

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BLAKE LIVELY,

Plaintiff,

v.

WAYFARER STUDIOS LLC, et al,

Defendants.

JENNIFER ABEL,

Third-Party Plaintiff,

v.

JONESWORKS LLC,

Third-Party Defendant.

No. 24-cv-10049 (LJL) (lead case)  
No. 25-cv-449 (LJL) (case)

**PLAINTIFF BLAKE LIVELY'S RESPONSE TO DEFENDANTS'  
RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS**

**Plaintiff's Response 15:** Undisputed that the evidence cited supports Defendants' assertion, but otherwise disputed as inconsistent with Heath's October 8, 2025 deposition testimony in which he claimed to [REDACTED]

[REDACTED]. Ex. 3, Heath 10/8 Tr. 134:16–19 [REDACTED]

[REDACTED]), 134:24–135:1 ([REDACTED])

[REDACTED]), 138:20–139:20

16. Although Wayfarer and its employees provided some administrative, legal, and operational support to IEWUM on the film, that is common in the film industry, and IEWUM paid Wayfarer \$1,500,000 for those services pursuant to the terms of the Wayfarer's co-financing agreement with Sony Pictures' subsidiary, Columbia. Heath Decl. ¶11; Ex. 23, SPE\_BL0000001 at -02.

**Plaintiff's Response 16:** Undisputed that the evidence cited supports Defendants' assertion, but otherwise disputed as Heath's declaration is inconsistent with his October 8, 2025 deposition testimony in which he claimed to [REDACTED]

[REDACTED] Ex. 3, Heath 10/8 Tr. 134:16–19 [REDACTED]

[REDACTED]

134:24–135:1 ([REDACTED])

[REDACTED], 154:14–22 ([REDACTED])

[REDACTED]

his wife were in a birthing tub with the baby, who was covered in a towel. Ex. 4, Heath 10/8 Dep. Tr. 179:23–180:25.

**Plaintiff's Response 120:** Undisputed that Heath testified that he showed Lively a video depicting “our midwife, my sister, my kids, my wife, myself, our newborn baby. I believe we were singing or praying.” The remainder is disputed as incomplete and misleading. [REDACTED]

[REDACTED]  
[REDACTED] 281, Lively  
Tr. 188:17–190:21; 3, Heath 10/8 Tr. 191:23–192:4; 13, Baker Tr. 118:2–119:2; 26 at BL-000021685.

121. [REDACTED]

**Plaintiff's Response 121:** Undisputed that the quoted language appears in Giannetti's deposition, but Lively respectfully refers the Court to the deposition transcript for its complete contents.

122. [REDACTED] . Ex. 12, Giannetti Dep. Tr. 122:03–04.

**Plaintiff's Response 122:** Undisputed that [REDACTED]

[REDACTED] The remainder is disputed as incomplete and misleading because it omits critical subsequent events. [REDACTED]

A series of seven horizontal black bars of varying lengths, decreasing from left to right. The bars are positioned at different vertical intervals, creating a stepped effect. The first bar is the longest and is located at the top. The second bar is shorter and is located below the first. The third bar is the shortest and is located below the second. The fourth bar is longer than the third and is located above the third. The fifth bar is longer than the fourth and is located above the fourth. The sixth bar is longer than the fifth and is located above the fifth. The seventh bar is the longest bar in the series and is located at the bottom.

Even though Sony's own policies and procedures mandated otherwise, Giannetti did not report Lively's harassment complaints to Sony's HR, and Sony did not conduct any investigation into Lively's harassment complaints. Exs. 281, Lively Tr. 76:3– 80:20; 2, Giannetti Tr. 108:24– 114:9, 116:1–117:25, 132:1–135:6; 27 at BL-000007954; 3, Baldoni 10/7 Tr. 180:2–185:22; 17, Robbins Tr. 93:13–94:8, 220:18–221:5; Wayfarer Ex. 92.

123. [REDACTED] . Ex. 12, Giannetti  
Dep. Tr. 122:06-07.

