VIA EMAIL**

Bryan Freedman  
Liner Freedman Taitelman + Cooley LLP  
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Los Angeles, California 90067

Mitch Schuster  
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125 Park Avenue, 7<sup>th</sup> Floor  
New York, NY 10017

Alexandra Shapiro  
Shapiro Arato Bach LLP  
1140 Avenue of the Americas, 17th Fl.  
New York, NY 10036

Re: **Lively v. Wayfarer Studios LLC, et al., No. 1:24-cv-10049-LJL [rel. No. 1:25-cv-00449]**

Counsel:

We write to address the inappropriate and unprofessional behavior that continues to be exhibited by certain counsel for the Wayfarer Defendants during depositions, including during testimony of out-of-jurisdiction witnesses, whose depositions will serve as trial testimony. Specifically we write to address (1) attorneys repeatedly obstructing deposition testimony with speaking objections as well as a lack of basic decorum through insulting comments, audible cross-talk and laughter during examination, in plain violation of the Federal Rules of Civil Procedure, the rules of civility and the rules of professional conduct, and (2) questions concerning Ms. Lively's sexual history and marital relationship in violation of Federal Rule of Evidence 412 ("FRE 412").

**Improper Objections and Unprofessional Conduct**

Several counsel for the Wayfarer Defendants, including Attorneys Kim Zeldin and Ellyn Garofalo, have repeatedly engaged in improper, argumentative speaking objections, and insulting comments, despite multiple warnings by counsel for Ms. Lively and other parties, as well as non-compliant instructions not to answer. *Abu Dhabi Comm. Bank v. Morgan Stanley & Co. Inc.*, 2011 WL 4526141, at \*8 (S.D.N.Y. Sept. 21, 2011) ("Objections should generally be limited to the statement "objection as to form and the basis for such objection, *i.e.*, compound question" or a direction not to answer as set forth in Rule 4 above."); *See Antolini v. McCloskey*, 2021 U.S. Dist. LEXIS 224360, \*14-16 (S.D.N.Y. Nov. 19, 2021) ("In order to avoid the use of speaking objections, courts have instructed counsel to object to a deposition



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question not calling for privileged information using the single word, ‘objection,’ or at most a short phrase.”); *Syntel Sterling Best Shores Mauritius Ltd. v. TriZetto Grp.*, 328 F.R.D. 100, 110 (S.D.N.Y. 2018) (“[C]ounsel . . . shall refrain from making speaking objections when defending depositions. . . . Objections as to the form of the question shall be made by opposing counsel, who shall simply state, ‘Objection.’ The objecting counsel shall not speak any additional words concerning the basis of the objection unless a clarification is requested.”).

For example, during the September 12, 2025 deposition of Wayfarer President, Tera Hanks, Attorney Zeldin (who defended the witness) engaged in improper speaking objections, insulted the examining attorney, and improperly instructed the witness not to answer based on relevance and/or form. The following are just a few of the many examples of Attorney Zeldin’s misconduct the deposition:

- “*I would appreciate if you’d ask a decent question.*” (Hanks Tr. at 167:4-11 (emphasis added).)
- “Objection as to form. That’s not what the document says. Please stop this. *This is crazy*” and “*I’m very tired of you too.*” (*Id.* at 179:19-180:15 (emphasis added).)
- “Objection as to form. You’re asking her to assume four or five things. . . . No. I will - I will instruct not to answer if you continue to badger the witness. . . . You are. Because *this witness does not know when the darn article was published.* You’re asking her to assume it was published at a certain time; assume this; assume that. Why are you asking the witness that question. Why?” (*Id.* at 129:13-130:1 (emphasis added).)
- “You’ve asked this question five times. . . . Instruct you not to answer. Go on.” (*Id.* at 143:17-22.)
- “No. That’s not what she said. Objection as to form. Instruction not to answer. Stop this. . . . *I’ve had enough too. I’ve really had enough.* You have asked the same question ten times.” (*Id.* at 146:1-7 (emphasis added).)

