

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

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4
5 BLAKE LIVELY,

6 Plaintiff,

7 vs.

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

8
9 WAYFARER STUDIOS LLC, ET AL.

10 Defendants.

11 JENNIFER ABEL,

Third-party Plaintiff,

12 vs.

JONESWORKS, LLC,

Third-party Defendant.

13 WAYFARER STUDIOS LLC, et al.

14 Consolidated Plaintiffs,

15 vs.

BLAKE LIVELY, et al.

Consolidated Defendants.

16
17 **CONFIDENTIAL**

18 VIDEO-RECORDED DEPOSITION OF JEFFREY KINRICH

19 Los Angeles, California

20 Tuesday, November 25, 2025

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22
23
24 Stenographically Reported by: Ashley Soevyn,
CALIFORNIA CSR No. 12019

25 Pages 1 - 128

Page 1

1 MS. CONNOLLY: Objection. 10:42:57

2 THE WITNESS: Most of that discussion
3 occurred before my report. So are you asking me --
4 are you changing -- are you asking me what I did
5 after or what I did before or in total overarching? 10:43:06

6 BY MR. KALTGRAD:

7 Q Let's talk about before now.

8 A That the projection that I relied upon
9 was, but for the online manipulation, a reasonable
10 and most likely expected case for their Betty B 10:43:32
11 line.

12 Q How did you make that determination?

13 A Well, you've changed the question. I
14 will answer that, but that's a different question.

15 Q Let me back up. 10:43:54

16 Are you saying that -- well, did you --
17 did you form an opinion that it was a reasonable
18 expectation?

19 A I did.

20 Q How did you come to that opinion? 10:44:07

21 A I came to it by considering several
22 things. First, I -- if you will kick the tires with
23 the client. I talked to them about their basis for
24 their beliefs. That the projections were reasonable
25 at the time. I talked to them about their beliefs 10:44:28

1 that today with hindsight given what they know has 10:44:31
2 happened, but recognizing the online manipulation
3 occurred, that it still was a reasonable projection
4 at the time. In other words, nothing that's
5 happened since then, other than the online 10:44:42
6 manipulation, would change their views that that was
7 reasonable at the time and reasonable today.

8 I then asked them for justifications and
9 we talked through many items. I can't give you that
10 list today, but we talked through many of the items 10:45:03
11 that are in the various documents, the various
12 PowerPoints and board presentations. Some of the
13 glass half-full, glass half-empty documents. Not
14 some but those documents.

15 And looked at the things that were the 10:45:15
16 glass half-empty items in particular. Because those
17 are the negatives. And discussed whether any of
18 them would have reasonably caused them to believe
19 that their -- that those forecasts -- not cause them
20 to believe but would have caused those forecasts to 10:45:38
21 be unreasonable, or not the most reasonable
22 expectation but for the online manipulation.

23 I then looked at market conditions to see
24 whether there's anything in the market in general
25 that would have caused the results not to be 10:45:55

1 A I do. 11:28:45

2 Q Okay. I will represent that this Excel
3 spreadsheet that we were looking at was produced as
4 BL-39169, so I just want to confirm that that's what
5 you were referring to as the Blake Brown forecast. 11:28:52
6 That's the -- these are the -- that's what you're
7 referring to as the Blake Brown forecast; is that
8 correct?

9 A If the Bates numbers match, the answer is
10 yes. 11:29:03

11 Q Thank you. We're looking back at the
12 Blake Brown forecast, Exhibit 4. And you have a
13 printout in front of you as Exhibit 4A, the section
14 I'm looking at. But under the Target Revenue
15 Summary for Total Retail Revenue, do you see that? 11:29:17

16 A Not yet, but I'm sure you will help me
17 see it.

18 Q Sure. If you look down at your little
19 spreadsheet in front of you. It says Retail Revenue
20 and Target Revenue Summary is expanded there. 11:29:30

21 Do you see that? Sort of brown line in
22 the middle?

23 A I do see that.

24 Q Okay. And below that, it says Retail
25 Revenue? 11:29:38

1 that? 11:37:52

2 A I see that.

3 Q Do you know how the baseline productivity
4 levels were determined?

5 A I do not. 11:37:59

6 Q If we look at the next page under
7 Exhibit 4A. It's tab SP. And I'm looking at row
8 741. There's a row that says "Productivity Growth
9 Details."

