VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED
MAR 22 2022
JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-0002911

DEFENDANT AND COUNTERCLAIM-PLAINTIFF AMBER LAURA HEARD'S MEMORANDUM IN SUPPORT OF MOTIONS IN *LIMINE*
(CONFIDENTIAL UNDER SEAL**)**

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LEGAL STANDARDS

Virginia Rule of Evidence 2:401 defines "relevant" evidence as tending to "make the existence of any fact in issue more probable or less probable than it would be without the evidence. Evidence is relevant if it tends to prove or disprove a "material" fact. *See Kristensen ex rel. Kristensen v. Spotnitz*, 2011 WL 4380893, at *14 (W.D. Va. Sept. 21, 2011) (relevance involves making any "material fact" more or less probable").

Evidence that is "not relevant is not admissible." Va. Sup. Ct. R. 2:402. In addition, even if evidence could be relevant, it should be excluded in certain circumstances. Virginia Rule of Evidence 2:403(a) provides that relevant evidence may be excluded if "the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of act." *Winston v. Commonwealth*, 268 Va. 564, 598 (2004) (Prejudice must outweigh probative value to exclude evidence); *Coe v. Commonwealth*, 231 Va. 83, 87 (1986) (Evidence which may be inflammatory, "must be weighed against the tendency of the offered evidence to produce passion and prejudice out of proportion to its probative value."); *accord Cousins v. Cousins*, 56 Va. App. 257, 272 (2010).

"Unfair prejudice" involves "a genuine risk that the emotions of the jury will be excited to irrational behavior, and that this risk is disproportionate to the probative value of the offered evidence." *United States v. Ham,* 998 F.2d 1247, 1252 (4th Cir. 1993); *see also United States v. Mohr*, 318 F.3d 613, 619-20 (4th Cir. 2003) (noting that, under Rule 403, the Court should exclude evidence "that damages an opponent for reasons other than its probative value, for instance, an appeal to emotion").

ARGUMENT

1. The Statement from the Headline from Washington Post Should be Excluded and Redacted

In ruling on the Demurrer, former Chief Judge White held that three statements from the Op-Ed may be potentially defamatory and therefore survived Demurrer. At the Demurrer stage, all allegations of the Complaint are taken as true, and Mr. Depp asserted Ms. Heard made the statement in the original headline of the Op-Ed: "Amber Heard: I spoke up against sexual abuse – and faced our culture's wrath. That has to change."[1] There is only one instance of Ms. Heard referring to sexual assault, and that was in the body of the Op-Ed: "Like many women, I had been harassed and sexually assaulted by the time I was of college age." **Att. 68**, Op-Ed. The Court did not find that statement to be an actionable statement in Mr. Depp's Complaint.

After all the evidence has been taken in the case, Mr. Depp – who bears the burden of proof - cannot establish through any evidence that Ms. Heard made the statement in the headline.

Ms. Heard has testified that she did not write the headline and did not see it prior to publication:

> By Mr. Chew:
> Q: Now, let's go through this. The version -- this percent of the op ed is entitled "Amber Heard: I spoke up against sexual violence and faced our culture's wrath. That has to change." What are you referring to there?
> . . .
> Q: Who wrote the title?
> A: I – I'm not sure.
> Q: But you approved the title, correct?
> A: I never saw the title before it was -- before it was printed or -- or went to press as far as I can recall.

Att. 70, Heard Tr. 205:3-9.

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[1] When the same Op-Ed appeared in The Post's print edition one day later, the editors changed the title to "A Transformative Moment for Women."

Moreover, the evidence is clear the ACLU submitted the article to the Washington Post for publication without any headline. **Att. 69**. At 4:23pm on December 18, 2018, the Op-Ed was sent back to the ACLU from the Washington Post editors for finalization—without a headline. It was approved—still without a headline—at 5:54pm and published online approximately four minutes later. *Id.* There is absolutely no evidence that Amber Heard drafted, was aware of, approved of, or even communicated about a headline to the Op-Ed with the Washington Post at any time, let alone in the four-minute window from the time of approval by the ACLU of the draft to its publication. In addition, the ACLU Corporate Designee testified that the Washington Post drafted the title of the article and it was not approved by Amber or the ACLU:

> By Mr. Chew:
> Q: Directing your attention to the title, "Amber Heard: I spoke up against sexual abuse - and faced our culture's wrath. That has to change."
> Who came up with that title?
> A: Based on my investigation, I'm not aware of any -- I'm not aware that the ACLU had any role in writing the name of the op-ed piece, **and my understanding of how op-ed pieces work is, that the media, in this case The Washington Post, would have drafted the name of the -- the title of the op-ed and not the person who wrote the op-ed.**
> Q: Did The Washington Post seek the ACLU's or Ms. Heard's approval of its title?
> A: **I believe the answer to that is: No.** There's nothing in the evidence that shows that they reached out to us to do that, and it is inconsistent with my understanding that these news outlets do not usually ask for the permission of the author of the op-ed to -- you know, for when they come up with the title.

Att. 71, Dougherty Tr. 303:13-304:16. Even Mr. Depp's expert, Richard Marks, agreed that in the "newspaper business, they usually have someone on staff write the – the headline, if you will." **Att. 85**, Marks Tr. (rough) 59:7-10.

There is no evidence Mr. Depp can proffer that would establish Ms. Heard drafted the title of the Op-Ed, was aware of it before publication, or approved it. Instead, the only evidence is that

she did not. The burden of proof is on Mr. Depp, and they are unable to present any evidence to support their position on this statement.

Therefore, the statement in the headline should not be considered by the jury for defamation, and the headline should be redacted from all evidence submitted to the jury and should not be considered in evidence.

2. Any Evidence, Testimony, or Allegations of Criminal Conduct Against Ms. Heard Should be Excluded Based on Virginia's Rules of Evidence and Relevance

Throughout this case, and as explained below, Mr. Depp has repeatedly made various allegations respecting conduct of Ms. Heard to prove "she is a liar" and claims that she has been convicted of or has engaged in criminal conduct, and has repeatedly referenced and attempted to insert them into the case, as if they establish that Ms. Heard must be lying about the abuse at the hands of Mr. Depp. However, in Virginia, only the "fact that a party in a civil case...has previously been ***convicted of*** a felony, or a misdemeanor involving moral turpitude, and the number of such convictions may be elicited during examination." Va. Sup. Ct. R. 2:609(a)(i) (emphasis added). ***In no event*** may "the details of prior convictions be elicited," unless offered to rebut other evidence concerning prior convictions. *Id.* at (a)(iii). Despite Virginia's clear rules on this type of evidence, Mr. Depp has repeatedly attempted to obtain discovery of matters far outside of the parameters of Rule 2:609 to harass Ms. Heard, including serving extensive third-party discovery.

First, Mr. Depp seeks to introduce evidence related to an arrest at the Seattle-Tacoma in King County, Washington in 2009, where Ms. Heard was arrested and quickly released, and the charges (assault – Ms. Heard grabbed her partner's wrist to get her attention when the rental bus

was leaving) were dropped, and the arrest record was later expunged.[2] It is undisputed that no criminal charges were ever brought against Ms. Heard in King County, let alone resulting in a conviction. Therefore, evidence, testimony, or references to this arrest or the alleged underlying alleged conduct are inadmissible pursuant to Va. Sup. Ct. R. 2:609, and also the "details" underlying these charges may not be "elicited" by Mr. Depp at trial. This information is also not relevant to the issues in this case, and the risk of prejudice far outweighs the probative value.

Second, Mr. Depp also seeks to introduce evidence related to an incident involving Ms. Heard's customs declaration in 2015 when she and Mr. Depp brought their dogs into Australia while Mr. Depp was filming *Pirates 5*, again to suggest Ms. Heard has "a criminal record" and has "found to be dishonest by a Court." As with the King County matter, "there is no conviction recorded" because the Australian Court instead "discharge[d] the person [Ms. Heard] without proceeding to conviction." **Att. 1**, Tr. 4/18/2016 Australia Proceedings, at 5:39-45; **Att. 2** (Australian Crimes Act 1914, § 19B).

Relatedly, testimony emerged in the UK trial when a third-party witness (an employee of Mr. Depp) claimed Ms. Heard asked him to make false statements in the Australian proceeding, but he refused. Ms. Heard denies this, but since she never even had a conviction recorded in Australia, the testimony falsely accusing her of attempting to manufacture testimony is also inadmissible under 2:609(a). Such evidence should also be excluded as irrelevant to the issues at trial, and any possible relevance is far outweighed by the potential prejudice. The notion that signing an airport form relating to the immunizations of Mr. Depp and Ms. Heard's dogs suggests she is lying about being abused by Mr. Depp is untenable.

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[2] Tasya van Ree, the person whose wrist Ms. Heard grabbed to get her attention to go to the rental car bus, has stated that Ms. Heard "was wrongfully accused" and that "[c]harges were quickly dropped and she was released moments later." **Att. 30**, Heard Tr. Ex. 826.

Third, the UK trial (and a witness Kate James – Ms. Heard's former assistant who was fired by Ms. Heard - designated by Mr. Depp for this trial and on this subject) included testimony related to Savannah McMillen, an assistant to Ms. Heard while she was filming in the UK, and the status of her employment relationship with Ms. Heard in the United States. Ms. Heard provided a letter to the Immigration department in support of Ms. McMillen in 2014 after Ms. McMillen had been stopped and questioned at an airport. There were never any charges brought against Ms. McMillen (or Ms. Heard), so these allegations that Ms. Heard lied to Immigration authorities about the true status of Ms. McMillen's employment status in the US are not admissible and should be excluded under Rule 2:609(a). Such evidence is also completely irrelevant to the issues at trial – whether Ms. Heard allegedly lied to Immigration authorities about the employment status of her UK assistant has no bearing on whether Ms. Heard is lying about the abuse committed by Mr. Depp against her. The potential for prejudice far outweighs any possible relevance.

Fourth, at deposition Mr. Depp cross-examined Ms. Henriquez, Ms. Heard's sister (but never questioned Ms. Heard) respecting Ms. Heard's juvenile driving record, including driving on a suspended license in Texas when she was a teenager. **Att. 3**, 2/3/22 Tr. Henriquez, at 70:6-77-10. These driving violations were when Ms. Heard was a minor, and even then, are neither felonies nor "misdemeanors involving moral turpitude." Va. Sup. Ct. R. 2:609(a)(i). And even if the convictions could be elicited, which they cannot, in no event may "the details of prior convictions be elicited." *Id.* at (a)(iii). Such evidence should also be excluded as irrelevant to the issues at trial – whether Ms. Heard had speeding tickets as a minor and drove on a suspended license as a minor have no bearing on whether Ms. Heard is lying about whether Mr. Depp committed domestic abuse of her, and the prejudice far outweighs any potential relevance.

Fifth, at deposition Mr. Depp also cross-examined Ms. Henriquez, suggesting her sister was driving the vehicle at the time of the tragic death of Ms. Heard's close friend Logan when they were both teenagers. **Att. 3**, 2/3/22 Tr. of Henriquez, at 70:6-77-10. This suggestion was made even though there is not a stitch of evidence to support this outrageous allegation – Ms. Heard was nowhere near the county in which the accident occurred at the time and was devastated when notified. There is no evidence whatsoever, let alone any charges or convictions, that Ms. Heard had anything to do with this tragic death. Such evidence should also be excluded as irrelevant to the issues at trial, and even the malicious suggestion that Ms. Heard was driving at the time of the accident should be excluded from trial.

Sixth, for the same reasons, Mr. Depp should be precluded from claiming or suggesting to the jury by any means that Ms. Heard has a "criminal record." Mr. Depp's counsel has repeatedly made such assertions during various Court hearings, in third party depositions, and even in meet and confers, regardless of its relevance to each proceeding, and Ms. Heard expects counsel to do the same in the presence of the Jury at trial, absent this Court's intervention. Such prejudicial statements and references should also be excluded for all the reasons set forth above, and any possible relevance is far outweighed by the potential prejudice to the Jury of such allegations and accusations.

As noted above, all the above evidence should further be excluded because the probative value of such evidence is substantially outweighed by the danger of unfair prejudice and the likelihood of confusing or misleading the jury on these matters. Va. Sup. Ct. R. 2:403.

Finally, for the same reasons as above Mr. Depp's Trial Exhibits 112-14 and 424 should also be excluded. **Att. 4**.

For these reasons, any evidence, testimony, allegations, or references by counsel respecting these matters should be excluded from trial.

3. Evidence Respecting Either Amber Heard's or Mr. Depp's Pledges or Donations to Charities Should Be Excluded

a. Evidence of Amber Heard's Pledges and Donations to Charity Should be Excluded

At virtually every hearing and deposition, counsel for Mr. Depp has adamantly pronounced that Ms. Heard is "a liar" because she said she donated the $7 million she received from the divorce proceedings to charity, and she has not, and she has deprived children with cancer needing surgery. The reality is that Ms. Heard has been responsible for donations of roughly $1 million towards each charity, and fully intends to complete her pledges to both, but because she was sued by Mr. Depp in this lawsuit, she has been unable to fully fulfill the pledges yet. Both organizations have testified there is no expiration date on the pledges.

Significantly, this has nothing to do with whether Mr. Depp abused Ms. Heard. Yet it is the lynchpin of virtually every effort in Court, in third party depositions, and in the press, to discredit Ms. Heard, and suggest because she has not yet fulfilled the entire amount of the pledges, she is "a liar" and therefore the jury should conclude because she lied about not yet paying all of the $3.5 million pledged to Children's Hospital, and not yet paying all the $3.5 million pledged to the ACLU, she must be lying about Mr. Depp abusing her.

This is precisely the type of collateral issue that should be excluded under Virginia Rules of Evidence 2:401 and 2:402 as completely irrelevant and likely to lead to significant prejudice and confusion by the jury. Information related to Ms. Heard's pledge to donate $7 million - the proceeds of her divorce settlement - to charity does not make it more or less probable that Mr. Depp domestically abused her. Mr. Depp has testified that the settlement proceeds had nothing to do with any claims of abuse by Ms. Heard: "None of the $7 million that [Ms. Heard] was

awarded in the divorce had anything whatsoever to do with any-any of her claims, any of that, no." **Att. 5**, 11/10/20 Depp Tr., at 70:20-71:6, 74:6-9. There is not even a remote nexus between her donations and any claim, either by Mr. Depp or Ms. Heard in this case, and there is no mention of donations in either pleading. While Mr. Depp argued in the UK proceeding that Ms. Heard's allegations were motivated as "an insurance policy" and "to build a dossier" – neither of which relate to the $7 million pledge to charity - Ms. Heard's sole motivation for claiming abuse as alleged by Mr. Depp in this litigation is to further her career. *Compl.* ¶¶ 64-68. There is absolutely no allegation by Mr. Depp that Ms. Heard's settlement proceeds had anything to do with her allegations of abuse, and as noted above, Mr. Depp specifically denied the $7 million payment to Ms. Heard had anything to do with the allegations of abuse. Ms. Heard's announcement that she would be donating the money to the ACLU and Children's Hospital was more than two years *prior to* the publication of the Op-Ed - the subject of Depp's defamation claim, and, contrary to Mr. Depp's common refrain, she has never "tied her donations to her motivation for alleging abuse," the idea of which is risible.

Even if this Court deems the evidence of Ms. Heard's donations somehow relevant, Mr. Depp should be precluded from offering it under Rule 2:403(i) and (ii), as its probative value would be greatly outweighed by (i) "the danger of unfair prejudice" and (ii) "its likelihood of confusing or misleading [the jury]." Mr. Depp has raised the issue of the donations on countless occasions before this Court to allege in dramatic fashion that Ms. Heard lied about donating to "kids with cancer." *See e.g.* **Att. 6**, 4/30/21 Hearing Tr. 53:13-54:1. Mr. Depp's commonly repeated suggestion that Ms. Heard is abandoning sick children would serve no purpose other than to significantly prejudice a jury. Furthermore, the details of the multiple transactions pertaining to the donations, including transactions from donor-advised funds; how they are

classified and credited toward her pledges; and the legal impact of signing of a pledge form, are complex and require legal expertise, and will create a confusing sideshow that will distract from the already-complicated issues in the case. Moreover, Mr. Depp has not designated an expert for this topic.

In addition, Mr. Depp has repeatedly attempted to tie Elon Musk to the donation issues (as well as frivolously suggesting he has been paying for her attorneys' fees, when not asserting the ACLU is paying her attorneys' fees), but this Court has already ruled there is no relevance to the anonymous donation. *Id.* at 66:22-67:2. Such references or suggestions would also only serve as prejudicial to Ms. Heard and is not probative of any element of Mr. Depp's defamation claim, or any other claim or defense in this case.

All evidence pertaining to Ms. Heard's donations to charity should be excluded, and Mr. Depp should be precluded from referencing in any manner her donations. Finally, for the same reasons as above, the Mr. Depp's Trial Exhibits 4, 6, 9-11, 15, 24, 27, 32, 36, 117, 204, 205, 939, and 940 should also be excluded.

b. Evidence of Mr. Depp's Charity Donations of Money or Time Should be Excluded

Evidence of Mr. Depp's Charitable donations, including but not limited to any monetary or in-kind donations and donations of time, and any photographs of Depp at any hospitals dressed as Jack Sparrow, should be excluded pursuant to Virginia Rules of Evidence 2:401 and 2:402 as irrelevant to this case. This Court, at a hearing on Ms. Heard's Motion to Compel Eleventh and Twelfth Requests for Production of Documents on December 10, 2021, denied the requests, ruling that evidence of Depp's donations to charitable organizations, whether monetary or donations of time, are irrelevant. **Att. 8**, 12/10/21 Hearing Tr. 7:7-18:15. Ms. Heard had sought documents identifying Mr. Depp's donations to any charitable organizations, "including

any documents referring to any time given or donated by Mr. Depp to any charitable organizations even if no monetary donation was involved." In his Opposition, Mr. Depp took the position that "**Mr. Depp's charitable donations are totally irrelevant. Mr. Depp has never tied his charitable donations to this case, has never indicated that he intends to present evidence about his own donations, and does not intend to do so.**" **Att. 9,** Pl.'s Op. to Motion to Compel (emphasis added). Based on Mr. Depp's argument and representations, this Court denied the motion to compel: "**As to charitable donations the Court just does not find relevance in this matter to compel that.** So I'm going to deny the motion to compel **as to that issue.**" *Id.*at 18:12-15 (emphasis added).

Mr. Depp has no legitimate reason to oppose the exclusion of this evidence, since he has previously represented to the Court he had no intention of introducing evidence of any charitable donations, and admitted it is irrelevant. Mr. Depp should not be permitted to shield himself from discovery of such matters only to later use them as a sword at trial.

For the foregoing reasons, Ms. Heard respectfully requests that all evidence pertaining to Mr. Depp's charitable donations be excluded.

4. Mr. Depp Should be Precluded from Introducing Any Evidence on Subjects to Which the Attorney-Client or Work Product Privilege was Asserted

On a number of occasions, Mr. Depp asserted the attorney-client privilege and refused to permit discovery, including responses to questions in depositions. For example, for each of the defamatory statements at issue in Ms. Heard's Counterclaims, Mr. Depp refused to allow his attorney, Adam Waldman, to answer any questions relating to the statements such as: "Did you make that statement on behalf of Mr. Depp?"; "Why did you make the statement?"; "Were you representing Mr. Depp at the time you made this statement?"; "Did you discuss the statement with Mr. Depp before making the statement?"; "Did you discuss the statement with Mr. Depp

after making the statement?"; "Was Mr. Depp aware, either before or after, that you were making this statement?"; "Did you make this statement with Mr. Depp's authorization or agreement?"; "Was Mr. Depp aware that you were speaking with the press?"; "Did Mr. Depp ever ask you to retract or correct this statement?"; and "Did you rely upon any statements or evidence from Mr. Depp in making this statement?" **Att. 11**, 2/15/22 Dep. Waldman at 64:4-68:4, 69:12-73:21, 77:4-80:2. Mr. Depp also refused to answer the same questions. **Att. 12.**, 11/10/20 Dep. Depp.; **Att. 23**, 12/14/21 Tr. Dep. Depp, at 999:7-1002:8. Mr. Depp further refused to allow his publicist, Robin Baum, to answer any questions respecting conversations she had with Mr. Waldman respecting Mr. Waldman's statements, **Att. 13**, 1/20/22 Dep. Baum at 138:4-140:6; 145:22–148:9.[3]

Mr. Depp also claims text messages between Ms. Heard and Stephen Deuters, Mr. Depp's assistant, were somehow fake. Yet, Mr. Depp refused to allow Mr. Deuters to answer questions about whether Mr. Deuters has any basis to believe the texts were not authentic. **Att. 15**, 2/24/22 Dep. Deuters 164:8-167:11. Incredibly, Mr. Deuters was instructed to not even answer a question about information "other than what he learned from his attorneys" respecting the texts at issue:

> Q Other than anything you have learned from your attorneys or communications you've had with your attorneys, you have no basis to believe that these text messages were doctored in any way, correct, Mr. Deuters? MS. VASQUEZ: Same instruction, same objection. BY MR. ROTTENBORN: Q Mr. Deuters, are you refusing to answer the question on the basis of your attorney's instruction? MS. VASQUEZ: On the basis of attorney-client privilege, yes, he is. MR. ROTTENBORN: You're not the witness, Camille. I asked him a question if he is refusing.

Id., 165:8-166:13.

[3] In addition, Mr. Depp refused to allow Jack Whigham, Mr. Depp's agent, testify to his discussions with Mr. Waldman respecting any litigation. **Att. 14**, 1/20/21 Dep. Whigham at 65:1-69:14.

Given that Mr. Depp has asserted the privilege on these issues, and refused to allow Ms. Heard discovery, Mr. Depp must be precluded from asserting any legal argument or introducing any evidence relating in any manner to the issues to which Mr. Depp has asserted privilege – any authorization or lack thereof by Mr. Depp relating to the defamatory statements at issue, and any evidence respecting whether the text messages between Ms. Heard and Mr. Deuters are authentic.

Mr. Depp cannot use attorney-client privilege as both a sword and shield, which is contrary to its very purpose. As the Virginia Supreme Court held, "parties should not be permitted to use the privilege as both a shield, preventing the admission of evidence, and as a sword to mislead the finder of fact by allowing evidence that would be impeached by the privileged information if it had not been suppressed." *Walton v. Mid-Atlantic Spine Specialists, P.C.*, 280 Va. 113, 130 (2010). "Such a pick-and-choose approach may seem unfair in general or because it distorts the evidence that is presented to the factfinder." *Id.* at 127; *see also Gordon v. Newspaper Ass'n of Am.*, 51 Va. Cir. 183, 193 (Richmond Cir. 2000) ("The attorney-client privilege is meant to be used as a shield from intrusion and not as a sword for manipulation of the truth"); *Koch v. Cox*, 489 F.3d 384, 390 (D.C. Cir. 2007) (considering whether the party asserting privilege seeks to employ that privilege both as a sword and as a shield, and thereby to gain litigation advantage); *Bittaker v. Woodford*, 331 F.3d 715, 718 (9th Cir. 2003) ("[t]he principle is often expressed in terms of preventing a party from using the privilege as both a shield and a sword. . . . In practical terms, this means that parties in litigation may not abuse the privilege by asserting claims the opposing party cannot adequately dispute unless it has access to the privileged materials."); *United States v. Desir*, 273 F.3d 39, 45 (1st Cir. 2001) (considering unfairness of allowing invocation of the privilege when a party testifies about portions of a

communication or selectively asserts protections, because the "privilege cannot be used as both a shield and a sword"); *United States v. Yerardi*, 192 F.3d 14, 18 (1st Cir. 1999) ("Probably the most common example is a privilege holder's effort to answer some questions in a subject area (usually those that serve the privilege holder's interests) but not others (those that harm the privilege holder's interest). Such a pick-and-choose approach may seem unfair in general or because it distorts the evidence that is presented to the factfinder")).

As a result of parties attempting to use these "sword and shield" tactics, many of these Courts preclude a party from introducing evidence or testimony at trial that the opposing party "was prevented...from exploring during a deposition by invoking the attorney-client privilege." *Engineered Prods. Co. v. Donaldson Co.*, 313 F. Supp. 2d 951, 1022-23 (N.D. Iowa 2004), *reversed* on other grounds, 147 Fed. Appx. 979 (Fed. Cir. 2005). In *Engineered Prods.* the Court barred the plaintiff from introducing testimony at trial on issues that the plaintiff had prevented the defendant from exploring during a deposition by invoking the attorney-client privilege and explaining that to allow the plaintiff to present the testimony at trial would be to allow the plaintiff to use the privilege "as both a shield and a sword." In fact, the Eastern District of Virginia held that:

> The weight of authority indicates that to permit Mouer to testify to issues which she refused to testify to during her deposition based on privilege would allow the Defendants to use the attorney-client privilege as both a shield and a sword. Thus, Mouer may only testify at trial within the scope of her deposition and Plaintiff may not refer to the rulings of Judge Mitchell and Judge Brinkema concerning the crime-fraud exception to the attorney-client privilege.

Galaxy Comput. Servs. v. Baker, 325 B.R. 544, 559-60 (E.D. Va. 2005). Further, the *Engineereed Prods.* Court held that:

> plaintiff's objections during [the] deposition likely precluded as full an exploration of documents and issues . . . as the defendant would have been entitled to make, had there

been a contemporaneous judicial finding of waiver of attorney-client privilege. Therefore, the parties will be entitled to present documents and testimony formerly protected by attorney-client privilege *only to the extent that those issues were explored in [the] deposition.*

313. F. Supp. 2d 951, 1023 (emphasis original).

Mr. Depp has throughout used, and continues to use, the attorney client privilege as a shield to prevent discovery of relevant communications with Mr. Waldman and Mr. Deuters. As a result, Mr. Depp should be precluded from referencing, introducing evidence or testimony or mentioning at all any topic for which Mr. Depp has objected and refused to provide either the discovery, or permitting the answer to any deposition question on the basis of the attorney-client privilege.

5. Ms. Heard Should be Permitted to Designate Testimony from Tracey Jacobs in two Other Litigations Filed by Mr. Depp where Mr. Depp was Represented by Counsel and Where the Depositions were produced too Late for Ms. Heard to Elicit from Ms. Jacobs

a. Background

On August 19, 2020, Ms. Heard requested deposition transcripts of witnesses from litigation in which Mr. Depp was previously a party. Mr. Depp refused to produce any – not even his own - claiming that Ms. Heard was seeking discovery on "wholly unrelated cases." Ms. Heard moved to compel these transcripts, and Mr. Depp then falsely represented to the Court, "Having been involved in all of those cases, Your Honor, I can say that none of those cases has anything to do with Ms. Heard or alleged abuse by Ms. Heard or any other woman," leading the Court to deny the discovery sought by Ms. Heard. **Att. 17**, 11/20/20 Tr. at 15:9-12.

But then eight minutes into the deposition of Mr. Depp's former talent agent Tracey Jacobs, Mr. Depp's paralegal produced an unidentified document production with password protection, labeled DEPP017, leaving out Ms. Heard's primary paralegal in the case, and did not disclose it was related to the then in-progress deposition of Tracey Jacobs. **Att. 18.** Ms. Heard's

counsel Ms. Bredehoft, who was already in the process of deposing Ms. Jacobs, did not become aware of the production during the deposition, and even if she had, could not reasonably have taken a break to review 100s of pages of transcripts and documents, upload them, and use them to refresh or impeach the witness, or supplement her outline of questions – that would have taken hours at least. Yet Mr. Depp's counsel Mr. Chew – who represented Mr. Depp in BOTH of the prior depositions, had already read through the materials and picked parts favorable to Mr. Depp, uploaded the documents for use as exhibits, and then used them in the deposition. Had Ms. Heard had the same opportunity, she would have been able to elicit highly relevant and damaging information:

- Mr. Depp's serious and worsening drug and alcohol use, lateness and not showing up at all in filming, and movie studios' unhappiness with Mr. Depp;
- Significant financial issues surrounding some of the abuse Mr. Depp inflicted on Ms. Heard;
- Ms. Jacobs' knowledge of issues relating to Mr. Depp's conduct;
- Ms. Jacobs testified that she believed Mr. Depp hit Ms. Heard based on "his behavior, and his inconsistencies, and violent outbursts."
- Ms. Jacobs also testified that "more than a couple of times" Mr. Depp was so angry at Ms. Jacobs "to the point where it really concerned" her, and that "these instances of his anger seem[ed] to intensify as time went on.";
- Testifying that in the period of 2015 and 2016, Mr. Depp "was angry at everybody";
- Mr. Depp's actions hurt Mr. Depp's career;
- Mr. Depp lied to the LAPD;
- Mr. Depp appeared on TV drunk and stoned, to the point that Disney studio executives called Ms. Jacobs asking "What the hell was wrong with your client?";
- These same issues appeared during the filming of Pirates 5, and Disney told Ms. Jacobs the conduct was not "going to be tolerated," Disney was "not going to put up with this," and that "there was no love between Johnny and Disney, given the Pirates five situation."

As discussed below, this is the type of testimony Ms. Heard included in her designations of these two prior depositions, and seeks leave to do so. Ms. Heard has designated portions from these depositions consistent with the Scheduling Order.

b. Mr. Depp's Counsel's Conduct
Respecting This Prejudicially Late Document Production

Mr. Depp's counsel was intentionally misleading during the deposition of Tracey Jacobs in this case. When Ms. Heard's counsel objected to Mr. Depp's use of the prior depositions and attendant documents as they had never been produced in this litigation, Mr. Depp's counsel, knowing they had been produced during the deposition and that counsel for Ms. Heard would not have known or had a reasonable opportunity to review and pull for use in the deposition, falsely stated "they were all produced to your office ***prior to*** this deposition. So you should, again, check with them, because you got that and you got the deposition transcripts." **Att. 19**, 1/18/21 Tr. at 162:11-15 (emphasis added); *id.* at 85:17-86:2 (MS. BREDEHOFT: "Ms. Jacobs, just so you know, I don't have your prior deposition. We requested them of Mr. Depp, they have not been provided to us. So I'm at a disadvantage, I don't have those. MR. CHEW: That's actually not true. You should check with your office staff, Elaine. You can do that during a break. You've got everything.").

But Mr. Depp's counsel declined to state that the documents were produced *after* the deposition of Tracey Jacobs had begun, even though Mr. Depp's counsel later admitted it determined BEFORE THE DEPOSITION that the deposition transcripts and exhibits contained relevant testimony. **Att. 20.** Mr. Depp's counsel further admitted making this determination "[s]hortly before Ms. Jacobs' deposition, and in the course of preparing for same," deciding to use them as exhibits at the deposition of Tracey Jacobs in this case during preparation, and having the documents already pre-marked for use in the deposition *before* they were even produced. *Id.*

c. Relief Sought by Ms. Heard

Ms. Heard was and remains significantly and unfairly prejudiced by this conduct, as Ms.

Jacobs is a third-party California resident, and was not subject to further subpoena or deposition in this case. While denying Ms. Heard's earlier Motion, the Court recognized that:

> I'm not going to make any pre-trial motions as far as designating portions of it or the foundational objections. I'm just not going to do that at this point. I don't think that's a proper thing to do when we're so far away from trial. That is something that might come up later when we get closer to trial, but at this time, I'm not going to do that....the motion to compel is denied. Whether or not authenticating parts of depositions, that has nothing to do with the motion to compel. Whether or not we do that is something for pre-trial. I assume we're going to be going through quite a few different depositions and there's going to be arguments back and forth at that time.

Att. 21, 6/25/21 Tr., at 52:7-14, 53:21-54:6.

Ms. Heard was able to obtain through Requests for Admissions the authenticity to documents attached to the earlier depositions, **Att. 22**, Depp 2nd Supp. Resp. to 5th RFAs, but there was no other way to obtain the same testimony given at the other depositions by Ms. Jacobs. Thus, Ms. Heard is now requesting the relief the Court deferred on until closer to trial, as quoted above. Ms. Heard now seeks the Court's leave to designate portions of the two prior deposition transcripts of Tracey Jacobs - which Ms. Heard has already timely completed - subject to further evidentiary rulings of the Court.

Earlier in this case, Mr. Depp sought to be able to use the prior depositions of two LAPD police officers, because Ms. Heard's prior counsel was present for the depositions and therefore Ms. Heard was represented. Here, Mr. Chew, representing Mr. Depp in both actions, was present for and took the two prior depositions of Ms. Tracey Jacobs. Thus, by Mr. Depp's own logic in requesting - and obtaining- this relief earlier in this case, should apply equally here. There is no prejudice, because Mr. Depp was fully represented in those depositions.

Ms. Heard now seeks the Court's approval of this long-disclosed relief – to use portions of Ms. Jacobs' earlier deposition transcripts.

6. **Evidence of the Following Irrelevant Personal Matters Should be Excluded**

Mr. Depp inappropriately seeks to introduce evidence of the following Irrelevant Personal Matters: (1) nude pictures of Amber Heard; (2) Amber Heard's sister Whitney's reality show video; (3) Whitney and Amber's past romantic relationships; and (4) Amber's brief stint as an exotic dancer years before she met Mr. Depp and Mr. Depp attempting to frivolously and maliciously suggest or imply that Ms. Heard was at one time an escort (the "Irrelevant Personal Matters").

a. Plaintiff Should Not be Allowed to Introduce Evidence of Irrelevant Personal Matters Because Such Matters Are Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard

None of the Irrelevant Personal Matters has any tendency to make any material fact more or less probable, including the fact of domestic abuse. Rather, any purported evidence of Irrelevant Personal Matters would serve solely as sex-related distractions and tangential publicity bombshells, which would confuse and prejudice the jury and could negatively affect Amber Heard's reputation as an actress. For example, first, nude pictures of Amber Heard have no bearing on any material fact in dispute. They are irrelevant, very personal, and would tend inappropriately to objectify Amber Heard – which is demeaning and would definitely detract from the issues in this case – of whether Mr. Depp committed domestic abuse. Second, there is nothing about Amber's sister Whitney's reality show video from high school that could shed any light on any material issue in this case, namely the relationship between Amber Heard and Mr. Depp.

