

EXHIBIT 5

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,

Plaintiff,

vs.

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

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

WAYFARER STUDIOS LLC, ET AL.,

Defendants.

JENNIFER ABEL,

Third-party Plaintiff,

vs.

JONESWORKS, LLC,

Third-party Defendant.

WAYFARER STUDIOS LLC, et al.,

Consolidated Plaintiffs,

vs.

BLAKE LIVELY, et al.,

Consolidated Defendants.

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VIDEO-RECORDED DEPOSITION OF STEVE SAROWITZ

Los Angeles, California

Friday, October 3, 2025

Stenographically Reported by: Ashley Soevyn,

CALIFORNIA CSR No. 12019

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1 MS. GAROFALO: Again, he's not asking you
2 about any communications with counsel. You're
3 instructed not to answer with information you
4 obtained solely from counsel. You can otherwise
5 answer the question. Is that -- do you understand
6 the instruction?

7 THE WITNESS: Yes.

8 So just to repeat so I make sure I -- are
9 you asking me if I'm aware of any policy on
10 retention of messages?

11 BY MR. GOTTLIEB:

12 Q Yes.

13 A No, I'm not aware.

14 Q Have you ever personally gone into your
15 Signal application and set or adjusted auto delete
16 functions on any chats that you've had?

17 A No.

18 Q So you do not know one way or the other
19 whether these Signal chats that you have relating to
20 the film have an auto delete function on them or
21 not; is that correct?

22 MS. GAROFALO: Again, he's not asking you
23 about anything you may have learned from attorneys
24 in the course of this litigation. He's asking about
25 your independent knowledge.

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1 THE WITNESS: No.

2 BY MR. GOTTLIEB:

3 Q No, you do not know?

4 A I don't know.

5 Q Have you ever had any person take your
6 phone and adjust your auto delete settings so far as
7 you know?

8 A No.

9 Q Did you take any steps, after you learned
10 about the possibility of litigation in this case, to
11 adjust the retention policies or look at the
12 retention policies for your [REDACTED] email address?

13 A No.

14 Q Do you know what the default setting is
15 in your system?

16 A No.

17 Q Do you know what the default setting is
18 in Signal for message deletion and retention?

19 A No.

20 Q So there's no steps that you took, as you
21 sit here today, that you can think of -- steps that
22 you took to determine whether any of your messages
23 were being deleted?

24 MS. GAROFALO: Again, he's not asking you
25 to respond with anything you learned from attorneys

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1 in connection with the litigation, just you
2 individually.

3 THE WITNESS: No.

4 MR. GOTTLIEB: Right.

5 BY MR. GOTTLIEB:

6 Q And just to make sure, because I'm not
7 sure how clear my last question was, with respect to
8 Signal, there's no steps, not conversations you had
9 with your lawyers, but things that you actually did.
10 You're unaware of anything you did to determine
11 whether your messages were being deleted or not?

12 A Yes.

13 Q Yes, you're -- yes, you're not aware?

14 A Yes, I am not aware.

15 Q Okay. Did you review any of the
16 documents that you produced as part of this
17 litigation?

18 MS. GAROFALO: Objection.

19 THE WITNESS: And, again, this is just
20 asking the question. If I reviewed them with my
21 attorneys?

22 BY MR. GOTTLIEB:

23 Q No. No. Just did you review, at any
24 time, any of the documents that were produced in
25 this litigation?