

Exhibit 11

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,

Plaintiff,

vs.

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

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

WAYFARER STUDIOS LLC, ET AL.,

Defendants.

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

WAYFARER STUDIOS LLC, et al.,

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.,

Consolidated Defendants.

****CONFIDENTIAL****

VIDEO-RECORDED DEPOSITION OF STEVE SAROWITZ

Los Angeles, California

Friday, October 3, 2025

Stenographically Reported by: Ashley Soevyn,

CALIFORNIA CSR No. 12019

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1 And if they changed during that time, it's fine,
2 just give me the full list.

3 A In 2024, the three directors were the
4 three of us that I mentioned already. In 2025, we
5 added on several more directors right before we shut
6 the foundation down. Andilib Khelghati, Daryn
7 Dodson, Shabnam -- and I'm going to mess up her last
8 name, it's a long Persian last name -- Nanabah,
9 Native American, and Sean Hinton.

10 Q Why were those -- when exactly were those
11 directors added?

12 A February.

13 Q And the -- I think the announcement that
14 the foundation was shutting down was in May; is that
15 right?

16 A Yes.

17 Q Did you know in February that you would
18 be shutting down the foundation?

19 A No.

20 Q When did you decide to shut down the
21 foundation?

22 A Shortly before we shut it down; shortly
23 before the announcement.

24 Q Why did you decide to shut down the
25 foundation?

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1 A A variety of reasons.

2 Q Can you please list them or explain them?

3 MS. GAROFALO: To the extent the response
4 includes any attorney-client communications or
5 advice, you're instructed not to answer. You may
6 otherwise answer.

7 THE WITNESS: The decision was made in
8 commune -- consultation with my attorneys.

9 BY MR. GOTTLIEB:

10 Q I understand that the decision may have
11 been made in consultation with your attorneys, and
12 I'm not going to ask you about any conversations
13 that you had with your attorneys about the
14 foundation or any other topic. But certainly, you
15 had views on whether or not to shut down the
16 foundation; is that right?

17 A Yes.

18 Q And you made a decision to do so,
19 correct?

20 A The board made the decision.

21 Q And did you vote in favor of that, I
22 assume resolution or proposal, as a member of the
23 board?

24 A Yes.

25 Q What was your reason for doing so?

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1 (As read) :

2 "David, I spoke with Bryan. We are
3 both on board with engaging your
4 services ASAP to do this"?

5 A Is that what you -- you're asking me to
6 look at the document?

7 Q Yes. In your email to Mr. Keyes and
8 Mr. Freedman, you say:

9 (As read) :

10 "David, I spoke with Bryan, and we are
11 both on board with engaging your
12 services ASAP to do this"?

13 A So are you asking me if we engaged his
14 services?

15 Q My question is, do you see where you've
16 said:

17 (As read) :

18 "David, I spoke with Bryan, and we are
19 both on board with engaging your
20 services ASAP to do this"?

21 A Yes.

22 Q And this is making Sage Steele's video go
23 viral. That's what you were proposing to do? We'll
24 get to whether it happened. That's what you were
25 proposing to do at this point in time?

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1 A Yes.

2 Q You and Mr. Freedman, at least as of
3 1:15:09 a.m. on January 2, were on board with the
4 notion of retaining David Keyes to make
5 Sage Steele's video go viral?

6 MS. GAROFALO: Objection.

7 MR. GOTTLIEB: You can answer the
8 question.

9 THE WITNESS: Yes.

10 BY MR. GOTTLIEB:

11 Q Okay. Now, I gather you are trying to
12 tell me that you did not, in fact, engage Mr. Keyes?

13 A Yes.

14 Q Okay. Why did you not engage Mr. Keyes?

15 A I don't recall.

16 Q Did you engage anyone else to help make
17 Sage Steele's video go viral?

18 A I have no knowledge of that.

19 Q You do not know?

20 A I don't know.

21 Q Okay.

22 Were you involved in conversations with
23 any other individuals -- sorry. Strike that.

24 It looks like if you look through the
25 rest of this email, you did, in fact, at some point,

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1 BY MR. GOTTLIEB:

2 Q That doesn't surprise you?

3 A No, it does not.

4 Q You're the financier of Wayfair Studios?

5 A Yes.

6 Q You're co-founder?

7 A Yes.

8 Q Is Wayfarer Studios an LLC?

9 A I believe so.

10 Q Who are the members?

11 A I don't recall.

12 Q Who are the shareholders?

13 MS. GAROFALO: Objection.

14 THE WITNESS: The major shareholders are
15 Justin and myself.

16 BY MR. GOTTLIEB:

17 Q Do you know what the -- oh, sorry. I
18 didn't mean to interrupt. Did you have something
19 else you wanted to say?

20 Okay.

21 Do you know what the ownership
22 percentages are as of -- let's start with today --
23 between you and Mr. Baldoni?

24 A Not exactly.

25 Q Do you have a rough estimate?

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1 that.

2 Q That is the second sentence in that first
3 bullet after --

4 A Oh, yes. I see it now.

5 Q Is that accurate? Does that accurately
6 reflect your conversation with Ms. Hunter-Hart?

7 A No.

8 Q Do you remember your precise conversation
9 with Ms. Hunter-Hart?

10 A No.

11 Q So then how do you know that this doesn't
12 accurately reflect it?

13 A That my general gist of what I would have
14 told her is the general gist of what I always say,
15 which is that I was protecting our studio. And I
16 think that the general gist of what I said is closer
17 to me spending the money, that \$100 million figure,
18 whatever the figure would be, in order to defend our
19 studio. So I don't -- I don't believe that's
20 accurate.

21 Q Do you believe that Ms. Hunter-Hart was
22 incorrect that you said to her that you might very
23 well have used that language?

24 A I believe that I could have used the
25 figure language, but not the ruining part. So that

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1 is where I think the issue is.

2 Q A little bit ago I was asking you
3 questions about a call that you had with David Keyes
4 four days before this email was sent. And you said
5 you couldn't recall virtually anything about that
6 conversation; is that right?

7 A Yes.

8 Q Are you saying now that you can recall
9 your specific conversation with Ms. Hunter-Hart?

10 A No.

11 Q Do you ever recall saying -- calling up
12 Ms. Hunter-Hart and saying, "I did not say to you
13 that I might very well have used this language.
14 You're wrong"?

15 A No.

16 Q Did you ever ask anyone, and I'm not
17 asking about conversations with your attorneys, but
18 Ms. Abel is copied on here. Did you ask Ms. Abel or
19 Ms. Nathan to call up this reporter from Forbes and
20 say, "that's not right. I didn't -- I didn't use
21 that language"?

22 A I believe based on what is here, we
23 corrected this to say that I was prepared to spend
24 whatever is necessary to defend Baldoni, Wayfarer
25 Studios, and myself. So that was corrected at that

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1 Q Never?

2 A Correct.

3 Q Even after litigation was commenced?

4 A Correct.

5 Q How do you define "negatively"?

6 MS. GAROFALO: Objection.

7 THE WITNESS: It's my testimony that the
8 sole intent was to use my money to promote the truth
9 about Baldoni and Wayfarer.

10 BY MR. GOTTLIEB:

11 Q So if I were to take out the word
12 "negatively" from this sentence, and ask you, did
13 you ever provide input and ideas on ways to
14 influence the narrative, and then I modify
15 "against," and have it be "about" -- let me -- let
16 me -- let me read it the way I'm modifying it, and
17 then I will ask you the question.

18 Did you ever provide input and ideas on
19 ways to influence the narrative about Ms. Lively and
20 her family?

21 MS. GAROFALO: Objection.

22 THE WITNESS: No.

23 BY MR. GOTTLIEB:

24 Q You never provided any ideas about ways
25 that the media narrative about Mr. Reynolds could be

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1 influenced at any time?

2 A I don't recall.

3 Q Do you want to spend a minute and think
4 about it?

5 A There was one time that I suggested that
6 we should point out, after Ms. Lively had said that
7 Ryan Reynolds rewrote a scene, that we should point
8 out that that was a scene written by a female
9 writer. That was the sole time I remember.

