

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

---000---

BLAKE LIVELY,

Plaintiff,

vs.

CASE NO. 24-CV-10049-LJL (LEAD CASE)
25-CV-449 (LJL) (MEMBER CASE)

WAYFARER STUDIOS LLC, ET AL.

Defendants.

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

WAYFARER STUDIOS LLC, et al.

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.

Consolidated Defendants.

****CONFIDENTIAL****

VIDEO-RECORDED DEPOSITION OF MICHAEL ROBBINS

Los Angeles, California

Monday, November 24, 2025

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

Pages 1 - 270

1 which clients do, things like that wouldn't be on
2 the CV.

3 Q When you say E-X-T-T-I?

4 A Yes. Pronounced EXTTI.

5 Q EXTTI. Is that your company?

6 A Yes.

7 Q And how many people work at your company?

8 A So we have 12 people who are either
9 full-time or close to full-time. And we have two
10 independent contractors. One of whom works
11 occasionally and one very occasionally.

12 Q And what does the people -- what is
13 your -- what does EXTTI do?

14 A EXTTI stands for the three main things we
15 do. But we do a couple of other things, too. So
16 it's expert testimony, training, and investigations.
17 Expert testimony is obvious. Training, we do
18 training on how to avoid harassment, discrimination,
19 and retaliation. And we also do training on how to
20 conduct workplace investigations. The number one
21 thing we do, by far, is conduct workplace
22 investigations.

23 And then two people at our company do
24 coaching, but I'm not one of them. And I've been a
25 consent decree monitor in federal court twice.

CONFIDENTIAL

1 Q What did you do as a decent -- a consent
2 decree monitor?

3 A So both cases -- in both cases, the EEOC
4 had sued the employers. One was ABM Industries and
5 the other was Big Lots. It's public knowledge. And
6 the EEOC reached agreements with both companies, but
7 required them to do certain things, and they needed
8 a monitor to do that. So I was chosen and approved
9 by the Court to be the monitor.

10 So, basically, what I did is I made sure
11 that the training that they gave was consistent with
12 standard practices. And they were required to do
13 training both for supervisory and nonsupervisory
14 employees. I was supposed to look at their policies
15 as well, and make sure they were consistent with
16 standard practices.

17 Most importantly, when harassment
18 allegations arose, I was supposed to make sure that
19 they responded correctly; that they did an
20 investigation; that the investigation was consistent
21 with standard practices; and that then they reached
22 reasonable conclusions based on those
23 investigations.

24 Q You practiced labor and employment law
25 for many years, correct?

CONFIDENTIAL

1 trial?

2 Q Either.

3 A So in depositions, probably at least
4 two-thirds; trials probably the same.

5 Q Have you ever opined in an entertainment
6 case involving allegations of sexual harassment?

7 A Yes.

8 Q How many?

9 A I don't know the answer.

10 Q More than 100?

11 A No, I don't think so.

12 Q More than 20?

13 A Yes.

14 Q More than 50?

15 A Unsure.

16 Q So somewhere between 20 and 50, would
17 that be accurate?

18 A Probably.

19 Q And were all these cases sexual
20 harassment cases, or were they also race or other
21 types of harassment?

22 A The bulk were sexual harassment, but I
23 don't specifically remember whether other kinds of
24 harassment were involved.

25 Q In cases that you were an expert in

CONFIDENTIAL

1 Q Were you a charter member?

2 A "Charter member" just means joined early
3 on; but, yes.

4 Q What is your role -- what has your role
5 ever been in AWI?

6 A At one point, I was a vice president. At
7 one point, I was president. And then I was on
8 committees after that, mostly relating to the
9 national training institutes.

10 Q What is AWI?

11 A The Association of Workplace
12 Investigators.

13 Q What is it? What does it do?

14 A Right now, it's an organization of a
15 little over 3,000 internal and external workplace
16 investigators. And AWI basically teaches about how
17 to do proper workplace investigations and when to do
18 proper workplace investigations. And I can tell you
19 how we do that if you wish, or not.

20 Q I think I will just ask you some other
21 questions first. Okay?

22 Were you familiar with Blake Lively prior
23 to being retained in this matter?

24 MS. ROESER: Objection.

25 THE WITNESS: Excuse me. I knew who she

Page 32

1 she can determine by reviewing documents. But,
2 obviously, one can't.

3 And it also shows that if there were to
4 be an investigation, that is one of the things that
5 the investigator would have to be determined --
6 would have to determine; in other words, what
7 happened in that incident. In which case, it is a
8 disputed issue, despite Ms. Fromholz saying there
9 are no disputed facts, and an investigation would --
10 an investigator would have to determine credibility,
11 and Ms. Fromholz can't possibly know how the
12 investigator would do with respect to that; though,
13 she thinks she can.

14 Q All right. Anything else with respect to
15 Ms. Carroll's deposition?

16 A No.

17 Q Okay. The AWI training materials, did
18 that change your opinion?

19 A Didn't change my opinion.

20 Q What did it do for your opinion?

21 A Ms. Fromholz says that she went to the
22 National Training Institute given by AWI and earned
23 the designation, AWI-CH. So I looked back -- I
24 taught at 13 of the National Training Institutes, so
25 I looked back at some of the materials we used in

1 the National Training Institutes, materials that
2 clearly show that when there is an allegation of
3 harassment or retaliation, you have to investigate
4 it; that the purpose of the investigation is to find
5 out what happened so that you know what to do. And
6 knowing what to do is more than simply getting
7 issues stopped, because you have to take other kinds
8 of actions as well depending upon the results of the
9 investigation. So that was part of it.

10 Also at the training institute, we not
11 only talk about when to conduct an investigation,
12 but also how to determine credibility, which
13 involves interviewing witnesses. Ms. Fromholz
14 somehow thinks despite the training that she was
15 given by AWI, that she can determine credibility
16 without interviewing witnesses. Of course, an
17 impossibility. So it's completely contrary to what
18 she was taught. And I'm sure it's contrary to what
19 she does as well.

20 Q So you intend to offer opinions regarding
21 Ms. Fromholz's opinions, correct?

22 A Yes.

23 Q You also said that you looked at the
24 motion for summary judgment. What did you -- did
25 you look at the entire thing? Did you read all the

1 other than what we have -- what is in your report
2 and the work you already identified reading these
3 four extra documents?

4 MS. ROESER: Objection.

5 THE WITNESS: Yes.

6 BY MS. ZELDIN:

7 Q What do you intend to do?

8 A Read Ms. Fromholz's deposition. And
9 then, prior to trial, review documents again to get
10 ready for trial.

11 Q What documents do you intend to review to
12 get ready for trial?

13 A Same ones that I reviewed for purpose of
14 my report. Plus the one, the additional ones we did
15 today.

16 Q Anything else?

17 A No.

18 Q Under the category "Other" in Exhibit C,
19 you say that you had a conversation with somebody
20 named Laura Rikard?

21 A Yes.

22 Q She's the owner of something called
23 "Theatrical Intimacy Education," correct?

24 A Yes.

25 Q And why did you talk to her?

CONFIDENTIAL

1 A I talked to her because counsel suggested
2 I talk to her. She's an intimacy coordinator. She
3 also teaches intimacy coordinators. And so they --
4 I assume they thought -- because I don't know
5 exactly what was in their minds -- that they thought
6 that her thoughts might be useful to me.

7 Q Were they?

8 A Yes.

9 Q What thoughts were useful -- strike that.
10 Let's start with, when did you speak with
11 her?

12 A Before I wrote my report, but I don't
13 remember how long before.

14 Q Did you speak with her by yourself, or
15 was somebody else present?

16 A I think Ms. Roeser was present.

17 Q And did you know Ms. Rikard yourself or
18 were you introduced through counsel?

19 A Introduced through counsel.

20 Q And you had a conversation by phone or by
21 Zoom or in person?

22 A Phone. I think.

23 Q And how long was the call?

24 A Forty-five minutes to an hour.

25 Q And did you have more than one call with

1 her?

