

# Exhibit 38

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3  
4

5 BLAKE LIVELY,

6 Plaintiff,

7 vs.

8 WAYFARER STUDIOS LLC, a  
Delaware Limited Liability

9 Company, JUSTIN BALDONI, an  
individual, JAMEY HEATH, an

10 individual, STEVE SAROWITZ, an  
individual, IT ENDS WITH US

11 MOVIE LLC, a California  
Limited Liability Company,

12 MELISSA NATHAN, an individual,  
THE AGENCY GROUP PR LLC, a

13 Delaware Limited Liability  
Company, JENNIFER ABEL, an

14 individual, JED WALLACE, an  
individual, and STREET

15 RELATIONS INC., a California  
Corporation,

16 Defendants.  
17

18 (RELATED CONSOLIDATED CASE.  
19

20 VIDEOTAPED DEPOSITION OF JOSH GREENSTEIN

21 Los Angeles, California

22 Tuesday, September 30, 2025  
23

24 Reported by:

RENEE A. PACHECO, RPR, CLR

25 CSR No. 11564

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1 Q And what is your role?

2 A I'm cochairman of Paramount Pictures and  
3 vice chairman of studio platforms.

4 Q And when did you start at Paramount?

5 A I think around six, seven weeks ago.

6 Q Okay. And before -- where were you working  
7 before you were at Paramount?

8 A Sony.

9 Q And how long were you at Sony?

10 A Around ten years.

11 Q What roles did you hold during those ten  
12 years?

13 A I believe I was president of worldwide  
14 marketing and distribution when I first got there,  
15 for four or five years, and then in the last five  
16 years, I was president of Motion Picture Group.

17 Q And were you president of the Motion  
18 Picture Group during the '22 -- 2022 to 2025 time  
19 frame?

20 A Yes.

21 Q Can you explain what your duties were as  
22 president of Sony Motion Picture Group?

23 A Oversee all aspects of the studio, working  
24 for the chairman, who was my boss, and oversaw the  
25 whole -- you know, everything.

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1 But it included, on the label's front, all  
2 development and production, deal analysis, business  
3 affairs, all that -- all that stuff, and -- and then  
4 marketing and distribution reported up to me as  
5 well.

6 Q So you mentioned the chairman. Is that Tom  
7 Rothman?

8 A Yes.

9 Q And marketing and distribution reported up  
10 to you; is that right?

11 A Yep. Yes.

12 Q Okay.

13 A Yes.

14 Q And did there come a time when Sony became  
15 involved with the film "It Ends With Us"?

16 A Yes.

17 Q And what role, if any, did you fill with  
18 respect to the film "It Ends With Us"?

19 A My normal role as president of Motion  
20 Picture Group, same as I do -- did with, you know,  
21 many films.

22 Q Did you have a role in casting the film?

23 A No.

24 Q Did you have a role in the filming of the  
25 film?

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1 BY MS. GOVERNSKI:

2 Q Let me ask that question again.

3 Can you please describe why you described  
4 Ms. Lively an incredible partner to Sony during the  
5 filming of "It Ends With Us"?

6 A Her work ethic and her drive.

7 Q You called Ms. Lively as (read):

8 "The best marketer of any  
9 producer I have worked with in my  
10 25-year career, even way better  
11 than her husband."

12 Could you explain why you included that in  
13 your letter?

14 A Because it was true.

15 THE DEPONENT: Oh, thank you. Thank you.

16 She had incredible ideas. She pushed the  
17 marketing team every day to be better. She recut  
18 the trailer. She pushed to get this special song in  
19 the trailer. She was just relentless in a positive  
20 way.

21 BY MS. GOVERNSKI:

22 Q And you wrote that (as read):

23 "She helped the trailer of 'It  
24 Ends With Us' to one of the biggest  
25 trailer debuts we have ever had";

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1 Is that right?

2 A Yes.

3 Q How big was the trailer debut?

4 A Big. I do not recall the specifics.

5 Q Okay. We'll get into that.

6 In the last paragraph, you say you could  
7 "go on and on."

8 What did you mean by that?

9 A I -- I don't really know.

10 Q Did you mean that you would go on and on  
11 about beneficial attributes of Ms. Lively or just --

12 A I -- believe so.

13 MR. KALTGRAD: Objection.

14 BY MS. GOVERNSKI:

15 Q Would you describe the film "It Ends With  
16 Us" as a success at the box office?

17 A Tremendous success.

18 Q Did it exceed your own expectations?

19 A Wildly.

20 Q And what about Sony's expectations?

21 A Yes.

22 Q Do you know how much on opening weekend the  
23 film "It Ends With Us" made?

24 A If -- I believe 50-something million  
25 dollars, optimistically.

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1 Q And more internationally?

2 A I believe so, yes.

3 Q 80 million?

4 A Sounds right. I don't know if we opened  
5 all the -- I don't think we were day-and-date  
6 globally, but that 80 global number sounds right.

7 Q Earlier you referred to Ms. Lively being an  
8 incredible partner to the marketing team.

9 What marketing team are you referring to?

10 A The Sony marketing team.

11 Q Okay. Did Sony's marketing campaign on "It  
12 Ends With Us" work?

13 MR. KALTGRAD: Objection.

14 THE DEPONENT: Yes.

15 BY MS. GOVERNSKI:

16 Q In your opinion, would 50 to 80 million  
17 people watch the film in opening weekend if it's  
18 marketing campaign was not successful?

19 MR. KALTGRAD: Objection.

20 MR. FLOYD: Yeah. Do you want to rephrase  
21 that? You said 50 to 80 million people, and I think  
22 you're talking numbers, but.

23 MS. GOVERNSKI: Okay. If we can avoid  
24 speaking objections. I'm limited for time.

25 MR. FLOYD: Trying to help, Ms. Governski.



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1 Q What was Sony's role with respect to "It  
2 Ends With Us"?

3 A Sorry, repeat the question.

4 Q What was Sony's role with respect to "It  
5 Ends With Us"?

6 A Oh, can I just -- on the previous question,  
7 I didn't know who Wayfarer was, but I might have  
8 heard that they were an equity investor on one of  
9 our films, I forget which one. But I think that's  
10 the extent of what I knew.

11 Q But you didn't know anything about their  
12 reputation?

13 A No.

14 Q Okay. What was Sony's role with respect to  
15 "It Ends With Us"?

16 A We cofinanced it and distributed the film.

17 Q And for those not in the movie business,  
18 what is distributing a film mean?

19 A It can mean many things. But in this case,  
20 it meant marketing and distributing the film  
21 globally, theatrically and then running it through  
22 the pay deals at the company.

23 Q So how would describe the division of  
24 responsibilities between Wayfarer and Sony with  
25 respect to the film?

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1 MR. KALTGRAD: Objection.

2 THE DEPONENT: I don't know.

3 BY MS. GOVERNSKI:

4 Q Do you understand that there was a  
5 contractual relationship between Sony and Wayfarer?

6 A Yes.

7 Q And are you familiar with the contract  
8 between Sony and Wayfarer?

9 A No.

10 Q Have you ever seen the contract between  
11 Sony and Wayfarer?

12 A No.

13 Q Are you familiar with the terms within the  
14 contract between Sony and Wayfarer?

15 A The contract for the film?

16 Q Yes.

17 A Not that I recall, no.

18 Q Okay. Let's mark Exhibit 2. I'm hoping  
19 you don't have to review this entire thing  
20 currently.

21 (Plaintiff's Exhibit 2 was marked  
22 for identification.)

23 THE DEPONENT: Okay.

24 BY MS. GOVERNSKI:

25 Q For the record, I've marked as Exhibit 2

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1 what has been previously marked as SPE\_BL1?

2 Mr. Greenstein, do you have any familiarity  
3 with the document in front of you?

4 A No.

5 Q Do you understand what this is?

6 A Yes.

7 Q What is this?

8 A This is the cofinancing, coproduction,  
9 distribution agreement between Sony and Wayfarer.

10 Q Do you have any reason to believe that this  
11 is not an accurate copy of the contract between  
12 Wayfarer and Sony?

13 MR. FLOYD: Objection.

14 You can answer.

15 THE DEPONENT: I have no idea, but it looks  
16 official.

17 BY MS. GOVERNSKI:

18 Q And you see the Bates number on the bottom.  
19 Do you understand SPE refers to Sony Pictures  
20 Entertainment?

21 MR. KALTGRAD: Objection.

22 MS. GOVERNSKI: Sony, SPE.

23 THE DEPONENT: Where is that?

24 BY MS. GOVERNSKI:

25 Q You see the Bates number on the bottom,

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1 SPE? Bates number on the bottom right, SPE?

2 A Yes.

3 Q Do you understand that that refers to Sony?

4 A Now I do.

5 Q Okay. You understand that Sony produced  
6 this document as its first document, SPE\_1?

7 MR. KALTGRAD: Objection.

8 THE DEPONENT: I don't know, but I -- seems  
9 reasonable.

10 BY MS. GOVERNSKI:

11 Q Okay. And if you look at that first  
12 paragraph that you referred to, you see the  
13 different definitions of the parties; correct?

14 A Yes.

15 Q And you see that it's -- Sony doesn't  
16 actually appear in here but Columbia Pictures does;  
17 is that right?

18 A I'd have to read the whole --

19 Q In the first paragraph where it refers to  
20 Columbia.

21 A Columbia, yes.

22 Q Why does it refer to Columbia as opposed to  
23 Sony?

24 A Columbia is the label within Sony that  
25 makes, produces and distributes films.

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1 Q So when the contract says CPII, you would  
2 understand that to be referring to Sony?

3 A Yes.

4 Q Okay. Is Ms. Lively one of the parties to  
5 this agreement in this first paragraph?

6 MR. KALTGRAD: Objection.

7 THE DEPONENT: No.

8 BY MS. GOVERNSKI:

9 Q Do you have any awareness of whether  
10 Ms. Lively has her own separate contract with  
11 respect to "It Ends With Us"?

12 MR. KALTGRAD: Objection.

13 THE DEPONENT: Yes. On all movies there  
14 are -- if there's a acting or producing or directing  
15 deal, there's agreements.

16 BY MS. GOVERNSKI:

17 Q Are you familiar with any of the specific  
18 terms of her contract?

19 A No.

20 Q Do you have any awareness of whether  
21 Ms. Lively was, for instance, allowed to request  
22 that any of her dailies that included scenes of  
23 intimacy be destroyed?

24 MR. KALTGRAD: Objection.

25 THE DEPONENT: Repeat the question.

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1 BY MS. GOVERNSKI:

2 Q Do you have any awareness, for instance,  
3 that -- whether Ms. Lively's contract allowed her to  
4 request that any dailies that included scenes of  
5 intimacy be destroyed?

6 MR. KALTGRAD: Objection.

7 THE DEPONENT: I might have heard that, but  
8 I don't recall specific.

9 BY MS. GOVERNSKI:

10 Q And you don't have personal knowledge of  
11 the terms?

12 A No.

13 Q Okay. If we can direct your attention in  
14 this contract. We're going the speed through it  
15 really quickly, not all of it.

16 If you can please turn to Page 13. On the  
17 bottom you'll see pagination and then there's a  
18 Paragraph 6.3.

19 Do you see that?

20 A Uh-huh.

21 Q And it says, "Grant of Distribution  
22 Rights"?

23 A Uh-huh.

24 Q And the first sentence says (as read):

25 "Wayfarer hereby grants, sells

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1 and assigns to CPII."

2 And then a lot of gobbledygook. (As read):

3 "For the full distribution

4 term."

5 Do you see that?

6 A Yes.

7 Q You understand that this is the provision  
8 that granted Sony distribution rights?

9 MR. KALTGRAD: Objection.

10 THE DEPONENT: Yes.

11 BY MS. GOVERNSKI:

12 Q Then let's turn to the next page, please,  
13 and you see that there's then Subparagraphs 6.3.1,  
14 6.3.2?

15 A Uh-huh.

16 Q And you understand that these are  
17 subparagraphs to Sony's distribution rights?

18 A Uh-huh.

19 MR. KALTGRAD: Objection.

20 MR. FLOYD: It's "yes" or "no."

21 THE DEPONENT: Yes. Sorry.

22 BY MS. GOVERNSKI:

23 Q And if I can direct your attention to  
24 6.3.2, what is your understanding of what  
25 distribution rights this provision referred to?

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1 MR. KALTGRAD: Objection.

2 THE DEPONENT: I'm going to read it.

3 BY MS. GOVERNSKI:

4 Q Of course.

5 A It states that Columbia has the right to  
6 cut/edit the picture, create foreign language  
7 versions, closed caption versions of the picture,  
8 excerpts, clips, trailers for advertising and  
9 promotional purposes.