10 Do you see that? 11:38:16

11 A I do.

12 Q And then underneath that 743, it says
13 "percent growth profile."

14 Do you see that?

15 A I do. 11:38:24

16 Q And then in rows 744 through 757 are the
17 various products listed.

18 Do you see that?

19 A I do.

20 Q Okay. And then scrolling over, we have 11:38:36
21 various projected growth percentages for each of the
22 contemplated Blake Brown products.

23 Do you see that?

24 A I do.

25 Q And those go from Q2 of 2024 through Q4 11:38:47

1 of 2028. 11:38:53

2 Do you see that?

3 A I do.

4 Q Now, some of the growth percentages are

5 quite significant. If you look, for example, at the 11:39:02

6 repair shampoo, there is a 30 percent growth in Q1

7 of 2025.

8 Do you see that?

9 MS. CONNOLLY: Objection.

10 THE WITNESS: I see that number. 11:39:15

11 BY MR. KALTGRAD:

12 Q Okay. Do you have an understanding for

13 how the assumptions for growth percentages were

14 determined?

15 A I do not. 11:39:22

16 Q So you just accepted these percentages

17 for purposes of your opinion, correct?

18 MS. CONNOLLY: Objection.

19 THE WITNESS: I did not accept the

20 percentages. I did not even deal with the 11:39:33

21 percentages. What I accepted was the overall

22 projection taken as a whole, not without concerning

23 myself with the individual details, that individual

24 details can be off. I -- I understand that. That's

25 always the case for any projection. 11:39:49

1 The question is, whether the overall 11:39:50
2 picture painted by the projection, recognizing the
3 details can go -- some details can be off high; some
4 details can be off low. Some things can change.
5 They will change. They absolutely will change. 11:40:05
6 Every projection will have differences between it
7 and actuals. The ultimate question is whether the
8 projection itself is a reasonable expectation of the
9 expected value.
10 BY MR. KALTGRAD: 11:40:16
11 Q Okay.
12 A And so I did not accept the -- any given
13 item as sacrosanct, but I accepted the overall
14 expectation taken as a whole as a reasonable
15 expectation. 11:40:29
16 Q Okay. But you understood that the
17 revenue projections reflected in these Blake Brown
18 forecasts incorporated these growth percentage
19 assumptions, correct?
20 MS. CONNOLLY: Objection. 11:40:39
21 THE WITNESS: That is one of the elements
22 used to arrive at the overall expectation.
23 MR. KALTGRAD: Can we get 21798? I'm
24 sorry, what number are we on?
25 THE STENOGRAPHIC REPORTER: Five. 11:41:13

1 Is it your understanding that -- let's 11:53:48
2 start with Betty B. Blake Lively would not be
3 entitled under the corporate documents to the value
4 of lost cash flows at any point?

5 MS. CONNOLLY: Objection. 11:54:07

6 THE WITNESS: That sounds like a legal
7 question. It's not within my expertise.

8 BY MR. KALTGRAD:

9 Q Okay. Well, do you have an understanding
10 that if the company distributed all of its profits 11:54:19
11 today, would Ms. Lively be entitled to the value of
12 lost cash flows? Do you have an opinion on that?

13 MS. CONNOLLY: Objection.

14 THE WITNESS: Are you distinguishing in
15 that question between cash flows and profits or are 11:54:33
16 you not intending to?

17 BY MR. KALTGRAD:

18 Q I am not intending to.

19 A If the company made distributions, she
20 would get her share. 11:54:44

21 Q What do you mean by "her share"?

22 A It would flow through various entities,
23 and she would ultimately benefit from her
24 shareholdings.

25 Q So is it your understanding that if she 11:54:59

1 has a certain interest in the company, that's the 11:55:01
2 amount of the lost profits or cash flows -- I am
3 using that interchangeably at this point -- that she
4 would receive if the company distributed those
5 profits? 11:55:14

6 MS. CONNOLLY: Objection.

7 THE WITNESS: Unless there is a subtlety
8 that I'm missing, the answer is yes.

9 BY MR. KALTGRAD:

10 Q Are you aware of whether the corporate 11:55:22
11 documents of Betty B describe how distributions are
12 made to shareholders?

