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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,
Plaintiff,

-vs-

WAYFARER STUDIOS LLC, a Delaware Limited
Liability Company, JUSTIN BALDONI, an
individual, JAMEY HEATH, an individual, STEVE
SAROWITZ, an individual, IT ENDS WITH US MOVIE
LLC, a California Limited Liability Company,
MELISSA NATHAN, an individual, THE AGENCY
GROUP PR LLC, a Delaware Limited Liability
Company, JENNIFER ABEL, an individual, JED
WALLACE, an individual, and STREET RELATIONS
INC., a California Corporation,
Defendants.

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December 11, 2025
9:11 a.m.

****HIGHLY CONFIDENTIAL****

DEPOSITION of JAMES HAGGERTY in the
above-captioned matter, taken pursuant to
Notice, held the offices of Willkie Farr &
Gallagher, 787 Seventh Avenue, New York, New
York before Fran Insley, a Notary Public of the
States of New York and New Jersey.

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A P P E A R A N C E S (Continued) :

ALSO PRESENT :

COREY WAINANA, Videographer

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
JAMES HAGGERTY	MS. BENDER	6

----- E X H I B I T S -----

HAGGERTY	DESCRIPTION	PAGE
EXHIBIT 1	Mr. Haggerty's Expert Report October 10, 2025	48
EXHIBIT 2	Printout from Mr. Haggerty's book, Chief Crisis Officer	145
EXHIBIT 3	Crisis Communications Lessons From the First Trump Administration	169
EXHIBIT 4	Blog Post of Aztek	282
EXHIBIT 5	Printout of Source	284

(Exhibits produced.)

1 Haggerty - Highly Confidential

2 THE VIDEOGRAPHER: Good morning,
3 everyone. We are going on the record at
4 9:11 a.m. on Thursday, December 11, 2025.

5 This is media unit one of the
6 video-recorded deposition of James
7 Haggerty in the matter of Blake Lively
8 versus Wayfarer Studios LLC, et al.

9 My name is Corey Wainaina,
10 representing Veritext Legal Solutions, and
11 I'm the videographer. The court reporter
12 is Fran Insley, also from the firm
13 Veritext Legal Solutions. I'm not
14 authorized to administer an oath, I'm not
15 related to any party in this action, nor
16 am I financially interested in the
17 outcome.

18 If there are any objections to
19 proceeding, please state them at the time
20 of your appearance.

21 Counsel will now state their
22 appearances and affiliations for the
23 record, beginning with the noticing
24 attorney.

25 MS. BENDER: Good morning. My name

1 Haggerty - Highly Confidential
2 is Kristin Bender, Willkie Farr and
3 Gallagher, on behalf of plaintiff Blake
4 Lively. I'm joined here today with my
5 colleague, Joanna Lamberta.

6 MR. FRITZ: Good morning. Kevin
7 Fritz, from Meister Seelig & Fein, on
8 behalf of the defendants and the witness.
9 I'm joined by my partner, Mitchell
10 Schuster.

11 J A M E S H A G G E R T Y ,
12 having been first duly sworn by the
13 Notary Public, was examined and
14 testified as follows:

15 EXAMINATION BY

16 MS. BENDER:

17 Q. Good morning, Mr. Haggerty.

18 A. Good morning.

19 Q. From the materials that you've
20 submitted, it's my understanding that you have
21 not testified as an expert at a deposition or
22 at trial previously; is that right?

23 A. That's correct, yes.

24 Q. Have you ever been deposed or
25 testified at trial not as an expert witness?

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2 A. There was one, actually, now that I
3 think of it, and I don't know if it was a week
4 ago or when, I went back. I couldn't remember.
5 There was one deposition mentioned of Leslie
6 Sloane, and I couldn't remember if I had
7 finished it, so I went back and checked to see.

8 Q. Who is Leslie Sloane?

9 A. I believe she's a PR representative
10 of Blake Lively, if that is correct.

11 Q. And it's your understanding that you
12 had disclosed that you had previously reviewed
13 Leslie Sloane's deposition transcript; is that
14 right?

15 A. To the best of my knowledge, yes.

16 Q. And had you reviewed any of
17 Ms. Sloane's deposition transcript prior to
18 submitting your report?

19 A. You mean prior to preparing the
20 report?

21 Q. Prior to submitting your report on
22 October 17th, had you reviewed any of
23 Ms. Sloane's deposition transcript?

24 A. Yes.

25 Q. What are the other deposition

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2 transcripts that you recall reviewing in whole
3 or in part prior to submitting your expert
4 report?

5 A. Well, they're listed in the report.
6 I guess off the top of my head, Ms. Able's,
7 Ms. Nathan's. I don't remember what else is
8 listed in the report and what else I reviewed
9 in preparing it.

10 Q. So it's fair to say, though, at the
11 very least you recall reviewing deposition
12 transcripts of Ms. Sloane, Ms. Abel and
13 Ms. Nathan in advance of submitting your expert
14 report?

15 A. Whatever is in the expert report is
16 what I...

17 Q. Well, Ms. Sloane's transcript is not
18 indicated in the expert report, but you've
19 testified that you did review it in advance of
20 submitting your report, correct?

21 A. Oh, it's not listed in the -- as one
22 of the depositions reviewed for the report?

23 Q. That's correct. Is that an
24 omission?

25 A. Huh?

1 Haggerty - Highly Confidential

2 Q. Is that a mistake?

3 MR. FRITZ: Objection. You can
4 answer.

5 A. Yeah, that would be a mistake that
6 it wasn't included, yes.

7 Q. But you can't recall any other
8 transcripts of those individuals that you
9 reviewed in advance of submitting your report,
10 correct?

11 A. That's correct.

12 MR. FRITZ: Just for the record,
13 Ms. Nathan's transcript is listed.

14 MS. BENDER: Ms. Sloane's transcript
15 is not listed.

16 MR. FRITZ: Oh, Sloane? I'm sorry.
17 Okay. My mistake.

18 Q. Did you review any documents
19 produced in this litigation either in advance
20 of submitting your report or in preparation for
21 your deposition today?

22 A. Any documents...

23 Q. Produced in this litigation in
24 connection with your expert work in this case.

25 A. I consulted the docket, certainly.

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2 Q. But you didn't review any documents
3 that, for example, were provided by one party
4 to another that would reflect their emails or
5 text exchanges, correct?

6 A. I think there was one expert report.
7 In preparation of this report, no.

8 Q. Have you reviewed any expert reports
9 in this case?

10 A. There was one expert report that was
11 sent to me and I looked at it briefly.

12 Q. What expert report was that?

13 A. I couldn't tell you who, but it
14 begins with an M, if that helps.

15 Q. Did you review Dr. Mayzlin's report?

16 A. What's the last name?

17 Q. Mayzlin.

18 A. It could have been, yes.

19 MR. FRITZ: Don't speculate.

20 Q. What do you recall about that
21 report, from what you read?

22 A. I don't recall much at all. It was
23 a long report and very -- yeah, I don't recall
24 much at all about it.

25 Q. Did you review the opinions offered

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2 by simply background, but it certainly gave me
3 a full glimpse of the case.

4 Q. Are you aware that Ms. Nathan had
5 two days of depositions in this case?

6 A. I am not specifically aware of that.

7 Q. You've indicated that you've
8 reviewed only one day of Ms. Nathan's
9 deposition testimony; is that correct?

10 A. That's correct.

11 Q. In other words, you did not review a
12 second day of Ms. Nathan's deposition
13 testimony, correct?

14 A. I honestly don't recall whether or
15 not I did.

16 Q. You indicated previously that this
17 was a complete list of materials reviewed other
18 than Ms. Sloane's deposition transcript. Are
19 you also suggesting that you may have reviewed
20 Ms. Nathan's second day of testimony?

21 A. I'm not suggesting that. I just
22 can't tell you sitting here one way or the
23 other. It could be the case that the second
24 day was sort of assumed and the sentence should
25 have read beginning, or if that was -- I don't

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2 even know if that was the first day or the
3 second day. My point is I don't know.

4 Q. But to be clear, the materials
5 reviewed section listed here reflects your and
6 your team's best efforts at the time it was
7 assembled to reflect the materials that you had
8 reviewed, right?

9 A. On mine, yes.

10 Q. And there's only one day of
11 Ms. Nathan's testimony reflected, correct?

12 A. That is correct, yes.

13 Q. Do you know who Katherine Case is?

14 A. I have seen the name. I can't
15 specifically say who that is.

16 Q. Do you know who Breanna Koslow is?

17 A. Again I've seen the name but I can't
18 specifically tell you who that is.

19 Q. You did not review the deposition
20 testimony of Ms. Case or Ms. Koslow, correct?

21 A. That's correct.

22 Q. You didn't review any emails or text
23 exchanges in documents involving Ms. Case or
24 Ms. Koslow, correct?

25 A. To my knowledge, no, unless it was

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2 Q. Does PRCG provide digital
3 advertising services?

4 A. I believe we may have placed digital
5 advertising at various points but it's not
6 something I market.

7 Q. It's not the bread and butter for
8 PRCG's service offerings; is that right?

9 A. It's less than that.

10 Q. Do you personally do any digital
11 advertising work?

12 A. No.

13 Q. Do you consider yourself an expert
14 in digital advertising?

15 A. Absolutely not.

16 Q. Can you tell me what the Reputation
17 Advisors International is?

18 A. Yes, it's a network of
19 communications professionals in various
20 locations across the globe.

21 Q. What does Reputation Advisors
22 International do?

23 A. We meet, we discuss communications
24 issues, we exchange ideas and discuss the
25 different conditions in the individual markets.