10 Q Okay. So this provision relates to  
11 granting Sony the right to cut and edit the film "It  
12 Ends With Us"?

13 MR. KALTGRAD: Objection.

14 THE DEPONENT: I believe so.

15 BY MS. GOVERNSKI:

16 Q Okay. And if we can look at 6.3.8, what  
17 right do you understand this provision to be  
18 providing to Sony with respect to "It Ends With Us"?

19 MR. KALTGRAD: Objection.

20 THE DEPONENT: That Sony's -- or Columbia  
21 has the right to create the advertising campaign.

22 BY MS. GOVERNSKI:

23 Q And what about 6.3.9, what right do you  
24 understand 6.3.9 provides Sony with respect to "It  
25 Ends With Us"?



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1 MR. KALTGRAD: Objection.

2 THE DEPONENT: Publicity and promotion.

3 BY MS. GOVERNSKI:

4 Q Okay. And do you understand that Wayfarer  
5 initially requested that Mr. Baldoni have final cut  
6 rights over the film?

7 MR. KALTGRAD: Objection.

8 THE DEPONENT: I don't recall that, no.

9 BY MS. GOVERNSKI:

10 Q Does Sony often -- or strike that.  
11 Can you describe when Sony would provide a  
12 director with final cut rights?

13 MR. KALTGRAD: Objection.

14 MR. FLOYD: Objection.

15 THE DEPONENT: I don't know. I would say  
16 actually -- and, again, I do not recall any  
17 specifics other than some grandfathered-in, all-tour  
18 driven filmmakers like a Quentin Tarantino, who had  
19 it for 25 years. But it is not a normal course of  
20 business.

21 BY MS. GOVERNSKI:

22 Q Why not?

23 A Don't know.

24 Q Can you think of anybody else that Sony has  
25 given final cut right approval to other than Quentin

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1 BY MS. GOVERNSKI:

2 Q Was "Grab their friends, wear their  
3 florals" part of Sony's marketing campaign with  
4 respect to "It Ends With Us"?

5 MR. KALTGRAD: Objection.

6 THE DEPONENT: Yes.

7 BY MS. GOVERNSKI:

8 Q So you're not suggesting that someone other  
9 than Sony came up with the concept of "Grab their  
10 friends, wear their florals"?

11 MR. KALTGRAD: Objection.

12 THE DEPONENT: I don't know who came up  
13 with that it, but it was certainly part of the Sony  
14 campaign. It was embraced.

15 BY MS. GOVERNSKI:

16 Q Do you have any recollection of individuals  
17 at Sony saying they wanted to create a campaign akin  
18 to wearing pink to go see Barbie?

19 MR. KALTGRAD: Objection.

20 THE DEPONENT: I don't recall, but that  
21 doesn't sound out of line with what a marketing  
22 group would be trying to do.

23 BY MS. GOVERNSKI:

24 Q What was Sony's goal with the "Grab their  
25 friends, wear their florals" aspect of the marketing

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1 campaign?

2 MR. KALTGRAD: Objection.

3 THE DEPONENT: I assume it was to show  
4 support for the book and Lily's character, and turn  
5 it into a group -- a group outing.

6 BY MS. GOVERNSKI:

7 Q Why did Sony want to turn the event into a  
8 group outing?

9 A Because how strong the movie played, and  
10 the more people that saw it, the better reactions  
11 you'd get in the world.

12 Q If you can turn to the next -- it's  
13 actually going to be the last page on this, with  
14 Bates number 3312 -- it's all the way to the end --  
15 you see a headline that says (as read):

16 "Friends and floral screening,  
17 plus Lily Bloom's pop-up shop  
18 experience."

19 Do you see that?

20 A Yes.

21 Q What do you -- what is your understanding  
22 of what this paragraph describes?

23 MR. KALTGRAD: Objection.

24 THE DEPONENT: That we had a pop-up shop --  
25 a Lily's pop-up shop in Century City, invited a

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1 bunch of influencers to come and take pictures and  
2 videos.

3 BY MS. GOVERNSKI:

4 Q And when you say "we," who did you mean?

5 A Sony.

6 Q Okay. Are these the fun and sexy pop-up  
7 shops that Wayfarer had earlier recommended?

8 MR. KALTGRAD: Objection.

9 THE DEPONENT: I assume so.

10 BY MS. GOVERNSKI:

11 Q Do you see that in the middle it talks  
12 about (as read):

13 " -- influencers to check out  
14 the space and partake in fun group  
15 activities, such as ironing floral  
16 patches to their denim, receive  
17 temporary tattoos inspired by the  
18 film, sip on Betty Booze/Buzz and  
19 enjoy a gift bag with film-inspired  
20 goodies, and screen the film in  
21 advance of the release."

22 Do you see that?

23 A Yes.

24 Q Was this a part of Sony's marketing  
25 campaign?

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1 A Yes.

2 Q Okay. And why did Sony offer visitors the  
3 ability to sip on Betty Booze/Buzz?

4 MR. KALTGRAD: Objection.

5 THE DEPONENT: I don't know.

6 BY MS. GOVERNSKI:

7 Q Does that -- is it common for there to be  
8 sponsors on film events such as --

9 A Very much so.

10 Q Can you explain that a little bit, please?

11 A Brands like to align themselves with film  
12 and sometimes to sponsor premieres or events, so  
13 when that travels, their brand gets exposure.

14 Q Do you have any idea of the origination of  
15 the idea for Betty Booze and Buzz to be provided  
16 at -- as a sponsor to the film?

17 A I do not.

18 Q Do you believe it was Sony's idea?

19 MR. KALTGRAD: Objection.

20 THE DEPONENT: I have no clue, but it  
21 wouldn't be out of the realm of possibility. I  
22 don't know who specifically came up with it, but I  
23 wouldn't be surprised.

24 BY MS. GOVERNSKI:

25 Q Why not?

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1           A     Because it's Sony's job to come up with  
2     inventive ways to market the films.

3           Q     We talked about earlier -- actually, strike  
4     that.

5                     Mr. Greenstein, you can put this aside.

6           A     Okay.

7           Q     Do you know who Colleen Hoover is?

8           A     Yes.

9           Q     Who is she?

10          A     The author of "It Ends With Us."

11          Q     To what extent did Sony consider  
12     Ms. Hoover's opinions when deciding how to market  
13     the film?

14                     MR. KALTGRAD:  Objection.

15                     THE DEPONENT:  I believe we took them very  
16     seriously.

17     BY MS. GOVERNSKI:

18          Q     Why?

19          A     Because she wrote it, it's her story.  It's  
20     her fan base, and we wanted to make sure we got as  
21     much right as we could, I believe.

22          Q     Do you recall Mr. Rothman, early on in the  
23     process, telling you that Sony really needed to  
24     understand Ms. Hoover's audience well to succeed?

25                     MR. KALTGRAD:  Objection.

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1 THE DEPONENT: Yes.

2 BY MS. GOVERNSKI:

3 Q Did you agree with Mr. Rothman?

4 A Yes.

5 Q Why is that?

6 A Because if -- that -- that's the core fan  
7 base of the property.

8 Q We talked earlier about testing as one  
9 metric for deciding what film cut to choose.

10 To what extent would Ms. Hoover's opinion  
11 provide an additional metric when deciding what cut  
12 to choose?

13 MR. KALTGRAD: Objection.

14 THE DEPONENT: Can you repeat the question?

15 BY MS. GOVERNSKI:

16 Q Yes?

17 We talked earlier about testing as one  
18 metric for deciding what film cut to choose.

19 To what extent would Ms. Hoover's opinion  
20 provide an additional metric for when deciding what  
21 cut to choose?

22 MR. KALTGRAD: Objection.

23 THE DEPONENT: In this case, it would carry  
24 a lot of weight.

25 ///

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1 BY MS. GOVERNSKI:

2 Q Can you explain that a little bit, please?

3 A Yes. It's similar to how I assume Warner  
4 Bros. would treat J.K. Rowling on Harry Potter. It  
5 was an -- it was a sensation in terms of book sales.  
6 And Colleen means a lot to the core fan base, and we  
7 wanted -- because of the sensitive nature of the --  
8 of what the film covered, we wanted to make sure it  
9 resonated and held true for the author.

10 Q How would Sony go about understanding  
11 Mrs. Hoover's audience?

12 MR. KALTGRAD: Objection.

13 THE DEPONENT: Talking with Colleen and  
14 analyzing the book sales and analyzing social media  
15 posts.

16 BY MS. GOVERNSKI:

17 Q And did Sony conduct any of its own  
18 research to better understand it's potential  
19 audience?

20 A I'm sure we did.

21 Q All right. Okay. I'm going to mark  
22 Exhibit 6, which will end in Bates number  
23 SPE\_BL6375.

24 (Plaintiff's Exhibit 6 was marked  
25 for identification.)



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1 MS. GOVERNSKI: And Exhibit 7 will be  
2 SPE\_BL00 -- no, sorry, 0002044.

3 (Plaintiff's Exhibit 7 was marked  
4 for identification.)

5 BY MS. GOVERNSKI:

6 Q If you can just -- I'm not going to spend a  
7 ton of time on these. But if you can just take a  
8 quick look and let me know what they are?

9 A Uh-huh.

10 MR. FLOYD: 6 and 7.

11 THE DEPONENT: This looks like --

12 BY MS. GOVERNSKI:

13 Q When you say "this," you're referring to  
14 Exhibit 6?

15 A Exhibit 6. It looks like a marketing focus  
16 group recap from Phoenix, Arizona.

17 Q Okay. And you can see in the opening  
18 e-mail you received this; right?

19 A Yes.

20 Q Okay. And then what's Exhibit 7?  
21 Actually, let's start with Exhibit 6. The e-mail is  
22 from Shannon Kirk. Who is Shannon Kirk?

23 A Shannon Kirk, I don't know.

24 Q Sorry, it's not a -- I didn't mean to test  
25 you. The global -- her signature line says she's

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1 head of global creative strategy and research.

2 Does that have any meaning to you?

3 A Yes.

4 Q So what does she do?

5 A She works in the research and strategy  
6 department.

7 Q Okay. And what are focus groups?

8 A Focus groups are when you get a group of  
9 people together and ask them questions about either  
10 what they have prior knowledge of in terms of a IP  
11 or a -- or some kind of book. And -- and sometimes  
12 you show them materials, and you get their opinions  
13 and it's supposed to help inform what the audience  
14 wants to see.

15 Q Does Sony do focus groups?

16 A Yes.

17 Q How often does Sony do focus groups when  
18 it's working on a film project?

19 A Usually every film.

20 Q Okay.

21 A Or most films.

22 Q And why does Sony do focus groups?

23 A Because it helps us understand what the  
24 audience wants.

25 Q And if you -- I can direct your attention

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1 to the page with Bates number 6376. I think you're  
2 on it.

3 A Uh-huh.

4 Q Starts with, pas read):

5 " This is a strategic marketing  
6 report."

7 Are you familiar with this report?

8 A No. But I get many of these or I used to  
9 get many of these.

10 Q And what is your understanding of what the  
11 purpose of this deck is?

12 A To understand how we move forward in the  
13 best way for the movie and the marketing.

14 Q And why did Sony, as opposed to Wayfarer,  
15 do this focus group?

16 A Because we were distributing and releasing  
17 and marketing the film.

18 Q And what was Ms. Lively's involvement, if  
19 any, in this focus group?

20 A I don't know.

21 Q Do you have any reason to believe  
22 Ms. Lively had any involvement in the marketing  
23 group?

24 A What was the date of this?

25 Q September 26, 2023?

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1           A     So basically a year -- a little less than a  
2     year before release, no. I would assume she'd have  
3     none.

4           Q     Do you have any understanding of whether  
5     Wayfarer did its own focus groups?

6           A     I have no -- no idea.

7           Q     Do you believe you would know if Wayfarer  
8     had done its own focus groups?

9                 MR. KALTGRAD: Objection.

10                THE DEPONENT: Not sure.

11     BY MS. GOVERNSKI:

12           Q     Had you ever seen any results from any  
13     Wayfarer focus groups?

14           A     I don't believe so.

15           Q     If you can -- I can turn your attention to  
16     Page 6379.

17           A     Yep.

18           Q     Is there any reason for you to doubt the  
19     accuracy of what is described in this deck?

20           A     No.

21           Q     Okay. It says (as read):

22                     "Findings from these groups  
23                     suggests that the most emotionally  
24                     resonant for readers is Lily's  
25                     journey of self-empowerment. Her

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1           breaking a generational cycle of  
2           domestic abuse and discovering her  
3           passion and starting a successful  
4           business."

5           Is that consistent with your understanding  
6           of the initial reaction from audiences that Sony was  
7           receiving?

8           A     Yes.

9           Q     And the -- if I can direct your attention  
10          to the end of that paragraph where it says (as  
11          read) :

12                     " The book left them feeling  
13                     optimistic for Lily's future and  
14                     they wanted the movie to do the  
15                     same."

