

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD,

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

FILED
CIVIL PROCESSING

2020 OCT 22 P 3:05

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

DECLARATION OF ELAINE CHARLSON BREDEHOFT

1. My name is Elaine Charlson Bredehoft. All of the statements in this declaration are made from my personal knowledge and are true and correct to the best of my information and belief.

2. I am an attorney licensed to practice in Virginia.

3. I am the founder of the law firm Charlson Bredehoft Cohen & Brown, P.C., ("CBCB"), and together with J. Benjamin Rottenborn and Joshua R. Treece of Woods Rogers PLC ("Woods Rogers"), we are counsel to Defendant Amber Laura Heard ("Ms. Heard").

4. I submit this Declaration pursuant to this Court's Order dated October 15, 2020, in support of an award of attorneys' fees and costs associated with attending the deposition of Plaintiff, John C. Depp, II ("Mr. Depp") on October 5, 2020, and bringing Defendant's Motion to Compel the Deposition of John C. Depp, II and Production of Documents in Response to Defendant's Ninth Request for Production of Documents, and for Sanctions, before the Court on October 9, 2020 ("Motion to Compel").

5. The personnel at CBCB who participated in this matter were: (a) Elaine Charlson Bredehoft, (b) Adam S. Nadelhaft, senior associate; (c) David E. Murphy, associate, (d) Leslie

H. Hoff, paralegal and (e) Michelle Charlson Bredehoft, paralegal. While Woods Rogers also expended time in the preparation of motion and appearance at the hearing, we are not currently seeking an award of fees for their time. In addition, we have exercised billing discretion in not claiming all time incurred by the attorneys and paralegals on this matter, and not claiming time for the preparation of this Declaration, including reviewing the time and calculating the amounts.

6. The attached itemized chart reflects the time by the above attorneys and paralegal spent on the Motion to Compel, followed by the detail of the time entries. The hourly rates for these lawyers are well within the rates charged by attorneys and paralegals in Northern Virginia, as set forth in *Vienna Metro LLC v. Pulte Home Corp.*, 2011 U.S. Dist. LEXIS 158648 (E.D. Va. Aug. 24, 2011) (Lee, J.) and reflected in the following chart:

Paralegal	1-3 years of experience	4-7 years of experience	8-10 years of experience	11-19 years of experience	20+ years of experience
\$130-350	\$250-435	\$350-600	\$465-640	\$520-770	\$505-820

7. I have been practicing law for 36 years. I am admitted to practice in Virginia and in the District of Columbia, and in the federal trial and appellate courts for those jurisdictions. I have served as counsel in matters before the United States Supreme Court and have served as an Arbitrator and Mediator at the request of counsel in multiple jurisdictions. I actively litigate in the federal and state courts in the Metropolitan Washington DC Area. In the attached chart, my time entries are identified by my initials, "ECB."

8. Adam S. Nadelhaft has been practicing law for 17 years. Mr. Nadelhaft is a graduate of the University of Michigan Law School. Mr. Nadelhaft is admitted to practice in Virginia, the District of Columbia, and New York, and in the federal trial and appellate courts of those states. Mr. Nadelhaft's practice focuses largely in the areas of employment, torts and

business-related litigation, including employment discrimination and retaliation, civil rights violations, whistleblower rights, wrongful termination, defamation and fraud. Prior to joining CBCB, Mr. Nadelhaft practiced at the international law firm of Winston & Strawn LLP for 15 years.

9. David E. Murphy has been practicing law for four years. He is a graduate of the University of Wisconsin School of Law, and is admitted to practice in Virginia, the District of Columbia, and Wisconsin, and in the appellate court of the Commonwealth of Virginia. Prior to joining CBCB, Mr. Murphy interned for Chief Justice Shirley Abrahamson and Justice N. Patrick Crooks of the Wisconsin Supreme Court, as well as for the Special Litigation and Appeals Department at the Wisconsin Department of Justice. Additionally, while in law school, Mr. Murphy spent both of his summer internships with CBCB. Mr. Murphy appears frequently in Court, and has experience managing all aspects of civil litigation including initial fact-finding, motions practice, trials, and appeals.

10. Leslie A. Hoff, of CBCB, has a B.A. degree in economics from the College of William & Mary and has been a paralegal with CBCB for over 26 years.