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2 what they need to do in a crisis; is that
3 right?

4 A. That's correct.

5 Q. Do you have any certifications or
6 degrees in crisis management or crisis
7 communications?

8 A. To my knowledge, no. Nor do I
9 particularly know if there is a certification.

10 Q. Do you have any certifications or
11 degrees in digital marketing, sentiment
12 analysis or reputation management?

13 A. No.

14 Q. Are there any ethical or model rules
15 or guidelines for PR for crisis professionals?

16 A. There may be, but I don't have
17 specific information on that.

18 Q. Are you familiar with any ethical or
19 model rules or guidelines for PR crisis
20 professionals?

21 A. I am not familiar with that, no.

22 Q. Are you offering any opinions on
23 what is ethical in connection with this case?

24 A. I don't think in this report. I
25 think in this report I was solely looking at

1 Haggerty - Highly Confidential
2 this perception that crisis communication is
3 somehow unethical, and more than that, the
4 retention of crisis communications counsel is
5 somehow unethical. That somehow it means
6 you're up to something, which is a common
7 misperception about the whole field.

8 Q. What is your definition of
9 unethical?

10 MR. FRITZ: Objection.

11 A. That's a very amorphous thing.
12 Certainly falsity would be unethical.

13 Q. Anything else?

14 A. I mean, again, it's very amorphous.

15 Q. Are you offering an opinion that
16 there's a perception that crisis communications
17 is somehow unethical?

18 MR. FRITZ: Objection.

19 A. Yes.

20 Q. And how are you defining unethical
21 in that opinion?

22 A. Well, the types of -- as I describe
23 in the report, the types of things people think
24 go on and the job of a crisis communications
25 professional involves things that would be

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2 Q. Are you familiar with what SEO is?

3 A. Yes.

4 Q. What is it?

5 A. Search engine optimization.

6 Q. And do you perform SEO in connection
7 with any matters you work on?

8 A. It is certainly part of the thinking
9 and the strategy that goes into how to handle a
10 particular crisis.

11 Q. Do you know the specifics of how an
12 SEO strategy is implemented?

13 A. You know, I'm not an expert on SEO
14 strategy, so I have some knowledge, but I don't
15 know what your definition of specific knowledge
16 would be.

17 Q. What knowledge do you have on the
18 implementation of SEO strategy?

19 A. Well, I understand that search
20 engine optimization, primarily through Google,
21 informs a lot of opinions. And that there are
22 reasons why both positive and negative
23 information would show up on the first page or
24 first two pages of Google, for example, that
25 can be unrelated to reality, to the truth. And

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2 Q. Does PRCG engage other vendors on
3 behalf of its clients to implement SEO
4 strategy?

5 A. Yes.

6 Q. Which vendors?

7 A. There's one vendor that we have used
8 named Five Blocks that does this specifically.

9 Q. Is that, from your understanding,
10 the primary service that Five Blocks provides
11 related to SEO?

12 MR. FRITZ: Objection.

13 A. My understanding is it is one of the
14 services they offer.

15 Q. Five Blocks is a reputation
16 management company; is that right?

17 A. I don't know how they specifically
18 describe themselves.

19 Q. What services has PRCG retained Five
20 Blocks for?

21 A. On behalf of clients to analyze
22 search results to get a sense of the
23 perceptions in search results, and to advise
24 and implement strategies to ensure that the
25 positives are more easily acceptable --

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2 are tiny variations.

3 Q. And would those standard practices
4 include, to your mind, providing a scope of
5 work and providing a scenario planning
6 document?

7 A. Just repeat that question because I
8 don't a hundred percent understand it.

9 Q. Do you think it's standard in the
10 crisis industry to provide a scope of work and
11 a scenario planning document?

12 MR. FRITZ: Objection.

13 A. Based on my experience, a scope of
14 work generally is included in most public
15 relations contracts so that the client can know
16 what they're buying, and I think that scenario
17 planning and creating scenario planning
18 documents is a universally accepted part of
19 crisis communication planning.

20 Q. Universally accepted as reflected in
21 the books and articles on this topic; is that
22 right?

23 A. Well, I mean, beyond that based
24 upon -- in this report, and to give my opinion,
25 based upon everything I have experienced, know,

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2 and everyone I spoke to through the years who
3 are also in the field.

4 Q. When you say everything you've
5 experienced and know, are you referring to your
6 personal work as a crisis professional in the
7 field?

8 A. Well, beyond that, actually, to
9 others in the field that I've discussed these
10 issues with, reading in the field, learning in
11 the field over 30 years at least.

12 Q. If you turn to page 4 of your
13 report.

14 A. Of the report?

15 Q. Yes, sir.

16 A. Okay.

17 Q. You say, "Over the years I have
18 worked in government and with public companies,
19 private companies, nonprofit corporations,
20 labor unions and high-profile individuals." Do
21 you see that?

22 A. Yes.

23 Q. Have you performed public relations,
24 crisis communication and litigation
25 communications work for each of these

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2 categories?

3 A. That would be too hard to parse the
4 term, so I can't answer.

5 Q. Have you provided crisis
6 communications work for each of these
7 categories?

8 A. Again, the same answer. I don't
9 quite have that information.

10 Q. Have you provided crisis
11 communication support for companies?

12 A. Yes, yes.

13 Q. Have you provided crisis
14 communication support for high-profile
15 individuals?

16 A. Yes.

17 Q. How many cases in the last five
18 years where you provided crisis communication
19 support related to individuals rather than
20 companies?

21 A. I couldn't even tell you.

22 Q. Multiple individuals and multiple
23 companies; is that right?

24 A. Yes.

25 Q. On page 4 you identify that you have

1 Haggerty - Highly Confidential
2 been involved in some of the largest lawsuits
3 of their kind in history, and you list eight
4 examples. Do you see that?

5 A. Uh-huh.

6 Q. Your involvement here is not as a
7 practicing attorney but as a crisis
8 professional; is that right?

9 MR. FRITZ: Objection.

10 A. Let me make sure. That is correct.

11 Q. From each of these cases, did you
12 provide crisis planning support in particular?

13 A. Yes. I mean, sometimes planning --
14 sometimes, quite frankly, you're called up at
15 the last minute and planning becomes execution
16 at the same time because the crisis is
17 happening in a piece -- in a legal action at
18 the moment.

19 Q. In your experience is crisis
20 planning virtually an inherent part of any
21 crisis work that would be performed?

22 A. It is an inherent best practice in
23 any crisis work or -- for any organization, and
24 I include in that high-profile individuals who
25 are a brand and part of a corporation itself.

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2 Because inevitably organizations of all sizes
3 or individuals, what have you, are going to
4 face a negative event, and having the structure
5 and the ability to respond effectively in those
6 situations is critical.

7 Q. Is crisis planning and crisis
8 execution, are those inextricable from each
9 other?

10 A. No.

11 Q. They're two separate things albeit
12 related; is that right?

13 A. Yes. One, I would add, is the
14 preparation and planning if something happens,
15 and the other is what happens, I suppose, in
16 executing on that plan.

17 Q. All the crisis work listed here is
18 relating to litigation; is that right?

19 A. Yes. That appears so, yes.

20 Q. And the last bullet references the
21 largest employment discrimination class action
22 in history?

23 A. Yes.

24 Q. And that was largest at the time; is
25 that right?

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2 crisis communications as well as the reasons
3 for undertaking these best practices to
4 minimize reputational risk and prevent damage
5 to personal and organizational brand." Do you
6 see that?

7 A. I do see that, yes.

8 Q. So this assignment, if I'm
9 understanding it, relates to planning, standard
10 practice and best practices; is that correct?

11 A. Yes, I think so.

12 Q. Are those the core of your
13 assignment?

14 A. I think that was the core of it,
15 yes.

16 Q. If we turn to page 31 of your
17 report. There is a Section 8 that reads
18 "Conclusion." Do you see that?

19 A. I do, yes.

20 Q. Do these bullet points reflected on
21 pages 31 and 32 reflect your opinions offered
22 in this case?

23 A. Hold on. (Witness reviewing
24 document). Yes.

25 Q. Is this an accurate and complete

1 Haggerty - Highly Confidential
2 list of your opinions that you're offering in
3 this case?

4 MR. FRITZ: Objection.

5 A. To my knowledge, yes.

6 Q. Reputation is an essential element
7 of brand, correct?

8 A. Yes.

9 Q. Can you please define what a crisis
10 is for me?

11 A. Well, I think I --

12 MR. FRITZ: Objection.

13 A. -- give my definition -- I think
14 that was asked already, but I think I give my
15 definition in the report.

16 Q. Can you adopt the definition in your
17 report today?

18 A. Hold on just a moment.

19 Q. Are you looking for the definition?

20 A. Yes, I'm looking for --

21 MR. FRITZ: Do you want him to look
22 at page 12.

23 MS. BENDER: Yes, I'm waiting.

24 Q. Once you find page 12, I'm going to
25 ask a question again, so let me know when you

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2 segmented for that.

3 Q. There's no such thing as a standard
4 crisis, correct?

5 A. I think every -- you know, what I
6 always say is you can't plan for everything but
7 you can plan for the likely things to happen.
8 So there's no standard plan, but what is
9 standard throughout the public relations
10 industry as much as anything is that you ought
11 to plan for this and have a plan in place to
12 respond.