Third, whomever Amber or Whitney dated prior to 2011 (i.e., before Amber Heard met Mr. Depp) is wholly irrelevant; Amber and Whitney's prior romantic relationships are far removed in time and subject matter from this case. Fourth, allegations that Amber Heard was an escort are unfounded, incendiary, irrelevant, and designed to harass and demean Amber Heard,

and Ms. Heard's brief stint working at a strip club just after moving to LA to start her acting career also has nothing to do with her relationship with Mr. Depp years later or whether he abused her.

b. Plaintiffs Should Not Be Allowed to Introduce Evidence Relating to the Irrelevant Personal Matters Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice and the Likelihood of Confusing or Misleading the Jury

In addition to being wholly irrelevant, evidence of the Irrelevant Personal Matters should be excluded because any probative value is substantially outweighed by (1) the danger of unfair prejudice and/or (2) the likelihood of confusing or misleading the jury. *See* Va. R. S. Ct. 2:403 (relevant evidence may be excluded if (a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact).

Evidence of the Irrelevant Personal Matters likely will distract the jury from the critical domestic abuse issues; excite potentially irrational emotions; entice gossip and speculation on irrelevant matters; and lead to harassment, bias, and prejudice toward Amber Heard and her sister. For example, first, nude pictures of Amber Heard or comments about stripping or escort services would be highly distracting and unfairly prejudicial to the extent they portray Amber Heard as a sex symbol instead of a women's rights activist against domestic abuse. Second, Amber Heard's sister's alleged reality video is likely to confuse or mislead the jury by focusing on third-party relationships (not the relationship between Amber Heard and Mr. Depp). The reality video likely would unfairly prejudice Amber by minimizing the grave domestic abuse allegations at issue. Third, Amber and Whitney's past relationships would be distracting and confusing because those relationships have no bearing on the relationship between Mr. Depp and Amber Heard; any conflation of relationships would cause unfair prejudice. Fourth, post-

separation alleged affairs likely would mislead and confuse a jury because affairs have no relevance to findings of domestic abuse. In addition, affairs likely would provoke negative emotional connections for at least some jurors, causing unfair prejudice.

Because the Irrelevant Personal Matters involve inadmissible collateral facts that are likely to unfairly prejudice Amber Heard and distract the jury, such evidence should be excluded. *See, e.g. PTS Corp. v. Buckman*, 263 Va. 613, 620 (2002) ("Evidence of collateral facts, from which no fair inferences can be drawn tending to throw light upon the particular facts under investigation, is properly excluded for the reason that such evidence tends to draw the minds of the jury away from the point in issue, to excite prejudice and mislead them").

For these reasons, Amber Heard moves the Court *in limine* for an Order striking evidence of (1) nude pictures of Amber Heard; (2) Amber Heard's sister Whitney's reality video; (3) Whitney and Amber's past relationships; and (4) allegations of exotic dancing or unfounded allegations of Amber Heard escorting. These matters are wholly irrelevant and likely to confuse and mislead the jury and unfairly prejudice Amber Heard.

7. Prior Irrelevant Litigations/Legal Matters

a. References to and Characterizations of the October 2018 Arbitration and Decision Should be Excluded

In 2018, Ms. Heard initiated an arbitration against Depp for comments he or his attorney Adam Waldman made to GQ and other print publications that he had never abused Ms. Heard, that she had attacked him, and that she had falsified evidence suggesting he attacked her. **Att. 25**, 3/12/19 Arbitration Decision, at 2. Ms. Heard initiated the Arbitration pursuant to her divorce agreement with Depp. The Arbitrator found that the case was not arbitrable because he had not been appointed judge *pro tem* for continuing proceedings under the divorce agreement, and because the divorce agreement did not clearly and unmistakably confer upon him the power

to determine arbitrability. *Id.* at 4-10. The arbitrator did not decide any of the merits of the lawsuit in any way. *Id.* at 10. Ms. Heard took no further action with respect to attempting to enforce the terms of the Settlement Agreement. Yet Mr. Depp's counsel has made statements in Court, in depositions and in meet and confers, suggesting that Ms. Heard brought a suit and lost, that Ms. Heard "fired the first shot," that Judge Meisinger (the Arbitrator) granted the motion to dismiss, and suggesting Mr. Depp prevailed on the merits. Ms. Heard moves the Court to preclude Mr. Depp from referencing in any manner the Arbitration proceeding, including eliciting testimony about the Arbitration, suggesting in any manner that Depp "won" the Arbitration, characterizations of the Arbitration, that Amber "fired the first shot," or anything else relating to it. The Arbitration is completely irrelevant to this proceeding and any reference is prejudicial and will create confusion and likely mislead the jury.

At the deposition of Ms. Heard's former counsel Eric George, on whom Ms. Heard relied for advice that the December 18, 2018 Washington Post Op-Ed was not actionable by Mr. Depp, including for defamation, Mr. Depp's counsel repeatedly asked questions about the Arbitration and suggested the Arbitration claim was not meritorious because Mr. Depp had filed a motion to dismiss that was granted for the procedural reasons described above. **Att. 26,** 4/5/21 Tr. Dep. George at140:9- 142:20. Mr. Depp asked whether Ms. Heard "fired the first shot." *Id.* 136:21-137:6. Mr. George, an attorney who understood exactly the type of misleading testimony Mr. Chew was trying to elicit, explained the basis for the Arbitrator's decision and observed that "[y]ou're misconstruing a decision based on a procedural ground, and trying to suggest that it was based on a substantive ground." *Id.* 142:19-143:11. And Mr. Chew then tried to elicit testimony that the Arbitrator did not award Ms. Heard compensatory or punitive damages. *Id.* 145:10-147:3. All of these questions are clearly designed to mislead the jury into thinking that

the Arbitrator had ruled on the merits of Ms. Heard's claim and therefore Mr. Depp, in this case, in alleging he did not abuse Ms. Heard, has already won this through an Arbitration proceeding brought by Ms. Heard.

Permitting these sorts of questions or argument in front of the jury would be highly prejudicial to Ms. Heard, misleading to the jury, and irrelevant to the issues in this case. As the evidence shows, the Arbitrator did not decide any of the merits of the Arbitration case, including the truth or falsity of any defamatory statements. The Arbitration decision has no relevance to this case. The sole purpose for attempting to introduce the Arbitration and decision and to reference it, is to confuse the jury into thinking it had already been decided as a matter of law that it was not defamatory to say Ms. Heard was not abused by Mr. Depp. This is demonstrably false. The Court should therefore preclude any attempt by Depp or his counsel to use the Arbitration to mislead the jury that the truth or falsity of Depp's domestic abuse was decided in the Arbitration. *See Bermingham v. City of Clermont, Florida*, 2013 WL 5970700, *3-4 (M.D. Fla. 2013) (excluding evidence relating to prior arbitration proceedings because those proceedings "have no bearing on Plaintiff's constitutional claim and should be excluded as irrelevant.").

Finally, for the same reasons as above the following Mr. Depp's Trial Exhibits 219-20 should also be excluded. **Att. 10.**

b. Counsel's Characterizations of the UK Judgment Should be Precluded

The fact of the UK judgment against Mr. Depp is undeniably relevant to this case, first and foremost because it relates clearly to the damages Mr. Depp has alleged, as well as issues that have been interwoven into the liability aspects of the case, including bias of witnesses and inconsistencies. In addition, the testimony of the witnesses in the UK, and the conduct of Mr. Depp in procuring certain evidence in the UK that will also be evidence at this trial, is relevant,

provided it is introduced in an appropriate manner (as impeachment evidence, facts testified to directly by witnesses in this case, etc.). But the parties should be precluded from characterizing, arguing, or eliciting testimony suggesting their own interpretations of why the Court found, what the Court found, or what the evidence was, without the proper evidentiary introduction of the document and specific references.

For example, on March 10, Mr. Chew stated about an incident of sexual abuse by Depp against Ms. Heard: "And even the Court in the U.K. dismissed one of them out of hand." **Att. 28**, B. Chew 3/10/22 Email to S. Abdallah. This is a gross mischaracterization of the UK judgment, which did not involve claims by Ms. Heard that the UK Court could "dismiss," and it falsely suggests that the Court did not believe Ms. Heard, which was not the basis for any of its rulings. This type of misleading characterization or editorializing is improper, would mislead the jury, and should be precluded. Mr. Depp's counsel must be required to follow the Rules of Evidence in referencing portions of the Judgment or any document.

In addition, Mr. Depp's counsel has repeatedly and improperly brought in and referenced UK testimony without engaging in the proper evidentiary standards for impeachment. Mr. Depp's counsel should be admonished that if they seek to impeach through prior testimony, they need to follow the Rules of Evidence and appropriate procedures.

c. The Nikola Six Lawsuit

Mr. Depp has made multiple references to the Nikola lawsuit, a lawsuit brought by the producers of *London Fields* which starred Ms. Heard and included Mr. Depp playing a smaller role. The lawsuit resulted in a confidential settlement. This lawsuit, and the allegations, have no bearing on the claims or damages in this litigation, and reference to it would only be for the

purpose of unfairly prejudicing Ms. Heard and confusing the jury. Therefore, testimony and any references to the Nikola lawsuit should be excluded.

8. Allegations of Amber Heard Abusing Anyone and Claims of Mr. Depp Not Abusing Other Individuals Should be Excluded

a. Mr. Depp's Claims Amber Heard Abused Anyone

Throughout this litigation, Mr. Depp has attempted to pressure witnesses into testifying respecting Ms. Heard's purported abuse of other individuals. But there remains no admissible evidence supporting Mr. Depp's desperate claims that Ms. Heard ever abused any other individuals. Mr. Depp has further attempted to inject the issue of his allegations Ms. Heard abused him, despite the content of the Op-Ed forming the basis of Mr. Depp's defamation claim being wholly distinct from such allegations.

First, this issue is not relevant to the core factual issue in both Mr. Depp's Complaint based on the Op-Ed and the Counterclaim - whether Mr. Depp abused Ms. Heard, and for the Counterclaim the other related factual matters respecting whether Ms. Heard faked her injuries as Mr. Depp falsely contends. Mr. Depp even agreed, objecting that Ms. Heard seeking the facts of each supposed "incident during which you contend that Ms. Heard inflicted any type of physical or emotional abuse or abuse upon you" was "unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action." **Att. 29**, at 13-14.

Second, Mr. Depp repeatedly attempted at deposition to pressure Whitney Henriquez, Ms. Heard's younger sister, to falsely state that Ms. Heard hit her or threw objects at her, which Ms. Henriquez denied. **Att. 3**, at 85:11-86:6, 216:10-217:17. Third, Mr. Depp has repeatedly referenced the arrest at Seattle-Tacoma airport. But Tasya van Ree herself, whom Mr. Depp claims is the victim related to this arrest, has stated that Ms. Heard "was wrongfully accused"

and that "[c]harges were quickly dropped and she was released moments later." **Att. 30**, Heard Tr. Ex. 826. This particular incident is also the subject of the Motion in Limine in No. 1 above.

Finally, all the above evidence should further be excluded because the probative value of such evidence is substantially outweighed by the danger of unfair prejudice and the likelihood of confusing or misleading the jury on these matters. Va. Sup. Ct. R. 2:403. As noted above, the core factual issue for both Mr. Depp's Complaint and Ms. Heard's Counterclaim is whether Mr. Depp abused Ms. Heard, and for the Counterclaim other related factual matters respecting whether Ms. Heard faked her injuries as Mr. Depp falsely contends.

For these reasons, any evidence, testimony, allegations, or references by counsel that Ms. Heard abused anyone should be excluded.

b. Claims Mr. Depp Did Not Abuse Anyone Besides Ms. Heard

Throughout this litigation, counsel for Mr. Depp has repeatedly asserted that besides Ms. Heard, Mr. Depp has never been accused of domestic abuse by anyone. But counsel making such general statements is not evidence, and any testimony would be hearsay and lacks foundation, and is therefore inadmissible, and suggesting this would be significantly and unduly prejudicial in front of the jury at trial and should be prohibited. For clarity, Ms. Heard is not seeking to prohibit Mr. Depp's counsel from affirmatively questioning witnesses by asking if such witness has ever been abused by Mr. Depp, provided such questions otherwise comply with the Rules of Evidence. But counsel should be precluded from making such broad and generalized assertions in the negative, or even eliciting testimony from Mr. Depp or anyone else as to whether he has ever been accused of committing abuse against anyone else, because such statement would necessarily rely on matters wholly outside the litigation, along with relying on hearsay and lacking foundation.

The probative value of such evidence is also substantially outweighed by the danger of unfair prejudice and the likelihood of confusing or misleading the jury on these matters, as the jury would likely rely on these statements as evidence in the case (despite Counsel's statements not being evidence and despite the hearsay and foundation issues which prohibit cross examination of a witness who would be making the claim or not making the claim), and which reference matters outside of the evidence and testimony that will be presented at trial. Va. Sup. Ct. R. 2:403.

For these reasons, any evidence, testimony, allegations, or references by Mr. Depp's counsel that Mr. Depp has never been accused of domestic abuse by anyone besides Ms. Heard should be excluded.

9. The Documents Produced by Mr. Depp as EWC1-76 Should be Struck from and Inadmissible at Trial

Mr. Depp produced documents from his business manager Ed White that purport to show the earnings of Depp (through his various companies) from 2009 to 2021. Information from the years 2009 to 2019 was produced as EWC1-52. **Att. 7**, Depp Trial Ex. 227. Because Depp had produced very little other than these summary documents and had long referred to these documents alone as his evidence of damages, Ms. Heard served a discovery request for the documents referred or relied upon in preparing EWC1-52. Depp objected and Ms. Heard was forced to bring a motion to compel. The Court granted the motion, ordering Depp to "produce all responsive documents to the following revised Request No. 6 of Ms. Heard's Tenth Requests for Production of Documents":

> All financial documents relied upon by Mr. White, or anyone else who may have been involved or participated (collectively, "Mr. White"), in preparing the documents bates numbered EWC 1-52. For purposes of clarity, this request is only seeking all underlying financial documents relied upon or referred to by Mr. White to prepare the numbers and calculations included in EWC 1-52.

Att. 36, 8/19/21 Order, at 2.[4]

At his deposition, in response to questions respecting what he or his employees relied upon or referred to in preparing EWC1-52, White testified that "[w]e would have looked at the underlying source documents; for example, contracts. We would have looked at the stream of payments that were actually rendered. That would be examples of the kind of information that we would have analyzed in order to produce this document." **Att. 35**, White Dep. 67:16-68:2. He testified further that, to generate the income statements or profit and loss statements at the core of EWC1-52, he would have referred to or relied upon "[n]umerous documents. There could be thousands if not tens of thousands of entries that would be compiled and organized and presented to construct these numbers." *Id.* 68:15-21. That information would reside in journals and ledgers maintained in QuickBooks or a software called Datafaction. *Id.* 68:22-69:14. Those ledgers and journals would also contain information about the receipts of cash by Depp and his entities that is the underlying source data for summaries contained in EWC1-52. *Id.* at 69:15-70:3.

Other than a few contracts, Depp has produced none of this source data. He has produced none of the journal entries or ledger entries from QuickBooks or Datafaction that would allow anyone to confirm the summary information provided in EWC1-76. When asked at his deposition "whether you produced contracts or stream of payments or journals or ledgers or any

[4] Substantially identical information was produced for 2020 and 2021 as EWC53-76 on the night before Mr. White's deposition. **Att. 33**; **Att. 81**, Depp Trial Exhibit List, Exhibits 228-233. At his deposition, White testified that the 2020 information would have been available for at least several months (**Att. 35**, 2/2/22 White Depo, at 103:4-104:22), yet Depp waited until the night before his deposition to produce it. Although this information was not explicitly included in the Court's August 19 Order, it is the exact same type of information, but from later years, as EWC1-52, and yet Depp did not produce any of the underlying documentation.

other information that would underlie EWC 1 through 52," Mr. White was instructed by his counsel (who is also Depp's counsel) not to answer on the basis of attorney-client privilege. *Id.* 70:4-73:11. He did say, however, that "all the information that we were requested has been produced and sent to counsel." *Id.* 70:9-11.

It is apparent, then, that either Depp's counsel never requested Mr. White to provide the financial information underlying EWC1-52, or Mr. Depp requested and received it, but chose not to produce it. Either way, Depp violated the Court Order instructing him to produce the underlying information.

Depp has had years to produce the information underlying these documents. He has been under a Court Order to produce them since August 19, 2021. Yet he has simply not complied. Without underlying documentation, Ms. Heard has no way to test the truth or accuracy of the information contained in the documents. The prejudice is significant, because Depp will use his declining financial condition reflected in these documents (performance that was declining since far before the date of Ms. Heard's Op-Ed) as evidence of his alleged damages. His damages expert Michael Spindler relies almost entirely on these documents for his damages analysis. Yet because of his disregard of the Court's Order and failure to produce the underlying documentation, Ms. Heard has no opportunity to review the underlying documents and determine the accuracy of EWC1-76. Even after counsel for Ms. Heard raised in Ed White's deposition that no underlying documents had been produced, in violation of the Court Order, Mr. Depp declined to produce the documents.

"Rule 4:12 gives the trial court broad discretion in determining what sanctions, if any, will be imposed upon a litigant who fails to respond timely to discovery." *Woodbury v. Courtney*, 239 Va. 651, 654 (1990). When a party fails to supplement discovery responses, it is

appropriate to exclude information from trial. *See Moore v. Moore*, 2020 WL 6277427, *5-6 (Va. Ct. App. 2020) (unpublished) (affirming Order by J. Azcarate granting motion in limine to exclude testimony respecting property value, title, and ownership because non-movant had failed to supplement discovery responses that did not provide the information); *see also Anonymous C v. Anonymous B*, 2011 WL 65957, *13 (Va. Ct. App.) (unpublished) (affirming trial court's exclusion of evidence at trial because party "failed to comply fully with the discovery order in this case" by not producing documents that should have been produced); *Donnert v. Feld Entertainment, Inc.*, 2013 WL 12097618, *2-3 (E.D. Va. 2013) (granting motion in limine to exclude certain damages evidence from trial when plaintiffs did not produce supporting documentation and "[i]n violation of Judge Jones' order to compel, plaintiffs did not do so").

Depp's conduct here is even more egregious than the conduct that led to this Court's exclusion of trial testimony in *Moore*, because in that case, the party whose information was excluded had simply failed to supplement discovery responses. In contrast, here, Depp has disregarded a Court Order after a motion to compel seeking the information underlying the Ed White documents.

The Court should bar Depp from introducing EWC1-76 at trial, and Mr. Depp's damages experts should be precluded from testifying to any reliance on these documents. Any other result would condone Depp's flagrant violation of the Court's August 19, 2021 Order and severely prejudice Ms. Heard.

10. Mr. Depp's Expert Witnesses and Their Testimony Should be Excluded Pursuant to the *Crane* Doctrine

Rule 4:1(b)(4)(a)(i) requires a party "to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is

expected to testify and a summary of the grounds for each opinion." Va. Sup. Ct. R. 4:1(b)(4)(A)(i); *John Crane, Inc. v. Jones*, 274 Va. 581 (Va. 2007). Mere disclosures of the topic of testimony is insufficient to satisfy Rule 4:1(b)(4)(A)(i), *Crane*, 274 Va. at 591-93.

Defendant's Expert Designations do not meet the requirements of Rule 4:1(b)(4)(a)(i) or *Crane*, and are rife with speculation, conclusory generalizations, seek to testify to the ultimate issue, and are without support that needed to be provided in response to discovery. Expert Testimony is inadmissible if it is speculative or founded on assumptions that have no basis in fact. *Tarmac Mid-Atlantic, Inc. v. Smiley Block Co.*, 250 Va. 161 (1995).

a. Dr. Shaw Should be Excluded from Providing Any Expert Testimony

Mr. Depp has identified Dr. Richard J. Shaw as an expert to partially rebut Dr. David Spiegel's opinions respecting Mr. Depp. **Att. 37**, at 35-50. Dr. Shaw's opinion in his designation does not evaluate any evidence in this case. Rather, he opines that Dr. Spiegel cannot provide his opinions respecting Mr. Depp because Dr. Spiegel did not personally interview Mr. Depp, which Dr. Shaw opines is a violation of an ethical rule in psychiatry called the Goldwater Rule. *Id.* As described below, this "rule" is not applicable in litigation, and does not apply when a psychiatrist has access to medical records, which Dr. Spiegel reviewed in this case. Dr. Shaw admits that his opinion is thus based on the quality of the medical records in this case, yet Dr. Shaw's designation is void of any comment whatsoever respecting Mr. Depp's medical records. Therefore, Dr. Shaw's proposed testimony must be excluded, based on *Crane*.

i. The Goldwater Rule is Not Applicable to Litigations

According to Rule 2:702(a) of the Rules of the Supreme Court of Virginia, expert testimony is admissible in a civil case when "scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue." Here, Dr.

Shaw is not offering any opinions that will assist the jury in understanding the evidence. Rather, Dr. Shaw describes a psychiatric ethical rule called the Goldwater Rule and claims that Dr. Spiegel failed to abide by that Rule. *Id.* at 34-35. But Courts have held that "the so-called 'Goldwater rule'—an ethical rule that appears to preclude psychiatrists from rendering opinions on the mental status of public figures - [does not] appear to apply in this situation, at least not to bar testimony in court." *See e.g.*, *Simmons v. City of Chicago*, 2018 U.S. Dist. LEXIS 26140, at *4 (N.D. Ill. Feb. 18, 2018); *State Farm Fire & Casualty Co. v. Wicka*, 474 N.W.2d 324, 332, n.6 (MN 1991) ("the APA standard referenced by the trial court does allow a psychiatrist to ethically testify respecting another's mental capacity without a personal examination.")

Indeed, the Goldwater Rule has nothing to do with litigation, and as Dr. Shaw's own disclosure states, was developed "following a controversy that emerged during the 1964 presidential election when Fact magazine published the results of a large survey of psychiatrists who were asked whether Senator Barry Goldwater was psychologically fit to run for the presidency." **Att. 37**, at 35. The Rule states that "On occasion psychiatrists are asked for an opinion about an individual who is in the light of public attention or who has disclosed information about himself/herself through public media. In such circumstances, a psychiatrist may share with the public his or her expertise about psychiatric issues in general. However, it is unethical for a psychiatrist to offer a professional opinion unless he or she has conducted an examination and has been granted proper authorization for such a statement." *Id.* This Rule does not say anything prohibiting expert testimony. In fact, the Ethics Committee of the American Psychiatric Association, commented on the Rule and stated that it is ethical for a psychiatrist to testify about the competency of a defendant based on medical records and not an examination of the defendant. **Att. 38**, at 35. The Ethics Committee also found that experts are allowed to render

an opinion in a court without an in-person exam "because there is a court authorization for the examination (or an opinion without examination), and this work is conducted within an evaluative framework including parameters for how and where the information may be used or disseminated." *Id.* at 76.

ii. Dr. Shaw is Prohibited from Commenting on the Medical Records in this Case

In this case, while Dr. Spiegel did not interview Mr. Depp, even though he asked to interview Mr. Depp twice, **Att. 39**, at 75, Dr. Spiegel reviewed video of Mr. Depp's 3 ½ days of deposition testimony, testimony from all of Mr. Depp's doctors, testimony from other witnesses, audio recordings, video recordings, emails, text messages, and Mr. Depp's medical records. **Att. 40**. Dr. Shaw admitted in his deposition that it is reasonable to render an opinion on such a record. "I do think it is reasonable to render opinions about a case based on review of medical records, if the medical records are of good quality and rigorous and meet the standard of care." **Att. 41**, 3/15/22 Tr. Shaw Depo, at 32:8-12. So Dr. Shaw's entire opinion that the Goldwater Rule applies to Dr. Spiegel in this matter is reliant on Dr. Shaw's opinion on the quality of the medical records in this case. *Id.* at 32:16-21. But Dr. Shaw's designation is completely devoid of any discussion of the medical records in this case, which Dr. Shaw admits. *Id.* at 34:1-4 ("Q You've not disclosed your opinions on the quality of the medical records in this case, correct? A I have not, no.").

Dr. Shaw also opines about the deposition of Mr. Depp, stating that it was "a long deposition, in which Mr. Depp had to sit for many hours and answer very personal questions that at times were difficult for him and exposing and -- in which he was, you know, frequently interrupted and told that he was not answering the questions appropriately, and in which there

were arguments between the attorneys that were upsetting to him. And, you know, knowing what we know about his history of exposure to trauma in his past, this is clearly upsetting to him. And so I think that relying on that deposition was not proper and not necessarily representative of who Mr. Depp is. *Id.* at 63:1-15. But just like the medical records, Mr. Depp failed to reveal in his expert disclosure anything that Dr. Shaw would be opining about Mr. Depp's deposition.

In *Crane*, the Virginia Supreme Court ruled on the disclosure requirement of Supreme Court Rule 4:1(b)(4)(A)(i). 274 Va. 581 (2007). The Court held that where Crane failed to reveal that his proposed expert might testify about asbestos in the ambient air, the trial court properly excluded that proposed testimony from evidence. *Id.* at 591-92. "Furthermore, a party is not relieved from its disclosure obligation under the Rule simply because the other party has some familiarity with the expert witness or the opportunity to depose the expert." *Id.* at 592. Therefore, even though Dr. Shaw revealed in his deposition that he planned to testify to the quality of the medical records and Mr. Depp's deposition testimony, because he admits that material is not in his expert disclosure, such testimony cannot be admitted at trial. And given that Dr. Shaw's opinion respecting whether the Goldwater Rule applies in this matter is entirely dependent on the medical records, Dr. Shaw must be excluded from testifying at trial.

b. Dr. Kipper Should be Excluded from Providing Any Expert Testimony

In Mr. Depp's List of Witnesses for Trial, he discloses that he may call his personal physician, Dr. David Kipper, whom he has paid millions of dollars, for live testimony via video link at trial. If Dr. Kipper is called as a witness, he must only testify as a fact witness, and be excluded in any way from offering expert opinion, as both Mr. Depp and Dr. Kipper prevented discovery based on their representations that Dr. Kipper will not provide expert testimony in this matter.

On February 16, 2021, Dr. Kipper was originally disclosed as a non-retained expert for Mr. Depp, who was "expected to testify as to the pharmacological effects of the medications prescribed on Mr. Depp, as well as medical opinions reached during the course of Mr. Depp and Ms. Heard's treatment. In so doing, Dr. Kipper may rely on his expertise and experience as a medical doctor practicing internal medicine." **Att. 42**, at 21. Yet, just days later, at his deposition, Dr. Kipper refused to answer any questions that called for his expertise, with his counsel stating, "I will instruct him not to answer any questions calling for expertise." **Att. 43**, 2/22/21 Kipper Depo, at 12. Based on that instruction, Dr. Kipper refused to answer questions such as: what drugs Mr. Depp was addicted to, *id.* at 34, whether Mr. Depp was erratic while attempting to detox from drugs, *id.* at 67, Dr. Kipper's basis for believing that Mr. Depp romanticized the entire drug culture, *id.* at 73, why it was best for Ms. Heard to be away from Mr. Depp after she told Dr. Kipper that Mr. Depp had pushed her during his attempted detox, *id.* at 79, Dr. Kipper's concerns about Mr. Depp's hallucinations, *id.* at 83, whether Mr. Depp experienced drug relapses, *id.* at 103, whether Mr. Depp was coherent after Mr. Depp chopped off the tip of his finger, *id.* at 126-127, the purpose of prescribing particular drugs to Mr. Depp, *id.* at 174, and even whether Dr. Kipper was concerned about abuse to Ms. Heard. *Id.* at 79.

Dr. Kipper cannot now answer the same questions that he refused to answer during discovery. As the Virginia Supreme Court held relating to the attorney-client privilege (but just as applicable here), "parties should not be permitted to use the privilege as both a shield, preventing the admission of evidence, and as a sword to mislead the finder of fact by allowing evidence that would be impeached by the privileged information if it had not been suppressed." *Walton v. Mid-Atlantic Spine Specialists, P.C.*, 280 Va. 113, 130 (2010).

In addition, in order to prevent Ms. Heard's expert, Dr. Spiegel, from taking a 4:10 Medical Exam of Mr. Depp after disclosing Dr. Kipper as a potential expert, Mr. Depp's counsel backtracked, and represented to the Court on October 8, 2021, "we are not proffering Dr. Kipper as an expert on anything. We are proffering him as a fact witness. **Att. 4**. Mr. Depp must be bound by this representation to the Court.

Thus, if Dr. Kipper is to testify at trial, it must be only as a fact witness, and he must be prevented from testifying as an expert and on subjects in which he had previously refused to testify. And as explained in § 11(b) below, Mr. Depp improperly double-designated Dr. Kipper to testify at trial by both deposition designation and by "reserving the right to call by video link." **Att. 45**, at 2-3.

Therefore, Dr. Kipper should only be permitted to testify at trial as a fact witness through his deposition designations, and only through the deposition designations that the Court permits to go to trial following its rulings on each parties' objections to those designations. Furthermore, none of Mr. Depp's fact or expert witness should be permitted to testify on the subjects that Dr. Kipper refused to respond to at deposition.

c. Plaintiff's So-Called "Non-retained Experts" Should be Precluded from Presenting Testimony as Experts and Plaintiffs Should Not Be Permitted to Refer to Them as "Experts" at Any Time During the Trial

Plaintiff identified Jack Whigham, Christian Carino, Edward White, and Robin Baum as "Non-Retained Experts" in his Designation/Identification of Expert Witnesses dated November 4, 2019 (**Att. 82**) and his Designation /Identification of Expert Witnesses dated February 16, 2021 (**Att. 83**). These Non-Retained Experts were not included in Plaintiff's January 11, 2022 Designation/Identification of Expert Witnesses or Plaintiff's January 18, 2022 Supplemental Designation/Identification of Expert Witnesses. Plaintiff has made no indication since 2021 that

he intends to rely on these fact witnesses as "non-retained experts," so it appears Plaintiff does not intend to rely on these fact witnesses as "Non-Retained Experts." However, out of an abundance of caution, Ms. Heard files this Motion in Limine.

Mr. Depp should be precluded from relying on these individuals as experts in any manner because he has not identified them in his 2022 designations. In addition, the Non-Retained Expert designations do not meet the requirements of Rule 4:1(b)(4)(a)(i) or *Crane, Inc. v. Jones*, 274 Va. 581, 591-93 (2007). The three-sentence designations for each non-retained expert contain only disclosures of the topic testimony and state no facts or summary of the grounds for their opinions. In addition, at least one of these witnesses, Mr. Carino, was not aware that he was designated as an expert. *See* **Att. 84**, Carino Tr. 352:19-354:11.

The Court should preclude Plaintiff from presenting the testimony of these four individuals as experts in any capacity and plaintiff should not refer to them as experts during any stage of the trial.

d. Mr. Neumeister Should be Excluded

As of the date of filing this Motion, Mr. Neumeister has not served any Supplemental Expert Disclosure, and his Expert Disclosures to date falls well short of the *Crane* standards. Ms. Heard has diligently pursued a date when Mr. Neumeister will produce this Supplemental Expert Disclosure followed by a date for his deposition, and Mr. Depp even committed to identifying the date by March 18. **Att. 16.** But Mr. Depp then failed to do so by March 18, and continued to fail to do so as of the date of filing this Motion despite Ms. Heard's further attempts to resolve the issue. *Id.*

Therefore, Ms. Heard includes her motion to exclude Mr. Neumeister in this Motion to preserve her right to move to exclude his testimony if Mr. Neumeister later serves a

Supplemental Expert Disclosure and appears for deposition, and requests leave of Court to file a supplemental Memorandum on this issue.

e. Dr. Curry Testimony Should be Limited

Dr. Curry's deposition was taken on March 21, 2022. During the deposition, Dr. Curry admitted that she did not evaluate and was unable to provide an opinion as to whether Mr. Depp abused or did not abuse Ms. Heard, whether Ms. Heard abused or did not abuse Mr. Depp, and she did not evaluate and was unable to provide an opinion as to whether Ms. Heard suffered any emotional distress as the result of the three defamatory statements made by Mr. Waldman that are the subject of the Counterclaim. Dr. Curry should therefore be excluded from testifying on these subjects.

In addition, Dr. Curry repeatedly referred to the Rule 4:10 examination as an "IME" and that her examination of Ms. Heard was "Court Ordered." Each of these references was designed to suggest Dr. Curry was testifying on behalf of the Court and that Ms. Heard resisted the Rule 4:10 examination, both of which are false. The Court has not appointed Dr. Curry as an independent examiner on behalf of the Court, and Ms. Heard did not object to providing a Rule 4:10 examination – her position was simply that it should be ordered for both parties, which the Court disagreed. Even if Ms. Heard had resisted or opposed the Rule 4:10 examination, like any opposition to a Motion to Compel, the fact of opposition is not relevant and would be unfairly prejudicial, confusing and misleading to the jury, who risks inferring that Ms. Heard has done something wrong, resulting in the Court ordering her to be examined by an "independent" expert. As discussed in greater detail below, but a broader request is being asked here, the use of the term "independent" is misleading and unfairly prejudicial, as is the reference to "Court-Ordered" examination, or that it was opposed. Dr. Curry, whose initial designation opined that Ms. Heard

was lying and abusing Mr. Depp, is far from independent. She was hired by Mr. Depp's counsel, and she even had dinner and drinks at Mr. Depp's home.