16           Do you see that?

17          A     Yes.

18          Q     To what extent does that describe Sony's  
19          objective with respect to its marketing of the film?

20                     MR. KALTGRAD:  Objection.

21                     THE DEPONENT:  Broadly accurate.

22          BY MS. GOVERNSKI:

23          Q     What do you mean?

24          A     I mean, the description of dealing with a  
25          really difficult subject, but also making it hopeful

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1 and showing that she's not just a victim, that she's  
2 so much more than that, I think is what the audience  
3 wanted to hear.

4 Q And how early did Sony realize that that  
5 was the balance to strike?

6 A September 29th, 2023.

7 Q And if I direct your attention to the next  
8 page of 6380 where it says that (as read):

9 "Women in the focus group found  
10 that Lily was, quote, 'not defined  
11 by abuse' and that her, quote,  
12 'becoming a business woman and  
13 opening a flower shop was  
14 especially important.'"

15 Do you see that?

16 A Yes.

17 Q How is this sentence to the extent --  
18 strike that.

19 How did Sony's ultimate marketing campaign  
20 reflect the beliefs expressed in this sentence?

21 MR. KALTGRAD: Objection.

22 THE DEPONENT: I believe it tried to  
23 encapsulate this idea in everything.

24 BY MS. GOVERNSKI:

25 Q What idea did Sony's marketing campaign try

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1 to encapsulate?

2 A Not to hide the abuse, but to also show  
3 there was so much more to her and there was hope and  
4 she could make it through and she was a multifaceted  
5 person that was not just defined by someone doing  
6 something to her. She was not a pure victim.

7 Q On the next page on 6385, it says (as  
8 read) :

9 "Domestic abuse is the  
10 essential part of Lily's story, but  
11 it is not her whole story."

12 A Yes.

13 Q Can you describe what, to any extent,  
14 Sony's ultimate marketing campaign reflected that  
15 idea?

16 A I think what you just said accurately  
17 describes it.

18 Q And this was not just some idea that Sony  
19 came up with on a whim; right?

20 A No. This was researched and put forth as  
21 the best way to get as many people to see this  
22 important film as possible.

23 Q And so was there a strategic decision on  
24 Sony's part not to make it a domestic abuse film?

25 A Well, I wouldn't --

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1 MR. KALTGRAD: Objection.

2 THE DEPONENT: I wouldn't say that, because  
3 it was very important not to hide that fact. But it  
4 was part of, not the only thing.

5 BY MS. GOVERNSKI:

6 Q Understood.

7 I see your counsel looking at you for a  
8 break. I just have a couple more questions on this  
9 and then we can take a real quick break, if that's  
10 okay?

11 Okay. If we can turn to next document in  
12 Bates 2044. You received an e-mail from Laura  
13 Potter who, at that time, was the vice president of  
14 strategic market and research. Did Ms. Potter  
15 report to you?

16 A No.

17 Q Okay. Ms. Potter refers to three focus  
18 groups and has a header called, "Guardrails for the  
19 creative campaign." What are "guardrails"?

20 A I don't know. But I assume she's talking  
21 about kind of pillars to -- to stay on.

22 Q You received this e-mail; right?

23 A Looks that way, yes.

24 Q And why would you receive this e-mail?

25 A Because she is part of my organization.



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1 Q And who, in your understanding, would  
2 develop these guardrails?

3 A The research and strategy team.

4 Q Sony's research and strategy team?

5 A Yes. Yes.

6 Q Anyone outside of Sony -- strike that.

7 Would anyone outside of Sony be responsible  
8 for helping come up with these guardrails?

9 A Well, the vendor that Sony uses, right.  
10 The research company that goes out and helps us  
11 recruit and analyze the data.

12 Q Who is that research company?

13 A On this particular film, there's a couple  
14 different ones we used. I don't know who's -- I  
15 don't know who we used on this.

16 Q Is MarketCast one of the vendors that you  
17 use?

18 A Yeah.

19 Q Do you believe you used MarketCast -- Sony  
20 used MarketCast with respect to "It Ends With Us"?

21 A If you say we did, I'm sure we did.

22 Q What is MarketCast?

23 A They're a independent agency that conducts  
24 research in terms of films and marketing materials  
25 that we work with that helps us analyze and put

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1 together these kind of plans.

2 Q So Sony hires MarketCast to collect data  
3 which Sony then relies on?

4 A Yes.

5 Q And how does Sony rely on them?

6 A Rely on MarketCast?

7 Q Yeah.

8 A Because they're talking to the audience and  
9 we're relying on that data.

10 Q Do you have any understanding if MarketCast  
11 data is reliable?

12 A Like all data --

13 MR. KALTGRAD: Objection.

14 THE DEPONENT: -- data on films, it can be.  
15 And usually is pretty reliable, but sometimes  
16 they're wrong.

17 BY MS. GOVERNSKI:

18 Q But there's -- but do you have any concerns  
19 that MarketCast methodology is unreliable?

20 A No.

21 Q And does Sony rely on the data from  
22 MarketCast as if it is reliable?

23 A Yes.

24 Q Okay. If you can just very quickly look at  
25 the "Dos and Don'ts." I don't need you to read

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1       them, but generally, the headers, do you agree  
2       generally with these "Dos and Don'ts"?

3             A     Uh-huh.

4             MR. FLOYD:   "Yes" or "no."

5             THE DEPONENT:   Oh, yes.   Sorry.

6             MS. GOVERNSKI:   Okay.   I'm moving on to a  
7       different module unless the witness would like a  
8       break.   Do you want to keep going.

9             THE DEPONENT:   Yeah, I'll take a break.

10            THE VIDEOGRAPHER:   We're going off the  
11       record.   The time is 9:13 a.m.

12            (Recess.)

13            THE VIDEOGRAPHER:   We're back on the  
14       record.   The time is 9:23 p.m.

15       BY MS. GOVERNSKI:

16            Q     Mr. Greenstein, did there come a time when  
17       Sony began to work on trailers for "It Ends With  
18       Us"?

19            A     Sure.

20            Q     And who is responsible for creating the  
21       trailers for "It Ends With Us"?

22            A     Sony.

23            Q     Did there come a time when Sony tested  
24       trailers?

25            A     I assume so.

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1 limiting some of the abuse scenes in the trailer?

2 A I don't.

3 Q Okay. I'm going to hand you what I'll mark  
4 as Exhibit 9.

5 (Plaintiff's Exhibit 9 was marked  
6 for identification.)

7 BY MS. GOVERNSKI:

8 Q Okay. I'm definitely not going into the  
9 bulk of this e-mail. This is an e-mail that you  
10 received from someone name David Smalle. Who is  
11 David Smalle?

12 A He worked in analytics.

13 Q What does analytics do?

14 A Social listening, understanding how people  
15 online feel about subjects.

16 Q And he works for Sony?

17 A Yes.

18 Q Okay. And do you trust Mr. Smalle's  
19 opinions?

20 A Yes.

21 Q For the record, I should note that this  
22 exhibit ends in Bates number SPE\_BL1762.

23 Do you see where Mr. Smalle talks about the  
24 "hugely successful trailer launch"?

25 A Yes.

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1 Q Is that consistent with your recollection  
2 about the trailer launch?

3 A Yes.

4 Q And he says (as read):

5 "The social response is bigger  
6 than we could have imagined."  
7 Do you see that?

8 A Yes.

9 Q And how many million viewers does he refer  
10 to?

11 A 108 million.

12 Q Do you believe that that number is  
13 accurate?

14 A Yes.

15 Q Do you recall your reaction to 108 million  
16 views on the "It Ends With Us" trailer?

17 A I don't recall. But with those kind of  
18 numbers and the kind of sentiment, I'm sure I was  
19 thrilled.

20 Q And Mr. Smalle's e-mail refers to (as  
21 read):

22 "90 percent positive on  
23 FanCentric platforms."  
24 Do you see that?

25 A Yes.

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1 A Smalle?

2 Q No. Kaminow?

3 A Oh, Kaminow.

4 Q Kaminow.

5 -- Kaminow's e-mail about a romantic  
6 thriller. How did Sony end up describing the film  
7 in those terms?

8 A I don't recall, but I'm sure there is a  
9 document -- that there's a positioning document that  
10 I'm sure you guys have or exist that would  
11 accurately say what that was.

12 I don't believe we ended up positioning it  
13 as a thriller. Again, in the early stages of  
14 marketing campaigns, there's a million ideas thrown  
15 out and you're trying to see what's the most  
16 effective.

17 And so, at that early stage, any and all  
18 ideas are welcomed.

19 Q What about romantic drama, do you believe  
20 that that was the genre that Sony used to describe  
21 the film?

22 A That sounds more accurate.

23 Q To what extent are you aware that Sony  
24 marketing explicitly decided not to label "It Ends  
25 With Us" a domestic abuse film?

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1 A I think that was from the very beginning.

2 Q Okay. I'm going to hand you what I'll mark  
3 as Exhibit 10, which has Bates number BL\_18992.

4 (Plaintiff's Exhibit 10 was marked  
5 for identification.)

6 BY MS. GOVERNSKI:

7 Q Do you see this e-mail?

8 A Yep.

9 Q Or -- I'm sorry, not an e-mail.

10 Do you see this text exchange between you  
11 and Ms. Lively; is that right?

12 A Yes.

13 Q Is this a true and accurate copy of a text  
14 exchange between you and Ms. Lively dated March 4,  
15 2024?

16 A Yes.

17 Q Okay. If I can direct your attention to  
18 where Ms. Lively wrote that Justin just texted her  
19 to invite her into the edit starting next week,  
20 March 11th.

21 Do you see that?

22 A Yes.

23 Q Did you understand Justin to mean  
24 Mr. Baldoni?

25 A Yes.

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1 BY MS. GOVERNSKI:

2 Q -- as 12, which ends in Bates number  
3 SPE\_BL1027.

4 (Plaintiff's Exhibit 12 was marked  
5 for identification.)

6 BY MS. GOVERNSKI:

7 Q The title of the e-mail is, "IEWU 3.28  
8 screening, Denver."

9 Do you see that?

10 A Uh-huh.

11 Q Does this refresh your recollection about  
12 when Mr. Baldoni's first official test of his cut  
13 was filmed -- was screened?

14 A Yeah. Yes. Yes.

15 Q Okay. So when was -- when did that first  
16 official test occur?

17 A Some -- sometime in that week, the March  
18 29th week.

19 Q Okay. It says, "3-28 Screening" in the  
20 title; right?

21 A Yeah.

22 Q So March 28th, 2024?

23 A Yep. Yep. There is it, yep.

24 Q Okay. And where did the March 28th  
25 screening of Mr. Baldoni's cut occur?



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1 A It looks like it was Denver.

2 Q Did you occur -- did you attend?

3 A Don't recall.

4 Q Did Ms. Lively attend?

5 MR. KALTGRAD: Objection.

6 THE DEPONENT: I don't know.

7 BY MS. GOVERNSKI:

8 Q Okay. The first e-mail in Exhibit 12 is  
9 from Naveena Samuel. Mr. Samuel [sic] is a Sony  
10 vice president of global strategic market and  
11 research; is that accurate?

12 A Yes. Ms.

13 Q Oh, thank you very much.

14 A No problem.

15 Q Oh, I had Ms. in my outline. Thank you.

16 And Ms. Samuel says the ratings were, quote  
17 (as read):

18 "Positive but short of the  
19 theatrical targets."

20 Do you see that?

21 A Where is that, I'm sorry? It's over on the  
22 next page? Oh, that's on 1060.

23 Q Yes, that's on 1060. Sorry. That's the  
24 first e-mail.

25 A No worries. Okay.

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1 Q Is that consistent with your  
2 understanding -- with your recollection regarding  
3 the first cut of --

4 A Uh-huh.

5 Q -- Mr. Baldoni's screening that the  
6 reaction was "positive but short of theatrical  
7 targets"?

8 A Yes.

9 Q Ms. Samuel continues that (as read):

10 "The screening fell behind

11 among other audiences, but

12 particularly women under 35."

13 Do you see that?

14 A Yes.

15 Q And if we can go to the top of the next  
16 page where it says "Top 2 Box."

17 A Uh-huh.

18 Q Remind me what Top 2 Box is?

19 A Excellent and very good.

20 Q Okay. And we earlier talked about the  
21 contractual requirements for Sony to choose  
22 Mr. Baldoni's cut.

23 Do you recall that?

24 A Yes.

25 Q And do you recall that the Top 2 Boxes had

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1 to be 90 percent; right?

2 MR. KALTGRAD: Objection.

3 THE DEPONENT: Yes.

4 BY MS. GOVERNSKI:

5 Q Well, what is your recollection of what  
6 Mr. Baldoni's cut had to score in the Top 2 Boxes in  
7 order for his cut to be the one released?