13 Q. The way crisis plans are ultimately
14 carried out is not standard, correct, it varies
15 from case to case?

16 A. It does vary, yes.

17 Q. And that's because crises themselves
18 are case by case, correct?

19 A. Well, there are elements of that. I
20 mean, the more -- the way I see it more often
21 is that a plan was prepared, everyone forgot
22 about it, and so when the crisis occurs they
23 just jump up and ad hoc it, if that makes
24 sense.

25 Q. Can you please explain the

1 Haggerty - Highly Confidential
2 planning and execution is always standard,
3 acceptable and ethical?

4 MR. FRITZ: Objection.

5 A. Is always? I'm sorry.

6 Q. Correct.

7 A. Well, I don't know of every single
8 situation, so I don't know if it is always the
9 case.

10 Q. There are cases in which crisis
11 planning or crisis execution is not ethical,
12 correct?

13 A. Again, I don't know every crisis
14 planning process, so I really couldn't answer
15 whether that is the case.

16 MR. FRITZ: Note my objection,
17 please.

18 Q. Now, on page 14 in the second
19 paragraph, you say, "Crisis communications is a
20 standard, acceptable, and ethical practice."
21 Do you see that?

22 A. I do see that, yes.

23 Q. What is the difference between
24 "standard" and "acceptable," if there is one?

25 A. Well, I suppose in this context

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2 standard means that in the industry, many are
3 utilizing it.

4 Acceptable means that it is
5 something, and ethical kind of goes to this as
6 well, it's not something to be seen as
7 indicative. On the one hand, indicative
8 necessarily of a problem or of malintent, if
9 that is a word.

10 And then ethical is that it's not
11 the nefarious spin doctoring.

12 Q. You're not offering an opinion on
13 the ethics of crisis planning or execution, are
14 you?

15 A. I think I -- that was the
16 assignment, right, that it's an ethical -- a
17 standard, acceptable and ethical practice.

18 Q. Can you turn to page 31 of your
19 report, please.

20 A. Yes.

21 Q. You've indicated that these are the
22 opinions you intend to offer in this case, do
23 you recall that?

24 A. Yes.

25 Q. Do you see any reference to the

1 Haggerty - Highly Confidential

2 ethics that you are mentioning?

3 A. I appear at the end to have
4 substituted the word -- it looks like the word
5 "prudent" for the word "ethical," but that was
6 not intended in any way to, in my conclusion,
7 indicate I didn't believe it was also ethical.

8 Q. So, you are offering an opinion on
9 specifically whether crisis retention is an
10 acceptable, appropriate and ethical practice?

11 A. The -- you mean the retention of a
12 crisis communications consultant?

13 Q. Yes.

14 A. Whether it is a reputable and
15 ethical practice?

16 Q. I'm just looking at the first bullet
17 of your opinion.

18 A. Okay.

19 Q. It says, "It is well established
20 that such a retention is entirely acceptable,
21 appropriate, and prudent for organizations,
22 brands (personal or corporate), and high-
23 profile individuals." Do you see that?

24 A. Yes, I do.

25 Q. Does that accurately state your

1 Haggerty - Highly Confidential

2 opinion?

3 A. Well, to the extent that you pointed
4 out that I forgot to include the word "ethical"
5 in there, I would say that it's also ethical as
6 I stated earlier in the report.

7 Q. What qualifications do you have to
8 offer an opinion on what is or is not ethical?

9 A. Just my knowledge and experience
10 over 35 years of not only working in the field
11 but also considering public practices and
12 journalistic practices.

13 Q. And it's your opinion that crisis
14 retention can be ethical but is not necessarily
15 always ethical?

16 A. When you say "crisis retention," you
17 mean the retention of a crisis communications
18 consultant?

19 Q. That's right.

20 A. My opinion is it is always standard,
21 prudent, acceptable, appropriate and ethical.
22 As to whether it is always that case, I do not
23 have information on every single instance where
24 there is a retention of a crisis communications
25 consultant, so I'm not -- I can't comment. I

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2 mean, I can't respond to that.

3 Q. If you turn to page 20 of your
4 report. Do you see the second block paragraph
5 here?

6 A. Hmm-hmm.

7 Q. You reference "the fixer, the
8 spin-doctor, the operative" and then in the
9 next sentence, you reference "moving in the
10 shadows to bury facts, getting the right people
11 to say the right things; the fixer who knows
12 what strings to pull and buttons to push to
13 make a problem go away; the sleek operative
14 dropping an envelope with incriminating photos,
15 or trading a good story for a better story not
16 involving your client." Do you see that?

17 A. I do see that, yes.

18 Q. Are those, in your opinion, ethical
19 and prudent crisis behaviors?

20 A. Well, that's from my book and it's
21 in the context of misperceptions related to
22 crisis communications. Depending upon -- I
23 can't think of a positive connotation of shady
24 Svengali, but the -- going one after another,
25 you know, you have to sort of parse each, sort

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2 Q. And there -- it seems to me that
3 there are two components to your opinion but
4 you can tell me if I'm wrong. One is that
5 retaining a crisis consultant is acceptable and
6 prudent and the other is that the retention
7 should not be viewed as indicative of negative
8 intent by the client; is that correct?

9 A. I think among the opinions expressed
10 in the report, yes, that's two.

11 Q. Are those the two components that
12 comprise the first opinion reflected here on
13 page 31?

14 A. Yes, it appears to be the case.

15 Q. What do mean by negative or
16 nefarious intent?

17 A. I think the common definitions.

18 Q. What is your definition of negative
19 intent in connection with this opinion?

20 A. I would say, you know -- I'm pausing
21 because I'm trying to figure out the accurate
22 way to describe it. It would be negative in
23 that you're kind of looking to create a result
24 that is divorced from facts and truth.

25 Q. And is that also the way you are

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2 didn't -- based upon my review of the Scope of
3 Work and the Scenario Planning document, it did
4 not appear to me that that was the intent.

5 Q. So, are you offering an opinion as
6 to defendants' intent but only based on your
7 review of Scope of Work and Scenario Planning
8 document?

9 MR. FRITZ: Objection.

10 A. I think -- I don't think I'm
11 offering an opinion related to intent at all.
12 What I am saying is that the Scenario Planning
13 and Scope of Work documents appear very
14 straightforward and standard practice and not
15 evidence of a negative nefarious intent, which
16 is in keeping with the way the hiring of crisis
17 communications consultant should be viewed.

18 Q. And when you are saying that the
19 Scenario Planning and Scope of Work documents
20 appear very straightforward and standard
21 practice and not evidence of a nefarious --
22 negative nefarious intent, whose intent are you
23 referring to?

24 A. I suppose ultimately the defendants.

25 Q. Isn't it up to the jury to decide

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2 what the defendants' intent was?

3 MR. FRITZ: Objection.

4 A. That's a legal question that I'm
5 probably not in a position to answer.

6 Q. You're an attorney, correct?

7 MR. FRITZ: He's not -- we are not
8 offering him as a legal expert.

9 Q. Are you instructing him not to
10 answer?

11 A. I'm -- I believe the question is am
12 I an attorney. I feel comfortable answering
13 that. Yes, but I'm not in the role of
14 attorney.

15 Q. You don't have a reaction either way
16 as to whether it would be up to jury to decide
17 the issues of defendants' intent, correct?

18 MR. FRITZ: Objection.

19 A. I'm not -- same answer. I'm not
20 going to offer what -- an answer to what is a
21 legal question.

22 Q. Are you identifying, in your
23 opinions, whether certain facts in the case do
24 or don't count as evidence?

25 A. In -- in this report?

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2 A. Well, I mean, that's -- it strikes
3 me as also requesting an answer to two
4 different things.

5 Q. Putting aside whether or not it's
6 prudent to retain a crisis consultant, do you
7 agree that the conduct of a crisis consultant
8 in executing the crisis plan can be improper?

9 A. Yes, depending upon their actions,
10 yes.

11 Q. The second opinion reflected here
12 states, "A misunderstanding of the role of a
13 crisis communications manager often feeds
14 negative perceptions regarding the role of
15 crisis communications." Do you see that?

16 A. I do see that, yes.

17 Q. What is the misunderstanding that
18 you are referring to here?

19 A. Well, it's what I refer to in the
20 report, is that popular culture has created
21 this sense that a crisis PR or crisis
22 communications consultant is, I mean,
23 colloquial up to no good.

24 Q. And sometimes that's the case,
25 correct?

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2 A. I cannot -- since I don't know what
3 others do that closely, I can't comment on
4 whether it's sometimes.

5 Q. You think that in every situation
6 crisis consultants are exclusively up to good?

7 MR. FRITZ: Objection.

8 A. I do not -- I do not think that. I
9 just have no basis to say whether it's
10 sometimes.

11 Q. Understood. Are you basing this
12 opinion on any materials that you've referenced
13 in your report?

14 A. On the materials referenced in the
15 report?

16 Q. Yes. Are you reaching this
17 conclusion exclusively on the basis of your
18 experience in the industry or are you also
19 relying on materials that you've cited in your
20 report?

21 A. I would say it's a combination. I
22 mean, primarily, having been around, you know,
23 I certainly have experience and background in
24 the area formed over 30 years. As part of the
25 report, I said, well, let's look at best

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2 practices and relevant writing on the topic to
3 see if that personal experience is valid.

4 Q. If you turn to page 19 of your
5 report, this is part 6E of your report entitled
6 "Misperceptions about the Field of Crisis
7 Communications." Do you see that?