2 A No.

3 Q Did you take notes of this call?

4 A Yes.

5 Q Do you intend to rely upon the opinions
6 that she's -- that Ms. Rikard gave you or the
7 information she imparted to you during that phone
8 call?

9 MS. ROESER: Objection.

10 THE WITNESS: Some of the information
11 that she gave me was useful for me to -- in terms of
12 forming opinions.

13 BY MS. ZELDIN:

14 Q You did not turn over your notes of that
15 conversation, correct?

16 A Well, nobody asked -- there was no
17 request for production of documents. But aside from
18 that, I don't have the notes anymore.

19 Q We're in federal court. Anything that
20 you considered in forming your opinions needs to be
21 produced, period. We don't need to ask for a
22 document request.

23 MS. ROESER: Objection.

24 MS. ZELDIN: What happened to the notes?

25 THE WITNESS: I had notes for a short

1 time. I wrote my report, and I shredded the notes.

2 BY MS. ZELDIN:

3 Q Were you told to preserve those notes?

4 A No.

5 Q Did you understand that you had an
6 obligation to preserve those notes?

7 A Nope.

8 MS. ROESER: Belated objection.

9 BY MS. ZELDIN:

10 Q Where in your report does it reflect
11 anything that Ms. Rikard told you?

12 A It doesn't specifically refer to her.
13 But I can tell you, if you wish, what we discussed
14 and how that impacted my views.

15 Q Go ahead.

16 A So one thing that we discussed was the
17 birthing scene. I had looked at the birthing scene
18 before that as well. My view of the birthing scene
19 was that it involved intimacy such that there should
20 have been a nudity rider and a closed set. She said
21 the same thing. I don't remember exactly what words
22 she said, but her view was the same.

23 With respect to the dancing scene, I had
24 looked at the dancing scene several times. My
25 thoughts were that Mr. Baldoni was trying to kiss

1 Ms. Lively, that she was avoiding the kiss but
2 staying within character for the most part doing so.
3 And Ms. Rikard said the same thing.

4 More importantly, I knew about production
5 companies establishing definitions of intimacy so
6 that they could establish protocols which then would
7 inform them as to when to bring in an intimacy
8 coordinator, when to -- when to ensure that there
9 was a nudity rider, and when to have a closed set.

10 But I hadn't focused on that issue in
11 this case. I just didn't see anything indicating
12 that they had or didn't have definitions. She said
13 they didn't. Assuming she's correct, that then
14 caused me to say, well, then, these other things
15 should have happened and didn't happen.

16 So that was primarily what she -- how she
17 impacted my opinion to cause me to focus on the lack
18 of definitions.

19 Q Okay. Let's go backwards. Laura Rikard
20 is a director, actor, teacher, intimacy
21 choreographer, intimacy coordinator, and a founding
22 member and head faculty of Theater Intimacy
23 Education. That's located in North Carolina, right?

24 MS. ROESER: Objection.

25 THE WITNESS: I don't remember all those

CONFIDENTIAL

1 THE WITNESS: To have definitions of
2 intimacy, yes.

3 BY MS. ZELDIN:

4 Q And where -- what authority does she have
5 that says that there needs to be definitions of
6 intimacy?

7 MS. ROESER: Objection.

8 THE WITNESS: She wasn't talking about
9 authority, she was talking about what she believed
10 was standard practice. In other words, what is
11 commonly done.

12 BY MS. ZELDIN:

13 Q Okay. And did she talk about SAG-AFTRA
14 and what they require?

15 A I knew what SAG-AFTRA required because I
16 had those documents. I had them before I got
17 involved in this case.

18 Q Do they require a definition of intimacy
19 to be developed by the producers of the film?

20 A So --

21 MS. ROESER: Objection.

22 THE WITNESS: To answer you -- the rest
23 of your earlier question before you asked the second
24 question, I don't remember specifically whether she
25 and I talked about SAG-AFTRA. Maybe, but I just

Page 55

CONFIDENTIAL

1 don't remember.

2 And as to the answer to your second
3 question, that's the problem -- that there's not a
4 specific definition -- and so that's why in order to
5 take proactive steps to protect actors, to keep it a
6 safe set and to prohibit harassment, you need
7 definitions for the term so that you know what to do
8 in order to call an intimacy coordinator and do the
9 other things I mentioned; closed set and also a
10 nudity rider.

11 BY MS. ZELDIN:

12 Q Are intimacy coordinators required on all
13 sets?

14 MS. ROESER: Objection.

15 THE WITNESS: It depends what you mean by
16 "required." And what -- what you mean by "all
17 sets."

18 BY MS. ZELDIN:

19 Q Well, do you believe -- are you -- strike
20 that.

21 Are you trying to offer an opinion in
22 this case as to whether or not an intimacy
23 coordinated was required on this particular set?

24 MS. ROESER: Objection.

25 THE WITNESS: I don't testify about

Page 56

1 requirements.

2 BY MS. ZELDIN:

3 Q What do you testify about then?

4 A Standard practices and, depending on the
5 situation, the employer's own policies and
6 procedures.

7 Q Okay. What standard practice are you
8 pointing to with respect to intimacy coordinators?

9 A You mean what is it based on, or what do
10 I think the practice is?

11 Q Start with what the practice is, and then
12 tell me what the basis is.

13 A So my opinion as to what the practice is
14 is that the employer needs to set up a protocol as
15 to when to bring in an intimacy coordinator. And in
16 order to set up a protocol, you have to know what
17 intimacy is. And in order to know what intimacy is,
18 you need a definition of intimacy.

19 And once you have that, then, when there
20 are scenes that are involving intimacy or if there's
21 sort of borderline things where an actor might think
22 that this was a scene that required it and you're
23 being proactive because you want to keep the set
24 safe and prohibit harassment, to prevent it as best
25 you can, you bring in an intimacy coordinator.

CONFIDENTIAL

1 The intimacy coordinator would meet with
2 the director, would try to understand the scene and
3 the director's vision, would look at the script as
4 well. Then if the intimacy coordinator did think
5 that -- that his or her services -- which I've never
6 known a male intimacy coordinator, but maybe there
7 are some -- would then talk to the actors involved,
8 gauge their comfort level, be present during the
9 rehearsal of the scene and present during the
10 shooting of the scene.

11 Q What experience do you have with intimacy
12 coordinators?

13 MS. ROESER: Objection.

14 THE WITNESS: My experience relates to --
15 because it's a new job -- relates to investigations
16 that I've done and other things I've learned through
17 conducting investigations.

18 BY MS. ZELDIN:

19 Q What investigations have you done
20 involving an intimacy coordinator?

21 A So the most recent time was the
22 investigation that I can recall that was closest to
23 the facts in this case, and I can tell you about
24 that if you wish.

25 Q Yes, please.

Page 58

1 A So I did an investigation -- I think it
2 was in 2022; yes, 2022 -- involving a film that was
3 based on a book that had been written by a female
4 author. The lead female actor in the film claimed
5 that the lead male actor had been harassing her. So
6 we got brought in by the production company. The
7 allegations were that the lead male actor had made
8 sexual comments to her, that the lead male actor, on
9 one occasion, had touched her inappropriately, not
10 -- and it wasn't -- the touching wasn't during a
11 rehearsal or during the shooting of a scene.

12 And "touching" is wrong -- really the
13 wrong word. Had physical contact with her. It's a
14 little more accurate. And that also, on one
15 occasion, the male actor had improvised a scene that
16 turned it from a nonsexual scene to a somewhat
17 sexual scene. And so as part of that investigation,
18 I interviewed lots of parties, including an intimacy
19 coordinator. I looked at the script. I looked at
20 outtakes and reached conclusions.