**Plaintiff's Response 123:** Undisputed but Lively respectfully refers the Court to the deposition transcript for its complete contents. Even though Sony's own policies and procedures mandated otherwise, Giannetti did not report Lively's harassment complaints to Sony's HR, and Sony did not conduct any investigation into Lively's harassment complaints. Ex. 17, Robbins Tr. 93:13–94:8, 220:18–221:5.

137. On May 28, 2023, Lively discussed the production with fellow cast member [REDACTED] [REDACTED]. Ex. 95, BL-000020770 at -1-4. In this communication, [REDACTED]  
[REDACTED]  
[REDACTED] *Id.* at -1.

**Plaintiff's Response 137:** Undisputed that the quoted language is included in Wayfarer Ex. 95, but Lively respectfully refers the Court to the full communication for its complete contents and disputes any summary or interpretation inconsistent therewith.

138. Lively did not contact Wayfarer's HR department during the production, nor did she file a formal sexual harassment complaint with Sony or Wayfarer's HR departments at any time. Ex. 12, Giannetti Dep. Tr. 299:22–300:15; Ex. 96, WAYFARER\_000149780 (email from Cynthia Barnes Slater confirming that Blake Lively did not make a complaint to Wayfarer's HR department).

**Plaintiff's Response 138:** Undisputed that Lively did not contact Wayfarer's HR consultant or Sony's HR department. The remainder is disputed as incomplete and misleading because it omits critical context. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Even though [REDACTED] Sony's own policies and procedures mandated otherwise Giannetti did not report Lively's harassment complaints to Sony's HR and Sony did not conduct any investigation into Lively's harassment complaints. Ex. 17, Robbins Tr. 93:13–94:8, 220:18–221:5. The Defendants' reference to a "formal sexual harassment complaint" is vague, undefined, and appears to be a legal conclusion. The cited materials do not support any implication that Lively failed to report her concerns.

139. On June 1, 2023, Lively asked Baldoni, Heath, and producer Alex Saks into her trailer. Ex. 24, Lively Dep. Tr. 188:7–16; Ex. 4, Heath 10/8 Dep. Tr. 213:13–25. Lively discussed various topics, including: Baldoni's comment that the wardrobe for Lively's character looked "sexy" or "hot"; Heath showing Lively an image of his wife at around the time she gave birth; an instance in which Heath entered her makeup trailer while Lively was in a state of undress; an instance in which Baldoni had cried in her trailer over the negative public reaction to Lively's casting; and Heath and Baldoni's practice of hugging other cast and crew members. Ex. 97, NATHAN\_00003767 attaching Ex. 219, NATHAN\_00003768; *see also* Ex. 24, Lively Dep. Tr. 191:13–192:4.

**Plaintiff's Response 139:** Undisputed that Lively raised concerns about each of these topics to Saks, Heath and Baldoni during the June 1, 2023 meeting. But disputed that such concerns were with respect to (a) comments about Lively's wardrobe, [REDACTED] [REDACTED] (b) Heath showing Lively an "image" "around the time" of his wife's birth, rather than a video of [REDACTED]; and (c) only Heath entering her trailer, rather than also [REDACTED] after she asked him to turn away. Exs. 30; 2 Giannetti Tr. 156:23–159:13; 15 Saks Tr. 134:17–139:16. [REDACTED]

Ex. 281, Lively Tr. 186:14–187:16.

140. Baldoni and Heath attempted to explain the innocent context and apologized for any discomfort Lively may have experienced. *See, e.g.*, Ex. 4, Heath 10/8 Dep. Tr. 219:6-25, 284:6-12, 290:11-24.

**Plaintiff's Response 140:** Undisputed that Baldoni and Heath tried to justify their decision to show Lively a video of Heath's naked wife giving birth, claiming that they "thought she wanted to see it." Disputed as to the characterization of their explanation as providing "innocent context," which is argumentative and unsupported by the record. [REDACTED]

The cited testimony does not establish that the context was “innocent,” only that Baldoni and Heath offered their own justification after the fact. Ex. 281, Lively Tr. 186:5–187:16.