8 A. Hmm-hmm. Hmm-hmm.

9 MR. FRITZ: You have to answer --

10 A. Oh, I'm sorry, yes. Yes, I do.

11 Q. And do you know, as described in
12 various sources, popular perceptions influenced
13 by television shows, movies and other popular
14 cultural offerings can sometimes paint a less
15 than accurate picture unless in favorable
16 picture of the field. Do you see that?

17 A. Where is that exactly? I'm sorry?
18 Page 19.

19 Q. You know what, you're right, I'm not
20 seeing that on page 19 either. Well, actually,
21 it starts at the very last line for me on page
22 19.

23 A. Okay, okay. Yes, I do see that.

24 Q. When you refer to various sources
25 here, are you referring to the sources that are

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2 cited across pages 19 through 21?

3 A. Yes.

4 Q. When you reference "popular
5 perceptions," are you referring to the general
6 public?

7 A. Yes.

8 Q. Does that include crisis individuals
9 themselves?

10 A. As to whether it includes crisis
11 professionals, crisis communications
12 professionals, I think they would know better
13 but I can't exclude them from the public.

14 Q. But they are at least aware of the
15 perception of the crisis industry, correct?

16 A. Presumably they would be aware, yes.

17 Q. It's commonly known that there is a
18 public perception that the crisis industry is
19 painted in a less than favorable light,
20 correct?

21 A. Yes, I can't speak for every crisis
22 communications professional, but that is the
23 popular perception.

24 Q. Can individuals watch these
25 television shows, movies and other popular

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2 cultural offerings and reach the conclusion
3 that crisis individuals are misleadingly being
4 painted in a negative light?

5 MR. FRITZ: Objection.

6 A. I think you would have to ask the
7 individuals watching.

8 Q. Can you explain to me how you are
9 bringing your expertise to bear on reaching
10 this conclusion that there is a
11 misunderstanding of what crisis professionals
12 do in the industry?

13 A. Just based on my experience over the
14 course of 30 years and as someone who consumes
15 maybe too much popular entertainment or more
16 than I should --

17 Q. What -- what experience over the
18 course of the last 30 years allows you to reach
19 the opinion that you're offering about the
20 misunderstanding of the role of crisis
21 professionals feeding negative perceptions
22 about them?

23 A. I can't give you a specific
24 necessarily, but based upon my recollection, I
25 have been asked about the field. I have read

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2 about it in a way that misrepresents quite
3 negatively the field. All of that builds into
4 my perception. Experience is someone who is
5 obviously in the field for 30 years and so
6 paying attention.

7 Q. Are you offering an opinion that
8 there was a misunderstanding of the role of the
9 crisis professionals in this case?

10 A. By whom would be my -- I mean, I
11 know I'm not supposed to respond to a question,
12 but I would need to know by whom.

13 Q. Yeah. My read of your opinion is
14 that you're offering an opinion that speaks
15 about a misunderstanding of crisis
16 communications managers generally, but not as
17 to any of the defendants in this case; is that
18 correct?

19 A. Well, I couldn't say as to what they
20 thought or didn't think about the field.

21 Q. You're not offering an opinion that
22 the general public misunderstood the role of
23 TAG Street Relations or Melissa Nathan,
24 correct?

25 A. I think that based upon the popular

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2 A. I think just generally, yes.

3 Q. Are you drawing on your -- strike
4 that.

5 You reference certain sources in the
6 footnotes on pages 19 through 20. Excuse me,
7 let's talk about footnote numbers. Footnotes
8 42 through 46, do you see those?

9 A. Forty through 46?

10 Q. Footnote 42 through 46.

11 A. Forty-two through 46, okay.

12 Q. Are these the sources that you are
13 relying on in connection with offering this
14 opinion?

15 MR. FRITZ: Objection.

16 A. Well, again, the majority of the
17 opinion would be based on my experience having
18 been a professional in the field, but those
19 opinions that I've cited and I've listed is
20 what I described before. Let's broaden it out
21 beyond my experience over 30 years and see what
22 is out there about it.

23 Q. And in footnote 42 references what
24 is a blog post, correct?

25 A. Well, I don't know if it's a --

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2 Q. And this is a publicly accessible
3 podcast, correct, anyone can listen to it?

4 A. Correct, yes.

5 Q. So, you've referenced the blog post,
6 your book and a commentary in a podcast on
7 National Public Radio as supporting your
8 opinion in connection with your own expertise.
9 Are there any other sources that you were
10 relying on for offering this opinion?

11 A. No, but I, once again, point out the
12 dominant view is based on my experience having
13 done this for 35 years.

14 Q. And just to be clear, and I
15 apologize if I have asked this, but you've
16 conducted no analysis as to whether the public
17 generally misunderstood the role of TAG Street
18 Relations or Melissa Nathan or Jennifer Abel as
19 crisis communications professionals; is that
20 correct?

21 A. That's correct.

22 Q. And if it turned out public
23 perceptions were positive about TAG or Melissa
24 Nathan as crisis communications managers, would
25 that affect your opinion in any way?

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2 A. I'm going to need you to repeat that
3 question too, and I apologize, I'm getting a
4 little sunlight right through that window, but
5 I don't expect we can move the table.

6 Q. Should we go off the record?

7 THE VIDEOGRAPHER: I can do it while
8 you're talking. It's fine.

9 MS. BENDER: Okay. Fine.

10 Q. All I'm trying to understand is
11 whether or not this opinion is specific to the
12 defendants in this case or whether it's more
13 general.

14 MR. FRITZ: Objection.

15 A. I think there are parts of this
16 report that are more general as to the reasons
17 one hires someone to engage in crisis
18 communication planning, the misperceptions as
19 to that. I don't have any specific information
20 about what misperceptions the defendants may
21 have had at any given time.

22 Q. Or any specific information about
23 what perceptions the public had of the
24 defendants, correct?

25 A. Yeah, I have done no analysis on

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2 what perceptions were related to the
3 defendants.

4 Q. And you've done no analysis on what
5 misunderstandings there were of the role of the
6 crisis communications defendants in this case,
7 correct?

8 MR. FRITZ: Objection.

9 A. Could you -- could you describe in
10 more detail?

11 Q. Can you please tell me what analysis
12 you've conducted on what misunderstandings
13 there were about the role of the crisis
14 communications defendants in this case?

15 MR. FRITZ: Objection.

16 A. Was that what analysis?

17 Q. Yes, what analysis have you
18 conducted on what misunderstandings there were
19 about the role, specifically as to the crisis
20 communications defendants in this case?

21 MR. FRITZ: Objection.

22 A. Only what is contained in the
23 materials in the report, and -- which includes,
24 you know, general understanding of the case and
25 my experience.

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2 Q. Your third opinion reflected here on
3 page 31.

4 A. Okay.

5 Q. You see that it says, "Media
6 monitoring is a standard practice in all public
7 relations -- and particularly in crisis
8 communications and other sensitive
9 communications matters -- and should not be
10 seen as an effort at social media
11 manipulation"?

12 A. I do see that.

13 Q. What background, knowledge or other
14 qualifications are you relying on in offering
15 this opinion?

16 A. Well, it's included in the report,
17 and again, based upon my 30-plus years of doing
18 this.

19 Q. This is, again, not an opinion that
20 you're offering specifically about the
21 defendants and their monitoring in this case,
22 correct?

23 A. I am just rereading it. Yes, it
24 would be hard -- although it would be hard to
25 monitor media in any other way than what is

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2 mentioned in this book various -- primarily
3 brand related things where they create word
4 clouds based upon word usage in media and other
5 sources, things like that, which would be more
6 on the analysis side.

7 Q. Does monitoring include sentiment
8 analysis or is sentiment analysis more of the
9 analysis side?

10 MR. FRITZ: Objection.

11 A. Yeah, I think -- well, I think I
12 just answered that, that it sort of all becomes
13 a mishmash, that's a popular term, I don't know
14 if I can use that in a deposition.

15 MR. FRITZ: You can.

16 A. The -- in the old days, a Google
17 news search or even before that, a LexisNexis
18 search provided no analysis tools. More
19 modern, maybe a monitoring software, provides
20 analysis functions as well, including sentiment
21 analysis.

22 Q. What is your understanding of social
23 media manipulation?

24 A. You want to explain what you mean by
25 understanding of it?

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2 minutes left.

3 MS. BENDER: Yes, we can stop here.

4 THE VIDEOGRAPHER: We are off the
5 record. The time is 2:44 p.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: We are back on
8 the record. The time is 3:00 p.m.

9 Q. You are not offering an opinion on
10 whether social media manipulation is standard
11 in the crisis industry, correct?

12 A. Again, it depends on what you are
13 saying, manipulation can mean steps to effect
14 results in a way that is neither positive nor
15 negative.

16 Q. In connection with the opinion that
17 we are discussing, your third opinion --

18 A. Oh, okay.

19 Q. -- you're not offering any opinion
20 on whether social media manipulation is
21 standard in the crisis industry, correct?

22 A. Well, it's -- the manipulation --
23 media monitoring should not be seen as an
24 effort in social media manipulation.

25 Q. And you're not affirmatively

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2 as you are sitting here whether or not you are
3 offering an opinion on social media
4 manipulation and whether that is standard in
5 the crisis industry?

6 MR. FRITZ: Objection.

7 A. I think I did.

8 Q. And are you?

9 A. In response to your question, I am
10 saying that social media manipulation in the
11 non-pejorative sense, in the sense of effecting
12 results is standard in everything in the public
13 relations field because every effort that is
14 taken in the public relations field ultimately
15 has an impact on social media.

