

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED
CIVIL PROCESSING
2022 JAN -6 A 11: 55

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM PLAINTIFF
AMBER LAURA HEARD'S EMERGENCY MOTION FOR PROTECTIVE ORDER TO
PROTECT ALL INDIVIDUALS ATTENDING THE DEPOSITION OF AMBER HEARD**

COMES NOW Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard"), by counsel, in accordance with Rule 4:12 of the Rules of the Supreme Court of Virginia and moves this Court for entry of the attached Protective Order (**Att. 1**) to ensure sufficient protection for all individuals attending the deposition of Ms. Heard. Alternatively, Ms. Heard moves the Court to permit the deposition to be taken by Zoom (**Att. 10**). The grounds for this Motion are set forth below.

Ms. Heard must unfortunately bring this Emergency Motion because Mr. Depp 1) refuses to honor his earlier agreement, in writing, to ensure the same safety and health protocols will be in place that Ms. Heard implemented for the deposition of Mr. Depp; 2) demands Ms. Heard violate [REDACTED] law by not wearing a mask while being deposed; and 3) refuses to require all persons present wear K95 or KN95 masks consistent with CDC guidelines to protect against the Omicron variant.

1. On November 29, 2021, Ms. Heard began communications with Mr. Depp respecting the safety and health protections and protocols for Ms. Heard's deposition and

followed up on December 3 regarding these procedures. *Att. 2*, at 27-38. Mr. Depp responded on December 3 that he appreciated the precautions taken by Ms. Heard for Mr. Depp's deposition, and agreed to "arrange for the same type of protective shielding" and to "make sure that both the court reporter and videographer are at least double vaccinated." *Id.* at 26-27.

2. On December 4, 2021, Ms. Heard then provided a detailed description of the protections provided for Mr. Depp's deposition, and Mr. Depp responded by "agree[ing] to the same safeguards Ms. Heard did, as you listed below, which I had frankly forgotten." *Id.*, at 19-25. Ms. Heard agreed to the deposition in person based on these precautions being met.

3. Mr. Depp did not follow up further respecting these agreements. On December 29, 2021, Ms. Heard requested her deposition be taken by Zoom due to the newfound and alarming spread of the Omicron variant. Mr. Depp immediately refused. *Id.* at 15-18. Given Mr. Depp's refusal to permit the deposition to be taken by Zoom, Ms. Heard then followed up by seeking the status of Mr. Depp's progress with complying with the previously agreed upon safety and health precautions for the deposition, including: providing a contact at the local police department, facilitating private and safe building ingress and egress, providing safety measures inside the building to ensure the public could not access the deposition area, ensuring cleaning measures for the building, restroom and deposition areas, lunch arrangements (to avoid having to leave the building), arrangements with the court reporter for plexiglass barriers, and assurances all persons physically present are fully vaccinated and received a booster. *Id.* at 8-14. Ms. Heard then requested, in light of the Omicron variant, deposition attendees wear N95 or KN95 masks.

4. Mr. Depp declined to substantively respond, and instead expressed hostility and threatened to file a calendar control notice for an emergency motion. *Id.*, at 7. Mr. Depp further

again claimed he had “confirmed in writing that we will take all appropriate measures to ensure the safety of Ms. Heard” and all other individuals, but he refused to specify what those measures would be or confirm that he would abide by his earlier agreement. *Id.* at 1-2.

5. Then on December 31, 2021, Mr. Depp again “AGREED to the safety protocols you requested specifically in relation to the Omicron variant,” and “would be happy to sign a Consent Order to that effect.” **Att. 3**, at 5-6. Ms. Heard prepared and sent a Consent Order reflecting the safety and health protocols earlier agreed to, along with the additional safety protocol sought both by Ms. Heard and her counsel- that all individuals physically present at the deposition wear N95 or KN95 masks based on the latest CDC guidance that only these masks are sufficient to protect against the Omicron variant, followed by the EDVA. (**Att. 4**). **Att. 2**, at 5-6; **Att. 3**, at 4-5.

6. This reasonable and straightforward request for all physically present individuals to wear N95 or KN95 masks then led to the increased hostility from Mr. Depp on December 31, 2021, along with backtracking from the protocols and procedures Mr. Depp had repeatedly agreed to in writing weeks before. Mr. Depp’s counsel refused to wear masks themselves for the deposition and refused to agree to ensure the court reporter and videographer had received COVID-19 shots.¹ **Att. 3**, at 3. Ms. Heard then followed up on January 3-4, 2022 regarding the status of Mr. Depp’s review of the Consent Order. *Id.*, at 1-2.

7. On January 4, 2022, Mr. Depp sent his redlines to Ms. Heard’s proposed Consent Order, some of which directly contradicted Mr. Depp’s earlier agreements, in writing, including

¹ Included in Ms. Heard’s earlier Consent Order was the requirement to ensure the Court Reporter and Videographer were also vaccinated and boosted and would wear the K95 or KN95 masks. However, counsel for Ms. Heard proactively reached out to Planet Depos because Mr. Depp had not, and secured Planet Depos’ confirmation of all these requirements, so this was removed from the Consent Order.

most alarmingly inserting the condition that “Ms. Heard *shall not wear a mask while being deposed.*” Att. 5, at 2. Mr. Depp further made the following revisions:

- a. Mr. Depp eliminated the earlier agreed obligation to facilitate private access to and from the building where the deposition is occurring and to provide safety and security measures inside the building to ensure the public could not access the deposition area;²
- b. Mr. Depp refused to provide Ms. Heard’s counsel with the name and contact information of the point person at the local police department, despite earlier agreeing to this condition;
- c. Mr. Depp only agreed to contact building management to request appropriate cleaning, but refused to take responsibility to ensure the cleaning would take place as earlier agreed; and
- d. Mr. Depp’s counsel refused to agree to wear N95 or KN95 masks, and only agreed to wear surgical or filtered masks despite the latest CDC guidance being these types of masks are worthless against Omicron and the Eastern District of Virginia now requiring these specific masks to enter the Courthouse (Att. 4).

Att. 5, at 2-3.³

8. Mr. Depp’s attempts to prohibit Ms. Heard from wearing a mask for her deposition, notwithstanding Ms. Heard having every right to wear a mask to protect her own safety and that of her infant child (not to mention others in the room), is even further disturbing because Mr. Depp would cause Ms. Heard to *violate* [REDACTED]

[REDACTED]

² This was combined with including the full address of the location of the deposition, which was not earlier public record (the Notice of Deposition was not filed with the Court). Thus, while broadcasting the location for the Depp fans (and Amber Heard haters) and press, Mr. Depp removed Ms. Heard and her counsels’ safe passage in and out of the building, a condition to which Mr. Depp had earlier agreed, in writing.

³ Mr. Depp also inserted that Ms. Heard would be deposed for “no less than seven hours of testimony each day....” Ms. Heard had agreed to 21 hours total – the same as Mr. Depp (who testified less than 7 hours any day of his deposition)– but if she testified longer the first day, for example, as written, she would automatically exceed the 21 hours because she would still have to testify at least 7 hours each additional day. This also contradicts the earlier agreement.

[REDACTED]
[REDACTED] Att. 6.⁴ Mr. Depp's demand that Ms. Heard not wear a mask is also on the heels of the emergence of '[REDACTED]

[REDACTED] Att. 8.

9. The security precautions for private building access, security at the location of the deposition and police contact information that Mr. Depp previously agreed to are critically important to Ms. Heard and her counsel's safety, as she and her counsel have received death threats, and Mr. Depp's fans (who are averse to Ms. Heard) are aware of the details of Ms. Heard's deposition. For example, the Twitter account [REDACTED]

[REDACTED] Att. 9.

10. Ms. Heard therefore respectfully requests the Court enter the attached Protective Order reflecting the reasonable protocols and procedures to ensure sufficient health and safety protection for all individuals attending the deposition, and if not met, the deposition will be taken by Zoom. Att. 1. Alternatively, Ms. Heard asks the Court to simply order the deposition to be taken by Zoom, in light of all the circumstances leading up to this emergency motion, and the existing serious health and safety concerns.⁵ Att. 10.⁶

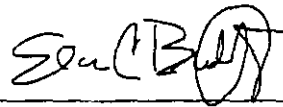
⁴ The United States District Court [REDACTED] due to the spread of the Omicron variant, along with reiterating that Court's mask requirement. Att. 7.

⁵ Ms. Heard took Mr. Depp's deposition continuation (the last 3.5 hours of the 21 hours) on December 14, 2021 by Zoom. All other depositions in this case have been taken by Zoom.

⁶ Ms. Heard opposes any continuance of the deposition. This is the third time her deposition has been scheduled, these dates were negotiated with the assistance of the Conciliator, there are only two months remaining for discovery and more than 30 depositions remain to be taken, and there is no evidence that the Omicron variant will dissipate, or other more deadly strains will not emerge. In fact, [REDACTED] Att. 8. The deposition needs to go forward and be completed now.