In addition, during that same deposition, Attorney Zeldin engaged in concerning off-record behavior that has threatened to impact witness testimony. Specifically, Attorney Zeldin openly discussed an exhibit that was previously introduced during Ms. Hanks’ deposition—while in the presence of the witness. Specifically, counsel for the Jones Parties examined the witness regarding a social media video that was the topic of discussion amongst the Wayfarer Defendants in a text thread, which concludes with Ms. Koslow writing “let us chat to Jed [Wallace] as well on this.” (*See JONESWORKS\_00036615 at 36678.*) In that video, a woman recounted an incident that she alleged to have had with Mr. Baldoni when she was a nineteen-year-old student. Following introduction and playing of that video, Attorney Zeldin made repeated speaking objections and also improperly instructed her client not to answer. Attorney Zeldin, for example, stated: “Objection as to form. Instruction not to answer. . . . On the basis that you’re giving her an incomplete hypothetical. Where are the rest of the facts? You’ve established nothing through that video” and “Okay. Now, I’m instructing you not to answer. *You go and talk to the judge about it. You’re done.*” (Hanks Tr. 210:9-23 (emphasis added).) During a break in the questioning, Attorney Zeldin then suggested—in front of the witness—that the video in question had been created by a “drug addled

We further write to address questions posed during certain depositions that probe into Ms. Lively's sexual or romantic history, which resulted in objections pursuant to FRE 412. FRE 412, also known as the rape shield law, bars evidence of a sexual assault victim's sexual behavior or sexual history unless its

manatt

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probative value *substantially outweighs* the risk of unfair prejudice or harm. This rule has been extended to victims of sexual harassment in civil cases. *See Wolak v. Spucci*, 217 F.3d 157, 160 (2d Cir. 2000) (“We hold that Rule 412 . . . encompasses sexual harassment lawsuits.”); *Hughes v. 21st Century Fox*, 327 F.R.D. 55, 58 (S.D.N.Y. 2018) (barring discovery into sexual harassment plaintiff’s sexual history because “[Plaintiff’s] prior sexual history has no relevance to her claims.”); *Macklin v. Mendenhall*, 257 F.R.D. 596 (E.D. Cal. 2009) (Rule 412 bars evidence “whether offered as substantive evidence or for impeachment.”). Ms. Lively’s sexual and/or romantic history has no bearing on the matters at issue in this case and we will not tolerate such examination, which will be the subject of a protective order and sanctions motion if it happens again.

Should counsel for the Wayfarer Defendants continue to engage in any the foregoing conduct, we will suspend the deposition at issue and promptly seek guidance from the Court and reserve all available remedies.

Sincerely,

Esra A. Hudson

# Exhibit 4



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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,

Plaintiff,

vs.

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

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

WAYFARER STUDIOS LLC, ET AL.

Defendants.

---

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

---

WAYFARER STUDIOS LLC, et al.

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.

Consolidated Defendants.

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VIDEO-RECORDED DEPOSITION OF JAMEY HEATH

Los Angeles, California

Wednesday, October 8, 2025

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

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1           Q     Are you refusing to answer questions  
2 unless you read this entire document?

3           MS. SHAPIRO: Objection.

4           THE WITNESS: If you're going to ask me  
5 something about a document, I just want to be able  
6 to read it.

7 BY MS. HUDSON:

8           Q     I -- go ahead. Finish reading it.  
9 You've already read about half of it. You can  
10 finish.

11          A     No, I hadn't. I would like to read it.  
12 If you're going to ask me, I just -- I just want to  
13 be -- understand what I'm responding to.

14          MS. HUDSON: Okay. Let's go off the  
15 record.

16          MS. SHAPIRO: We're not going off the  
17 record.

18          MS. HUDSON: I'm taking a break. Yes, we  
19 are.

20          MS. SHAPIRO: We're not going off the  
21 record.

22          MS. HUDSON: Yes, we are. Yes, we are.  
23 It's not up to you. This is my deposition. We're  
24 going to go off the record.

25          MR. BACH: How much time is left?

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1 MS. SHAPIRO: There's six-minutes left.

2 Oh, sorry, seven minutes.

3 MS. HUDSON: Okay. I have seven minutes.

4 THE VIDEOGRAPHER: Nine minutes left.

5 MS. HUDSON: Nine. There you go. We're  
6 gonna take a 10-minute break. We'll come back for  
7 the last nine.

8 MR. BACH: Let's make a record before you  
9 go. Let's make a record.

10 (Cross talk.)

11 MS. HUDSON: Not on the record. Not on  
12 my time.

13 MR. BACH: Can we go on the record?

14 MS. HUDSON: Absolutely not. Okay. You  
15 can go on the record and make any statement you  
16 want --

17 MR. BACH: I'm going to go on the record.

18 MS. HUDSON: -- but you're not taking my  
19 nine minutes. I'm not -- you are not taking my nine  
20 minutes to make a record.

21 MS. SHAPIRO: So you can ask more  
22 questions about a dead former client of one of the  
23 lawyers in this case?

24 MS. HUDSON: If you want to make a --

25 MS. SHAPIRO: And how is that -- how is

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1       that proper?