16 Q. And you're -- what you've just
17 described to me, you are saying is apparent
18 from the background discussion in your report?

19 A. I'm saying I would have to -- I'm
20 saying it's in response to your question. I
21 would have to read through the report again.

22 Q. Okay. But you don't have anywhere
23 in your report in mind as to where you offer
24 that opinion, correct?

25 A. Yes, since I haven't read it, I -- I

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2 was responding to your questions, but since I
3 haven't reread the report for that specific
4 point, I -- I don't have any particular place
5 in mind if that is the case.

6 Q. Have you personally conducted media
7 monitoring for crisis clients?

8 A. By "personally," do you mean my
9 company?

10 Q. I mean you individually.

11 A. Yes.

12 Q. And do you personally conduct social
13 media monitoring?

14 A. I have, yes.

15 Q. And is that a role that you carry
16 out in your crisis -- for your crisis clients
17 regularly?

18 A. For all my clients.

19 Q. Is it a more junior task or is it
20 something you, yourself, continue to do?

21 A. Well, we are not a particularly
22 large firm, so it's certainly something that I
23 do in addition to others in my firm.

24 Q. And at a larger firm, where there
25 are more individuals who could conduct this, do

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2 alert.

3 Q. Does media monitoring include
4 boosting, amplifying or suppressing content?

5 A. No.

6 Q. Does media monitoring include
7 efforts to shift the narrative?

8 A. No.

9 Q. Is clipping a part of monitoring?

10 A. When I started it was. When there
11 were things to clip. It is clipping -- that's
12 antiquated term for media monitoring. And back
13 when I started in this business before God
14 forbid the internet, there would be services
15 that would quite literally review every media
16 outlet for mentions of your client, and then
17 clip the articles and mail them to you.

18 Q. On page 18 of your report, you
19 reference excerpts from two textbooks in the
20 public relations field, as well as a white
21 paper. Do you see that?

22 A. Sources, is that what you are
23 saying?

24 Q. Yes, sir.

25 A. Yes, yes.

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2 Q. How do you make that assessment when
3 Scope of Work documents may vary from case to
4 case?

5 A. Well, I mean, anything that is a
6 standard, there are variations, but when I read
7 the language of a document from any public
8 relations firm as to scope of work, based on my
9 experience, I would recognize what is standard
10 in the industry.

11 Q. And remind me, what is that
12 experience specifically that you are calling on
13 in reaching your opinion as to the Scope of
14 Work document?

15 MR. FRITZ: Objection.

16 A. Well, it's my 30-plus years doing
17 this.

18 Q. Is it the cases you are working on,
19 the individuals you spoke with, are there other
20 components of that experience that you can
21 elaborate on for me?

22 MR. FRITZ: Objection.

23 A. Well, everything I described
24 earlier, things I read, knowledge I gained,
25 conversations with others, things that have

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2 come across my desk. It's -- that's what
3 creates experience, doesn't it? It's
4 everything that you're exposed to.

5 Q. You're not offering an opinion here
6 as to whether any defendant carried out what is
7 reflected in the Scope of Work document or the
8 Scenario Planning document in a standard
9 manner, correct?

10 A. I think that I made -- in the report
11 I discuss the issue of timing as relates to,
12 which sort of came from media monitoring, and
13 the timing of execution, but as to an analyzing
14 those two documents, there was no other
15 information upon which I -- I accept those
16 documents upon which I base my analysis.

17 Q. So, other than the timing of
18 execution, you're not offering an opinion as to
19 whether any defendant carried out what is
20 reflected in the Scope of Work document or the
21 scenario planning document in a standard
22 manner, correct?

23 A. That's not -- yeah, that's not in
24 the report anyway.

25 Q. When is the scope of work typically

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2 have no knowledge of that one way or the other.

3 Q. In your experience, are scopes of
4 work tailored to the individual clients?

5 A. To varying degrees, yes.

6 Q. So, typically, there would be one or
7 more conversations before a scope of work or
8 similar document is provided?

9 MR. FRITZ: Objection.

10 A. Again, I can't say what is typical
11 in terms of number of conversations.

12 Q. In your experience, have you had
13 conversations with the client before providing
14 a scope of work?

15 A. Yes.

16 Q. In most of the cases that you've
17 worked on?

18 A. Yes.

19 Q. Do you agree that the actual
20 services ultimately provided to a crisis client
21 may differ from what is identified in a scope
22 of Work?

23 MR. FRITZ: Objection.

24 A. I think that can happen.

25 Q. Do you agree that the scopes of work

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2 as to that portion of the document in this
3 bullet point, correct?

4 A. In the first bullet point?

5 Q. In the second bullet point.

6 A. And I don't understand the question.
7 I'm sorry, could you repeat it?

8 Q. The second bullet point addresses
9 the "Overview" section of the Scope of Work
10 document, correct?

11 A. Yes.

12 Q. Do you provide any analysis as to
13 the overview in the Scope of Work document as
14 reflected in this bullet point?

15 A. Well, only to the extent I have
16 directly quoted one point and then paraphrased
17 in the other.

18 Q. The bullet point below this also
19 discusses the "Overview" section of the Scope
20 of Work document, correct?

21 A. That is correct, yes.

22 Q. Do you provide any analysis of the
23 "Overview" section in this bullet point?

24 A. Yes.

25 Q. And what is that analysis?

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2 A. In this bullet point it appears, you
3 know, very specific, which, to me, means
4 minimize any conflict between Mr. Baldoni and
5 Ms. Lively. Hold on. Do you want me -- let me
6 just read the rest of it. (Witness reading
7 document.)

8 And then the -- you know, the
9 paraphrase in the next sentence may include
10 some level of analysis of what was in the
11 original.

12 Q. So, you are saying that your
13 analysis of the "Overview" section is that it
14 suggests the role of TAG will be to mitigate
15 references of controversy, which, to you, means
16 minimize any conflict between Mr. Baldoni and
17 Ms. Lively?

18 A. Yes.

19 Q. In other words, your analysis is of
20 the phrase "mitigate references of controversy"
21 and what that means?

22 A. Yes, which -- and I should add that
23 all of this is in the context of public
24 attention so to minimize publicly any conflict
25 between Mr. Baldoni and Ms. Lively.

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2 Q. How are you drawing on your
3 experience to reach the conclusion that
4 "mitigate references of controversy" is
5 referring to minimize any conflict mean
6 Mr. Baldoni and Ms. Lively?

7 A. Well, it would be based upon my
8 reading and understanding of the words
9 "mitigate references of controversy."

10 Q. And the sentence, "The "Overview"
11 then goes on to suggest that TAG will be
12 involved with correcting inaccurate narratives
13 and promoting factual, positive messages in
14 order to balance the coverage." Do you see
15 that?

16 A. Yes.

17 Q. What is the analysis you provided
18 there?

19 A. I have to go back and look at what
20 the actual "Overview" section said. I'm saying
21 that my summary, as it is not a direct quote,
22 may have some element of analysis based upon my
23 experience in seeing these documents.

24 Q. And let's flip to the Scope of Work
25 document, which I believe is an exhibit to your

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2 report, Exhibit B. And are you there?

3 A. Hmm-hmm.

4 Q. Is it your understanding that you
5 pulled this document from one of the public
6 filings that you pulled from the docket?

7 A. As I stated earlier, I don't know.

8 Q. Okay. In looking at the "Overview"
9 section, can you tell me where -- what analysis
10 you've conducted that relates to that third
11 bullet point on page 22 other than the mitigate
12 references and controversy reference?

13 A. Yes, hold on just a moment. Well,
14 it seems to track pretty carefully the actual
15 language, but, again, as discussed when we were
16 discussing the bullet point, to the extent
17 stating what is in the "Overview" section is
18 analysis of it, I would say that that would be
19 the case but it depends on how deep an analysis
20 you consider that.

21 Q. In Exhibit B right be -- so second
22 paragraph of "Overview," second line in that
23 paragraph, it references rapid interference to
24 mitigate. Do you see that?

25 A. Yes.

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2 Q. Remind me what "rapid interference"
3 is.

4 A. That would be a term, based on my
5 experience, that would be a rapid response to
6 references of controversy in accurate
7 narratives, yeah.

8 Q. And why is it important, if it is,
9 to have rapid interference as compared to not
10 rapid interference?

11 A. Well, for the reasons I explained
12 earlier. We live in an age of where media
13 moves very quickly, hence the need for rapid --
14 hence the need to be rapid, both -- to be
15 rapid, which includes having a plan in place
16 and then being able to move quickly.

17 Q. If you return to your analysis on
18 page 22, okay, the next bullet point down
19 reflects your analysis of the scope of work
20 section entitled "Crisis Prevention &
21 Mitigation," correct?

22 A. Uh-huh.

23 Q. What analysis are you providing of
24 this section?

25 A. Well, again, it would be the same

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2 answer. I have to -- I believe it is a
3 paraphrase. In fact, it is a paraphrase of the
4 bullet points.

5 Q. The paraphrase of the bullet points
6 in the Scope of Work document; is that right?

7 A. That's correct, yes.

8 Q. And if you look at the next bullet
9 point down on page 22, is that the same answer?
10 In other words -- let me ask the question
11 actually.

12 Does this -- what analysis does this
13 reflect of the "Branding and Messaging" section
14 of the Scope of Work?

15 A. Well, this -- yes, this reflects --
16 I mean, in the process of analyzing -- of
17 summarizing, some of the language may not track
18 exactly so that would be my analysis of it.