January 6, 2022

Respectfully submitted,



Elaine Charlson Bredehoft (VSB #23766)

Adam S. Nadelhaft (VSB #91717)

Clarissa K. Pintado (VSB 86882)

David E. Murphy (VSB #90938)

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*Counsel to Defendant and Counterclaim-Plaintiff,
Amber Laura Heard*

CERTIFICATE OF SERVICE

I certify that on this 6th day of January 2022, a copy of the foregoing was served by email, by agreement of the parties, addressed as follows:

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Andrew C. Crawford, Esq.
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*Counsel for Plaintiff and Counterclaim-Defendant,
John C. Depp, II*


Elaine Charlson Bredehoft

Attachment 1

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

PROTECTIVE ORDER RESPECTING DEPOSITION OF AMBER HEARD

THIS MATTER CAME ON TO BE HEARD upon the emergency motion of Defendant and Counterclaim Plaintiff Amber Laura Heard (“Ms. Heard”), for a Protective Order to require Plaintiff and Counterclaim Defendant John C. Depp II (“Mr. Depp”) to ensure appropriate safety precautions and protocols are in place in preparation for and during Ms. Heard’s deposition commensurate with the precautions and protocols exercised for Mr. Depp’s deposition as updated by [REDACTED] law and CDC guidelines, communicating such protocols and precautions to Ms. Heard and her counsel, and providing for a default of a Zoom deposition in the event any of the conditions set forth in this Order are not fully complied with, it is hereby:

ORDERED that it shall be the responsibility of both Mr. Depp’s and Ms. Heard’s counsel to ensure the following safety precautions and protocols are completed and met for the duration of Ms. Heard’s deposition:

- 1) The persons physically present at the deposition, including Ms. Heard, counsel/support staff on behalf of Ms. Heard and Mr. Depp, the court reporter, and videographer shall attest to being fully vaccinated and having received a booster shot (collectively, the “Authorized Individuals”). Anyone not attesting to being fully

vaccinated and having received the booster shot may not be present in the conference room where the deposition is being held at any time, and may not come within 20 feet of Ms. Heard and her counsel/support staff; and

- 2) All Authorized Individuals physically present in the deposition room or in any of the areas where Ms. Heard and her counsel/support staff may be located, such as reception areas, restrooms, separate conference room (“Contact Areas”), shall wear N95 or KN95 masks the entire time they are in the Contact Areas where Authorized Individuals are present, and may only briefly remove their masks for purposes of drinking a beverage while others are present; and it is further

ORDERED that it shall be the responsibility of Mr. Depp and Mr. Depp’s counsel to ensure the following safety precautions and protocols are completed in advance of and maintained for the duration of Ms. Heard’s deposition:

- 3) Securing a room and table for the deposition sufficient to ensure six feet of separation between Ms. Heard and her counsel/support staff and any of Mr. Depp’s counsel/support staff, the court reporter, and the videographer at all times;
- 4) Notifying the local police department of the deposition, including location, date and time and the potential for members of the public (including press and fans of either Mr. Depp or Ms. Heard) to appear, and the history of death threats to Ms. Heard during the UK trial, so appropriate arrangements can be made for either side to contact the police department in the event of encountering any situation warranting police involvement and to remove any non-authorized members of the public from interfering with or disrupting the parties orderly access to and from the building and while in the building and handling any potential threats;

- 5) Making arrangements with management of the building where the deposition is taking place to deep clean and sanitize all Contact Areas the night before the deposition, and each night for the duration of the deposition;
- 6) Making arrangements with management of the building where the deposition is taking place to clean and sanitize each restroom used by any Authorized Individual each evening for the duration of the deposition;
- 7) Making arrangements with management of the building where the deposition is taking place for sufficient security procedures to ensure no individual will have access to the floor on which the deposition or access into the Contact Areas except for the Authorized Individuals and the employees/other individuals associated with the law firm where the deposition is taking place;
- 8) Making arrangements with management of the building where the deposition is taking place for Ms. Heard and her counsel to enter and exit through a private garage and entrance/exit each day of the deposition, and ensuring no members of the public are in those areas;
- 9) Making necessary arrangements for a separate room for breaks/lunch and for delivery of lunch for Ms. Heard and her counsel each day, to further ensure no unnecessary or further risks from contact with others to Ms. Heard and her counsel/support staff for the duration of the deposition;
- 10) Making necessary arrangements with the court reporter/videographer service to provide plexiglass dividers for each Authorized Individual in the deposition room; and it is further

ORDERED that Mr. Depp's counsel shall provide to Ms. Heard's counsel, no later than 5:30 p.m. Eastern Time on Friday, January 7, 2022, the following:

- 11) Confirming Mr. Depp's counsel have taken the steps set forth in ¶¶ 3-10 above and will follow through with and adhere to them; and
- 12) Providing the contact name and telephone number for the Officer from the local police department to be called in the event Ms. Heard and/or her counsel encounter any issues;
- 13) Providing the specific information and directions for how and where to enter and exit the building through a private entrance each day, including parking arrangements, and any contact person and their information for a smooth entrance and exit to provide protection from members of the public; and it is further

ORDERED that in the event Mr. Depp and his counsel do not comply with all the terms of this Order, the deposition will take place by Zoom, and Mr. Depp's counsel will arrange for the Zoom link and send to Ms. Heard's counsel. This provision also specifically applies to the confirmation provisions set forth in ¶¶ 10-12 above, and if there are any violations at any time during the deposition. In the event of non-compliance with any of the provisions above, Ms. Heard's counsel will inform Mr. Depp's counsel of any such violation, if the violation occurs while present at the building, they will exit (or not enter) the building, and make arrangements to convene separately for the duration of the deposition by Zoom, with Mr. Depp's counsel arranging for and communicating the link to Ms. Heard's counsel; it is further

ORDERED that all parties and counsel shall be mindful of the serious nature of the pandemic and the risks to each person and their families from contact with anyone who has any variant of

COVID, and shall take all actions consistent with respecting and protecting each other from risk of potential exposure.

SO ORDERED.

January ___, 2022

The Honorable Penney S. Azcarate
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)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
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Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II

David Murphy

From: Elaine Bredehoft
Sent: Friday, December 31, 2021 4:27 PM
To: Chew, Benjamin G.; Adam Nadelhaft; David Murphy; Ben Rottenborn; Joshua Treece; Michelle Bredehoft; Stephen Cochran; Vasquez, Camille M.; Crawford, Andrew C.; Moniz, Samuel A.; Meyers, Jessica N.
Subject: RE: Amber Heard Deposition
Attachments: Consent Order- Safety Precatuons for Deposition of Amber Laura Heard.docx

Ben: Thank you for your response. Apparently you did not heed Steve's (repeated) admonitions to refrain from personal attacks.

Let's cut to the chase: Do you disagree with any of the safeguards included in the Consent Order designed to allow for a safe, in person deposition of Amber Heard to go forward on January 12-14? If yes, which ones and why?

Let's see if we can pound out this Consent Order and ring in the New Year.

Thank you for your consideration. Elaine

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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Friday, December 31, 2021 3:06 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Stephen Cochran <scochran@rcplaw.net>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Subject: Amber Heard Deposition

WITHOUT PREJUDICE

Dear Elaine,

The suggestion that I or anyone on Mr. Depp's team would not take the health and safety of the litigants seriously is false and insulting. It is of a piece when you falsely accused one of my colleagues of a misrepresentation concerning document production, which turned out to be your own mistake, for which you never apologized- and when you falsely accused another of sexism, for which the Conciliator reprimanded you, and for which you never apologized. When you took over as Ms. Heard's third lead counsel in this case, I received a call from a respected Fairfax practitioner warning of this type of behavior, but I am appalled nonetheless. We will not be bullied, and I am confident the Court will again recognize your accusations for what they are.

As you know, I have already confirmed in writing that we will take all appropriate measures to ensure the safety of Ms. Heard, her counsel, the court reporter, videographer and ourselves. Specifically, at your request, I agreed to the protocol used at Mr. Depp's deposition at your offices in November 2020, when a more deadly variant of COVID was raging, and no vaccines existed. The fact that we are agreed to conduct Ms. Heard's deposition in California- which spares Ms. Heard exposure to two cross-country flights- is proof of our efforts to accommodate her safety concerns, since we would have been entitled to insist that she fly to Virginia – just as you required Mr. Depp to fly roundtrip from London seven months before the trial was scheduled at the time (before anyone had been vaccinated, and when COVID rates were high in both London and Virginia), requiring him to quarantine for a two weeks upon his return.

Under no circumstances will we agree to conduct Ms. Heard's deposition by Zoom. The importance of in person testimony by the parties has already been acknowledged by both sides, and, more importantly, by the Court. Indeed, our Consent Order allowing remote testimony specifically excludes the parties and experts from being allowed to testify remotely.

However, in the interests of compromise and to address any conceivable concerns about safety, we would be willing to consider postponing Ms. Heard's deposition to allow the current COVID spike to lessen— a courtesy that you previously declined to extend to Mr. Depp. Specifically, we would consider three consecutive dates in February and up until March 2, 2022 (so that Ms. Heard's deposition would conclude on Friday, March 4). Anything later would be too close to trial.

Please let us know Ms. Heard's response by 3:00 p.m. EST on this Monday, January 3. Otherwise, we will proceed to Calendar Control on Wednesday, January 5 at 8:30 a.m. and will expect to see Ms. Heard in our California offices on January 12. If she fails to appear, we will seek sanctions including, without limitation, dismissal with prejudice of her counterclaims and recovery of our travel, lodging, and prep expenses.

Very truly yours,

Ben

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Friday, December 31, 2021 8:28 AM
To: Stephen Cochran <scochran@rcplaw.net>; Chew, Benjamin G. <BCheW@brownrudnick.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; mdailey@grsm.com; Clarissa Pintado <cpintado@cbcblaw.com>
Subject: RE: Amber Heard Deposition

CAUTION: External E-mail. Use caution accessing links or attachments.
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Thanks Steve. Since Ben chose to include you in this email stream, I will continue to include you in the event you feel you may weigh in to help resolve these issues.

Ben:

I genuinely do not understand your reluctance to communicate with me in a meaningful manner on this very serious issue implicating the health and safety of many.

When we were faced with taking Mr. Depp's deposition in our offices, before vaccinations, we took it very, very seriously. I reached out to you by telephone, discussed all the steps we were taking to ensure Mr. Depp, his counsel, and his entourage, remained safe from the public and with minimized risk of being infected with COVID. I even asked you if there were any other steps you thought we should take, and encouraged you to call in the event you thought of anything else.

We then took all the steps as promised, throughout the process. We fully respected the importance of our role in ensuring the safety and health of all. The only persons in the room without masks were Mr. Depp, his counsel (including you), and in the waiting room, his body guards. If you scroll to the bottom of this email chain, I listed all the steps we had taken, and you responded on December 4: "Mr. Depp agrees to provide the same safeguards Ms. Heard did, as you listed below..."

I agreed to the continuation of Mr. Depp's deposition on December 14 by Zoom. Four of Mr. Depp's counsel (including you) flew to London and were present in the conference room with Mr. Depp for the 3.5 hour deposition. None wore mask.