10 Q And why did you point that out?

11 A I don't recall.

12 Q What influence would it have in coverage
13 of the dispute to point out that it was a female
14 writer?

15 MS. GAROFALO: Objection.

16 THE WITNESS: I don't know.

17 MR. GOTTLIEB: Really?

18 MS. GAROFALO: Objection.

19 BY MR. GOTTLIEB:

20 Q That's really your testimony as you sit
21 here today? You can't -- you really don't know why
22 it would have mattered if there had been coverage
23 that followed the suggestion that you made?

24 MS. GAROFALO: Objection.

25 THE WITNESS: I don't know what the

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1 BY MR. GOTTLIEB:

2 Q Is there any correlation -- in other
3 words, there is a number that you see in green
4 across from affiliate assets under dollar growth;
5 it's in green. And then the bottom text is also in
6 green. Are those two -- is that text related to
7 that number?

8 A I don't know.

9 Q Okay.

10 A I didn't produce this. I mean, I didn't
11 create this.

12 Q Okay.

13 Do you know if you, in fact, transferred
14 \$18 million to Wayfarer Studios in 2024 for
15 operating costs?

16 A That sounds reasonable.

17 Q Do you know if you provided operating
18 costs in the form of a transfer to Wayfarer Studios
19 in 2023?

20 A I don't recall.

21 Q Do you know if you provided any in 2025?

22 A I don't recall.

23 Q Is that -- do you play that role
24 personally with respect to Wayfarer Studios? In
25 other words, if Wayfarer Studios needs capital, are

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1 you the source of funding or financing that would
2 provide that capital to Wayfarer Studios?

3 A Yes.

4 Q Okay.

5 As you sit here today, do you have any
6 idea of whether you have provided money in the form
7 of affiliate transfers to Wayfarer Studios for the
8 purpose of financing It Ends with Us?

9 A Yes.

10 Q Do you know the amount that you've
11 provided?

12 A Not the precise amount.

13 Q Do you have an estimate?

14 A Perhaps \$30 million.

15 Q Okay. And do you know when you
16 provided -- any idea when you might have provided
17 that financing or that money?

18 A Over the course of making the movie,
19 which spans several months.

20 Q Okay. Not all at one time; it happened
21 at different -- different points?

22 A Yes.

23 Q And do you know if it went to the
24 It Ends with Us LLC entity, or if it went -- by "it"
25 the money that you provided, it went to Wayfarer?

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1 A I'm not involved with the details of that
2 so I don't know exactly where the money would have
3 flowed.

4 Q Okay.

5 How would you become aware of the need to
6 provide additional capital or financing for purposes
7 of the movie?

8 A I didn't provide capital specifically for
9 the movie.

10 Q So the -- the 30 million estimate that
11 you were providing was money that was provided to
12 Wayfarer Studios that then Wayfarer Studios
13 allocated for purposes of the film?

14 A Yes.

15 Q Okay.

16 So how would you typically become aware
17 that there was a need for you to provide -- during
18 this period of time we're talking about, that there
19 was a need for you to provide capital to Wayfarer
20 Studios?

21 A Through our CFO.

22 Q Okay. So you would have a conversation
23 with the CFO of Wayfarer Studios?

24 A About?

25 Q If you were -- if there was a need for

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1 capital?

2 A Yes.

3 Q Okay. Who was the CFO of Wayfarer
4 Studios during this period of time?

5 A Brian Singer.

6 Q Okay. And so you would have a
7 conversation with Brian Singer who would tell you,
8 we have a need for some amount of additional money?

9 A Yes. He and/or Jamey Heath.

10 Q Okay. And then, I imagine that would be
11 memorialized in some kind of written request for
12 transfer. How does that work?

13 A I would fund the studio as needed.

14 Q Would there be documentation of that
15 funding?

16 A Yes.

17 Q Would you get a request for a wire
18 transfer or an invoice or something like -- like a
19 piece of paper or digital document that would
20 reflect a request was made on this date for this
21 amount and it was provided at this later date?

22 A Yes.

23 Q Okay.

24 MR. GOTTLIEB: You can put this one away
25 and we can go off AEO.

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1 A Can you be more specific?

2 Q Sure.

3 Did you do any media interviews in
4 conjunction with the release of It Ends with Us?
5 So, you know, the -- either the, let's call it, the
6 first couple of weeks of August 2024?

7 A Not specifically.

8 Q Did you do any media interviews that
9 occurred around that time?

10 A Yes.

11 Q And did you prepare for those interviews
12 with the assistance of any people in advance of your
13 interviews?

14 A Sorry. I'm not trying to hesitate, I'm
15 just trying to remember. Not -- not really.

16 Q Did you ever receive any kind of talking
17 points or briefing materials in advance of the media
18 interviews you were doing in the first two weeks of
19 August 2024?

20 A Not that I recall.

21 Q Did you ever discuss with Mr. Baldoni in
22 advance of doing the interviews that you did, what
23 might be asked and what you might say?

24 A Yes.

25 Q Okay. I will come back to that.

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1 defamed you?

2 MS. GAROFALO: Objection.

3 THE WITNESS: Privately or publicly?

4 BY MR. GOTTLIEB:

5 Q Are you aware of, as you sit here today,
6 of any way in which Ryan Reynolds has defamed you
7 personally, Steve Sarowitz? Again, not Wayfarer
8 Studios or your other co-plaintiffs?

9 A No.

10 Q How about Ms. Lively? Are you aware of
11 any occasion where Ms. Lively has defamed you
12 personally, as in Steve Sarowitz?

13 A Yes.

14 Q And what is that?

15 A And I don't -- I'm just asking this. I'm
16 not trying to cause any issues, but can I talk about
17 her deposition? Is that -- or is that something I
18 should not address in this and -- as part of my
19 answer?

20 Q If you believe that that -- so my
21 question is, if you're aware of when Ms. Lively has
22 defamed you?

23 A Yes.

24 Q So let me modify it to be, are you aware
25 of any public statement that Ms. Lively has ever

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1 made about you that you believe to be defamatory?

2 A Again, sorry. I'm just trying to get
3 clarification. I'm not trying to be difficult.
4 During the course of the complaint or as part of the
5 complaint, would that be considered -- since that
6 was public in The New York Times and Ms. Lively was
7 the source of that statement, would that -- would
8 that count?

9 Q That's for -- that's for you to tell me.

10 A Would that --

11 MS. GAROFALO: Why don't you answer the
12 question with what you believe she publicly said
13 through The New York Times.

14 THE WITNESS: Okay. Through The New York
15 Times in the course of the complaint, it was said
16 that I was on set for a scene where she was scantily
17 clad and that I was a non-essential person. While I
18 might have technically been non-essential, I did
19 invest \$30 million and paid for her salary, or at
20 least my share of it, as well as the other actors,
21 and I consider that to be essential. Ms. Lively
22 considers that not to be essential, she can send me
23 a check. I can give her an address or you could
24 give it to her. But beyond that, I was not on set
25 for that scene. And although I don't have direct

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1 knowledge of this since I was not on set for that
2 scene, I was told she was not scantily clad. She
3 repeated that in her deposition.

4 Also in her deposition, she repeated --
5 she took a piece of what I was quoted from, in a
6 recording where I was recorded without my knowledge,
7 and definitely against my will, there was a small
8 piece, and she took a small piece out of context and
9 said that I threatened to kill her and Ryan, which I
10 did not. I never have. The full recording, which
11 you have kept sealed, which I would like to keep
12 open so people can hear it, that -- she said
13 incorrectly, which went against her own amended
14 complaint, that I threatened to kill them. That's
15 what she said in her deposition. I consider that
16 defamation since it's patently false. I have never
17 made a threat against her and Ryan. And for her to
18 say that publicly, especially a serious threat, and
19 especially in light of the threats that have been
20 made against myself and my family, I find that to be
21 extremely defamatory.