Finally, when asked about obtaining collateral interviews for verification and as best practices in conducting an examination and rendering opinions, Dr. Curry contended that this Court had ordered Dr. Curry not to engage any collateral sources, citing to the October 8, 2022 Order. **Att. 87**. In fact, the language from the Order, drafted by counsel for Plaintiff, was stricken by the Court because it could have been read to *require* third parties to speak with Dr. Curry, which was outside the purview of Rule 4:10. It did not prohibit Dr. Curry from reaching out to the collateral sources, or obtaining their records. In fact Dr. Curry attended two depositions of collateral sources – Dr. Cowan and Dr. Banks, yet did not include any aspect of their depositions in her Report or supplement with them. In addition, Dr. Curry was provided with Dr. Hughes' notes (after a mutual Order was entered) and did not include those in her Report or any Supplementation. The paragraph above, ¶ 5, makes clear that Dr. Curry was not limited by Dr. Hughes' Report. *Id.* Further, ¶ 6(b) provides that "[r]elevant records must be obtained as far back as necessary for Dr. Curry to determine with a "reasonable degree of certainty" how Ms. Heard was functioning prior to the alleged traumatic event, but not fewer than three to five years prior to the alleged trauma," and ¶¶ 6(c)-(h) indicate Dr. Curry can assess a number of areas including "any other mental condition identified by Dr. Curry during her review of relevant records and/or examination of Ms. Heard." Defendant therefore requests that Dr. Curry be prohibited from testifying that the Court prevented her from contacting or relying on collateral sources for her opinions.

f. Mr. Marks' Testimony on the Impact of a Jury Verdict in Mr. Depp's Favor on his Career and Reputation Should be Excluded

Mr. Marks Expert Designation states that he will opine on "The positive and significant impact of a jury verdict in Mr. Depp's favor on his career and reputation in the film industry going forward." **Att. 86**, Richard Marks Designation at 5 ¶(g). Mr. Marks' Designation at ¶ g is deficient in several respects. First, Mr. Marks' Expert Designation does not even provide his opinion as to whether he believes a jury verdict will have any positive or significant impact on Mr. Depp's career and reputation. Mere disclosures of the topic of testimony is insufficient to satisfy Rule 4:1(b)(4)(A)(i). *Crane*, 274 Va. at 591-93.

Second, Mr. Marks has failed to "state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion." Va. Sup. Ct. R. 4:1(b)(4)(A)(i). While Mr. Marks testified that he intends to testify that a verdict in Mr. Depp's favor will have a positive impact on Mr. Depp's career, his designation remains deficient under *Crane*. 274 Va. at 592 ("A party is not relieved from its disclosure obligation under the Rule simply because the other party has some familiarity with the expert witness or the opportunity to depose the expert.").

Third, Mr. Marks' testimony as to whether a jury verdict in Mr. Depp's favor will have a positive impact on Mr. Depp's career is completely irrelevant as to any damage caused by Ms. Heard and is not probative of any fact in this case. Whether a future event has any impact on Mr. Depp's career and reputation does not impact causation—whether the Op-Ed caused damaged Mr. Depp's reputation—or the amount of damage allegedly caused by the Op-Ed.

Finally, Mr. Marks' conclusory assertion is not supported by his own testimony. Mr. Marks testified that he is not aware of any actors accused of domestic abuse who have had a jury verdict or judgment on the issue other than Mr. Depp. **Att. 85**, Marks Tr. (rough) 81:19-82:11.

Mr. Marks' conclusions are wholly speculative and have no basis in fact. This Court should exclude Mr. Marks' testimony regarding any impact a favorable jury verdict may have on Mr. Depp's reputation and career.

11. Motions *in Limine* Respecting Mr. Depp's Witness List

a. Mr. Depp Improperly Included Witnesses in his Witness List for Whom He Provided Inadequate Contact Information or No Contact Information

In Mr. Depp's List of Witnesses for Trial, he discloses that he may call several witnesses for which he did not provide complete contact information as required by Rule 4:8 and this Court's Order dated August 10, 2020. Specifically, he provided no contact information or inadequate contact information for Gina Deuters, Travis McGivern, Leonard Damian, Keenan Wyatt, Kevin Murphy, Samantha McMillen, and Andy Milner (collectively, the "Witnesses"). In addition, he failed to identify Leonard Damian and Andy Milner in his responses to Ms. Heard's interrogatory requesting that he identify all persons with knowledge or information about any of the claims or defenses in this case. Mr. Depp's failure to comply with his discovery obligations deprived Ms. Heard of a reasonable opportunity to serve subpoenas on the Witness. Accordingly, the Witnesses should be excluded from testifying at trial.

i. Procedural History

In 2019, Ms. Heard served her 1st set of interrogatories on Mr. Depp, which included as interrogatory number one the request that he:

> Identify each person having any knowledge or information about any of the claims or defenses in this case, including but not limited to Your (a) substance abuse, (b) damage of property, (c) acts of abuse, (d) abuse in any form of any Romantic Partner, and (e) relationship with Ms. Heard. The answer to this Interrogatory should include contact information, to the extent known, for the following: Alejandro Romero, Ben King, Bobby de Leon, Brandon Patterson, Bruce Witkin, Christi Dembrowski, C.J. Roberts, Dr. Connell Cowan, Cornelius Harrell, Dr. David Kipper, Debbie Lloyd, Erin Boerum (Falati), Isaac Baruch, Joel Mandel, Kevin Murphy, Jerry Judge, Josh Drew, Keenan Wyatt, Laura

> Divenere, Lisa Beane, Malcolm Connolly, Melissa Saenz, Nathan Holmes, Samantha McMillan, Sam Sarkar, Sean Bett, Stephen Deuters, Tara Roberts, Todd Norman, Trinity Esparza, Trudy Salven, Tyler Hadden.

("witness identification interrogatory"). After Mr. Depp failed to provide a complete response to the interrogatory, this Court granted Ms. Heard's motion to compel and ordered Mr. Depp to:

> Fully supplement his Answer to Interrogatory No. 1 in Defendant's First Set of Interrogatories to Plaintiff for all persons with knowledge of any information relating to claims and defenses, including but not limited to all known addresses, email addresses and telephone numbers for all individuals identified, to the extent Plaintiff has that information within his possession, custody, or control.

Att. 24 ("August 10, 2020 Order"). Despite this Order, Mr. Depp failed to supplement his response with adequate contact information for the Witnesses. As relevant here, Mr. Depp served his third supplemental response to the witness identification interrogatory on February 22, 2021.[5] **Att. 27**. Thereafter, Ms. Heard made several, unsuccessful attempts serve the Witnesses at the addresses provided in this response. **Att. 31**.

On March 11, 2022, the day discovery closed, Mr. Depp supplemented his response to the witness identification interrogatory with additional contact information for Keenan Wyatt. **Att. 32**, No. 87. This untimely response deprived Ms. Heard of a reasonable opportunity to serve Mr. Wyatt, and effectively prevented her from deposing him. Mr. Depp has not offered any justification for waiting until the last day of discovery to supplement his answer to the witness identification interrogatory. Such gamesmanship warrants sanctions, and consequently, Mr. Wyatt and the other Witnesses should be excluded from testifying at trial.

[5] The initial response and 2d supplemental response to Ms. Heard's 1st set of interrogatories provided less contact information for the Witnesses than the 3d supplemental response. The 1st supplemental response did not address the witness identification interrogatory. Therefore, the 3d supplemental response is the operative response for the purposes of this motion.

ii. Legal Standard

Pursuant to Rule 4:12, the Court has broad discretion to sanction Mr. Depp for failing to comply with discovery obligations and court orders. *See, e.g., Nolte v. MT Tech. Enterprises, LLC*, 284 Va. 80, 94 (2012) ("[T]rial court did not abuse its discretion in imposing this sanction [default judgment] in response to the sanctioned parties' failures to comply with discovery obligations under the Rules and pursuant to express orders of the court."); *see also Hoffman v. Tonnemacher*, 2006 WL 3457201, at *5 (E.D. Cal. Nov. 30, 2006) (excluding testimony of witness because defendant failed to provide witness' contact information, which prevented plaintiff from deposing witness prior to trial); *Ebersole v. Kline-Perry*, 2012 WL 2673150, at *4 (E.D. Va. July 5, 2012) (excluding defendant's witness from testifying where defendant disclosed witness one day before discovery deadline, which deprived plaintiff of the opportunity to depose the witness). As discussed below, Mr. Depp's failure to provide adequate contact information should be sanctioned and the Witnesses should be barred from testifying at trial.

iii. Gina Deuters

In Mr. Depp's 3d supplemental response to the witness identification interrogatory, he directed Ms. Heard to contact Ms. Deuters "through Plaintiff's counsel." **Att. 27**, No. 79. In accordance with these instructions, on November 30, 2021, Ms. Heard served subpoenas on Mr. Depp's counsel seeking the production of documents from Ms. Deuters and to depose her on January 27, 2022. **Att. 34**. Mr. Depp's counsel responded that he was not authorized to accept service on behalf of Ms. Deuters, and that she was a resident of the United Kingdom. *Id.* Ms. Heard's counsel then reminded counsel that Mr. Depp had specifically directed Ms. Heard to contact Ms. Deuters through his counsel. *Id.* Mr. Depp's counsel agreed that he was a "means of contact" for Ms. Deuters, *id.*, thereby demonstrating that he was in possession of her contact

information. Yet Mr. Depp did not supplement his answer to the witness identification interrogatory with Ms. Deuters' address, email address, or telephone number as required by this Court's August 10, 2020 Order.

About week before Ms. Deuters' scheduled deposition, Ms. Heard's counsel asked Mr. Depp's counsel to confirm the deposition would go forward. **Att. 78.** In response, Mr. Depp's counsel asserted that because Ms. Deuters was a resident of the United Kingdom, she was "not subject to subpoena power or jurisdiction in Virginia" and would not appear for her deposition. *Id.* Ms. Heard's counsel again explained that the contact information for Ms. Deuters in Mr. Depp's interrogatory responses stated she must be "contact[ed] through Plaintiff's counsel." *Id.* Ms. Heard's counsel further explained that in reliance on this response, Ms. Heard served subpoenas on Mr. Depp's counsel and therefore intended to proceed with the deposition noticed for January 27, 2022. *Id.* Mr. Depp's counsel then reiterated various untimely objections to the subpoenas for Ms. Deuters. *Id.* In addition, he offered to "see if we are able to obtain" certain information including Ms. Deuters' "**address,**" even though the August 10, 2020 Order required Mr. Depp to provide contact information that included her address. *Id.* (emphasis added).

On March 8, 2022, three days before the close of discovery, Mr. Depp's counsel informed Ms. Heard's counsel that he had "**been in contact**" with Ms. Deuters "**for several weeks** to see if she will agree to appear voluntarily for a deposition." **Att. 74** (emphasis added). Although Mr. Depp had Ms. Deuters' contact information for at least several weeks prior to March 8, 2022, he never supplemented his response to the witness identification interrogatory with her contact information. Instead, he notified Ms. Heard that Ms. Deuters was available for a deposition the week after discovery closed. *Id.* With less than one week of notice regarding Ms. Deuters' availability and numerous trial deadlines the week she was available, Ms. Heard had no

reasonable opportunity to depose her. Mr. Depp clearly possessed Ms. Deuters' contact information and flouted his obligation fully answer the witness identification interrogatory. This conduct warrants sanctions and Ms. Deuters should be excluded from testifying at trial.

iv. Leonard Damian and Travis McGivern

Mr. Depp both failed to identify Leonard Damian as witness and to provide his contact information. Mr. Damian does not appear in Mr. Depp's initial response to the witness identification interrogatory or in any of his supplemental responses. Similarly, Mr. Depp provided inadequate contact information for Travis McGivern, listing only his address on the 3d and 4th supplemental responses to the witness identification interrogatory. **Atts. 27, 31**, No. 51. Both Mr. Damian and Mr. McGivern are part of Mr. Depp's security detail. As his employees, Mr. Depp surely possesses Mr. Damian's contact information and Mr. McGivern's email or phone number.

Notwithstanding Mr. Depp's failure to provide adequate contact information, Ms. Heard attempted to serve Mr. Damian and Mr. McGivern with subpoenas on several occasions. **Att. 31**.

On March 7, 2022, four days before the close of discovery, Mr. Depp's counsel informed Ms. Heard's counsel by email that "we were able to get in touch Leonard Damian and Travis McGivern directly," and that they were available for depositions two days later. **Att. 79**. Mr. Depp's counsel also provided Mr. Damian and Mr. McGivern's email addresses for the first time. This correspondence demonstrates that Mr. Depp possesses Mr. Damian and Mr. McGivern's contact information, including their email addresses. Yet even in Mr. Depp's untimely 4th supplemental response to the witness identification interrogatory dated March 11, 2022, he did not list Mr. Damian and Mr. McGivern's email addresses or other contact information. **Att. 32**, No. 51. Ms. Heard had no meaningful opportunity to serve Mr. Damian and

Mr. McGivern because of Mr. Depp's failure to provide adequate contact information. Accordingly, they should be precluded from testifying at trial.

v. Keenan Wyatt

Although Keenan Wyatt is one of Mr. Depp's closest friends, he claimed in his initial and 2d supplemental response to the witness identification interrogatory that his contact information was "unknown." In his 3d supplemental response, Mr. Depp listed only a phone number and email address for Mr. Wyatt. On the last day of discovery, Mr. Depp filed his 4th supplemental response, which provided—for the first time—Mr. Wyatt's address. **Atts. 27, 31**, No. 87. Ms. Heard was not able to serve Mr. Wyatt because she did not have his address before the close of discovery, and his testimony should therefore be excluded.

vi. Kevin Murphy

Ms. Heard attempted to serve subpoenas on Kevin Murphy using the address Mr. Depp provided in his responses to the witness identification interrogatory. **Atts. 31-32.** Despite multiple attempts, Ms. Heard was unable to serve him. Given that Mr. Murphy is one of Mr. Depp's employees, his failure to provide adequate contact information for Mr. Murphy is inexcusable and he should be excluded from testifying at trial.

vii. Samantha McMillen

Mr. Depp provided Samantha McMillen's phone number and two email address in his responses to the witness identification interrogatory. **Atts. 27, 31**, No. 49. Ms. Heard's counsel called the phone number approximately five times between January 7, 2022 and February 10, 2022. The first time she called, Ms. McMillen answered and stated she had to go because she was at work. After that call, Ms. Heard's counsel left Ms. McMillen several voicemails, but she did not return her calls. Ms. Heard's counsel also attempted to reach Ms. McMillen by emailing

her at saintsandcharms@me.com on January 28, 20022, and Samantha@samanthamcmillen.com on January 31, 2022, February 10, 2022, and February 18, 2022. Because the contact information Mr. Depp provided for Ms. McMillen was inadequate, she should be excluded from testifying at trial.

viii. Andy Milner

The name Andy Milner does not appear on any of Mr. Depp's responses to the witness identification interrogatory. Mr. Depp's 3d supplemental response and untimely 4th supplemental response lists a person with the first name "Andy," but no last name is provided. **Atts. 27, 31,** No. 85. As stated in this Court's August 11, 2020 Order, Mr. Depp was required to identify all persons with knowledge of any information relating to claims and defenses. Mr. Depp did not identify Andy Milner or provide any contact information for him. As a result, Mr. Milner should be excluded from testifying at trial.

b. Mr. Depp Improperly Identified Witnesses to Testify By Multiple Means at Trial in Violation of the Audio-Visual Consent Order

Mr. Depp's Witness List improperly double-designated certain witnesses to appear "by in person testimony, but reserving the right to call by video link," and in other places has served both deposition designations *and* included such witnesses to testify at trial either in person or by video link.

First, Mr. Depp has identified Malcolm Connelly as testifying "by in-person testimony, but reserving the right to call by video link." **Att. 45,** at 1. Similarly, Mr. Depp has identified Sam Sarkar by "reserving the right to call in person, otherwise by video link." *Id.*, at 2. Mr. Depp's improper double-designations of Sam Sarkar and Malcolm Connelly violate the negotiated Audio-Visual Consent Order, which requires that "the Parties shall disclose

specifically on their Witness List filed with the Court on or before March 14, 2021 any witness who will testify remotely by audiovisual means at trial." **Att. 46,** at 2. One of the purposes for this language is for both parties, as well as the Court, to plan for the testimony and facilitating the exhibits that will be needed remotely. A "maybe" defeats the very purpose of this language in the Order. Mr. Depp has therefore given Ms. Heard no notice whether Sam Sarkar and Malcolm Connelly will testify remotely by audiovisual means or in-person, defeating the entire purpose of the Audio-Visual Consent Order. Because of Mr. Depp's violations of the Audio-Visual Consent Order, Sam Sarkar and Malcolm Connelly should not be permitted to testify by audio-visual, but instead should only be permitted to testify in person at trial.

Second, Mr. Depp has also double-designated the following witnesses by "reserving the right to call by video link, otherwise by deposition testimony": Dr. David Kipper; Isaac Baruch; Christian Carino; Jack Whigham; Adam Waldman; and Kate James. **Att. 45,** at 2-3. But the Court's Scheduling Order states that "[i]t is the obligation of the proponent of any deposition *of any non-party witness* <u>*who will not appear at trial*</u> to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity." **Att. 47**, at 3. Therefore, Dr. David Kipper, Isaac Baruch, Christian Carino, Jack Whigham, Adam Waldman, and Kate James should not be permitted to testify by remote video link at trial, only through their deposition designations.

12. Dr. Curry's Medical Exam of Ms. Heard Should Not Be Referred to as an IME or <u>Independent Medical Examination or as Administered Pursuant to Court Order</u>

On October 8, 2021, pursuant to Rule 4:10 of the Rules of the Virginia Supreme Court, the Court ordered Ms. Heard to be examined by Mr. Depp's designated expert, Dr. Shannon Curry, because Ms. Heard had been evaluated by Dr. Dawn Hughes, Ms. Heard's expert. As noted in § 10(e) above, Dr. Curry repeatedly referred to her examination as an "independent

examination" and "Court-Ordered IME," and words to that effect. Ms. Heard requests that any references at trial to Dr. Curry's examination of Ms. Heard be called a medical examination of Ms. Heard, or a Rule 4:10 examination, and not an "independent medical examination," an "IME," or "Court-ordered." Use of the term "independent" or "Court-ordered" suggests that Dr. Curry is Court appointed or otherwise not connected with the parties. This would suggest the jury should give greater weight to the opinions of Dr. Curry and risks the jury believing Dr. Curry is an independent expert, when she was in fact hired by Mr. Depp. Indeed, Dr. Curry's non-independence is clear, as even before she met with Ms. Heard, Dr. Curry already concluded that "Ms. Heard exhibits patterns of behavior that suggest her allegations of abuse against Mr. Depp are false." **Att. 48,** 2/21/21 Depp Designation at 14. This is even more important, since Dr. Curry's limited experience primarily includes testifying at the request of the Court on Mental Status Orders and fitness for duty. The jury can easily be confused and think this is similar in nature and has been requested by the Court and Dr. Curry is acting at the Court's request.

Although the Court denied this same request on October 8 because of the mistaken belief that Rule 4:10 refers to the examination as "independent," Rule 4:10 does not define a Court ordered evaluation as an "independent medical examination" or an "IME." The use of the term "independent" is nowhere in the Rule. Rather, the Rule simply labels such examinations as "Mental Examination[s]." Therefore, based on the Rule, there is no basis to call Dr. Curry's examination an "independent medical examination" or an "IME" or "Court-ordered."

In addition to the Courts in this jurisdiction, as well as across the Commonwealth, Courts around the country have granted such motions, understanding the prejudice that could be caused by the use of the term "independent" when the examination was not independent. *See e.g.*, *Fair v. Allen*, 2011 U.S. Dist. LEXIS 27390, at *6-*7 (W.D. La. Mar. 3, 2011) (preventing the

defendants "from making any reference or remark that the examination, report or work performed by Dr. Robert Holladay in this case constitutes an 'Independent Medical Examination' as... the defense's orthopedic expert does not appear to be 'independent,' just a retained medical expert."); *Powell v. Jacksonville Transp. Group*, 2014 Fla. Cir. LEXIS 1678, at *2 (Fla. Cir. Jan. 12, 2014) ("Dr. Northrup's examination may not be referred to as an 'Independent Medical Examination' and nothing in his report should describe the report as an independent medical exam nor he as an independent medical examiner"); *Beauchamp v. State Farm Mut. Auto. Ins. Co.*, 2009 Mich. Cir. LEXIS 874, at *3 (Mich. Cir. Nov. 9, 2009) ("Dr. Mann's examination may only be referred to as a 'medical examination' at the time of trial and may not be referred to as an 'independent medical examination.'").

Ms. Heard simply requests that Dr. Curry's examination be referred to the same as Dr. Hughes's examination – a medical examination – the same term used by Rule 4:10.

13. The Jury Should be Instructed to Ignore Any Redactions in Medical and Mental Health Records and Not Give the Redactions any Significance or Speculate as to What has Been Deleted

On August 10, 2020, this Court ordered a HIPAA release pertaining to protected health information from medical professional for Ms. Heard that was to be limited to "Ms. Heard's medical and psychological treatment stemming from any alleged abuse by Mr. Depp." **Att. 49**, 8/10/20 Order. That Order was affirmed again on January 7, 2022, when the Court held that the "scope will be limited as we have stated previously in...the order. So that just has to be limited to ...the same scope as the previous order." **Att. 50**, 1/7/22 Tr. at 22. Mr. Depp then moved again to expand the scope of the HIPAA release, which this Court denied on March 11, 2022. In considering certain medical records that were redacted based on the HIPAA release, the Court

held that "the HIPAA releases are the same for everybody. And if the attorneys took that and did what they did to redact it.... I have ... to go with those redactions." **Att. 51**, 3/11/22 Tr. at 63.

Ms. Heard requests that, based on the Court's previous three Orders, Mr. Depp be prevented from raising at trial, questioning, or suggesting there is anything important or relevant in the redacted material, or referring to the redactions in any way, or suggesting they are improper or what the content may be. During her deposition, Dr. Curry dismissed mental health records that had been redacted because of the redactions, suggesting that this invalidated the mental health and medical records. Dr. Curry referred to the records as "heavily redacted records." This is precisely the type of testimony we are seeking to exclude – trying to dismiss the legitimacy of the medical records that were limited – ON BOTH SIDES – suggesting that the redactions include significant and relevant material, without any basis whatsoever, and after the Court has ruled on the reasonableness of the limitations, three times. The Court's Orders determined the scope of what is relevant in Ms. Heard's medical records, and it would be highly and unfairly prejudicial for there to be any inference, suggestion, eliciting of testimony, actual testimony, questioning the witness, or presenting any reference to or argument to the jury that the redacted material is somehow relevant, or that Ms. Heard is hiding anything in the redactions. As is customary in any trial, the jury should be instructed to only consider the evidence before it, that the Court has already made rulings on these documents, and that redactions in any of the documents should not be considered and should be given no weight.

14. Mr. Depp's Trial Exhibits Containing Partial Audio Recordings Created by Counsel Should be Excluded

Mr. Depp has included the partial audio recordings produced as DEPP9046 (**Att. 52**) and DEPP9047 (**Att. 53**) in his trial exhibits as Exhibit Nos. 378 and 379. These are also two of the

partial audio recordings leaked to the Daily Mail (**Att. 54**) by Mr. Depp's counsel Mr. Waldman (**Att. 55**). This also explains why the metadata for DEPP9047 identifies that the audio content was created in September 2015," but was then "somehow modified in June 2016." **Att. 56,** ¶ 12.

Therefore, Mr. Depp's Trial Exhibits 378-79 should be excluded as incomplete documents, on grounds of hearsay, and because their probative value as only partial recordings is substantially outweighed by the danger of unfair prejudice and the likelihood of confusing or misleading the jury. Mr. Depp has also included the full versions of these audio recordings as his Trial Exhibit 392 (**Att. 58**), so there is no prejudice whatsoever to Mr. Depp in excluding Exhibit Nos. 378 and 379 for these reasons, nor is there any loss to whatever probative value for which Mr. Depp seeks to introduce this audio evidence in the first place. Of course, Mr. Depp's Trial Exhibit 392 must also otherwise satisfy the Rules of Evidence to be appropriately admissible.

For these reasons, Mr. Depp's Trial Exhibits 378-79 should be excluded.

15. Counsel Should be Precluded from Referencing or Characterizing Pleadings, Motions Practice, Discovery Matters and Rulings, or Deposition Issues, Disputes, or Conduct in the Presence of the Jury

Counsel for both parties should be precluded from referencing the Court's rulings or the parties' respective allegations against each-other during the responsive pleadings, motions, or discovery processes of this litigation. More specifically, the parties should be precluded from referencing or characterizing the following discovery-based allegations, matters, or Court rulings:

- The attempted introduction into evidence of either party's pleadings or responsive pleadings, including Mr. Depp's Complaint, Ms. Heard's Answer, Ms. Heard's Counterclaim, or Mr. Depp's Answer;

- Allegations of unilateral scheduling of depositions, inappropriate or lengthy breaks during depositions, ending depositions at certain times or early, and deposition disputes between counsel respecting conduct and legal positions taken;

- References to or characterizations of the timing of either party's discovery production or deposition testimony, including prohibiting Counsel's statements and questions such as "for the first time disclosed ____ in deposition" or "for the first time disclosed ___ in a certain written discovery response;

- References to or characterizations of the Court's rulings on discovery motions

- References to or characterizations of any discovery sanctions sought or granted against either party;

- References to or characterizations of the Court's discovery rulings in the case;

- References to either party's responsive pleading motions to dismiss, oppositions, replies, or the Court's rulings/bases for rulings on either Mr. Depp's Complaint or Ms. Heard's Counterclaim (including any comments by Mr. Depp's Counsel such as "Ms. Heard has attempted to dismiss this case ___ times, etc.);

- References to or characterizations of negotiations, including settlement negotiations, or meet and confers during discovery;

- References to or characterizations of communications with or statements from any Conciliators in the case;

- References to or characterizations of a party not producing responsive documents, unless within the Rules of Evidence respecting appropriate impeachment as to any specific document or discovery Request.

All these matters are not "evidence" that could even be admitted in the case, are not relevant, and their probative value (none) is substantially outweighed by the danger of unfair prejudice and the likelihood of confusing or misleading the jury that their deliberations are based on discovery disputes or motions practice between the parties and not upon the evidence and legal instructions at trial. *See Sjostrand v. Ohio State Univ.*, 2014 WL 4417767, at *8 (S.D. Ohio 2014) (granting motion in limine to bar references to pretrial briefing and change of counsel because "the procedural history of this case is not relevant to the issues to be decided"); Many of

these matters are also hearsay, and would further lack foundation at trial. Moreover, it is inappropriate for counsel to "testify" at trial.

16. Evidence Regarding Paul Berese and any Investigation Should be Excluded

Consistent with references to counsel and earlier discovery, proceedings and the like, Mr. Depp's counsel has raised in depositions the allegation that Ms. Heard hired an adult Film Star as a private investigator in this case. **Att. 26**, at 216:9-218:8, 251:21-252:16. 283:14-285. This person is not testifying and has had nothing to do with any of the discovery in this case. Moreover, whether a private investigator hired by earlier counsel was previously an adult Firm star, even if true – which has never been demonstrated by Mr. Depp through any evidence - is clearly not relevant, is significantly more unfairly prejudicial to Ms. Heard than probative to any relevant issue in the case and should be excluded.

17. Any References of a "Pretend Punch" by an Unknown Person on An Alleged Video Which Does Not Exist Should be Excluded

Mr. Depp should be precluded from introducing testimony of an alleged "pretend punch" of Ms. Heard by an unknown person (not Mr. Depp or Amber Heard) that nobody personally saw, except by an alleged video that does not exist. Such testimony is: (a) wholly irrelevant; (b) inadmissible hearsay within hearsay; (c) likely to confuse and mislead the jury; and (d) unreliable and unfairly prejudicial. Mr. Depp inappropriately seeks to introduce testimony of a video that does not exist – Mr. Depp's counsel admitted to the UK Court that the video does not exist; cannot be authenticated; involves an alleged "pretend punch" by a third party (not Mr. Depp or Amber Heard); is not probative as to any material fact; constitutes hearsay within hearsay; would confuse, distract, and mislead the jury; and would be unfairly prejudicial. A pretrial ruling is necessary to prevent unfair prejudice.

a. The Alleged Video Does Not Exist

The alleged video, supposedly from surveillance cameras at the Eastern Columbia Building that some of the employees have attempted to interject into their testimony, has never been produced in discovery because it does not exist. Mr. Depp's counsel in the United Kingdom case, *Depp v. News Group Newspapers Ltd et al.*, admitted that Mr. Depp's team does not have the video. **Att. 75**, U.K. Trial Tr. at 2189:13-20 ("No, that we do not have"). Similarly, the corporate designee for Action Property Management, Brandon Patterson, the custodian of records for the surveillance videos at the Eastern Columbia Building, testified as follows:

> Q: So to the extent that footage has not been produced, is it fair to say that the footage no longer exists, or do you have another explanation?
> A. Can you expand on that, please?
> Q: ... my understanding is you testified there was 87 clips that have been preserved; is that right?
> A. Yes.
> Q. And that the date and timestamps are reasonably accurate, to your knowledge, on those?
> A. Yes, to my knowledge.
> Q. And to the extent there are any missing days or time, is it fair to say that the footage no longer exists, or is there any other footage that could be produced?
> A. Outside the videos that were requested, that's correct, no – everything else would have been written over at this point.
> Q. So there's no other videos other than those that have been produced, to your knowledge?
> A. Yes, correct.

Att. 76, Patterson Corporate Designee Tr., at 130-132.

> Q. And this footage was never found; is that correct – to your knowledge?
> A. The footage was never requested.
> Q. By whom?
> A. Any of the attorneys.
> Q. So the footage – is it your testimony that this exists, this footage exists or not?
> * * *
> A. It was no longer exists.

Q. And it would no longer exist, and it was never produced as one of the 87 clips – is that right?
A. That is correct.
Q. And I believe you testified earlier that attorneys for both sides selected times and looked through video and made selections of what to preserve; is that—was that your testimony?
A. Yeah, that's correct.
Q. But nobody selected that footage to your knowledge?
A. Not to my knowledge, no.
Q. And it was never produced?
A. Not to my knowledge, no.

Id., at 225-228.

There is no dispute that the alleged pretend punch video does not exist, has never been authenticated, and that the jury would never be able to see it. A jury, therefore, could never render its own fact finding respecting what actually happened (or did not happen) in the alleged video. As a consequence, testimony on the alleged video is likely to be misleading, confusing, subjective, unreliable, and unfairly prejudicial. It is also inadmissible for the reasons described below.

b. Plaintiff Should Not Be Allowed to Introduce Testimony Respecting a Nonexistent "Pretend Punch" Video Because it Involves a Nonparty and Is Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard

Even if the alleged pretend-punch video existed (which it does not), testimony about such would be wholly irrelevant. A "pretend punch" by an unknown person (not Mr. Depp or Amber Heard) has no tendency to make any material fact more or less probable. A pretend punch by a third party has no bearing on Mr. Depp's relationship with Amber Heard or the domestic abuse therein. Whether or not a non-party female air-punched Ms. Heard has no bearing on whether Mr. Depp actually hit or committed other domestic abuse toward Ms. Heard.

c. Testimony about the Nonexistent Pretend-Punch Video Is Inadmissible Hearsay Within Hearsay

The nonexistent video of an alleged "pretend punch" is hearsay, and testimony about what happened in the video is hearsay within hearsay. Any attempt to offer testimony of what allegedly happened in this video would violate Virginia law because there are no applicable hearsay exceptions for both levels (or either level) of hearsay. Va. Sup. Ct. R. 2:802; Va. Sup. Ct. R. 2:805; *Warnick v. Commonwealth*, 72 Va. App. 251, 270, 844 S.E.2d 414, 424 (2020) ("When there are multiple levels of hearsay, each level must be justified by an exception in order to be admissible").

Because the video does not exist and has never been produced, testimony on the alleged video cannot be cross-examined and should be excluded as prejudicial hearsay.

d. Plaintiffs Should Not Be Allowed to Introduce Evidence of the Nonexistent "Pretend Punch" Video Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice or the Likelihood of Confusing or Misleading the Jury

In addition to being wholly irrelevant, evidence of the alleged pretend punch video should be excluded because any probative value is substantially outweighed by (1) the danger of unfair prejudice and/or (2) the likelihood of confusing or misleading the jury. *See* V. R. S. Ct. 2:403 (relevant evidence may be excluded if (a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact).

Here, testimony on the nonexistent alleged pretend-punch video is unfairly prejudicial and is very likely to confuse or mislead the jury. Testimony about the missing video will distract the jury from the critical domestic abuse issues; minimize the importance and severity of actual domestic abuse; excite potentially irrational emotions; entice gossip and speculation on irrelevant

matters; and lead to unfair inferences, harassment, bias, and prejudice toward Amber Heard. For example, even if the alleged video existed (which it does not) there can be no fair inferences that would shed light on whether Mr. Depp assaulted Amber Heard. Rather, such evidence of a pretend punch by a non-party female would improperly distract and mislead the jury and likely cause unfair prejudice. It should be excluded. *See, e.g. PTS Corp. v. Buckman*, 263 Va. 613, 620, 561 S.E.2d 718, 722 (2002) ("Evidence of collateral facts, from which no fair inferences can be drawn tending to throw light upon the particular facts under investigation, is properly excluded for the reason that such evidence tends to draw the minds of the jury away from the point in issue, to excite prejudice and mislead them").

e. Conclusion

For these reasons, Amber Heard moves the Court *in limine* for an Order striking testimony relating to a nonexistent video of an alleged pretend punch by a non-party female. Such testimony is irrelevant, inadmissible hearsay within hearsay, and likely would confuse and mislead the jury and unfairly prejudice Amber Heard.

18. Use of Declarations, U.K. Witness Statements or Prior Testimony Should be Excluded Unless Properly Used as Impeachment Evidence or Were Not Objected to in Depositions as Part of Deposition Designations

Ms. Heard requests the Court limit the use of any witness declarations, witness statements from the UK (which are sworn testimony proffered in lieu of direct examination), or prior testimony from the UK or depositions in other cases to only permissible uses under Virginia's Rules of Evidence. Throughout discovery in this case, Mr. Depp's counsel has introduced various forms of prior sworn testimony in manners that would be inappropriate at trial. These tactics include, but are not limited to: (1) asking friendly witnesses if they adopt their prior witness statements made in the UK; (2) asking witnesses about declarations Depp's

counsel Adam Waldman allegedly obtained from them,[6] and (3) attempting to elicit testimony from witnesses by asking question such as "didn't you testify in the UK that....?" without the witnesses indicating a need to have their recollection refreshed or having given impeachable testimony. All these uses are improper.