As we are watching the Omicron variant spread like wildfire, I became concerned that many people who are fully vaccinated and have had their booster, are contracting COVID. This includes some of my staff, family members and friends. In addition, hospitals are seeing spikes in hospitalizations of children, in addition to all time records overall. Amber Heard has a 9 month-old baby. She is currently living with her sister, who is pregnant and has a 2 year-old toddler. Given this significant spread, and the alarming increased risk to children, I reached out to you to suggest we consider deposition by Zoom. In addition to Mr. Depp's continued deposition, every single deposition (25+) in this case has been taken by Zoom, the parties entered into a Consent Order for audio visual testimony at trial, and even in the UK trial many witnesses were presented by audio visual means. All the remaining depositions in this case are being taken by Zoom.

Instead of responding to me with any specific reasons for not agreeing to deposition by Zoom under these very serious health and safety threats, you were quite hostile and insisted you are going to the Court. When I came back addressing each of your points and asking for the measures taken to ensure protection during the deposition, you again refused to respond to anything specifically and again responded with hostility and threatened Court intervention. You also refused to provide any of the safeguards, or reasons why Zoom is not appropriate. Frankly, the hostility exhibited towards Ms. Heard and me in this context is troubling. It suggests that you are not of the mindset to be going over and above to ensure our safety and health, as we did with Mr. Depp. I sincerely hope I am misreading this because there is no reason for counsel to exhibit hostility towards the litigants, and to not take their safety and health seriously.

While you continue to threaten taking this to Court, I am frankly not sure what your motion would be entitled, since we are not refusing to allow Amber Heard to be deposed, just asking for the same safety and health precautions we gave to Mr. Depp and you earlier agreed to give to us, and suggesting Zoom as an alternative. We will ask Chief Judge Azcarate to enter this and would be delighted if it was submitted as a Consent Order (as would, I suspect, Chief Judge Azcarate).

To try to resolve this very serious issue implicating the health and safety of many third parties including children, I am asking you to consider entering into a Consent Order to govern the safety and health precautions to be taken, and if not fully complied with, then as a default, the deposition will be taken by Zoom.

I have drafted and attach the Consent Order. The conditions are all those we took, which you agreed to do the same, plus adding the use of the N95 and KN95 masks – these are the type the E.D.VA is now

requiring of anyone entering the Courthouse in Alexandria and are the types approved by the CDC.

Please review and let me know if you have any suggested edits. I remain willing to discuss this, and consider any suggested edits or modifications.

Let's see if we can resolve this amicably as we bid farewell to 2021 and welcome 2022. Perhaps we can set a new and positive precedent for resolving the remaining disputes in this case in the New Year.

Thank you and Happy New Year! Elaine

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From: Stephen Cochran <scochran@rcplaw.net>
Sent: Thursday, December 30, 2021 3:04 PM
To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Ben Rottenborn <broddenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; mdailey@grsm.com; Clarissa

Pintado <cpintado@cbcblaw.com>
Subject: Re: Amber Heard Deposition

I suggest you contact Samy Monday and ask if Judge Azcarate will take your call. And, as I have previously suggested, let's refrain from personal attacks

Get Outlook for iOS

From: Chew, Benjamin G. <BCheW@brownrudnick.com>
Sent: Thursday, December 30, 2021 2:48:43 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; mdailey@grsm.com <mdailey@grsm.com>; Clarissa Pintado <cpintado@cbcblaw.com>
Subject: Amber Heard Deposition

Elaine,

True to form, you declined our courtesy in offering you a choice of dates for Calendar Control, and instead engaged in transparently gratuitous palaver. Accordingly, I will select the date more convenient for Mr. Depp: Wednesday, January 5.

We will notice the hearing for Plaintiff's Emergency Motion to Compel for Wednesday, January 5, 2022 at 8:30 a.m.

Very truly yours,

Ben

Sent from my iPhone

On Dec 30, 2021, at 8:56 AM, Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.

Ben: Further to the below email, I think it is important to note that we made Amber Heard available for in person deposition on two separate occasions while I was in this case - the first time in early December 2020 (which you abruptly cancelled shortly before) and the second the end of March 2021 (which you also cancelled, indicating you no longer wanted to take her deposition at that time). Both were to be in person, in Fairfax County. We did not have the Omicron COVID variant during either of those, and the Delta COVID variant had not appeared in the US at all by the December deposition dates.

Elaine

Elaine Charlson Bredehoft
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11260 Roger Bacon Drive
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From: Elaine Bredehoft
Sent: Thursday, December 30, 2021 9:21 AM
To: Chew, Benjamin G. <BChew@brownrudnick.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; mdailey@grsm.com; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Amber Heard Deposition

Ben: I am very surprised by the tone of your email and your non-responsiveness to the issues I raised. We are talking about significant safety and health issues warranting consideration. I am breaking down these issues, including your response, so together we can fully address each issue:

1. Amber Heard has a Counterclaim, in which the ad damnum clause is \$100 million (Mr. Depp's is \$50 million) – therefore she should have to give a deposition in person regardless of whether this places Amber, her unvaccinated baby, and her family, including an unvaccinated toddler and a pregnant sister, at risk of contracting the highly contagious Omicron COVID variant, which has led to many, many hospitalizations of unvaccinated children, and deaths. In other words, if anyone brings a Complaint or a Counterclaim in Fairfax

Circuit Court, they should be subjected to risk of illness and death to themselves and their family, including children? Or is it the amount of the ad damnum? What is the threshold amount of the ad damnum that Chief Judge Azcarate should hold subjects certain litigants to greater risk of illness and death to themselves and their children?

2. The concept of a deposition by Zoom being a “phone in.” As you know, we have been taking all the depositions, except the first part of Mr. Depp’s, by Zoom. Amber Heard would be on screen, just like Mr. Depp was for the continuation of his deposition a few weeks ago, you would be able to present exhibits, just like Mr. Depp’s deposition and all the other witnesses in the case, and the Planet Depos technician, videographer and court reporter would all be maintaining the integrity of the process. You have never complained about any of the dozens upon dozens of depositions already taken by Zoom in this case, and have never suggested any disadvantage. When I offered you the option of completing Mr. Depp’s deposition by Zoom, you quickly accepted it, and presented Mr. Depp (along with you and three of your other counsel) in a London conference room by Zoom. There were no issues with the logistics of this deposition except a couple of freeze moments which passed quickly. What exactly is the issue or concern about taking Amber Heard’s deposition by Zoom? What is the difference between taking Amber’s deposition and every other witness (including Mr. Depp) in the case by Zoom? Perhaps we can address what your true concern is, and work out a solution.
3. Mr. Depp was required by Court Order to be present the first part of his deposition in person in our offices (he left abruptly the third day, leading to the recent continuation). First, you never requested of the Court that Mr. Depp’s deposition be taken by Zoom. That is a very important

point. You may recall that when the General Counsel for Warner Bros suggested I take Mr. Depp's deposition before he left for Europe, I immediately emailed you and asked how long Mr. Depp would be in the US, and where, so we could schedule his deposition. You never responded. I asked for his location, because I would have been amenable to a deposition by Zoom had you cooperated with me. Instead, Mr. Depp simply did not show up for a properly noticed deposition, and you did not file a Protective Order. Then, when we moved to compel, you claimed Mr. Depp was filming in Europe for the next 5 months and could not be deposed, though we had news articles showing Mr. Depp traipsing around Europe to film festivals, not filming, and not practicing quarantine protocols or safe distancing. Chief Judge White ordered Mr. Depp to be deposed in November 2020. Again, you did not request that the deposition be by Zoom – your sole position was that Mr. Depp not be deposed at all, for at least five months and Chief Judge White disagreed with you.

4. You are correct that we took extraordinary measures and followed stringent protocols for the protection of Mr. Depp's safety and health, as well as the safety and health of his counsel, his entourage, and everyone in the room. In addition to alerting the police well in advance (and you may recall the police were called and had to remove people from outside our offices), we had the entire building deep cleaned and sanitized, we had a person stationed outside the restrooms who cleaned the restrooms after each use, we implemented a lock down of the building such that only residents with fobs could come up to any of the floors, we had our office deep cleaned each evening, and we let Mr. Depp and his entourage in and out through the private garage entrance so he never was outside the building or subject to the members of the public outside. We

also ordered lunch each day from the deli and provided another large conference room for your entire group for breaks and lunch. All of this was at our expense.

5. In addition, we contacted Planet Depos well in advance, arranged for plexiglass barriers between each person attending, and assured all wore masks. Everyone from Planet Depos and everyone in my office wore masks, including me even while taking the deposition. The only persons who did not wear masks were Mr. Depp, you, Camille and Mr. Depp's body guards.
6. You have assured me you will take the same precautions, but I have not heard of any yet. I would appreciate your letting me know today (since you have placed a deadline of tonight on my response) the following:
 - a. The name of the person contacted at the police dept (and their contact information);
 - b. The specific measures in place to allow Amber Heard and her counsel access into and out of the building without contact with any members of the public that may be outside;
 - c. The safety measures inside the building to assure members of the public cannot access the area where the deposition would take place;
 - d. The cleaning measures for the building and specifically the areas that will be used by Amber Heard and her counsel;
 - e. Arrangements for lunch each day and a separate conference room for breaks and lunch;
 - f. Arrangements made with Planet Depos for the plexiglass and assurances that all persons in the room (including the videographer, court

reporter, any person there on behalf of Mr. Depp and if present, Mr. Depp, have been fully vaccinated, have had the booster, and will be wearing masks at all times. If the deposition goes forward in your offices, we fully intend to comply with these requirements and will expect everyone else to, as they are consistent with the CDC guidelines for indoor gatherings.