22 The other thing she said that I believe
23 to be defamatory, is that -- and, again, I'm just
24 saying that I'm not 100 percent sure of the exact
25 details. You could look this up for yourself, and I

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1 might not be 100 percent right, is that I wanted to
2 ruin her and Ryan. It has never been my intention
3 to ruin anybody. It has always been my intention to
4 protect my company with truth and in a just way, but
5 never to ruin anybody else.

6 BY MR. GOTTLIEB:

7 Q Okay. There's a lot packed in there. So
8 I'm going to sideline the statements made during the
9 deposition because, of course, the deposition
10 occurred after you filed your amended complaint; is
11 that correct?

12 A Yes.

13 Q Okay. So I'm interested in when you
14 filed your amended complaint, you sued Ms. Lively
15 for defamation. I think I understand your testimony
16 to be that the basis for that was what was contained
17 in her CRD complaint and what was printed in The New
18 York times; is that correct?

19 MS. GAROFALO: Objection.

20 THE WITNESS: I would have to -- I would
21 have to get more details. Are you -- so if you
22 could give me a little bit more specifically. Are
23 you talking specifically how she defamed me
24 personally?

25

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1 looking at 940 and 943?

2 MR. GOTTLIEB: Yes.

3 MS. GAROFALO: Okay.

4 BY MR. GOTTLIEB:

5 Q So Mr. Sarowitz, you see on the first
6 page here, 34940, a text exchange between Mr. Heath
7 and Mitz Toskovic?

8 A Yes.

9 Q Did I pronounce Mitz Toskovic's name
10 correctly?

11 A Yes.

12 Q Thank you.

13 And this is a text exchange between the
14 two of them at -- starting at 1:17 p.m. on
15 February 26th, 2024. In particular, we're focused
16 on the attachment that is referenced in the third
17 text here from Ms. Toskovic at 2:30 p.m.

18 Do you see a reference to the handbook
19 that says, "Baha'i Inspired Company" on page 1?

20 MS. GAROFALO: He's looking at this one.

21 THE WITNESS: Yes.

22 BY MR. GOTTLIEB:

23 Q And then, do you see there's an
24 attachment there that references the Wayfarer
25 Studios Employee Handbook?

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1 A Yes.

2 Q And is the document that follows this
3 that begins on page 34943, to the best of your
4 knowledge, the Wayfarer Studios Employee Handbook?

5 A Yes.

6 Q And you're familiar with this document,
7 right? Your name is on the first cover page of this
8 at 34943?

9 A I'm not familiar with every detail. A
10 lot of times I will sign things as a high level.
11 I'm not involved in the day-to-day, but I'd be
12 familiar that there is the document.

13 Q Okay. You see on page 34943, the first
14 page of the document after the text, so the first
15 page of the attachment --

16 A Yes.

17 Q Do you see that on the page at the top it
18 says:

19 (As read) :

20 "So glad you've joined us."

21 And at the bottom, it's signed:

22 (As read) : ,

23 "Steve Sarowitz and Justin Baldoni,
24 co-chairmen"?

25 A Yes.

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1 Q Okay. And there is a -- there is
2 references here to this being the employee handbook,
3 right?

4 A Yes.

5 Q And do you have a recollection of signing
6 off on maybe not every word of this, but at some
7 point in time, signing off on an employee handbook
8 for Wayfarer Studios?

9 A I don't recall.

10 Q Do you have any recollection of ever
11 seeing this letter that your name is on here?

12 A I don't recall.

13 Q If you flip through the Table of Contents
14 on pages HEATH 34944 through HEATH 34945, have you
15 ever looked at this -- as you look through the Table
16 of Contents, have you ever looked through the
17 policies and procedures that are contained within
18 this handbook?

19 A No.

20 Q Okay.

21 Well, let's look through some of the
22 policies because I think they're quite commendable.
23 On page 4 of the document, which is HEATH 34946, do
24 you see a reference in the values to Wayfarer
25 Studios being a "Baha'i inspired organization"?

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1 anti-retaliation policies and procedures?

2 A I don't know.

3 Q No idea one way or the other?

4 A I don't -- yeah, I'm not -- I'm not aware
5 of the details. I'm a board member. I don't get
6 into the day-to-day operations.

7 Q All right. But at any time during
8 Paylocity's existence, are you aware of whether the
9 company provided any services with respects to
10 compliance in anti-discrimination, anti-harassment,
11 and anti-discrimination policy?

12 A I am not aware of that.

13 Q Okay.

14 Do you see here in this policy, a -- the
15 second paragraph begins with:

16 (As read) :

17 "Wayfarer Studios is committed to
18 providing a workplace that is free from
19 discrimination, harassment, and
20 retaliation. Wayfarer Studios strictly
21 prohibits discrimination, harassment,
22 or retaliation against employees,
23 applicants, or any other covered
24 person."

25 And then, there's a long paragraph after

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1 that.

2 Do you see where I am?

3 A Yes.

4 Q Have you ever looked at this policy
5 before?

6 A No.

7 Q Have you ever received any training on
8 this policy?

9 A No.

10 Q Have you ever seen a policy like this in
11 any of your work settings?

12 A Yes.

13 Q Does this appear to be a fairly standard
14 or common anti-discrimination, anti-harassment, and
15 anti-retaliation policy?

16 MS. GAROFALO: Objection.

17 THE WITNESS: I'm not an expert on that,
18 but yes.

19 BY MR. GOTTLIEB:

20 Q Do you see in the middle of that
21 paragraph, there is a reference to:

22 (As read) :

23 "Prohibiting discrimination relating to
24 marital status, sex, including
25 pregnancy, childbirth, breastfeeding,

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1 or other medical conditions related to
2 breastfeeding, and medical conditions
3 related to pregnancy or childbirth"?

4 A Yes.

5 Q Do you agree that's part of the policy
6 for Wayfarer Studios?

7 A Yes.

8 Q Any more or less important than any other
9 part of the paragraph that you see here?

10 A I don't really know how to answer that,
11 but it's part of the policy.

12 Q Okay.

13 Do you see a reference to height and
14 weight in this paragraph, under "covered person"?

15 A Yes.

16 Q Do you see a reference to gender?

17 A Thank God we don't discriminate on
18 height. I would have a problem.

19 Q Fair enough, sir.

20 Do you see a reference -- I kind of
21 skipped ahead of it a little bit. But after the
22 marital status, sex sentence, do you see the
23 reference to gender and gender expression?

24 A Yes.

25 Q Another one relating to gender identity?

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1 A Yes.

2 Q Okay. And there is a number of other
3 protected characteristics within this paragraph,
4 right?

5 A Yes.

6 Q And you see:

7 (As read) :

8 "Wayfarer Studios also prohibits and
9 does not tolerate unlawful
10 discrimination, harassment, or
11 retaliation against employees and
12 covered persons who are perceived to
13 have any of these protected
14 characteristics."

15 Do you see that?

16 A Yes.

17 Q Do you understand what that means?

18 A Yes.

19 Q Do you see the next sentence says:

20 (As read) :

21 "All, underlined, Wayfarer Studio
22 employees, officers, principals,
23 agents, workers, and representatives
24 are prohibited from engaging in
25 unlawful discrimination, harassment,

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1 and/or retaliation."

2 Do you see that?

3 A Yes.

4 Q That applies to you?

5 A Yes.

6 Q That applies to Mr. Baldoni?

7 A Yes.

8 Q That applies to Mr. Heath?

9 A Yes.

10 Q Do you see the anti-harassment section,
11 sir?

12 A Yes.

13 Q Do you see the first sentence says:

14 (As read) :

15 "Prohibited harassment is not just
16 sexual harassment, but harassment based
17 on any protected characteristic."

18 Do you see that?

19 A Yes.

20 Q Do you understand what that means?

21 A That's a -- can you rephrase that,
22 please?

23 Q Do you understand what that sentence
24 means?

25 A Yes.

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1 Q Do you see the last sentence in that
2 paragraph before we carry over to the next page
3 says:

4 (As read) :

5 "Harassment may be verbal, written, or
6 physical conduct that denigrates or
7 shows hostility or aversion towards an
8 individual based on any protected
9 characteristic, including being
10 perceived to have any of these
11 protected characteristics."