8 MR. KALTGRAD: Objection.

9 THE DEPONENT: I have no recollection, but  
10 based on what the document you showed me, it was 90.

11 BY MS. GOVERNSKI:

12 Q Okay. And looking at this, can you help us  
13 understand what the score was for Mr. Baldoni's cut  
14 at the March 28 screening in the Top 2 Box?

15 A 76.

16 Q 76 percent?

17 A Uh-huh.

18 Q If I can direct your attention to the "yes,  
19 definitely," what does this box describe?

20 A Would you definitely recommend this film to  
21 somebody?

22 Q And we talked about the "yes, definitely"  
23 category with respect to the contract between Sony  
24 and Mr. Baldoni.

25 Do you recall that?

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1 A Yes, I recall that.

2 Q Do you recall what percentage Mr. Baldoni  
3 needed to hit in order for his cut to be the one  
4 released?

5 MR. KALTGRAD: Objection.

6 THE DEPONENT: 70, was that -- I can look  
7 at those documents again, but, I believe, 70.

8 BY MS. GOVERNSKI:

9 Q Okay. And what was Mr. Baldoni's -- strike  
10 that.

11 What was the "definitely recommend"  
12 percentage for Mr. Baldoni's cut?

13 A 62.

14 Q And what about for -- okay. After the  
15 March 28th test, do you recall having any  
16 conversations with Ms. Lively relating to editing  
17 the film?

18 THE DEPONENT: After this?

19 BY MS. GOVERNSKI:

20 Q Uh-huh.

21 A I do not.

22 Q Do you recall having a meeting with  
23 Ms. Lively at her apartment after the March 28th  
24 test?

25 A I recall a meeting at her apartment, but I

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1 Ms. Lively during that meeting?

2 A I do not.

3 Q Do you recall asking Ms. Lively that you  
4 wanted her -- strike that.

5 Do you recall asking Ms. Lively to make  
6 Sony's cut of the film?

7 A I do not.

8 Q Do you recall Ms. Lively telling you that  
9 she did not want to be involved in editing the film?

10 A No, I -- I don't know either way. I don't  
11 remember.

12 Q Do you recall Ms. Lively telling you that  
13 Sony should hire its own editor to make its own cut?

14 A I don't remember.

15 Q Do you recall approving Ms. Lively to work  
16 with her own editor?

17 A I don't -- I know there was conversations I  
18 had with Ange, but I don't recall the specifics.

19 Q Do you recall who Ms. Lively's -- who the  
20 editor was that Ms. Lively ended up working with on  
21 Sony's cut?

22 A I forget his name.

23 Q Shane Reid?

24 A Sounds right.

25 Q Do you recall helping coordinate Mr. Reid's

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1 schedule to work with Ms. Lively?

2 A I don't.

3 Q Do you recall helping clear Mr. Reid's  
4 calendar so that Mr. Reid could work with  
5 Ms. Lively?

6 A I don't. If there was conversations, it  
7 would probably be with Ange in terms of facilitating  
8 any of that.

9 Q You don't recall calling the director of  
10 another film, Mr. Reitman, and asking to release  
11 Shane to work with Ms. Lively?

12 A Oh, yes, I do recall that.

13 Yes, I believe that they wanted Shane to  
14 help in the edit, and he was on I think  
15 "Ghostbusters" at the time. And I called Jason and  
16 said, "Hey, can you help us for, you know, a week or  
17 two," I believe, but I do remember that.

18 Q And when do you believe that that  
19 conversation was?

20 A I have no idea.

21 Q So you were facilitating Ms. Lively using  
22 Mr. Reid for an edit?

23 A I guess you could call it that. I was just  
24 helping, I think, him with Jason Reitman. But,  
25 yeah, I would say Sony helped facilitate that.

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1 Q And why did Sony help facilitate that?

2 A To see if we could get a better cut.

3 Q Did Ms. Lively ever express any other  
4 motivation other than hoping to get a better cut?

5 A No. She was clear she wanted to do a cut  
6 to make the movie great.

7 Q And you discussed that she had mentioned  
8 some of the difficulties on the set.

9 Did she ever threaten to publicly disclose  
10 what happened on the set unless you allowed her to  
11 be involved in the edit?

12 A No.

13 Q Did Ms. Lively ever threaten you in any way  
14 in connection with her involvement in the edit?

15 MR. KALTGRAD: Objection.

16 THE DEPONENT: No.

17 BY MS. GOVERNSKI:

18 Q I handed you a document that I'll mark as  
19 Exhibit 12, which is Bates number BL\_19036, which is  
20 a text between you and Ms. Lively?

21 Do you see that?

22 DEPOSITION REPORTER: I believe it's 13.

23 THE DEPONENT: Uh-huh.

24 MS. GOVERNSKI: Thank you very much.

25 Exhibit 13 --

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1 (Plaintiff's Exhibit 13 was marked  
2 for identification.)

3 BY MS. GOVERNSKI:

4 Q -- which is a text between you and  
5 Ms. Lively?

6 Do you see the document?

7 A Uh-huh.

8 Q Do you recognize it?

9 A I don't recognize it, but I have no reason  
10 not to believe it.

11 Q Okay. It's a May 4th document. And you  
12 write (as read):

13 "So glad you are with Shane!!!"  
14 and three exclamation points.

15 Do you see that?

16 A Uh-huh.

17 Q And who were you referring to when you said  
18 "Shane"?

19 A It must be the editor.

20 Q Okay. And so were you being truthful when  
21 you said that you were so glad that Ms. Lively was  
22 working with Shane?

23 A Yeah, I think I was happy because she was  
24 happy and -- yeah.

25 Q Was that the only reason that you were



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1 contractual thresholds"?

2 A It must mean far from -- this was -- this  
3 was based on a screening. I don't -- I don't know  
4 if this was in response to a -- one of Justin's cuts  
5 of the film. I don't -- I don't know.

6 Q So do you recall that there were two  
7 screenings in Edwards Aliso Viejo?

8 A Okay. I don't, but I believe you.

9 Q Well, do you recall that there was a second  
10 screening for Mr. Baldoni's cut?

11 A Sounds right.

12 Q Okay. I can represent to you that the May  
13 13th testing at Edwards Aliso Viejo was the second  
14 screening of Mr. Baldoni's cut.

15 A Okay.

16 MR. KALTGRAD: Objection.

17 BY MS. GOVERNSKI:

18 Q Okay. So -- I'm sorry, did you answer the  
19 question -- when you referred to these "contractual  
20 thresholds," are those the ones we discussed  
21 earlier, the 90 percent for the Top 2?

22 MR. KALTGRAD: Objection.

23 THE DEPONENT: I assume.

24 BY MS. GOVERNSKI:

25 Q Okay. And Mr. Baldoni's cut at the second

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1 test did not reach that 90 percent threshold; is  
2 that right?

3 MR. KALTGRAD: Objection.

4 THE DEPONENT: I don't know based on this.  
5 But if you've got the data, then, yes.

6 BY MS. GOVERNSKI:

7 Q So when you wrote "86 percent Top 2," what  
8 did you mean?

9 A That's the Top 2. That's definite and  
10 excellent -- I mean, that's very good and excellent.

11 Q Okay. And so this -- is this your  
12 understanding of the result from the May 13th  
13 testing?

14 A It must have been, yeah.

15 Q Okay. And what about "def recommend," what  
16 did you mean there?

17 A That's definitely recommend.

18 Q And what did you understand that the  
19 "definite recommend" score was at the second  
20 screening?

21 A It looks like 66.

22 Q Okay. And you wrote (as read):

23 "The ending is most likely  
24 doing the heavy lifting and  
25 improving scenes. She's" left --

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1 Q Okay. And to what extent was your shocker  
2 in reaction to Ms. Lively saying that Mr. Baldoni  
3 had resisted the Atlas scene at the end?

4 A Oh, I -- I don't think it was directed  
5 towards that. I think it was directed at, of  
6 course, that's what the audience wanted, from what I  
7 recall.

8 Q And Ms. Lively continued to work on Sony's  
9 cut after the May 13th testing; right?

10 A Yes.

11 Q Did Sony continue to support her use of an  
12 editor?

13 A I believe so, yes.

14 Q And do you recall the first time that the  
15 Sony cut was screened?

16 A I do not.

17 Q Okay. I'm going to hand you what I'll mark  
18 as Exhibit 15.

19 (Plaintiff's Exhibit 15 was marked  
20 for identification.)

21 BY MS. GOVERNSKI:

22 Q Which is SPE\_BL7874.

23 A Thanks.

24 Q And this is an e-mail from Mr. Pan to you  
25 about the results of a May 18th screening.

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1 Do you see that?

2 A Yep.

3 Q What is this document?

4 A Looks like how -- a document about how the  
5 movie tested versus the previous cuts.

6 Q Okay. And who's Jack Pan?

7 A He runs research for Sony.

8 Q Okay. And he writes (as read):

9 "Tonight's scores" --

10 "Tonight" presumably referring to -- well,  
11 let's see. This is e-mail is at 4:24 a.m., so  
12 tonight scores could refer to May 18th; right?

13 A Uh-huh.

14 Q Okay. (As read):

15 "Hi, Josh. Tonight's scores  
16 attached with comparisons to the  
17 two previous screenings."

18 Do you see that?

19 A Uh-huh.

20 Q Okay. And let's just look at the first --  
21 I see you rushed to the second page. But can we --

22 A I'm just trying to jog my memory, sorry.

23 Q No, that's fine. Can we look under "Pros,"  
24 the first bullet that says (as read):

25 "This cut pushes the emotional

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1 grounds to greater extents.  
2 Specifically, the romance is  
3 steamier and the abuse is heavier  
4 and the emotional arc is more  
5 varied and intense."

6 Do you see that?

7 A Uh-huh.

8 Q Please make sure you're saying "yes."

9 A Yes. Sorry. I'm really sorry.

10 Q I keep reminding you. We have to keep  
11 reminding each other.

12 A Yeah. Yes.

13 Q Okay. So help me understand, in all these  
14 various cuts, is part of the purpose  
15 experimentation?

16 A Yes.

17 Q And why is that?

18 A Because it's a creative process and you're  
19 trying things out. There's a million different  
20 variables and ways you can do it, and you're just  
21 trying to get to the best mix of all those  
22 variables.

23 Q Okay. Let's go to the attachment, which is  
24 on Bates number BL -- SPE\_BL7876.

25 Do you see that?

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1           Actually, let's go to the next page the  
2       SPE\_BL7877?

3           Do you see that?

4           A     Yes.

5           Q     Okay. Let's just orient ourselves. Under  
6       the dates, you see there's three dates: May 18, May  
7       13th and March 28th.

8           A     Uh-huh.

9           Q     Do you see that?

10          A     Uh-huh.

11          Q     Okay. So we established earlier that the  
12       March 28th was Mr. -- the first test of  
13       Mr. Baldoni's cut in Denver.

14          A     Okay.

15          Q     You can see that here, right, Denver,  
16       Colorado?

17          A     Uh-huh.

18          Q     Is that consistent with your understanding  
19       that March 28th reflects the first test of  
20       Mr. Baldoni's cut?

21          A     Uh-huh.

22          Q     Okay. And then May 13th, 2024, you see  
23       Aliso Viejo-- oh, please say "yes" or "no."

24          A     Yes. Sorry.

25          Q     Okay. In response to May 13th -- sorry.

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1 When we look at May 13, 2024, Aliso Viejo,  
2 California. We talked about that as the second test  
3 of Mr. Baldoni's cut. Is that consistent with your  
4 understanding?

5 A Yes.

6 Q Okay. And then the top one is in New York,  
7 May 18, 2024. We talked about that -- you testified  
8 that that was the first test of Sony's cut; is that  
9 right?

10 A Yes.

11 Q Okay. So let's go down to "total  
12 positive." Is total positive the same as the Top 2?

13 A Yes.

14 Q Okay. And if we look under "Totals," can  
15 you please compare the results of the three tests  
16 that we see in that box under "totals"?

17 A The last test was an 84. The second test  
18 was an 85. And the original test was a 76.

19 Q None of those tests met the 90 percent  
20 contractual threshold; right?

21 MR. KALTGRAD: Objection.

22 THE DEPONENT: Correct.

23 BY MS. GOVERNSKI:

24 Q Okay. And if you compare Mr. Baldoni's  
25 cut -- strike that.

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1           If you compare the second test of  
2 Mr. Baldoni's cut with the first test of Sony's cut,  
3 what do you see comparing those two percentages?