19 Q. If you turn to -- back to Exhibit B,
20 can you tell me, is this limited only to if the
21 media should reach out to the Wayfarer parties
22 based on the face of the document?

23 A. I do not believe it is. It is
24 limited to a response, but I do not believe it
25 is limited to if the media should reach out.

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2 Q. In your experience, are crisis plans
3 living documents?

4 A. Yes.

5 Q. What is a living document?

6 A. Well, it's as I discussed with the
7 act. You should be -- over the course of an
8 organization's reliance on the plan, they
9 should be constantly assessing what is needed,
10 preparing or refining the plan and then
11 training against it to make sure this is what
12 is needed. And that, again, is in the
13 corporate environment. I mean, I should say in
14 the -- and by -- in a longer term, I have
15 created a crisis plan for an organization type
16 of environment.

17 Q. Are crisis plans typically living
18 documents for shorter crisis retentions?

19 A. I don't think I'm -- for shorter
20 crisis retentions, I've used that term because
21 there is the training element and then the
22 assessment and then the refinement of the plan.

23 The other thing that happens is an
24 actual crisis can occur, and then in the wake
25 of that crisis, the crisis communications team

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2 Q. Your assessment as to whether the
3 scenario planning document reflects standard
4 crisis planning is specific as to that scenario
5 planning document, correct?

6 A. That is correct, the one that is an
7 exhibit.

8 Q. If there were additional scenario
9 planning documents, would that change your
10 opinion?

11 A. No, because my opinion is only based
12 upon that document.

13 Q. In connection with your opinion No.
14 4.

15 A. On page 32?

16 Q. On page 32. You're, again, not
17 offering an opinion whether any defendant
18 engaged in standard crisis communications with
19 respect to the Scope of Work or scenario
20 planning document, correct?

21 A. I am not -- I am not -- in analyzing
22 the Scope of Work document, I am -- or the
23 Scenario Planning document, I am not focused on
24 the execution but on the planning document
25 itself and whether it was standard.

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2 scenario planning documents?

3 A. Yes.

4 Q. And they reflect your analysis as to
5 the sections of the scenario planning document?

6 A. Correct.

7 Q. And the first bullet point here,
8 that reflects your analysis is a summary of
9 what is contained in part of the Scenario
10 Planning document, correct?

11 A. That is correct. That is -- yes,
12 that is correct.

13 Q. Okay. And the same holds true for
14 the next bullet point?

15 A. Which is under the preparation of
16 materials --

17 Q. Yes.

18 A. Yes.

19 Q. And the next -- the same holds true
20 for "Key Messaging Points," correct?

21 A. Yes.

22 Q. And is that also the case for the
23 final bullet on page 24?

24 A. Yes.

25 Q. What analysis did you conduct with

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2 respect to the "Preparation Materials, Key
3 Messaging Points" and "If/Then Plan of Action"
4 sections of the Scenario Planning document
5 beyond what is reflected in your report on page
6 24?

7 A. Well, again, as I review what is
8 actually in the document, I am paraphrasing in
9 a manner that includes analysis.

10 Q. If you turn to Exhibit C, which is
11 the Scenario Planning document, can you take a
12 look at the section that references the
13 preparation materials?

14 A. Yes.

15 Q. Do you see the very last line of
16 this page references, "Times when BL called
17 out, etc"?

18 A. Yes.

19 Q. Do you understand "BL" to mean Blake
20 Lively?

21 A. Yes.

22 Q. Did you conduct any analysis of
23 this?

24 A. Yes, I believe -- can I go back to
25 page 22?

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2 A. Hold on. This would be Exhibit C,
3 Key Messaging Points?

4 Q. Yes. Did you -- just to ask a clean
5 question.

6 A. Yeah, yeah, yeah, please.

7 Q. Did you conduct any analysis as to
8 the specific Key Messaging Points reflected in
9 the Scenario Planning document?

10 A. I guess, if I understand your
11 question correctly, it is -- the Key Messaging
12 Points section of Exhibit C, the Scenario
13 Planning document, did I analyze it in my
14 summary on page 24?

15 Q. Analyzed in your summary on page 24
16 that starts with the bullet point under "Key
17 Messaging Points"?

18 A. That would be more as to -- it would
19 be both in Key Messaging Points -- hold on --
20 yes, it would be in Key Messaging Points, yes.

21 Q. And does that reflect the entirety
22 of your analysis of the Key Messaging Point
23 section in the Scenario Planning document?

24 A. I believe it does, yes.

25 Q. Did you evaluate in any way which of

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2 public relations issue of standard practice.

3 Q. So, that does not discuss that the
4 Wayfarer parties were preparing these message
5 points in the event something happened,
6 correct?

7 MR. FRITZ: Objection.

8 A. Well, I think I did mention that the
9 Wayfarer parties included the public relations
10 consultant, The Agency Group and anyone else
11 who was involved in the process on the
12 defendants' side.

13 Q. If you look at page 23, you analyze
14 the "Objective" section of the scenario
15 planning document, correct?

16 A. Hmm-hmm.

17 MR. FRITZ: You have to say yes.

18 A. Oh, I'm sorry, yes.

19 Q. And your analysis summarizes the
20 document, correct?

21 A. The -- I'm sorry, remind me what
22 exactly I'm looking at here on page 23.

23 Q. If you look at the first bullet
24 point --

25 A. Right.

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2 Q. -- do you see that you're discussing
3 the "Objective" section of the Scenario
4 Planning document?

5 A. Correct.

6 Q. And the first two sentences are your
7 summary of the document itself, correct?

8 A. Hold on, let me read. (Witness
9 reading document.) Well, it also includes not
10 just a summary, but, again, my analysis.

11 Q. The summary in the first two
12 sentences of this bullet point include your
13 analysis embedded in that summary; is that
14 correct?

15 A. Yes, for example, saying it appears
16 clearly stated, and I don't know -- again, I
17 would have to go back. I suspect this is a
18 paraphrase.

19 Q. You say that there is nothing in
20 this objective that I find out of the ordinary,
21 and you go on to say, "It appears to be a
22 simple outline of reactive approach to protect
23 Mr. Baldoni's reputation should negative
24 attacks occur." Do you see that?

25 A. Correct, yes.

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2 Q. What are you basing this opinion on
3 in connection with the "Objective" section of
4 the Scenario Planning document?

5 A. Hold on. So this is the Scenario
6 Planning document?

7 Q. Yes, sir, the "Objectives" section.

8 A. "Protect the reputation of Justin
9 Baldoni, Jamey Heath and Wayfarer Studies in
10 the lead up during and following with the
11 premier of It Ends With Us_the achievement and
12 efforts the Wayfarer team. It's on -- it's
13 Exhibit C. In bringing this movie to life and
14 emphasize Justin and the studio's commitment to
15 their team and making the broader industry a
16 more inclusive place."

17 Q. And based on that objective, as
18 you've read it on the face of the document,
19 your analysis is that this is an outline of a
20 reactive approach to protect Mr. Baldoni's
21 reputation should negative attacks occur?

22 A. Yes, and obviously the analysis is
23 it appears clearly stated and the various
24 points highlighting the achievements, et
25 cetera.

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2 is designed to really tar our opponent with a
3 negative narrative, is that appropriate?

4 A. I would not use the word "tar." I
5 would -- I am not sure, I mean, I would use the
6 term negative narrative. I think if there
7 were -- as I explained before, if there were
8 facts and truth that helps put what is
9 happening during the course of a dispute in
10 proper context, there is nothing wrong with
11 bringing that to the attention of public
12 audiences.

13 Q. So long as doing so is truthful,
14 correct?

15 A. I think that's correct, yes.

16 Q. If you turn to page 32, the second
17 bullet point on this page reflects your fifth
18 opinion in this case regarding the timing of --
19 well, I'll just read it.

20 A. Yeah, yeah.

21 Q. Is it correct that your fifth
22 opinion in this case is that, "The growth in
23 media and social media coverage negative to
24 Ms. Lively, starting in August 2024, is
25 unlikely to have been caused by the work done

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2 by the crisis communications consultant hired
3 by the Wayfarer parties, given the short
4 timeframe"?

5 A. Yes, yes.

6 Q. Your opinion references growth in
7 media and social media coverage negative to
8 Ms. Lively?

9 A. Correct.

10 Q. What growth are you referring to?

11 A. I think in various -- it was a
12 little hard to tell, and I've -- I explained
13 elsewhere in the report the difficulties in
14 parsing media and social media sentiment and
15 the troubles I have had with it, but there
16 certainly had been alleged a growth in negative
17 commentary around the time of the premier of
18 the movie, which would have -- which obviously
19 generates its own activity.

20 Q. And were you referencing the
21 sentiment charts in Ms. Lively's complaint in
22 your opinion?

23 A. I believe that's the next bullet
24 point is the difficulty in parsing something as
25 complicated as a dispute.

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2 Q. With respect to growth and negative
3 coverage, is it more of a holistic
4 understanding as to the growth of negative
5 coverage as to Ms. Lively, or did you review
6 any, kind of, graphs or quantitative analysis
7 in connection with that?

8 A. Well, there were the -- in the
9 report I -- I do go over the sentiment reports
10 that were provided in the second amended
11 complaint.

12 Q. And does that provide your basis of
13 an understanding of what the growth in media
14 and social media coverage about Ms. Lively
15 looked like in August of 2024?