12 And then, it goes on:

13 (As read) :

14 "That has the purpose or effect of
15 creating an intimidating, hostile, or
16 offensive work environment, has the
17 purpose or effect of unreasonably
18 interfering with an individual's work
19 performance, or otherwise adversely
20 affects an individual's employment
21 opportunities."

22 Do you see that?

23 A Yes.

24 Q This is Wayfarer Studios' official policy
25 of what constitutes and what can constitute sexual

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1 harassment, correct?

2 A No. This is harassment. I don't see
3 sexual harassment.

4 Q "Of any kind of harassment."

5 A Yeah, there's two different things. So I
6 think my answer would have to be no unless you want
7 to rephrase the question.

8 Q This is Wayfarer Studios' official
9 definition of conduct that can constitute
10 harassment?

11 A Yes.

12 Q Okay.

13 So harassment can be something that has
14 the purpose or effect of creating an intimidating,
15 hostile, or offensive work environment, right?

16 MS. GAROFALO: Objection.

17 THE WITNESS: To the best of my
18 knowledge.

19 BY MR. GOTTLIEB:

20 Q And it can be something that has the
21 purpose or effect of unreasonably interfering with
22 an individual's work performance, right?

23 MS. GAROFALO: Objection.

24 MR. GOTTLIEB: To the best of my
25 knowledge.

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1 BY MR. GOTTLIEB:

2 Q And someone can be harassed by having
3 their employment opportunities adversely affected?

4 MS. GAROFALO: Objection.

5 THE WITNESS: To the best of my
6 knowledge.

7 BY MR. GOTTLIEB:

8 Q Do you agree that sexual harassment
9 includes harassment that is not necessarily sexual
10 in nature?

11 MS. GAROFALO: Objection.

12 THE WITNESS: No.

13 BY MR. GOTTLIEB:

14 Q Do you understand your policy says that?

15 A Can you show me where?

16 Q On HEATH 34948. It's in the first full
17 paragraph:

18 (As read) :

19 "Like other forms of harassment, sexual
20 harassment is strictly prohibited.
21 Sexual harassment includes harassment
22 that is not necessarily sexual in
23 nature."

24 A Hang on, let's -- okay. Can you give me
25 a second to read through it?

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1 Q Sure.

2 A Okay. Can you reask the question?

3 Q Do you understand that sexual harassment
4 includes harassment that is not necessarily sexual
5 in nature?

6 MS. GAROFALO: Objection.

7 THE WITNESS: I'm not an expert on that,
8 but that's what the policy says.

9 BY MR. GOTTLIEB:

10 Q That is the Wayfarer Studios' policy that
11 applies to you, Mr. Baldoni, and Mr. Heath, right?

12 MS. GAROFALO: Objection.

13 THE WITNESS: That is in our -- our
14 handbook. And then, it goes on to say --

15 BY MR. GOTTLIEB:

16 Q A lot more, right?

17 A Yeah. Unwelcome sexual advantages,
18 requests for sexual favors, and other. So verbal or
19 physical contact of a sexual nature.

20 Q Okay.

21 A So those kinds of things.

22 Q Do you see the second paragraph --

23 A Sorry. So if I can read through?

24 Q Yeah, go ahead. I apologize.

25 A There's some specificity in here about

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1 what would -- it's not just anything that anyone
2 says. But things like, for example, unwelcome
3 sexual advances, requests for sexual favors. Some
4 very specific things.

5 Q Sure.

6 A Not just anything anyone would term. So
7 I don't want to broadly say that anything that
8 anyone perceives to be sexual harassment would
9 actually be sexual harassment. But, rather, things
10 as in here, a condition of an individual's
11 employment.

12 So in other words, that if someone were
13 to be asked for sexual favors or if someone were to
14 say, like -- like is very typical in Hollywood, that
15 would be definitely sexual harassment.

16 Q Fair enough, Mr. Sarowitz.

17 If I worked for you, and I wanted to
18 understand what's our sexual harassment policy, I
19 imagine you would tell me, take a look at this
20 document, right?

21 MS. GAROFALO: Objection.

22 THE WITNESS: I wouldn't be -- I wouldn't
23 be the one answering that question.

24 BY MR. GOTTLIEB:

25 Q If you were?

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1 MS. GAROFALO: Objection.

2 THE WITNESS: But I wouldn't be, so it's
3 conjecture.

4 BY MR. GOTTLIEB:

5 Q Is it fair to say that if I wanted to
6 understand what Wayfarer Studios' sexual harassment
7 policy was, that this is the place I would look?
8 This document is the place I would look to
9 understand that policy?

10 MS. GAROFALO: Objection.

11 THE WITNESS: I'm not 100 percent sure
12 how it would be handled since I don't handle the
13 day-to-day operations.

14 BY MR. GOTTLIEB:

15 Q Do you understand that Wayfarer Studios'
16 policy, explains that:

17 (As read) :

18 "Sexual harassment may include a range
19 of subtle and not so subtle behaviors
20 and may involve individuals of the same
21 or different gender"?

22 MS. GAROFALO: Objection.

23 THE WITNESS: That's from our policy,
24 correct? That's a piece of our policy?

25

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1 BY MR. GOTTLIEB:

2 Q And you see there's, in that same
3 paragraph, a discussion of different circumstances
4 and behaviors that could be considered sexual
5 harassment depending on the context?

6 A Right. Such as unwelcome sexual
7 advances, requests for sexual favors, or making
8 sexual favors a condition of -- the things that are
9 here.

10 Q Okay.

11 A I would definitely agree that would be
12 part of our policy.

13 Q You see the paragraphs -- there is two
14 paragraphs under the heading, "Individual and
15 Conduct Covered"?

16 A Okay. That's in the middle, correct?

17 Q Yes, sir.

18 A Yes.

19 Q Okay. Do you see how that policy
20 encourages individuals who believe they are being
21 subjected to improper conduct, or such conduct:

22 (As read) :

23 "Promptly advise the offender that his
24 or her behavior is unwelcome and
25 request that it be discontinued"?

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1 A Yes.

2 Q Are you aware of whether anyone on the
3 set of It Ends with Us advised Mr. Baldoni that his
4 behavior was unwelcome?

5 A That's too broad a topic. Can you -- can
6 you say specifically, more specifically what?

7 Q Do you know if at any time during the
8 filming of It Ends with Us, anyone advised
9 Mr. Baldoni that he had engaged in behavior that was
10 unwelcome?

11 A I just can't. It's too broad.

12 Q You don't know?

13 A I wasn't there. I don't -- I don't have
14 any firsthand -- as you said before about the other
15 things, I don't have first knowledge -- firsthand
16 knowledge. I wasn't there.

17 Q Do you have any information at all, were
18 you ever told, that anyone told Mr. Baldoni that he
19 had engaged in conduct that was unwelcome and a
20 request that it be discontinued?

21 MS. GAROFALO: Objection. To the extent
22 it calls for information you learned from lawyers,
23 in which case you are instructed not to answer.

24 You may otherwise answer.

25 THE WITNESS: Attorney privilege.

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1 It Ends with Us?

2 A I don't recall.

3 Q Was there ever a time, again, prior to
4 this litigation, where you learned that someone on
5 the set raised concerns that Mr. Baldoni's behavior
6 was inappropriate during filming?

7 A I am not aware of any HR complaints that
8 were raised or any SAG complaints that were raised
9 by his behavior.

10 Q Well, that's an interesting way of
11 distinguishing the question, because that's
12 precisely how your PR people talked about it to the
13 press. So my question to you, sir, was not about HR
14 complaints or SAG complaints.

15 A Okay. So --

16 Q My question to you was whether -- and I
17 will reread it, if I can find it.

18 My question was whether you ever became
19 aware prior to this litigation of anyone on the set
20 raising concerns that Mr. Baldoni's behavior during
21 filming was inappropriate?