21 Q What were the sexual comments?

22 A I don't remember the comments. I
23 remember the rest.

24 Q Were they sexy or hot, or were they
25 something different?

1 A I don't remember the comments themselves
2 well enough. That's too many investigations since
3 then as well, but...

4 Q When you said "touched her
5 inappropriately," what kind of physical contact are
6 we talking about?

7 A So they were in a -- I think they were
8 staying in a hotel, and they were in a -- like a
9 common area of the hotel. And she claimed that he
10 made comments to her, and then he picked her up
11 physically.

12 Q And then you say that he improvised a
13 scene making something nonsexual sexual?

14 A At least more sexual, which is what I
15 think I said.

16 Q More sexual.

17 A So the scene called for them to be
18 jogging together. And then exhausted, they were
19 supposed to lay down on the grass, which they did.
20 Then the scene called for them to talk and joke a
21 little bit, and then he was supposed to stand up
22 hold out his hands to help her up, and then they
23 were to jog off onto the sunset -- into the sunset.
24 Although, I don't think it was actually sunset; but,
25 okay.

1 Instead, what was alleged is that they
2 laid down on the grass, they talked, they joked, he
3 held out his hands for her. She took his hands, he
4 pulled -- he was a very big guy. He pulled her up,
5 wrapped her legs around him, put his head basically
6 on her breasts or between her breasts and then
7 jogged off with her in that position.

8 Q Was this the only example that you can
9 tell me about where you conducted an investigation
10 where an intimacy coordinator was involved?

11 A It's the only time I interviewed an
12 intimacy coordinator, I think. And I think I would
13 remember it because the job is so new. But I have
14 been involved in other investigations where there
15 were intimacy issues and questions were raised about
16 whether an intimacy coordinator had been brought in
17 or not. But I don't think I have ever interviewed
18 one except for this.

19 Q What other situations were you involved
20 with where you did an investigation where there was
21 a question about whether an intimacy coordinator
22 should have been involved?

23 MS. ROESER: Objection.

24 THE WITNESS: Yeah, I'm sorry. And also
25 riders.

1 A I am aware of those facts, yes.

2 Q And you're also aware that filming
3 stopped on June 14th, 2023, due to the strikes by
4 the Writers Guild and by SAG-AFTRA?

5 A Correct. Above-the-line strikes.

6 Q And then the filming -- there was a
7 hiatus in filming, and it did not start up again
8 until January 5th, 2024, and concluded on
9 February 9th, 2024, correct?

10 A Yes.

11 Q All right. So there's two phases of the
12 film. Phase one that occurred in 2023 and ended in
13 June of 2023. And the other in 2024. And that was
14 phase two?

15 A That's my understanding.

16 Q All right. Do you agree that none of
17 the -- Lively's intimate scenes were rehearsed or
18 filmed during phase one of production?

19 MS. ROESER: Objection.

20 THE WITNESS: I disagree.

21 BY MS. ZELDIN:

22 Q Do you know how SAG-AFTRA defines
23 intimate scenes?

24 A To the extent there is a definition, yes.

25 Q What is the definition by SAG-AFTRA?

CONFIDENTIAL

1 A So nudity, simulated sex, hyper exposure,
2 and other intimate scenes.

3 Q Isn't it just nudity or simulated sex?

4 A No.

5 Q What is the third thing you think that is
6 in there?

7 A It is in there. Hyper exposure.

8 Q Hyper exposure. What does that mean?

9 A There is no specific definition, which is
10 why a studio or production company needs to be
11 specific, for the reasons I've described. But it
12 means a situation where the actor is pulled into a
13 vulnerable situation, not necessarily involving
14 nudity. Though, it could. But involving something
15 sexual to some degree.

16 Q Okay. What were the intimate scenes that
17 were filmed in phase one of production?

18 A I didn't say there were scenes. But
19 there was one scene.

20 Q One scene. What was the scene that you
21 believe was intimate in phase one?

22 A The birthing scene.

23 Q And why do you believe it was intimate if
24 there was no definition of "intimate"?

25 A Two reasons. Reason number one is

Page 82

1 because according to Ms. Talbot, the -- there was
2 profile nudity which she said an actor could
3 consider to be nudity. So that was early part of
4 her deposition.

5 And in the later part of her deposition,
6 she said there was nudity in the scene, and that
7 would mean that an intimacy coordinator would get
8 involved. So that is one reason. Both comments
9 that Ms. Fromholz ignores. And then, secondly --

10 Q So I'm going to ask you, please, to not
11 comment on Ms. Fromholz's report until and unless I
12 ask you about it. All right?

13 A If I feel like I should do it, I will do
14 it. And you shouldn't be stopping me in the middle
15 of a question. But if you feel like you're going to
16 do it, do it.

17 MS. ROESER: Agreed. Objection.

18 BY MS. ZELDIN:

19 Q If I ask a question, answer the question.

20 A Can I continue with my answer?

21 Q Yes.

22 A And secondly, in my opinion, there was
23 hyper exposure. And the reason I say that is
24 because if you look at the scene, which I have,
25 Ms. Lively is laying on an examination table or

1 another, I don't remember any of the prior
2 investigations.

3 BY MS. ZELDIN:

4 Q When you conducted these other
5 investigations that you were referring to, did you
6 personally conduct the investigation or did someone
7 else?

8 A I personally conducted the investigation.
9 Give me a second as to whether I worked with someone
10 else.

11 On last year's, I worked with someone
12 else, but I was the lead investigator. Year before,
13 I worked with someone else, but I was the lead
14 investigator. The one we've been talking about, I
15 worked with someone else, but I was the lead
16 investigator.

17 Q Did any of these investigations involve
18 an intimacy coordinator?

19 A Those did not.

20 Q Did any of them involve nudity riders?

21 A No.

22 Q Did any of them involve closed sets?

23 MS. ROESER: Objection.

24 THE WITNESS: No.

25

CONFIDENTIAL

1 ever, ever testified that it was necessary to
2 conduct an investigation when a witness was --
3 strike that.

4 When a -- an actor and director called
5 his co-actress, the person that he was directing,
6 sexy in her costume?

7 MS. ROESER: Objection.

8 THE WITNESS: I have no idea.

9 BY MS. ZELDIN:

10 Q Let's look at page 3 of your report, if
11 you would.

12 A Sure.

13 Q There is a section called "Policies and
14 Procedures."

15 Do you see that?

16 A I do.

17 Q And you begin talking about Sony.

18 A Yes.

19 Q Why are you discussing Sony in this
20 report?

21 A Because my view was that Sony didn't do
22 what the policy said they would do, should do.

23 Q So are you intending to opine that Sony
24 did not follow its practices and did not conduct an
25 investigation, which it should have conducted in

Page 93

CONFIDENTIAL

1 this case?

2 A Yes. So says my report as well.

3 Q Then go through Sony's policy language,
4 and first you state that:

5 (As read):

6 "All harassment complaints must be
7 reported to the HR department or other
8 departments."

9 A Show me where you are, please.

10 Q For example, second paragraph under
11 "Policies and Procedures"?

12 A Oh, so I'm just quoting the policy.

13 Q Right. Understood. Okay.

14 And the question is: Where in the policy
15 does it say what a harassment complaint is?

16 MS. ROESER: Objection.

17 THE WITNESS: I don't think it defines
18 harassment in the Sony -- what harassment complaint
19 is in the Sony policy.

20 BY MS. ZELDIN:

21 Q Okay. Does Wayfarer policy define what a
22 harassment complaint is?

23 A It defines "harassment".

24 Q Does it define what a harassment
25 complaint is?

Page 94

CONFIDENTIAL

1 his or her findings, then that means the studio
2 knows what to do as a result of the investigation.
3 So then they have to take disciplinary or remedial
4 action, which is what their policy says as well.
5 And that varies according to what the investigator
6 finds. So you don't know what is appropriate until
7 you conduct the investigation.