Rule 2.801(d) of the Rules of the Supreme Court of Virginia provides that a prior statement (whether under oath or not) is hearsay unless it falls within a hearsay exception, is a prior inconsistent statement admitted for impeachment, or is a prior consistent statement admitted to rehabilitate the witness's credibility only in certain circumstances. Rules 2.803 and 2.804 list the applicable hearsay exceptions. Simply introducing a declaration into evidence, or attempting to elicit testimony in this case by asking a witness to adopt her UK witness statements or reminding them of their UK testimony in the manner discussed above, is wholly inappropriate. The Court should preclude the use of prior statements in manners that are inconsistent with Virginia's evidentiary rules or guiding statutes. *See Versatile v. Johnson*, 2011 WL 1167440, *2 (E.D. Va. 2011) (barring use of affidavits at trial as inadmissible hearsay).

19. The Testimony and Prior Statements and Declarations of Jennifer Howell Should be Excluded in their Entirety

Plaintiff listed Jennifer Howell as a person with knowledge of the claims and defenses in this case in response to Defendant's First Set of Interrogatories; but after deposing Ms. Howell it became clear that she had and has no direct knowledge of any claims or defenses in this case,

[6] These declarations were often obtained through threats and deception. One such declarant, Laura Divenere, testified that she only provided a declaration after Mr. Waldman threatened her with negative consequences if she did not cooperate with him, including perjury if she did not sign the declaration he wanted her to sign. **Att. 80**, Divenere Dep. at 15:16-18:6; 30:3-36:15. Ms. Divenere also testified that she felt coerced by Mr. Waldman to sign the declaration. *Id.* 31:9-13. In addition, while the declarations all bore the heading of this case, NONE were ever filed with the Court or provided to counsel for Defendant.

and her testimony is completely based on hearsay and hearsay within hearsay and is irrelevant or more unfairly prejudicial than probative. Ms. Howell's testimony does not satisfy any exception to the hearsay rule under Rule 2:803 and should therefore be excluded from evidence pursuant to Rules 2:802 and 2:805.

Plaintiff has designated portions of Ms. Howell's testimony where she described Whitney Henriquez, Ms. Heard's sister, speaking on the phone in another room with an *unknown* person and Ms. Henriquez then telling her that the person had said Amber had cut off Plaintiff's finger. **Att. 59**, Howell Tr. Day 1 163:17-164:12; **Att. 60**, Day 2 271:21-274:17. These allegations based on hearsay are also described in Ms. Howell's Declaration submitted in this case and her Witness Statement submitted in the UK litigation, whereas Plaintiff has pointed out different evidentiary rules applied. This game of telephone also constitutes hearsay within hearsay under Rule 2:805 as there are no exceptions to either the alleged statements from the unknown caller or Ms. Henriquez' statements. This testimony should therefore be excluded.

Plaintiff has designated another portion of Ms. Howell's testimony where she describes an incident involving Amber throwing a glass of wine at her sister Whitney. **Att. 59**, 168:13-169:18; **Att. 61**, Howell Declaration ¶ 15; **Att. 62**, Howell Witness Statement. Ms. Howell also testified that Ms. Henriquez told her that Amber beat her throughout "her whole life." **Att. 59**, 172:17-175:4. This account is again solely based on an alleged conversation she had with Ms. Henriquez and is once again based on pure hearsay. Ms. Howell never witnessed any abuse by Ms. Heard against anyone. In addition, evidence of Ms. Heard's alleged abuse of her sister in completely irrelevant to whether Ms. Heard suffered abuse by Mr. Depp, and by any means more prejudicial than probative and should be excluded pursuant to Rules 2:402 and 2:403. Ms. Howell's Statement, Declaration, and Testimony also tells a tale of how Defendant had pushed

Ms. Henriquez down the stairs when she was trying to stop Ms. Heard from "attacking Johnny." **Att. 59**, 180:12-181:7. Again, her knowledge of this incident is based solely on an alleged conversation with Ms. Henriquez. It is hearsay without exception. Ms. Henriquez' alleged attempts to contact her about the UK litigation are likewise hearsay, and completely irrelevant to this litigation.

Ms. Howell also testified respecting statements Paige Heard, Ms. Heard's mother, now deceased, allegedly made to her about Plaintiff and Defendant's relationship, and Defendant's relationship with Elon Musk. Once again these statements in her deposition, Declaration and Witness Statement are hearsay and do not fall under the exceptions of Rule 2:804 (Hearsay Exceptions Applicable Where the Declarant is unavailable). The statements, for example, that Mr. Musk had gifted Ms. Heard "a Tesla or multiple Teslas," and that "she had found out that they were 'bugged,' in addition to alleged statements about a battle between Mr. Musk and Ms. Heard over embryos.[7] These would make salacious headlines, but are completely irrelevant to this case and based on the alleged statements of a woman who is no longer living. This testimony and evidence form Ms. Howell should likewise be excluded pursuant to Rules 2:402, 2:403, 2:802, and 2:804, along with excluding any other evidence, testimony, references, or claims about these same subjects from any other witness, custodian, or source for the same reasons.

[7] Ms. Howell has testified "And that is whenever her mom just kind of started talking about stuff that, at the point in time, and I still stand by it, like, it seemed kind of a little outrageous and crazy to me. She started talking about some legal battle over embryos between Amber and Mr. Elon Musk, and how they had created -- I believe it was six boy embryos and two girl embryos, and that he had gifted a Tesla or Teslas to Amber and family and had them bugged." These are clearly not relevant and significantly and unfairly prejudicial.

Ms. Howell's additional testimony is irrelevant and purely prejudicial. Testimony that she never saw Mr. Depp appear intoxicated or that she saw Ms. Heard intoxicated is also irrelevant and certainly far more prejudicial than probative. **Att. 60**, 247:8-19; 251:18-252:18. For the foregoing reasons Ms. Howell's testimony should be excluded in its entirety. At a minimum, the following should be excluded: (1) Ms. Howell's UK Trial Witness Statement (2) Ms. Howell's Declaration, (3) all references to Ms. Howell's conversations with Ms. Henriquez about Mr. Depp's injury to his finger, (4) all references to Ms. Howell's conversations with Ms. Henriquez about abuse by Ms. Heard against Ms. Henriquez, (5) all references to any statements or information that was heard by another person and therefore hearsay, and (6) all references to Ms. Howell's purported conversations with Paige Heard re Elon Musk or Mr. Depp, and the subject matters claims by Ms. Howell.

Ms. Howell's Declaration (**Att. 61**) in particular was never produced to Ms. Heard or filed with the Court, even though it contained the caption of this case, a common tactic of Mr. Waldman to add legitimacy to these sham Declarations obtained improperly via Mr. Waldman's campaign of harassment and intimidation of witnesses as demonstrated by his own communications with these witnesses. *See supra*, at 59, n. 6.

20. All Correspondence (Letters and Emails) re Any Warner Bros. Stipulation or Declaration and their Contents Should be Excluded from Evidence

Correspondence between counsel respecting Ms. Heard's Aquaman damages among counsel should be excluded under Rule 2:408 as compromise offers during negotiations. Rule 2:408 provides:

> (a) Prohibited Uses. Evidence of the following is not admissible on behalf of any party in a civil case - either to prove or disprove the validity or amount of a disputed claim, or to impeach by a prior inconsistent statement or by contradiction:

> (1) furnishing, promising, or offering - or accepting, promising to accept, or offering to accept - a valuable consideration in compromising or attempting to compromise the claim; and
> (2) conduct or any statements made during compromise negotiations about the claim.

These communications are also inadmissible as they are irrelevant (Rule 2:402) and hearsay (Rule 2:802).

Mr. Depp subpoenaed Warner Brothers Entertainment Inc. ("WBEI") for a personal appearance and business records, and in response WBEI filed a Motion to Quash in the Superior Court of the State of California. Mr. Depp then filed an Opposition to the Motion to Quash and a Motion for Sanctions. **Att. 77**. In an attempt to avoid motions practice about the subpoenas and avoid being deposed, counsel for WBEI sent a letter requesting a meet and confer and proposed drafting a sworn declaration setting forth the following:

a. Any delay in WBEI picking up Heard's option for Aquaman 2 was due to creative issues in casting Heard in the role of Mera for Aquaman 2, which were communicated to Heard's agent at the time.
b. Any delay in WBEI picking up Heard's option for Aquaman 2 was not due to Heard's dispute with Depp or any of the allegations in this lawsuit.
c. WBEI would not have paid Heard more money on Aquaman 2, even if Heard had had more time to attempt to negotiate.

Att. 63.

Counsel for Ms. Heard was willing to attempt to negotiate with Warner Bros. and counsel for Mr. Depp and sent a proposed Stipulation concerning the matter of Ms. Heard's Aquaman 2 damages—potentially foregoing her damages if Mr. Depp were willing to agree not to raise the matter at trial. **See Att. 64**. Counsel for Mr. Depp then provided a Declaration to the Superior Court suggesting the stipulation was a "take it or leave it," when in fact, it was an initial draft, sent in word, in an effort to resolve the dispute. **Att. 65**. Ultimately the parties did not agree to a stipulation or a declaration respecting Ms. Heard's Aquaman II damages. **Atts. 66-67**.

Counsel's communications respecting the stipulation and declaration were made during compromise negotiations and should be excluded under Rule 2:408. All drafts of the stipulation and declaration and communications and their contents respecting these attempted negotiations should be excluded pursuant to Rule 2:408 and Rule 2:802, and also on the basis of hearsay and foundation.

21. Mr. Depp Should be Precluded from Offering Testimony of Christian Carino's First Day of Deposition

Christian Carino was deposed by Amber Heard on January 19, 2021 and by Mr. Depp on March 11, 2022. Mr. Depp failed to designate the testimony of Christian Carino from his first day of deposition by the deadline set by this court: March 10, 2022. Instead, Mr. submitted designations from the first day with his designation of the second day on March 15, 2022. **Att. 72.** This created additional work for Amber Heard to counter-designate within a tight timeframe. More importantly, this violated the express Scheduling Order set by this Court. The parties agreed to these dates, and otherwise complied with these dates unless expressly jointly modified. The party not complying therefore creates hardship and prejudice to the other side, and there is no reason for the non-compliance. Therefore, Mr. Depp should be precluded from offering testimony from Christian Carino's first day of deposition.

22. Mr. Depp Should be Precluded from Introducing or Referencing Deposition Questions Eric George did not Answer based on Attorney Client Privilege Objections

Mr. George's deposition was taken in this case and is the subject of Deposition Designations. During the deposition, Mr. Depp's counsel asked a number of questions where the attorney client privilege was invoked. Mr. Depp disagreed and brought a motion to compel that testimony in the California Court having jurisdiction over Mr. George and this proceeding in California matters, but the California Court denied Mr. Depp's Motion to Compel further

responses to those questions. **Atts 73-74.** Having been fully adjudicated, any attempts to claim in any manner at trial that Eric George refused to answer questions related to the attorney-client privilege should be excluded, as this has been fully adjudicated in the California courts, is not relevant to any fact issue before the jury, and would be significantly more prejudicial than probative.

23. Mr. Depp Should be Precluded from References to and Characterizations of Ms. Heard's Counsel or Prior Motions and Court Rulings in This Case

Throughout this litigation, Depp's counsel has repeatedly referred to the number of attorneys Ms. Heard has had, including referring to Ms. Bredehoft as Ms. Heard's "third lead counsel," referring to Ms. Heard's "serial lawyers" in the case and even referring to counsel Ms. Heard has used in other cases. Mr. Depp has also on many occasions launched personal attacks at counsel for Ms. Heard, including by name. Mr. Depp has also repeatedly referred to Ms. Heard's prior filings of dispositive or discovery motions suggesting unsuccessful efforts and incompetence. Depp's counsel has made these pejorative references to prior counsel, to changes of counsel, or to the procedural history in this case to contend that they show her case is weak.

Depp's team has even falsely stated that Ms. Heard's prior change of counsel took place because her then counsel no longer believed that she had been abused. *See* https://theblast.com/c/johnny-depp-amber-heard-lawyer-drops-out-roberta-kaplan-times-up-withdraw-virginia-defamation-case/ (stating that "For years, #TimesUp and others inexplicably hitched their wagons to Amber Heard's abuse hoax. Ms. Heard's lawyers, one of whom co-founded the #TimesUp Legal Defense Fund, have now apparently unhitched from Ms. Heard's long-disproven frauds. We intend to discover why.").

Besides being false, any of these issues are wholly inappropriate to raise before the jury, are not relevant to whether Mr. Depp committed domestic abuse, and are unfairly prejudicial and

are designed to confuse and mislead the jury in precisely the way represented to the press – that Ms. Heard's counsel "abandoned her" because they did not believe her, and since Ms. Heard's counsel have more information than the public, including privileged material, they must know something secret that the jury will not hear, and so they should assume Ms. Heard's counsel know better. The reasons for changes in counsel can be numerous, including insurance coverage, and none of them are discoverable or should be referenced in the Court.

Ms. Heard requests that the Court preclude references to Ms. Heard's changes of counsel, the number of counsel she has had, the outcomes of pretrial motions, any personal attacks on counsel, and anything directed personally at counsel for Ms. Heard. These references and information bear no relevance to the case and would only serve to prejudice Ms. Heard and confuse the jury. *See Sjostrand v. Ohio State Univ.*, 2014 WL 4417767, at *8 (S.D. Ohio 2014) (granting motion in limine to bar references to pretrial briefing and change of counsel because "the procedural history of this case is not relevant to the issues to be decided"); *Dodson v. Belk*, Inc., 362 F. Supp. 3d 1283, 1288 (N.D. Ga. 2018) (granting motion *in limine* because non-movant "has not made any arguments as to why it should be able to solicit testimony or testify in any manner that Plaintiff had prior counsel").

24. All References to the Legal Process Utilized by Ms. Heard to Obtain the California DV TRO Should be Excluded

Counsel for Mr. Depp has repeatedly referred to Ms. Heard obtaining an "*Ex Parte*" DV TRO in the divorce case, suggesting or implying that it should not have been *ex parte,* or that this was somehow a deviation from valid California legal process. However, Mr. Depp has not identified any expert witness to testify on the correct procedure for obtaining a DV TRO, nor whether obtaining an *Ex Parte* DV TRO was standard, a deviation, or some other process would have been preferable or appropriate. All references to or suggestions that Ms. Heard obtained an

"*Ex Parte*" DV TRO, or that the process engaged in by Ms. Heard in obtaining the DV TRO was inappropriate or that she had some other legal alternative, or this was unnecessary, or testimony on the options available to Ms. Heard, should be excluded.

25. Mr. Depp Should be Limited to the Op-Ed in Asserting any Liability or Damages Against Ms. Heard Under the Complaint

Throughout this litigation, Mr. Depp has attempted to link his damages to conduct by Ms. Heard outside the Op-Ed, even thought the sole basis for the defamation claims is the Op-Ed. Mr. Depp's Expert Disclosures also attribute damages to alternative causes associated with Ms. Heard. Mr. Depp's claims for defamation in this litigation all stem from one publication - Ms. Heard's 2018 Op-Ed. Ms. Heard anticipates Mr. Depp will attempt to confuse the Jury into believing that they can hold Ms. Heard responsible for Mr. Depp's damages for conduct outside the Op-Ed, including back at the time of the divorce. Mr. Depp should be precluded from claiming or arguing in any opening statement, questioning of witnesses, closing argument, or at any other point in the trial that any statement from Ms. Heard other than in the 2018 Op-Ed is sufficient to return a finding for Mr. Depp on liability, and further being precluding from claiming or arguing that any other statement besides the 2018 Op-Ed is sufficient for Mr. Depp to prove the causation element of his alleged damages on the defamation claim.

26. Evidence of Who is Paying Attorney's Fees Should be Excluded and Any References to or Suggestions that Ms. Heard having "an army" or many Attorneys on the Case

Mr. Depp inappropriately seeks to introduce evidence that an insurance company (earlier it was alleged it was Elon Musk, or ACLU – depending upon the day) is paying Ms. Heard's legal bills, whereas Mr. Depp is paying for his. Many times Mr. Depp, who brought this lawsuit, and the one in the UK, has suggested that Ms. Heard has an advantage over Mr. Depp because someone is paying for her fees, while poor Mr. Depp – who made $650 million while Ms. Jacobs

was his agent – is solely responsible for his fees. Ms. Heard was in fact responsible for her fees and costs for a significant period of time before insurance kicked in, but that is completely irrelevant. Moreover, Mr. Depp consistently refers to Ms. Heard's "army" of attorneys and suggestions there are many, many counsel compared to Mr. Depp's, when in fact, frequently at depositions, hearings and meet and confers Mr. Depp has multiple attorneys present, they have offices in DC, California and New York, while Ms. Heard has to retain lawyers in these jurisdictions, and Mr. Depp has significantly more attorneys and staff working on this case than Ms. Heard's counsel. Notwithstanding, this is all not relevant, completely inappropriate for the jury, such claims and implications likely would mislead the jury and would certainly substantially prejudice Amber Heard. Amber Heard therefore seeks to preclude Mr. Depp from introducing testimony respecting who is paying for each parties' attorneys' fees, and any references to the number of firms or lawyers each party has. Such testimony is: (a) wholly irrelevant; (b) likely to confuse and mislead the jury; and (d) is unfairly prejudicial to Amber Heard. A pretrial ruling is necessary to prevent unfair prejudice.

a. Plaintiff Should Not Be Allowed to Introduce of Evidence of Who is Paying for Legal Fees Because Such Evidence Is Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard

The identity of the payor of attorney's fees is not relevant to any of the issues in this case. It does not tend to make any material fact more or less likely. Evidence of Amber Heard's insurance coverage and the insurer's payment of attorneys' fees, therefore, should be excluded. *See, e.g.*, *McCloud v. Funaiock*, No. 4:15-CV-5, 2016 WL 9175661, at *3 (E.D. Va. June 6, 2016) (the "Court cannot conceive how Defendant's insurance coverage affects the issue, or how it would become relevant").

b. Plaintiffs Should Not Be Allowed to Introduce Evidence Relating to Who Is Paying Each Side's Legal Bills Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice or the Likelihood of Confusing or Misleading the Jury

In addition to being wholly irrelevant, evidence of who is paying each sides legal fees should be excluded because any probative value is substantially outweighed by (1) the danger of unfair prejudice and/or (2) the likelihood of confusing or misleading the jury. *See* V. R. S. Ct. 2:403 (relevant evidence may be excluded if (a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact).

Here, evidence of who is paying attorneys' fees for each side is unfairly prejudicial and is very likely to confuse or mislead the jury. *See, e.g.*, *McCloud*, 2016 WL 9175661, at *3 (E.D. Va. June 6, 2016) (granting motion in limine because reference to defendant's insurance coverage could prejudice the defendant or mislead the jury; the "jury should make its verdict based on the liability and damages facts, not based on knowledge of coverage"). Such evidence, therefore, should be excluded. *See Goodman v. Norfolk S. Ry. Co.*, No. 1:16CV00002, 2017 WL 3113487, at *2 (W.D. Va. June 5, 2017) (granting motion in limine as to any reference to the existence of liability or other insurance); *Edwards v. Whitlock*, 57 Va. Cir. 337 (2002) (granting motion in limine to exclude evidence of insurance available to defendant); *PTS Corp. v. Buckman*, 263 Va. 613, 620, 561 S.E.2d 718, 722 (2002) ("Evidence of collateral facts, from which no fair inferences can be drawn tending to throw light upon the particular facts under investigation, is properly excluded for the reason that such evidence tends to draw the minds of the jury away from the point in issue, to excite prejudice and mislead them").

For these reasons, Amber Heard moves the Court *in limine* for an Order striking evidence of who is paying attorneys' fees for each side, and also, any references or characterizations of the

number of counsel or resources of the legal teams. Such evidence is irrelevant and likely to confuse and mislead the jury and unfairly prejudice Amber Heard.

27. All Evidence of Settlement Communications or Documents Related to the Mediation Should be Excluded

All settlement communications between Ms. Heard and Mr. Depp (and their counsel) in this litigation should be excluded, along with documents and communications submitted in relation to mediations conducted related to this litigation. Virginia law explicitly excludes as inadmissible the following types of evidence, documents, and testimony: **1)** Furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and **2)** Conduct or any statements made during compromise negotiations about the claim. Va. Sup. Ct. R. 2:408 (regardless of whether the party attempting to introduce such evidence intends to use it to "prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or by contradiction").

Therefore, any evidence, testimony, allegations, or references by counsel respecting these matters should be excluded.

CONCLUSION

For these reasons, Ms. Heard respectfully requests the Court grant the above Motions *in limine*.

March 22, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 22nd day of March, 2022, by email, by agreement of the parties, addressed as follows:

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TRANSCRIPT OF PROCEEDINGS

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MAGISTRATES COURT

B. CALLAGHAN, Magistrate

MAG-164799/15

POLICE — **Complainant**

and

AMBER LAURA HEARD — **Defendant**

SOUTHPORT

2.30 PM, MONDAY, 18 APRIL 2016

DECISION

Any Rulings that may be included in this transcript, may be extracted and subject to revision by the Presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

BENCH: Okay. Just before we start, I think how I dealt with the exhibits is probably not correct. So what I might do – Mr Kirk, do you wish to read and file the affidavit of Ms Heard, so that that - - -

MR KIRK: Yes.

BENCH: - - - can become a document of the court?

MR KIRK: I do, your Honour.

BENCH: That then would leave the USB sticker as exhibit - - -

UNIDENTIFIED SPEAKER: It's 1.

BENCH: - - - 1, or is – that was 2, wasn't it?

UNIDENTIFIED SPEAKER: It was 1.

BENCH: What was – it was 1, and the references, exhibit 2, and the rest of the documents would be documents of the Court.

MR CALLAGHAN: Thank you, your Honour.

BENCH: Am I correct?

MR CALLAGHAN: I have no issue with that.

BENCH: Yes. That's how we'll divide it up. So that the rest of the documents just become the documents of the court.

MR CALLAGHAN: Yes.

MR KIRK: [indistinct]

BENCH: Okay. All right. Okay. First of all, Ms Heard, normally, I would deal with this with you standing, but I've got a bit to say. So please be seated. I intend to deal with this through – pursuant to section 19B of the Crimes Act, but I – I need to put some words on – some words on tape. Okay.

So first of all, Ms Heard has pleaded guilty to producing a document to the Australian Customs that was false. On the 28th of August 2014, both dogs were issued with certificates of vaccination for rabies by a Dr Hebbert from the animal hospital in the USA. On the 28th of October 2014, both dogs were examined at the same animal hospital, concerning the follow-up testing for travel, and that was travel to Australia. On the 26th of November 2014, declarations were issued for both dogs indicating rabies vaccinations were current.

On the 21st of April 2015, a private plane arrived at the Brisbane Airport and was met by quarantine and customs officers. Ms Heard was on board that plane, as were the dogs. Ms Heard completed an incoming passenger card, and in response to the question on that card:

Are you bringing into Australia animals, parts of animals, etcetera?

Ms Heard answered no. That answer was false. It is acknowledged that Ms – Ms Heard was – has routinely complied with customs and quarantine requirements for travel around the world when travelling with her dogs, and this is – there has been, on some occasions – this has, on some occasions, required her to change travel plans when those requirements have not been met in time.

On the 12th of May 2015, the principal vet officer for the – veterinary officer for the Department of Agriculture was contacted by a person who identified himself as an employee of Ms Heard's husband. He had been instructed to contact the department following issues raised in the media with regards to the dogs' presence in Australia. The media coverage alerted Ms Heard and her husband to the potential issues regarding documentation relating to the dogs.

The department were provided with veterinary records for both dogs and were advised the dogs were available for inspections. The dogs had been isolated and had not been in contact with any other animals. On the 13th of May 2015, the principal veterinary officer attended an address, where he examined the two dogs and confirmed that each dog microchip matched their veterinary records. The dogs were healthy, showing no signs of illness or disease.

There were no permits issued by the Director of Quarantine allowing the importation of those dogs into Australia. On the 13th of May 2015, both dogs were ordered into quarantine, and a direction was issued where they'd be re-exported within 72 hours. On the 15th of May 2015, both dogs were taken from Australia.

On the 13th of October 2015, Ms Heard provided an unsworn statement to the Prosecution regarding her actions and state of mind relevant to the offence, and on the 3rd of November 2015, there was an indication that she would plea to the charge that she made the false statement, on the basis that the other two charges were discontinued. That has, in effect, occurred today, and it is clearly a timely plea.

There have been a number of references placed before the Court, and I won't go into them, but, clearly, all of them speak of Ms Heard's generosity, commitment and kindness, and these indicate that she is just not another celebrity on the charity bandwagon, if I – if I can be – if I could put it that way. She is clearly a good person, and these people speak highly of her. She has been involved in many charitable causes in a very active way and has been so for a very long time, certainly since her teens, and I do take that into account.

Of the facts relating to this matter, at the time of Ms Heard's departure for Australia in April 2015, Ms Heard was unaware the documentation for the dogs' importation into Australia had not been complete. She relied on staff to organise that, along with other travel arrangements. Just prior to Ms Heard leaving for Australia, her assistant, one of the staff responsible for that documentation, had been dismissed from her employment in acrimonious circumstances. There were difficulties associated with this, and that had repercussions on the preparation of the documentation concerning the importation of the dogs.

Further to this, Ms Heard had a belief that, at the time of arriving – that the form she filled out did not cover her pets. She believed that the relevant paperwork had been completed for the dogs and provided to the Australian authorities separately. I accept that she did not set out to deliberately deceive the Australian authorities. I also accept that it's not a question of a person believing she's above the law.

In her pleading guilty, she accepts her responsibility for the offence. Her actions indicate she is truly remorseful for incorrectly filling out that form. It has been submitted by Mr Kirk that this ought to be dealt with pursuant to section 19B of the Crimes Act, and as I indicated at the very outset – that that is how I intended to deal with it. That involves a two-stage step.

First of all, I say at the outset this is not a trivial offence. Ms Heard comes before the Court without any criminal history. References provided speak of her generosity and kindness, as I've already spoken about. She's employed as an actor, and this requires a great deal of international travel. Sometimes she travels with her dogs, sometimes not. She's always complied with the various rules and regulations concerning such travel. No doubt a conviction being recorded will have an effect on her ability to travel.

The third factor concerning whether or not – whether or not I ought to consider dealing with this pursuant to section 19B is the extent to which the offence was committed under extenuating circumstances. The Defence submits that the extenuating circumstances under which this offence was committed included her belief that she was not required to declare the dogs, and this belief was based on her previous experience in travelling with her dogs, and also her belief that her staff had dealt with all of the documentation required for the dogs.

Given the amount of travel that Ms Heard is required to do, and her reliance on staff, that is not unsurprising. I do accept that those – that these – that this offence was committed under extenuating circumstances. I've quite deliberately not drawn reference to the fact that she was tired, because people travelling in and out of Australia are tired. It's a long way. We're a long way from anywhere, except New Zealand.

I find that, given Ms Heard's character and antecedents and the fact that this offence was committed under extenuating circumstances, that I ought to consider whether or not it would be inexpedient to inflict any punishment, or any punishment other than a

nominal punishment, on Ms Heard. In considering this, all of section 16A of the Crimes Act comes into play.

I've had regard to all of the circumstances of this case. There's genuine remorse and a high – a high degree of cooperation. Ms Heard has returned to this country to have this matter dealt with, and her and her husband have provided a video with regards to not making a false declaration. This video no doubt will be quite useful for the department.

A conviction being recorded will have a very real effect on Ms Heard's ability to travel for her work. The cases cited from the Prosecution, where it's desirable that countries be aware of convictions being recorded are not relevant in this case. Ms Heard has never before deliberately flouted the laws of any country regarding the importation of her pets, and these were extenuating circumstances, as I have said.

I have no doubt that this whole matter has had a real impact upon Ms Heard, and given the level of public scrutiny both she and her husband have been subjected to, I find that personal deterrence is not a factor that I really have to give consideration to, because there's no doubt in my mind that this won't happen again.

With regards to the general deterrence, I think, quite frankly, the department's better off using that video that have been provided by Mr Depp and Ms Heard with regards to not making a false declaration and the real impact that it could have on this country. That's of far more benefit to this country than anything else that I may do with regards to recording a conviction on Ms Heard. So, therefore, I'll be dealing with it, as I said, pursuant to 19B of the Crimes Act.

BENCH: Yes, Mr - - -

MR CALLAGHAN: Does your Honour require any assistance with the order? There is a pro forma, if that's of any use to you.

BENCH: Absolutely. Be of use to my assistant.

MR CALLAGHAN: Thank you.

BENCH: Thank you. Thank you. Okay. Stand up, please, Ms Heard. Pursuant to section 19B(1)(d), the charge against you is proven. However, by order, I release you without proceeding to conviction, upon you giving security by recognisance in the sum of $1000, conditional that you be of good behaviour for a period of one month.

The – the purpose and the effect of the order is that you must be of good behaviour for one month and not commit any further offences, and if you do, you could be called upon to pay the $1000. There is no conviction recorded. So what I'm going to do is ask for the courtroom to be cleared. Ms Heard, if you can remain, please, my – my assistant will deal with the – with the paperwork, and that will be dealt with

very shortly. So if the – if the courtroom could please – if everybody can clear the courtroom, so that it can be dealt with, and I – please adjourn the Court.

5 _____

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Commonwealth Consolidated Acts

CRIMES ACT 1914 - SECT 19B

Discharge of offenders without proceeding to conviction

(1) Where:

(a) a person is charged before a court with a federal offence or federal offences; and

(b) the court is satisfied, in respect of that charge or more than one of those charges, that the charge is proved, but is of the opinion, having regard to:

(i) the character, antecedents, age, health or mental condition of the person;

(ii) the extent (if any) to which the offence is of a trivial nature; or

(iii) the extent (if any) to which the offence was committed under extenuating circumstances;

that it is inexpedient to inflict any punishment, or to inflict any punishment other than a nominal punishment, or that it is expedient to release the offender on probation;

the court may, by order:

(c) dismiss the charge or charges in respect of which the court is so satisfied; or

(d) discharge the person, without proceeding to conviction in respect of any charge referred to in paragraph (c), upon his or her giving security, with or without sureties, by recognizance or otherwise, to the satisfaction of the court, that he or she will comply with the following conditions:

(i) that he or she will be of good behaviour for such period, not exceeding 3 years, as the court specifies in the order;

(ii) that he or she will make such reparation or restitution, or pay such compensation, in respect of the offence or offences concerned (if any), or pay such costs in respect of his or her prosecution for the offence or offences concerned (if any), as the court specifies in the order (being reparation, restitution, compensation or costs that the court is empowered to require the person to make or pay):

(A) on or before a date specified in the order; or

(B) in the case of reparation or restitution by way of money payment or in the case of the payment of compensation or an amount of costs--by specified instalments as provided in the order; and

(iii) that he or she will, during a period, not exceeding 2 years, that is specified in the order in accordance with subparagraph (i), comply with such other conditions (if any) as the court thinks fit to specify in the order, which conditions may include the condition that the person will, during the period so specified, be subject to the supervision of a probation officer appointed in accordance with the order and obey all reasonable directions of a probation officer so appointed.

(1A) However, the court must not take into account under subsection (1) any form of customary law or cultural

practice as a reason for:

(a) excusing, justifying, authorising, requiring or lessening the seriousness of the criminal behaviour to which the offence relates; or

(b) aggravating the seriousness of the criminal behaviour to which the offence relates.

(1B) In subsection (1A):

"criminal behaviour" includes:

(a) any conduct, omission to act, circumstance or result that is, or forms part of, a physical element of the offence in question; and

(b) any fault element relating to such a physical element.

(2) Where a court proposes to discharge a person in pursuance of an order made under subsection (1), it shall, before making the order, explain or cause to be explained to the person, in language likely to be readily understood by him or her:

(a) the purpose and effect of the proposed order;

(b) the consequences that may follow if he or she fails, without reasonable cause or excuse, to comply with the conditions of the proposed order; and

(c) that any recognizance given in accordance with the order may be discharged or varied under section 20AA.

(2A) A person is not to be imprisoned for a failure to pay an amount required to be paid under an order made under this section.

(3) Where a charge or charges against a person is or are dismissed, or a person is discharged, in pursuance of an order made under subsection (1):

(a) the person shall have such rights of appeal on the ground that he or she was not guilty of the offence or offences concerned with which he or she was charged as he or she would have had if the court had convicted him or her of the offence or offences concerned; and

(b) there shall be such rights of appeal in respect of the manner in which the person is dealt with for the offence or offences concerned as there would have been if:

(i) the court had, immediately before so dealing with him or her, convicted him or her of the offence or offences concerned; and

(ii) the manner in which he or she is dealt with had been a sentence or sentences passed upon that conviction.

(4) Where a person is discharged in pursuance of an order made under subsection (1), the court shall, as soon as practicable, cause the order to be reduced to writing and a copy of the order to be given to, or served on, the person.

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Transcript of Whitney Henriquez

Date: February 3, 2022
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

----------X

JOHN C. DEPP, II, :

Plaintiff and :

Counterclaim Defendant, : Civil Action No.:

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counterclaim Plaintiff. :

----------X

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VIDEOTAPED DEPOSITION

WHITNEY HENRIQUEZ

CONDUCTED VIRTUALLY

THURSDAY, FEBRUARY 3, 2022

12:32 p.m. EST

Job No.: 427235

Pages 1 - 278

Reported by: APRIL REID

Videotaped Deposition of WHITNEY HENRIQUEZ held virtually. All appeared remotely.