22 A I don't recall.

23 Q Do you see if -- is it fair to say that
24 under the Wayfarer Studios' policy, the thing you
25 want your employees to do when they feel like they

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1 have experienced this type of prohibited behavior,
2 is promptly advise the offender that his or her
3 behavior is unwelcome, and request that it be
4 discontinued?

5 MS. GAROFALO: Objection.

6 You can answer.

7 THE WITNESS: Yes.

8 BY MR. GOTTLIEB:

9 Q And what is supposed to happen when an
10 individual follows that policy to the letter?

11 MS. GAROFALO: Objection.

12 THE WITNESS: Although I am not
13 responsible for this because I'm not the one
14 actually implementing this, the behavior should
15 stop. That would not be my individual
16 responsibility as an individual.

17 BY MR. GOTTLIEB:

18 Q But the reason the policy is written this
19 way is because the hope is by promptly reporting it
20 and asking for that behavior to be discontinued,
21 whoever's doing it will stop, right?

22 MS. GAROFALO: Objection.

23 THE WITNESS: I would not be personally
24 involved, but that would be the hope.

25

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1 BY MR. GOTTLIEB:

2 Q That's your understanding of the purpose
3 of this policy, right?

4 A Yes.

5 Q And the next section under "Supervisor
6 and Manager Responsibility" states:

7 (As read) :

8 "If any supervisor or manager becomes
9 aware of a violation of this policy,
10 they are obligated to report the
11 violation to human resources/management
12 so Wayfarer Studios can investigate,
13 and if appropriate, take corrective
14 action."

15 Do you see that?

16 A Where's that at?

17 Q In the section entitled "Supervisor and
18 Manager Responsibilities."

19 A Okay. Yes.

20 Q Did you supervise or manage any people at
21 Wayfarer Studios during the filming of
22 It Ends with Us?

23 A No.

24 Q Did Mr. Heath?

25 A Yes.

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1 Q Did Mr. Baldoni?

2 A Yes.

3 Q So if Mr. Heath or Mr. Baldoni became
4 aware of a violation of policy, they were obligated
5 to report the violation under the terms of it; is
6 that correct?

7 A I am not aware of what was or wasn't
8 done, so I would say, I don't know what they did.

9 Q I'm just asking you about what the policy
10 requires. I mean, you understand that the
11 obligation to report a violation that arises for
12 supervisors and managers is triggered any time a
13 supervisor or manager becomes aware of a violation.
14 That's what this policy says, right?

15 MS. GAROFALO: Objection.

16 THE WITNESS: Yes.

17 BY MR. GOTTLIEB:

18 Q And that's a good policy to have, right?

19 MS. GAROFALO: Objection.

20 THE WITNESS: I think so.

21 BY MR. GOTTLIEB:

22 Q You don't want to force a low-level
23 employee in an organization to have to invoke a
24 formal process if a number of supervisors and
25 managers already know what is going on, right?

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1 MS. GAROFALO: Objection.

2 THE WITNESS: So you're talking about a
3 power imbalance, like --

4 (Cross talk.)

5 BY MR. GOTTLIEB:

6 Q I'm just talking about the reason you
7 have a policy like this.

8 A I know. Can I -- can I --

9 Q Sure.

10 A -- finish the question to you? So I just
11 want to make sure I understand.

12 So you're saying like a low-level
13 employee, someone without any power who would not be
14 able to get their way, being victimized by
15 harassment or something similar; is that what you're
16 saying --

17 Q That's one example.

18 A -- of a low level employee? Just so I
19 can understand what you mean by low-level employee.

20 Q Let's strike my reference to a low-level
21 employee.

22 A Okay.

23 Q Do you agree that it's a good policy to
24 have that if a supervisor or manager becomes aware
25 of a violation of the policy, they're obligated to

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1 report it?

2 MS. GAROFALO: Objection.

3 THE WITNESS: To the best of my
4 knowledge, yes.

5 BY MR. GOTTLIEB:

6 Q Okay. That promotes accountability,
7 right?

8 MS. GAROFALO: Objection.

9 THE WITNESS: To the best of my
10 knowledge, yes.

11 BY MR. GOTTLIEB:

12 Q Do you see on the next page there's a
13 section called "Investigation"?

14 A Uh-huh.

15 Q Do you see how it states:

16 (As read):

17 "Any reported allegations of
18 harassment, discrimination, or
19 retaliation, will be promptly and
20 thoroughly investigated by qualified
21 personnel in an impartial manner"?

22 A Uh-huh.

23 Q Do you see how it then includes --
24 Sorry, is that a yes?

25 A Yes.

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1 Q Do you see how it says:

2 (As read):

3 "Wayfarer Studios will ensure that
4 these personnel will use the evidence
5 to reach reasonable conclusions"?

6 A Yes.

7 Q You are now aware as you sit here today,
8 that complaints were raised about Mr. Baldoni's
9 conduct on the set of It Ends with Us, correct?

10 MS. GAROFALO: Objection, to the --
11 objection, to the extent it calls for
12 attorney-client communications. You are not -- you
13 are instructed not to respond with anything you
14 learned strictly through attorney-client
15 communications. If you have any independent
16 knowledge, you may respond.

17 THE WITNESS: Sorry. I'm going through
18 this in my head. I'm not trying to delay. I'm --
19 because this case has been going on, this has mainly
20 been discussed with my attorneys, so I really
21 couldn't tell you where my independent knowledge
22 begins, and my -- I think it's safer that I don't
23 say anything.

24 BY MR. GOTTLIEB:

25 Q Well, Mr. Sarowitz, notwithstanding the

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1 best efforts of your attorney here, you sat through
2 Ms. Lively's deposition, correct?

3 A Yes.

4 Q You sat through all of it, from start to
5 finish, right?

6 A Yes.

7 Q And you heard Ms. Lively testify that she
8 had made complaints to Mr. Baldoni during the
9 filming of It Ends with Us; is that right?

10 A I don't recall.

11 Q And you know, I assume from reading the
12 complaint in this case and from listening to that
13 testimony and others, that at one point in time, Ms.
14 Lively's legal team sent a list of 17 protections
15 that were demanded for the return to production in
16 November of 2023; you know that, right?

17 MS. GAROFALO: Again, objection to the
18 extent you having information gleaned from
19 communications with attorneys. If you knew that
20 contemporaneously or other independent knowledge,
21 you may answer.

22 THE WITNESS: Yes. I'm aware of the
23 list.

24 BY MR. GOTTLIEB:

25 Q In fact, you learned about that long

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1 before Ms. Garofalo was your lawyer, right?

2 A Yes.

3 Q You learned about that completely
4 independently of anything that could fall within an
5 attorney-client privilege because you learned about
6 it in 2023, right?

7 MS. GAROFALO: Objection.

8 THE WITNESS: Not completely
9 independently.

10 BY MR. GOTTLIEB:

11 Q You knew in 2023 that Ms. Lively's legal
12 team had sent a list of protections for return to
13 production, and you talked about it with
14 Mr. Baldoni, didn't you?

15 A I'm trying to answer this honestly, so
16 give me a second to describe what I think of that
17 list. I believe that in -- Ms. Lively sent a list
18 of things that she insinuated we did, which we never
19 did. And that forced us basically, after millions
20 of dollars were invested to the movie, to sign a
21 list of things that we would do no more, that were
22 never done as a ploy to take over the movie, which
23 she eventually did.

24 So yes, I believe that Ms. Lively did
25 send a list of demands for her to return to work,

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1 and we did sign the list, but when we signed it, we
2 signed it with the understanding that we did not
3 agree that we had actually done those things.

4 Q What did you do, since you're stating
5 with some amount of conviction that the actions
6 described in that list did not occur and were, as
7 you just said, a ploy, what did you do to satisfy
8 yourself that what you just said is factual?

9 MS. GAROFALO: Objection.

10 BY MR. GOTTLIEB:

11 Q How did you satisfy yourself that those
12 behaviors or activities or compliance, or whatever
13 you would like to call them, did not occur?