8 Q And I've asked you to assume that the
9 investigation found that the director was saying
10 that about her personally. And there was,
11 therefore, a violation of the policy. What would be
12 appropriate remedial action under those
13 circumstances?

14 MS. ROESER: Objection.

15 THE WITNESS: So I have two things to say
16 about that. Thing number one is that is not what
17 you had asked me. And thing number two is I haven't
18 been asked to give an opinion as to what is or isn't
19 appropriate remedial action. I have been asked to
20 give an opinion as to what kinds of remedial action
21 exist but not specifically what appropriate action
22 was in a particular circumstance.

23 BY MS. ZELDIN:

24 Q What remedial actions exist?

25 A So one thing is to take actions to stop

Page 98

1 the harassment from occurring, assuming that the
2 investigator determines that harassment did occur.
3 If the investigator determines that harassment
4 occurred, then disciplinary action with respect to
5 the people who violated the policy either by
6 conducting the harassment themselves, committing the
7 harassment themselves, or, alternatively, by
8 otherwise not following the policy -- for example,
9 Wayfarer's policy said that reported incidents had
10 to be -- I'm sorry -- that incidents about which a
11 supervisor was made aware had to be reported so that
12 it could be investigated.

13 So if supervisors knew about possible
14 harassment violations and didn't report it, that's
15 also a violation. There should be some kind of
16 discipline. The company's own policy talks about
17 termination as a type of discipline. That aside
18 from that, you want to take other remedial actions,
19 especially if the investigator determined that
20 harassment had occurred.

21 So, for example, you would say, do our
22 employees understand what harassment is and isn't,
23 and do the supervisors understand their obligation
24 under the policy to report the allegations? Have we
25 sufficiently distributed the policy to our employees

CONFIDENTIAL

1 so that they know about that? And if it's unclear,
2 which it was, then we should redistribute the
3 policy. And also, we should write the policy in a
4 way that's consistent with what our own procedures
5 are, which their policy wasn't.

6 Additionally, maybe do training again if
7 the investigator concluded that people didn't
8 understand their obligations or didn't understand
9 what harassment is.

10 So there are a variety of things you can
11 do.

12 Q Under the circumstances that I outlined,
13 the director calling the actress sexy while she was
14 in her costume, what would be the appropriate
15 remedial actions? You're not going to fire him for
16 that, right?

17 MS. ROESER: Objection. Form and scope.

18 THE WITNESS: Yeah, I wasn't asked to
19 form an opinion about what remedial action should be
20 taken in a particular situation.

21 BY MS. ZELDIN:

22 Q If --

23 A But there are a variety that are
24 available. And if you find someone harassed, then
25 you normally would discipline in some way.

Page 100

CONFIDENTIAL

1 Q Do you intend to offer an opinion that
2 Sony failed to follow its own policies?

3 A Yes. Same answer as before.

4 Q Are you offering an opinion on the
5 adequacy of Sony's policies?

6 A No.

7 Q Do you intend to offer an opinion that
8 Wayfarer failed to follow Sony's policies?

9 A No.

10 Q You agree that Wayfarer had a set of
11 industry-standard policies and procedures in place
12 to prevent harassment, discrimination and
13 retaliation --

14 MS. ROESER: Objection.

15 BY MS. ZELDIN:

16 Q Correct?

17 MS. ROESER: Sorry.

18 THE WITNESS: I'm sorry. I missed one
19 word, and so if you wouldn't mind repeating.

20 BY MS. ZELDIN:

21 Q Would you agree that Wayfarer had a set
22 of industry-standard policies and procedures in
23 place to prevent harassment, discrimination, and
24 retaliation?

25 MS. ROESER: Objection.

Page 101

CONFIDENTIAL

1 THE WITNESS: I do not agree with that.

2 BY MS. ZELDIN:

3 Q Okay. Did -- what don't you agree with?

4 A So many things. First, one of the things
5 that the policy said was that if supervisors or
6 managers became aware of a possible violation of the
7 policy, that they had to report it to human
8 resources and that an investigation would be
9 conducted. So focusing on the report to human
10 resources, Mr. Heath testified that he never asked
11 the person who did human resources for the studio to
12 be involved with the film, and that there was no
13 human resources department or anybody who was
14 handling the film other than the AD. I assume he
15 meant first AD, but I'm not sure. And Ms. Saks, who
16 was a producer. So having a policy that says
17 supervisors should report to HR when HR doesn't
18 exist is not consistent with standard practices in
19 the industry.

20 Similarly, the policy said that employees
21 who felt that the policy had been violated should
22 either report to their supervisor or any member of
23 management or to HR, a department that not did not
24 exist. It's not consistent with standard practices.
25 You tell people to report to people or departments

Page 102

1 that exist, not ones that don't exist.

2 Also, having a policy is just having
3 words. You need to do more than just have the
4 words. You need to distribute the policy. Standard
5 practice in the industry and otherwise is to
6 distribute harassment policies and retaliation
7 policies.

8 Mr. Heath said, "I don't know if the cast
9 and crew were given a copy of the policy."

10 Ms. Lively said she never got any resources in terms
11 of how to raise a complaint. The question should
12 have been asked but wasn't: Well, did you get the
13 policy? But if you didn't get the resources, then
14 presumably, she didn't get the policy.

15 Mr. Baldoni, who is one of the people
16 being accused of harassment, said, "I don't think I
17 ever saw that policy before." Well, standard
18 practice is to distribute the policy. So that's
19 also not consistent with standard practices.

20 And more than anything else, standard
21 practice is not just to have a policy sitting there,
22 much less one that wasn't distributed or at least
23 may not have been, but actually do what the policy
24 says. The policy says all reported allegations will
25 be investigated, and they didn't.

CONFIDENTIAL

1 Q There was a policy, a written policy,
2 correct?

3 A Sorry. Yes, there was a written policy.

4 Q All right. And Wayfarer had an HR
5 department with dedicated staff, yes or no?

6 MS. ROESER: Objection.

7 THE WITNESS: Wayfarer had an HR
8 department, but I've already explained what the
9 problem was. And dedicated staff, Mr. Heath only
10 talked about one person, but maybe there was more
11 than one.

12 BY MS. ZELDIN:

13 Q All right. But there was one -- at least
14 one person with an HR department at Wayfarer,
15 correct? It's a yes or no.

16 MS. ROESER: Objection.

17 THE WITNESS: I don't know if there was a
18 department. There was a person who did HR services.

19 BY MS. ZELDIN:

20 Q Prior to filming It Ends with Us movie --
21 prior to filming that, the movie itself held
22 anti-discrimination training administrated --
23 administrated by a law firm that you respect,
24 correct?

25 MS. ROESER: Objection.

CONFIDENTIAL

1 A Again, you're quoting things that I've
2 never seen, so -- but I will take your word for it.

3 MS. ROESER: Objection.

4 BY MS. ZELDIN:

5 Q Is that what it does?

6 MS. ROESER: Objection.

7 THE WITNESS: I don't get the periodical
8 anymore, but that seems accurate.

9 BY MS. ZELDIN:

10 Q The periodical summarizes what the law
11 requires, correct?

12 MS. ROESER: Objection.

13 THE WITNESS: Among other things.

14 BY MS. ZELDIN:

15 Q On page 10, you talk about what you
16 believe are standards in the entertainment industry,
17 right?

18 A Yes.

19 Q You state that there should be a nudity
20 rider when there are intimacy scenes, and you think
21 that -- I'm going to ask you again, though, what is
22 an intimacy scene?

23 MS. ROESER: Objection.

24 THE WITNESS: Same as I said before. But
25 it's scene involving intimacy, which is simulated

CONFIDENTIAL

1 sex, nudity, hyper exposure or other intimacy.