141.

*Id.* at 130:12–131:11.

**Plaintiff's Response 141:** Undisputed that the quoted language appears in Giannetti's deposition, but Lively respectfully refers the Court to the deposition transcript for its complete contents. Even though Sony's own policies and procedures mandated otherwise Giannetti did not

report Lively's harassment complaints to Sony's HR, and Sony did not conduct any investigation into Lively's harassment complaints. Ex. 17, Robbins Tr. 93:13–94:8, 220:18–221:5.

142. [REDACTED]

[REDACTED] Ex. 12, Giannetti Dep. Tr. 147:15–148:10; Ex. 11, Saks Dep. Tr. 100:20–108:18; Ex. 95, BL-000020771; Ex. 98, SPE\_BL00020 at –24. [REDACTED]

[REDACTED] Ex. 12, Giannetti Dep. Tr. 149:1–4. [REDACTED]

[REDACTED] Ex. 11, Saks Dep. Tr. 104:6–10.

**Plaintiff's Response 142:** Undisputed that Slate spoke with Giannetti and Saks about issues on the production. The remainder is disputed as incomplete and misleading. Slate raised multiple concerns about Baldoni and Heath, which were not “primarily focused on Lively’s concerns about the set.” [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Exs. 15, Saks Tr. 101:15–102:15; 12, Slate Tr. 51:16–54:7, 58:23–59:8. In a text to Giannetti that same day, Saks noted that [REDACTED] concerns were “very bad” and stated “I think we need to replace our director. And [Heath] should not be on set.” Saks went on to share that [REDACTED]

“really would prefer to never see [Heath] again...” Exs. 15, Saks Tr. 99:10–20, 102:5–106:15; 108:19–112:1; Wayfarer Ex. 98. [REDACTED]

[REDACTED]. Ex. 2, Giannetti Tr. 148:22–149:24.

143. On May 30, 2023, Baldoni wrote messages to Lively and Slate separately, thanking them for their work and stating: “I was made fully aware of your concerns. I wanted you to know that they are fully received, I hear you, and adjustments will be made accordingly. I appreciate your feedback and really looking forward to working with you at the end of the week.” Ex. 99, WAYFARER\_000141469 at -71; *see also id.* (message to Lively, using similar language).

**Plaintiff’s Response 143:** Undisputed, but Lively respectfully refers the Court to the full document for its complete contents and disputes any summary or interpretation inconsistent therewith. Additionally, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Ex. 12, Slate Tr. 100:17-101:12.

144. Giannetti testified [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Ex. 12, Giannetti Dep. Tr. 150:7-151:5.

**Plaintiff’s Response 144:** Undisputed that the quoted language appears in Giannetti’s deposition, but Lively respectfully refers the Court to the deposition transcript for its complete contents. Even though Sony’s own policies and procedures mandated otherwise, Giannetti did not report Lively’s harassment complaints to Sony’s HR, and Sony did not conduct any investigation into Lively’s harassment complaints. Ex. 17, Robbins Tr. 93:13-94:8, 220:18-221:5.

Responses To Wayfarer Studios LLC's Second Set Of Interrogatories No. 21 (Oct. 17, 2025) at 15 (referring to January 7, 2024 video). These criticisms resurfaced in August 2024. *Id.*

**Plaintiff's Response 287:** Undisputed that on January 7, 2024 a TikTok user posted a clip of a May 2017 interview with commentary about Lively's alleged "problematic on-set behavior" without any supporting evidence or foundation, and that on August 10, 2024 Abel [REDACTED]

Wayfarer

Ex. 195 at 15; Ex. 71 at WAYFARER\_000136137. Disputed to the extent that this fact suggests there were any prior independent criticisms of Lively's on-set behavior by anyone who worked with her, of which there is no competent evidence. Defendants were [REDACTED]

[REDACTED] . 4, Baldoni 10/7 Tr. 278:18–279:2.