16 A. That provides me with a -- I mean,
17 again, it was -- it was rather confusing, quite
18 frankly, but it does -- it was in support of
19 what the allegations were in the second amended
20 complaint.

21 Q. Okay. But just focusing on your
22 fifth opinion in this case, the growth in media
23 and social media coverage, are you talking
24 holistically about the growth that you
25 understand from your review of the complaint,

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2 or are you looking at something specific when
3 you are talking about that growth?

4 MR. FRITZ: Objection.

5 A. Well, I don't know if I would use
6 the word "holistically," but based upon the
7 second amended complaint and other materials
8 that I looked at, there is an allegation
9 that -- coinciding with the premier, negative
10 media. I couldn't tell if it was media or
11 social media or whatever occurred.

12 Q. Okay. Did you look at any specific
13 metrics in connection with that growth?

14 A. I did not.

15 Q. And it's based on your understanding
16 of Ms. Lively's allegations in her complaint
17 that there was a spike in negative coverage
18 starting on August 8th?

19 A. Those charts in particular, yes.

20 Q. And you have not reviewed any
21 reports of Ms. Lively and the coverage of
22 Ms. Lively during August 2024 outside of what
23 you viewed in Ms. Lively's complaint, correct?

24 A. I did not -- no, I don't think so.

25 Q. What is the timeframe for your

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2 opinion?

3 MR. FRITZ: Objection.

4 A. I guess I need to understand what
5 you mean by -- you don't mean the timeframe of
6 preparing this opinion?

7 Q. No. Your opinion references given
8 the short timeframe, what timeframe are you
9 referring to?

10 A. Yes, I believe that's detailed in
11 the report, and I don't have the exact dates,
12 but I can -- I can turn to that. I think it
13 might be in the factual --

14 Q. You address, for your reference, on
15 page 25, the time it would take to create a
16 digital marketing program?

17 A. Okay. And also in the -- okay, yes,
18 they're on there. So, my understanding is
19 reflected in the report.

20 Q. And what is your understanding of
21 the short timeframe?

22 MR. FRITZ: Objection.

23 A. That Ms. Nathan was retained on
24 approximately August 2nd and Mr. Wallace was
25 not retained until at least August 8th.

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2 Q. And so, your opinion is about the
3 short timeframe between the retention of these
4 individuals or companies and the spike that you
5 understand was alleged on August 8th, correct?

6 A. Correct.

7 Q. Does your opinion extend to any
8 allegations Ms. Lively has made about the
9 Wayfarer defendants after August 8, 2024?

10 A. I think my opinion stated that it
11 would take time, even given -- even if the
12 allegations were true and there were evidence
13 or specific allegations, it would take time
14 to -- you know, and again, it would take time
15 to get that done, which would indicate to me
16 that it -- it -- you know, correlation is not
17 causation. So, it would indicate to me it was
18 not the result of these hirings that all of a
19 sudden this happened.

20 Q. Are you aware that Ms. Lively has
21 alleged an ongoing retaliation campaign?

22 A. You'll have to explain "ongoing
23 retaliation campaign."

24 Q. Are you aware that Ms. Lively has
25 alleged retaliation campaign against her

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2 extending into January and February 2025?

3 A. I am not specifically aware as to
4 the dates. I understand that there are
5 allegations of retaliation. I mean, the
6 question -- what I struggle with, there is a
7 legal sense of retaliation, which I have no
8 opinion on and then there is a more general
9 allegation of retaliation, if that makes sense.

10 Q. Are you aware that Ms. Lively has
11 alleged that certain media and social media
12 coverage that is negative as to her in January
13 and February 2025 was caused by the Wayfarer
14 defendants or their agents?

15 A. I am not specifically aware of that
16 allegation.

17 Q. Under your opinion, there would be
18 enough time for results from any efforts in
19 media or social media to have shown themselves
20 between the time of retention in August 2024
21 and January or February 2025, correct?

22 A. I think that -- so that would be --
23 excuse me if I count on my fingers, that would
24 be five months, August, September, October,
25 November, January. Again, based upon my

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2 report, that is certainly possible, but
3 August 8th or 9th seems highly unlikely.

4 Q. So, you're saying it is possible in
5 January, February 2025, highly unlikely
6 August 8th, when is the point that you're in
7 2024 that your opinion extends to?

8 A. I mean, I guess the opinion is that
9 given the hiring dates of the professionals in
10 question, that spike that is alleged coinciding
11 with the premier and everything that went on
12 around the premier is not a result of any
13 action by anyone.

14 Q. Okay. So, your opinion is
15 specifically with respect to the spike alleged
16 on August 8th, correct?

17 A. I believe that's what is in the
18 report, yes.

19 Q. When you say unlikely to have been
20 caused, does that mean less than 50 percent
21 likely?

22 MR. FRITZ: Objection.

23 A. I don't know how to answer that.

24 Q. What do you mean by unlikely to have
25 been caused?

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2 A. In my experience, over 30-plus
3 years, it doesn't happen that way.

4 Q. What doesn't happen that way?

5 A. That a person is hired, as an
6 example, on a Tuesday and there is a sudden
7 spike in media or social media coverage on a
8 Wednesday, and particularly in the face of
9 other things going on, including, again, from
10 my review, you know, rumors and gossip amongst
11 people who are on the set, unfriending. There
12 is a whole issue with the premier and them not
13 being seen together. All of those things
14 happening, that makes it even more unlikely,
15 but certainly to -- again, within -- it is the
16 same day in the case of Mr. Wallace.

17 Q. Is the date that TAG began work in
18 connection with this engagement relevant in any
19 way?

20 A. Well, I mean, I guess we just
21 discussed that. I mean, the -- what I'm saying
22 is that things don't happen this quickly.

23 Q. I understand that you are relying on
24 TAG's engagement date, but if TAG began work
25 before being engaged, would that be relevant to

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2 your analysis?

3 A. I think that's entirely dependent
4 upon the exact, you know, facts, including
5 timeframe but also what they were doing.

6 Q. And is it correct that maybe, in
7 your opinion, one or two days might not make a
8 difference but a week or two would affect your
9 opinion?

10 MR. FRITZ: Objection.

11 A. I do not think that is the opinion
12 expressed in here nor do I -- nor do I hold
13 that.

14 Q. How long would TAG, in your
15 expertise, need to have been working to
16 effectuate the type of spike that you were
17 evaluating on August 8th?

18 MR. FRITZ: Objection.

19 A. You know, that is -- I would have to
20 know a whole lot more about perceptions
21 beforehand, so it's impossible to make a
22 determination.

23 Q. The only factor that you've
24 evaluated in support of this causation analysis
25 is the timing of the engagements and the timing

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2 of the spike on August 8th, correct?

3 A. Yes, I mean, it's in the report,
4 yes.

5 Q. And that -- and your conclusion is
6 based largely on your expertise but also based
7 on certain digital marketing programs that are
8 in your report?

9 A. My conclusion, as with the entire
10 report, is based upon my experience in these
11 issues, and the length -- I mean, we've
12 discussed earlier the length of time it takes
13 to even get everyone in the room and in
14 agreement, you know, as to a course of action.

15 Q. In other words, you're saying even
16 after the engagements of TAG and Street
17 Relations on August 2nd and August 8th,
18 respectively, you don't know if they started
19 working immediately?

20 A. No, I'm not saying that at all.

21 Q. Why did you reference the time to
22 take to even get everyone in the room?

23 A. Well, because it's not -- you can be
24 working and it still take time, depending upon
25 exactly what you are doing and how well it is

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2 working and how well everyone is working
3 together.

4 Q. And you did not offer an opinion on
5 what would be enough time to see change, your
6 opinion is only that you know this was not
7 enough time?

8 A. I think for -- my opinion, and,
9 again, based upon primarily my view and a
10 couple of sources, is that, you know, there is
11 very -- we are talking about many, many things
12 here. We are talking about legitimate or major
13 media coverage. We are talking about trade
14 media coverage. We are talking about social
15 media activity, both in terms of content and in
16 terms of interaction, after content
17 interaction, let's call it, and we are talking
18 about search engine optimization. All of that
19 takes different times and it's all entirely
20 dependent on what you are doing. You know, for
21 example, if you're going to -- you know, if
22 you're going to place a story in the New York
23 Times, that can take a week, a month, a year,
24 depending upon many, many factors.

25 Q. Once a media source is placed, it is

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2 seen by the public from that point forward,
3 correct?

4 MR. FRITZ: Objection.

5 A. So, once a media story -- once a
6 story is put in the media, your question is do
7 people see it?

8 Q. I guess my question is, is your
9 opinion talking about the timeframe here is too
10 short for whatever was done to affect the
11 public and their perception or is your opinion
12 that nothing would have been done yet because
13 it takes time after an engagement?

14 A. I suppose my opinion would be both.

15 Q. And you don't know whether or not
16 anything was done as of August 2nd and
17 August 8th, correct?

18 A. You mean prior to those dates?

19 Q. Correct.

20 A. No, I don't have information on
21 that.

22 Q. On page 25 of your report.

23 A. Okay.

24 Q. This is discussing the time it would
25 take to create a digital marketing program.

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2 How did you select the source pulled from as
3 text website?

4 A. Well, based on this -- so, I have,
5 again, based on my experience, a general view
6 of the time it takes to put things in place, in
7 terms of, again, we are talking about many
8 things when we talk about media and social
9 media. And so, I did some research online just
10 to make sure the opinions I had were valid.