11. Michelle Charlson Bredehoff has worked first part-time and then full time as a paralegal for CBCB for 15 years.

12. I spent a total of 27.6 hours on this matter, of which .7 was for attending the noticed deposition of Mr. Depp, at my hourly rate of \$700, for a total of \$19,320.

13. Mr. Nadelhaft spent a total of 1.5 hours on this matter, at his hourly rate of \$500, for a total of \$750.

14. Mr. Murphy spent a total of 1.1 hours on this matter, at his hourly rate of \$400, for a total of \$440.

15. Ms. Hoff spent a total of 3 hours on this matter, at her hourly rate of \$250, for a total of \$750.

16. Ms. Michelle Bredehoff spent a total of 4.4 hours on this matter, at her hourly rate of \$250, for a total of \$1,100.

17. In addition, CBCB incurred expenses for photocopying of filing and exhibits (\$.10 per copy) in the amount of \$49.60, and \$100 for messenger services (includes waiting at court and fuel charges, reduced from \$180) in connection with filing this motion.

18. The total amount of fees for which reimbursement is sought in direct connection with CBCB's work associated with the Motion to Compel is \$21,870.

19. The total amount of costs for which reimbursement is sought in direct connection with CBCB's work associated with the Motion to Compel is \$149.60.

20. The time expended, and costs incurred, were reasonable and necessary to achieve the results obtained.

I declare under penalty of perjury that the foregoing is true and correct.

10-22-20
Date



Elaine Charlson Bredehoff

SUMMARY CHART OF TIME RECORDS AND COSTS

Charlson Bredehoft Cohen & Brown, P.C.

Timekeeper	Hourly Rate	Total Hours	Total Fees
Elaine Charlson Bredehoft	\$700	27.6	\$19,320
Adam S. Nadelhaft	\$500	1.5	\$750
David E. Murphy	\$400	1.1	\$440
Leslie A. Hoff	\$250	3.0	\$750
Michelle Charlson Bredehoft		4.4	\$1,100
		37.60	\$22,360.00

Costs:

9/23/20 Copying \$49.60

9/23/20 Messenger \$100.00

DETAILED TIME RECORDS SUPPORTING SUMMARY:

Fees:

Date	Person	Description	Time	Rate	Total Charge
9/17/20	MCB	Draft Motion to Compel Deposition and template for Memorandum.	.8	\$250	\$200
9/18/20	LAH	Review and revise Memo in support of Motion to Compel Deposition of Mr. Depp to incorporate relevant factual background from Opposition to Motion for Continuance; email to Ms. Bredehoft re status of same.	0.5	\$250	\$125
9/20/20	ECB	Review emails and documents, communications/draft Motion to Compel and for Sanctions re Depp deposition, Requests for Production.	3.7	\$700	\$2,590
9/22/20	ASN	Revise Memorandum in Support of Motion to Compel and email Ms. Bredehoft and Mr. Murphy the edits.	0.5	\$500	\$250
9/22/20	ECB	Revise and revise Memorandum re Depp deposition/tcw (multiple) M. Bredehoft re same, issues, attachments.	2.8	\$700	\$1,960

9/22/20	LAH	Prepare final Motion pleading for Motion to Compel Deposition of John C. Depp, and for Sanctions; send to Ms. Bredehoft for review, and re details for meet and confer obligation.	0.2	\$250	\$50
9/22/20	MCB	Research and compile initial exhibits to Motion to Compel; email with Ms. Bredehoft and Ms. Hoff confirming same.	0.6	\$250	\$150
9/23/20	ECB	Draft, review and revise Motion, Praecipe and Memorandum in Support of Motion to Compel Depp Deposition, 9 th Requests for Production and Sanctions/tcw/Ms. M. Bredehoft and Ms. Hoff re locating additional attachments, review emails to print, finalize same for filing.	3.4	\$700	\$2,380
9/23/20	ECB	Email exchanges with Ms. Hoff and Ms. M. Bredehoft re finalizing and filing the Motion to Compel Deposition of Depp/Praecipe re same.	0.2	\$700	\$140
9/23/20	MCB	Teleconference with Ms. Bredehoft (multiple) re exhibits to Motion to Compel; research and compile additional exhibits/work with Ms. Hoff to finalize documents for filing.	1.1	\$250	\$275
9/23/20	LAH	Prepare Praecipe for Oct 9 hearing on Defendant's Motion to Compel Deposition of John Depp, Compel Documents Responsive to 9 th Request for Production of Documents, and for Sanctions; prepare attachments for electronic service and filing; finalize Motion and Memo re same; file with Court.	1.7	\$250	\$425
10/2/20	ASN	Analyze Mr. Depp's Opposition to Motion to Compel Deposition and conduct legal research re need for Protective Order to not attend deposition and email Ms. Bredehoft the analysis.	1.5	\$500	\$750
10/2/20	ECB	Email exchanges with Ms. M. Bredehoft researching the quarantine requirements between UK, Monaco, Spain and Switzerland along with UK and US; receive and review email from Ms. Ms. Bredehoft re her research re same.	.20	\$700	\$140