13 MS. CONNOLLY: Objection.

14 THE WITNESS: I am not aware. I would
15 have to go look to answer that question. 11:55:30

16 BY MR. KALTGRAD:

17 Q Okay. Are you aware whether Blake Lively
18 has any direct ownership interest of Betty B
19 Holdings?

20 MS. CONNOLLY: Objection. 11:55:48

21 THE WITNESS: You mean as opposed to
22 through LOL HATA, for example?

23 BY MR. KALTGRAD:

24 Q Yes.

25 A My understanding is all of her businesses 11:56:00

1 "To calculate the free cash flow for 11:59:57
2 Blake Brown, you start with EBITDA
3 forecasts from 2024 through 2030
4 prepared by Deloitte Consulting LLP,
5 Deloitte, in July 2024 before the 12:00:07
6 online manipulation began."

7 Why did you use the date of 2024?

8 MS. CONNOLLY: Objection.

9 THE WITNESS: Because at the time, I
10 thought that's when they were prepared. I now 12:00:17
11 understand they were probably originally prepared in
12 2023. That was not apparent to me at the time. But
13 they were used by the company in 2024 and adopted by
14 the company as their projections in 2024. So my
15 statement was factually in error. But functionally 12:00:36
16 irrelevant because the company endorses them as of
17 2024. And actually endorses them as of today as to
18 what they believe would have been achievable as of
19 that time. So I apologize for the misstatement, but
20 it has no impact on my analysis. 12:00:56

21 BY MR. KALTGRAD:

22 Q No need to apologize. What do you mean
23 by the company endorsed them in 2024?

24 A By making the projection, by putting them
25 in their analysis in 2024, the company was stating, 12:01:08

1 and has stated to me through my discussions with the 12:01:11
2 company, that in 2024, that was their then good
3 faith belief based on their own analysis that they
4 had done in the intervening year since Deloitte had
5 prepared the original analysis, that those 12:01:29
6 projections were, in fact, reasonable and
7 achievable.

8 And that, in fact, now -- when I say now,
9 I mean a few weeks ago when I spoke to them -- with
10 hindsight they believe today, given everything they 12:01:51
11 know that just happened, had the online manipulation
12 not occurred, they were, in fact, still reasonable
13 and still believe that those were reasonable
14 projections, the most reasonable expectations that
15 could have been and would have been achieved but for 12:02:08
16 the online manipulation.

17 Q You said by putting them in their
18 analysis in 2024. What do you mean by that?

19 A By putting them in the documents, the
20 2024 documents that I cite to. These are 2024 12:02:22
21 documents, even though Deloitte's underlying
22 projection had been prepared a year earlier.

23 Q And you're referring to the PowerPoint
24 presentation that says July 2024 on there?

25 A Yes. 12:02:41

1 Q Okay. Your understanding is this 12:02:41
2 PowerPoint presentation was prepared in July of
3 2024?

4 MS. CONNOLLY: Objection.

5 THE WITNESS: I think so. But more 12:02:59
6 importantly, whenever it was prepared, the company
7 confirms that as of just before the online
8 manipulation, they believed both at the time and
9 with hindsight -- I know I said this before but I'm
10 just referring back to my prior statement -- that 12:03:18
11 those projections were reasonable for all the
12 reasons I said previously. I won't repeat myself.

13 BY MR. KALTGRAD:

14 Q When you say "the company confirms", are
15 you saying based on your conversations with Blake 12:03:30
16 Brown executives as part of your report?

17 A Yes.

18 Q That was a "yes"?

19 A Yes.

20 Q Do you know if any changes were made to 12:03:45
21 the Blake Brown forecast between July of 2023 and
22 any time in 2024?

23 A The only change, which I did not rely on,
24 was the update that they made on their own, which
25 was after the launch, they thought they would do 12:04:02

1 PowerPoint presentations? 12:44:38

2 MS. CONNOLLY: Objection.

3 THE WITNESS: I don't know. I don't
4 think about documents that way.

5 BY MR. KALTGRAD: 12:44:54

6 Q You don't recall seeing audited financial
7 statements for Family Hive, correct?

8 MS. CONNOLLY: Objection.

9 THE WITNESS: I don't remember audited
10 financials. Don't remember that they have an audit, 12:45:03
11 but I -- so I guess the answer is, I don't remember.