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A P P E A R A N C E S cont'd

ALSO PRESENT:

JOHN C. DEPP, II, Plaintiff and
Counterclaim Defendant

AMBER LAURA HEARD, Defendant and
Counterclaim Plaintiff

LUCIEN NEWLL, Remote Technician

KIM JOHNSON, Videographer

- - - - -

the question. 01:29:57

Go ahead. 01:29:58

A. I would have to say no. I'm not even a hundred percent sure if I remember who this person is. 01:29:58 01:30:01 01:30:04

Q. Was Amber also friends with someone named Logan? 01:30:05 01:30:08

MS. BREDEHOFT: Objection to the form of the question. 01:30:09 01:30:10

Go ahead. 01:30:11

A. Yes. 01:30:11

Q. Who was Logan? 01:30:12

MS. BREDEHOFT: Objection to the form of the question. 01:30:14 01:30:15

Go ahead. 01:30:16

A. Logan was a -- a dear friend of -- he initially started off as Amber's friend. They worked together at a pool, I believe. They were both lifeguards. And he very quickly got close with us and our family. And he passed away in a car accident. 01:30:16 01:30:23 01:30:27 01:30:30 01:30:37 01:30:42

Q. How old was he when he met Amber? 01:30:47

MS. BREDEHOFT: Objection to the form of the question. 01:30:50 01:30:51

Go ahead. 01:30:52

A. I don't recall. I don't know that -- I don't know the answer to that. 01:30:52 01:30:57

Q. Well, he was older than Amber, wasn't he? 01:30:59 01:31:02

MS. BREDEHOFT: Objection to the form of the question. 01:31:03 01:31:03

Go ahead. 01:31:04

A. I'm actually not sure. 01:31:06

Q. And did there come a time when Amber and Logan's relationship became romantic? 01:31:09 01:31:11

MS. BREDEHOFT: Objection to the form of the question. 01:31:16 01:31:17

Go ahead. 01:31:18

A. Not to my knowledge. 01:31:19

Q. You mentioned that Logan passed away. When did he pass away? 01:31:21 01:31:23

MS. BREDEHOFT: Objection to the form of the question. 01:31:26 01:31:27

Go ahead. 01:31:27

A. I don't recall when it was specifically. 01:31:30

Q. Do you know how old Logan was when he died? 01:31:34 01:31:36

A. I couldn't say with a hundred percent certainty. I -- I believe he was 17 or 18, maybe. I'm not sure actually. 01:31:41 01:31:45 01:31:51

Q. How old -- how old was Amber when he passed away? 01:31:54 01:31:55

MS. BREDEHOFT: Objection to the form of the question. 01:31:57 01:31:57

Go ahead. 01:31:58

A. I don't know. 01:32:01

Q. Did you ever observe Amber and Logan fighting? 01:32:02 01:32:04

MS. BREDEHOFT: Objection to the form of the question. 01:32:08 01:32:09

Go ahead. 01:32:10

A. No. 01:32:10

Q. Did Amber ever tell you that she was with Logan at the time he passed away? 01:32:11 01:32:19

MS. BREDEHOFT: Objection to the form of the question. 01:32:23 01:32:23

Go ahead. 01:32:25

A. That was not my understanding. 01:32:25

Q. And is it your understanding that Logan passed away in a car accident? 01:32:32 01:32:34

MS. BREDEHOFT: Objection to the form of the question. 01:32:37 01:32:39

Go ahead. 01:32:40

A. Yes. 01:32:41

Q. Did Amber ever tell you, in words or substance, that she was driving the car at the time he died? 01:32:43 01:32:46 01:32:48

MS. BREDEHOFT: Objection to the form of the question. 01:32:49 01:32:50

Go ahead. 01:32:51

A. No. 01:32:52

Q. Was Amber with Logan when he passed away? 01:32:54 01:32:56

MS. BREDEHOFT: Objection to the form of the question, asked and answered. 01:32:57 01:32:58

Go ahead. 01:33:00

A. No. 01:33:01

Q. How did Amber react when Logan passed 01:33:02

away? 01:33:05

MS. BREDEHOFT: Objection to the form of the question. 01:33:06 01:33:07

Go ahead. 01:33:08

A. She was devastated. He was her best friend. 01:33:09 01:33:15

Q. Did Amber drop out of school after he passed away? 01:33:17 01:33:19

MS. BREDEHOFT: Objection to the form of the question. 01:33:20 01:33:21

Go ahead. 01:33:22

A. It was at some point after Logan passed, but it wasn't as a result of that, no. 01:33:24 01:33:28

Q. Was your sister Amber's driver's license suspended after Logan passed away? 01:33:31 01:33:34

MS. BREDEHOFT: Objection to the form of the question, calls for hearsay. 01:33:37 01:33:38

Go ahead. 01:33:42

A. I believe -- I believe it was before. I -- I can't recall with certainty, but I believe it was before. 01:33:43 01:33:46 01:33:49

Q. So just to be clear, it's your 01:33:51

understanding that there came a time when Amber's driver's license was suspended; true? 01:33:53 01:33:57

MS. BREDEHOFT: I'm going to object to the form of the question and calls for hearsay, speculation. 01:34:00 01:34:01 01:34:04

Go ahead. 01:34:06

A. If memory serves, I think at one point it was. 01:34:06 01:34:12

Q. Do you know why it was suspended? 01:34:14

MS. BREDEHOFT: Objection to the form of the question. 01:34:16 01:34:17

Go ahead. 01:34:18

A. I do not. 01:34:19

Q. You don't know, one way or the other, whether it had anything to do with the accident in which Logan died; is that true? 01:34:22 01:34:24 01:34:27

MS. BREDEHOFT: Objection to the form of the question, asked and answered. 01:34:29 01:34:30

Go ahead. 01:34:32

A. It was -- it had nothing to do with that. 01:34:34 01:34:36

Q. Did Amber ever drive the car -- strike 01:34:37

that. 01:34:41

Did Amber ever drive a car during the period of time when her driver's license was suspended? 01:34:42 01:34:46 01:34:48

MS. BREDEHOFT: Objection to the form of the question, calls for speculation, hypothetical. 01:34:50 01:34:51 01:34:53

Go ahead. 01:34:54

A. Yes. 01:34:55

After receiving my driver's license, I had been in an accident. And she -- it was -- it was very close to our house. And she was the only one that was able to come. And it was my first accident, and I was very shaken up and scared. And she came to drive us back to our house. 01:35:00 01:35:02 01:35:09 01:35:12 01:35:15 01:35:18

Q. And at the time she did that, your understanding was that her driver's license had been suspended; is that correct? 01:35:23 01:35:25 01:35:29

MS. BREDEHOFT: Objection to the form of the question. 01:35:30 01:35:31

Go ahead. 01:35:32

A. I might have known about it at the time. 01:35:34

I can't recall if I knew about it for sure. 01:35:36

I was -- like I said, it was my first 01:35:39

accident. I was -- I was so shaken up. I don't 01:35:42

know if I was thinking clearly. 01:35:45

Q. Did she ever get her driving privileges 01:35:47

restored? 01:35:50

MS. BREDEHOFT: Objection to the form of 01:35:51

the question. 01:35:52

Go ahead. 01:35:54

A. Yes. 01:35:54

Q. Okay. Let's -- let's move to a 01:35:56

different subject. 01:35:58

When did Amber move out of your parent's 01:35:59

home? 01:36:02

A. What year or -- 01:36:02

Q. Well, how old was she? What year was 01:36:06

it? 01:36:09

MS. BREDEHOFT: Same objection. 01:36:12

A. I want to say she was 17, maybe younger. 01:36:13

I don't know. 01:36:20

Q. And you were still living with your 01:36:23

parents when Amber moved out at approximately 17; 01:36:24

Q. And, again, this is another broad question, but I'll ask it anyway. What types of things would you argue with her about? 01:43:15 01:43:16 01:43:19

MS. BREDEHOFT: Objection to the form of the question. 01:43:21 01:43:22

Go ahead. 01:43:23

A. Silly things, in retrospect, like who borrowed whose jacket or -- I -- I can't remember arguing about anything significant when we were -- especially when we were first living together. 01:43:23 01:43:32 01:43:35 01:43:39

Q. And now, you know, broadening it beyond just the time when you were living together when you were very young. In any arguments you've had with Amber over the entire period of your lives, has she ever been physically violent with you -- 01:43:42 01:43:44 01:43:46 01:43:50 01:43:54

MS. BREDEHOFT: Objection to the form -- 01:43:59

Q. -- ever hit you in any way or thrown something at you? 01:44:00 01:44:02

MS. BREDEHOFT: Objection to the form of the question. 01:44:03 01:44:04

Go ahead. 01:44:05

A. No. 01:44:07

Q. She's never hit you? 01:44:08
A. No. 01:44:12
Q. She's never slapped you? 01:44:13
A. No. 01:44:16
Q. She's never thrown anything at you? 01:44:16
A. No. 01:44:19

Q. Have you and your sister Amber not spoken for a period of time because you had had a fight or disagreement? 01:44:20 01:44:24 01:44:27

MS. BREDEHOFT: Objection to the form of the question. 01:44:30 01:44:32

Go ahead. 01:44:33

A. Yes. There were periods of time where we weren't on speaking terms or we weren't as close to one another as we might have been previously due to an argument or disagreement. 01:44:33 01:44:35 01:44:38 01:44:40

Q. How many times can you remember where there was a hiatus, you know, of communications between the two of you? 01:44:44 01:44:47 01:44:49

MS. BREDEHOFT: Objection to the form of the question. 01:44:51 01:44:52

Go ahead. 01:44:53

Go ahead. 04:02:16

A. No. 04:02:17

Q. Didn't you tell Jennifer Howell that you were worried that, quote, "Amber was going to kill Johnny," end quote? 04:02:18 04:02:20 04:02:23

MS. BREDEHOFT: Objection to the form of the question. 04:02:24 04:02:25

Go ahead. 04:02:26

A. No. 04:02:28

Q. Didn't you tell Jennifer Howell that you endured, quote, "that kind of abuse your entire life, first from your father and then from Amber," unquote? 04:02:29 04:02:31 04:02:34 04:02:37

MS. BREDEHOFT: Objection to the form of the question. 04:02:39 04:02:40

Go ahead. 04:02:41

A. I never said I suffered any violence at the hands of Amber. We did talk about my father, but I never said I was subjected to any violence because of Amber. 04:02:42 04:02:44 04:02:49 04:02:53

Q. So -- 04:02:56

A. I never said that. 04:02:56

Q. So Jennifer's -- so Ms. Howell's just making all these things up; is that your testimony? 04:02:57 04:03:00 04:03:02

MS. BREDEHOFT: Objection to the form of the question. 04:03:03 04:03:03

Go ahead. 04:03:04

A. I honestly don't know why she's saying the things that she's saying. I can only speak to what I've told her in the past. I can't -- I can't speculate as to why she's saying what she's saying now. 04:03:04 04:03:07 04:03:10 04:03:13 04:03:16

Q. Didn't you tell Ms. Howell that your sister Amber was extremely violent? 04:03:17 04:03:21

MS. BREDEHOFT: Objection to the form of the question. 04:03:24 04:03:25

Go ahead. 04:03:26

A. I've never said that. 04:03:28

Q. Let's move to the infamous 30th birthday party in April of 2016. 04:03:30 04:03:35

Do you recall attending Amber's birthday party that year? 04:03:39 04:03:42

A. Yes, I did. 04:03:46

STATE OF NORTH CAROLINA:

COUNTY OF MECKLENBURG :

I, April Reid, Court Reporter and Notary Public in and for the State of North Carolina, and whose commission expires March 4, 2025, do certify that the aforementioned appeared before me, was sworn by me, and was thereupon examined by counsel; and that the foregoing is a true, correct, and full transcript of the testimony adduced.

I further certify that I am neither related to nor associated with any counsel or party to this proceeding, nor otherwise interested in the event thereof.

Given under my hand and notarial seal in Charlotte, North Carolina, this 5th day of February, 2022.

April Reid, RPR, CRR, Notary Public

State of North Carolina, County of Mecklenburg

Notary Registration No. 20012210079

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Transcript of John C. Depp, II

Date: November 10, 2020
Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - - - - - - - - - - - - - - - x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

- - - - - - - - - - - - - - - - - - x

Videotaped Deposition of JOHN C. DEPP, II

Reston, Virginia

Tuesday, November 10, 2020

10:40 a.m.

Volume 1

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Job No. 328692

Pages 1 - 266

Reported by: Karen Young

Videotaped Deposition of JOHN C. DEPP, II,
held at the offices of:

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ALSO PRESENT:

Dustin Thomason, Videographer
Amber Laura Heard, by mobile videoconference
Leslie Hoff, Charlson Bredehoft Cohen & Brown, P.C.

A It's perfect. 12:11:42

Q Do you recall that that was a public record filing? 12:11:43 12:11:46

A Public record filing? 12:11:48

Q Your divorce decree -- do you understand that that was -- your judgment of final decree was a public record filing? 12:11:50 12:11:52 12:11:56

MR. CHEW: Objection to the form of the question, calls for a legal conclusion. 12:11:58 12:11:59

A I have only been led to understand that -- well, I remember it at the time. That was why I was able -- when she had broken -- or breached the agreement, then I was able to in fact make the first set of donations to those charities myself, but I put it in her name. So I gave the first two to the charities, and then Ms. Heard came out and wildly complained about it, saying that I should be charged the double, 14 million, because I was trying to use that as a tax write-off. 12:12:01 12:12:13 12:12:17 12:12:21 12:12:27 12:12:35 12:12:40 12:12:47 12:12:50 12:12:55

Q Did you pay any of the seven million in settlement to Amber Heard because she alleged that you had engaged in domestic violence against her? 12:13:02 12:13:07 12:13:12

A No, she dropped the charges. 12:13:15

MR. CHEW: You may answer that question 12:13:18
to the extent that you are not disclosing any 12:13:20
attorney-client privilege. 12:13:22

A No, it's very simple. She had dropped 12:13:23
any charges of violence against me. 12:13:26

Q So -- 12:13:30

A In fact, there were no -- 12:13:31

MR. CHEW: Please stop interrupting him. 12:13:33

THE WITNESS: No -- 12:13:35

MR. CHEW: We're going to call the court.

THE WITNESS: It's okay. I'm starting to 12:13:36
like it. 12:13:36

MS. CHARLSON BREDEHOFT: He runs on a 12:13:36
lot, and I would like you to talk with him -- 12:13:37

MR. CHEW: I would like you to stop 12:13:38
interrupting him. 12:13:40

THE WITNESS: I'm sorry. What have I 12:13:41
done? 12:13:41

MS. CHARLSON BREDEHOFT: He runs on a 12:13:41
lot, and -- 12:13:43

THE WITNESS: Oh, do I run on? 12:13:43

THE REPORTER: Question: "So none of the $7 million that you paid to Amber Heard was because or as a result of her alleging that you'd engaged in domestic abuse or violence; is that correct?" 12:15:00 12:15:01

MR. CHEW: And same instruction. 12:15:01

THE WITNESS: None of the $7 million that she was awarded in the divorce had anything whatsoever to do with any -- any of her claims, any of that, no. 12:15:04 12:15:07 12:15:10 12:15:18

MS. CHARLSON BREDEHOFT: You can take your break now. 12:15:20 12:15:21

MR. CHEW: Thank you. 12:15:22

THE VIDEOGRAPHER: We're going off the record. The time is 12:15. 12:15:23 12:15:25

(Recessed at 12:15 p.m.) 12:15:28

(Reconvened at 1:32 p.m.) 12:15:28

THE VIDEOGRAPHER: We are back on the record. The time is 13:32. 13:31:54 13:32:15

BY MS. CHARLSON BREDEHOFT: 13:32:17

Q Mr. Depp, while we were talking this morning, you had indicated that Ms. Heard had engaged in I believe you called it a campaign of 13:32:17 13:32:23 13:32:27

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Transcript of Hearing

Date: April 30, 2021
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

JOHN C. DEPP, II,	:	
Plaintiff,	:	Civil Action No.:
v.	:	CL-2019-0002911
AMBER LAURA HEARD,	:	
Defendant.	:	

HEARING

Conducted Virtually

Friday, April 30, 2021

11:30 a.m.

Job No.: 370834

Pages: 1 - 79

Transcribed by: Jerome E. Harris, CDLT-204

Hearing before HONORABLE PENNEY AZCARATE, conducted virtually.

Pursuant to agreement, before Merinda Evans, Notary Public in and for the State of Maryland.

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identical knowing how much evidence had been produced in the interim, and knowing that we had had meet and confers, and were making this effort. But it also was an abuse of this process to not continue to work with me to know this before coming to Your Honor today and play hide the ball, and try to in some way surprise me with what they were going to claim still wasn't still wasn't, after I spent the time to put out a 92-page supplemental with all of those Bates stamps, and responding to these things. There's no basis for a Motion to Compel today.

THE COURT: All right. Thank you.

Mr. Chew?

MR. CHEW: Your Honor. If I -- if I could have just a few more minutes for rebuttal. The Court has been very indulgent with its time, and I will be very --

THE COURT: Great.

MR. CHEW: -- quick. But she's raised some issues that I would like to address very quickly.

THE COURT: Okay. All right. Yes, sir.

MR. CHEW: Thank you, Your Honor.

First, with respect to the chart, we apologize if we've filled the chart out incorrectly. This is our

first experience with it. We weren't trying to be ponderous. We were trying to respond to the Court's request.

Second, with respect to the conciliator, it is ironic. We oppose the conciliator, not because we don't want to conciliate, but because we knew that Ms. Bredehoft would try to relitigate every single discovery issue that had been resolved by Chief Judge White. And Chief Judge White stated that, I know what Mr. Chew is saying is true. You will, Elaine, try to relitigate everything that's happened, and that's why I'm not appointing a conciliator.

But -- but to get to more substantive matters, Ms. Heard did not say that she pledged the money to the ACLU and to the Children's Hospital of Los Angeles, kids with cancer. She said she did it. Her testimony was, The entire amount of my divorce settlement was donated to charity. This wasn't an offhand comment in deposition. This was a sworn statement that she filed. She didn't say she pledged it. She's now saying after the fact oh, gee, no, I really haven't given any money to those charities other than the hundred thousand that

Mr. White gave at the time of the divorce. It was the -- you know, I -- I -- I couldn't really give the money because mean Johnny sued me. Well, her lawyer admitted that it was Ms. Heard, in fact, who initiated the first action against Mr. Depp. It was an arbitration matter that was dismissed by Judge Meisinger. So she was the one who actually fired the first shot, and had no intention of giving this money to charity.

Third -- fourth, rather, with respect to the additional communications relating to the CHLA and the ACLU, these are clearly responsive. They have not been ruled on. Elon Musk is in fact the anonymous donor. It's relevant for several reasons. One, Elon Musk is on film as having seen Ms. Heard in the days after May 21, 2016. That's the date where the -- all the police, all four police, came to the condominiums, and all testified there was not a sign of a damage on Ms. Heard's face, and there was no disturbance to the apartment. I'll get to that in a moment.

But the point is Mr. Musk saw her in the week between the alleged abuse and the time she got the ex parte TRO on May 27th of that week. So he's clearly a

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2009

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Warner Bros - Overhead				
INCOME				
Income from Operations				
Warner Bros - Overhead	187,498.08	100.00	2,249,976.96	74.28
Total Warner Bros - Overhead	187,498.08	100.00	2,249,976.96	74.28
Total Income from Operations	187,498.08	100.00	2,249,976.96	74.28
Reimbursed Expenses				
Other Income				
Reimbursed Exp-Warner Bros	0.00	0.00	760,652.19	25.11
Reimbursed Exp-Rum Diary	0.00	0.00	18,366.72	0.60
Total Reimbursed Expenses	0.00	0.00	779,018.91	25.71
Total Other Income	0.00	0.00	779,018.91	25.71
TOTAL INCOME	$ 187,498.08	100.00	$ 3,028,995.87	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2010

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Warner Bros - Overhead				
INCOME				
Income from Operations				
Warner Bros - Overhead	0.00	0.00	962,490.16	32.21
GK Films Overall Deal	0.00	0.00	1,125,000.00	37.65
Total Warner Bros - Overhead	0.00	0.00	2,087,490.16	69.87
Income				
Fee - GK Films (KR Project)	0.00	0.00	750,000.00	25.10
Fee - Rum Diary Productions	0.00	0.00	150,000.00	5.02
Total Income	0.00	0.00	900,000.00	30.12
Total Income from Operations	0.00	0.00	2,987,490.16	100.00
TOTAL INCOME	$ 0.00	0.00	$ 2,987,490.16	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2011

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
WB UK "Dark Shadows"	0.00	0.00	800,000.00	26.22
Total Fees	0.00	0.00	800,000.00	26.22
Warner Bros - Overhead				
GK Films Overall Deal	0.00	0.00	2,250,000.00	73.77
Total Warner Bros - Overhead	0.00	0.00	2,250,000.00	73.77
Total Income from Operations	0.00	0.00	3,050,000.00	100.00
TOTAL INCOME	$ 0.00	0.00	$ 3,050,000.00	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2012

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
WB UK "Dark Shadows"	0.00	0.00	200,000.00	8.18
Total Fees	0.00	0.00	200,000.00	8.18
Warner Bros - Overhead				
GK Films Overall Deal	0.00	0.00	2,250,000.00	92.05
Total Warner Bros - Overhead	0.00	0.00	2,250,000.00	92.05
Total Income from Operations	0.00	0.00	2,450,000.00	100.23
Other Income				
Miscellaneous Income				
Misc - Petty Cash Overage/Shortag	0.00	0.00	(5,718.59)	-0.23
Total Miscellaneous Income	0.00	0.00	(5,718.59)	-0.23
Total Other Income	0.00	0.00	(5,718.59)	-0.23
TOTAL INCOME	$ 0.00	0.00	$ 2,444,281.41	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2013

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
Fees				
Prod Fee - Mortdecai	0.00	0.00	320,000.00	10.05
Total Fees	0.00	0.00	320,000.00	10.05
Profit Participation				
Profit Part-Dark Shadows	95,000.00	100.00	934,660.00	29.38
Total Profit Participation	95,000.00	100.00	934,660.00	29.38
Warner Bros - Overhead				
GK Films Overall Deal	0.00	0.00	1,125,000.00	35.36
Total Warner Bros - Overhead	0.00	0.00	1,125,000.00	35.36
Total Income from Operations	95,000.00	100.00	2,379,660.00	74.80
Reimbursed Expenses				
Disney Overall Deal-Reimbursed Expenses				
Other Income				
Disney Reimb-General	0.00	0.00	801,362.25	25.19
Total Disney Overall Deal-Reimburs	0.00	0.00	801,362.25	25.19
Total Reimbursed Expenses	0.00	0.00	801,362.25	25.19
Total Other Income	0.00	0.00	801,362.25	25.19
TOTAL INCOME	$ 95,000.00	100.00	$ 3,181,022.25	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2014

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
Fees				
Prod Fee - Mortdecai	0.00	0.00	480,000.00	15.85
Total Fees	0.00	0.00	480,000.00	15.85
Profit Participation				
Profit Part-Dark Shadows	0.00	0.00	149,619.00	4.94
Total Profit Participation	0.00	0.00	149,619.00	4.94
Total Income from Operations	0.00	0.00	629,619.00	20.79
Other Income				
Miscellaneous Income				
Misc - Petty Cash Overage/Shortag	0.00	0.00	(0.57)	0.00
Total Miscellaneous Income	0.00	0.00	(0.57)	0.00
Reimbursed Expenses				
Disney Overall Deal-Reimbursed Expenses				
Disney Reimb-General	415,316.03	100.00	2,367,561.22	78.20
Total Disney Overall Deal-Reimburs	415,316.03	100.00	2,367,561.22	78.20
Reimbursed Exp-Mortdecai	0.00	0.00	30,150.00	0.99
Total Reimbursed Expenses	415,316.03	100.00	2,397,711.22	79.20
Total Other Income	415,316.03	100.00	2,397,710.65	79.20
TOTAL INCOME	$ 415,316.03	100.00	$ 3,027,329.65	100.00

INFINITUM NIHIL
INCOME STATEMENT
FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2015

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
Fees				
Prod Fee - Mortdecai	0.00	0.00	200,000.00	7.52
Total Fees	0.00	0.00	200,000.00	7.52
Profit Participation				
Profit Part-Dark Shadows	21,434.00	9.77	159,549.00	6.00
Total Profit Participation	21,434.00	9.77	159,549.00	6.00
Total Income from Operations	21,434.00	9.77	359,549.00	13.52
Other Income				
Miscellaneous Income				
Misc - Petty Cash Overage/Shortag	0.00	0.00	344.40	0.01
Total Miscellaneous Income	0.00	0.00	344.40	0.01
Reimbursed Expenses				
Disney Overall Deal-Reimbursed Expenses				
Disney Reimb-General	197,805.14	90.22	2,298,083.93	86.45
Total Disney Overall Deal-Reimburs	197,805.14	90.22	2,298,083.93	86.45
Total Reimbursed Expenses	197,805.14	90.22	2,298,083.93	86.45
Total Other Income	197,805.14	90.22	2,298,428.33	86.47
TOTAL INCOME	$ 219,239.14	100.00	$ 2,657,977.33	100.00

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2016

	Jan - Dec 16
Ordinary Income/Expense	
Income	
Misc-Petty Cash	31.49
Producer Fees	3,125.00
Dark Shadows	87,281.00
Walt Disney	2,546,100.76
Sparrow Films, Inc.	126,362.50
Total Income	2,762,900.75
Gross Profit	2,762,900.75

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2017

	Jan - Dec 17
Ordinary Income/Expense	
Income	
FORTUNATELY, THE MILK	3,125.00
Producer Fees	
Stanhope & Friends	9,000.00
Richard Says Goodbye	500,000.00
Total Producer Fees	509,000.00
Profit Participation	
Profit Part-"Dark Shadows"	43,169.00
Total Profit Participation	43,169.00
Walt Disney	833,334.01
Total Income	1,388,628.01
Gross Profit	1,388,628.01

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2018

	Jan - Dec 18
Ordinary Income/Expense	
Income	
DRAGONFIRE DEVELOPMENT LLC	20,000.00
INCOME - CAA	
TREEHORN	50,000.00
WAITING FOR THE BARBARIANS	250,000.00
Total INCOME - CAA	300,000.00
Windhorn	167,868.00
Producer Fees	
Dark Shadows	48,334.00
Stanhope & Friends	10,000.00
Total Producer Fees	58,334.00
Total Income	546,202.00
Gross Profit	546,202.00

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2019

	Jan - Dec 19
Ordinary Income/Expense	
Income	
Producer Fees	
Dark Shadows	63,421.00
Total Producer Fees	63,421.00
Total Income	63,421.00
Gross Profit	63,421.00

INFINITUM NIHIL, INC.
Profit & Loss
January through August 2020

	Jan - Aug 20
Ordinary Income/Expense	
Income	
FORTUNATELY, THE MILK	6,250.00
Dark Shadows	36,741.00
Total Income	42,991.00
Gross Profit	42,991.00

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2009

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Profit Participation-"Chocolate Fa	0.00	0.00	1,140,077.00	55.71
Profit Participation-"From Hell"	0.00	0.00	94,343.00	4.61
"Rum Diary"	0.00	0.00	672,000.00	32.83
Total Fees	0.00	0.00	1,906,420.00	93.15
Residuals				
Resid-"Once Upon A Time In Mexico"	0.00	0.00	2,463.34	0.12
Resid-"Charlie and the Chocolate F	0.00	0.00	21,159.06	1.03
Resid-"Corpse Bride"	0.00	0.00	4,751.02	0.23
Resid-"Sweeney Todd"	0.00	0.00	111,523.45	5.44
Total Residuals	0.00	0.00	139,896.87	6.83
Royalties				
Royalties-Sony/ATV Music	0.00	0.00	107.50	0.00
Total Royalties	0.00	0.00	107.50	0.00
Total Income from Operations	0.00	0.00	2,046,424.37	100.00
Total Income	$ 0.00	0.00	$ 2,046,424.37	100.00
Business Management				

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2010

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
"The Tourist"	0.00	0.00	14,000,000.00	90.57
Total Fees	0.00	0.00	14,000,000.00	90.57
Residuals				
Resid-"Once Upon A Time In Mexico"	0.00	0.00	1,609.46	0.01
Resid-"Charlie and the Chocolate F	0.00	0.00	17,282.20	0.11
Resid-"Corpse Bride"	0.00	0.00	468.56	0.00
Resid-"Sweeney Todd"	0.00	0.00	24,800.46	0.16
Total Residuals	0.00	0.00	44,160.68	0.28
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	1,028,078.00	6.65
Profit Part-"Sweeney Todd"	0.00	0.00	148,807.00	0.96
Profit Part-"From Hell"	0.00	0.00	109,307.00	0.70
Total Profit Participation	0.00	0.00	1,286,192.00	8.32
Reimbursed Expenses				
The Tourist Productions, LLC	126,000.00	100.00	126,000.00	0.81
Total Reimbursed Expenses	126,000.00	100.00	126,000.00	0.81
Total Income from Operations	126,000.00	100.00	15,456,352.68	100.00
Total Income	$ 126,000.00	100.00	$ 15,456,352.68	100.00

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2011

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-Disney Annie Leibovitz Portra	0.00	0.00	200,000.00	0.88
Fees-Warner Bros UK "Dark Shadows"	0.00	0.00	20,000,000.30	88.36
Total Fees	0.00	0.00	20,200,000.30	89.25
Residuals				
Resid-"Once Upon A Time In Mexico"	0.00	0.00	1,311.66	0.00
Resid-"Charlie and the Chocolate F	0.00	0.00	11,036.58	0.04
Resid-"Corpse Bride"	0.00	0.00	4,938.52	0.02
Resid-"Sweeney Todd"	0.00	0.00	26,683.12	0.11
Resid-"Imaginarium of Dr. Parnassu	0.00	0.00	1,704.42	0.00
Total Residuals	0.00	0.00	45,674.30	0.20
Royalties				
Royalties - Sweeney Todd Music	0.00	0.00	6,566.00	0.02
Total Royalties	0.00	0.00	6,566.00	0.02
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	959,527.00	4.23
Profit Part-"From Hell"	0.00	0.00	73,689.00	0.32
Total Profit Participation	0.00	0.00	1,033,216.00	4.56
Reimbursed Expenses				
The Tourist Productions, LLC	0.00	0.00	38,038.80	0.16
Total Reimbursed Expenses	0.00	0.00	38,038.80	0.16
Total Income from Operations	0.00	0.00	21,323,495.40	94.21
Per Diem				
Income from Investments				
Per Diem & Housing-Dark Shadows	0.00	0.00	1,309,001.46	5.78
Total Per Diem	0.00	0.00	1,309,001.46	5.78
Total Income from Investments	0.00	0.00	1,309,001.46	5.78
Total Income	$ 0.00	0.00	$ 22,632,496.86	100.00

PLAINTIFF'S TRIAL EXHIBIT 0227_0015

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2012

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
Residuals				
Resid-"Once Upon A Time In Mexico"	0.93	100.00	1,721.26	0.15
Resid-"Charlie and the Chocolate F	0.00	0.00	8,783.57	0.79
Resid-"Corpse Bride"	0.00	0.00	1,968.57	0.17
Resid-"Sweeney Todd"	0.00	0.00	12,923.98	1.16
Resid-"Imaginarium of Dr. Parnassu	0.00	0.00	196.42	0.01
Resid-"I Love You Man"	0.00	0.00	1.71	0.00
Resid-"Rum Diary"	0.00	0.00	8,085.59	0.72
Resid-"Dark Shadows"	0.00	0.00	0.03	0.00
Total Residuals	0.93	100.00	33,681.13	3.03
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	714,126.00	64.29
Profit Part-"From Hell"	0.00	0.00	61,705.00	5.55
Total Profit Participation	0.00	0.00	775,831.00	69.84
Reimbursed Expenses				
Shadowdark Productions LTD	0.00	0.00	301,240.14	27.12
Total Reimbursed Expenses	0.00	0.00	301,240.14	27.12
Total Income from Operations	0.93	100.00	1,110,752.27	100.00
Total Income	$ 0.93	100.00	$ 1,110,752.27	100.00

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2013

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-Into the Woods	0.00	0.00	1,000,000.00	7.51
Fees-Mortdecai (UK)	4,259,062.50	95.63	11,358,450.00	85.39
Fee-UK Tax (Mortdecai)	124,298.43	2.79	124,298.43	0.93
Fees-UK Tax (Into The Woods)	56,780.33	1.27	56,780.33	0.42
Total Fees	4,440,141.26	99.70	12,539,528.76	94.27
Residuals				
Resid-"Once Upon A Time In Mexico"	540.94	0.01	2,024.79	0.01
Resid-"Charlie and the Chocolate F	2,531.77	0.05	12,146.41	0.09
Resid-"Sweeney Todd"	633.91	0.01	4,907.85	0.03
Resid-"Imaginarium of Dr. Parnassu	63.50	0.00	248.78	0.00
Resid-"Rum Diary"	165.60	0.00	9,679.21	0.07
Resid-"Dark Shadows"	9,252.66	0.20	63,904.31	0.48
Total Residuals	13,188.38	0.29	92,911.35	0.69
Royalties				
Royalties - Sweeney Todd Music	0.00	0.00	2,567.00	0.01
Total Royalties	0.00	0.00	2,567.00	0.01
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	590,607.00	4.44
Profit Part-"From Hell"	0.00	0.00	71,739.00	0.53
Total Profit Participation	0.00	0.00	662,346.00	4.97
Total Income from Operations	4,453,329.64	100.00	13,297,353.11	99.96
Per Diem				
Income from Investments				
Per Diem-Into the Woods	0.00	0.00	4,054.76	0.03
Total Per Diem	0.00	0.00	4,054.76	0.03
Total Income from Investments	0.00	0.00	4,054.76	0.03
Total Income	$ 4,453,329.64	100.00	$ 13,301,407.87	100.00

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2014

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-Mortdecai (UK)	0.00	0.00	760.00	0.00
Fee-London Fields	0.00	0.00	4,112.46	0.03
Fee - Alice II	0.00	0.00	12,000,000.00	90.63
Total Fees	0.00	0.00	12,004,872.46	90.66
Residuals				
Resid-"Once Upon A Time In Mexico"	0.00	0.00	799.67	0.00
Resid-"Charlie and the Chocolate F	0.00	0.00	5,125.45	0.03
Resid-"Sweeney Todd"	0.00	0.00	2,125.33	0.01
Resid-"Imaginarium of Dr. Parnassu	0.00	0.00	78.44	0.00
Resid-"Rum Diary"	0.00	0.00	818.18	0.00
Resid-"Dark Shadows"	0.00	0.00	8,139.87	0.06
Total Residuals	0.00	0.00	17,086.94	0.12
Royalties				
Royalties - Sweeney Todd Music	0.00	0.00	1,701.00	0.01
Total Royalties	0.00	0.00	1,701.00	0.01
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	757,558.00	5.72
Profit Part-"From Hell"	0.00	0.00	34,817.00	0.26
Total Profit Participation	0.00	0.00	792,375.00	5.98
Reimbursed Expenses				
Shadowdark Productions LTD	0.00	0.00	99,464.22	0.75
Reimb Exp-Mortdecai	0.00	0.00	307,269.00	2.32
Reimb Exp - London Fields	0.00	0.00	700.62	0.00
Total Reimbursed Expenses	0.00	0.00	407,433.84	3.07
Total Income from Operations	0.00	0.00	13,223,469.24	99.87
Income from Investments				
Per Diem				
Per Deim - Alice II	0.00	0.00	16,934.40	0.12
Total Per Diem	0.00	0.00	16,934.40	0.12
Total Income from Investments	0.00	0.00	16,934.40	0.12
Total Income	$ 0.00	0.00	$ 13,240,403.64	100.00