11 Q. You just spoke of your experience of
12 the time it takes to put things in place. What
13 is your experience of the time it takes for
14 once things are effectuated, there to be an
15 impact in the media or social media online?

16 A. I think it's entire -- it's
17 dependent on so many factors it's impossible to
18 say.

19 Q. Can you give me a few of those
20 factors, please?

21 A. Well, I mean, it's the one I
22 explained about if the interest was -- that The
23 New York Times be interested in one aspect or
24 another of an issue. You know, it's dependent
25 on so many factors, even in that isolated case,

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2 where are -- where are their heads at, what are
3 they working on, what is going on there. You
4 know, or what is the interest, what other steps
5 they need to take. I have worked on stories in
6 major media that have taken a year.

7 Q. Once a -- you don't think that once
8 a New York Times article is published, that
9 would affect sentiment and volume coverage of
10 that article?

11 A. Oh, I do think it would.

12 Q. From the time it's published,
13 correct?

14 A. I think in terms of volume of
15 sentiment, is that the question?

16 Q. My question is: Do you think that
17 publication of an article in the New York Times
18 would affect coverage from the moment that
19 article was published?

20 A. I think that depending upon the
21 story, you know, there are cases where other
22 media report on a media report. You know,
23 where the -- where CNN mentions a Wall Street
24 Journal report. Then people who are
25 interested, then, you know, a publication like

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2 the Wall Street Journal or New York Times no
3 doubt has their own social media operation and
4 they would -- they would send it out.

5 Q. And how did you select the Metric
6 Marketing source that is cited on page 26?

7 A. The same thing, I looked for online
8 sources to give a sense for what is out there.

9 Q. Okay. Were you familiar with Aztek
10 or Metric Marketing before preparing this
11 report?

12 A. I may have heard of the names but
13 were not -- was not specifically familiar.

14 Q. Do you think that you could have
15 found similar sources from similar -- similar
16 businesses that have sources echoing what these
17 sources say?

18 A. I suspect given my experience with
19 it that there probably are.

20 Q. You're not a digital marketing
21 expert, correct?

22 A. That's correct, yes.

23 Q. Do you have any expertise in
24 evaluating metrics of causation?

25 A. You'll have to explain what you mean

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2 by that.

3 Q. Did you evaluate any metrics in
4 connection with this opinion?

5 A. You'll have to explain evaluating
6 any metrics for me.

7 Q. Did you collect any data?

8 A. No, I did not.

9 Q. Did you run a quantitative analysis
10 on any sample size?

11 A. No, I did not.

12 Q. Did you evaluate any particular
13 counter-stories to assess whether the coverage
14 in those stories was caused by the Wayfarer
15 defendants?

16 A. Can you repeat that question? I
17 missed the first part of it.

18 Q. Did you -- in connection with your
19 opinion, did you evaluate any particular online
20 accounts or media stories to assess whether
21 they were caused by the Wayfarer defendants?

22 A. No, I think there were stories
23 that were -- there were allegations in the
24 second amended complaint that included
25 references to stories.

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2 Q. But you don't know precisely what
3 the negative coverage as to Ms. Lively
4 consisted of?

5 A. I know what the negative coverage
6 that was alleged in the second amended
7 complaint was.

8 Q. And what was that?

9 A. I -- I would have to go back and
10 actually read it.

11 Q. Did you evaluate the authenticity or
12 inauthenticity of the coverage about Ms. Lively
13 that is reflected in your opinion?

14 A. What do you mean by authenticity or
15 inauthenticity?

16 Q. Do you have an understanding of what
17 authentic content online is?

18 A. Are we -- are we talking social
19 media or mainstream media?

20 Q. Social media.

21 A. Yeah, on social media there is a
22 term. And, again, I'm not a digital media
23 specialist, but it seems to be a term that is
24 used as to authentic social media versus
25 inauthentic, and with inauthentic being -- it's

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2 a little unclear to me exactly what is meant
3 but in some way rigged.

4 Q. And did you conduct any of that
5 analysis in connection with offering this
6 opinion?

7 A. I did not.

8 Q. Did you evaluate whether the
9 coverage of Ms. Lively was facilitated through
10 black hat methods?

11 A. In terms of social media?

12 Q. Yes.

13 A. I did not, no.

14 Q. Did you evaluate whether the
15 coverage of Ms. Lively on social media was
16 manipulated in any way?

17 A. Again, manipulated is a bit of a
18 loaded term, so I would have to know the
19 definition of that.

20 Q. I understand that there are multiple
21 definitions of manipulated, but using any
22 definition of manipulated, did you evaluate
23 whether the coverage of Ms. Lively, that is the
24 subject of your opinion, was manipulated?

25 MR. FRITZ: Objection.

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2 record, please.

3 THE VIDEOGRAPHER: We are off the
4 record. The time is 5:12 p.m.

5 (Off the record.)

6 THE VIDEOGRAPHER: We are back on
7 the record. The time is 5:20 p.m.

8 Q. Mr. Haggerty, if you could turn to
9 page 32 of your report. The last bullet point
10 you offered the opinion that, "Tools to measure
11 media and social media "sentiment" are
12 sometimes less effective during crises,
13 litigation, or other sensitive, dispute-related
14 public issues," and that "There is a need,
15 therefore, to drill down on the data,
16 particularly when attempting to discover causal
17 relationships", correct?

18 A. Correct.

19 Q. What experience do you have with
20 data analysis?

21 A. Well, I'm not an expert in data
22 analysis any more than an expert in digital
23 marketing or SEO, but in my business and in my
24 field have been on the receiving end of
25 sentiment reports and other data.

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2 Q. And so, your opinion is based on
3 your perspective of what exactly?

4 A. Of receiving media and social media
5 sentiment reports and seeing how sometimes they
6 are less effective dealing with a complex issue
7 as opposed to a brand. Your Coca-Cola can,
8 something like that.

9 Q. About how many sentiment reports
10 have you run over the course of the last year?

11 A. I wouldn't have any idea what the
12 number is. They are certainly not daily.

13 Q. And with respect to those sentiment
14 reports, more often than not, have you had to
15 engage in some type of recoding of the
16 sentiment analysis?

17 A. Not necessarily recoding, but diving
18 deep into a result to see exactly what is going
19 on because, you know, any dispute or crisis is
20 a negative event. And so, when there is public
21 attention to that negative event, it will
22 sometimes skew the way a traditional sentiment
23 report views things.

24 Q. And your opinion references the
25 sentiment reports in Ms. Lively's second

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2 amended complaint, correct?

3 A. That is correct, yes.

4 Q. You're not speaking more generally

5 as to online or media sentiment about

6 Ms. Lively during this time period, correct?

7 A. I guess I didn't understand the

8 question.

9 Q. Your opinion is limited to the

10 sentiment charts reflected in Ms. Lively's

11 complaint?

12 A. Correct.

13 Q. Are you offering an opinion that

14 these sentiment charts are inaccurate in any

15 way?

16 A. I'm offering the opinion that from

17 the second amended complaint, it was hard to

18 discern what it was evaluating or even what

19 service was used to do that. And in addition,

20 I'm making -- I'm expressing the opinion that

21 if you are going to understand a sentiment

22 analysis, you really need to dig deeper in the

23 context of a sensitive communication situation.

24 Q. And so, you could not fully

25 understand the sentiment analysis in the

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2 complaint because you didn't have the data,
3 correct?

4 A. I didn't know what the service was.
5 I didn't know -- I don't think I could discern
6 whether it was media or social media related
7 sentiment. I couldn't tell exactly what was
8 meant by negative because, again, a dispute is
9 inherently negative.

10 Q. And the same would be true to any
11 individual who picked up the complaint to read
12 it, correct?

13 MR. FRITZ: Objection.

14 A. I can only speak for myself.

15 Q. At the end of the day, the data
16 reflected in those sentiment graphs may well be
17 valid and correct?

18 MR. FRITZ: Objection.

19 A. I'm just -- I'm just thinking about
20 your question for a second. It is possible
21 with the caveat that in, my opinion, the way
22 that was presented in the second amended
23 complaint seemed to indicate there wasn't a
24 whole lot of thought put into it.

25 Q. What are you basing that caveat on?

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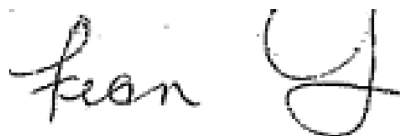
C E R T I F I C A T E

I, FRAN INSLEY, hereby certify that the Deposition of JAMES HAGGERTY was held before me on the 11th day of December, 2025; that said witness was duly sworn before the commencement of testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Deposition of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December, 2025.



FRAN INSLEY

Errata Sheet for Deposition Transcript of James Haggerty

Case: *Blake Lively v. Wayfarer Studios LLC et al.*, Case No. 24-cv-10049-LJL
 Witness: James Haggerty
 Date: December 11, 2025

Page	Line	Change	Reason
31	21	Change “Garafola” to “Garofalo”	Typographical
43	6	Change “Able” to “Abel”	Typographical
57	18	Change “1,100 hours” to “\$1,100/hour”	Typographical
88	8	Change “1909s” to “1990s”	Typographical
91	3	Change “1990” to “1993”	Clarification
133	13	Change “folds over” to “unfolds”	Typographical
226	6-7	Change “accurate narratives” to “inaccurate narratives”	Typographical
247	2	Change “of standard practice” to “is standard practice”	Typographical

I declare under penalty of perjury that the foregoing corrections are accurate to the best of my knowledge and belief.


 James Haggerty

 Dated