12 BY MR. KALTGRAD:

13 Q You also mentioned case documents. Do
14 you know what case documents you're referring to in
15 this footnote? 12:45:12

16 A That's just -- I used to speak English,
17 I'm sorry.

18 That is just a generic statement.
19 Meaning, just everything I've seen in the case. By
20 the way, this -- let me -- can I add something? 12:45:20

21 It's really a reference to a prior answer, but this
22 is probably as good a time as any to mention it.

23 When I was talking about the Deloitte
24 projection and the 2024 versus 2023 date confusion
25 because the documents stated one thing but the 12:45:38

1 underlying source documents another, I don't know if 12:45:40
2 I screwed up the referencing or whatever. I
3 understand that the document itself is from 2023,
4 even though it's dated 2024. What I tried to say
5 and may not have been as clear as I should have is 12:45:57
6 that the company -- I will use the word "endorsed,"
7 for lack of a better term -- that statement -- those
8 projections, as reasonable in 2024, as their view of
9 the world then. And then, in my discussions with
10 them, as I've already said many times on the record, 12:46:13
11 endorsed that as what they thought was the
12 reasonable base case in 2024 and today.

13 So I understand the date of the document
14 was earlier, but they incorporated that as their
15 view of the world in 2024, even though the document 12:46:33
16 was from a prior period. So I probably didn't say
17 that cleanly before. I just wanted to hopefully
18 make it clean now.

19 Q Okay. How do you know they incorporated
20 it in 2024? Is that based on your discussions you 12:46:45
21 had with them?

22 A Yes.

23 MS. CONNOLLY: Objection.

24 BY MR. KALTGRAD:

25 Q On page 23 of your report, the second 12:47:07

1 Q Okay. So I was reading: 12:50:55
2 (As read):
3 "I calculate the but-for value of
4 Blake Brown to be \$108.6 million as of
5 March 31, 2026." 12:51:02
6 You can see that?
7 A I do.
8 Q And you reference Exhibit 1 of your
9 report. So I'm going to turn to Exhibit 1. I think
10 the exhibits are before the appendices, if that's -- 12:51:40
11 A That clears up my current problem. Thank
12 you.
13 All right. I'm there.
14 Q All right. And I'm just looking --
15 excuse me -- at note number 1, which says: 12:52:03
16 (As read):
17 "Ms. Lively owns 100 percent of LOL
18 HATA, which owns 40 percent Family Hive
19 as of March 4, 2022. This analysis
20 assumes that Family Hive owns 12:52:15
21 100 percent of Blake Brown."
22 Do you see that?
23 A I do.
24 Q Do you know whether Ms. Lively still owns
25 100 percent of LOL HATA? 12:52:24

1 MS. CONNOLLY: Objection. 12:52:27

2 THE WITNESS: That's my assumption, and
3 that is what I believe to be true. I don't have
4 personal knowledge.

5 BY MR. KALTGRAD: 12:52:34

6 Q Do you know if that percentage has ever
7 changed?

8 MS. CONNOLLY: Objection.

9 THE WITNESS: The same answer.

10 BY MR. KALTGRAD: 12:52:39

11 Q Do you know if LOL HATA still owns
12 40 percent of Family Hive?

13 A That is my understanding and assumption.
14 I have no personal knowledge other than that is what
15 I'm informed. 12:52:49

16 Q And what is your understanding based on?

17 A That that's what I've been informed.

18 Q Were you informed by Family Hive?

19 MS. CONNOLLY: Objection.

20 THE WITNESS: I was informed by my staff, 12:52:57
21 who has inquired and received that information.

22 BY MR. KALTGRAD:

23 Q Do you know if that percentage has ever
24 changed?

25 A I don't know if it was something 12:53:14

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REPORTER'S CERTIFICATE

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

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

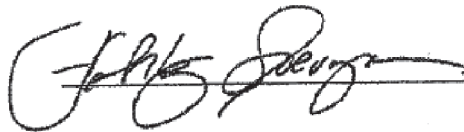
That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

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

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

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

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Dated this 26th day of November, 2025.



ASHLEY SOEVYN

CSR No. 12019