4           A     In "total positive"?

5           Q     Uh-huh.

6           A     It went down a point.

7           Q     Essentially a tie?

8           MR. KALTGRAD:   Objection.

9           THE DEPONENT:   Yeah, 84 to 85.

10          BY MS. GOVERNSKI:

11           Q     Okay.   And what about "yes, definitely,"  
12 can you take a look and tell us what you see?

13           A     Yeah.   Clear 69 versus a 66 and a 62.

14           Q     So which cut had the 69?

15           A     The third cut, the -- I guess you'd call  
16 that the Sony cut.

17           Q     Okay.   And Mr. -- what percentages did  
18 Mr. Baldoni's cuts previously achieve in "yes,  
19 definitely"?

20           A     66 and 62.

21           Q     Okay.   I'm going to hand you what I will  
22 mark as Exhibit 16.

23                   (Plaintiff's Exhibit 16 was marked  
24                   for identification.)

25          ///



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1 BY MS. GOVERNSKI:

2 Q SPE\_BL19158. Let me know what this is?

3 A Yep.

4 Q Okay. What is this?

5 A Message -- text between me and Blake and --  
6 where she informed me -- where she sent me Colleen's  
7 reaction to her cut.

8 Q Okay. So let me break that up. By  
9 "Colleen," you mean Ms. Hoover?

10 A Yes.

11 Q And when you say "her cut," you mean, what  
12 we've been referring to as "Sony's cut"?

13 A Yes.

14 Q And what was Ms. Hoover's reaction to  
15 viewing Sony's cut?

16 MR. KALTGRAD: Objection.

17 THE DEPONENT: Well, based on this text, it  
18 was effusive. And it says (as read):

19 "I have a list of 57 things I  
20 love about yours more. You killed  
21 it."

22 And then she put some of her specific  
23 thoughts. And I wrote (as read):

24 "Amazing and good news."

25 ///

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1 BY MS. GOVERNSKI:

2 Q Why was it good news?

3 A Because it's important, no matter what cut  
4 of the movie you go with, in terms of the film and  
5 in terms of the marketing that the cut -- the  
6 author, someone as much influence and understanding  
7 of the audience, Colleen Hoover, supports it and  
8 thinks it -- champions it.

9 Q You said, "according to this text." Is  
10 there any reason to think that this is not an  
11 accurate reflection of the text that --

12 A No, not at all.

13 MR. KALTGRAD: Objection.

14 THE DEPONENT: I'm just saying that because  
15 I have zero memory in general. And I just wanted --  
16 you know, I've never done a deposition. So I'm just  
17 trying be accurate, you know.

18 BY MS. GOVERNSKI:

19 Q So if you look up at your text message from  
20 11:11 p.m. before Ms. Lively sends you  
21 Ms. Colleen -- Ms. Hoover's text, you say, "Spoke to  
22 Colleen."

23 Do you see that?

24 A Uh-huh.

25 Q Do you recall having a conversation with

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1 all -- you know, it's very different fan bases, very  
2 different reasons. But that's all the same for all  
3 of it, is you need to have the tip of the spear  
4 exited about what you're doing and believing in what  
5 you're doing.

6 BY MS. GOVERNSKI:

7 Q So what weight would you place on  
8 Ms. Hoover's opinion?

9 MR. KALTGRAD: Objection.

10 THE DEPONENT: A lot.

11 BY MS. GOVERNSKI:

12 Q And how did you consider Ms. Hoover's  
13 opinion in deciding what cut of the film to release?

14 MR. KALTGRAD: Objection.

15 THE DEPONENT: It -- I would say it had a  
16 big -- a big sway.

17 BY MS. GOVERNSKI:

18 Q Even more than testing metrics?

19 MR. FLOYD: Objection.

20 THE DEPONENT: I don't know if I'd say  
21 more, but on par. If she had a real problem with  
22 something that was in the film, we would have a  
23 major problem.

24 BY MS. GOVERNSKI:

25 Q I'm not going to ask you to read all of her

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1 BY MS. GOVERNSKI:

2 Q How -- to what extent did Ms. Lively  
3 include Ms. Hoover in the editing process?

4 MR. KALTGRAD: Objection.

5 THE DEPONENT: I believe substantially.

6 BY MS. GOVERNSKI:

7 Q Can you explain what you mean by  
8 "substantially"?

9 A Well, I believe she showed her the film  
10 several times, got several rounds of notes and  
11 addressed all of Colleen's notes. I don't have the  
12 specifics, but that's what I recall.

13 Q Okay. And to what extent did Mr. Baldoni  
14 including -- include Ms. Hoover in the editing  
15 process?

16 MR. KALTGRAD: Objection.

17 THE DEPONENT: I don't know. I do recall  
18 it felt like Colleen felt that she was brought into  
19 the Blake cut in a more substantive way, but I don't  
20 recall the specifics.

21 BY MS. GOVERNSKI:

22 Q And do you recall that -- do you recall  
23 hearing that from Ms. Hoover herself?

24 A Yes.

25 Q Do you know one way or the other whether

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1 BY MS. GOVERNSKI:

2 Q Mr. Greenstein, I'm handing you Exhibit 19,  
3 which is Bates number RR/subpoena/85.

4 (Plaintiff's Exhibit 19 was marked  
5 for identification.)

6 BY MS. GOVERNSKI:

7 Q What is this document?

8 A This look like a text from Ryan  
9 congratulating me on Sony's "Garfield" opening.

10 Q Those are texts you received from  
11 Mr. Reynolds?

12 A Yes.

13 Q And that's Ms. Lively's husband; right?

14 A Uh-huh. Yes.

15 Q And if you go to the second paragraph,  
16 Mr. Reynolds writes (as read):

17 "More importantly, Josh. I  
18 can't thank you enough for your  
19 level of integrity and leadership  
20 with the IEWU drama. You're not  
21 only backstopping a vastly better  
22 version of the film, but you're  
23 making fans and allies left, right  
24 and center."

25 And you respond (as read):

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1 "I really" --

2 And he writes other things. And then you  
3 write (as read):

4 "I really appreciate your kind  
5 words. I'm so impressed with how  
6 Blake has handled the situation."

7 What did you mean when you wrote, "I'm so  
8 impressed with how Blake has handled the situation"?

9 A I believe I meant how impressed I was with  
10 what all -- you know, what she was doing in terms of  
11 the movie and the marketing campaign under these  
12 circumstances.

13 Q And what impressed you about how Blake was  
14 handling the marketing campaign under these  
15 circumstances?

16 A Well, at the time -- let me -- I'm just  
17 going to read my response. It was -- it was  
18 about -- oh, thanks. Thank you.

19 Yeah. I believe it was about -- about how  
20 creative she was, how she wouldn't settle for  
21 anything but greatness in the film and in the  
22 marketing campaign.

23 Q And then you say that her North Star is the  
24 movie.

25 A Yes.

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1 Q What did you mean by that?

2 A Well, it's kind of something I always said  
3 whenever I worked in places where it was like --  
4 even though I was employed by a studio, like I  
5 always felt like I never worked for the studio. I  
6 never worked for the filmmakers.

7 I worked for the movie, and that's the only  
8 thing that mattered. The best version and the  
9 biggest audience to come see a movie. And I believe  
10 that's how I felt she was in regards to this  
11 process. All she cared about was greatness.

12 Q You say (as read):

13 "I tell my wife and daughters  
14 all the time you need to advocate  
15 for yourself, especially in this  
16 world as a woman."

17 I'm wondering why you included that  
18 sentence.

19 A Well, it's -- I -- probably because I've  
20 been on so many movies where, you know, similar  
21 disagreements have happened between star and  
22 director or studio and star or studio and director.  
23 You know, there's all kind -- or producers or  
24 financiers.

25 And it's quite common for, in my

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1 experience, male stars to have real opinions and use  
2 their weight to say this is what's got to be. And I  
3 just didn't think there should be a double standard.

4 Q Did you think that there was a double  
5 standard?

6 A Well, I think that the pushback I think I  
7 was responding to from what was going on -- I'm not  
8 sure I felt there was an double standard. I was  
9 just saying I liked the fact that Blake was really  
10 speaking up for herself and trying to do what was  
11 best for the movie.

12 Q Did you think that Ms. Lively was acting as  
13 a terrorist?

14 A No.

15 Q Did you ever tell anyone that Ms. Lively  
16 was acting as a terrorist?

17 A I don't believe so, no.

18 Q Your next sentence, you say -- it says  
19 "no." I'm assuming you meant to say "not" for "not  
20 only" instead of "no only"; is that right?

21 A Probably.

22 Q (As read):

23 "Not only does Blake do that  
24 for herself, but she is a creative  
25 force and a total badass."



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1 Do you see that?

2 A Yes.

3 Q Why did you include that line?

4 A Because I was incredibly impressed that --  
5 especially seeing everything she was doing in terms  
6 of the cut of the film and the marketing of the  
7 film, that she -- her creativity, she took a -- like  
8 an okay campaign and elevated it.

9 And that whole Lily's flower shop special  
10 shoot with her and the cast was all kind of her --  
11 her design, right. And it really helped the movie.

12 Her pushing us to go screen the movie in  
13 full at Colleen's book event thing and having  
14 courage to do that and where we wanted to just show  
15 a little snippet of the movie.

16 And, you know, that's what I remember. And  
17 I was really, really impressed. Because you don't  
18 always get -- you rarely get that from partners much  
19 less producers or actors.

20 Q Okay. Can you read the next sentence  
21 beginning with her cut? You can read it out loud,  
22 please?

23 A Where do you want?

24 Q After total badass.

25 A (As read) :

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1 "Her cut is better, no  
2 question. I have her back all the  
3 way. It would be agreement both  
4 you making movies at Sony, both of  
5 you -- to both of you" --  
6 Man, I'm --

7 Q You can stop. It's okay.

8 A I'm a terrible speller and grammar --

9 Q I'm sorry. I should have told you where to  
10 stop. I'm interested in your sentence where you  
11 said "her cut is better, no question." By "her  
12 cut," you meant Sony's cut?

13 A Yeah.

14 Q And you said (as read):

15 "Her cut is better, no  
16 question. I have her back all the  
17 way."

18 Why did you communicate this in the text  
19 message?

20 A Because there was a lot of back-and-forth  
21 between Wayfarer and them and us. And I believe  
22 that that cut was a stronger cut.

23 Q As of May 26, you believed that the Sony  
24 cut was the stronger cut?

25 A I assume or I saw a path that it would

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1 A I don't believe so.

2 Q Okay. Let's scroll down to  
3 where Ms. Lively says she spoke with Colleen.

4 (As read):

5 "She feels like I do, still  
6 full steam ahead with my cut."  
7 Do you see that?

8 A Yes.

9 Q Is that consistent with your view of what  
10 the next steps were with respect to the cut that  
11 Sony would release?

12 A Yes, but I assume it was us working on that  
13 cut, because I think there are a lot of things just  
14 in terms of music and editing, not just the pure  
15 scores but the vibe, certain scenes that both Blake  
16 and Colleen liked much more in this cut.

17 Q Was it your decision to decide what cut to  
18 move forward with?

19 A Ultimately? No.

20 Q Whose decision was it?

21 A Tom Rothman.

22 Q Do you recall a time when Mr. Rothman made  
23 the decision which cut to move forward with?

24 A I don't.

25 Q And so at this point, that decision had not

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1 BY MS. GOVERNSKI:

2 Q And how would you describe Ms. Lively's  
3 receptivity to receiving notes from Sony?

4 MR. KALTGRAD: Objection.

5 THE DEPONENT: Open-minded.

6 BY MS. GOVERNSKI:

7 Q Are you aware of an event called "Book  
8 Bonanza"?

9 A I believe so.

10 Q Did Ms. Lively go to Book Bonanza?

11 A Is that the Colleen Hoover book event in  
12 Texas?

13 Q Are you aware of a book event in Texas that  
14 occurred in June 2024?

15 A Yes, that's probably it.

16 Q Okay. Any idea whose idea it was for  
17 Ms. Lively to attend Book Bonanza?

18 MR. KALTGRAD: Objection.

19 THE DEPONENT: I don't. It was either  
20 Colleen or Sony or one of the two.

21 BY MS. GOVERNSKI:

22 Q One of the two, Colleen or Sony?

23 A Uh-huh.

24 Q Colleen being Ms. Hoover?

25 A Yes.

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1 Q What was the reaction from the audience of  
2 Book Bonanza to the film?

3 A I believe it was incredibly well received.

4 Q What cut aired at Book Bonanza?

5 A I think an earlier cut of the Sony/Blake  
6 version, I believe. I don't think it was the final  
7 film cut.

8 Q But it was the Sony cut as it existed at  
9 that date?

10 A Yes. But when you say the Sony or Blake  
11 cut, I do believe there was a -- there was still  
12 stuff from Justin's cut. I forget the -- it was  
13 kind of a mix of things.