2                   MS. HUDSON: I understand that you are  
3 new to this case, and you don't understand  
4 everything.

5                   MR. BACH: I want to go on the record. I  
6 don't care whether --

7                   (Cross talk.)

8                   MS. SHAPIRO: I'm new to this case, but  
9 I'm not new to the practice of law. I've been  
10 practicing law for over 30 years. I know the rules,  
11 ma'am.

12                   MS. HUDSON: We're going off the record.  
13 I have nine minutes left, and I'm going to use them  
14 to ask some questions. If you want to make a  
15 record, you can add time and make whatever record  
16 you want.

17                   MR. BACH: Okay.

18                   MS. HUDSON: Okay? Will you agree that  
19 you will -- this is not counting against my nine  
20 minutes?

21                   MR. BACH: That's fine. But I want it on  
22 the record. I want a record of what's happened.

23                   MS. HUDSON: You -- you want a record of  
24 what's happened?

25                   MR. BACH: Yes.

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1 MS. HUDSON: You can make a record if --  
2 if you will --

3 MR. BACH: I would like to, if you will  
4 let me.

5 MS. HUDSON: If -- I will let you if you  
6 will agree that it is not going to impact my nine  
7 minutes.

8 MR. BACH: I've already said fine to  
9 that. Do I need to say it again?

10 MS. HUDSON: Okay. You can make whatever  
11 record you want. I'm going to take a break.

12 MR. BACH: Okay. Can we go on the record  
13 for this?

14 MS. HUDSON: You don't need the video for  
15 this. You can just do it for the --

16 MR. BACH: I'll do it on the video.  
17 We're -- I don't need the video.

18 THE VIDEOGRAPHER: We're still on the  
19 record.

20 MR. BACH: Are we on the record?

21 Yeah, I just want to say, we had a break  
22 less than an hour ago. We made clear to counsel  
23 that we didn't want another break, that this same  
24 witness is being deposed tomorrow. That this  
25 process is exhausting. That he's expected to

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1 testify for another seven hours plus breaks  
2 tomorrow.

3 She came back from a break and part of  
4 her questioning had nothing whatsoever to do with  
5 the claims and defenses in this case. She was  
6 clearly at the point where the questioning becomes  
7 optional and rhetorical, and she engaged in a series  
8 of questions aimed to drive a wedge between this  
9 deponent and his lawyer, and to tarnish the  
10 reputation of the lawyer. That is how she has used  
11 her time --

12 MS. HUDSON: This has nothing --

13 MR. BACH: Excuse me. I'm making a  
14 record.

15 MS. HUDSON: Then we are going to excuse  
16 the witness from the room because you are speaking  
17 and coaching the witness right now.

18 MR. BACH: I am not coaching the witness  
19 at all.

20 MS. HUDSON: This is totally  
21 inappropriate. This is totally inappropriate. You  
22 are coaching the witness. You are making a very  
23 long speaking objection. It -- there is no purpose.  
24 There's no judge in the room. Everything that  
25 you're saying is -- you can make an argument about

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1 it. We're not going to do this in front of the  
2 witness.

3 MR. BACH: Technically, a speaking  
4 objection is when there's a question pending and you  
5 object to the question.

6 MS. HUDSON: No.

7 MR. BACH: I'm not objecting to --  
8 (Cross talk.)

9 MS. HUDSON: Speaking on the record is  
10 not permitted like this. You're objecting to the  
11 break. Objection noted. We're taking a break.

12 MR. BACH: All right. This isn't -- this  
13 is silly.

14 MS. HUDSON: Okay.

15 MR. BACH: This is silly.

16 MS. HUDSON: I do not want you to coach  
17 the witness anymore and --

18 MS. SHAPIRO: We're not coaching the  
19 witness.

20 MS. HUDSON: -- make other statements on  
21 the record about the witness. If you insist on  
22 doing that, the witness should leave the room.  
23 Okay?

24 MR. BACH: I am going to defer to you in  
25 every respect. Whatever I need to do to let you

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1 make my statement on the record, I'm going to do.  
2 Okay?

3 MS. HUDSON: Then you can excuse the  
4 witness from the room if you insist on making this  
5 statement.

6 MR. BACH: Okay. Jamey, go outside. Go  
7 outside, as I continue.

8 After we made clear our concerns about  
9 breaks, the witness is --

10 MS. HUDSON: Yeah. I would like to also  
11 note that you are not the -- the -- you are not the  
12 representative lawyer.

13 MR. BACH: If you cut me off again, I'm  
14 going to call Judge Hyman on the phone now.

15 MS. HUDSON: You want to tell him that  
16 you, who are not defending the deposition, are  
17 wanting to make a ten-minute speaking objection?