2 That's what SAG-AFTRA says.

3 BY MS. ZELDIN:

4 Q You state that a nudity rider should
5 specify if a body double is to be used.

6 A Yes.

7 Q Was a body double used in this film?

8 A Not to my knowledge.

9 Q So that portion was irrelevant, correct?
10 Your reference to that?

11 MS. ROESER: Objection.

12 THE WITNESS: Oh, no. I'm just generally
13 describing a nudity rider, but it's not specifically
14 relevant to this film. That's correct.

15 BY MS. ZELDIN:

16 Q All right. You also state that:

17 (As read):

18 "An intimacy coordinator should be on
19 set for any scenes involving intimacy,
20 including nudity, and such scenes
21 should be shot on a closed set."

22 What scene should be shot on a closed
23 set?

24 A Exactly what I said, scenes involving
25 intimacy.

CONFIDENTIAL

1 BY MS. ZELDIN:

2 Q So your opinions are summarized on the
3 first and second pages of your report; is that
4 right?

5 A Not my opinions about Ms. Fromholz's
6 opinions because, obviously, they didn't exist
7 before I wrote the report.

8 Q Okay. But your opinion -- let's just
9 stick with the report, and we'll talk about
10 Ms. Fromholz at the end. Okay?

11 A Sure. Yeah.

12 Q With respect to your report, there you
13 basically offer three opinions; is that right?

14 MS. ROESER: Objection.

15 THE WITNESS: Yes.

16 BY MS. ZELDIN:

17 Q Okay. And your first opinion is that:

18 (As read):

19 "Defendants violated standard practices
20 in their own policies by failing to
21 investigate harassment and retaliation
22 allegations."

23 Correct?

24 A Yes.

25 Q And what were the harassment and

Page 140

1 retaliation allegations that they failed to
2 investigate?

3 A So on May 23rd, we had the incident we
4 talked about earlier relating to Mr. Baldoni making
5 the "sexy" and "hot" comments and Ms. Slate's
6 response to that, and then his joke in response to
7 that. So that's the first one. And they had a
8 conversation, they say, with him, Ms. Slate and
9 Ms. Lively about the impropriety of making
10 statements like that. So that's first one.

11 Q Okay.

12 A Should I keep going?

13 Q Yes, please. Just I want you to list
14 them, please.

15 A Sure. So then on May 26th, Ms. Lively
16 went to Ms. Giannetti and talked to her about her
17 concerns. There is a slight disagreement about what
18 was discussed, but it appears that she discussed the
19 trailer incident, the birthing incident.
20 Ms. Giannetti did not recall whether she talked
21 about any comments made by Mr. Baldoni. But the
22 timeline that was produced by the company shows that
23 Ms. Giannetti told Mr. Baldoni about the "sexy"
24 comments. So it appears that she did say that to
25 Ms. Giannetti; otherwise, Ms. Giannetti wouldn't

CONFIDENTIAL

1 know to say that to Mr. Baldoni.

2 So then on -- late -- in late May,
3 Ms. Slate went to Ms. Giannetti, talked to her about
4 her concerns. Said there was a problem with the
5 atmosphere on the set as a result of the concerns;
6 and Ms. Lively had concerns as well. And
7 Ms. Giannetti then spoke to Mr. Baldoni about that.
8 Ms. Slate also went to Ms. Saks. Ms. Saks -- and
9 about the same thing she had told Ms. Giannetti.

10 Ms. Saks then says she went to
11 Mr. Baldoni and to Mr. Heath. Mr. Baldoni says,
12 yes, she came to me. But -- and basically, she
13 talked -- she mentioned her own -- Ms. Slate's own
14 discomfort about the "sexy" comment that he had made
15 to her.

16 Ms. Saks said she went to Mr. Heath, but
17 there is a dispute about what was said. Ms. Saks
18 says she told Mr. Heath basically the same thing she
19 told Mr. Baldoni and also that she told Mr. Heath on
20 several occasions that an investigation needed to be
21 conducted. Mr. Heath said, well, maybe she came to
22 talk to me, but she didn't talk to me about an
23 investigation. And I didn't say what she said I
24 said.

25 Q Okay. I'm sorry. My question, then,

Page 142

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

---000---

AFTERNOON SESSION

MONDAY, NOVEMBER 24, 2025

THE VIDEOGRAPHER: We're back on the record. The time is 1:23 p.m.

BY MS. ZELDIN:

Q Mr. Robbins, we were trying to summarize on a high level, what your big opinions are, not your sub-opinions. And the first one we said was that it -- Defendants violated standard practices and their own policies by failing to investigate harassment and retaliation allegations; is that correct?

A Yes.

Q And then the second one is that the investigation would have resulted in disciplinary remedial actions. Is that another big opinion?

A No, I don't have an opinion like that.

Q You don't have an opinion like that?

A No.

Q Okay. So I'm looking at the first page again, the penultimate paragraph, the last sentence.

(As read):

"Further appropriate disciplinary remedial actions would be taken as a

CONFIDENTIAL

1 result of such investigations."

2 A Right. That's not saying that I have an
3 opinion as to what actions should be taken, if any,
4 because I can't -- I don't know what an investigator
5 would determine, and I'm just saying that normally
6 you take disciplinary and/or remedial action, and so
7 that was something that's available depending on
8 what an investigator determined.

9 Q And then the second opinion is that the
10 studio violated -- we're going to say that's not a
11 major opinion. The first opinion is the major
12 opinion, which is the Defendants violated standard
13 practices in their own policies by failing to
14 investigate; is that right?

15 A Yeah.

16 Q The second one is that the studio
17 violated the entertainment industry specific
18 protocols?

19 A I look at the first and second as you
20 describe them to be part of the same thing.

21 Q Okay.

22 A That it's taking steps to prevent
23 harassment and retaliation from occurring, and I
24 list the four steps, which you pointed out earlier,
25 including investigating. And the intimacy protocols

Page 155

CONFIDENTIAL

1 are part of preventing harassment and not
2 retaliation so much, but harassment.

3 Q And your third opinion or maybe your
4 second opinion, then, is that entertainment -- the
5 entertainment industry differs from most other
6 industries and businesses with respect to issues
7 concerning retaliation?

8 MS. ROESER: Objection.

9 BY MS. ZELDIN:

10 Q Is that correct?

11 A Yes. And then I have an opinion about
12 Ms. Fromholz's opinion as well.

13 Q Okay. And then so, and finally, you have
14 an opinion about Ms. Fromholz. We will do that
15 last, okay?

16 A Whatever order you like.

17 Q Thank you. In your report, you mentioned
18 various incidents. We talked about some of those
19 earlier. Your report also refers to a fat shaming
20 incident. Do you recall that?

21 MS. ROESER: Objection.

22 THE WITNESS: Is that in the report?

23 BY MS. ZELDIN:

24 Q I believe you discuss that.

25 A I don't remember.

Page 156

1 Q Footnote 34 on page 12?

2 A Let's see. Yes. That, I am not saying
3 anything about the incident other than what people
4 said was complained about or what people were upset
5 about.

6 Q Is that an -- is that a sexual harassment
7 allegation?

8 A No.

9 MS. ROESER: Objection.

10 BY MS. ZELDIN:

11 Q Is the incident where Jamey Heath showed
12 a video of his wife after the birth of their child,
13 is that an incident of sexual harassment?

14 MS. ROESER: Objection. Form and scope,
15 beyond that expert.

16 MS. ZELDIN: Go ahead.

17 THE WITNESS: Obviously, I'm not forming
18 opinions about whether something is or isn't
19 harassment. In part, that would be a legal opinion.
20 But is it an allegation of a potential violation of
21 the company's policy, sure.

22 BY MS. ZELDIN:

23 Q And it is one that warrants an
24 investigation in your opinion?

25 A Yes. Unless there was no dispute about

1 she responded and he said "hot."

2 BY MS. ZELDIN:

3 Q And what did she say when he said "sexy"?

4 A "That's not what I was going for."

5 Q Do you know whether or not there was any
6 scene or any time during the filming of the movie
7 after this incident on May 23rd where Justin ever
8 referred to Blake either in costume or out of
9 costume as "sexy" or "hot"?