14 Q So as Ms. Lively was editing, there could  
15 be certain components of Mr. Baldoni's cut?

16 A Yes.

17 Q Is that right?

18 A Yeah.

19 Q Based on the feedback that she was  
20 receiving --

21 A I think so.

22 Q -- from Sony?

23 A Yes. Or from the audience.

24 Q Or from the audience.

25 Okay. So I've handed you what I've marked

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1 as Exhibit 22, which is SPE\_BL8046.

2 A Uh-huh.

3 (The following portion of this transcript  
4 was designated as confidential:)

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1 (Plaintiff's Exhibit 22 was marked for  
2 identification.)  
3

4 EXAMINATION

5 BY MS. GOVERNSKI:

6 Q Do you recall receiving this e-mail?

7 A Uh-huh. Yes.

8 Q Yeah. What is this e-mail?

9 A A reaction to Book Bonanza.

10 Q What was the reaction?

11 A Audiences loved it. They jumped to their  
12 feet in Blake's theater and screamed, like, You've  
13 got it right. Colleen was moved. Great night. And  
14 that's kind of what you -- that's the dream when  
15 you're dealing with a very avid fan base.

16 Q Do you recall --

17 A If that didn't go well, you're in big  
18 trouble.

19 Q Do you recall describing it as "lightening  
20 in a bottle"?

21 A I don't recall, but I -- sounds like  
22 something I'd say.

23 Q Why is that?

24 A I think -- I've just used that old-timey  
25 expression before.

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1 Q I'm handing you what's marked as  
2 Exhibit 23, SPE\_BL30 --

3 MS. GOVERNSKI: Oh, we're off AEO now. I'm  
4 so sorry. We can let Mr. Heath back in.

5 BY MS. GOVERNSKI:

6 Q This is SPE\_BL3031.

7 A Uh-huh.

8 (Plaintiff's Exhibit 23 was marked  
9 for identification.)

10 BY MS. GOVERNSKI:

11 Q What is this e-mail?

12 A Social reactions to "It Ends With Us" Book  
13 Bonanza panel and screening.

14 Q Okay. And who's Michael Severson?

15 A I believe he worked in strategy and  
16 analytics for the marketing group.

17 Q And he wrote that the response from the  
18 online fan base has been outstanding; right?

19 A Yes.

20 Q Overwhelmingly positive?

21 A Yes.

22 Q And just a small amount of negativity?

23 A Yeah.

24 Q So as of this date on June 17, 2024, what  
25 was your recollection of the amount of negativity,



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1 if any, that you were seeing online about the film?

2 A At this point, virtually zero.

3 Q And at this point, what do you recall about  
4 whether you were seeing negativity online regarding  
5 Ms. Lively?

6 A Zero. None.

7 Q Okay. I want to hand you what I'll mark as  
8 24, which is SPE\_BL8206.

9 (Plaintiff's Exhibit 24 was marked  
10 for identification.)

11 BY MS. GOVERNSKI:

12 Q What is this e-mail?

13 A An e-mail it looks like to me and Ange from  
14 Colleen Hoover.

15 Q Do you recall receiving this?

16 A No.

17 Q Okay. Any reason to doubt that you  
18 received this from Ms. Hoover?

19 A No.

20 Q Okay. If you look in the first paragraph,  
21 she says, (as read):

22 "In no way do I want to deny  
23 support for this film, especially  
24 after being invited by Blake to  
25 have a small hand in seeing it

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1 through. I will say that I'm  
2 concerned about everything  
3 happening behind the screens and  
4 the positions I've been put in,  
5 which I feel is" -- "which is why I  
6 feel much more comfortable having  
7 this conversation over e-mail."

8 And then if you go down to the end of the  
9 second question -- the -- sorry, the fourth  
10 paragraph. She says (as read):

11 "As for the premiere, I'm  
12 honestly not comfortable with it  
13 anymore."

14 What was your reaction to receiving an  
15 e-mail from Ms. Hoover telling you she was not  
16 comfortable with the premiere anymore?

17 A The premiere or --

18 Q Look, it says, "as for the premiere."

19 A Oh. I assume it was her talking about  
20 being in the middle of Justin and Blake's  
21 disagreements.

22 Q When you say "Justin and Blake's  
23 disagreements," what do you mean?

24 A Whether it be the cut of the movie or, you  
25 know, doing promotion or the press or the premiere,

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1 you know, that stuff.

2 Q Did you understand that the only  
3 disagreements were between Ms. Lively and  
4 Mr. Baldoni?

5 A No. I know Colleen had voiced disagreement  
6 with certain things.

7 Q And did you have any understanding of  
8 whether Ms. Hoover was uncomfortable going to the  
9 premiere -- actually, strike that.

10 Let's go to the next sentence. (As read):

11 "Am I comfortable" -- "am I  
12 going to be comfortable if Justin  
13 is there? No. Things are beyond  
14 uncomfortable at this point."

15 Do you see that?

16 A Yes.

17 Q Okay. So what was your understanding of  
18 what Ms. Hoover was communicating there?

19 A That she didn't want to be at the premiere  
20 with Justin.

21 Q So she would go to the premiere, just not  
22 if Justin was there; right?

23 MR. KALTGRAD: Objection.

24 THE DEPONENT: I don't know that she  
25 wouldn't go, but her e-mail said she'd be

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1 uncomfortable.

2 BY MS. GOVERNSKI:

3 Q Did you have any idea why Ms. Hoover would  
4 be uncomfortable?

5 A I just assumed with whatever stuff that was  
6 going on between all of them that -- you know, I  
7 wasn't on those calls or conversations, so.

8 Q So you didn't have any understanding of why  
9 Ms. Hoover would be uncomfortable being around  
10 Mr. Baldoni?

11 A I understood that they had some -- she  
12 would've felt very put off in terms of involvement  
13 in the film. And that she had some real issues. So  
14 I didn't really talk to her that much about those  
15 specifically. I didn't have that much communication  
16 with her.

17 Q She writes (as read):

18 "Can I promise I'll go if he,  
19 meaning, Mr. Baldoni and his team  
20 are all there? I can't promise  
21 that. I go back and forth every  
22 day between continuing to show up  
23 for this movie or going into  
24 hiding. Because it's all causing  
25 me anxiety and bringing attention

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1           that I'm not prepared for or used  
2           to."

3           Do you see that?

4           A    Uh-huh.

5           Q    Did you have any idea about the anxiety  
6           that Ms. Hoover was experiencing in connection with  
7           "It Ends With Us"?

8           A    Yeah. I don't know if at that point there  
9           was -- they started to be very close to open.  
10          Some -- a lot of online chatter about the campaign  
11          and about how it wasn't reflective enough of the  
12          book or the abuse or -- which kind of I think made  
13          her uncomfortable.

14          Q    Did you have any understanding of why that  
15          was directed towards Mr. Baldoni and his team as  
16          opposed to Ms. Lively?

17          A    I assume she had issues with them, with --  
18          with Mr. Baldoni and his team.

19          Q    And Ms. Hoover says (as read):

20                        "In a perfect world, we'd set  
21                        it all aside and everyone could  
22                        smile for the cameras. But  
23                        feelings have been hurt and  
24                        boundaries have been crossed."

25          Do you have any understanding of what

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1 Ms. Hoover meant when she wrote "boundaries have  
2 been crossed"?

3 A I can only assume that she felt that in her  
4 interactions, some boundaries have been crossed. I  
5 can't really expound on that.

6 Q Do you have any understanding of why  
7 Ms. Hoover didn't want to be smiling for the cameras  
8 with Mr. Baldoni?

9 A She obviously had issue with him.

10 Q Did you have any understandings of why any  
11 other members of the cast -- strike that.

12 Do you have any understanding of whether  
13 any other members of the cast did not want to be  
14 smiling in pictures for the cameras with Mr. Baldoni  
15 at the premiere?

16 MR. KALTGRAD: Objection.

17 THE DEPONENT: I was told Jenny Slate and  
18 Brandon didn't want to be in the picture with him.

19 BY MS. GOVERNSKI:

20 Q Can you describe what you understood with  
21 respect to Ms. Slate and Mr. Sklenar -- Ms. -- with  
22 respect -- sorry -- strike that.

23 Can you please describe what you  
24 understood, any hesitations, with respect to Ms. --  
25 from -- oh, my gosh. Why can't I get this question

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1 out? Strike that.

2 Tell me about what you were told about  
3 Ms. Slate and Mr. Sklenar attending the premiere?

4 A I believe someone in my publicity team said  
5 they weren't comfortable going if Justin and the  
6 Wayfarer team were there. And that's kind of the  
7 broad strokes of what I remember.

8 Q Did you ask why?

9 A Yeah. And it was stuff that happened on  
10 set and I didn't -- I didn't know the specifics.  
11 And at that point, I think I was just trying to get  
12 the movie launched without having some kind of  
13 publicity problem around it.

14 Q So at that point, Ms. Lively still had not  
15 told you any details what about occurred on the set?

16 A No. No. I think she said at one point,  
17 I'm specifically -- will not tell you details.

18 Q She said she specifically would not tell  
19 you details?

20 A Yeah. And I think it was as much for me as  
21 it was for her that she didn't want to involve me in  
22 that specificity.

23 Q Did Ms. Lively ever tell you that she would  
24 not promote the movie at all if you did not release  
25 the Sony cut?

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1           A     She said she'd be uncomfortable promoting  
2     the movie. I don't recall her ever threatening  
3     not -- to absolutely not, but I think I was  
4     definitely worried about that possibility.

5           And, again, very common occurrence in our  
6     business, if an artist isn't comfortable with what's  
7     on-screen, they have the right not to promote.

8           Q     Can you discuss a little bit about that,  
9     the right not to promote if you're not comfortable  
10    with what's on the screen?

11          A     I mean, if -- you know, there are some  
12    contracts that have contractual language where stars  
13    give two weeks' promotion, right.

14          But if someone doesn't -- you know, most of  
15    the time there's not that provision. But if someone  
16    doesn't want to promote something, it would be  
17    really impossible to make them. You wouldn't want  
18    to do that and -- for many reasons: one, you can't  
19    force someone to do what they don't want to do, and,  
20    two, if they're not excited about it, that's going  
21    to come across in the promotion of the film.

22          Q     So it's common for stars to want to embrace  
23    a film before they agree to promote it?

24               MR. KALTGRAD: Objection.

25               THE DEPONENT: I would say it helps a great



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1 the reaction to "It Ends With Us"?

2 A Campaign? Strong. Very strong.

3 Q And as of January 16, 2024, how would you  
4 describe --

5 A I would say.

6 Q Let me just finish.

7 How would you describe the reaction to  
8 Ms. Lively in particular?

9 MR. KALTGRAD: Objection.

10 THE DEPONENT: Well --

11 MR. FLOYD: I think he said --

12 BY MS. GOVERNSKI:

13 Q Let me ask that question again.

14 As of July 16, 2024 --

15 MS. GAROFALO: I'm sorry. I heard  
16 whispering. Is there an objection on the record?

17 MS. GOVERNSKI: They were telling us that I  
18 got the wrong date.

19 MS. GAROFALO: Thank you.

20 BY MS. GOVERNSKI:

21 Q So as of July 16, 2024, how would you  
22 describe the response that you were seeing with  
23 respect to Ms. Lively?

24 A Well, it says in Thematic Insights (as  
25 read) :

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1 Q I guess everyone indirectly reports to you?

2 A Uh-huh.

3 MR. FLOYD: Did. Did.

4 THE DEPONENT: Did. Did.

5 MS. GOVERNSKI: Did.

6 BY MS. GOVERNSKI:

7 Q You see in the first sentence, he says (as  
8 read):

9 "Spoke to Wayfarer this  
10 morning."

11 A Uh-huh. Yes.

12 Q Do you have an understanding of who at  
13 Wayfarer Mr. Whitmore may have spoken with?

14 A No.

15 Q Okay. He says, in the second paragraph,  
16 Mr. Whitmore writes (as read):

17 "We were very clear. We don't  
18 want to create/post nomore.org- or  
19 domestic violence-related content."

20 Did you have any understanding of who the  
21 "we" is that Mr. Whitmore referred to in this  
22 sentence?

23 A Sony.

24 Q Okay. So Mr. Whitmore explained that Sony  
25 was very clear that Sony did not want to create/post

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1 nomore.org- or domestic violence-related content.

2 He goes on that -- he explains (as read):

3 "That its virtue signaling  
4 could feel self-serving and also  
5 could easily not hit right coming  
6 from two men."

7 Do you see that?

8 A Yes.

9 Q To what extent does Mr. Whitmore's  
10 description of why Sony did not want to create this  
11 type of content consistent with your own views?

12 A Yes. The only thing I would say it's  
13 missing, from your question, is that also everything  
14 we learned in the research said making it too  
15 focused on domestic violence would hurt the opening  
16 weekend of the film.