18 MR. BACH: Can you let me speak and then  
19 you can make whatever speech you want about me and  
20 you can say whatever you want about me. But you are  
21 going to let me --

22 (Cross talk.)

23 MS. HUDSON: Yeah, Mr. Bach, you are not  
24 defending this deposition. You are a participant  
25 here who has decided to make a speech on the record.



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1 MR. BACH: We're not kids on a  
2 playground. You just said if Mr. Heath left the  
3 room, I could make my statement. Now you're not  
4 letting me make my statement. Can I make my  
5 statement?

6 MS. HUDSON: You can make your statement  
7 over my objection. Okay? That you --

8 MR. BACH: Just let me know when I can  
9 make my --

10 MS. HUDSON: -- you should --

11 MR. BACH: -- statement. I'm just going  
12 to sit here and not say --

13 MS. HUDSON: -- you should not be making  
14 any statement on the record.

15 MR. BACH: -- anything until you tell me  
16 I can make my statement.

17 MS. HUDSON: If you -- you are disrupting  
18 the deposition in order to make a statement as the  
19 non-defending lawyer in this deposition.

20 MR. BACH: Are you done?

21 MS. HUDSON: And if you -- I don't agree.  
22 I excused the witness. If you want to continue, I'm  
23 just going to let you do this so we can finish this  
24 deposition. And then we're going to take a break,  
25 and we're going to take our last nine minutes. So

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1 if you want to make this statement, for whatever  
2 reason, go ahead.

3 MR. BACH: Are you done?

4 MS. HUDSON: I am done.

5 MR. BACH: Okay. Can I talk?

6 MS. HUDSON: You can talk.

7 MR. BACH: Okay.

8 As I've been saying, after we made clear  
9 that we're concerned about the breaks, we're  
10 concerned about the witness being tired, the next  
11 line of questioning had to do -- had nothing to do  
12 with the case, but simply had to do with the client  
13 and his lawyer and trying to drive a wedge. And  
14 now, the questioning lawyer wants to take yet  
15 another break. It's clear from the content of her  
16 questioning that she's no longer focused on the  
17 merits of the case, and that she's conducted her  
18 substantive questioning.

19 I don't see another need for a break. I  
20 think the deposition is practically over. The  
21 client is tired and has to go tomorrow. I think  
22 this is abusive. I think it's unnecessary, and I  
23 object.

24 MS. HUDSON: All right. Ten minutes.  
25 Off the record. Thank you.

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REPORTER'S CERTIFICATE

I, ASHLEY SOEVYN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent was/ was not requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Dated this 10th day of October 2025.



ASHLEY SOEVYN

CSR No. 12019

# **MOTION TO SEAL**

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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December 19, 2025

## VIA ECF

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

Re: *Lively v. Wayfarer Studios LLC et al.*, No. 1:24-cv-10049 (LJL)

Dear Judge Liman:

On behalf of Plaintiff Blake Lively, we write pursuant to Rule 4.b of Attachment A of the Court's Individual Rules to respectfully request that the Court preliminarily seal portions of Ms. Lively's letter-motion to compel a supplemental deposition of Nicole Alexander and for sanctions, as well as Exhibits 1–3 and 5 filed contemporaneously herewith. Pursuant to this Court's Protective Order, which dictates that "[d]uring the 30-day period following the conclusion of a deposition, the entire deposition transcript will be treated as if it had been designated Confidential or Attorneys' Eyes Only," the Parties (defined below) are currently obliged to treat Exhibits 1, 2 and 5 as "Confidential" or "Attorneys' Eyes Only." Dkt. No. 125 at 4. The redacted portions of Exhibit 3 refer to deposition testimony that was designated as Attorneys' Eyes Only pursuant to the Protective Order.

In accordance with Rule 4.b of Attachment A and the Court's Order (Dkt. No. 998), Ms. Lively respectfully requests that the Court not rule on this letter-motion to seal for one week, so that Ms. Lively and the Wayfarer Defendants<sup>1</sup> (cumulatively, the "Parties") have the opportunity to meet and confer, and the Parties and/or any third parties may file a motion for continued sealing if they so choose.

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<sup>1</sup> The "Wayfarer Defendants" shall refer to Justin Baldoni, Jamey Heath, Wayfarer Studios LLC, It Ends With Us Movie LLC, Steve Sarowitz, Melissa Nathan, The Agency Group PR LLC, and Jennifer Abel.

Respectfully submitted,

/s/ Michael J. Gottlieb

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