VIRGINIA:

-7

2021 SEP -8 PM 2: 53

IN THE CIRCU	IT COURT OF FAIRFAX COUNTY T FREY
	IT COURT OF FAIRFAX COUNTY T. FREY CLERK, CIRCUIT COURT PAIRFAX, VA
John C. Depp, II, Plaintiff,))
v.) Civil Action No.: CL-2019-0002911
Amber Laura Heard,))
Defendant.)

MOTION TO CERTIFY AUGUST 17, 2021 ORDER FOR INTERLOCUTORY APPEAL

Defendant and Counter-Plaintiff Amber Laura Heard, by counsel, hereby moves this Court, pursuant to Virginia Code § 8.01-670.1, for certification of the August 17, 2021 Order denying her Supplemental Plea in Bar and striking certain defenses.

The Supplemental Plea in Bar presents questions of law respecting application of the nonmutual defensive collateral exception carved out in *Bates v. Devers* and recognition of a UK judgment Mr. Depp conceded was his clear preference over this proceeding for deciding the same issues presented here. There are substantial grounds for differences of opinion on these issues and no clear, controlling precedent on point in the decisions of the Supreme Court of Virginia or the Court of Appeals of Virginia. In addition, determination of these issues will be dispositive of a material aspect of the proceeding currently pending before the Court, and it is in the best interest of the parties to seek an interlocutory appeal.

The grounds for this Motion are set forth in the accompanying Memorandum.

Dated this 8th day of September 2021

Respectfully submitted,

Amber L. Heard



Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT
COHEN & BROWN, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
(703) 318-6800
ebredehoft@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

J. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
(540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Counsel to Defendant and Counter-Plaintiff Amber Laura Heard

CERTIFICATE OF SERVICE

I certify that on this 8th day of September, 2021, a copy of the foregoing was served by email, pursuant to the Agreed Order dated August 16, 2019, as follows:

Benjamin G. Chew, Esq.
Andrew C. Crawford, Esq.
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez, Esq. BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612

Telephone: (949) 752-7100 Facsimile: (949) 252-1514 evasquez@brownrudnick.com

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



Elaine Charlson Bredehoft (VSB No. 23766)
CHARLSON BREDEHOFT
COHEN & BROWN, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
(703) 318-6800
ebredehoft@cbcblaw.com