17 We always -- we always believed that we  
18 would support those organizations post-release. And  
19 that the most important thing was to get as many  
20 eyeballs seeing a movie about domestic violence and  
21 so much more was the North Star for us.

22 Q So not necessarily speaking about domestic  
23 violence, but designing a campaign that gets people  
24 excited about seeing a film about domestic violence  
25 or that includes domestic violence?

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1           A     That includes domestic violence. Again,  
2     not hiding -- you know, if you look at all the  
3     materials, not hiding the domestic violence.  
4     Actually, not only is -- would that be the wrong  
5     thing to do morally, but as you can see from which I  
6     didn't remember until your documents, the earlier  
7     research said you must address that.

8                     That's what -- you know, people didn't want  
9     a run-of-the-mill romantic drama. It had some real  
10    subject matter and some hard-hitting stuff, but it  
11    can't be focused only on that.

12           Q     It wasn't a documentary on domestic abuse?

13           A     The movie, no, it was not.

14           Q     Okay. We talked about that the -- I think  
15    we've oriented that the release was August 9th?

16           A     Uh-huh. Yes.

17           Q     Are you aware of press junkets that  
18    occurred in advance of the premiere on August 9th?

19           A     I am certain there was such junkets, but I  
20    don't remember.

21           Q     And they -- do junkets typically occur  
22    before a film is released?

23           A     Yes.

24           Q     Okay. Do you have any recollection of  
25    whether Mr. Baldoni participated in any press

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1 BY MS. GOVERNSKI:

2 Q Do you see this e-mail?

3 A Yes. Uh-huh.

4 Q What is this document?

5 A This document is Danni informing us of an  
6 interview that Justin did in Dallas where he was  
7 trying to talk about the scene where Ryles [sic] was  
8 raping Lily.

9 Q And, specifically, Ms. Maggin writes (as  
10 read):

11 "I just alerted Josh about  
12 this. But Justin is basically  
13 alluding to raping Atlas out of  
14 Lily when talking to the Dallas  
15 Morning News. We cut the tape.  
16 But he is a moron. Josh said he  
17 couldn't do any more press, but he  
18 has a lot left. So maybe we can  
19 talk ASAP."

20 Do you see that?

21 A Yes.

22 Q To what extent is this an accurate  
23 description of your reaction to the Dallas Morning  
24 News interview?

25 MR. KALTGRAD: Objection.

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1 THE DEPONENT: I think I must have been  
2 upset, and I was very deployable trying to protect  
3 the movie.

4 BY MS. GOVERNSKI:

5 Q Why were you upset about what Mr. Baldoni  
6 said to the Dallas Morning News?

7 A Because my staff and I felt that that was  
8 not a topic to discuss in the promotion of the  
9 movie, getting that detailed and somewhat graphic  
10 and worried about that male perspective on the  
11 issue.

12 Q When you say "that male perspective on the  
13 issue," what do you mean?

14 A Means Ryle's character's point of view. I  
15 don't think there's a lot of sympathy for that --  
16 rightly so that -- that -- it -- whatever that  
17 character's point of view was. And that's certainly  
18 not something that would help in promoting the  
19 movie.

20 Q Did you tell that to Mr. Baldoni?

21 A I am sure I made that clear to my people  
22 who were communicating with him.

23 Q Okay. I want to hand you Exhibit 28, which  
24 is LS\_325.

25 ///

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1 could possibly.

2 You know, I didn't -- I didn't have it as a  
3 fact. But the fact I was hearing it from multiple  
4 people that I worked with was concerning, so I  
5 forwarded it to them.

6 Q And you said Ms. Sloane is Ms. Lively's  
7 publicist; right?

8 A Yes.

9 Q Do you understand that Ms. Sloane had been  
10 working to prevent any stories about what happened  
11 on the set from being made public?

12 MR. KALTGRAD: Objection.

13 THE DEPONENT: Yes.

14 BY MS. GOVERNSKI:

15 Q How did you understand that?

16 A She told me.

17 Q What did she tell you?

18 A Just that she -- there was -- she was  
19 getting a lot of incoming calls about stories of  
20 problems on the set and she was trying to kill them.

21 Q And what was your reaction to Ms. Sloane  
22 telling you she was trying to kill stories about  
23 happened on the set?

24 A I don't remember what my reaction was, but  
25 I'm sure it was gratitude.

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1 Q Why gratitude?

2 A Because those stories would damage -- could  
3 damage the -- the performance of the film.

4 Q Could they damage Ms. Lively as well?

5 A Yes.

6 Q Did they?

7 MR. KALTGRAD: Objection.

8 THE DEPONENT: Did those specific or  
9 eventually the whole thing?

10 BY MS. GOVERNSKI:

11 Q The whole thing?

12 MR. KALTGRAD: Objection.

13 THE DEPONENT: It -- yes, I assume. I know  
14 how upset she was and how she felt that her  
15 reputation was hurt. And there was a tidal wave of  
16 online hatred towards her that I don't think I ever  
17 seen to such a degree.

18 BY MS. GOVERNSKI:

19 Q Can you describe the wave of online hatred  
20 towards her that you saw?

21 A Just -- there's a lot of stories about --  
22 negative stories of all types and kinds and shades  
23 about her for many months.

24 Q From when did those begin?

25 MR. KALTGRAD: Objection.



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1 THE DEPONENT: I don't know, but it was  
2 pretty close to the opening of the film.

3 Q Okay. I want to hand you Exhibit 31, which  
4 is SPE\_BL9980. Do you have that in front of you?

5 A Yes.

6 (Plaintiff's Exhibit 31 was marked  
7 for identification.)

8 BY MS. GOVERNSKI:

9 Q If you turn the page, it's an e-mail from  
10 Mr. Heath.

11 A Uh-huh.

12 Q You're on this e-mail; right?

13 A Uh-huh.

14 Q Do you recognize it?

15 A Yes.

16 Q What is this?

17 A Response to the article I sent Jamey.

18 Q Okay. And he writes (as read):

19 "I'd like us to take a look at  
20 that. Even in the midst of feuding  
21 how many people are pointing out  
22 that the DV is being glossed over,  
23 and that Justin is essentially the  
24 only one appreciating the subject  
25 matter whilst others may be not

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1 giving it the proper respect it  
2 deserves."

3 Do you see that?

4 A Yes.

5 Q Do you recall your reaction to this e-mail?

6 A Yes.

7 Q What was your reaction to this e-mail?

8 A My reaction was I didn't recall them having  
9 those concerns earlier for months and months during  
10 the campaign. And it seemed like at opening, those  
11 concerns started happening. And there were stories  
12 started breaking. I don't know the order.

13 But I thought that, one, that it was  
14 incredibly unfair to the campaign. And two, it  
15 would materially hurt the film.

16 Q So did Mr. Heath come out and -- strike  
17 that.

18 If we can turn to the first page. You  
19 respond by saying "ignore" in all capital letters;  
20 right?

21 A The first page of this?

22 Q Well, we can state Ms. Hann writes -- who  
23 is Ms. Hann?

24 A She ran publicity for Sony.

25 Q Okay. And she writes (as read):

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1 Q Was Sony tracking the online reaction to  
2 stories about Ms. Lively?

3 A Yes.

4 Q Okay. I've handed you Exhibit 33 which has  
5 the Bates stamp SPE\_BL3328.

6 Do you see that?

7 A Yep. Yes.

8 (Plaintiff's Exhibit 33 was marked  
9 for identification.)

10 BY MS. GOVERNSKI:

11 Q What is this e-mail?

12 A It's social and press response to the cast  
13 controversy with "It Ends With Us."

14 Q Okay. And is this a type of document that  
15 you would receive in the ordinary course of your  
16 business at Sony?

17 A Yes.

18 Q And can you describe the contents, like  
19 what does this type of e-mail track?

20 A Social sentiment.

21 Q And who is doing the tracking?

22 A We have monitoring services and it scours  
23 social media to look at individual posts.

24 Q So do you -- would you rely on the data in  
25 this --

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1 A Yes.

2 Q -- e-mail?

3 A Yes.

4 Q Okay. And if you can look to the first  
5 sentence where -- I'm sorry, the second -- okay.  
6 The -- in the second paragraph, it says (as read):

7 "Very little of this seemed to  
8 impact people's interest in seeing  
9 the movie; however, much of the  
10 online response was more supportive  
11 of Justin, 89 percent."

12 Do you see that?

13 A Yes.

14 Q Did that surprise you?

15 A I don't recall, but it -- at that point,  
16 that was, what, six days after release, four days  
17 after release? We released on the 9th?

18 Q Uh-huh.

19 A Yep. Yeah, with -- where all the stories  
20 were breaking, I -- I wasn't that surprised.

21 Q You were not that surprised?

22 A Huh-uh.

23 Q Why not?

24 A Because I believe at this point there was a  
25 deluge of negative stories about Blake.

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1 Q And if you go down to the social response,  
2 it says (as read):

3 "Neutral, 7 percent; pro Blake,  
4 4 percent; pro Justin, 89 percent."

5 Do you see that?

6 A Yes.

7 Q How did these numbers compare to the  
8 numbers that you were seeing in July that we  
9 discussed?

10 MR. KALTGRAD: Objection.

11 THE DEPONENT: The numbers that we  
12 discussed in July were I believe about the movie,  
13 not the -- but there was -- there was not -- I  
14 believe that this wasn't in the conversation, so it  
15 didn't exist.

16 BY MS. GOVERNSKI:

17 Q Okay. Well, it says 4 percent pro Blake;  
18 right?

19 A Uh-huh.

20 Q Do you recall your testimony earlier that  
21 the -- that you had not been seeing any negative  
22 reaction regarding Blake in July of 2024?

23 A Correct.

24 MR. KALTGRAD: Objection.

25 ///

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1 BY MS. GOVERNSKI:

2 Q So I am asking you if you can compare what  
3 you were seeing online in July with the numbers as  
4 reflected here regarding Ms. Lively?

5 MR. KALTGRAD: Objection.

6 THE DEPONENT: I would say public sentiment  
7 swung very negative.

8 BY MS. GOVERNSKI:

9 Q In the span of a week?

10 A Seemed to be.

11 Q In your experience, was that unusual?

12 MR. KALTGRAD: Objection.

13 THE DEPONENT: Yes.

14 BY MS. GOVERNSKI:

15 Q What is your reaction to the swing in the  
16 anti-Blake sentiment between July and August?

17 A My reaction with this would eventually hurt  
18 the playability of the movie, and I believe it did.

19 Q And what do you think is responsible for  
20 causing this drastic swing?

21 MR. KALTGRAD: Objection.

22 THE DEPONENT: All the negative press.

23 BY MS. GOVERNSKI:

24 Q Okay. I'm handing an exhibit, 34, which is  
25 AEO, so -- this is marked AEO by Sony so we have to

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1 world, what they were telling me, and that certain  
2 things were being -- I was reading in the press were  
3 being echoed, like that e-mail that I was shown by  
4 Mr. Heath to me about the negativity on the  
5 marketing campaign.

6 BY MS. GAROFALO:

7 Q Okay. Now, did you -- strike that.

8 Did you know at or about the time this  
9 publicity began to appear that Ms. Lively had  
10 effectively excluded Mr. Baldoni from the marketing  
11 campaign for "It Ends With Us"?

12 MS. GOVERNSKI: Objection.

13 THE DEPONENT: Yes.

14 BY MS. GAROFALO:

15 Q And would that have meant that in any  
16 photographs, publicity, anything -- any vehicle that  
17 was used to market the campaign, Mr. Baldoni was  
18 absent; isn't that correct?

19 MS. GOVERNSKI: Objection.

20 THE DEPONENT: For the most part. I do  
21 believe Justin did some things, but we had a  
22 situation where Blake and several cast members,  
23 including the author, did not want to be  
24 photographed with him and did not want to be in the,  
25 I guess, same vicinity that he was in, whether that

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1 was the premiere or something else.

2 BY MS. GAROFALO:

3 Q Okay. And you anticipated my next  
4 question. Did you know that there were photographs  
5 relating to marketing and the premiere where  
6 Mr. Baldoni was absent?

7 A Yes.

8 Q And that was at Ms. Lively's request; isn't  
9 that correct?

10 MS. GOVERNSKI: Objection.

11 THE DEPONENT: It was at the request of  
12 Ms. Lively, Brandon Sklenar -- was that his name,  
13 the other actor -- Jenny Slate, I believe that's her  
14 name, and Colleen.

15 BY MS. GAROFALO:

16 Q Did you ever discuss Mr. Baldoni being  
17 erased from photographs with Ms. Slate?

18 MS. GOVERNSKI: Objection.

19 THE DEPONENT: I don't recall. I don't --  
20 I'll just leave it there. I don't believe so, but I  
21 don't truthfully -- but, I don't recall.