288. Sony executives privately observed that the negative publicity around Lively was driven by her own conduct. For instance:

- a. On August 11, 2024, Tahra Grant, Executive VP and Chief Communications Officer at Sony wrote: "She orchestrated all this drama in a totally unsavvy and amateur way (and basically threatened...Sony) and now is mad it backfired on her." Ex. 196, SPE\_BL0023201 at -202.
- b. On August 15, 2024, Tom Rothman, Sony's CEO observed that although Lively didn't "deserve" the backlash, "she did bring it all on herself by refusing to listen to advice ... and by selling her products." Ex. 197, SPE\_WF0000762.
- c. On August 21, 2024, Sony president Sanford Panitch wrote: "She did it to herself. If she just let him come to the premiere or didnt make all the cast unfollow him or kick him off the movie and did what everyone ever has done in show business for time and memorial which is protect 'the show' then none of the sleuthing would have happened.

The hair sell at the same time was epic level stupid. She wouldn't listen. She knows better.” Ex. 198, SPE\_WF0000793 at -794.

**Plaintiff's Response 288:** Undisputed that the quoted language appears in the cited source, but Lively respectfully refers the Court to the cited sources for their complete contents and disputes any summary or interpretation inconsistent therewith.

289. As negative sentiment toward Lively accelerated, Baldoni asked his PR team to confirm that it was not using “bots” or fake accounts to generate positive sentiment for him online. Abel and Nathan both confirmed that they were not using bots or fake accounts. Ex. 199, BL-00000216 at -253; Ex. 190, BL-00000328; Ex. 200, JONESWORKS\_0000001; Ex. 201, NATHAN\_000000290.

**Plaintiff's Response 289:** Undisputed that on August 18, 2024, after Baldoni noticed “[Instagram] comments on random posts defending me by people who are private with no followers and [ ] feel like bots,” he asked Nathan and Abel for confirmation that they were not using bots because he doing so would “feed[] into [Lively’s] potential narrative.” Ex. 65 at BALDONI\_000019423. Nathan responded that they were not using bots because “bots look fake to anyone,” and that “[t]he other team is doing something very specific in terms of what they do. I know Jamey & Jed connected on this. Bots and fan accounts also run pretty organically by now with all the AI platforms and Google Analytics itself - there is no bot army that’s a myth these days. Any digital team these days is far more intelligent to utilise something so obvious.” *Id.* at NATHAN\_000001006. Baldoni replied “Ok thank you” with praying hand and heart emojis. *Id.* Disputed that Nathan confirmed they were not using fake accounts. *See* Wayfarer Exs. 200 at JONESWORKS\_00000003; 201 at NATHAN\_000000290.

572. Michael Robbins, AWI-CH, an expert on harassment, discrimination and other employment matters, opined that both Wayfarer/IEWUM failed to follow standard practices and their own policies and failed to take reasonable steps to prevent harassment and retaliation from occurring, enabled by Ange Giannetti and Sony's lack of action. Exs. 124, Robbins Report at 1, 3–20; 17, Robbins Tr. 93:19–94:2, 98:25–100:5, 101:1–3, 101:21–102:1, 102:3–103:25, 140:17–142:24, 154:7–14, 155:9–156:2.

573. On June 1, 2023, Lively attended an in-person meeting with [REDACTED]

[REDACTED] Ex. 281, Lively Tr. 186:14–

187:16.

574. Although Lively [REDACTED]

[REDACTED] Ex. 281, Lively Tr. 186:14–187:16.

575. After the meeting, Saks texted Giannetti, recounting that Lively "was eloquent and on point" in "[c]alling [Heath] out in front of [Saks] and [Baldoni]," including about entering her trailer while she was undressed and "looking in her direction the entire conversation," showing her the birth video, and "mak[ing] jokes about how you can't make eye contact with people anymore, as if to undermine and lessen the importance of people not wanting to be comfy/cozy on set." Exs. 15, Saks Tr. 134:5–143:15; 30 at SPE\_BL0002026–2029.

576. Neither Baldoni nor Heath [REDACTED]

[REDACTED] Ex. 281, Lively Tr. 186:14–

187:16.