14 A As I have stated previously, the two main
15 things that she said about me are complete or
16 partial lies. That's is my direct experience. She
17 accused me of being in a scene -- at a scene, which
18 I was not at. She said she was scantily clad. An
19 actor who was on the set with her, testified she was
20 not -- publically testified she was not scantily
21 clad. And then, throughout the course of this case,
22 the evidence has come out that much of what she said
23 was not true, or partially true, or twisted, to make
24 it seem worse.

25 For example, she said that Justin said

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1 she smelled good. And the evidence was very clear,
2 because we had it on tape, she asked Justin, "does
3 my spray tan" -- she said, "my spray tan smells
4 bad," and Justin says, "No, it smells good." So
5 very different than how she portrayed it. There
6 were several other instances like that where the
7 actual evidence from text messages, et cetera,
8 debunked her claims.

9 Q You were describing your understanding of
10 evidence as this case has developed. You see in the
11 paragraph labeled "Investigation," in the bottom of,
12 or the top of page 34949, that:

13 (As read) :

14 "Any reported allegations of
15 harassment, discrimination, or
16 retaliation will be promptly and
17 thoroughly investigated by qualified
18 personnel in an impartial manner.
19 Wayfarer Studios will ensure that these
20 personnel will use the evidence to
21 reach reasonable conclusions."

22 Do you see that?

23 A Yes.

24 Q And do you see the policy also states:

25 (As read) :

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1 "Wayfarer Studios will maintain
2 appropriate documentation and tracking
3 to ensure that reasonable progress is
4 made"?

5 A Yes.

6 Q Did that happen with respect to what
7 occurred on set in It Ends with Us?

8 MS. GAROFALO: Objection.

9 THE WITNESS: The two ways that a formal
10 complaint would -- I'm not aware of -- of any formal
11 complaints of any -- any formal reports of any
12 allegations being made either to, as I mentioned
13 before, either to SAG or to HR.

14 BY MR. GOTTLIEB:

15 Q So your answer is, you're not aware of
16 any investigation of this type referenced on the
17 document with the Bates No. 34949 taking place?

18 A I am not aware of any reported
19 allegations.

20 Q What's a "formal report"?

21 A Typically in -- again, I'm not an expert
22 on this. I don't manage sets. But what I've been
23 told and what I've learned through the course of
24 this case, is that the two options, if there was a
25 --

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1 MS. GAROFALO: Okay. Objection, to the
2 extent that you learned anything from
3 attorney-client communications --

4 THE WITNESS: Okay. Sorry.

5 MS. GAROFALO: -- and you are instructed
6 not to answer --

7 THE WITNESS: Okay. Sorry. I will not
8 answer.

9 MS. GAROFALO: -- and move to strike.
10 BY MR. GOTTLIEB:

11 Q So you don't know anything other than
12 what you've learned from your attorneys in this
13 case?

14 A Correct.

15 Q Do you see anywhere in the paragraph
16 labeled "Investigation," a requirement that for an
17 investigation to take place, a formal HR complaint
18 must be filed with a particular person or in a
19 particular form?

20 A Can I get a little time to read through
21 it?

22 Q It's just one paragraph, but sure.

23 A It still takes some time.

24 Okay. Can you repeat the question?

25 Q Do you see anywhere in the paragraph

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1 labeled "Investigation," any requirement that for an
2 investigation to take place, a formal HR complaint
3 must be filed?

4 A I see the first three words, "any
5 reported allegations."

6 Q "Any" meaning, any, right?

7 A Reported.

8 Q Okay.

9 And do you also see the prior page in the
10 section we were just looking at, the "Supervisor and
11 Manager Responsibilities"? Do you see:

12 (As read) :

13 "In a circumstance where a supervisor
14 or manager is aware of a violation of
15 the policy, they're obligated to report
16 it to HR," right?

17 A Yes.

18 Q And so the responsibility to report is
19 not on the individual who has been the subject of
20 the conduct, right, under this policy?

21 MS. GAROFALO: Objection.

22 THE WITNESS: Well, it doesn't mean it's
23 not their responsibility, but it would also be on
24 their manager.

25

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1 BY MR. GOTTLIEB:

2 Q It would also be on the management?

3 A Yeah.

4 Q Okay.

5 A It would be -- I would -- typically, from
6 my experience, the individual would be more likely
7 to report it.

8 Q And do you agree, sticking on that same
9 page, 34948, that if you wanted to understand what
10 types of conduct sexual harassment could include,
11 you could read this paragraph that says:

12 (As read) :

13 "Sexual harassment may include a range
14 of subtle and not so subtle behaviors
15 that may involve individuals of the
16 same or different gender."

17 And then, a second sentence that begins
18 with:

19 (As read) :

20 "Depending on the circumstances."

21 And then, there is a long list of
22 behaviors.

23 Do you see that?

24 A (As read) :

25 "Sexual advances or requests for sexual

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1 favors, verbal abuse of a sexual
2 nature, commentary about an
3 individual's body, sexual prowess, or
4 sexual deficiencies."

5 Yes.

6 Q Also:

7 (As read) :

8 "Sexual jokes and innuendo, leering,
9 whistling, or touching, insulting or
10 obscene comments or gestures, display
11 in the workplace of sexually suggestive
12 objects or pictures, and other
13 physical, verbal, or visual conduct of
14 a sexual nature."

15 Is that a good description of what can
16 constitute sexual harassment under Wayfarer's
17 policy?

18 A That's what the policy says.

19 Q Do you have any knowledge of whether any
20 conduct of that type occurred on the set of
21 It Ends with Us?

22 A I have no knowledge of any of that.

23 Q Okay. You don't know one way or the
24 other?

25 A I have no knowledge of any of that ever

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1 THE WITNESS: Okay. Yeah. So I want him
2 to clarify.

3 BY MR. GOTTLIEB:

4 Q That's fair. Let me ask the question
5 this way.

6 Is it the Wayfarer Studios' policy, that
7 if an employee believes they have been subject to
8 misconduct under this policy, they may file a
9 complaint with the appropriate agency? The
10 appropriate agencies being, the California
11 Department of Fair Employment and Housing or the
12 Federal Equal Employment Opportunity Commission?

13 MS. GAROFALO: Is there a question?

14 BY MR. GOTTLIEB:

15 Q Is that Wayfarer Studios' policy?

16 A Can you --

17 MS. GAROFALO: Objection.

18 THE WITNESS: And could you repeat it
19 again, please?

20 BY MR. GOTTLIEB:

21 Q Is it the Wayfarer Studios' policy that
22 if an employee believes they have been subject to
23 misconduct under this policy, they may file a
24 complaint with the appropriate agency? And then the
25 two agencies listed are, the California Department

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1 of Fair Housing and Employment -- Fair Employment
2 and Housing, and the Federal Equal Employment
3 Opportunity Commission.

4 A I would not agree with it as stated.

5 Q How would you state it?

6 A If the complaint -- if the employee had
7 an actual complaint and that complaint was not
8 resolved. You didn't put that part in. If you
9 would add that part in, that the complaint was not
10 resolved, then I would agree with it.

11 Q Okay. So if an employee or covered
12 person believes their complaint is not resolved, and
13 they believe they have been subject to misconduct
14 under the policy, then they may file a complaint
15 with the appropriate agency?

16 A Yes.

17 Q Are you aware that Ms. Lively believed
18 her complaints were not resolved?

19 A I -- I am not aware of what Ms. Lively
20 did or did not believe.

21 Q Okay. Are you aware that Ms. Lively's
22 complaint filed with the CRD described complaints
23 that were not resolved?

24 A Yes.

25 Q Complaints that had been made to

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1 Mr. Baldoni?

2 A I am not aware of any complaints that
3 were not resolved.

4 Q Complaints describing unwelcome behavior?

5 A I am not aware of any complaints that
6 were not resolved.

7 Q Okay.

8 A And can I answer a little bit more?

9 Q Sure.

10 A I believe that after there were -- there
11 are no further complaints after the 17 points, so
12 even after very early on in filming I was not aware
13 of any complaints, and I'm not aware of any written
14 complaints, any HR complaints. I'm not aware of any
15 unresolved complaints.