7. You completely ignore the reason for this request. We have for quite some time agreed to produce Amber Heard for deposition in person with protocols in place. However, these past few weeks have shown an alarming, widespread surge of Omicron COVID infections, resulting in record hospitalizations and increasing deaths, particularly in children. The infection has reached many, many who are fully vaccinated and have their booster. In my own world, we are seeing this with staff and their families, our families, and friends. There is no fool proof way to fully protect against this strain of COVID. In addition, there are shortages of test kits and testing facilities, and overcrowded medical facilities. This is all true and well-documented in California. On top of this, the airlines are continuing to cancel flights because of staff shortages, due to increasing COVID cases. This, combined with Amber having a 9 month-old (unvaccinated) baby, her sister having a 2 year-old (unvaccinated) toddler, and being pregnant, intensifies the risk and danger, warranting revisiting of the logistics for the deposition. I would appreciate your particularly addressing this paragraph in your response.

You have demanded my response by 5:00 p.m. today. I am not sure why, since the Courts are closed. I suggest you take the time to review my email below, and my detailed response above, respond to EACH of the points,

including but not limited to, providing the level of detail I am requesting on the measures you propose to take and have implemented, why you are disadvantaged by Zoom versus in person, and how you believe you can prevent the spread of the Omicron COVID variant during the deposition, citing any medical authorities that may support your position.

Once I have your full, carefully and thoroughly thought-out response to these very serious health and safety concerns, we will consider this more fully, and respond.

Thank you for your consideration. Elaine

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From: Chew, Benjamin G. <BCChew@brownrudnick.com>
Sent: Wednesday, December 29, 2021 7:46 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft

<mbredehoft@charlsonbredehoft.com>; Ben Rottenborn
<brottenborn@woodsrogers.com>; Joshua Treece
<jtreece@woodsrogers.com>; Vasquez, Camille M.
<CVasquez@brownrudnick.com>; Crawford, Andrew C.
<ACrawford@brownrudnick.com>; Moniz, Samuel A.
<SMoniz@brownrudnick.com>; Meyers, Jessica N.
<JMeyers@brownrudnick.com>; Stephen Cochran
<scochran@rcplaw.net>

Subject: Amber Heard Deposition

Dear Elaine,

Mr. Depp hereby REJECTS Ms. Heard's latest proposed dodge. She and/or her counsel is/are again acting in bad faith.

Per our long-standing agreement and deposition notice, we will proceed with Ms. Heard's deposition in person at our Orange County offices on January 12, 13, and 14, 2022.

Rather than addressing your your overwrought pretexts, I will point out the obvious:

1. Ms. Heard countersued Mr. Depo in Fairfax County for \$ 100 million. She doesn't get to phone it in.
2. Mr. Depp complied with the Court's Order to appear in person at your offices in Reston for three days of deposition That required him to travel from London BEFORE safe and effective vaccines existed. You took the necessary safety measures, and everything was fine.
3. We agreed to take the same safety measures, and assured you that the two attorneys who will be taking Ms. Heard's deposition- myself and Camille Vasquez- have not only been double-vaxxed, but also have taken the booster. In this context, that Ms. Heard would use COVID as a pretext to avoid accountability would be another low, except when the sources are considered.

If Ms. Heard does not agree to reconsider her untenable position asap, I will appear at Calendar Control on Mr. Depp's emergency motion to compel on Tuesday, January 4, or Wednesday, January 5, 2022 at 8:30 a.m.

By no later than 5:00 p.m. tomorrow, December 30, please either:

a) confirm in writing that Ms. Heard will comply with her obligations and appear in person at our Orange County Offices on January 12, 13, and 14 for her deposition; or

b) advise which date- Tuesday, January 4 or Wednesday, January 5, 2022- is more convenient for you to appear at Calendar Control for the hearing of Mr. Depp's emergency motion to compel.

Very truly yours,

Ben

Sent from my iPhone

On Dec 29, 2021, at 4:18 PM, Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.
--

Ben: I am following up on our earlier email exchange below. In light of so many developments since December 4, I suspect you have been giving the upcoming deposition of Amber a great deal of thought, as have we.

As I am sure you are mindful of, the Omicron COVID variant has spread like wildfire and infections, hospitalizations and testing facilities are hitting all time highs. California has reported skyrocket infections and hospitalizations, as well as overcrowded testing sites and shortages of testing materials. On top of this, the airline industry has been forced to cancel a significant number of flights as a result of staff exposures to COVID and this trend is continuing. As you are also aware, Amber has a 9-month old daughter, and she is currently living with her sister who has a 2-year old toddler and is pregnant. This heightens the risks and danger.

We believe these factors all suggest that a deposition of Amber by Zoom makes the most sense at this stage. As you may recall, we offered, and you accepted, to take the continuation of Mr. Depp's deposition by Zoom, with Mr. Depp and four of your legal team in London. While Omicron was on the horizon and spreading at that time, it had not yet taken off at the pace to which it has now accelerated,

rendering this option even more reasonable.

In addition, by choosing the Zoom option, it would obviate the need for you to take the extraordinary precautions of reaching out to the police, taking steps to ensure Amber's safe passage in and out of the building each day and protection while in the building, and the extensive repetitive cleaning and required masks/plastic dividers and distancing precautions. Frankly, even if you were able to take all these precautions, given the highly contagious spread of the Omicron variant in virtually inexplicable situations, there is no way you can be confident it will not spread to everyone in the room.

Please let me know your thoughts on this. Absent contracting COVID, January 12, 13 and 14 remain the best dates for the parties for Amber's deposition (as we worked through earlier with Steve's assistance). Amber remains willing and able to proceed with the deposition via Zoom on those dates.

Thank you for your consideration. Let me know if you would like to discuss this with me by telephone. Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen & Brown, P.C.

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From: Chew, Benjamin G.
<BCheW@brownrudnick.com>
Sent: Saturday, December 04, 2021 2:23 PM
To: Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com>; Adam
Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy
<DMurphy@cbcblaw.com>; Michelle Bredehoft
<mbredehoft@charlsonbredehoft.com>; Ben
Rottenborn <brottenborn@woodsrogers.com>; Joshua
Treece <jtreece@woodsrogers.com>; Vasquez, Camille
M. <CVasquez@brownrudnick.com>; Crawford, Andrew
C. <ACrawford@brownrudnick.com>; Moniz, Samuel A.
<SMoniz@brownrudnick.com>; Meyers, Jessica N.
<JMeyers@brownrudnick.com>
Cc: Vasquez, Camille M.
<CVasquez@brownrudnick.com>
Subject: Amber Heard Deposition

Good afternoon, Elaine,

You are most welcome, and thanks for the follow up.
Mr. Depp agrees to provide the same safeguards Ms.
Heard did, as you listed below, some of which I had
frankly forgotten.

Best regards,

Ben

Sent from my iPhone

From: Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com>

Date: December 4,
2021 at 9:29:05 AM EST

To: "Chew, Benjamin
G."

<BCheW@brownrudnick.com>

Cc: "Vasquez, Camille
M."

<CVasquez@brownrudnick.com>, "Crawford,
Andrew C."

<ACrawford@brownrudnick.com>, "Moniz,
Samuel A."

<SMoniz@brownrudnick.com>,
brottenborn@woodsrogers.com, Adam

Nadelhaft
<anadelhaft@cbcblaw.com>, David Murphy
<DMurphy@cbcblaw.com>, Michelle Bredehoft
<mbredehoft@charlsonbredehoft.com>,
mdailey@grsm.com

Subject: RE: Amber
Heard Deposition

<p>CAUTION: External E-mail. Use caution accessing links or attachments.</p>

Ben: Thank you for your response. To refresh your recollection, I actually called and spoke with you about the measures that were being taken. They included the following:

1. I called the local police department to give them a head's up in case there were any issues with fans/press;
2. We alerted the building management, who (at our expense) deep cleaned the entire building, placed a cleaning person outside the bathrooms

- and she
cleaned the
bathrooms
after each
use during
the three
days of
deposition;
3. The building
management also
initiated
security
procedures
to turn on
the fob
restrictions
ordinarily
reserved for
the
weekends
to prevent
people from
coming up
to our floor,
other than
building
residents
with fobs;
4. We
arranged for
Mr. Depp
and his
security to
enter and
exit through
the private
garage and
entrance
each day –
they called

when they
were close
and our
office
manager
went down
and let
them
in. This
enabled Mr.
Depp not to
be outside
and
exposed to
press or
fans;

5. We ordered
lunch each
day for
everyone
from the
deli inside
the building,
and
provided a
separate
room for
breaks and
lunch for
Mr. Depp,
his counsel
and security
so there
was no need
to go
outside;
6. Planet
Depos
provided
plexiglass
dividers for

each person
in the room,
including
the
videographe
r, the court
reporter,
counsel and
Mr. Depp;

7. We and the
court
reporter
and
videographe
r wore
masks.

We would expect
you to take the
equivalent
measures for this
deposition. Bein
g double
vaccinated, or
even with booster,
is not sufficient to
fully protect from
the virus –
particularly with
the new Omicron
variant. The
measures above
are still
appropriate and
reasonable to
maximize
protection for
everyone in the
room.

Thank you for your consideration. I look forward to your confirmation that you will be taking equivalent measures and as we draw nearer, being provided with the specific details.

Elaine

Elaine Charlson
Bredehoft
Charlson
Bredehoft Cohen
& Brown, P.C.
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(703) 318-6800

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From: Chew, Benjamin G.
<BCheW@brownrudnic.com>

k.com>
Sent: Friday, December
03, 2021 6:02 PM
To: Elaine Bredehoft
<[ebredehoft@charlson
bredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>
Cc: Vasquez, Camille M.
<[CVasquez@brownrud
nick.com](mailto:CVasquez@brownrud
nick.com)>; Crawford,
Andrew C.
<[ACrawford@brownrud
nick.com](mailto:ACrawford@brownrud
nick.com)>; Moniz,
Samuel A.
<[SMoniz@brownrudnic
k.com](mailto:SMoniz@brownrudnic
k.com)>;
[brottenborn@woodsro
gers.com](mailto:brottenborn@woodsro
gers.com); Adam
Nadelhaft
<[anadelhaft@cbcblaw.c
om](mailto:anadelhaft@cbcblaw.c
om)>; David Murphy
<[DMurphy@cbcblaw.co
m](mailto:DMurphy@cbcblaw.co
m)>; Michelle Bredehoft
<[mbredehoft@charlson
bredehoft.com](mailto:mbredehoft@charlson
bredehoft.com)>;
mdailey@grsm.com
Subject: Re: Amber
Heard Deposition

Dear Elaine,

We recall and greatly
appreciate the
precautions you took
prior to, and during,
Mr. Depp's deposition.