L.R.D. PRODUCTIONS, INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2015

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
Fees				
Fee - Pirates 5	0.00	0.00	24,986,410.00	88.68
Total Fees	0.00	0.00	24,986,410.00	88.68
Residuals				
Resid-"Once Upon A Time In Mexico"	202.01	9.51	1,216.04	0.00
Resid-"Charlie and the Chocolate F	0.00	0.00	10,257.13	0.03
Resid-"Sweeney Todd"	1,903.94	89.69	5,690.69	0.02
Resid-"Imaginarium of Dr. Parnassu	16.66	0.78	95.62	0.00
Resid-"Rum Diary"	0.00	0.00	2,531.06	0.00
Resid-"Dark Shadows"	0.00	0.00	17,047.12	0.06
Total Residuals	2,122.61	100.00	36,837.66	0.13
Royalties				
Royalties - Sweeney Todd Music	0.00	0.00	1,400.86	0.00
Total Royalties	0.00	0.00	1,400.86	0.00
Profit Participation				
Profit Part-"Charlie & the Chocola	0.00	0.00	717,528.00	2.54
Profit Part-"From Hell"	0.00	0.00	62,198.00	0.22
Profit Part Sale - Content Partner	0.00	0.00	1,923,088.33	6.82
Total Profit Participation	0.00	0.00	2,702,814.33	9.59
Reimbursed Expenses				
Reimb Exp - Pirates 5	0.00	0.00	349,800.70	1.24
Reimb Exp - Into the Woods	0.00	0.00	96,000.00	0.34
Total Reimbursed Expenses	0.00	0.00	445,800.70	1.58
Total Income from Operations	2,122.61	100.00	28,173,263.55	100.00
Total Income	$ 2,122.61	100.00	$ 28,173,263.55	100.00

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2016

	Jan - Dec 16
Ordinary Income/Expense	
Income	
ALICE	300.00
BOSWELL / FANTASTIC BEAST 2	2,000,000.00
FROM HELL	58,735.00
PIRATES OF THE CARIBBEAN 5	10,255.50
Per Diem	1,000.00
INTO THE WOODS	0.00
Reimbursed Expenses	
Reim. Exp-Pirates 5	700.00
Total Reimbursed Expenses	700.00
Residuals	
Charlie & the Chocolate Factory	11,253.64
Dark Shadows	10,088.72
Imaginarium of Dr. Parnassu	62.20
Once Upon a Time in Mexico	704.81
Rum Diaries	273.96
Sweeney Todd	5,357.74
Total Residuals	27,741.07
Total Income	2,098,731.57
Gross Profit	2,098,731.57

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Cash Basis

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2018

	Jan - Dec 18
Ordinary Income/Expense	
Income	
BOSWELL / FANTASTIC BEAST 2	500,000.00
HAINAN FILM FESTIVAL	500,000.00
Profit Participation	
Dark Shadows	394,775.00
From Hell	74,362.00
Total Profit Participation	469,137.00
Reimbursed Expenses	
Reim. Exp-BOSWELL	244,653.14
Reim. Exp-Murder on the Orient	166,000.00
Total Reimbursed Expenses	410,653.14
Residuals	
Charlie & the Chocolate Factory	10,846.72
Dark Shadows	6,089.75
Fantastic Beast And Where To	23,464.21
Imaginarium of Dr. Parnassu	24.35
Murder on the Orient Express	18,777.25
Once Upon a Time in Mexico	965.03
Pirates 5 Dead	11,505.60
Rum Diaries	76.40
Sweeney Todd	3,992.46
Total Residuals	75,741.77
Royalties	
Sweeney Todd Music	2,331.20
Total Royalties	2,331.20
WAITING FOR THE BARBARIANS	500,000.00
Total Income	2,457,863.11
Gross Profit	2,457,863.11

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09/08/20
Cash Basis

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2019

	Jan - Dec 19	Jan - Dec 18	$ Change
Ordinary Income/Expense			
Income			
BOSWELL/FANTASTIC BEAST 2			
MERCHANDISE	980.00	0.00	980.00
Total BOSWELL/FANTASTIC BEAST 2	980.00	0.00	980.00
BOSWELL / FANTASTIC BEAST 2	0.00	500,000.00	-500,000.00
HAINAN FILM FESTIVAL	11,142.38	500,000.00	-488,857.62
MINAMATA	1,000,000.00	0.00	1,000,000.00
MURDER ON THE ORIENT EXPRESS	204,939.00	0.00	204,939.00
Profit Participation			
Dark Shadows	517,476.00	394,775.00	122,701.00
From Hell	33,129.00	74,362.00	-41,233.00
Sweeney Todd	1,772.23	0.00	1,772.23
Total Profit Participation	552,377.23	469,137.00	83,240.23
INTO THE WOODS	847,131.00	0.00	847,131.00
Reimbursed Expenses			
Reim. Exp-BOSWELL	0.00	244,653.14	-244,653.14
Reim. Exp-Murder on the Orient	0.00	166,000.00	-166,000.00
Total Reimbursed Expenses	0.00	410,653.14	-410,653.14
Residuals			
Charlie & the Chocolate Factory	13,216.83	10,846.72	2,370.11
Dark Shadows	5,243.29	6,089.75	-846.46
Fantastic The Crimes	22,792.63	0.00	22,792.63
Fantastic Beast And Where To	22,850.40	23,464.21	-613.81
Imaginarium of Dr. Parnassu	93.98	24.35	69.63
Murder on the Orient Express	31,331.76	18,777.25	12,554.51
Once Upon a Time In Mexico	1,041.64	965.03	76.61
Pirates 5 Dead	5,497.45	11,505.60	-6,008.15
Rum Diaries	72.26	76.40	-4.14
Sweeney Todd	4,305.86	3,992.46	313.40
Total Residuals	106,446.10	75,741.77	30,704.33
Royalties			
Sweeney Todd Music	3,787.70	2,331.20	1,456.50
Total Royalties	3,787.70	2,331.20	1,456.50
WAITING FOR THE BARBARIANS	0.00	500,000.00	-500,000.00
Total Income	2,726,803.41	2,457,863.11	268,940.30
Gross Profit	2,726,803.41	2,457,863.11	268,940.30

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through August 2020

	Jan - Aug 20
Ordinary Income/Expense	
Income	
BOSWELL/FANTASTIC BEAST 3	6,203,740.00
FROM HELL	31,220.00
MURDER ON THE ORIENT EXPRESS	518,068.00
Profit Participation	
Dark Shadows	239,088.80
Total Profit Participation	239,088.80
INTO THE WOODS	377,402.00
Residuals	
Charlie & the Chocolate Factory	3,752.31
Dark Shadows	1,198.19
Fantastic The Crimes	22,549.67
Fantastic Beast And Where To	5,624.51
Imaginarium of Dr. Parnassu	87.38
Murder on the Orient Express	3,355.06
Once Upon a Time In Mexico	635.79
Pirates 5 Dead	3,508.43
Richard Says Goodbye-The Profes	9,762.16
Rum Diaries	45.26
Sweeney Todd	2,096.02
Total Residuals	52,614.78
Total Income	7,422,133.58
Gross Profit	7,422,133.58

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2009

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
INCOME				
Income from Operations				
"CHEAP AS DIRT"	0.00	0.00	7,500,000.00	32.55
Jigsaw Prod "Gonzo"	0.00	0.00	759.00	0.00
Fees-"Pirates 4" On Stranger Tide	0.00	0.00	15,000,000.00	65.10
Resid - Late Show W/ Letterman	0.00	0.00	940.41	0.00
Resid -"Edward Scissorhands"	0.00	0.00	2,319.18	0.01
Resid-"Fear & Loathing"	0.00	0.00	7,066.35	0.03
Resid-"Cry Baby"	0.00	0.00	744.43	0.00
Resid -"Benny & Joon"	0.00	0.00	1,183.20	0.00
Resid-"Blow"	0.00	0.00	1,709.08	0.00
Resid -"Nick of Time"	0.00	0.00	817.21	0.00
Resid -"Gilbert Grape"	0.00	0.00	178.72	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	14,434.05	0.06
Resid - "Dead Man"	0.00	0.00	7,097.15	0.03
Resid -"Secret Window"	0.00	0.00	2,786.55	0.01
Resid -"Donnie Brasco"	0.00	0.00	4,291.80	0.01
Resid - "Ed Wood"	0.00	0.00	10,559.00	0.04
Resid- "King of the Hill"	0.00	0.00	86.48	0.00
Resid - "Chocolat"	0.00	0.00	834.90	0.00
Resid - "Arizona Dream"	0.00	0.00	16.22	0.00
Resid - "Gonzo"	0.00	0.00	11,650.21	0.05
Royalties - BMI	0.00	0.00	873.82	0.00
Profit Part-"Sleepy Hollow"	0.00	0.00	55,306.00	0.24
Profit Part-"Fear & Loathing"	0.00	0.00	99,758.00	0.43
Reimb Exp- NBC Universal	0.00	0.00	4,250.00	0.01
Reimb Exp- Disney Worldwide	0.00	0.00	71,807.20	0.31
Reimb Exp- Bandersnatch Prod-"Ali	0.00	0.00	132,017.60	0.57
Reimb Exp- Paramount "Cheap As Di	0.00	0.00	73,577.86	0.31
Reimb Exp- Rum Diary Productions	0.00	0.00	32,766.72	0.14
Total Income from Operations	**0.00**	**0.00**	**23,037,831.14**	**99.99**
Income from Investments				
State Refunds-Wisconsin	0.00	0.00	104.75	0.00
Miscellaneous Income	0.00	0.00	401.19	0.00
Total Income from Investments	**0.00**	**0.00**	**505.94**	**0.00**
TOTAL INCOME	**$ 0.00**	**0.00**	**$ 23,038,337.08**	**100.00**

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2010

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-"Pirates 4" On Stranger Tides	815,401.25	11.40	17,938,423.25	34.89
Fees-"The Tourist"	0.00	0.00	6,000,000.00	11.67
Fees-"Alice in Wonderland"	0.00	0.00	1,542,600.00	3.00
Fees-"When You're Strange" Voiceov	0.00	0.00	75,000.00	0.14
Total Fees	815,401.25	11.40	25,556,023.25	49.70
Residuals				
Resid - Late Show W/ Letterman	494.00	0.00	889.30	0.00
Resid -"Edward Scissorhands"	0.00	0.00	3,873.00	0.00
Resid-"Fear & Loathing"	0.00	0.00	2,698.60	0.00
Resid-"Cry Baby"	0.00	0.00	1,275.97	0.00
Resid -"Benny & Joon"	0.00	0.00	1,853.49	0.00
Resid-"Blow"	0.00	0.00	2,473.41	0.00
Resid -"Nick of Time"	0.00	0.00	1,670.95	0.00
Resid -"Gilbert Grape"	0.00	0.00	981.44	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	17,857.20	0.03
Resid - "Dead Man"	117.92	0.00	4,019.93	0.00
Resid -"Secret Window"	0.00	0.00	13,314.15	0.02
Resid -"Donnie Brasco"	0.00	0.00	1,244.85	0.00
Resid - "Ed Wood"	0.00	0.00	555.33	0.00
Resid- "King of the Hill"	8.56	0.00	147.07	0.00
Resid - "Gonzo"	0.00	0.00	1,566.13	0.00
Resid - "I Love You Man"	0.00	0.00	1,278.97	0.00
Resid - "Freddy's Dead Final Night	0.00	0.00	6,945.70	0.01
Resid - "Don Juan Demarco"	0.00	0.00	1,157.68	0.00
Resid - "Public Enemies"	0.00	0.00	15,701.42	0.03
Resid - "The Astrounauts Wife"	0.00	0.00	766.81	0.00
Resid - "Alice In Wonderland"	0.00	0.00	255.16	0.00
Total Residuals	620.48	0.00	80,526.56	0.15
Royalties				
Royalties - BMI	0.00	0.00	2,414.83	0.00
Total Royalties	0.00	0.00	2,414.83	0.00
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	41,231.00	0.08
Profit Part-"Fear & Loathing"	0.00	0.00	40,567.00	0.07
Profit Part-"Donnie Brasco"	0.00	0.00	250,000.00	0.48
Profit Part - "Pirates 1"				
Pirates of the Carribbean	0.00	0.00	625,830.00	1.21
Profit Part - "Ninth Gate"	0.00	0.00	92,435.72	0.17
Profit Part - "Alice"	0.00	0.00	17,213,981.00	33.48

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2010

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Profit Part-"Public Enemies"	3,301,350.00	46.19	4,230,803.00	8.22
Profit Part - Ed Wood	0.00	0.00	8,211.00	0.01
Profit Part - "Pirates 2 & 3"	3,026,372.00	42.34	3,199,064.00	6.22
Total Profit Participation	6,327,722.00	88.54	25,702,122.72	49.99
Reimbursed Expenses				
Reimb Exp- Bandersnatch Prod-"Alic	0.00	0.00	8,576.00	0.01
Reimb Exp- Rum Diary Productions	0.00	0.00	1,545.30	0.00
Total Reimbursed Expenses	0.00	0.00	10,121.30	0.01
Total Income from Operations	**7,143,743.73**	**99.96**	**51,351,208.66**	**99.88**
Per Diems				
Income from Investments				
Per Diem - "P4"	2,780.75	0.03	61,580.75	0.11
Total Per Diems	2,780.75	0.03	61,580.75	0.11
Total Income from Investments	**2,780.75**	**0.03**	**61,580.75**	**0.11**
TOTAL INCOME	**$ 7,146,524.48**	**100.00**	**$ 51,412,789.41**	**100.00**

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2011

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-"Pirates 4" On Stranger Tides	0.00	0.00	11,758.00	0.02
Fees - Clip Use/Misc -Pirates 4	0.00	0.00	8,465.62	0.01
Fees- Commercial Tie-In-Pirates 4	0.00	0.00	650.00	0.00
Fees- P4 Foreign Clips/Commercials	0.00	0.00	1,954.26	0.00
Fees- "Life" Voice-Over	0.00	0.00	25,000.00	0.05
Fees- "21 Jump Street" The Movie	0.00	0.00	10,000.00	0.02
Fees- "Jack & Jill"	0.00	0.00	10,303.38	0.02
Total Fees	0.00	0.00	68,131.26	0.15
Residuals				
Resid - Late Show W/ Letterman	0.00	0.00	1,603.28	0.00
Resid -"Edward Scissorhands"	0.00	0.00	2,708.57	0.00
Resid-"Fear & Loathing"	550.21	0.00	3,663.30	0.00
Resid-"Cry Baby"	0.00	0.00	814.34	0.00
Resid -"Benny & Joon"	0.00	0.00	1,708.09	0.00
Resid-"Blow"	0.00	0.00	1,283.85	0.00
Resid -"Nick of Time"	0.00	0.00	608.08	0.00
Resid -"Gilbert Grape"	0.00	0.00	605.08	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	3,924.41	0.00
Resid - "Dead Man"	0.00	0.00	25.94	0.00
Resid -"Secret Window"	0.00	0.00	2,743.80	0.00
Resid -"Donnie Brasco"	0.00	0.00	700.80	0.00
Resid - "Arizona Dream"	0.00	0.00	220.53	0.00
Resid - "Gonzo"	0.00	0.00	209.01	0.00
Resid - "I Love You Man"	0.00	0.00	332.74	0.00
Resid - "Freddy's Dead Final Night	0.00	0.00	67.45	0.00
Resid - "Don Juan Demarco"	0.00	0.00	190.02	0.00
Resid - "Public Enemies"	0.00	0.00	14,398.93	0.03
Resid - "The Astrounauts Wife"	0.00	0.00	381.58	0.00
Resid - "Alice In Wonderland"	0.00	0.00	103,925.12	0.24
Resid -"A Nightmare on Elm Street"	0.00	0.00	3,125.71	0.00
Resid - Pirates 3 "At Worlds End"	0.00	0.00	4,519.80	0.01
Resid-"Buried Secret of M. Night S	0.00	0.00	1.51	0.00
Resid -"King of the Hill"	0.00	0.00	98.52	0.00
Resid -"The Tourist"	0.00	0.00	21,299.40	0.04
Resid - "Rango"	292.29	0.00	292.29	0.00
Resid - Pirates 2 "Dead Man's Ches	0.00	0.00	4,161.72	0.00
Total Residuals	842.50	0.01	173,613.87	0.40
Royalties				

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2011

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Royalties - BMI	0.00	0.00	919.35	0.00
Total Royalties	0.00	0.00	919.35	0.00
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	63,908.00	0.14
Profit Part - "Pirates 1" Pirates of the Carribbean	0.00	0.00	594,867.00	1.38
Profit Part - "Ninth Gate"	0.00	0.00	27,259.37	0.06
Profit Part - "Alice"	1,444,444.00	25.26	28,194,317.00	65.52
Profit Part-"Public Enemies"	894,081.00	15.63	2,304,634.00	5.35
Profit Part - Ed Wood	0.00	0.00	7,668.00	0.01
Profit Part - "Pirates 2 & 3"	3,337,002.00	58.35	9,780,282.00	22.72
Profit Part - "Blow"	41,654.00	0.72	419,671.00	0.97
Total Profit Participation	5,717,181.00	99.98	41,392,606.37	96.19
Reimbursed Expenses				
Reimb Exp- Disney Worldwide	0.00	0.00	884,120.74	2.05
Reimb Exp-"Rango"	0.00	0.00	126,000.00	0.29
Reimb Exp- 21 Jumpstreet Prods	0.00	0.00	27,416.40	0.06
Reimb Exp- Pirates 4 (P4)	0.00	0.00	354,988.75	0.82
Total Reimbursed Expenses	0.00	0.00	1,392,525.89	3.23
Total Income from Operations	**5,718,023.50**	**100.00**	**43,027,796.74**	**99.99**
Income from Investments				
Refunds				
California Tax Refund	0.00	0.00	1,495.67	0.00
Total Refunds	0.00	0.00	1,495.67	0.00
Per Diems				
Per Diem- "21 Jump Street" The Mov	0.00	0.00	300.00	0.00
Total Per Diems	0.00	0.00	300.00	0.00
Total Income from Investments	**0.00**	**0.00**	**1,795.67**	**0.00**
TOTAL INCOME	**$ 5,718,023.50**	**100.00**	**$ 43,029,592.41**	**100.00**

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2012

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees-"When You're Strange" Voiceov	0.00	0.00	15,000.00	0.03
Fees - Clip Use/Misc -Pirates 4	0.00	0.00	9,054.10	0.01
Fees - Nike Athletic Apparel-Comme	0.00	0.00	100,000.00	0.20
Fees - Family Guy	0.00	0.00	908.00	0.00
Fees - The Lone Ranger	0.00	0.00	21,000,000.00	43.22
Fees - Talk Shows	0.00	0.00	1,008.00	0.00
Fees - Theme Park "Pirates Legend"	0.00	0.00	150,000.00	0.30
Total Fees	0.00	0.00	21,275,970.10	43.79
Residuals				
Resid - Late Show W/ Letterman	0.00	0.00	499.75	0.00
Resid -"Edward Scissorhands"	0.00	0.00	1,816.14	0.00
Resid-"Fear & Loathing"	0.00	0.00	1,294.14	0.00
Resid-"Cry Baby"	0.00	0.00	1,090.00	0.00
Resid -"Benny & Joon"	0.00	0.00	1,171.23	0.00
Resid -"Nick of Time"	0.00	0.00	1,246.14	0.00
Resid -"Gilbert Grape"	0.00	0.00	1,007.39	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	8,963.28	0.01
Resid - "Dead Man"	101.21	0.00	460.73	0.00
Resid -"Secret Window"	0.00	0.00	5,377.50	0.01
Resid -"Donnie Brasco"	0.00	0.00	1,774.65	0.00
Resid - "Gonzo"	0.00	0.00	1,970.78	0.00
Resid - "I Love You Man"	0.00	0.00	320.97	0.00
Resid - "Freddy's Dead Final Night	0.00	0.00	173.13	0.00
Resid - "Don Juan Demarco"	0.00	0.00	1,348.06	0.00
Resid - "Public Enemies"	0.00	0.00	7,816.90	0.01
Resid - "Alice In Wonderland"	0.00	0.00	27,416.78	0.05
Resid -"A Nightmare on Elm Street"	0.00	0.00	1,431.09	0.00
Resid - Pirates 3 "At Worlds End"	0.00	0.00	4,105.37	0.00
Resid -"King of the Hill"	0.00	0.00	76.07	0.00
Resid -"The Tourist"	0.00	0.00	48,774.15	0.10
Resid - "Rango"	0.00	0.00	80,661.75	0.16
Resid - Misc SAG	0.00	0.00	385.74	0.00
Resid - Pirates 2 "Dead Man's Ches	0.00	0.00	11,102.69	0.02
Resid - Pirates 4 "On Stranger Tid	0.00	0.00	6,239.20	0.01
Resid - Jack and Jill	0.00	0.00	2,172.97	0.00
Resid - 21 Jump Street	0.00	0.00	1,343.12	0.00
Total Residuals	101.21	0.00	220,039.72	0.45
Royalties				

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2012

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Royalties - BMI	0.00	0.00	341.10	0.00
Total Royalties	0.00	0.00	341.10	0.00
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	79,527.00	0.16
Profit Part-"Fear & Loathing"	0.00	0.00	98,990.00	0.20
Profit Part - "Pirates 1" Pirates of the Carribbean	0.00	0.00	1,384,266.00	2.84
Profit Part - "Ninth Gate"	0.00	0.00	28,311.63	0.05
Profit Part - "Alice"	1,556,895.00	86.24	6,050,788.00	12.45
Profit Part-"Public Enemies"	0.00	0.00	1,879,499.00	3.86
Profit Part - Ed Wood	0.00	0.00	9,227.00	0.01
Profit Part - "Pirates 2 & 3"	0.00	0.00	2,753,304.00	5.66
Profit Part - "Blow"	0.00	0.00	26,075.00	0.05
Profit Part - "P4" Merch	0.00	0.00	301,719.00	0.62
Profit Part - "P4"	0.00	0.00	12,681,820.00	26.10
Total Profit Participation	1,556,895.00	86.24	25,293,526.63	52.06
Reimbursed Expenses				
Reimb Exp- Pirates 4 (P4)	0.00	0.00	72,958.00	0.15
Reimb Exp - Lone Ranger	20,952.42	1.16	983,419.28	2.02
Total Reimbursed Expenses	20,952.42	1.16	1,056,377.28	2.17
Total Income from Operations	**1,577,948.63**	**87.41**	**47,846,254.83**	**98.48**
Income from Investments				
Miscellaneous Income				
Miscellaneous Income	815.65	0.04	815.65	0.00
Fees - UK Tax Disney	226,385.00	12.54	675,382.30	1.39
Total Miscellaneous Income	227,200.65	12.58	676,197.95	1.39
Per Diems				
Per Diems - The Lone Ranger	0.00	0.00	52,760.00	0.10
Per Diems - Non Tax NM The Lone Ra	0.00	0.00	8,600.00	0.01
Total Per Diems	0.00	0.00	61,360.00	0.12
Total Income from Investments	**227,200.65**	**12.58**	**737,557.95**	**1.51**
TOTAL INCOME	**$ 1,805,149.28**	**100.00**	**$ 48,583,812.78**	**100.00**
Auto Expenses				

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2013

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees - Clip Use/Misc -Pirates 4	0.00	0.00	651.42	0.00
Fees - The Lone Ranger	0.00	0.00	(3,645,268.00)	-12.12
Fees - Talk Shows	0.00	0.00	2,570.00	0.00
Fees-Transcendence	0.00	0.00	20,000,000.00	66.51
Fees-Commerical Tie-In Loan Ranger	0.00	0.00	20,119.64	0.06
Total Fees	0.00	0.00	16,378,073.06	54.46
Residuals				
Resid - Late Show W/ Letterman	0.00	0.00	1,122.80	0.00
Resid -"Edward Scissorhands"	0.00	0.00	2,208.27	0.00
Resid-"Fear & Loathing"	313.56	0.03	2,593.95	0.00
Resid-"Cry Baby"	0.00	0.00	729.19	0.00
Resid -"Benny & Joon"	0.00	0.00	1,064.29	0.00
Resid -"Nick of Time"	0.00	0.00	1,407.07	0.00
Resid -"Gilbert Grape"	0.00	0.00	506.12	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	2,586.16	0.00
Resid - "Dead Man"	278.83	0.02	568.86	0.00
Resid -"Secret Window"	1,552.50	0.16	6,808.32	0.02
Resid -"Donnie Brasco"	469.65	0.04	2,100.20	0.00
Resid - "Arizona Dream"	0.00	0.00	13.02	0.00
Resid - "Gonzo"	80.85	0.00	381.77	0.00
Resid - "I Love You Man"	0.00	0.00	121.77	0.00
Resid - "Freddy's Dead Final Night	111.50	0.01	330.81	0.00
Resid - "Don Juan Demarco"	457.54	0.04	2,405.57	0.00
Resid - "Public Enemies"	0.00	0.00	3,378.92	0.01
Resid - "Alice In Wonderland"	0.00	0.00	26,214.36	0.08
Resid -"A Nightmare on Elm Street"	316.09	0.03	2,541.97	0.00
Resid - Pirates 3 "At Worlds End"	0.00	0.00	2,223.47	0.00
Resid -"King of the Hill"	10.43	0.00	145.53	0.00
Resid -"The Tourist"	18,381.90	1.90	30,164.10	0.10
Resid - "Rango"	0.00	0.00	25,599.02	0.08
Resid -"Family Guy"	965.76	0.09	1,874.61	0.00
Resid - Misc SAG	74.10	0.00	74.10	0.00
Resid - Pirates 2 "Dead Man's Ches	0.00	0.00	3,232.56	0.01
Resid - Pirates 4 "On Stranger Tid	0.00	0.00	5,444.83	0.01
Resid - Jack and Jill	930.72	0.09	5,798.37	0.01
Resid - 21 Jump Street	1,845.88	0.19	9,670.35	0.03
Resid - The Libertine	0.00	0.00	18,786.14	0.06
Resid-Ellen	0.00	0.00	428.94	0.00

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2013

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Resid-Jimmy Kimmel	0.00	0.00	385.50	0.00
Total Residuals	25,789.31	2.66	160,910.94	0.53
Royalties				
Royalties - BMI	0.00	0.00	1,367.51	0.00
Royalties-SoundExchange	0.00	0.00	2,084.59	0.00
Royalties-NY Times				
"This Land Was His Land"	0.00	0.00	996.28	0.00
Total Royalties	0.00	0.00	4,448.38	0.01
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	49,758.00	0.16
Profit Part - "Ninth Gate"	0.00	0.00	19,594.43	0.06
Profit Part - "Alice"	683,710.00	70.76	6,180,104.00	20.55
Profit Part-"Public Enemies"	0.00	0.00	1,194,522.00	3.97
Profit Part - Ed Wood	0.00	0.00	11,855.70	0.03
Profit Part - "Pirates 2 & 3"	0.00	0.00	2,432,229.00	8.08
Profit Part - "Blow"	0.00	0.00	127,960.00	0.42
Profit Part - "P4"	256,622.00	26.56	2,034,039.00	6.76
Profit Part - The Tourist	0.00	0.00	677,507.00	2.25
Total Profit Participation	940,332.00	97.33	12,727,569.13	42.32
Reimbursed Expenses				
Reimb Exp- Disney Worldwide	0.00	0.00	587.00	0.00
Reimb Exp-Transcendence	0.00	0.00	479,686.44	1.59
Total Reimbursed Expenses	0.00	0.00	480,273.44	1.59
Total Income from Operations	**966,121.31**	**100.00**	**29,751,274.95**	**98.94**
Income from Investments				
Miscellaneous Income				
Fees - UK Tax Disney	0.00	0.00	318,664.00	1.05
Total Miscellaneous Income	0.00	0.00	318,664.00	1.05
Total Income from Investments	**0.00**	**0.00**	**318,664.00**	**1.05**
TOTAL INCOME	**$ 966,121.31**	**100.00**	**$ 30,069,938.95**	**100.00**

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2014

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees - Clip Use/Misc -Pirates 4	1,192.08	0.03	1,192.08	0.00
Fees - Talk Shows	0.00	0.00	1,572.00	0.00
Fees-Mortdecai	0.00	0.00	3,392,500.00	8.05
Fees-Commerical Tie-In Loan Ranger	0.00	0.00	2,325.96	0.00
Fees-Paul McCartney Session	0.00	0.00	357.04	0.00
Fees-Black Mass	0.00	0.00	15,000,100.00	35.61
Fees - Tusk	0.00	0.00	3,212.66	0.00
Fees - Christian Dior	3,000,000.00	99.96	3,000,000.00	7.12
Total Fees	3,001,192.08	100.00	21,401,259.74	50.81
Residuals				
Resid - Late Show W/ Letterman	0.00	0.00	297.19	0.00
Resid -"Edward Scissorhands"	0.00	0.00	1,976.09	0.00
Resid-"Fear & Loathing"	0.00	0.00	2,472.85	0.00
Resid-"Cry Baby"	0.00	0.00	678.19	0.00
Resid -"Benny & Joon"	0.00	0.00	3,125.53	0.00
Resid-"Blow"	0.00	0.00	2,645.44	0.00
Resid -"Nick of Time"	0.00	0.00	660.95	0.00
Resid -"Gilbert Grape"	0.00	0.00	593.52	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	3,754.42	0.00
Resid - "Dead Man"	0.00	0.00	890.23	0.00
Resid -"Secret Window"	0.00	0.00	3,536.55	0.00
Resid -"Donnie Brasco"	0.00	0.00	1,448.55	0.00
Resid - "Arizona Dream"	0.00	0.00	443.52	0.00
Resid - "Gonzo"	0.00	0.00	617.21	0.00
Resid - "I Love You Man"	0.00	0.00	111.34	0.00
Resid - "Freddy's Dead Final Night	0.00	0.00	101.92	0.00
Resid - "Don Juan Demarco"	0.00	0.00	415.25	0.00
Resid - "Public Enemies"	0.00	0.00	2,355.04	0.00
Resid - "The Astrounauts Wife"	0.00	0.00	726.09	0.00
Resid - "Alice In Wonderland"	0.00	0.00	21,644.90	0.05
Resid -"A Nightmare on Elm Street"	0.00	0.00	17,483.34	0.04
Resid - Pirates 3 "At Worlds End"	0.00	0.00	1,609.26	0.00
Resid -"King of the Hill"	0.00	0.00	139.13	0.00
Resid -"The Tourist"	0.00	0.00	17,099.70	0.04
Resid - "Rango"	0.00	0.00	14,565.83	0.03
Resid -"Family Guy"	0.00	0.00	757.91	0.00
Resid - Pirates 2 "Dead Man's Ches	0.00	0.00	3,200.65	0.00
Resid - Pirates 4 "On Stranger Tid	0.00	0.00	6,820.98	0.01
Resid - Jack and Jill	0.00	0.00	1,366.32	0.00
Resid - 21 Jump Street	0.00	0.00	1,291.88	0.00

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2014

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Resid-Jimmy Kimmel	0.00	0.00	426.76	0.00
Resid-Lone Ranger	0.00	0.00	9,385.13	0.02
Total Residuals	0.00	0.00	122,641.67	0.29
Royalties				
Royalties - BMI	0.00	0.00	849.34	0.00
Royalties-SoundExchange	0.00	0.00	558.46	0.00
Total Royalties	0.00	0.00	1,407.80	0.00
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	92,055.00	0.21
Profit Part-"Fear & Loathing"	0.00	0.00	58,029.10	0.13
Profit Part - "Pirates 1" Pirates of the Carribbean	0.00	0.00	379,191.00	0.90
Profit Part - "Ninth Gate"	0.00	0.00	17,203.90	0.04
Profit Part - "Alice"	0.00	0.00	3,301,557.00	7.83
Profit Part-"Public Enemies"	0.00	0.00	401,586.00	0.95
Profit Part - Ed Wood	0.00	0.00	12,933.00	0.03
Profit Part - "Pirates 2 & 3"	0.00	0.00	4,801,254.00	11.40
Profit Part - "Blow"	0.00	0.00	211,255.00	0.50
Profit Part - "P4"	0.00	0.00	9,482,428.00	22.51
Profit Part - The Tourist	0.00	0.00	843,755.00	2.00
Total Profit Participation	0.00	0.00	19,601,247.00	46.54
Reimbursed Expenses				
Reimb Exp- Rum Diary Productions	0.00	0.00	348,040.00	0.82
Reimb Exp-Transcendence	0.00	0.00	169,956.00	0.40
Reimb Exp-Mortdecai	0.00	0.00	49,000.00	0.11
Reimb Exp - Black Mass	0.00	0.00	389,415.96	0.92
Total Reimbursed Expenses	0.00	0.00	956,411.96	2.27
Total Income from Operations	**3,001,192.08**	**100.00**	**42,082,968.17**	**99.93**
Income from Investments				
Per Diems				
Per Diem - Black Mass	0.00	0.00	29,200.00	0.06
Total Per Diems	0.00	0.00	29,200.00	0.06
Total Income from Investments	**0.00**	**0.00**	**29,200.00**	**0.06**
TOTAL INCOME	**$ 3,001,192.08**	**100.00**	**$ 42,112,168.17**	**100.00**

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2015

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Fees				
INCOME				
Income from Operations				
Fees - Talk Shows	0.00	0.00	1,661.25	0.01
Fees-Paul McCartney Session	0.00	0.00	397.36	0.00
Fees-Hosers	0.00	0.00	4,522.27	0.02
Total Fees	0.00	0.00	6,580.88	0.04
Residuals				
Resid - Late Show W/ Letterman	0.00	0.00	104.80	0.00
Resid -"Edward Scissorhands"	827.06	15.04	2,639.58	0.01
Resid-"Fear & Loathing"	0.00	0.00	1,868.07	0.01
Resid-"Cry Baby"	0.00	0.00	1,060.14	0.00
Resid -"Benny & Joon"	811.51	14.76	1,951.00	0.01
Resid-"Blow"	0.00	0.00	1,646.82	0.01
Resid -"Nick of Time"	128.07	2.32	736.34	0.00
Resid -"Gilbert Grape"	42.23	0.76	508.23	0.00
Resid -"Pirates of the Caribbean"	0.00	0.00	4,726.38	0.03
Resid - "Dead Man"	177.00	3.21	586.38	0.00
Resid -"Secret Window"	0.00	0.00	3,227.55	0.02
Resid -"Donnie Brasco"	0.00	0.00	1,674.15	0.01
Resid - "Gonzo"	0.00	0.00	492.78	0.00
Resid - "I Love You Man"	27.37	0.49	136.39	0.00
Resid - "Freddy's Dead Final Night	0.00	0.00	167.32	0.00
Resid - "Don Juan Demarco"	0.00	0.00	592.62	0.00
Resid - "Public Enemies"	0.00	0.00	1,518.81	0.00
Resid - "The Astrounauts Wife"	0.00	0.00	2,392.40	0.01
Resid - "Alice In Wonderland"	0.00	0.00	14,410.12	0.09
Resid -"A Nightmare on Elm Street"	0.00	0.00	1,555.19	0.00
Resid - Pirates 3 "At Worlds End"	0.00	0.00	1,771.98	0.01
Resid -"King of the Hill"	8.52	0.15	101.93	0.00
Resid -"The Tourist"	0.00	0.00	6,940.80	0.04
Resid - "Rango"	2,948.35	53.63	11,883.93	0.07
Resid -"Family Guy"	0.00	0.00	485.50	0.00
Resid - Pirates 2 "Dead Man's Ches	0.00	0.00	2,026.09	0.01
Resid - Pirates 4 "On Stranger Tid	0.00	0.00	3,328.50	0.02
Resid - Jack and Jill	0.00	0.00	1,601.82	0.01
Resid - 21 Jump Street	0.00	0.00	3,161.08	0.02
Resid-Ellen	30.76	0.55	368.34	0.00
Resid-Jimmy Kimmel	0.00	0.00	10.43	0.00
Resid-Lone Ranger	0.00	0.00	4,791.08	0.03
Resid-Transcendence	0.00	0.00	26,133.29	0.16
Resid-Tusk	0.00	0.00	1,291.78	0.00
Resid-Mortdecai	0.00	0.00	5,328.14	0.03

SCARAMANGA BROS., INC.

