

Johnny Depp Loses Libel Case Against UK Tabloid

By **Bonnie Eslinger**

Law360, London (November 2, 2020, 10:15 AM GMT) -- Actor Johnny Depp lost his libel suit against a British tabloid on Monday, as a judge ruled that an article describing him as a "wife-beater" was not defamatory because what The Sun said was "substantially true."



A judge has said he reached his conclusion after examining 14 incidents on which The Sun's publisher relied in its defense against Johnny Depp. (AP Photo/Alastair Grant)

Judge Andrew Nicol tossed the suit against The Sun, saying in his 129-page decision at the High Court that Depp had not succeeded in his action for libel.

"Although he has proved the necessary elements of his cause of action in libel, the defendants have shown that what they published in the meaning which I have held the words to bear, was substantially true," the ruling says.

Judge Nicol said he had reached his conclusion after examining the 14 incidents on which The Sun's publisher, News Group Newspapers, relied. He said he had also examined Depp's evidence.

"It has not been necessary to consider the fairness of the article or the defendants' 'malice,' because those are immaterial to the statutory defense of truth," Judge Nicol added.

The Pirates of the Caribbean actor filed his lawsuit in response to a 2018 column that ran in the Rupert-Murdoch owned newspaper that accused Depp of being physically violent and abusive toward actress Amber Heard during their marriage.

Depp sued the tabloid's publisher, News Group Newspapers, and its executive editor, Dan Wootton over the allegation of domestic violence. The case culminated in a dramatic three-week trial in July in London at which Depp and Heard both testified. Audio and **video recordings** of the couple fighting were played in the courtroom.

Heard is not a party in the litigation in London, although she provided evidence to News Group and was the tabloid's key witness. The tabloid defended the article as true.

Judge Nicol said in his ruling that he found the "great majority of alleged assaults" of Heard by Depp had been substantiated by the "civil standard" for proof.

He also noted that a recurring theme in Depp's evidence was that Heard's allegations of domestic violence were a constructed hoax and that she was a "gold digger." The judge said he did not accept this characterization of Heard.

"I also accept that Ms. Heard's allegations have had a negative effect on her career as an actor and activist," the judge added.

The judge also quoted from a long text message that Depp sent to a friend in 2016, declaring, "She's begging for total global humiliation. She's gonna get it."

Judge Nicol said the text represents "something of Mr. Depp's feelings towards Ms. Heard."

Heard claimed Depp's extreme use of drugs and alcohol caused him to **become a "monster"** who abused her on more than a dozen occasions. He caused her to **fear for her life**, she said.

Depp denied physically hurting his former wife, while not denying his checkered history of heavy substance use. He testified that Heard **had been the aggressor** in their turbulent relationship.

A spokesperson for The Sun said that victims of domestic abuse "must never be silenced, and we thank the judge for his careful consideration and thank Amber Heard for her courage in giving evidence to the court."

Heard's lawyer in the U.S. — where Depp is suing his ex-wife over domestic violence allegations in a newspaper opinion piece that she penned — said in a written statement that "for those of us present for the London High Court trial, this decision and judgment are not a surprise.

"Very soon, we will be presenting even more voluminous evidence in the U.S.," said Elaine Charlson Bredehoft of Charlson Bredehoft Cohen & Brown PC. "We are committed to obtaining justice for Amber Heard in the U.S. court and defending Ms. Heard's right to free speech."

One of Depp's lawyers, Jenny Afia of Schillings International LLP, said in a statement that the judgment was so flawed that it would be ridiculous for the actor not to appeal it.

"This decision is as perverse as it is bewildering," Afia said. "Most troubling is the judge's reliance on the testimony of Amber Heard, and corresponding disregard of the mountain of counter-evidence from police officers, medical practitioners, her own former assistant, other unchallenged witnesses and an array of documentary evidence which completely undermined the allegations, point by point."

News Group and Wootton are represented by Sasha Wass QC of 6KBW and Adam Wolanski QC and Clara Hamer of 5RB Barristers, instructed by Simons Muirhead & Burton LLP.

Depp is represented by David Sherborne and Kate Wilson of 5RB Barristers and Eleanor Laws QC of QEB Hollis Whiteman, instructed by Schillings International LLP.

The case is John Christopher Depp II v. News Group Newspapers Ltd. and another, case number QB-2018-006323, in the High Court of Justice of England and Wales.

--Additional reporting by Paige Long and Christopher Crosby. Editing by Ed Harris.

Update: This story has been updated to add comment from lawyers for Heard, Depp and The Sun and more detail from the court.