We will arrange for the
same type of protective
shielding you had, etc.,
and will let you know
the particulars as soon
as we have them,
though, as you know,
Ms. Heard's deposition

is still several weeks
away so it likely won't
be by this coming
Tuesday.

In that regard, would
you please resend me
the referenced
messages you sent
prior to the Depp
deposition so we can
make sure we cover
everything?

Moreover, Camille and I
are both double
vaccinated (I had my
booster, too), as I
assume you and Ms.
Heard are, which will
make the deposition far
safer even than Mr.
Depp's was despite the
variants. We will also
make sure that both
the court reporter and
videographer are at
least double
vaccinated.

Best regards,

Ben

Sent from my iPhone

On Dec
3, 2021,
at 5:31
PM,
Elaine
Bredeh

oft
<ebred@charlsonbredehoft.com>
wrote:

CAUTION:
External
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Use
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Elaine

Elaine
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11260
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From:

Elaine
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Sent:

Monda
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ber 29,
2021
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To:

[bchew
@brow
nrudnic
k.com](mailto:bchew@brownrudnick.com);
Vasque
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Camille
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m](mailto:CVasquez@brownrudnick.com);

Crawfor
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[ACraw
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om](mailto:ACrawford@brownrudnick.com);

Moniz,
Samuel
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[SMoni
z@bro
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ick.com](mailto:SMoniz@brownrudnick.com)
>

Cc:

[brotten
born@
woodsr
ogers.c
om](mailto:brottenborn@woodsoyers.com);

Adam

Nadelh
aft
<anadelhaft@cbclaw.com>;
David
Murphy
<DMurphy@cbclaw.com>;
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<mbredehoft@charlsonbredehoft.com>;
mdailey@grsm.com
Subject
: Amber
Heard
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ion

Ben,
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I hope
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Thank
you!
Elaine

Elaine
Charls
on
Brede
hoft
Charls
on

Brede
hoft
Cohen &
Brown, P.C.
11260
Roger
Bacon
Drive
Suite
201
Reston,
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(703)
318-
6800

(703)
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aw.co
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be legally privileged and
confidential under applicable

law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Brown Rudnick LLP, (617) 856-8200 (if dialing from outside the US, 001-(617)-856-8200) and purge the communication immediately without making any copy or distribution.

To the extent Brown Rudnick is a "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) you have provided to us in this and other communications between us, please see our privacy statement and summary [here](#) which sets out details of the controller, the personal data we have collected, the purposes for which we use it (including any legitimate interests on which we rely), the persons to whom we may transfer the data and when and how we intend to transfer it outside the European Economic Area.

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David Murphy

From: Elaine Bredehoft
Sent: Tuesday, January 04, 2022 6:00 AM
To: Chew, Benjamin G.
Cc: David Murphy; Ben Rottenborn; Joshua Treece; Vasquez, Camille M.; Moniz, Samuel A.; Meyers, Jessica N.; Crawford, Andrew C.; Stephen Cochran; Adam Nadelhaft; Michelle Bredehoft
Subject: RE: Amber Heard Deposition: Cutting to the Chase

Ben: I hope your power is restored and all is well. Please send me the red-line of the Consent Order when you are able, and respond to the questions below. We are working on a short time-frame and need to resolve these issues asap. Thanks very much. Elaine

Elaine Charlson Bredehoft
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From: Elaine Bredehoft
Sent: Monday, January 03, 2022 7:58 AM
To: Chew, Benjamin G. <BChew@brownrudnick.com>
Cc: David Murphy <DMurphy@cbcblaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Amber Heard Deposition: Cutting to the Chase

Ben: I hope you had a nice New Year's celebration. I am glad you are addressing these issues and working with us on a Consent Order, as these are very important safety and health issues, and we are dangerously close to the deposition date and apparently steps have not yet been taken, which need to be taken now.

For example, I reached out to the local police department weeks in advance and followed up the week before. I reached out to the building management weeks before and had continuous dialogue up through the deposition. I reached out to Planet Depos weeks before to ensure they wore masks and to obtain the plexiglass.

I communicated all the proposed measures with you more than two weeks before the deposition, and enlisted your feedback to ensure I was covering all the bases. We provided contact information to you, including for letting Mr. Depp and his entourage in and out of the private garage out of the public eye. You have not communicated any of these arrangements to me, which we obviously need to know and plan. Please let me know where you are with these arrangements, as they are necessary for a safe in-person deposition.

While you agreed you would take the same precautions I took, it appears you are backsliding, rather significantly and alarmingly. For example, it is not correct that I did not wear a mask throughout the deposition. I, the Court Reporter, the videographer and everyone in my office wore masks throughout. If you need to refresh your recollection, please watch the videotape of the deposition – you can see me in the reflection of the plexiglass and I am clearly wearing a mask. Even though your entire team did not wear masks for Mr. Depp's deposition (including Mr. Depp), we have undertaken to do so in the Consent Order. California law requires even vaccinated and boosted people to wear masks at all times during indoor gatherings. The CDC guidelines require N95 and KN95 masks (which is what I have been wearing throughout most of the pandemic – they are not heavy and most brands are quite comfortable), and the EDVA also requires these. If you and Camille (and anyone else from your side who is present) do not want to wear N95 or KN95 masks, then take the deposition by Zoom.

You misread the portion of the Consent Order relating to the 20 feet – that is in common areas and was adhered to by our office. In the conference room, the plexiglass helps with the challenges on the 6 feet, but recall it is only one dimensional and cannot (and was not intended to) take the place of masks. But it does provide an additional layer of protection, which is important with the highly contagious Omicron.

I have reached out to Planet Depos to request if the videographer and court reporter are vaccinated and boosted, and the availability of plexiglass. While I do not agree with you that we know all the ways Omicron is being spread, I would agree that sanitizing and cleaning the bathrooms each night would probably be sufficient. I have made that modification in the Consent Order and attach the updated Consent Order with that change.

I look forward to seeing your proposed red-line and am hopeful we are able to resolve this early in the week to provide us all enough time to work out all the arrangements for the deposition with sufficient time to plan.

Elaine

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From: Chew, Benjamin G. <BCheW@brownrudnick.com>

Sent: Friday, December 31, 2021 6:59 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Cc: David Murphy <DMurphy@cbcbllaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: Re: Amber Heard Deposition: Cutting to the Chase

WITHOUT PREJUDICE

Dear Elaine,

We will get back to you Monday, but note a few things in advance for your consideration pending our response:

1. Camille and I are boosted, but I don't know that we can require the court reporter and videographer to take the booster, as it's not a federal requirement. All we likely can do on that is to check and to try.
2. Neither Camille, nor I, nor Mr. Depp nor you wore masks during the entire three days of Mr. Depp's deposition. The whole purpose of the plexiglass barriers, which worked well, was to protect each other and ourselves without having the burden of having to wear masks, much less the heavy duty masks you seek.
3. During Ms. Heard's recent IME, she asked Dr. Curry whether she could remove her mask. Dr. Curry assented.
4. Cleaning of the bathroom after each use might have been a reasonable precaution in November 2020, but not now that we know more about how COVID is, and is not, transmitted. We can consider other arrangements such as earmarking part of the women's room for your client's exclusive use.
5. We were nowhere near 20-feet apart from each other at Mr. Depp's deposition.
6. We did not ask you to memorialize the safeguards in a Consent Order, though Mr. Depp will do so if we reach agreement on a reasonable form of Order.

Hope you enjoy the rest of New Year's Eve and New Year's Day. Turning off, family time now. Will send you a proposed mark-up Monday.

Very truly yours,

Ben

Sent from my iPhone

On Dec 31, 2021, at 5:22 PM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.
--

Ben: There was one more difference. The requirement of assuring everyone is vaccinated and boosted was not in play at Mr. Depp's deposition, as the vaccine and booster were not in place and approved at that time. You and I have been referring to this standard for some time, as has the Court, so I do not see this as a roadblock here, but I realized that is a difference as well. Elaine

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From: Elaine Bredehoft

Sent: Friday, December 31, 2021 6:07 PM

To: Chew, Benjamin G. <BCheW@brownrudnick.com>; David Murphy <DMurphy@cbcblaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: RE: Amber Heard Deposition: Cutting to the Chase

Ben: Thank you for your quick response.

Ignoring again the hyperbole so we can get to "yes," the sole difference between the safeguards we had in place for Mr. Depp's deposition and what is set forth in the Consent Order is the requirement of the N95 and KN95 masks, as opposed to unspecified masks. I do not think they had the N95 and KN95 masks in November of 2020, but we still wore masks. The CDC recommends the N95 and KN95 masks as the best protection from Omicron, including for those who are vaccinated and

have had their booster, and the EDVA has implemented a policy of requiring those specific masks. California also has implemented a policy of mandatory masks for all indoor gatherings.

I cannot imagine the difference in specifying the type of mask now required and recommended would create a problem, but if it does, let me know. Otherwise, I would consider it a great New Year's gift for you to sign the Consent Order, or authorize me to sign your name, and we can send in on Monday to the Court.

Happy New Year! Elaine

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(703) 318-6808 (fax)
www.cbcblaw.com

From: Chew, Benjamin G. <BCheW@brownrudnick.com>
Sent: Friday, December 31, 2021 5:13 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; David Murphy <DMurphy@cbcblaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Stephen Cochran <scochran@rcplaw.net>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Amber Heard Deposition: Cutting to the Chase

Dear Elaine,

Thank you for confirming Ms. Heard's long-standing agreement to appear at our Orange County office for three days of deposition starting on January 12, 2022.