10 MS. ROESER: Objection.

11 THE WITNESS: I do not believe that there
12 was such an incident.

13 BY MS. ZELDIN:

14 Q We talked about the reporting of the
15 complaint. The first one was on, you say, was on
16 May 26. That was the first time it was reported,
17 and it was reported to Ange Giannetti at Sony,
18 correct?

19 MS. ROESER: Objection.

20 THE WITNESS: It depends what you mean by
21 reported. But when -- because Ms. Lively and
22 Ms. Slate say they talked to Mr. Baldoni after the
23 comment itself was made. That was at least
24 expressing displeasure. Would you call it a
25 complaint or not, at least to put him on notice that

Page 203

1 there's a potential sexual harassment situation.

2 BY MS. ZELDIN:

3 Q And did Ms. Lively say "all good" after
4 he apologized after that; do you know?

5 MS. ROESER: Objection.

6 THE WITNESS: I vaguely recall something
7 like that. Yes.

8 BY MS. ZELDIN:

9 Q Then you say that you know that this
10 conversation took place because of a text between
11 Slate and someone named Josh Pearl. Who's
12 Josh Pearl?

13 A I think it was Slate's manager or agent.
14 I think I got a footnote saying that maybe.

15 Q Right. And in this text message, all it
16 says is Blake alerted Ange at Sony yesterday. It
17 doesn't say about what, right?

18 A Right.

19 Q So you don't know what was alerted,
20 correct?

21 MS. ROESER: Objection.

22 THE WITNESS: Not the details. That is
23 correct.

24 BY MS. ZELDIN:

25 Q Did the text between Slate and Pearl use

CONFIDENTIAL

1 BY MS. ZELDIN:

2 Q Correct?

3 A It's not what he wrote.

4 Q She.

5 A Sorry. Oh, that was sexist. But I would
6 say it's reasonable to assume that it included no
7 investigation.

8 Q Was on the list of the 17 things, was
9 there a requirement to hire a new producer?

10 A I don't remember the things that really
11 aren't relevant to my opinion very much. But, so I
12 don't remember one way or the other. Since you're
13 asking me, the answer is probably yes, but I don't
14 remember it.

15 Q Did the 17-point list include a
16 requirement that Ange Giannetti be on the set?

17 A Yes.

18 Q This was the same Ange Giannetti that you
19 criticized for not having conducted any
20 investigation, correct?

21 A No.

22 Q Is it a different Ange Giannetti?

23 A No. I never criticized her for not
24 conducting an investigation. I criticized Sony for
25 not conducting an investigation.

Page 220

CONFIDENTIAL

1 Q I see. And do you know whether she told
2 anybody at Sony about the allegations that
3 Ms. Lively made?

4 A I don't know. But if she didn't, she
5 should have. And I would criticize her for that.

6 Q Okay. One of the requirements was to
7 give Alex Saks more power. How does that have
8 something to do with sexual harassment?

9 MS. ROESER: Objection.

10 THE WITNESS: I don't think it
11 necessarily does. I don't think every -- each one
12 of the 17 protections had to do with sexual
13 harassment. Some did; some didn't.

14 BY MS. ZELDIN:

15 Q How about the protection with regard to
16 COVID, did that have anything to do with sexual
17 harassment?

18 A No.

19 Q Did Lively and her team threaten Wayfarer
20 and Sony that she would not return to complete the
21 film unless they accepted the protections?

22 MS. ROESER: Objection.

23 THE WITNESS: Whether it was Lively or
24 her team, I don't know. But that was what was
25 communicated.

Page 221

1 record. The time is 2:50 p.m.

2 (Recess.)

3 THE VIDEOGRAPHER: We're back on the
4 record. The time is 3:04 p.m.

5 BY MS. ZELDIN:

6 Q So, Mr. Robbins, I know you wanted to
7 talk about your opinions about Ms. Fromholz's
8 report. And while I don't agree that you have an --
9 will have an opportunity at trial to do so, I
10 welcome now for you to give me whatever your
11 opinions are. And if you could just tell me what
12 are -- how many opinions do you have or you intend
13 to offer, and then we'll go through them one by one?

14 A Sure. So she has four opinions.

15 Q Uh-huh.

16 A So I will respond to each of the four.

17 Q Okay.

18 A So her first opinion relates to whether
19 the company met its legal obligations -- using her
20 words -- to respond to the harassment complaints
21 because she says they implemented the 17
22 protections, and therefore, there was no reason to
23 conduct an investigation. And furthermore, that was
24 all the remedial acts that would need to be taken.
25 So that's her first opinion.

CONFIDENTIAL

1 Q Okay.

2 A Then continuing to list, her second
3 opinion is that she knows, somehow, what an
4 investigator would determine. And what an
5 investigator would determine is that the incidents
6 alleged by Ms. Lively either didn't occur or, at
7 least, not in the form that Ms. Lively raised.

8 Her third opinion relates to the intimacy
9 issues, which we've talked about a little bit. And
10 her fourth relates to the reputation issue, which we
11 talked a little bit about.

12 So what would you like me to do?

13 Q Well, she's rebutting you. So she had
14 these four opinions in rebuttal to you. But why
15 don't you go through each one and tell me what your
16 opinion is, and then that's all I need to know.

17 A So her first opinion is not a rebuttal of
18 mine because I never gave an opinion about legal
19 obligations. I wouldn't give an opinion about the
20 law, and I didn't talk about obligations. But
21 otherwise, it's perfect rebuttal. So in other
22 words, she's not rebutting me. The --

23 Q In your opinion.

24 A I didn't say anything in my -- about
25 legal obligations, to the contrary. So I didn't

Page 244

CONFIDENTIAL

1 give opinions on the law, and I didn't talk about
2 obligations. So she's not rebutting me. But
3 regardless -- so basically, she says this: The
4 company studio implemented the 17 protections
5 granted at Ms. Lively's behest, not theirs. But,
6 okay, she says nothing more occurred, with which I
7 don't agree, but -- and so they met their legal
8 obligations, and there was no reason to conduct an
9 investigation. So I have several things to say
10 about that.

11 Thing number one is Ms. Fromholz says
12 that she went through AWI National Training
13 Institute, and she earned designation AWI-CH, AWI's
14 certificate holder, which is a program accredited by
15 ANSI, the American National Standards Institute.
16 I've taught at, I think, 13 of them -- it might be
17 14, but I think 13.

18 So I know what we teach. We do not teach
19 that there's no reason to conduct an investigation
20 if you stop the alleged incidents from occurring.
21 We teach if there's an allegation of a possible
22 violation of your harassment or retaliation
23 policies, you need to conduct an investigation.

24 And so -- and then we talk about what the
25 investigation should consist of as well. So what

Page 245

1 she's saying is contrary to the training that she
2 got, at least from AWI.

3 Additionally, we all know she's
4 conducting investigations. She's not saying, gee,
5 stop it, and there's no reason to conduct an
6 investigation. Taking -- taking her position to its
7 logical extreme, a potential client calls her up,
8 says, "We have a harassment allegation. A
9 supervisor is making sexual comments. Would you
10 investigate?" If she's being honest in her opinion,
11 she should say -- would say, "There's no reason for
12 me to conduct an investigation, just tell the
13 supervisor to stop making sexual comments. And if
14 he never makes a sexual comment again, well, then
15 there's no reason to investigate."

16 Or one other example, she gets called by
17 a potential client who says, "We have sexual
18 harassment allegations. We would like you to
19 investigate. One of the allegations is that he
20 sexually assaulted an employee." So if she's being
21 honest, she would say, "Well, just tell him to stop
22 sexually assaulting people. And if he stops, well,
23 then there's no reason to conduct an investigation."
24 But we know in the real world, she would accept both
25 of those, and she would investigate.