22 BY MS. GAROFALO:

23 Q Same question for Mr. Sklenar, did you ever  
24 discuss it with him directly?

25 A No.



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1 THE DEPONENT: I was made aware that there  
2 was chatter about the marketing -- that piece of the  
3 marketing I believe close to the premiere is when it  
4 popped up.

5 BY MS. GAROFALO:

6 Q Do you remember what some of the public  
7 criticisms of Ms. Lively's marketing efforts were?

8 MS. GOVERNSKI: Objection.

9 THE DEPONENT: Yes. That it wasn't dealing  
10 hard enough with the direct idea of the abuse in the  
11 film. And that it was very flowery, I think. But  
12 I -- you know, the whole way through the campaign,  
13 we didn't hear that. Actually, we heard the  
14 opposite. This campaign is working so well because  
15 of everything we're doing.

16 And Blake had always said, which I thought  
17 was smart, it's actually what we learned in the  
18 research. It's what Colleen said. It's what the  
19 fans want, which is "Lily isn't defined by being  
20 abused."

21 That she is -- that she was abused, yes.  
22 But she's also a strong woman. She's -- she's  
23 self-sufficient. She's started -- she has her own  
24 business. She has friends. She has other  
25 relationships. You know, it was like not let that

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1 define her completely. And that was kind of what we  
2 -- with the campaign was trying do.

3 BY MS. GAROFALO:

4 Q Your marketing people made a decision that  
5 it was better to promote the movie, market the movie  
6 by downplaying the sexual abuse and playing up Lily  
7 Bloom's character strengths. Is that the correct  
8 statement?

9 A No.

10 Q Okay.

11 A I don't think that's correct.

12 Q Tell me what the marketing team at Sony  
13 conceived, or was recommending as a marketing  
14 strategy?

15 A It was showing all aspects. That -- and I  
16 want to be very clear. Not hiding or shying away  
17 from the abuse as I said in all materials that was  
18 front and center.

19 But if you made everything just about that,  
20 it would not have opened as big as it did and got  
21 enough excitement for people to see other aspects of  
22 this woman's life.

23 Q And you told us you relied on your  
24 marketing people; correct?

25 A Yes.

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1 Q Now, how long have you been involved in  
2 marketing of motion pictures?

3 A 25 years.

4 Q Have you ever known the marketing to go  
5 astray and effectively tank a release?

6 A My marketing department?

7 Q In general.

8 A A studio's marketing department that's  
9 actually marketing the movie?

10 Q Yeah. Make bad decisions, make a bad  
11 strategy call, it happens, doesn't it?

12 A Well, you said "intentionally tank."

13 Q Oh, I did not. If I did, I didn't mean to.

14 A Oh, okay. Sorry, can you rephrase?

15 Q Yeah. Sometimes the decisions by marketing  
16 departments are wrong and have a negative effect on  
17 the product; is that your experience?

18 MS. GOVERNSKI: Objection.

19 THE DEPONENT: It could happen.

20 BY MS. GAROFALO:

21 Q It does happen, doesn't it?

22 A Yeah, it's happened.

23 Q I can name a few.

24 A Let's hear. What do you got?

25 Q I'm not going to criticize.

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1 Okay. So were you aware --

2 A But can I say one thing to add to that?

3 Q You may.

4 A I would just say that in terms of marketing  
5 on this film and I don't want to come off as  
6 proprietary or defensive, but I would say this movie  
7 opening at \$50 million is one of the greatest  
8 marketing triumphs in the history of marketing. So  
9 it certainly was effective.

10 Q And that's your opinion?

11 A I think it's a fact.

12 Q Someone could have done it differently and  
13 opened at 60 million.

14 A Really?

15 Q Isn't that possible?

16 A No.

17 Q Not possible?

18 A Not possible.

19 Q Okay. At or about the time of the release,  
20 were you aware that there was a public criticism of  
21 Ms. Lively promoting her personal brands, personal  
22 products in the course of her marketing of "It Ends  
23 With Us"?

24 MS. GOVERNSKI: Objection.

25 THE DEPONENT: I was made aware when she

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1 launched her -- forgot what it was. It was some  
2 kind of company, maybe a beauty line, something like  
3 that. At a certain point when that was launched, I  
4 think it was maybe a few weeks out from release, or  
5 six weeks, I don't remember the exact time. But I  
6 do remember there was negative chatter.

7 BY MS. GAROFALO:

8 Q Because it was incorporated into the  
9 marketing of the film "It Ends With Us"; correct?

10 A It wasn't incorporated into it. It was  
11 launched in the same timeline.

12 Q Okay. What about -- are you aware that  
13 Ms. Lively had some kind of alcohol business called  
14 Betty Buzz?

15 A Is that the thing? I don't -- maybe. I  
16 don't know.

17 Q Were you aware of criticism that  
18 Ms. Lively, public criticism that Ms. Lively was  
19 attempting to market her brand Betty Buzz in  
20 connection with "It Ends With Us," which has a  
21 domestic violence theme?

22 MS. GOVERNSKI: Objection.

23 THE DEPONENT: No, I'm not aware.

24 BY MS. GAROFALO:

25 Q But you don't know that it didn't happen?

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1 released?

2 MS. GOVERNSKI: Objection.

3 THE DEPONENT: Yes.

4 BY MS. GAROFALO:

5 Q What film was that?

6 A I've got to really think about that. I  
7 know that I've been involved in situations like  
8 that. It's happened over the years. It's not  
9 incredibly frequent, but it's -- it has been known  
10 to happen, yes.

11 Q It is rare, is it not?

12 MS. GOVERNSKI: Objection.

13 THE DEPONENT: Yes, I'd categorize that as  
14 rare, but there are movies that come out that don't  
15 even get tested.

16 BY MS. GAROFALO:

17 Q And in those movies that you've referred to  
18 where the lesser -- the lesser cut, the cut with the  
19 lower scores has been released, can you remember the  
20 circumstances with any of those projects?

21 MS. GOVERNSKI: Objection.

22 THE DEPONENT: I can't, but I don't recall  
23 what the final scores were that -- the final test  
24 score.

25 I think one of the big things that

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1 solidified our belief in it is when we showed a cut,  
2 and I don't remember which cut exactly, at the  
3 Colleen Hoover Book Bonanza, and the core fans went  
4 nuts for it, that, I believe, also had a lot of  
5 influence on that decision.

6 BY MS. GAROFALO:

7 Q And was that before or after the Bake-Off?

8 A I don't know.

9 Q You talked a few minutes ago about  
10 Mr. Baldoni bringing this project --

11 A Uh-huh.

12 Q -- to Sony. Do you recall that?

13 MS. GOVERNSKI: Objection.

14 THE DEPONENT: I wasn't there for that, but  
15 that's what I heard happened. I think Wayfarer  
16 brought it to Ange, maybe.

17 BY MS. GAROFALO:

18 Q Okay. And if you know -- well, did you  
19 ever come to learn that this was a project that  
20 Mr. Baldoni had been working on for quite a while?

21 A I don't know.

22 Q How much money did Wayfarer invest in the  
23 film?

24 MS. GOVERNSKI: Objection.

25 THE DEPONENT: I believe they invested

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1           Q    Ms. Lively was very happy with the way you  
2 performed your role on an "It Ends With Us" in  
3 connection with the marketing of the film; is that a  
4 correct statement, to your understanding?

5           MS. GOVERNSKI:   Objection.

6           THE DEPONENT:   I would assume that is the  
7 case, because if you look up the gross openings on  
8 romantic dramas historically, this is probably the  
9 biggest, and it also dealt with tough subject  
10 matter.

11           So I think not only was she thrilled with  
12 the results in terms of the box office, but everyone  
13 at Sony and, you know, all of my constituents were.  
14 BY MS. GAROFALO:

15           Q    Okay.   You received a number of  
16 communications from Ms. Lively --

17           A    Uh-huh.

18           Q    -- telling you how happy she was for the  
19 positions that you were taking in connection with  
20 marketing of the film; isn't that correct?

21           MS. GOVERNSKI:   Objection.

22           THE DEPONENT:   I believe so.

23 BY MS. GAROFALO:

24           Q    Okay.   And same for Mr. Reynolds:   You  
25 received a number of communications from



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1 how the premiere would be handled with respect to  
2 Mr. Baldoni.

3 Do you recall that?

4 MS. GOVERNSKI: Objection.

5 THE DEPONENT: Yes.

6 BY MS. GAROFALO:

7 Q And what do you recall of those demands by  
8 Ms. Lively?

9 A She didn't want to be on the red carpet  
10 with him. She didn't want to be in photographs with  
11 him. She didn't want to be seated near him.

12 Q It went further than that, didn't it?

13 MS. GOVERNSKI: Objection.

14 THE DEPONENT: That's what I remember.

15 BY MS. GAROFALO:

16 Q And who made the decision to cave in to  
17 those demands?

18 MS. GOVERNSKI: Objection.

19 THE DEPONENT: We all talked as a company,  
20 Tom, me, publicity. There was a group of us.

21 BY MS. GAROFALO:

22 Q And the decision to give Ms. Lively what  
23 she wanted in connection with the premiere was made  
24 for the benefit of the film; would that be a correct  
25 statement?

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1 MS. GOVERNSKI: Objection.

2 THE DEPONENT: It was made for the -- for  
3 the benefit of us needing the lead actress to show  
4 and promote the movie at the premiere. I believe  
5 Wayfarer was also involved in this discussion and I  
6 guess had agreed to the demands as well.

7 BY MS. GAROFALO:

8 Q Because Ms. Lively was threatening not to  
9 attend the premiere unless her demands were met;  
10 isn't that correct?

11 MS. GOVERNSKI: Objection.

12 THE DEPONENT: I don't know how it was  
13 communicated with Wayfarer.

14 BY MS. GAROFALO:

15 Q Do you know how it was communicated to  
16 Sony?

17 A Yes.

18 Q And is it correct that Ms. Lively was  
19 indicating to Sony that she might not show up at the  
20 premiere if her demands were not met with respect to  
21 Mr. Baldoni?

22 A Yes.

23 MS. GOVERNSKI: Objection.

24 BY MS. GAROFALO:

25 Q And what kind of effect in your -- based on

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1 very briefly.

2 (Plaintiff's Exhibit 40 was marked  
3 for identification.)

4 MS. GAROFALO: I'm sorry.

5 BY MS. GAROFALO:

6 Q Appear to be text messages between you and  
7 Jason Groff on August 7, 2024.

8 A Uh-huh.

9 Q Who's Mr. Groff?

10 A Runs the EPK.

11 Q What is that?

12 A Electronic press kit. Sorry. It's the  
13 people in charge of filming everything that goes on  
14 at the premiere and packaging it and putting it out  
15 to try to get eyeballs.

16 Q Thank you.

17 And so on the second page of the document,  
18 Mr. Groff says (as read):

19 "Hey, Josh, at the premiere you  
20 told the team not to include Justin  
21 in the premiere sizzle. Danielle  
22 wanted me to double-check since the  
23 conversation about him not being  
24 involved was getting louder and  
25 louder."

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1 A Uh-huh.

2 Q And does that text from Ms. Giannetti  
3 refresh your recollection?

4 A A little bit. So, yeah, so is the mix --

5 Q Can I finish?

6 A Oh, sorry.

7 Q Thank you.

8 Does that refresh your recollection that at  
9 least at some point in time Ms. Lively was  
10 threatening not to promote the film if she didn't  
11 get her way with respect to editing?

12 MS. GOVERNSKI: Objection.

13 THE DEPONENT: I believe that I was worried  
14 about there was a possibility of that.

15 BY MS. GAROFALO:

16 Q Because she had told you that, hadn't she?

17 MS. GOVERNSKI: Objection.

18 THE DEPONENT: She had not threatened that.  
19 She had said, "It would be a big problem for me."

20 BY MS. GAROFALO:

21 Q And you didn't consider that a threat?

22 A No.

23 Q Ms. Giannetti considered it a threat,  
24 didn't she?

25 MS. GOVERNSKI: Objection.

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1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, Registered  
3 Professional Reporter, Certified Live Note Reporter,  
4 do hereby certify:

5 That the foregoing proceedings were taken  
6 before me at the time and place herein set forth;  
7 that any witnesses in the foregoing proceedings,  
8 prior to testifying, were duly sworn; that a record  
9 of the proceedings was made by me using machine  
10 shorthand which was thereafter transcribed under my  
11 direction; that the foregoing transcript is a true  
12 record of the testimony given.

13 Further, that if the foregoing pertains to  
14 the original transcript of a deposition in a Federal  
15 Case, before completion of the proceedings, review  
16 of the transcript [ ] was [ ] was not requested.  
17 I further certify I am neither financially  
18 interested in the action nor a relative or employee  
19 of any attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

22 Dated: October 1, 2025

23 

24 RENEE A. PACHECO

25 CSR No. 11564 RPR, CLR