As I informed you back on December 4, 2021, Mr. Depp AGREED to the safety protocols you requested specifically in relation to the Omicron variant. Please see below. We would be happy to sign a Consent Order to that effect.

To the extent that your proposed Consent Order of today purports to require ADDITIONAL safeguards, it appears to us that it is Ms. Heard's burden to please specifically identify them and why they are required. Mr. Depp will then consider them forthwith reserving his right to argue that the parties have a

binding agreement on the safeguards, and that Ms. Heard is estopped from changing the agreement after the fact.

I believe that any neutral observer can understand our exasperation at Ms. Heard's abortive attempt to derail a necessary in person deposition- now thankfully abandoned- and what appears to be an attempt to move the goal posts after Mr. Depp has kicked the field goal.

We look forward to your further response.

Very truly yours,

Ben

Sent from my iPhone

Begin forwarded message:

From: "Chew, Benjamin G." <BCheW@brownrudnick.com>
Date: December 4, 2021 at 1:23:02 PM CST
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, David Murphy <DMurphy@cbcblaw.com>, Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>, Ben Rottenborn <brottenborn@woodsrogers.com>, Joshua Treece <jtreece@woodsrogers.com>, "Vasquez, Camille M." <CVasquez@brownrudnick.com>, "Crawford, Andrew C." <ACrawford@brownrudnick.com>, "Moniz, Samuel A." <SMoniz@brownrudnick.com>, "Meyers, Jessica N." <JMeyers@brownrudnick.com>
Cc: "Vasquez, Camille M." <CVasquez@brownrudnick.com>
Subject: Amber Heard Deposition

Good afternoon, Elaine,

You are most welcome, and thanks for the follow up. Mr. Depp agrees to provide the same safeguards Ms. Heard did, as you listed below, some of which I had frankly forgotten.

Best regards,

Ben

Sent from my iPhone

From: Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com>
Date: December 4, 2021 at 9:29:05 AM EST
To: "Chew, Benjamin G." <BCheW@brownrudnick.com>

Cc: "Vasquez, Camille M."
<CVasquez@brownrudnick.com>, "Crawford, Andrew
C." <ACrawford@brownrudnick.com>, "Moniz, Samuel
A." <SMoniz@brownrudnick.com>,
brottenborn@woodsrogers.com, Adam Nadelhaft
<anadelhaft@cbcblaw.com>, David Murphy
<DMurphy@cbcblaw.com>, Michelle Bredehoft
<mbredehoft@charlsonbredehoft.com>,
mdailey@grsm.com
Subject: RE: Amber Heard Deposition

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attachments.**

Ben: Thank you for your response. To refresh your recollection, I actually called and spoke with you about the measures that were being taken. They included the following:

- 1) I called the local police department to give them a head's up in case there were any issues with fans/press;
- 2) We alerted the building management, who (at our expense) deep cleaned the entire building, placed a cleaning person outside the bathrooms and she cleaned the bathrooms after each use during the three days of deposition;
- 3) The building management also initiated security procedures to turn on the fob restrictions ordinarily reserved for the weekends to prevent people from coming up to our floor, other than building residents with fobs;
- 4) We arranged for Mr. Depp and his security to enter and exit through the private garage and entrance each day – they called when they were close and our office manager went down and let them in. This enabled Mr.

- Depp not to be outside and exposed to press or fans;
- 5) We ordered lunch each day for everyone from the deli inside the building, and provided a separate room for breaks and lunch for Mr. Depp, his counsel and security so there was no need to go outside;
 - 6) Planet Depos provided plexiglass dividers for each person in the room, including the videographer, the court reporter, counsel and Mr. Depp;
 - 7) We and the court reporter and videographer wore masks.

We would expect you to take the equivalent measures for this deposition. Being double vaccinated, or even with booster, is not sufficient to fully protect from the virus – particularly with the new Omicron variant. The measures above are still appropriate and reasonable to maximize protection for everyone in the room.

Thank you for your consideration. I look forward to your confirmation that you will be taking equivalent measures and as we draw nearer, being provided with the specific details.

Elaine

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From: Chew, Benjamin G.
<BCheW@brownrudnick.com>
Sent: Friday, December 03, 2021 6:02 PM
To: Elaine Bredehoft
<ebredehoft@charlsonbredehoft.com>
Cc: Vasquez, Camille M.
<CVasquez@brownrudnick.com>; Crawford, Andrew C.
<ACrawford@brownrudnick.com>; Moniz, Samuel A.
<SMoniz@brownrudnick.com>;
brottenborn@woodsrogers.com; Adam Nadelhaft
<anadelhaft@cbcblaw.com>; David Murphy
<DMurphy@cbcblaw.com>; Michelle Bredehoft
<mbredehoft@charlsonbredehoft.com>;
mdailey@grsm.com
Subject: Re: Amber Heard Deposition

Dear Elaine,

We recall and greatly appreciate the precautions you took prior to, and during, Mr. Depp's deposition.

We will arrange for the same type of protective shielding you had, etc., and will let you know the particulars as soon as we have them, though, as you know, Ms. Heard's deposition is still several weeks away so it likely won't be by this coming Tuesday.

In that regard, would you please resend me the referenced messages you sent prior to the Depp deposition so we can make sure we cover everything?

Moreover, Camille and I are both double vaccinated (I had my booster, too), as I assume you and Ms. Heard are, which will make the deposition far safer even than Mr. Depp's was despite the variants. We will also make sure that both the court reporter and videographer are at least double vaccinated.

Best regards,

Ben

Sent from my iPhone

On Dec 3, 2021, at 5:31 PM, Elaine
Bredehoft

<ebredehoft@charlsonbredehoft.com>

wrote:

**CAUTION: External E-mail. Use caution
accessing links or attachments.**

Ben, Camille, Andrew and Sam:
I am following up on my earlier
email, as I have not heard any
response.

Given the escalation of the
Omicron strain of COVID (and
California cases), I think this is
particularly critical to ensure
we have planned carefully and
all precautions are being taken,
both for safety and health.

I would appreciate your
providing me a response by no
later than COB Tuesday.

Thank you very much for your
consideration. Have a great
weekend! Elaine

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From: Elaine Bredehoft
Sent: Monday, November 29, 2021
10:58 AM
To: bchew@brownrudnick.com;
Vasquez, Camille M.
<CVasquez@brownrudnick.com>;
Crawford, Andrew C.
<ACrawford@brownrudnick.com>;
Moniz, Samuel A.
<SMoniz@brownrudnick.com>
Cc: brottenborn@woodsrogers.com;
Adam Nadelhaft
<anadelhaft@cbcblaw.com>; David
Murphy <DMurphy@cbcblaw.com>;
Michelle Bredehoft
<mbredehoft@charlsonbredehoft.com>
; mdailey@grsm.com
Subject: Amber Heard Deposition

Ben, Camille, Andrew and Sam:
I hope you all had a great
holiday weekend and your fill
of turkey!

In preparation for Amber
Heard's deposition, please
send us a Notice, so we are all
on the same page on times
(think you said 9:30 each day)
and address? Also, please let
us know the protocols you are
putting in place for both safety
in the event of press, and even
more importantly, precautions
for COVID? You may recall we
took extensive measures for

Mr. Depp's deposition with respect to both issues, and shared these in advance and worked with you throughout the deposition, including providing a private entrance for Mr. Depp through the garage and locked basement door for entry and departure, ordering in for lunches, having the building thoroughly cleaned in advance, a cleaning person stationed outside the bathrooms to clean in between uses, plastic dividers between the deponent, counsel, the court reporter and videographer, and wearing masks throughout.

Thank you! Elaine

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Attachment 4

Mask and Social Distancing Policy

The Court has found it necessary and appropriate to adopt a mask and social distancing policy for all individuals entering our Courthouses and Court facilities.

As established by General Order 2021-11, and as modified by General Order 2021-15, **ALL individuals, regardless of vaccination status**, that appear in person in the Courthouses/facilities in this District, to include employees, litigants, attorneys, jurors, stakeholders from other agencies, contractors, vendors, and members of the public, **are required to:**

(1) **Wear an N95 or KN95 mask** that covers their nose and mouth continuously in all indoor public areas of our Courthouses/facilities unless it is medically unsafe for them to do so **and** they obtain permission from the Chief Judge or Senior Active Judge. Individuals without access to an N95 or KN95 mask will be provided a KN95 mask at the building entrance. Inside of each courtroom, the presiding judge may permit temporary removal of masks for the purposes of facilitating a hearing or otherwise promoting the functioning and effective operation of the Court, with efforts made to ensure that individuals permitted to remove their mask generally stay at least six feet apart from other individuals. *Minors unable to fit into an adult-sized Court-provided KN95 mask are encouraged to bring their own properly fitting KN95 or similar mask. However, minors without access to a properly fitting KN95 or similar mask will be allowed to enter our Courthouses/facilities wearing a surgical mask, or a multi-layer cloth mask, or preferably, a surgical mask covered by a cloth mask.*

(2) **Maintain six feet of distance** from all individuals from outside their household whenever possible.

(3) **Stay home if you are sick.**

Any visitor seeking entry to our Courthouses/facilities that does not comply with these requirements may be denied entry by security staff and will be asked to contact the office/chambers to be visited and determine whether alternate arrangements can be made to accomplish the business needs of the visitor without entry to the Courthouse.

Attachment 5

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

CONSENT ORDER

Defendant and Counterclaim Plaintiff Amber Laura Heard ("Ms. Heard") and Plaintiff and Counterclaim Defendant John C. Depp, II ("Ms. Depp"), by counsel, ~~having engaged in communications respecting appropriate safety precautions and protocols for Ms. Heard's deposition commensurate with the precautions and protocols exercised for Mr. Depp's deposition, communicating such protocols and precautions to Ms. Heard and her counsel, and providing for a default of a Zoom deposition in the event any of the conditions set forth in this Order are not fully complied with,~~ agree to the following as evidenced by their signatures below, and it is hereby:

ORDERED that Ms. Heard shall appear in person for three consecutive days of deposition at [REDACTED]

[REDACTED] Ms. Heard shall be deposed for no less than seven hours of testimony each day, excluding breaks, except as otherwise agreed among counsel. The deposition shall commence on January 12, 2022 or such other date as may be mutually agreeable among counsel but must be concluded by March 4, 2022.