1 And part of the problem with her opinion
2 is that she says that's all you need to do in this
3 circumstance. All you need to do is stop the
4 incidents. And aside from the fact that, as I said,
5 I don't agree that the incidents were stopped.
6 The -- part of the reason to conduct an
7 investigation is to stop the incidents, sure. But
8 part of the reason to conduct an investigation is to
9 find out if somebody violated the company's
10 policies.

11 So in a situation here, had there been an
12 investigation, the investigator would have to decide
13 did Mr. Baldoni or Mr. Heath recognize that there
14 was potential sexual harassment, and did they follow
15 the company's policy to report it so that it could
16 be investigated? And if so, they should be
17 disciplined for that. Not necessarily the
18 recommendation of the investigator depends whether
19 internal or external.

20 And secondly, did anybody here violate
21 our policy by harassing Ms. Lively or any of the
22 others? And if so, they should be disciplined for
23 that. So it's not enough just to stop incidents.
24 And Ms. Fromholz knows that, too, because we talked
25 about that in the AWI Institute.

1 And also, another reason to reach
2 conclusions and take action, even if one of the
3 actions you've taken is to stop the harassment, is
4 because you need to see if there's some kind of
5 remedial action that needs to be taken. For
6 example, we don't know if we distributed our policy,
7 we better distribute it because people don't
8 understand what's happening, assuming that the
9 investigator would determine that there was
10 harassment going on. And also, maybe we need to
11 train people again because, obviously, if the
12 investigator determined there was harassment, people
13 don't understand.

14 So those are all things that are contrary
15 to what Ms. Fromholz said. It's contrary to her own
16 training, and it's contrary to what she does as
17 well. And that's my first opinion about her first
18 opinion.

19 Q Okay.

20 A Want me to keep going?

21 Q Yes. Please.

22 A Okay.

23 Q When you're done --

24 A Oh, okay.

25 Q Thank you.

1 A So her second opinion is basically this:
2 She says that she knows what an investigator would
3 determine if there was an investigation conducted.
4 There is no possible way for her to know what an
5 investigator would determine because you can't
6 determine what an investigator would determine based
7 on -- on reading documents, reading depositions or
8 reading documents because that doesn't place you in
9 a position to determine credibility.

10 And clearly, despite what she wrote in
11 one part of her report, she understands that
12 credibility would have to be determined here. And
13 the reason is because she wrote that the
14 investigator would determine that the incidents that
15 were alleged by Ms. Lively either didn't occur, or
16 at least in the form that she said they did. In
17 other words, that the investigator would not believe
18 Ms. Lively. Therefore, she knows the credibility
19 needs to be determined, and there are many issues
20 here that do require a determination of credibility.

21 So -- but aside from that, let me talk
22 about things that she's forgotten. Totality of the
23 circumstances and also credibility. So what has she
24 forgotten? She's forgotten that there are a number
25 of other allegations beyond the ones that she lists.

CONFIDENTIAL

1 So in her report, she says well, here are
2 the facts. There's no dispute about them, even
3 though there is. And then, here's what the
4 investigator would determine.

5 But she didn't list all of the
6 allegations. And I listed them earlier today.
7 Talking about his wife and he having simultaneous
8 orgasms, teasing her about not seeing porn, never
9 having seen porn, talking about his own porn
10 addiction, continuing to come into the trailer --
11 and Mr. Heath coming into the trailer -- even after
12 the trailer incident occurred, supposedly biting her
13 lip. Those are all additional allegations. She
14 doesn't even list them, and then says, well, I know
15 what the investigator would determine without even
16 listing those as things to be determined.

17 She also forgets that you need to look at
18 the totality of the circumstances, which we treat --
19 we teach at AWI. And so what that means is you need
20 to look at not only things that were directed toward
21 Ms. Lively but things that she heard about. And, in
22 fact, if you look at the company's policy, it says
23 you can be harassed not just by things that are
24 directed toward you, which is true, of course. So
25 that means anything she knew about Ms. Slate and her

Page 250

CONFIDENTIAL

1 allegations and anything she knew about Ms. Ferrer's
2 allegations. And we know she knew about
3 Ms. Slate's, and according to Ms. Ferrer, she knew,
4 at least, about one of those.

5 Also, an investigator would interview
6 similarly situated people, other female actors
7 working with Mr. Baldoni. That would include
8 Ms. Ferrer, who has three incidents with
9 Mr. Baldoni. Ms. Slate, maybe some others as well,
10 but she forgets all of that.

11 And then also, there are a bunch of
12 issues that clearly need to be determined in terms
13 of credibility. She says the facts are not in
14 dispute. They absolutely are in dispute. So let me
15 just give you some examples.

16 The incident in the trailer. There are
17 completely different stories about what happened.
18 And mostly, Ms. Lively, Ms. Carroll, and Ms. Baker
19 giving one side of the story and Mr. Heath a
20 completely different -- almost completely different
21 side of the story. So if you believe him, he was
22 invited in. He may have seen somebody
23 breastfeeding. He was there for a short period of
24 time, and that was it.

25 And if you believe them, as soon as he

Page 251

CONFIDENTIAL

1 started opening the door, all three of them said
2 "don't come in" or "wait" or "stop"; that she told
3 him to turn around, which he also admits; that he
4 then, despite promising to not turn around, he did
5 turn around, saw her with her breasts exposed, and
6 did so for five minutes, maybe through the mirror.
7 That has to be determined by an investigator as to
8 which story is true.

9 The same with the naked video incident.
10 Ms. Fromholz says, well, Ms. Lively only saw the
11 very first few minutes of the video where there is
12 no naked wife -- at least you can't see her naked.
13 Because -- I guess because Mr. Heath said that. She
14 didn't explain why she thinks that was the case.
15 But Ms. Lively said I saw the video of his wife
16 naked, but how would Ms. Lively know that unless she
17 saw the video of the wife naked? One of the factors
18 an investigator would consider is plausibility. How
19 plausible is it that Ms. Lively, having never seen
20 the wife naked in the video, would know that the
21 wife was naked in the video? Not very. So you have
22 to determine credibility.

23 On the "hot" comment and "sexy" comments,
24 the investigator would have to determine, as we've
25 talked about before, what -- was he directing this

Page 252

CONFIDENTIAL

1 toward the person? Was he directing it toward the
2 costume? Was he directing it toward the scene or to
3 the character? An investigator would have to make a
4 determination of that. Ms. Fromholz can't do that
5 by simply reading deposition transcripts.

6 One incident which I found interesting is
7 that Ms. Fromholz mentions the incident about
8 Mr. Baldoni saying "nice outfit" -- or "I like your
9 outfit." That's what it was. Well, she didn't --
10 she says it's an undisputed fact. She doesn't talk
11 about the parts that are undisputed, which are the
12 important parts of that incident, if they occurred,
13 which is that he glanced at her chest and then
14 gestured toward her chest. That's in dispute.

15 And also there's an issue here about him
16 making the scenes more intimate. More sexual. The
17 question is, Why?

18 Did he do that because Sony wanted him to
19 do that? Maybe. Or because Ms. Hoover wanted him
20 to do that? Maybe. Or because he thought it was a
21 better film? Maybe. Did he do that because he
22 wanted to be more intimate with Ms. Lively? Maybe.
23 Did he ask her to do an orgasm scene because he
24 wanted to see that for sexual reasons or because he
25 thought it would help the film? And there's an

Page 253

1 allegation that he wanted her to do a nude scene as
2 well. Same questions. An investigator would
3 determine those things.

4 And so Ms. Fromholz couldn't possibly
5 know what an investigator would determine because
6 she's not in a position to determine credibility.
7 And taken to its logical extreme -- not even
8 extreme, it's just an extension. A client calls her
9 up and says, "We'd like you to do an investigation.
10 A supervisor's making sexual comments." She should
11 say no. If she's being honest about her views in
12 her report. No, there's no reason to spend money on
13 an investigation. Get someone to give me witness
14 statements. Give me relevant documents. I will
15 determine credibility based on those, which we all
16 know is not what she does.