Income Statement

FOR THE TWELVE MONTH(S) ENDED DECEMBER 31, 2015

	CURRENT MONTH	ratio to curr income	YEAR-TO-DATE	ratio to ytd income
Resid-Into the Woods	0.00	0.00	2,333.44	0.01
Total Residuals	5,000.87	90.97	113,553.20	0.72
Royalties				
Royalties - BMI	0.00	0.00	847.17	0.00
Royalties-SoundExchange	496.28	9.02	1,130.29	0.00
Total Royalties	496.28	9.02	1,977.46	0.01
Profit Participation				
Profit Part-"Sleepy Hollow"	0.00	0.00	62,368.00	0.40
Profit Part - "Pirates 1"				
Pirates of the Carribbean	0.00	0.00	643,160.85	4.13
Profit Part - "Ninth Gate"	0.00	0.00	23,063.13	0.14
Profit Part - "Alice"	0.00	0.00	2,230,209.00	14.32
Profit Part-"Public Enemies"	0.00	0.00	653,715.00	4.19
Profit Part - Ed Wood	0.00	0.00	10,921.00	0.07
Profit Part - "Pirates 2 & 3"	0.00	0.00	2,547,810.00	16.36
Profit Part - "Blow"	0.00	0.00	77,054.00	0.49
Profit Part - "P4"	0.00	0.00	4,659,791.00	29.93
Profit Part - The Tourist	0.00	0.00	459,040.00	2.94
Proft Part Sale - Content Partners	0.00	0.00	3,846,176.67	24.70
Total Profit Participation	0.00	0.00	15,213,308.65	97.72
Reimbursed Expenses				
Reimb Exp - Black Mass	0.00	0.00	232,513.75	1.49
Reimb Exp - Hosers	0.00	0.00	170.00	0.00
Total Reimbursed Expenses	0.00	0.00	232,683.75	1.49
Total Income from Operations	**5,497.15**	**100.00**	**15,568,103.94**	**100.00**
TOTAL INCOME	**$ 5,497.15**	**100.00**	**$ 15,568,103.94**	**100.00**

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2016

	Jan - Dec 16
Ordinary Income/Expense	
Income	
INCOME - NON UTA	
NINTH GATE	21,456.23
Total INCOME - NON UTA	21,456.23
INTEREST INCOME	773.89
HOLLYWOOD VAMPIRES	0.00
FEES	
LABRYNTH	1,000,000.00
GRAMMY AWARDS	852.50
WORLD OF DISNEY (CLIP USE)	3,459.50
ART OF THE DEAL	60,000.00
PARFUMS CHRISTIAN DIOR	3,000,000.00
Total FEES	4,064,312.00
INCOME	166.70
OTHER INCOME	5,621.86
PROFIT PARTICIPATION	
SHERLOCK GNOMES	37,500.00
ED WOOD - NON UTA	4,308.00
TRYON PIC 1 (PIRATES 1)	709,358.00
TRYON PICS 2 & 3 (PIRATES 2&3)	2,856,629.00
TRYON PIC 4 (ALICE 1)	1,804,232.00
TRYON PIC 5 (PIRATES 4)	5,146,980.00
TRYON PIC 6 (INTO THE WOODS)	1,073,583.00
"SLEEPY HOLLOW"-NON UTA	67,888.00
Total PROFIT PARTICIPATION	11,700,478.00
RESIDUALS	
21 JUMP STREET	1,447.20
A NIGHTMARE ON ELM STREET	3,515.11
ALICE IN WONDERLAND	13,542.48
BLACK MASS	25,110.79
BENNY AND JOON	910.01
BLOW	149,730.44
CRY BABY	433.03
DEAD MAN	260.30
DON JUAN DEMARCO	702.12
DONNIE BRASCO	2,157.15
EDWARD SCISSORHANDS	2,746.79
FAMILY GUY	458.13
FEAR AND LOATHING - NON UTA	3,402.04
GILBERT GRAPE	31.06
GONZO	262.69
I LOVE YOU, MAN	77.16
INTO THE WOODS	38,378.87
JACK AND JILL	858.47
KING OF THE HILL	101.11
LONE RANGER	2,556.95
MORTECAI	23,107.97
NICK OF TIME	416.01
PIRATES OF THE CARIBBEAN	6,434.73
PIRATES 2 'DEAD MAN'S CHEST	648.50
PIRATES 3 'AT WORLD'S END	1,517.41
PIRATES 4 'ON STRANGER TIDES	3,107.53
PUBLIC ENEMIES	1,108.01
RANGO	5,236.34
SECRET WINDOW	3,347.25
THE ASTRONAUT'S WIFE	1,011.69
THE TOURIST	6,596.40
TRANSCENDENCE	795.33
TUSK	1,872.66
WHAT'S EATING GILBERT GRAPE	423.49

CONFIDENTIAL EWC000037
PLAINTIFF'S TRIAL EXHIBIT 0227_0037

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2016

	Jan - Dec 16
RESIDUALS - Other	1,065.63
Total RESIDUALS	303,370.85
ROYALTIES	
BMI	3,136.20
SOUNDEXCHANGE	476.23
ROYALTIES - Other	616.82
Total ROYALTIES	4,229.25
Total Income	16,100,408.78
Gross Profit	16,100,408.78

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2017

	Jan - Dec 17
Ordinary Income/Expense	
Income	
MANSON VIDEO	612.46
INCOME - NON UTA	
NINTH GATE	40,210.04
SLEEPY HOLLOW	82,943.00
Total INCOME - NON UTA	123,153.04
INCOME - CAA	
ASAHI	2,500,000.00
Total INCOME - CAA	2,500,000.00
INTEREST INCOME	1,093.06
FEES	
DISNEY-CLIP FEES	2,072.40
LABRYNTH	5,000,000.00
PARFUMS CHRISTIAN DIOR	4,000,000.00
Total FEES	9,002,072.40
INCOME	940.00
OTHER INCOME	56,495.87
PROFIT PARTICIPATION	
SHERLOCK GNOMES	137,500.00
FEAR AND LOATHING -NON UTA	29,637.00
BLOW	73,645.00
ED WOOD - NON UTA	4,410.00
TRYON PIC 1 (PIRATES 1)	337,806.00
TRYON PICS 2 & 3 (PIRATES 2&3)	2,611,322.00
TRYON PIC 4 (ALICE 1)	2,663,140.00
TRYON PIC 5 (PIRATES 4)	2,743,195.00
TRYON PIC 6 (INTO THE WOODS)	1,483,115.00
Total PROFIT PARTICIPATION	10,083,770.00
REIMBURSED EXPENSES	
LABYRINTH	51,478.39
HOSERS	591.01
Total REIMBURSED EXPENSES	52,069.40
RESIDUALS	
21 JUMP STREET	1,141.81
A NIGHTMARE ON ELM STREET	1,969.05
ALICE IN WONDERLAND	11,659.85
ALICE THROUGH THE LOOKING GLASS	30,241.06
BLACK MASS	30,734.69
BENNY AND JOON	693.06
BLOW	1,670.69
CRY BABY	477.90
DEAD MAN	105.49
DISNEY MOVIE MAGIC	10,675.50
DON JUAN DEMARCO	9.64
DONNIE BRASCO	2,154.15
EDWARD SCISSORHANDS	3,112.93
ELLEN	309.60
FAMILY GUY	308.03
FEAR AND LOATHING - NON UTA	32,528.31
FREDDY'S DEAD FINAL NIGHTMARE	745.58
GONZO	352.78
I LOVE YOU, MAN	79.18
INTO THE WOODS	5,674.32
JACK AND JILL	641.47
KING OF THE HILL	101.04
LONE RANGER	1,464.45
MORTECAI	1,941.16

CONFIDENTIAL EWC000039
PLAINTIFF'S TRIAL EXHIBIT 0227_0039

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2017

	Jan - Dec 17
NICK OF TIME	655.78
PIRATES OF THE CARIBBEAN	13,431.94
PIRATES 2 'DEAD MAN'S CHEST	1,837.40
PIRATES 3 'AT WORLD'S END	1,077.90
PIRATES 4 'ON STRANGER TIDES	976.92
PUBLIC ENEMIES	2,442.69
RANGO	8,344.18
SECRET WINDOW	3,926.33
THE ASTRONAUT'S WIFE	660.38
THE TOURIST	4,649.53
TRANSCENDENCE	647.74
TUSK	523.92
WHAT'S EATING GILBERT GRAPE	522.86
YOGA HOSERS	46.82
RESIDUALS - Other	1,200.00
Total RESIDUALS	179,736.33
ROYALTIES	
BMI	2,039.56
SOUNDEXCHANGE	654.68
Total ROYALTIES	2,694.24
Total Income	22,002,636.80
Gross Profit	22,002,636.80

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2018

	Jan - Dec 18
Ordinary Income/Expense	
Income	
INCOME - NON UTA	
NINTH GATE	50,430.44
SLEEPY HOLLOW	92,689.00
Total INCOME - NON UTA	143,119.44
INCOME - CAA	
ASAHI	3,000,000.00
Total INCOME - CAA	3,000,000.00
INTEREST INCOME	241.02
FEES	
PARFUMS CHRISTIAN DIOR	4,200,000.00
Total FEES	4,200,000.00
OTHER INCOME	
TMG LEGAL SETTLEMENT	0.00
Total OTHER INCOME	0.00
PROFIT PARTICIPATION	
SHERLOCK GNOMES	75,000.00
BLOW	113,090.00
ED WOOD - NON UTA	4,198.00
TRYON PIC 1 (PIRATES 1)	450,647.00
TRYON PICS 2 & 3 (PIRATES 2&3)	3,135,197.00
TRYON PIC 4 (ALICE 1)	1,401,925.00
TRYON PIC 5 (PIRATES 4)	1,463,865.00
TRYON PIC 6 (INTO THE WOODS)	1,003,392.00
PUBLIC ENEMIES	140,000.00
THE TOURIST	428,597.00
Total PROFIT PARTICIPATION	8,215,911.00
REIMBURSED EXPENSES	
WAITING FOR THE BARBARIANS	569.40
SHERLOCK GNOMES	145,295.19
SHANE MACGOWAN	20,000.00
Total REIMBURSED EXPENSES	165,864.59
RESIDUALS	
21 JUMP STREET	897.68
A NIGHTMARE ON ELM STREET	2,900.04
ALICE IN WONDERLAND	10,245.47
ALICE THROUGH THE LOOKING GLASS	20,679.66
ARIZONA DREAM	151.32
BLACK MASS	15,733.34
BENNY AND JOON	851.07
BLOW	1,908.35
CRY BABY	532.88
DEAD MAN	70.74
DON JUAN DEMARCO	930.35
DONNIE BRASCO	2,576.47
EDWARD SCISSORHANDS	2,130.23
ELLEN	482.30
FAMILY GUY	214.45
FEAR AND LOATHING - NON UTA	14,468.27
FREDDY'S DEAD FINAL NIGHTMARE	503.27
GONZO	278.20
I LOVE YOU, MAN	108.03
INTO THE WOODS	6,789.58
JACK AND JILL	723.60
JIMMY KIMMEL	61.06
KING OF THE HILL	100.94

CONFIDENTIAL EWC000041
PLAINTIFF'S TRIAL EXHIBIT 0227_0041

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2018

	Jan - Dec 18
LONE RANGER	1,122.66
MORTECAI	404.05
NICK OF TIME	662.44
PIRATES DECK PARTY	2,135.10
PIRATES OF THE CARIBBEAN	3,705.56
PIRATES 2 'DEAD MAN'S CHEST	3,671.52
PIRATES 3 'AT WORLD'S END	2,003.84
PIRATES 4 'ON STRANGER TIDES	2,031.67
PUBLIC ENEMIES	2,192.91
RANGO	4,769.14
SHERLOCK GNOMES	130.36
SECRET WINDOW	2,435.93
THE ASTRONAUT'S WIFE	1,427.54
THE TOURIST	10,525.96
TRANSCENDENCE	1,415.75
TUSK	251.90
WHAT'S EATING GILBERT GRAPE	370.67
YOGA HOSERS	175.07
Total RESIDUALS	122,769.47
ROYALTIES	
BMI	109.38
SOUNDEXCHANGE	1,166.89
Total ROYALTIES	1,276.27
Total Income	15,849,181.79
Gross Profit	15,849,181.79

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2019

	Jan - Dec 19
Ordinary Income/Expense	
Income	
HARD ROCK APPEARANCE	150,000.00
VENICE FILM FESTIVAL	400,000.00
INCOME - NON UTA	
NINTH GATE	67,179.44
SLEEPY HOLLOW	56,714.00
Total INCOME - NON UTA	123,893.44
INTEREST INCOME	1.77
HOLLYWOOD VAMPIRES	50,000.00
FEES	
PARFUMS CHRISTIAN DIOR	6,900,000.00
Total FEES	6,900,000.00
OTHER INCOME	
TMG LEGAL SETTLEMENT	10,000,000.00
Total OTHER INCOME	10,000,000.00
PROFIT PARTICIPATION	
FEAR AND LOATHING -NON UTA	22,433.00
BLOW	106,842.00
ED WOOD - NON UTA	8,546.00
TRYON PIC 1 (PIRATES 1)	310,922.00
TRYON PICS 2 & 3 (PIRATES 2&3)	3,364,774.00
TRYON PIC 4 (ALICE 1)	885,102.00
TRYON PIC 5 (PIRATES 4)	2,516,602.00
Total PROFIT PARTICIPATION	7,215,221.00
REIMBURSED EXPENSES	
HOLLYWOOD VAMPIRE	20,000.00
DIOR	13,481.46
WAITING FOR THE BARBARIANS	4,550.00
Total REIMBURSED EXPENSES	38,031.46
RESIDUALS	
21 JUMP STREET	917.78
A NIGHTMARE ON ELM STREET	2,961.44
ALICE IN WONDERLAND	9,422.30
ALICE THROUGH THE LOOKING GLASS	12,314.90
ARIZONA DREAM	12.80
BLACK MASS	10,047.21
BENNY AND JOON	876.93
BLOW	1,988.35
CRY BABY	798.11
DEAD MAN	77.36
DON JUAN DEMARCO	669.14
DONNIE BRASCO	2,382.38
EDWARD SCISSORHANDS	3,184.98
FAMILY GUY	293.78
FEAR AND LOATHING - NON UTA	2,186.06
FREDDY'S DEAD FINAL NIGHTMARE	223.36
GONZO	6,315.98
I LOVE YOU, MAN	118.70
INTO THE WOODS	4,989.43
JACK AND JILL	489.77
JIMMY KIMMEL	1,542.99
KING OF THE HILL	86.72
LONE RANGER	1,115.15
MORTECAI	356.79
NICK OF TIME	416.56
PIRATES OF THE CARIBBEAN	2,843.73
PIRATES 2 'DEAD MAN'S CHEST	2,700.25

CONFIDENTIAL EWC000043
PLAINTIFF'S TRIAL EXHIBIT 0227_0043

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2019

	Jan - Dec 19
PIRATES 3 'AT WORLD'S END	1,830.94
PIRATES 4 'ON STRANGER TIDES	1,424.07
PUBLIC ENEMIES	1,319.24
RANGO	5,311.78
SHERLOCK GNOMES	35,821.19
SECRET WINDOW	3,193.52
THE ASTRONAUT'S WIFE	758.73
THE TOURIST	3,784.50
TRANSCENDENCE	194.51
TUSK	516.62
WHAT'S EATING GILBERT GRAPE	331.11
YOGA HOSERS	85.80
Total RESIDUALS	123,904.96
ROYALTIES	
BMI	703.92
SOUNDEXCHANGE	859.97
Total ROYALTIES	1,563.89
Total Income	25,002,616.52
Gross Profit	25,002,616.52

SCARAMANGA BROS., INC.
Profit & Loss
January through August 2020

	Jan - Aug 20	
Ordinary Income/Expense		
Income		
THE PUFFINS		350,000.00
INCOME - NON UTA		
NINTH GATE	13,281.64	
SLEEPY HOLLOW	84,050.00	
Total INCOME - NON UTA		97,331.64
FEES		
PARFUMS CHRISTIAN DIOR	2,450,000.00	
Total FEES		2,450,000.00
OTHER INCOME		5,689.72
PROFIT PARTICIPATION		
FEAR AND LOATHING -NON UTA	20,401.00	
TRYON PIC 1 (PIRATES 1)	461,996.00	
TRYON PIC 4 (ALICE 1)	956,531.00	
TRYON PIC 5 (PIRATES 4)	2,297,015.00	
Total PROFIT PARTICIPATION		3,735,943.00
RESIDUALS		
LATE SHOW W/ JAMES CORD	390.00	
21 JUMP STREET	708.65	
A NIGHTMARE ON ELM STREET	1,568.06	
ALICE IN WONDERLAND	4,432.59	
ALICE THROUGH THE LOOKING GLASS	8,102.35	
ARIZONA DREAM	38.34	
BLACK MASS	2,346.97	
BENNY AND JOON	725.72	
BLOW	955.70	
CRY BABY	373.90	
DEAD MAN	3.25	
DON JUAN DEMARCO	270.09	
DONNIE BRASCO	1,729.67	
EDWARD SCISSORHANDS	1,200.38	
FAMILY GUY	73.56	
FEAR AND LOATHING - NON UTA	900.78	
FREDDY'S DEAD FINAL NIGHTMARE	162.17	
GONZO	176.36	
I LOVE YOU, MAN	81.31	
INTO THE WOODS	2,965.35	
JACK AND JILL	430.40	
KING OF THE HILL	12.69	
LONE RANGER	550.92	
MORTECAI	209.60	
NICK OF TIME	162.82	
PIRATES OF THE CARIBBEAN	3,294.46	
PIRATES 2 'DEAD MAN'S CHEST	3,080.66	
PIRATES 3 'AT WORLD'S END	1,586.73	
PIRATES 4 'ON STRANGER TIDES	1,271.69	
PUBLIC ENEMIES	492.09	
RANGO	3,645.56	
SHERLOCK GNOMES	13,037.58	
SECRET WINDOW	2,258.33	
THE ASTRONAUT'S WIFE	667.92	
THE TOURIST	2,841.07	
TRANSCENDENCE	83.21	
TUSK	178.00	
WHAT'S EATING GILBERT GRAPE	585.71	
YOGA HOSERS	45.20	
Total RESIDUALS		61,639.84
ROYALTIES		

CONFIDENTIAL EWC000045
PLAINTIFF'S TRIAL EXHIBIT 0227_0045

SCARAMANGA BROS., INC.
Profit & Loss
January through August 2020

	Jan - Aug 20
BMI	1,829.35
SOUNDEXCHANGE	382.86
Total ROYALTIES	2,212.21
Total Income	6,702,816.41
Gross Profit	6,702,816.41

Scaramanga Bros., Inc, L.R.D. Productions, Inc., Infinitum Nihil
2009 - 2020 Projects Gross Receipts Summary

Year	Scaramanga Bros., Inc	L.R.D. Productions	Infinitum Nihil	Total
2009	23,037,831.14	2,333,174.37	3,028,995.87	28,400,001.38
2010	51,412,789.66	15,456,352.68	2,987,490.16	69,856,632.50
2011	43,028,096.74	22,632,496.40	3,050,000.00	68,710,593.14
2012	48,583,812.78	1,110,752.27	2,450,000.00	52,144,565.05
2013	33,715,206.95	13,301,407.87	3,181,022.25	50,197,637.07
2014	42,112,168.17	13,240,403.64	3,027,330.00	58,379,901.81
2015	15,568,103.94	28,173,263.35	2,675,226.93	46,416,594.22
2016	16,099,634.89	2,098,731.57	2,762,900.75	20,961,267.21
2017	22,001,543.74	22,242,253.82	1,388,628.01	45,632,425.57
2018	15,849,181.79	1,957,863.11	546,202.00	18,353,246.90
2019	15,002,614.75	2,726,803.41	63,421.00	17,792,839.16
2020 (Jan - Aug)	6,702,816.41	7,422,133.58	42,991.00	14,167,940.99
Total	333,113,800.96	132,695,636.07	25,204,207.97	491,013,645.00

Scaramanga Bros., Inc	Contract Date Prior to December 18,	Contract Date After December 18, 2018	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Jan - Aug)	Total
Fee/ Profit Participation:															
Asahi	X										2,500,000.00	3,000,000.00			5,500,000.00
Blow	X				419,671.00	26,075.00	127,960.00	211,255.00	77,054.00		73,645.00	113,090.00	106,842.00		1,155,592.00
Black Mass	X							15,000,100.00							15,000,100.00
Cheap as Dirt	X		7,500,000.00												7,500,000.00
Christian Dior	X	X						3,000,000.00		3,000,000.00	4,000,000.00	4,200,000.00	6,900,000.00	2,450,000.00	23,550,000.00
Gonzo	X		759.00												759.00
Pirates 4	X		15,000,000.00	17,938,423.25	22,827.88	12,992,593.10	2,034,690.42	9,483,620.08	4,659,791.00						62,131,945.73
Sleepy Hollow	X		55,306.00	41,231.00	63,908.00	79,527.00	49,758.00	92,055.00	62,368.00	67,888.00	82,943.00	92,689.00	56,714.00	84,050.00	828,437.00
Family Guy	X					908.00						214.45			1,122.45
Fear & Loathing	X		99,758.00	40,567.00		98,990.00		58,029.10			29,637.00		22,433.00	20,401.00	369,815.10
Talk Shows	X					1,008.00	2,570.00	1,572.00	1,661.25						6,811.25
Tusk	X							3,212.66							3,212.66
The Lone Ranger	X					21,000,000.00	20,119.64	2,325.96							21,022,445.60
The Tourist	X			6,000,000.00			677,507.00	843,755.00	2,305,216.67			428,597.00			10,255,075.67
Alice in Wonderland	X			1,542,600.00			6,180,104.00								7,722,704.00
When You're Strange	X			75,000.00		15,000.00									90,000.00
Donnie Brasco	X			250,000.00											250,000.00
Paul McCartney Session	X							357.04	397.36						754.40
Hoers	X								4,522.27						4,522.27
Pirates Legend	X					150,000.00									150,000.00
Pirates of the Carribbean	X			625,830.00	594,867.00	1,384,266.00		379,191.00	643,160.85						3,627,314.85
Mamun Video	X										612.46				612.46
Ninth Gate	X			92,435.72	27,259.37	28,311.63	19,594.43	17,203.90	23,063.13	21,456.23	40,210.04	50,430.44	67,179.44	13,281.64	400,425.97
Nike Athletic Apparel	X					100,000.00									100,000.00
Alice in Wonderland	X			17,213,981.00	28,194,317.00	6,050,788.00		3,301,557.00	2,230,209.00						56,990,852.00
Mordecai	X							3,392,500.00							3,392,500.00
Public Enemies	X			4,230,803.00	2,304,634.00	1,879,499.00	1,194,522.00	401,586.00	2,653,715.00			140,000.00			12,804,759.00
Ed Wood	X			8,211.00	7,668.00	9,227.00	11,855.70	12,933.00	10,921.00			4,198.00	8,546.00		73,559.70
Pirates 2 & 3	X			3,199,064.00	9,780,282.00	2,753,304.00	2,432,229.00	4,801,254.00	2,547,810.00	2,856,629.00	2,611,322.00	3,135,197.00	3,364,774.00		37,481,865.00
Life	X				25,000.00										25,000.00
21 Jump Street	X				10,000.00										10,000.00
Jack and Jill	X				10,303.38										10,303.38
Transcendence	X						20,000,000.00								20,000,000.00
Sale of Content Partners	X														-
Labyrinth	X									1,000,000.00	5,000,000.00				6,000,000.00
Grammy Awards	X									852.50					852.50
World of Disney	X									3,459.50	2,072.40				5,531.90
Art of the Deal	X									60,000.00					60,000.00
Sherlock Gnomes	X									37,500.00	137,500.00	75,000.00			250,000.00
Ed Wood	X									4,308.00	4,410.00				8,718.00
P1	X									709,358.00	337,806.00	450,647.00	310,922.00	461,996.00	2,270,729.00
Alice in Wonderland	X									1,804,232.00	2,663,140.00	1,401,925.00	885,102.00	956,531.00	7,710,930.00
P4	X									5,146,980.00	2,743,195.00	1,463,865.00	2,516,602.00	2,297,015.00	14,167,657.00
P4 (UK Tax Disney)	X					675,382.30	318,664.00								994,046.30
Into the Woods	X									1,073,583.00	1,483,115.00	1,003,392.00			3,560,090.00
Hardrock Appearance	X												150,000.00		150,000.00
Venice Film Festival		X											400,000.00		400,000.00
Hollywood Vampires	X												50,000.00		50,000.00
The Puffins		X												350,000.00	350,000.00
															-
Residual Income:															-

PLAINTIFF'S TRIAL EXHIBIT 0227_0048

Scaramanga Bros., Inc	Contract Date Prior to December 18,	Contract Date After December 18, 2018	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Jan - Aug)	Total
21 Jump Street	X					1,343.12	9,670.35	1,291.88	3,161.08	1,447.20	1,141.81	897.68	917.78	708.65	20,579.55
Late Show W/Letterman	X		940.41	889.30	1,603.28	499.75	1,122.80	297.19	104.80						5,457.53
Late Show W/James Cord	X													390.00	390.00
Don Juan Demarco	X			1,157.68	190.02	1,348.06	2,405.57	415.25	592.62	702.12	9.64	930.35	669.14	270.09	8,690.54
Edward Scissorhands	X		2,319.18	3,873.00	2,708.57	1,816.14	2,208.27	1,976.09	2,639.58				3,184.98	1,200.38	21,926.19
Fear & Loathing	X		7,066.35	2,098.60	3,663.30	1,294.14	2,593.95	2,472.85	1,868.07	3,402.04	32,528.31	14,468.27	2,186.06	900.78	75,142.72
Freddy's Dead Final Night	X			6,945.70	67.45	173.13	330.81	101.92	167.32		745.58	503.27	223.36	162.17	9,420.71
Cry Baby	X		744.43	1,275.97	814.34	1,090.00	729.19	678.19	1,060.14	433.03	477.90	532.88	798.11	373.90	9,008.08
Benny & Joon	X		1,183.20	1,853.49	1,708.09	1,171.23	1,064.29	3,125.53	1,951.00	910.01	693.06	851.07	876.93	725.72	16,113.62
Blow	X		1,709.08	2,473.41	1,283.85			2,645.44	1,646.82	149,730.44	1,670.69	1,908.35	1,988.35	955.70	166,012.13
Nick of Time	X		817.21	1,670.95	608.08	1,246.14	1,407.07	660.95	736.34	416.01	655.78	662.44	416.56	162.82	9,460.35
Gilbert Grape	X		178.72	981.44	605.08	1,007.39	506.12	593.52	508.23	31.06					4,411.56
Pirates of the Caribbean	X		14,434.05	17,857.20	3,924.41	8,963.28	2,586.16	3,754.42	4,726.38	6,434.73	13,431.94	3,705.56	2,843.73	3,294.46	85,956.32
Dead Man	X		7,097.15	4,019.93	25.94	460.73	568.86	890.23	586.38	260.30	105.49	70.74	77.36	3.25	14,166.36
Disney Movie Magic	X										10,675.50				10,675.50
Edward Scissorhands	X									2,746.79	3,112.93	2,130.23			7,989.95
Family Guy	X									458.13			293.78	73.56	825.47
Secret Window	X		2,786.55	13,314.15	2,743.80	5,377.50	6,808.32	3,536.55	3,227.55	3,347.25	3,926.33				45,068.00
Donnie Brasco	X		4,291.80	1,244.85	700.86	1,774.65	2,100.20	1,438.55	1,674.15	2,157.15	2,154.15	2,576.47	2,382.38	1,729.67	24,234.82
Ed Wood	X		10,559.00	555.33											11,114.33
King of the Hill	X		86.48	147.07	98.52	76.07	145.53	139.13	101.93	101.11	101.04	100.94	86.72	12.69	1,197.23
Chocolat	X		834.90												834.90
Arizon Dream	X		16.22		220.53		13.02	443.52				151.32	12.80	38.34	895.75
Gonzo	X		11,650.21	1,566.13	209.01	1,970.78	381.77	617.21	492.78	262.69	352.78	278.20	6,315.98	176.36	24,273.90
I Love You Man	X			1,278.97	332.74	320.97	121.77	111.34	136.39	77.16	79.18	108.03	118.70	81.31	2,766.56
Public Enemies	X			15,701.42	14,398.93	7,816.90	3,378.92	2,355.04	1,518.81	1,108.01	2,442.89	2,192.91	1,319.24	492.09	52,725.16
The Astronauts Wife	X			766.81	381.58			726.09	2,392.40	1,011.69	660.38	1,427.54	758.73	667.92	8,793.14
Alice in Wonderland	X			255.16	103,925.12	27,416.78	26,214.36	21,644.90	14,410.12	13,542.48	11,659.85	10,245.47	9,422.30	4,432.59	243,169.13
Alice II	X										30,241.06	20,679.66	12,314.90	8,102.35	71,337.97
A Nightmare on Elm Street	X				3,125.71	1,431.09	2,541.97	17,483.34	1,555.19	3,515.11	1,969.05	2,900.04	2,961.44	1,568.06	39,051.00
Pirates 3	X				4,519.80	4,105.37	2,223.47	1,609.26	1,771.98	1,517.41	1,077.90	2,003.94	1,830.94	1,586.73	22,246.80
Buried Secret of M. Night S	X				1.51										1.51
Family Guy	X						1,874.61	757.91	485.50		308.03				3,426.05
The Lone Ranger	X							9,385.13	4,791.08	2,556.95	1,464.45	1,122.66	1,115.15	550.92	20,986.34
The Tourist	X				21,299.40	48,774.15	30,164.10	17,099.70	6,940.80	6,596.40	4,649.53	10,525.96	3,784.50	2,841.07	152,675.61
Transcendence	X									795.33	647.74	1,415.75	194.51	83.21	3,136.54
Tusk	X									1,872.66	523.92		516.62	178.00	3,091.20
Rango	X				292.29	80,661.75	25,599.02	14,565.83	11,883.93	5,236.34	8,344.18	4,769.14	5,311.78	3,645.56	160,309.82
Pirates 2	X				4,161.72	11,102.69	3,232.56	3,200.65	2,026.09	648.50	1,837.40	3,671.52	2,700.25	3,080.66	35,662.04
Pirates 4	X					6,239.20	5,444.33	6,820.98	3,328.50	3,107.53	976.92	2,031.67	1,424.07	1,271.69	30,645.39
Pirates Deck Party	X											2,135.10			2,135.10
Jack and Jill	X					2,172.97	5,798.37	1,366.32	1,601.82	858.47	641.47	723.60	489.77	430.40	14,083.19
The Libertine	X						18,786.14								18,786.14
Ellen	X						428.94		368.34		309.60	482.30			1,589.18
Jimmy Kimmel	X						385.50	426.76	10.43			61.06	1,542.99		2,426.74
Tusk	X								1,291.78			251.90			1,543.68
MorMezzi	X								5,328.14	23,102.97	1,941.16	404.05	356.79	209.60	31,347.71
Into the Woods	X								2,333.44	38,378.87	5,674.32	6,789.58	4,989.43	2,965.35	61,130.99
Black Mass	X									25,110.79	30,734.69	15,733.34	10,047.21	2,346.97	83,973.00
What's Eating Gilbert Grape	X									423.49	522.86	370.67	331.11	585.71	2,233.84
Yoga Hosers	X										46.82	175.07	85.80	45.20	352.89
Secret Window	X											2,435.93	3,193.52	2,258.33	7,887.78