10/2/20	ECB	Receive and review email from Mr. Nadelhaft with his research on attached Rule 4:12(d)/Mr. Depp needs to seek a Protective Order not to attend his deposition/review and consider same.	.20	\$700	\$140
10/2/20	ECB	Review Depp Opposition to Motion to Compel Deposition/analyze issues, review our brief, exhibits, Monaco exhibit; tc/w Ms. Bredehoft re researching quarantine issues.	1.2	\$700	\$840
10/2/20	MCB	Research quarantine travel restrictions for Spain, Monaco, Switzerland, and the UK, send same to Ms. Bredehoft for her review and records.	0.5	\$250	\$125
10/3/20	DM	Research on sanctions for failure to appear for deposition; Prepare summary emails (x2) to Ms. Bredehoft and Mr. Nadelhaft re same and further incorporating 2018 Amendments to Rule 4:12 on sanctions for failure to appear at deposition.	1.1	\$400	\$440
10/3/20	ECB	Receive and review email from Mr. Murphy with his research re the issue of party not appearing for deposition when no protective order has been filed.	.10	\$700	\$70
10/3/20	ECB	Review briefs in support and Opposition to Motion to Compel Depp deposition/for sanctions/research code sections/prepare outline of points for hearing	3.1	\$700	\$2,170
10/3/20	ECB	Receive and review email from Mr. Murphy with attached Virginia's Rule 4:12 Sanctions Rule that was amended in 2018/review same.	.10	\$700	\$140
10/5/20	ECB	Appear at deposition of Mr. Depp (no show), present Notice of Deposition, precautions taken, no word from Mr. Depp or his counsel (while waiting reasonable period of time)/no Protective Order filed, no appearance/conf w/Court Reporter and videographer re invoices, and expedited transcript.	.70	\$700	\$490
10/5/20	LAH	Prepare draft, proposed Order for October 9 hearing (Motion to compel Depp Deposition, Responses to 9 th RFP, and for Sanctions)	.60	\$250	\$150
10/7/20	ASN	Review proposed Order re Ms. Heard's Motion to Compel deposition of Mr. Depp and email revisions to Ms. Bredehoft.	.20	\$500	\$100

10/7/20	ECB	Review emails, pleadings, articles/analyze best approach for hearing/draft points and issues.	1.4	\$700	\$980
10/8/20	ASN	Revise Outline in support of hearing to Compel Deposition of Mr. Depp and for sanctions and email thoughts and revisions to Ms. Bredehoff.	.80	\$500	\$400
10/8/20	ECB	Email exchanges with Mr. Nadelhaft re his edits to the Motion to Compel outline and consider same.	.2	\$700	\$140
10/8/20	ECB	Receive and review email from Ms. M. Bredehoff with attached travel chart relating to Johnny Depp.	.1	\$700	\$70
10/8/20	ECB	Review article relating to Mr. Depp's travel around Europe while Warner Bros indicated he was supposed to be in the UK, invoices from Court Reporter and Videographer, transcript of statement when Mr. Depp did not appear, quarantine requirements for Monaco, Spain and Switzerland, updated information, relevant code sections/prepare Exhibits and proposed Orders to submit to the Court, setting out specific requests for rulings.	2.1	\$700	\$1470
10/8/20	ECB	Prepare for hearing on Motion to Compel and for Sanctions, review briefs, outline arguments and responses, prepare detailed outline of presentation, anticipated issues, incorporate into argument, review and revise (multiple times) same.	3.9	\$700	\$2730
10/8/20	MCB	Draft chart of Mr. Depp's whereabouts while in Europe including dates and locations; teleconference with Ms. Bredehoff re same/finalize	1.4	\$250	\$350
10/9/20	ECB	Prepare for Hearing; gather Exhibits and Attachments and mark and index for oral argument, review, revise and finalize outline.	2.8	\$700	\$1960
10/9/20	ECB	Appear at hearing on Motion to Compel for Sanctions, including WebEx wait time.	.80	\$700	\$560
10/9/20	ECB	Revise Order based on Chief Judge White's rulings and directions.	.50	\$700	\$350
10/9/20	ECB	Email exchange with Mr. Chew with attached revised proposed Order reflecting the Court's ruling today re Mr. Depp's deposition.	.10	\$700	\$70

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v.

