

# **Exhibit 33**



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# Transcript of Warren Zavala

**Date:** September 18, 2025

**Case:** Lively -v- Wayfarer Studios, LLC, et al.

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Michigan #8598 | Nevada #089F | New Mexico #566

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLAKE LIVELY, )  
Plaintiff, )  
v. )  
CASE NO. )  
1:24-CV-10049-LJL )  
WAYFARER STUDIOS LLC, a )  
Delaware Limited Liability )  
Company, JUSTIN BALDONI, an )  
individual, JAMEY HEATH, an )  
individual, STEVE SAROWITZ, an )  
individual, IT ENDS WITH US )  
MOVIE LLC, a California )  
Limited Liability Company, )  
MELISSA NATHAN, an individual, )  
THE AGENCY GROUP PR LLC, a )  
Delaware Limited Liability )  
Company, JENNIFER ABEL, an )  
individual, JED WALLACE, an )  
individual, and STREET )  
RELATIONS INC., a California )  
Corporation, )  
Defendants. )  
\_\_\_\_\_ )

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VIDEOTAPED DEPOSITION OF

WARREN ZAVALA

THURSDAY, SEPTEMBER 18, 2025

LOS ANGELES, CALIFORNIA

PAGES 1 - 303

REPORTED BY MARK SCHWEITZER

CSR #10514, RPR, CRR

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1	Q. And you understood that it had sexual	10:59:08
2	violence content as well, correct?	10:59:11
3	A. Correct.	10:59:13
4	Q. And to the best of your knowledge, did	10:59:14
5	Ms. Lively understand that the movie had sexual	10:59:18
6	content before she agreed to accept the role -- the	10:59:21
7	role as Lily Bloom?	10:59:27
8	MR. BRUNO: Objection. Form.	10:59:29
9	MS. LEADER: Join.	10:59:31
10	Q. BY MS. GAROFALO: You can answer.	10:59:35
11	A. You guys gotta give me a little direction	10:59:36
12	here.	10:59:39
13	I'm sorry. Repeat the question. My	10:59:39
14	apologies --	10:59:42
15	MS. GAROFALO: Can you please read it back.	10:59:42
16	Thank you.	10:59:43
17	THE WITNESS: Sorry.	10:59:43
18	(Record read.)	10:59:59
19	THE WITNESS: Yes.	11:00:00
20	MR. BRUNO: Same objection.	11:00:01
21	Q. BY MS. GAROFALO: And did you, in fact,	11:00:03
22	discuss the subject matter of the film with	11:00:04
23	Ms. Lively before she accepted the role of Lily	11:00:07
24	Bloom?	11:00:11
25	A. What specifically?	11:00:11

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1	Q. The sexual content.	11:00:12
2	A. Yeah, she wasn't gonna do anything that was	11:00:14
3	R-rated. So there were simulated sex scenes in terms	11:00:17
4	of a romance, but it wasn't -- I think the question	11:00:20
5	you're asking has varying degrees.	11:00:23
6	Q. Okay. Tell me what, if anything, you	11:00:26
7	discussed with Ms. -- with Ange Giannetti regarding	11:00:30
8	potential sex scenes in the movie before Ms. Lively	11:00:37
9	signed on.	11:00:43
10	A. I don't know if we did.	11:00:45
11	Q. So is it your testimony that Ms. Lively	11:00:47
12	told you that there were sex scenes, but there were	11:00:52
13	limits as to what she would do in connection with	11:00:58
14	those sex scenes?	11:01:01
15	MR. BRUNO: Objection. Form.	11:01:02
16	THE WITNESS: Does that mean I still	11:01:08
17	answer?	11:01:10
18	MS. GAROFALO: Yes.	11:01:11
19	THE WITNESS: Okay. You've got to help me	11:01:13
20	out here a little bit.	11:01:14
21	Q. BY MS. GAROFALO: I know. I should have	
22	given you that question. All right. I'm gonna give	
23	it you -- (inaudible cross talk)	
24	A. Give me a hand signal or something.	
25	Okay --	