Mr. Depp and Ms. Heard agree to the following safety protocol during the deposition of

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Ms. Heard:

~~it shall be the responsibility of both Mr. Depp's and Ms. Heard's counsel to ensure the following safety precautions and protocols are completed and met for the duration of Ms. Heard's deposition:~~

- 1) Mr. Depp's counsel conducting the deposition will be fully vaccinated against COVID-19 and have received a booster shot. Mr. Depp's counsel shall make reasonable good faith efforts to ensure that the court reporter and videographer are similarly fully vaccinated;
 - 2) Mr. Depp's counsel agrees to contact the local police department to notify them of the date and location of the deposition;
 - 3) Mr. Depp's counsel agrees to contact building management to request appropriate cleaning the of office each day;
 - 4) Mr. Depp's counsel agrees to order lunch each day for Ms. Heard and her counsel and will provide a separate room for breaks and lunch for Ms. Heard and her counsel;
 - 5) Mr. Depp's counsel agrees to arrange for and pay for plexiglass dividers for each person in the room, including the videographer, the court reporter, Ms. Heard, and the parties' respective counsel;
 - 6) Ms. Heard shall not wear a mask while being deposed;
- ~~4) The persons physically present at the deposition, including Ms. Heard, counsel/support staff on behalf of Ms. Heard and Mr. Depp, the court reporter, and videographer shall attest to being fully vaccinated and having received a booster shot (collectively, the "Authorized Individuals"). Anyone not attesting to being fully~~

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~~vaccinated and having received the booster shot may not be present in the conference room where the deposition is being held at any time, and may not come within 20 feet of Ms. Heard and her counsel/support staff; and~~

2)7) ~~All Authorized Individuals~~individuals physically present in the deposition room or in any of the areas where Ms. Heard and her counsel/support staff may be located, such as reception areas, restrooms, separate conference room ("Contact Areas"), shall wear ~~N95 or KN95~~surgical or filtered masks the entire time they are in the Contact Areas where ~~Authorized Individuals~~individuals are present, and may only briefly remove their masks for purposes of drinking a beverage while others are present; and it is further

ORDERED that it shall be the responsibility of Mr. Depp and Mr. Depp's counsel to ensure the following safety precautions and protocols are completed in advance of and maintained for the duration of Ms. Heard's deposition:

- 3)8) ~~Securing a room and table for the deposition sufficient to ensure six feet of separation between Ms. Heard and her counsel/support staff and any of Mr. Depp's counsel/support staff, the court reporter, and the videographer at all times;~~
- 4)9) ~~Notifying the local police department of the deposition, including location, date and time and the potential for members of the public (including press and fans of either Mr. Depp or Ms. Heard) to appear, and the history of death threats to Ms. Heard during the UK trial, so appropriate arrangements can be made for either side to contact the police department in the event of encountering any situation warranting police involvement and to remove any non-authorized members of the public from~~

interfering with or disrupting the parties orderly access to and from the building and while in the building and handling any potential threats;

5) ~~Making arrangements with management of the building where the deposition is taking place to deep clean and sanitize all Contact Areas the night before the deposition, and each night for the duration of the deposition;~~

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6) ~~—— Making arrangements with management of the building where the deposition is taking place to clean and sanitize each restroom used by any Authorized Individual after each use of the restroom by such persons for the duration of the deposition;~~

7) ~~—— Making arrangements with management of the building where the deposition is taking place for sufficient security procedures to ensure no individual will have access to the floor on which the deposition or access into the Contact Areas except for the Authorized Individuals and the employees/other individuals associated with the law firm where the deposition is taking place;~~

8)10) ~~Making arrangements with management of the building where the deposition is taking place for Ms. Heard and her counsel to enter and exit through a private garage and entrance/exit each day of the deposition, and ensuring no members of the public are in those areas;~~

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9) ~~—— Making necessary arrangements for a separate room for breaks/lunch and for delivery of lunch for Ms. Heard and her counsel each day, to further ensure no unnecessary or further risks from contact with others to Ms. Heard and her counsel/support staff for the duration of the deposition;~~

~~10) Making necessary arrangements with the court reporter/videographer service to provide plexiglass dividers for each Authorized Individual in the deposition room; and~~

~~11) Making necessary arrangements with the court reporter service to ensure that the court reporter and any videographer provided for this deposition are fully vaccinated, have received a booster shot, and agree to wear N95 or KN95 masks for the entire time they are in the deposition room, and may only briefly remove their masks for purposes of drinking a beverage while others are present; and it is further~~

ORDERED that Mr. Depp's counsel shall provide to Ms. Heard's counsel, no later than 3:30 p.m. Eastern Time on Friday, January 7, 2022, the following:

~~10) Confirming Mr. Depp's counsel have taken the steps set forth in ¶¶ 3-11 above and will follow through with and adhere to them; and~~

~~11) Providing the contact name and telephone number for the Officer from the local police department to be called in the event Ms. Heard and/or her counsel encounter any issues;~~

~~12) Providing the specific information and directions for how and where to enter and exit the building through a private entrance each day, including parking, and any contact person and their information for a smooth entrance and exit; and it is further~~

ORDERED that in the event Mr. Depp and his counsel do not comply with all the terms of this Order, or the Court Reporter or Videographer do not comply with the requirements included in this Order, the deposition will take place by Zoom, and Mr. Depp's counsel will arrange for the Zoom link and send to Ms. Heard's counsel. This provision applies to the confirmation provisions set forth in ¶¶ 10-12 above, and also if there are any violations at any time during the

~~deposition. Under those circumstances, Ms. Heard's counsel will inform Mr. Depp's counsel of any such violation, they will exit the building, and make arrangements to convene separately for the duration of the deposition by Zoom, with Mr. Depp's counsel arranging for and communicating the link to Ms. Heard's counsel; it is further~~

~~**ORDERED** that all parties and counsel shall be mindful of the serious nature of the pandemic and the risks to each person and their families from contact with anyone who has any variant of COVID, and shall take all actions consistent with respecting and protecting each other from risk of potential exposure.~~

~~**SO ORDERED.**~~

January __, 2022

The Honorable Penney S. Azcarate
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)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
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jtreece@woodsrogers.com

Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

SEEN AND CONSENTED TO:

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Andrew C. Crawford (VSB 89093)
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Camille M. Vasquez (admitted *pro hac vice*)
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cvasquez@brownrudnick.com

Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II

64331961 v1-WorkSiteUS-034692/0008



Masks

Last updated December 15, 2021 at 4:46 PM

Wear your mask in indoor public spaces and workplaces

Due to a recent increase in cases, CDPH has mandated that everyone in California wear a mask in indoor public spaces and workplaces. The order is in effect December 15, 2021 to January 15, 2022.

Here are California's current mask recommendations and requirements.

On this page:

- › **Masks in daily life**
- › **Masks in the workplace**
- › **Guidance for businesses**
- › **Questions and answers**

Masks in daily life

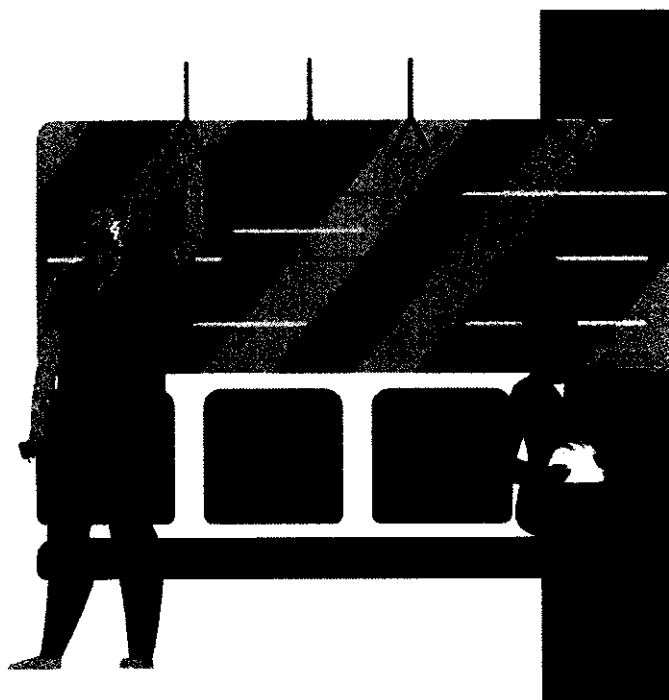
These are the statewide guidelines for masks. Your local area may have more. Check [your area's COVID-19 website](#).

Everyone is required to wear masks in the following settings:

- Indoor public spaces (until January 15, 2022)
- Workplaces (until January 15, 2022)
- Public transit
- Healthcare settings (including long term care facilities)
- Adult and senior care facilities
- Indoors in K-12 schools, childcare, and other youth settings
- State and local correctional facilities and detention centers
- Homeless shelters, emergency shelters, and cooling centers

Masks are required for unvaccinated people and recommended for everyone in:

- Places of worship



See CDPH's [Guidance for the Use of Face Coverings](#) and [Face Coverings Q&A](#) to learn more.

Read [Get the Most out of Masking](#) to learn how a mask can best protect you.

Mask-wearing exemptions




The following individuals are exempt from wearing masks at all times:

- **Children under two years old**, due to the risk of suffocation.
- **People with:**
 - **A medical condition,**
 - **Mental health condition, or**
 - **Disability that precludes wearing a mask.** This includes:
 - Those for whom a mask could obstruct breathing
 - Who are unconscious or incapacitated
 - Unable to remove a mask without assistance
- **People for whom seeing the mouth is essential for communication:**
 - Hearing impaired, or
 - Those communicating with a person who is hearing impaired.
- **People for whom wearing a mask would create a risk as they work**, as determined by:
 - Local, state, or federal regulators, or
 - Workplace safety guidelines.

