## **VIRGINIA:**

IN THE CIRCUIT COURT OF FAIRFAX COUNTY FILED CIVIL PROCESSING	
John C. Depp, II,	) 2020 FEB 13 A II: 50
Plaintiff,	) Civil Action No.: CL 2019-000291 URT
Amber Laura Heard,	) ) )
Defendant.	) ) )

## PLAINTIFF'S RESPONSE TO DEFENDANT'S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff John C. Depp, II hereby responds to Defendant's most recent Notice of Supplemental Authority, dated February 12, 2020 ("Notice"):

- 1. The case submitted by Defendant yesterday, Fairfax v. CBS Broadcasting Inc., et al., Case No. 1:19-cv-01176 (E.D. Va. 2020), is distinguishable.
- 2. Fairfax sued CBS, the publisher of the allegedly defamatory statements, and not the women accusers, who spoke the defamatory language. The Court's analysis focused on CBS's defamatory intent and implication, as opposed to the defamatory intent and implication of the actual accusers who spoke. And the Court also analyzed whether CBS made the defamatory statements with knowledge that the defamatory meaning was false or with reckless disregard, as opposed to whether the accusers had that knowledge.
- 3. Here, Mr. Depp has sued Ms. Heard, the accuser who made the statements, *not* the *Washington Post*, the publisher. Thus, the issue here is whether *Ms. Heard* made the statements with actual malice, not the *Washington Post*. The CBS broadcast at issue also presented

competing allegations of the incidents at issue, including responses from Fairfax. Here, Ms.

Heard's op-ed presents only her false narrative of the events.

## Respectfully submitted,

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Dated: February 13, 2020

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of February 2020, I caused copies of the foregoing to be served via email (per written agreement between the parties) on the following:

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