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1	in an R-rated film.	11:03:48
2	Q. Specifically with regard to what she would	11:03:50
3	or would not do as an actress in a sex scene on the	11:03:55
4	movie It Ends With Us, what were your conversations	11:04:00
5	with Ms. Lively?	11:04:04
6	A. I didn't have --	11:04:05
7	MR. BRUNO: Objection. Form.	11:04:06
8	A. Didn't have any.	11:04:07
9	Q. BY MS. GAROFALO: Okay. Now, prior to your	11:04:09
10	visit to the set in June of 2023, did you have any	11:04:11
11	conversations with Ms. Lively in which she told you	11:04:15
12	that she had been asked to do something on the set	11:04:19
13	that she refused to do?	11:04:23
14	MR. BRUNO: Objection. Form.	11:04:26
15	THE WITNESS: I don't recall at that point	11:04:29
16	that she had refused to do something. I didn't get a	11:04:31
17	call from anybody about that.	11:04:36
18	Q. BY MS. GAROFALO: Did you provide	11:04:43
19	Ms. Lively with a script prior to the time she	11:04:44
20	accepted the role of Lily Bloom?	11:04:48
21	A. Um-hm. Sorry, yes, I did.	11:04:51
22	Q. And did you read the script?	11:04:55
23	A. I did.	11:04:56
24	Q. At the time prior to Ms. Lively's	11:04:56
25	acceptance of the role of Lily Bloom, did you find	11:05:01

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1	messages were not very complimentary?	01:44:44
2	MS. LEADER: Objection to form.	01:44:47
3	THE WITNESS: That is absolutely not true.	01:44:48
4	Q. BY MS. GAROFALO: Okay. Okay. Now, before	01:45:02
5	filming resumed, let's mark -- I think we're up to --	01:45:04
6	we at 5 or 6?	01:45:10
7	MS. LEADER: 5.	01:45:11
8	MS. GAROFALO: 5 -- as Exhibit 5, a	01:45:13
9	document Bates stamped Heath 45307 through 45311.	01:45:14
10	(Exhibit 5 for identification.)	01:45:20
11	THE WITNESS: Blakel.	01:46:02
12	Q. BY MS. GAROFALO: And you'd anticipated my	01:46:05
13	first question. Does this document refresh your	01:46:05
14	recollection as to what BLAKEL is?	01:46:07
15	A. Yeah, I just figured it out. It's her --	01:46:09
16	the name of her loan-out.	01:46:13
17	Q. Okay. And take a minute to look at this	01:46:21
18	document beginning on the -- you know what? Someone	01:46:23
19	didn't copy this correctly.	01:46:31
20	Okay. I'm sorry. It's been a long day.	01:46:37
21	On the first page of the document, there's a list	01:46:39
22	starting with 1 that continues on the next two pages.	01:46:41
23	Do you see that?	01:46:44
24	A. Yes.	01:46:45
25	Q. Just without sitting here and reading it	01:46:45

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1	carefully, can you tell us if you have any	01:46:49
2	understanding as to what that list is?	01:46:51
3	A. Is this the return to work?	01:46:59
4	Q. Just take a minute to look at the	01:47:05
5	document --	01:47:07
6	MS. LEADER: Take a minute. Yeah -- right.	01:47:08
7	THE WITNESS: Okay.	01:48:31
8	Q. BY MS. GAROFALO: Okay.	01:48:32
9	Do you recognize the list?	01:48:33
10	A. Yes, I've seen it before.	01:48:33
11	Q. What is it?	01:48:35
12	A. It's the return to work.	01:48:35
13	Q. What does that mean?	01:48:36
14	A. It's what was presented for her to be able	01:48:37
15	to return to work and finish the movie.	01:48:46
16	Q. Okay. This is a list that was presented to	01:48:48
17	Wayfarer as a condition of Ms. Lively returning to	01:48:51
18	complete the movie. Is that a correct statement?	01:48:58
19	A. Yes.	01:49:01
20	MR. BRUNO: Objection to form.	01:49:02
21	Q. BY MS. GAROFALO: And if -- if you know,	01:49:06
22	was Ms. Lively refusing to return to work on the	01:49:07
23	movie if Wayfarer did not agree to this list?	01:49:11
24	A. That's my understanding. I -- I wasn't a	01:49:16
25	party to the drafting of this or the presentation of	01:49:18



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1 sort of like her wanting to put it all to bed, sort  
2 of say her piece and move forward.