16 Q Okay. Are you --

17 A I know that there was insinuated, but I
18 am not aware of any unresolved complaints.

19 Q Are you aware of any investigation that
20 took place into any conduct that took place on the
21 set of It Ends with Us prior to this litigation?

22 A I am not aware of any complaints that
23 necessitated an investigation prior to this
24 investigation.

25 Q So the answer to my question is, no,

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1 you're not aware of any investigations that took
2 place with respect to any conduct that occurred or
3 was alleged to have occurred on the set of
4 It Ends with Us prior to this litigation?

5 A I am not aware of any complaints that
6 would necessitate a -- an investigation.

7 Q You're going to have to answer my
8 question.

9 A I did. I said I'm not aware of any
10 complaints that necessitated an investigation;
11 therefore, I'm not aware of any investigation.

12 Q The second part was the first time you
13 answered that in three tries. Let's move on.

14 MR. GOTTLIEB: What was the tab 4? Do we
15 need a break? The tape is out.

16 THE VIDEOGRAPHER: We are going off the
17 record. The time is 3:14 p.m.

18 (Recess.)

19 THE VIDEOGRAPHER: We're back on the
20 record. The time is 3:36 p.m.

21 BY MR. GOTTLIEB:

22 Q Mr. Sarowitz, before the break we were
23 looking at the document marked as Exhibit 7, which
24 is the handbook. And the last thing I wanted to
25 look at before we leave this document is on the same

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1 did end up taking over the editing, the marketing.
2 She ended up getting a producer credit. She ended
3 up taking Justin out of the premiere.

4 All of these things occurred with -- as a
5 partial result of us signing this. So it was a way
6 to essentially extort our own production.

7 Q Did any of those things occur in November
8 of 2023?

9 MS. GAROFALO: Objection.

10 THE WITNESS: Again, that's a very vague
11 question. Could you be more specific?

12 BY MR. GOTTLIEB:

13 Q Did any of the long list of items that
14 you just listed that Ms. Lively was trying to
15 accomplish with this list, did any of them occur
16 contemporaneously with the discussion around the
17 17-point list?

18 A I was not there to see exactly what she
19 did and when, but Ms. Lively's behavior began almost
20 immediately from the time she was on set. Her
21 demands were unreasonable. It cost me personally, I
22 would estimate over \$10 million. And I'm not
23 talking about our legal costs. Things like the
24 wardrobe, things like delays in production, et
25 cetera. Having to hire an extra producer. All of

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1 these expensive things occurred throughout the
2 production.

3 So when these things occurred, I can't
4 tell you exactly when they occurred, but throughout
5 the production. In addition to a lot of stress. In
6 addition to the people being fired.

7 Q Why do you -- sorry. Go ahead.

8 A And this 17-point list essentially served
9 very effectively, in my opinion. And I will give
10 her a lot of credit for this, as essentially a knife
11 to our throat throughout all of this, so she could
12 get away with the crime she got away with.

13 Q I thought you weren't involved in the
14 production of the film?

15 A Correct.

16 Q You only visited the set twice, right?
17 Isn't that what your lawyer told Forbes?

18 A That's what I told Forbes, and that's
19 what I'm telling you. I only visited the set twice.

20 Q That's the truth?

21 A That is the truth.

22 Q Well, you used the word "we" a lot in
23 that speech you just gave. And so what I'm
24 wondering is, were you involved in the production of
25 the film? Or are you, in using the word "we,"

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1 Q Lacking in credibility when I say
2 "incredible," is that a fair description of your
3 views?

4 A Much better.

5 Q Okay. What about Ms. Slate?

6 A I'm aware that in the course of any
7 production, that there's issues. I am aware that
8 Ms. Slate had an issue. I am not aware of the
9 specifics. I'm aware that it was resolved. And to
10 my knowledge, there was nothing else brought up. So
11 I'm aware that -- you know, I'm aware that in the
12 course of production, there can be issues. And I
13 was aware there was an issue with Ms. Slate and that
14 it was resolved.

15 Q In determining whether there were
16 problems on the set, would it be of interest to you
17 to know Jenny Slate's perspective on what happened
18 that day?

19 MS. GAROFALO: Objection.

20 THE WITNESS: I believe that that will be
21 up to a jury during the trial. In other words, I
22 don't have time to get into every detail. I'm the
23 chairman. I don't have time to get into every
24 detail. I think at some point in time, you know,
25 I'll have time -- we've had kind of a whirlwind, you

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1 A No.

2 Q Did it make you angry?

3 A No.

4 Q But they weren't financing the film,
5 right?

6 A Correct.

7 Q You were?

8 A Correct.

9 Q And you wanted people to know that,
10 right?

11 A No.

12 Q You didn't?

13 A That's why I wasn't upset.

14 Q Okay.

15 So back on Exhibit 9, which is the last
16 exhibit before this one we were looking at. It's
17 right here in front of you, I think.

18 A Got it.

19 Q When Mr. Baldoni, at 7:00 p.m. on
20 May 28th, says -- referring to you, says:

21 (As read):

22 "He said he should come to sit and
23 remind Blake whose money this is."

24 Do you have any reason to dispute that
25 you said that to Mr. Baldoni?

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1 A No.

2 Q And do you believe Mr. Baldoni to be
3 honest and accurate in his communications with
4 Mr. Heath?

5 A Yes.

6 Q And he would have tried to represent
7 accurately what you had said to him?

8 A Yes.

9 Q Let's look at -- one more question.
10 Do you know why that would have been your
11 reaction --

12 A I don't recall.

13 Q -- to learning about comments made by
14 Ms. Slate and Ms. Lively?

15 MS. GAROFALO: Objection.

16 THE WITNESS: I don't -- I don't believe
17 that was my reaction to that.

18 BY MR. GOTTLIEB:

19 Q You believe that was your reaction to
20 something else Mr. Baldoni said?

21 A Yes.

22 Q But you're not sure because you don't
23 recall the specific conversation?

24 A This is going back -- this is going back
25 to over a year ago, so I don't recall the specific.

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1 But I can tell you that I would not -- it would have
2 been more than that to get me that upset.

3 MR. GOTTLIEB: Okay. Let's look at
4 another exhibit. This has been marked as
5 Exhibit 11.

6 (Exhibit 11 marked for identification.)

7 BY MR. GOTTLIEB:

8 Q Mr. Sarowitz, you've been handed a
9 document marked as Exhibit 11, which is a document
10 bearing Bates Nos. SAROWITZ 69 through SAROWITZ 74,
11 and this is a text chain with a number of
12 individuals dated November 12th, 2023 --

13 A This is different than this one.

14 Q Yes, sir.

15 A Can I have some time to read through it?

16 Q Sure thing. Once you've had a chance to
17 look through, let me know.

18 A Okay.

19 Q You've had a chance to flip through this,
20 Mr. Sarowitz?

21 A Yes.

22 Q This is a text message dated
23 November, 12th 2023 -- a series of text messages
24 with a large group. How would you describe the
25 group that is on this text thread?

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1 A A group of good friends.

2 Q A group of good friends, and Mr. Baldoni
3 is on here?

4 A Yes.

5 Q Mr. Heath is on here?

6 A Yes.

7 Q Mr. Mondschein is --

8 A Hang on. Just want to make sure.

9 Yes.

10 Q Mr. Mondschein is on here?

11 A Yes.

12 Q Mr. Musiol is on here, right?

13 A Yes.

14 Q Mr. Musiol is one of the co-founders --
15 original co-founders of Wayfarer Studios; is that
16 right?

17 A Yes.

18 Q To your knowledge, did he have --

19 A Wait, Way- -- yes.

20 Q To your knowledge, did he have any
21 involvement in the -- in any respect to the
22 production of It Ends with Us?

23 A Yes.

24 Q And what was he involved with?

25 A I don't recall exactly, but I think he

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1 A We are very good friends.