AMBER LAURA HEARD,

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Civil Action No.: CL-2019-0002911

ORDER

THIS MATTER IS BEFORE THE COURT for consideration of the Declaration of Elaine Charlson Bredehoff for an award of attorneys' fees and costs associated with attending the deposition of Plaintiff, John C. Depp, II ("Mr. Depp") on October 5, 2020, and bringing Defendant's Motion to Compel the Deposition of John C. Depp, II and Production of Documents in Response to Defendant's Ninth Request for Production of Documents, and for Sanctions, before the Court on October 9, 2020 ("Motion to Compel"), submitted pursuant to this Court's Order dated October 15, 2020; and upon consideration of Ms. Bredehoff's Declaration, the reasonableness of the fees and costs requested, and any Opposition by Plaintiff, it is hereby

ORDERED that Defendant is hereby awarded attorneys' fees in the amount of \$22,360.00 and costs in the amount of \$149.60, for a total amount of \$22,509.60; and it is further

ORDERED that Plaintiff shall pay this amount to counsel for Defendant, within seven (7) days from the date of this Order.

SO ORDERED.

Dated: _____, 2020

Hon. Bruce D. White
Chief Judge, Fairfax County Circuit Court

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

WE ASK FOR THIS:


Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
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J. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
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Counsel to Defendant and Counter-plaintiff Amber Laura Heard

SEEN AND EXCEPTED TO:

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Andrew C. Crawford (VSB 89093)
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Counsel for Plaintiff and Counter-defendant John C. Depp, II.

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ORDERED that Defendant is hereby awarded attorneys' fees in the amount of \$ _____ and costs in the amount of \$ _____ for a total amount of \$ _____; and it is further

ORDERED that Plaintiff shall pay this amount to counsel for Defendant, within seven (7) days from the date of this Order.

SO ORDERED.

Dated: _____, 2020

Hon. Bruce D. White
Chief Judge, Fairfax County Circuit Court

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Counsel to Defendant and Counter-plaintiff Amber Laura Heard

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Counsel for Plaintiff and Counter-defendant John C. Depp, II.

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CHARLSON BREDEHOFT COHEN & BROWN, P.C.
ATTORNEYS AND COUNSELORS AT LAW

2020 OCT 22 P 3:05

CURTIS L. CHARLSON (1925-2010)
ELAINE CHARLSON BREDEHOFT
PETER C. COHEN
CARLA D. BROWN
ADAM S. NADELHAFT

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

KATHLEEN Z. QUILL
DAPHNE S. GEBAUER
YVONNE A. MILLER
DAVID E. MURPHY

ALSO ADMITTED IN D.C.
ALSO ADMITTED IN MARYLAND
ALSO ADMITTED IN MASSACHUSETTS
ALSO ADMITTED IN NEW YORK
ALSO ADMITTED IN WISCONSIN
ONLY ADMITTED IN MARYLAND

October 22, 2020

BY MESSENGER

John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road, 3rd Floor
Fairfax, VA 22030

Re: *Case No. CL-2019-0002911 – John C. Depp, II v. Amber Laura Heard*

Dear Mr. Frey:

Enclosed for filing in the above referenced matter, please the Declaration of Elaine Charlson Bredehoft in support of an award of attorneys' fees and costs, together with proposed Orders. This Declaration is being submitted pursuant to this Court's Order dated October 15, 2020.

Also enclosed is an extra copy of the Declaration, which we would appreciate being date-stamped and returned to us via the awaiting messenger.

Thank you very much for your assistance.

Very truly yours,


Elaine Charlson Bredehoft

Enclosure

cc: J. Benjamin Rottenborn, Esq.
Benjamin G. Chew, Esq.
Camille M. Vasquez, Esq.
Adam R. Waldman, Esq.