3 There was this notion that they were gonna  
4 be collaborative, and, you know, I went out to the  
5 set with Lindsey Strasberg. We spent the better part  
6 of a day in Jersey at her house, and it seemed to be  
7 the case. It was working well. And, you know, Todd  
8 Black and Ange Giannetti both pulled me aside to say  
9 how them collaborating together was making for better  
10 scenes, and they were feeling great about everything.  
11 Jamey was cordial. Alex was in good spirits. I saw  
12 her as well.

13 It seemed like we were in a much better  
14 place, and I think Blake was feeling very positive  
15 about the final phase of the movie.

16 Q. Okay. And another thing that she was  
17 requesting was that she be given a producer credit?

18 A. I think that was much later  
19 chronologically.

20 Q. Okay. At some point, she did make that  
21 request?

22 MR. BRUNO: Objection to form.

23 Q. BY MS. GAROFALO: Is that correct?

24 A. I had heard she had made that request, yes.

25 Q. Okay. And are you aware that she asked

01:53:48

01:53:52

01:53:58

01:54:01

01:54:02

01:54:07

01:54:11

01:54:17

01:54:21

01:54:24

01:54:27

01:54:32

01:54:33

01:54:36

01:54:39

01:54:45

01:54:46

01:54:49

01:54:51

01:54:51

01:54:53

01:54:55

01:54:57

01:54:58

01:55:00

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1 ended -- it was ended on a positive note? 05:01:46

2 A. It was -- I actually don't know. I think 05:01:52  
3 it was ended on a positive enough note for her to 05:01:53  
4 return to work. I don't know. 05:01:57

5 Q. Okay. Now, after the January 4th meeting, 05:02:09  
6 did shooting for the film resume? 05:02:24

7 A. Yeah, shortly thereafter. 05:02:31

8 Q. Okay. 05:02:31

9 A. I feel like the meeting was, like, a 05:02:32  
10 handful of days before they started photography. 05:02:34

11 Q. Okay. Now, when the strike occurred, how 05:02:38  
12 much of the film had been completed? 05:02:41

13 MS. GAROFALO: Objection. 05:02:44

14 THE WITNESS: I'm unclear on that. 05:02:44

15 Q. BY MR. BRUNO: Okay. 05:02:47

16 A. I think we talked about this earlier. And 05:02:48  
17 I feel like somewhere around half, but I don't 05:02:49  
18 recall -- 05:02:52

19 Q. Okay. Now, when shooting for the film 05:02:52  
20 resumed, you testified that you were there physically 05:02:56  
21 for some of the shooting; is that right? 05:02:59

22 MS. GAROFALO: Objection. 05:03:02

23 THE WITNESS: I did come out to the set, 05:03:03  
24 yes, and spent the breadth of the day there. 05:03:05

25 Q. BY MR. BRUNO: Okay. And how would you 05:03:10

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1 describe the environment when you were there? 05:03:12

2 A. Positive. I think that Jamey seemed like 05:03:14  
3 he was in good spirits. Lindsey Strasberg and I 05:03:19  
4 spoke to Justin briefly. Everybody seemed to be 05:03:24  
5 happy they were back at work. Todd and Ange, during 05:03:28  
6 a setup, pulled me aside and said that she was really 05:03:32  
7 collaborating with Justin, and they were getting much 05:03:37  
8 better work and she had great ideas, and it felt 05:03:41  
9 really positive. 05:03:44

10 Q. And in terms of Ms. Lively on-set, did you 05:03:46  
11 observe -- strike that. 05:03:51

12 And what did you witness with respect to 05:03:53  
13 Ms. Lively on-set? Was she collaborating with 05:04:07  
14 Mr. Baldoni? 05:04:10

15 A. Yeah. She -- I watched a scene where they 05:04:11  
16 were -- Justin was sort of directing, and she gave 05:04:14  
17 him some ideas from across the living room of, like, 05:04:18  
18 this or that, and Todd and Ange were sitting there in 05:04:22  
19 Video Village, and they seemed like -- like it was 05:04:26  
20 all -- she seemed happy. She -- I think she was 05:04:29  
21 relieved that she was gonna be finishing the film, 05:04:32  
22 and it felt good. 05:04:36

23 Q. And besides acting, did you observe 05:04:37  
24 Ms. Lively do anything else on the production set? 05:04:40

25 A. No. We -- we spent some time together. 05:04:42