2 Q Has he ever, to your knowledge, told you
3 a lie?

4 A No.

5 Q Do you believe he's capable of telling a
6 lie to you?

7 A Everybody is capable of lying.

8 Q Do you believe Mr. Baldoni is capable of
9 sexually harassing someone?

10 A No.

11 Q Do you understand that having -- let me
12 put it -- let me withdraw and rephrase.

13 Do you believe that Mr. Baldoni is
14 capable, at any point in his life, has been capable
15 of taking advantage of a woman?

16 MS. GAROFALO: Objection.

17 THE WITNESS: That's a very broad
18 question. Can you narrow it at all?

19 BY MR. GOTTLIEB:

20 Q Do you think Mr. Baldoni at any point in
21 his life has engaged in what you would consider to
22 be inappropriate conduct vis-a-vis women?

23 MS. GAROFALO: Objection.

24 THE WITNESS: I have no knowledge of him
25 ever doing this.

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1 A I was only there, as I mentioned, briefly
2 for part of one day and just a few minutes on
3 another, so I really wasn't on the set.

4 Q Would it surprise you to learn that when
5 Ms. Ayoub said:

6 (As read) :

7 "I wasn't there, so I don't know what
8 it's like."

9 Your response was, "I was"?

10 A Can you refer me to the page?

11 Q You don't have any recollection of saying
12 to Ms. Ayoub, "I was there on set"?

13 A Again, can you refer me to the page?

14 Q Pages 30 to 31.

15 A Okay. Just give me a second or two to
16 read it, and I will go through as quickly as I can
17 because I realize we're running short on time.

18 Q Thank you, sir.

19 A Okay.

20 Q And you see that you make a reference to
21 there being two different sets. And Ms. Ayoub says:

22 (As read) :

23 "I don't know. I wasn't there, so I
24 don't know what it was like."

25 And you say, "I was," right?

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1 A Yes.

2 Q And she says:

3 (As read):

4 "You were there? Was it bad?"

5 And your response is, "No," correct?

6 A Correct.

7 Q And she says, "Oh, God." And your
8 response to that is:

9 (As read):

10 "Justin never has bad set. Yes, it was
11 the worst set he has ever been on, but
12 no, it wasn't bad. I was there on set.
13 It was, you know, Justin is really kind
14 and loving and he's like Rainn,
15 actually Rainn is running a set."

16 Ms. Ayoub says, "Yeah." And you say:

17 (As read):

18 "It's a Baha'i set. It's never going
19 to be like that, no. Everything was
20 made up. It was manufactured, and it
21 was manufactured on purpose in order to
22 take Justin down."

23 That's what you said, right?

24 A Yes.

25 Q Do you recall saying that?

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1 A With the help of this document, yes.

2 Q Does that sound like something you would
3 say?

4 A Yes.

5 Q Would you be surprised if you said
6 similar things to other people around the time of
7 this conversation?

8 A I'm not aware of me saying anything like
9 this to anybody else.

10 Q And your representation to Ms. Ayoub is
11 that everything, referring to what happened on set,
12 was manufactured on purpose in order to take Justin
13 down; is that right?

14 A That appears to be what I said.

15 Q You said that having never even looked at
16 the chronology that your own team had put together
17 about what happened on set, right?

18 A I don't recall what I looked at and what
19 I hadn't looked at.

20 Q And you said that even though you never
21 talked to any of the relevant, factual witnesses,
22 with the exception of Mr. Baldoni and Mr. Heath, and
23 one conversation with Brandon Sklenar, to know what
24 had happened on set; is that right?

25 A And a short conversation with Ms. Lively.

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1 Q Yes. Mr. Sarowitz, just to cut to the
2 chase, I'm going to represent to you that the
3 custodian -- do you see the custodian in the top on
4 the first page -- see where it says "Custodian:
5 Steven Sarowitz"?

6 A Yes.

7 Q I will represent to you that the format
8 of these messages is such that the blue box here on
9 the right-hand side represents whoever the custodian
10 of the messages is. So we'll just proceed on that
11 understanding; is that all right?

12 A Yes.

13 Q We'll proceed on you accepting that
14 representation from me, which is that good?

15 A Yes.

16 Q Okay. So you understand here that you're
17 having a conversation with this group about what
18 Sage Steele should point out and address in a video
19 that Sage Steele ultimately posted online; is that
20 correct?

21 A Could you repeat the question, please?

22 Q Do you understand that this text
23 exchange, you and your colleagues are discussing --
24 or you and this group of participants are discussing
25 the content of a post, a video post, that

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1 Sage Steele is going to release?

2 A Okay.

3 Q And do you see you're saying:

4 (As read):

5 "It's a good start. Should she also
6 point out that the other women who were
7 hurt by" -- and it looks like Blake,
8 but there's an N -- "included the
9 assistant director and editors and the
10 wives of the men Blake falsely
11 accused?"

12 Do you see that?

13 A Yes.

14 Q And there's a couple of responses from
15 Ms. Steele -- three responses from Ms. Steele. You
16 respond. And then on the top of page 1242, you
17 write:

18 (As read):

19 "Looking good. A few minor suggestions
20 Instead of Team Blake, change to
21 Blake's team. Also, do you want to add
22 the wives of the men who were falsely
23 accused as well?"

24 Do you see that?

25 A Yes.

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1 Q Mr. Heath responds:

2 (As read):

3 "I think leave the wives out. It feels
4 too manipulative."

5 Do you see that?

6 A Sorry. I wanted to read this whole
7 comment.

8 (Witness reviews document.)

9 Yes.

10 Q Were there any other content creators
11 that you were in touch with around this time, around
12 January 5th, 2025, early January?

13 A Not to my knowledge.

14 Q Sage Steele is the only one you can think
15 of as you sit here today?

16 A Correct.

17 Q Sorry?

18 A Correct.

19 Q Could there have been others?

20 MS. GAROFALO: Objection.

21 THE WITNESS: I don't recall any others.

22 BY MR. GOTTLIEB:

23 Q Okay. Did Sage Steele eventually post a
24 video?

25 A I believe so.

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1 MS. GAROFALO: It's a yes-or-no answer.

2 THE WITNESS: Could you repeat the
3 question, please?

4 BY MR. GOTTLIEB:

5 Q Do you review retention agreements with
6 service providers in this -- related to this case
7 before they are agreed to?

8 A Not typically.

9 Q Who amongst your group of defendants is
10 responsible for approving or not approving the
11 retention of vendors or service providers in this
12 case?

13 MS. GAROFALO: Objection.

14 THE WITNESS: That would be the Wayfarer
15 management team.

16 BY MR. GOTTLIEB:

17 Q The Wayfarer management team is in charge
18 of making those selections and decisions?

19 A Yes.

20 Q And is the -- does that mean that
21 Wayfarer Studios is responsible for paying their
22 invoices?

23 A Yes.

24 Q So then if I understand you, the answer
25 to my previous question was that Wayfarer Studios is

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1 paying for the services being provided relating to
2 the litigation of this case; is that right?

3 A For who?

4 Q Let's start for you.

5 A Yes.

6 Q Okay. Mr. Heath?

7 A Yes.

8 Q Mr. Baldoni?

9 A Yes.

10 Q Ms. Nathan?

11 A I think so.

12 Q Ms. Abel?

13 A I believe so.

14 Q Mr. Wallace?

15 A I'm not sure. I'm not certain.

16 MR. GOTTLIEB: I believe my time is up,
17 Mr. Sarowitz. Thank you for your time. I hope you
18 make your flight.

19 THE WITNESS: We've got plenty of time.

20 THE VIDEOGRAPHER: This marks the
21 conclusion of today's deposition. We're going off
22 the record. The time is 7:16 p.m.

23

24 (WHEREUPON THE DEPOSITION CONCLUDED AT 7:16 p.m.)

25

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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 4TH day of October, 2025.



ASHLEY SOEVYN

CSR No. 12019