See complete mask exemptions details at CDPH's [Guidance for the Use of Face Coverings](#).

Masks in the workplace

- **Masks are required indoors, regardless of vaccination status.**
- **Masks are not required outdoors** (except during outbreaks), regardless of vaccination status.
Workers should be trained for outdoor use of face coverings.
- **Employers must provide unvaccinated employees with NIOSH-certified respirator masks** for voluntary use when:
 - Working indoors, or
 - In a vehicle with others.
- **Unvaccinated workers must wear masks in state offices.**

For more information, see Cal/OSHA's [COVID-19 Prevention Emergency Temporary Standards](#)  (ETS), the [state public health officer order](#)  of July 26, 2021, and [CalHR's Vaccine Verification and Testing Requirements](#) .

Guidance for businesses

Masks are required to be worn indoors by all employees and patrons. This is in effect until January 15, 2022.

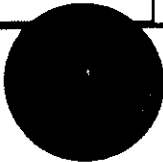
This mask requirement applies to all workplaces, regardless of whether or not they serve the public, or are open to the public.

Questions and answers

Which employers must require employees to wear masks under



	Jurors	Attorneys	People without Lawyers	Text Size
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Media

UNITED STATES DISTRICT COURT
**Central District of
California**

Philip S. Gutierrez, Chief Judge
*Kirby K. Gray, District Court Executive/Clerk of
Court*

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Temporary Suspension of Jury Trials

The United States District Court for the Central District of California announces a temporary suspension of all jury trials for a period of three weeks, effective immediately. There is currently an alarming surge of COVID-19 cases nationwide and in the Central District of California largely due to a new variant of the virus that causes COVID-19—Omicron. There has also recently been an increase of suspected and confirmed COVID-19 cases within the courthouses of the Central District of California. Given the increased rate of transmission of COVID-19 in the Central District of California due to the Omicron variant, conducting jury trials would place court personnel, attorneys, parties, and prospective jurors at undue risk. Accordingly, a temporary suspension of jury trials is necessary to protect public health and safety, as well as ensure the

Notices from the Clerk

[Temporary Suspension
of Jury Trials](#)

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continuous performance of essential functions and operations of the Court.


Effective immediately:

- All civil and criminal jury trials shall be suspended for a period of three weeks.
- The suspension of jury trials shall remain in effect through and including January 24, 2022.
- Per General Order 21-08, all individuals seeking entry to, or occupying, the United States Courthouses or Probation and Pretrial Services Offices in the Central District of California and everyone in the courtroom for in-court proceedings must continue to follow the CDC's most recent guidance regarding face coverings or masks.

The temporary suspension of jury trials may be extended as necessary. The Court continues to monitor the COVID-19 pandemic as it evolves and will provide updates concerning the Court's operations as adjustments are made.

Kiry K. Gray
District Court Executive/Clerk of Court
January 3, 2022

Documents:

 [2022-01-03 Notice - Temporary Suspension of Jury Trials.pdf](#)

<u>Clerk Services</u>	<u>Jurors Information</u>	<u>Attorney Information</u>	<u>Court Procedures</u>
Court Reporting Services	Jurisdiction	Alternative Dispute Resolution (ADR)	Filing Procedures
Courtroom Technology	Petit Jury - Terms of Service	Attorney Admissions	Forms
Central Violations Bureau - Federal	Grand Jury Terms of Service	Attorney Admissions Search	General Orders
			Local Rules

Ticket	Requesting an Excuse	Civility and
Employment	Requesting a	Professionalism
Interpreter Services	Postponement	Guidelines
Naturalization	Students	Annual Bar
Ceremony Information	Payment	Membership Renewal
Policy for Gratuities	Juror Amenities	Fee
and Gifts	Dress Code	Attorney Assistance
Records Department	Security	Attorney Certificates
Requests to Use	Employer Information	Attorney Discipline
District Court Facilities	Checking Status /	Capital Habeas
	Confirming Reporting	Criminal Justice Act
	Instructions	(CJA)
	Certificate of Jury	Direct Assignment of
	Service	Civil Cases to
	Contact Us	Magistrate Judges
	Parking / Directions	Lawyer
	Subsistence	Representatives
	Information / Hotels	Merit Selection Panel
		Application
		Mileage Rates
		Post-Judgment
		Interest Rates
		Pro Bono
		Pro Bono Civil Rights
		Panel
		Pro Bono Limited-
		Scope Representation
		Pilot Program
		Pro Bono Application
		Procedures for
		Recovering Out-of-
		Pocket Expenses
		Policy for
		Reimbursement of
		Out-of-Pocket
		Expenses Incurred by
		Court-Appointed Pro
		Bono Counsel
		Honor Roll of
		Volunteers
		Voluntary Consent to
		Magistrate Judges



Thread

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CBS Los Angeles
@CBSLA



#BREAKING: A COVID testing site at the Getty Center has detected LA's first case of flurona, a combination of influenza and coronavirus.



losangeles.cbslocal.com

LA's First Case Of Flurona Detected At Getty Center COVID Testing Site

The patient was described only as a teenager with mild symptoms who tested positive for both flu and COVID.

9:23 AM · Jan 5, 2022 · True Anthem

1,295 Retweets 5,478 Quote Tweets 1,894 Likes



Tweet your reply

CBS Los Angeles @CBSLA · 2h



Replying to @CBSLA

The testing site is located across the street from the Getty Center at 1300 N. Sepulveda Blvd.



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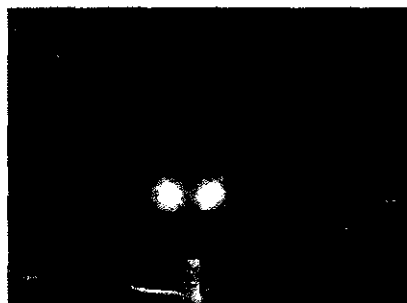


Kelly K Davis @daviskellyk · 3h



Replying to @CBSLA

It's the place with this very excited COVID dude on Sepulveda (not at the Getty Center)



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ThatUmbrellaGuy
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Amber Heard gets deposed next week.



If it's anything like that divorce fiasco, 🤔



11:27 AM · Jan 5, 2022 · Twitter Web App



70 Retweets 15 Quote Tweets 491 Likes



Tweet your reply



Deester @LewisDineen · 3h
Replying to @ThatUmbrella



Since her other deposition and witness statements have been used in another court case does she have to stick with that narrative? Or can she change it since it was for a foreign court? Now I Really miss Adam Waldman on twitter!

1

1

43



TheRealLauraB @LauraBockov · 3h



If she changes anything, they can use all prior depositions, witness statements, declarations-anything said or written under oath at any time to impeach her.

12

7

120



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Adam @drbeasthunter · 3h
Replying to @ThatUmbrella
Things may get interesting



The Reverend @Darrell02554398 · 13h
Replying to @abusehasnogende

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@ThatUmbrella Follow

HEY THERE.... Were this the apocalypse, I'd wanna be a horseman. War! T.U.G. of WAR! Woke SALT funds my PLATINIUM GRILL!

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Attorney General Merrick Garland delivers address on Justice Department's January 6 investigation

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Arwen sparrow
@An_elf_pirate



Amber Heard's deposition is next week.



Ben Chew:

"Where's the \$7m divorce settlement you didn't donate?"



"Why is all of your photographic 'evidence' edited?"



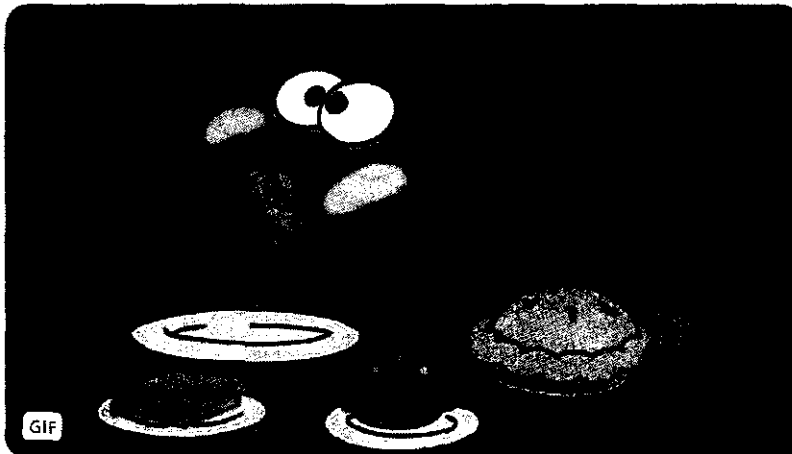
"Who is paying your legal fees?"



"Why have you no medical records for any of your supposed injuries?"



Amber Heard:



12:57 PM · Jan 5, 2022 · Twitter for iPad

35 Retweets 6 Quote Tweets 157 Likes



Tweet your reply

SweetChastity @SweetChastityYT · 2h



Replying to @An_elf_pirate

If she shows up at all. Or maybe she will show up with her baby because she couldn't find a babysitter. Or she will have another meltdown and refuse to do her deposition.



1



12



Arwen sparrow @An_elf_pirate · 2h



With the trial just over 3 months away, she has no choice, there is no getting out of this one 🐼



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@An_elf_pirate

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Merrick Garland delivers
address on Justice
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Attachment 10

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

PROTECTIVE ORDER RESPECTING DEPOSITION OF AMBER HEARD

THIS MATTER CAME ON TO BE HEARD upon the emergency motion of Defendant and Counterclaim Plaintiff Amber Laura Heard (“Ms. Heard”) for a Protective Order to Protect All Individuals Attending the Deposition of Amber Heard, and it is hereby:

ORDERED that the deposition of Ms. Heard will take place by Zoom January 12-14, beginning at 9:30 a.m. Pacific Time each day. Mr. Depp’s counsel will arrange for the Zoom link and send to Ms. Heard’s counsel.

SO ORDERED.

January __, 2022

The Honorable Penney S. Azcarate
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)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
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anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

J. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
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Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

SEEN AND _____:

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Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II