17 It's not what she was trained to do. At
18 AWI, we trained her to know when an investigation
19 should be conducted, and when conducted, to
20 interview witnesses and determine credibility. In
21 fact, we do a one-day mock where the students, in
22 small groups, conduct an investigation from
23 beginning to end. Then, as the presenters, we put
24 up the evidence on either side, and then say, "Now
25 your job is to determine credibility." And she had

CONFIDENTIAL

1 to pass a witness examination, a witness interview
2 examination. So she knows what she's saying is not
3 true.

4 The remaining two are faster. So,
5 hopefully, you won't get too much bored any further.

6 So with respect to the issue of intimacy,
7 she doesn't understand that the issue here is that
8 you want to be proactive. Yes, following SAG-AFTRA
9 guidelines and recommended standards is part that.
10 But the overriding concern is safety on the work --
11 in -- in the workplace of preventing harassment,
12 which is what the guide actually says. And so you
13 have to be proactive about that.

14 In my opinion, as you know, the birthing
15 scene was -- involved intimacy and hyper exposure
16 and nudity. And so there should have been a closed
17 set, and there should have been a nudity rider
18 before filming the scene. The nudity rider wasn't
19 signed until seven months after the scene.
20 Ms. Fromholz has decided the set was closed. And
21 "closed" doesn't mean closed to the public; it means
22 closed within closed protocols, which they didn't
23 even develop until a month after the scene.

24 So here's the evidence about the set
25 being closed. Ms. Carroll said I wasn't an

Page 255

CONFIDENTIAL

1 essential person, I was there during the filming of
2 the scene. Ms. Lively says Mr. Sarowitz was there
3 during the scene. He's certainly not an essential
4 person. He said he wasn't there. I will get back
5 to that in a second. Ms. Talbot said I reviewed the
6 call sheet, which I have to. It doesn't say it is a
7 closed set. It doesn't say only essential people
8 should be there, et cetera.

9 So when Ms. Fromholz says that it was
10 not -- that it was a closed set, the only evidence
11 she has is that Mr. Sarowitz wasn't there, which
12 just means he wasn't there. It doesn't mean it was
13 a closed set. It just means he wasn't there. So it
14 should have been a closed set.

15 And then most importantly, because it
16 affects all this, they should have established
17 definitions of "intimacy," created a protocol as to
18 when to bring the intimacy coordinator in. And that
19 means talk to director, talk to the actors involved,
20 be present for the rehearsal, be present for the
21 filming. None of that happened with respect to the
22 birthing scene. Ms. Fromholz says, well, they had
23 trained, experienced intimacy coordinators. That's
24 great. They were. What she doesn't understand is
25 the intimacy coordinators don't get involved until

Page 256

CONFIDENTIAL

1 the studio calls them to get involved. And the
2 studio is not going to call them to get involved
3 unless they have a definition of intimacy protocols
4 that say, "Here's an intimate scene. We need to get
5 the intimacy coordinator involved to do all the
6 things that the intimacy coordinator did not do in
7 the birthing scene."

8 So now you have my opinion about that.

9 And the last one is the fast one. She
10 says the entertainment industry is just like any
11 other industry. Doctors, lawyers, investigators,
12 even me, electricians all depend on their
13 reputation. Sure they do. But nobody except in
14 that industry and related has the ability to try to
15 destroy somebody's career. And I will give you two
16 examples.

17 You mentioned lawyers. A female lawyer
18 at one the defense firms claims that the male
19 managing partner of the firm sexually harassed her.
20 She complains. No investigation is done. She
21 decides to go to another firm.

22 The managing partner of the firm, the
23 first firm, can't do anything to stop her from her
24 career -- her future career and going to the next
25 place. Speaking as a former equity partner in an

Page 257

CONFIDENTIAL

1 international law firm, equity partner in a
2 medium-sized firm, a hiring partner for the West
3 Coast of the international firm and --

4 Q And a man.

5 A I'm sorry?

6 Q And a man.

7 A And the managing partner of the --

8 MS. ROESER: Objection.

9 THE WITNESS: -- managing partner of a
10 medium-sized firm. The firm is -- the next firm is
11 concerned about this: What experience and expertise
12 does she have? Does that complement what we are
13 doing, or does it add to an area in which we want to
14 get into? What clients are going to come to her?
15 Do they conflict in some way with our clients? How
16 much business is she bringing? And during
17 interviews, does she get along with the other
18 partners?

19 The managing partner in the first firm
20 cannot destroy her career going forward. And as to
21 me and our investigators, I'm a pretty well-known
22 investigator, and I'm a very well-known
23 investigator -- expert on workplace investigations,
24 particularly in the industry, which is why you
25 contacted me as well.

Page 258

1 BY MS. ZELDIN:

2 Q No, we don't know why I contacted you, do
3 we?

4 A Well, I know what the email said. And so
5 I'm pretty well-known in this business. I have no
6 ability to destroy Ms. Fromholz's career, nor would
7 I want to or try to because there's nothing like the
8 entertainment industry. I can't destroy her career
9 and I wouldn't destroy her career.

10 And now you have my opinions.

11 BY MS. ZELDIN:

12 Q You said one thing that I had a question
13 about. You said the incidents weren't stopped.
14 What do you mean by that?

15 A So after the hiatus and after the
16 November 9 protections went in, then on May 6th
17 there was a conversation at dinner with Mr. --
18 Ms. Hoover or Mr. Heath and Mr. Baldoni and
19 Ms. Hoover's best friend, where if what Ms. Hoover
20 is saying is true, could be con- -- or considered
21 either additional harassment or retaliation.

22 And then, of course, the whole publicity
23 thing. I'm not reaching a conclusion about whether
24 it was retaliation, but it could be considered that,
25 in which case, that's a big incident that continued.

Page 259

1 And, of course, the company -- let me finish.

2 Q Back up, though, first.

3 A You're interrupting my response.

4 Q Your train of thought? Yes, because
5 you're -- you're giving me a narrative, and I just
6 wanted to break in the middle of your narrative.

7 The first thing you said was that dinner on
8 May 6th could have been harassment to
9 Blake Lively, correct?

10 A Yes.

11 Q How is that harassment to Blake Lively?

12 A I'm not reaching --

13 MS. ROESER: Objection.

14 THE WITNESS: Sorry.

15 BY MS. ZELDIN:

16 Q How could it possibly be?

17 A The company's harassment and retaliation
18 policy, first of all, said no retaliation. Same
19 violations. Same policy. And, secondly, if they're
20 saying negative things about her, then that's
21 badmouthing her, perhaps because she's raised a
22 complaint. So it could be harassment, as well, if
23 it got back to her. And I know Ms. Hoover and
24 Ms. Lively did have conversations, which caused her
25 to be concerned about Mr. Baldoni and Mr. Heath.

1 And then, of course, if the retaliation
2 took place in the way she describes through the
3 publicity campaign, well, the policy prohibited
4 retaliation. The same policy. So it's another
5 incident of violation, if true, of the same policy.

6 Q So the retaliation that you're referring
7 to in August, correct?

8 A August?

9 Q Yes. The August retaliation, the one --
10 the publicity issue?

11 A Oh, yeah. Sorry.

12 Q So the August retaliation that we're
13 talking about is the alleged what? What was the
14 retaliation?

15 MS. ROESER: Objection.

16 BY MS. ZELDIN:

17 Q What is your understanding of what that
18 could have been?

19 A Yeah. Alleged retaliation. Because,
20 again, I don't know if it was or it was not.

21 Q Uh-huh.

22 A So the publicity campaign to harm her
23 reputation, which, apparently, did do some damage to
24 the reputation. I just don't know the extent.

25 Q Do you know that there was a publicity

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 25th day of November, 2025.



ASHLEY SOEVYN
CSR No. 12019