PLAINTIFF'S TRIAL EXHIBIT 0227_0049

Scaramanga Bros., Inc	Contract Date Prior to December 18,	Contract Date After December 18, 2018	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Jan - Aug)	Total
Sherlock Gnomes	X											130.36	35,821.19	13,037.58	48,989.13
Miscellaneous	X					1,201.39	74.10			6,854.19	58,635.87	241.02		5,689.72	72,696.29
															-
Royalty:															-
BMI	X		873.82	2,414.83	919.35	341.10	1,367.51	849.34	847.17	3,136.20	2,039.56	109.38	703.92	1,829.35	15,431.53
Sound Exchange	X						2,084.59	558.46	1,130.29	476.23	654.68	1,166.89	859.97	382.86	7,313.97
This Land Was His Land	X						996.28								996.28
Other	X									616.82					616.82
															-
Reimbursed Expenses:															-
NBC Universal	X		4,250.00												4,250.00
Black Mass	X							389,415.96	232,513.75						621,929.71
Disney Worldwide	X		71,807.20		884,120.74		587.00								956,514.94
Alice II	X		132,017.60	8,576.00											140,593.60
Cheap as Dirt	X		73,577.86												73,577.86
Rum Diary Productions	X		32,766.72	1,545.30				348,040.00							382,352.02
Rango	X				126,000.00										126,000.00
Lone Ranger	X					983,419.28									983,419.28
21 Jumpstreet	X				27,416.40										27,416.40
Murdered	X							49,000.00							49,000.00
Pirates 4	X				354,988.75	72,958.00									427,946.75
Waiting for Barbarians	X											569.40	4,550.00		5,119.40
Sherlock Gnomes	X											145,295.19			145,295.19
Shane MacGowan	X											20,000.00			20,000.00
Transcendence	X						479,686.44	169,956.00	26,133.29						675,775.73
Labyrinth	X										51,478.39				51,478.39
Dior	X												13,481.46		13,481.46
Hosers	X								170.00		591.01				761.01
Hollywood Vampires	X												20,000.00		20,000.00
															-
Per Diem:															-
21 Jumb Street	X				300.00										300.00
The Lone Ranger	X					61,360.00									61,360.00
Black Mass	X							29,200.00							29,200.00
P4	X			61,581.00											61,581.00
															-
Total Projects Gross Receipts			23,037,831.14	51,412,789.66	43,029,096.74	48,583,812.78	33,715,206.95	42,112,168.17	15,568,103.94	16,099,634.89	22,001,543.74	15,849,181.79	15,002,614.75	6,702,816.41	333,113,801.96
State Tax Refund			505.94		1,496.00						38,453.00				40,454.94
Total Gross Receipts Reported on Tax Returns			23,038,337.08	51,412,789.66	43,029,592.74	48,583,812.78	33,715,206.95	42,112,168.17	15,568,103.94	16,099,634.89	22,039,996.74	15,849,181.79			333,154,255.90

Note: 2019 and 2020 tax returns have not been filed yet

PLAINTIFF'S TRIAL EXHIBIT 0227_0050

L.R.D. Productions	Contract Date Prior to December 19, 2018	Contract Date After December 19, 2018	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Jan - Aug)	Total
Est/ Profit Participations:															
Alice II	X							12,000,000.00							12,000,000.00
Charlie and the Chocolate Factory	X		1,140,077.00	1,028,078.00	959,527.00	714,126.00	590,607.00	757,558.00	717,528.00						5,907,501.00
Content Partner - Charlie and the Chocolate Factory	X								1,923,088.13						1,923,088.13
Frum Hell	X		94,343.00	109,307.00	73,669.00	61,705.00	71,739.00	34,817.00	62,198.00	58,735.00	53,597.00	74,362.00	-33,129.00	31,226.00	758,841.00
Rum Diary	X		672,000.00												672,000.00
The Tourist	X			14,000,000.00											14,000,000.00
Sweeney Todd	X			148,807.00											148,807.00
Diary Anne Leibovitz Portrait	X				200,000.00										200,000.00
Dark Shadows	X				20,000,000.30						317,897.28	394,775.00	517,476.00	239,088.80	21,469,237.38
Into the Woods	X						1,000,000.00						847,131.00	377,402.00	2,224,533.00
Into the Woods (UK Tax)	X						56,760.33								56,760.33
Mortdecai	X						11,358,450.00								11,358,450.00
Mortdecai (UK Tax)	X						124,298.43	760.00							125,058.43
Pirates 5	X								24,986,410.00						24,986,410.00
London Fields	X							4,112.46							4,112.46
Beowell	X									2,000,000.00	13,500,000.00				15,500,000.00
Beowell 3	X													6,203,740.00	6,203,740.00
Haitian Film Festival	X											500,000.00	11,142.38		511,142.38
Minerata	X												1,000,000.00		1,000,000.00
Murder on the Orient Express	X										5,000,000.00		204,939.00	518,068.00	5,723,007.00
Richard Says Goodbye	X										3,300,000.00				3,300,000.00
Waiting for the Barbarians	X											500,000.00			500,000.00
Residual Income:															
Alice II	X									300.00					300.00
Once Upon A Time in Mexico	X		2,443.34	7,609.46	1,311.66	1,121.26	2,924.79	799.67	1,216.04	704.81	1,035.27	965.03	1,041.64	635.79	15,548.76
Charlie and the Chocolate Factory	X		21,159.06	17,282.20	11,036.58	8,785.57	12,146.41	5,125.45	10,257.13	11,253.64	16,704.82	10,846.72	13,216.83	5,752.31	141,564.72
Corpse Bride	X		4,751.02	458.56	4,938.52	1,966.57									12,126.67
Sweedy Todd	X		111,523.45	24,980.46	26,683.12	12,923.98	4,907.85	2,125.33	5,690.69	5,357.74	4,298.74	3,992.46	6,078.09	2,096.02	210,467.93
Imaginarium of Dr. Parnasus	X			1,704.42	196.42	248.78	78.44	95.62	62.20	49.85	24.35	93.98	87.38		2,641.44
I Love You Man	X				1.71										1.71
Rum Diary	X				8,685.59	9,679.21	818.18	2,531.06	773.96	67.88	76.40	72.26	45.26		21,649.80
Dark Shadows	X				0.03	63,904.31	8,139.87	17,047.12	10,008.72		6,089.75	5,243.29	1,198.19		111,711.28
Beowell	X										29,658.49	23,464.21	22,850.40	5,624.51	81,597.60
Beowell 2	X												22,792.63	22,549.67	45,342.30
P5	X									10,255.50	7,334.50	11,505.60	5,497.45	3,508.43	38,101.48
Richard Says Goodbye	X													9,762.16	9,762.16
Murder on the Orient Express	X											18,777.25	31,331.76	3,355.06	53,464.07
Royalty:															
Sony/ATV	X		107.50												107.50
Sweeney Todd Music	X				6,566.00		2,567.00	1,701.00	1,400.86			2,331.20	3,787.70		18,353.76
Reimbursed Expenses:															
Rum Diary	X		286,750.00												286,750.00
The Tourist	X			126,000.00	38,038.80										164,038.80
Dark Shadow	X					301,240.14		99,464.22							400,704.36
Mortdecai	X							307,269.00							307,269.00
London Fields	X							700.62							700.62
Pirates 5	X								349,800.70	700.00					350,500.70
Into the Woods	X								96,000.00						96,000.00
Beowell	X											244,653.14			244,653.14
Murder On the Orient Express	X											166,000.00			166,000.00
															-
Per Diem:															-
Dark Shadows	X				1,309,001.00										1,309,001.00
Murder On the Orient Express	X										11,600.00				11,600.00
Into the Woods	X						4,054.76								4,054.76
Alice II	X							16,934.40							16,934.40
P5	X									1,000.00					1,000.00
															-
Miscellaneous Income	X												980.00		980.00
															-
Total Projects Gross Receipts			2,333,174.37	15,456,352.68	22,632,496.40	1,110,752.27	13,381,407.87	13,240,403.64	28,173,263.35	2,098,731.57	22,242,253.82	1,957,863.11	2,726,803.41	7,422,133.58	132,695,636.07
State Tax Refund			-	805.00							14,188.00		46,222.00		61,215.00
Total Gross Receipts Reported on Tax Returns			2,333,174.37	15,457,157.68	22,632,496.40	1,110,752.27	13,381,407.87	13,240,403.64	28,173,263.35	2,098,731.57	22,256,441.82	1,957,863.11			132,756,851.07

Note: 2019 and 2020 tax returns have not been filed yet

PLAINTIFF'S TRIAL EXHIBIT 0227_0051

Infinitum Nihil	Contract Date Prior to December 18, 2018	Contract Date After December 18, 2018	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Jan - Aug)	Total
Warners Bros - Overhead	X		2,249,976.96	2,087,490.16	2,250,000.00	2,250,000.00	1,125,000.00								9,962,467.12
Dark Shadows	X				800,000.00	200,000.00	934,660.00	149,619.00	159,549.00	87,281.00	43,169.00	48,334.00	63,421.00	36,741.00	2,522,774.00
GK Films - KR Project	X			750,000.00											750,000.00
Rum Diary Productions	X			150,000.00					17,250.00						167,250.00
Mortdecai	X						320,000.00	480,000.00	200,000.00						1,000,000.00
Stanhope & Friends	X										9,000.00	10,000.00			19,000.00
Richard Says Goodbye	X										500,000.00				500,000.00
Dragonfire Development LLC	X											20,000.00			20,000.00
Treehorn	X											50,000.00			50,000.00
Waiting for the Barbarians	X											250,000.00			250,000.00
Windhorn	X											167,868.00			167,868.00
Fortunately, the Milk	X													6,250.00	6,250.00
Miscellaneous Income	X								344.00	3,156.49	3,125.00				6,625.49
															-
Reimbursed Expenses	X														
Warner Bros	X		760,652.19												760,652.19
Rum Diary	X		18,366.72												18,366.72
Disney	X						801,362.25	2,367,561.00	2,298,083.93	2,546,100.76	833,334.01				8,846,441.95
Mortdecai	X							30,150.00							30,150.00
P5	X									126,362.50					126,362.50
															-
Total Projects Gross Receipts			3,028,995.87	2,987,490.16	3,050,000.00	2,450,000.00	3,181,022.25	3,027,330.00	2,675,226.93	2,762,900.75	1,388,628.01	546,202.00	63,421.00	42,991.00	25,204,207.97
State Tax Refund													8,678.00		8,678.00
Total Gross Receipts Reported on Tax Returns			3,028,995.87	2,987,490.16	3,050,000.00	2,450,000.00	3,181,022.25	3,027,330.00	2,675,226.93	2,762,900.75	1,388,628.01	546,202.00			25,212,885.97

Note: 2019 and 2020 tax returns have not been filed yet

PLAINTIFF'S TRIAL EXHIBIT 0227_0052

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Transcript of Hearing

Date: December 10, 2021
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

----------x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

----------x

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, December 10, 2021

12:29 p.m.

Job No.: 418613

Pages: 1 - 75

Reported by: Carol A. Lowe, RPR

Hearing held at:

CIRCUIT COURT OF FAIRFAX COUNTY
4110 Chain Bridge Road
Courtroom 5J
Fairfax, Virginia 22030
(703) 691-7320

A P P E A R A N C E S

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ON BEHALF OF THE DEFENDANT:

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Reston, Virginia 20190
(703) 318-6800

MR. NADELHAFT: Okay.

THE COURT: So you don't have to regurgitate that.

MR. NADELHAFT: Sure.

THE COURT: But whatever you'd like to add to it, that -- that would be great.

MR. NADELHAFT: Okay. Great. And so I'm going to start off with the -- our motion to compel Mr. Depp's charitable donations. And in particular it's RFP nine of the 12th requests for production where Ms. Heard requested documents sufficient to -- to reflect Mr. Depp's charitable donations of either money or time from 2010 to the present.

To be clear, we're not asking for all documents. We're just asking for documents sufficient to reflect his charitable donations. So I don't think this is a burdensome request.

THE COURT: No. No. I don't think burdensome is the question. Relevance is the question.

MR. NADELHAFT: Right. So there --

well, there's a couple -- there's a few -- there's a few issues here.

One, Mr. Depp, as you know, as you've heard, has made a big deal out of Ms. Heard's donations to the -- and pledges to the ACLU and -- and LA Children's Hospital.

And I'm sure Mr. Chew is going to come up here and say she's depriving children, sick children, of -- of money and -- and time; but that's not true. And it's -- it's not even part of the complaint, but he's gotten discovery on that.

What we're seeking is we don't want them to make that -- that argument and then to say, Mr. Depp -- and -- and talk about his donations to the LA Children's Hospital and to the ACLU. And -- and I can pass up, but he -- I mean, Mr. Depp has made it public that he's made contributions to the --

THE COURT: Right. But I just want to make it -- you're -- you're saying because they're getting it, we should get it?

MR. NADELHAFT: No, no, no. No, I'm not -- we're not -- we're not doing tit for tat. It's also -- it's also he's -- his reputation is also at issue.

So when we see -- if we see that he's increased his donations after certain events like if he's had a drug or alcohol issue and his donations go up, he's trying to improve his reputation, we should be able to get information sufficient to see what donations he's made, where he's made it to and -- and be able to see if -- was he doing this to improve his reputation.

He's -- he's put his reputation at issue. And -- and part of improving your -- part of your reputation is your donations to the public.

The other issue that we've really found here that shows that it's relevant is that we went to them and said, okay, let's just say we'll do the LA -- donations to the LA Children's Hospital, donations to the ACLU and Mr. Depp will agree that he will not testify as to his charitable

contributions at trial.

They would not agree to that. They wouldn't agree that Mr. Depp won't be -- won't testify. They said it's -- they don't want to give trial strategy. Well, if he's going to testify as to his donations, he's admitted -- he's admitted its relevance.

THE COURT: I -- I assume you'd object to relevance if he starts --

MR. NADELHAFT: Well --

THE COURT: -- testifying to his donations.

MR. NADELHAFT: -- sure; but now it's in front of the -- now it's -- now it's -- and that would be in front of the jury. We'd also have to make a motion in limine.

If -- if we can get an -- I mean, if we can have an order now that would say Mr. -- Mr. Depp will not be able to testify as to his -- or will agree not to testify to his charitable donations, we can -- we can -- along with the ACLU and -- and the Children's Hospital donations, we

could -- we could live -- we could live with that.

That way it ties a loop around any donations made to the ACLU or Children's Hospital to which Mr. Depp has tried to take credit for, at least to the Children's Hospital. And then we're not left to wonder will he testify, you know, at trial about donations down the road. And we don't need a motion to compel.

They've said they're not -- they've said in their papers they're not intending to have him testify. Let's have an order that says he can't. And if -- if you're not going to -- if -- if you're not going to -- if you're not going to order that his -- he should produce the documents, then an order at least saying that he will not testify at trial as to his donations would be sufficient.

THE COURT: All right. I understand. I don't know -- I don't know if you could do a clear order stating that he wouldn't testify, because a lot of things happen at trial. You never know. It's very fluid. But, I mean, it could be

where --

MR. NADELHAFT: Well, we could --

THE COURT: -- we could approach --

MR. NADELHAFT: Obviously we --

THE COURT: -- the bench before you get into that issue. I mean, we could --

MR. NADELHAFT: Well, how are we --

THE COURT: -- do something like that.

MR. NADELHAFT: How we are going to know when he's going to do that? And then if he goes into that and it somehow is -- he does get to testify, then now we have no documents at all to be able to challenge him on it.

I mean, it -- he -- he can't have it both ways. He can't make it -- it may be relevant, I may be able to testify to it; but it's not relevant for -- for discovery purposes.

THE COURT: Okay.

MR. NADELHAFT: And, again, we're just -- we're seeking documents sufficient to show his -- his donations to the -- at least to the ACLU and -- and Children's Hospital, if not all of

it, and to show -- again, if he's increasing his -- if he's increasing his donations after he has an incident, a public incident, that goes to his reputation.

And we can see why he was -- and then we can see why he was making those donations, who he was making it to. And, again, he's also taking credit for the -- you know, the ACLU and the -- or at least the Children's Hospital donations.

So it's a -- it's a relatively limited request. It's either -- if -- if he's -- can't -- if he -- if we can't get this discovery, then Mr. Depp should be ordered that he cannot -- that that cannot be something that he testifies to at trial which he has somewhat agreed to but now -- but won't -- won't commit to it into a consent order.

THE COURT: All right. Thank you, sir.

MR. NADELHAFT: Thank you.

THE COURT: All right. Yes, sir. Mr. Chew.

MR. CHEW: Good afternoon, Your Honor. May it please the Court, Ben Chew for Johnny Depp.

Your Honor, this -- this is a motion to compel. It's not a motion in limine. And we respectfully submit that the Court should deny as -- the motion to compel as to this category of documents because they're irrelevant and not reasonably calculated to lead to the -- to admissible evidence.

Unlike Ms. Heard, Mr. Depp has not put his charitable donations at issue. Ms. Heard did so by stating quote, I played no role -- strike that.

Ms. Heard did so by stating, quote, money played no role for me personally and never has except to the extent I could donate it to charity, unquote.

What a joke. She hoodwinked the judge in England who apparently believed her sworn statement, her first sworn witness statement, that she donated all seven million dollars of her divorce settlement to Mr. Depp. And -- and the judge cited that as a basis for concluding that Ms. Heard -- Ms. Heard was not a gold digger.

We had to pull teeth to prove that was false. Ms. Heard objected to our subpoena to the Children's Hospital of Los Angeles. When she lost that and was sanctioned by the judge, Judge Bowick, in Los Angeles she took it to the Court of Appeals -- imagine taking a discovery issue to the Court of Appeals -- which rejected it in record time.

And those records show that Ms. Heard, in fact, gave zero to the Children's Hospital of Los Angeles except for the $100,000 that Mr. Depp gave in the wrongful impression that Ms. Heard was serious when she pledged her 3.5 million dollars to the Children's Hospital of Los Angeles.

So when Ms. Heard's counsel keeps telling you that this isn't true, they know it's false. In fact, we had an emergency hearing before Chief Judge White to deal with Ms. Bredehoft marking those documents produced by the Children's Hospital of Los Angeles. The Children's Hospital of Los Angeles did not mark them as confidential, but Ms. Bredehoft did so

retroactively.

We had an emergency motion. Chief Judge White found in chambers that there was no basis for those to be marked confidential. Ms. Bredehoft said, ah-ha, but there's no emergency here. And -- and Chief Judge White said, the emergency is your bad faith. So that was the bad faith.

So why they keep saying that this was not true -- they know it's true. Mr. Depp has not made his charitable donations an issue. And this is not a hearing on a motion in limine. If they want to do that, they can do that. Thank you, Your Honor.

THE COURT: All right. Thank you. All right. Anything further on that issue?

MR. NADELHAFT: Real -- real quickly, Your Honor. Respectfully, Ms. Heard did not make this an issue. It's not -- and it's, one, not part of Mr. Depp's complaint. It was never mentioned in her -- it was never mentioned in her op-ed. She never mentioned charities or

charitable donations. She never mentioned that at all in anything in the complaint.

In terms of taking a -- a discovery order to the appellate court, Mr. Depp has done that in our -- in our requests to try to get documents from Mr. Depp's counsel, Mr. Waldman. He's taken it to the D.C. Court of Appeals. They tried to have a stay. And that was denied quickly.

All of Mr. -- all of Mr. Chew's arguments were about Ms. Heard's pledges and donations. We're -- we're simply seeking -- we're simply seeking at a minimum whatever Mr. Depp donated to the ACLU and LA Children's -- LA Children's Hospital.

And -- and if -- and -- and that -- and at a minimum we would be seeking that. I have said before why we believe it is relevant, his donations, and how it could go to his reputation. I do think that it is relevant.

And, again, if Mr. Depp is going to testify to that, which he's still not saying he

won't, then it needs to be -- then it needs to be relevant for discovery purposes.

He's right. It's not a motion in limine. But why not -- I mean, why have us go through all this if he's -- if he won't commit that it is -- you know, he can't have it both ways. He can't say that it's relevant, it may be relevant; but it's not relevant for discovery. So unless you have any other questions...

THE COURT: No, that's fine, sir.

MR. NADELHAFT: Thank you, Your Honor.

THE COURT: As to charitable donations the Court just does not find relevance in this matter to compel that. So I'm going to deny the motion to compel as to that issue.

All right. I believe the next issue is documents related to defenses and denials.

MR. MURPHY: Correct.

THE COURT: Okay.

MR. MURPHY: We'll focus on the defenses --

THE COURT: In the counterclaim.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: CL-2019-0002911
	)	
Amber Laura Heard,	)	
	)	
Defendant.	)	
	)	

PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA HEARD'S MOTION TO COMPEL RESPONSES TO ELEVENTH AND TWELFTH REQUESTS FOR PRODUCTION OF DOCUMENTS

I. The Motion Is Believed Moot As to Contracts/Related Documents

The parties appeared close to agreement on certain issues when Ms. Heard filed her motion to preserve a December 10 hearing date before the meet and confer process had concluded. Mr. Depp believes that the parties are now in agreement as to Ms. Heard's RFPs seeking Mr. Depp's performance contracts. Mr. Depp already produced contracts for many films and agrees to producing any additional film contracts in his possession and his contract with Christian Dior. Mr. Depp is also willing to produce responsive documents (if any) to Ms. Heard's RFPs for communications with Mr. Depp's employers under those contracts regarding terminations, complaints or concerns about Mr. Depp, as narrowed in the meet and confer.

II. Mr. Depp's Objections Related to His Defenses Are Appropriate

Ms. Heard served unreasonably broad and vague RFPs for all documents "supporting, refuting, or otherwise relating to" his affirmative defenses. Mr. Depp agrees in principle that non-privileged documents supporting his defenses may be discoverable. But Ms. Heard has failed to specifically describe identifiable categories of documents that might support Mr. Depp's defenses. Instead, she took a shortcut, making a blanket demand for everything in the world that might be deemed to "relate" to his defenses. That violates the requirement of Va. R. S. Ct. 4:9(b)(i) that RFPs ***"must set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity."*** Simply put, there is no file that can be searched that contains all documents that might "relate" to an entire affirmative defense. Mr. Depp has agreed to produce documents in response to some requests, but subject to legitimate objections – the requests are too broad and too vague.

III. Ms. Heard Is Not Entitled to Privileged Documents

Ms. Heard also seeks privileged materials, arguing that Mr. Depp's assertion of the attorney-client privilege is incompatible with his Fourth and Fifth Affirmative Defenses to her Counterclaim for defamation. Not so. Mr. Depp's Fourth Affirmative Defense (that Mr. Depp did not make the statements at issue) merely points out an undisputed fact that is alleged in Ms. Heard's own Counterclaim – the statements that form the basis of her Counterclaim were made by Adam Waldman, not Mr. Depp. And Mr. Depp's "Fifth Affirmative Defense" is not an active defense, but merely a ***reservation of rights*** to assert hypothetical defenses related to the scope of Mr. Waldman's authority. Mr. Depp is not intending to rely on privileged communications with Mr. Waldman at trial and is under no obligation to waive privilege. As for Ms. Heard's argument that it is contested that Mr. Waldman's statements are attributable to Mr. Depp, that is of course true; but it does not follow from that fact that Ms. Heard is entitled to obtain privileged communications between Mr. Depp and Mr. Waldman. ***It is Ms. Heard's burden to establish that Mr. Waldman was acting at the behest of Mr. Depp in making the statements in question*** (not Mr. Depp's burden to disprove it), and Mr. Depp is under no obligation to waive privilege merely because he disputes that Ms. Heard can carry her burden.

IV. Mr. Depp's Objections to Documents "Related" to Denials Are Appropriate

Ms. Heard served broad, vague, and open-ended requests for any documents that could be deemed to relate to Mr. Depp's denials of the allegations in each paragraph of her Counterclaim. Not only do these requests fail to specify reasonably particularized categories of documents as required under Va. R. S. Ct. 4:9(b)(i), but also many of them ***relate to allegations that are no longer at issue***, because they are focused on Ms. Heard's third cause of action in her Counterclaim, which was essentially an attempt to hold Mr. Depp accountable for any negative

post about her on social media, ***and which was dismissed following Mr. Depp's Demurrer and Plea in Bar.*** For instance, RFP No. 47 in her Eleventh RFPs demands that Mr. Depp "produce all documents supporting, refuting, or otherwise relating to Your denial of ¶¶ 13-14 of the Counterclaim." Those paragraphs have nothing to do with the three allegedly defamatory statements still at issue in the Counterclaim:

> "In total, there are at least dozens if not hundreds of inauthentic accounts that impugn Ms. Heard while praising Mr. Waldman. This messaging further evidences the origin of Mr. Depp's unlawful campaign and demonstrates that these inauthentic accounts are actively coordinating content to manipulate the Twitter platform and avoid detection."
>
> "As examples, these inauthentic accounts include the following: ReemDepp, MyGrindelwald, mderndarkwizard, pomta5426, depp_soldier, PerspectiveDepp, depphead_, Ray Ray Depp, Depplyyours, ILoveGellert, J ackiedepp 1963, JDeppS _girl. Investigation has revealed hundreds of others."

The Court has already rejected Ms. Heard's argument that Mr. Depp is accountable for every unpleasant comment about her on the Internet. Serving scores of RFPs for all documents "related" to these irrelevant and baseless allegations is harassment. Moreover, ***many paragraphs in Ms. Heard's Counterclaim do not even contain factual allegations but are just opinions or insults directed at Mr. Depp.*** For instance, RFP No. 59 demands all documents "supporting, refuting, or otherwise relating" to Counterclaim paragraph 27:

> "Without this case, Mr. Depp' s attempts to keep this matter in the press would amount to nothing more than a four-year old stale story that has been rehashed ad-nauseum. He would be wholly unable to generate any interest from the public, and thus without recourse to pursue his bitter obsession with destroying Ms. Heard. Movie studios and brands do not tend to care about issues they have no reason to think the public cares about. But if Mr. Depp can generate the impression that viewers and consumers do care - by fomenting a fantasy of online outrage and hatred for Ms. Heard, and its relevance animated by press coverage and "news" around this case – his fixation can continue to gain ground."

How does one even begin to look for documents that "support, refute, or relate" to a rant like that? Ms. Heard failed to meet her burden under Rule 4:9(b)(i).

V. Mr. Depp's Charitable Donations Are Irrelevant

In another example of Ms. Heard's blatant "tit for tat" discovery tactics, she also served a blanket demand for documents showing all of Mr. Depp's charitable donations, apparently as retaliation for Mr. Depp's discovery into her purported donations to the Children's Hospital, Los Angeles, and the ACLU. But Ms. Heard's purported donations to those organizations are relevant because she tied her supposed donations to her motives in alleging abuse. Ms. Heard issued a press release during the parties' divorce in which she stated that "money played no role for me personally and never has, except to the extent that I could donate it to charity," and testified under penalty of perjury in the UK action that she could have had no financial motive because "the entire amount of my divorce settlement was donated to charity"—only for it to emerge that five years after the parties' divorce, Ms. Heard kept most of the money. Conversely, Mr. Depp's charitable donations are totally irrelevant. Mr. Depp has never tied his charitable donations to this case, has never indicated that he intends to present evidence about his own donations, and does not intend to do so.[1]

VI. Ms. Heard's RFPs Re: RFA and Interrogatory Responses Are Improper

In another example of Ms. Heard's use of discovery as a blunt instrument, Ms. Heard demanded all documents "supporting, refuting, or relating" to any of Mr. Depp's denials of RFAs or interrogatory responses. Mr. Depp objected, since the mere fact that a question has been asked in discovery does not mean that every document that could be deemed to "relate" to the

[1] The Motion also relies on the fact that in 2016 Mr. Depp paid, as part of the divorce settlement, $100,000 each to the ACLU and CHLA in 2016, being under the mistaken impression that Ms. Heard actually intended to honor her public promises to donate the divorce money. Ms. Heard objected and insisted that the money be paid to her. Nothing about those facts makes *Mr. Depp's* personal charitable donations relevant.

response is discoverable (particularly given the blatant overbreadth of Ms. Heard's written discovery). For instance, Ms. Heard's Interrogatory No. 17, reads as follows:

> Identify each judicial or administrative proceeding (including all details needed to locate the docket) in which You have had any involvement (including as a party, witness, or nonparty) from January 1, 2010 to the present, and include a description of (i) the nature of each proceeding; (ii) the court in which the proceeding was/is maintained; (iii) Your involvement in the proceeding, (iv) the status of the proceeding; and (v) the result, if the proceeding has concluded.

It is not reasonable to demand every document that "supports" or "relates" to a response to questions like this, since that effectively opens the door to every document that "relates" to wholly unrelated litigations. This is a global problem with these RFPs, since many other interrogatories or RFAs similarly are arguably "related" to documents that have no plausible relationship to this case. Ms. Heard must serve different requests that describe reasonably identifiable categories of documents.[2] Ms. Heard also demands documents that "relate" to Mr. Depp's "denials" of her RFAs – and then cites a series of RFAs, ***many of which Mr. Depp did not even deny*** (see the 4th and 5th RFAs in their entirety). These requests are neither appropriately particularized, nor reasonable, and, where they relate to responses other than denials, they are not even intelligible.

[2] Nonetheless, in the interests of compromise, Mr. Depp is prepared to produce the following in response to the interrogatories specifically listed in the Motion: (1) documents, if any, evidencing drug or alcohol use by Mr. Depp or Ms. Heard on any dates of alleged abuse (although such documents are believed to have been long-since produced); and (2) a fully executed copy of Mr. Depp's separation agreement with Vanessa Paradis, to the extent that one can be located – but again, it is believed that the copy produced is the only one in Mr. Depp's possession.

Respectfully submitted,

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Dated: December 3, 2021

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Transcript of Adam Waldman

Date: February 15, 2022
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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

- - - - - - - - - - - - - - - x

JOHN C. DEPP, II, :

Plaintiff, : Case No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

- - - - - - - - - - - - - - - x

Videotaped Deposition of ADAM WALDMAN

Conducted Remotely via Zoom

Tuesday, February 15, 2022

10:08 a.m.

Job No.: 427529

Pages: 1 - 238

Reported By: AMY L. STRYKER, CCR

2

Deposition of ADAM WALDMAN, conducted remotely.

Pursuant to subpoena, before AMY L. STRYKER, Certified Court Reporter and Notary Public of the State of Maryland.

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THE WITNESS: Okay. Thank you. I understand. I accept the instruction.
MS. BREDEHOFT: Lucien, could we bring up Exhibit No. 4.
AV TECHNICIAN: Stand by.
(Exhibit 4, Daily MailOnline article, Published April 8, 2020, was marked for identification and is attached to the transcript.)
AV TECHNICIAN: Showing Exhibit 4 on the screen.
MS. BREDEHOFT: Thank you.
BY MS. BREDEHOFT:
Q Mr. Waldman, I'm going to ask you to take a look at what has been marked as Exhibit No. 4. I think I'm going to try to blow it up just a touch. It's kind of hard to read. Okay.
And it's an article from July 3, 2020 from MailOnline. This is Daily MailOnline. Do you see that?
A I do.
Q Okay. And I'm going to ask you to turn to what would be -- I forgot my page numbers here.

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A Ms. Bredehoft, if we're going to talk about this article, may I read it? I assume it's not too long.
Q Yes. Yeah, absolutely. In fact, why don't you take control, Mr. Waldman, and that way you can scroll at your --
A This is dangerous giving me -- giving me control.
Q And, Mr. Waldman --
A Do I scroll down with my scroll button?
Q You can. And, Mr. Waldman, you can also blow it up a little bit more. It's at 75 percent. So if you need to be able to see it better, you can do that as you scroll. Go ahead and take your time and then I will --
A I can use my cursor to scroll?
MR. CHEW: Mr. Waldman, if you click on the screen, you'll be able to use -- yeah, there you go.
THE WITNESS: Okay. Thank you. I'm able to, thank you.
It's stopping me from going down to the

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bottom.
AV TECHNICIAN: Click on the screen again. I had to unmute.
THE WITNESS: Ahh, there we go. Thank you.
I was wrong; it's a long article.
MR. CHEW: I would just note for the record it's not one of the three articles that remained in Ms. Heard's counterclaim, so I would object -- make a threshold objection on relevance grounds.
THE WITNESS: Okay. I think I've read the article. I'm not going to read the transcript of the audiotape unless -- I'll read that, I guess, if we have questions about it.
BY MS. BREDEHOFT:
Q No. No, actually, if -- I'm just going to go to page 8.
MS. BREDEHOFT: Lucien, if you can take me to page 8, that will move it faster.
Q And I'm going to make it a little bit larger. And I'm going to --

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MS. BREDEHOFT: I need control. There we go. Thank you. Oops, that's the wrong one.
BY MS. BREDEHOFT:
Q I'm going to ask you to take a look at the following: It says, Adam Waldman, Depp's lawyer, said afterwards, quote, Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and a shield, depending on their needs.
They have selected some of her sexual violence hoax facts -- quote, facts, end of quote, as the sword, inflicting them on the public and Mr. Depp.
Do you see that?
A I do.
Q Did you make that statement?
A I believe I did.
Q Did you make that statement on behalf of Mr. Depp?
MR. CHEW: I would instruct the witness not to answer that question on attorney-client privilege grounds.

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THE WITNESS: I accept the instruction.
BY MS. BREDEHOFT:
Q Why did you make the statement?
MR. CHEW: Same instruction; same rationale.
You can't answer the "why" question without disclosing attorney-client privilege, so I would instruct you not to answer.
Q Were you representing Mr. Depp at the time you made this statement?
MR. CHEW: Objection; asked and answered. And -- in any event, I'm going to instruct the witness not to answer that question on attorney-client privilege grounds.
THE WITNESS: I apologize, I actually didn't hear the question. I can agree with the instruction, but I probably should hear the question.
MR. CHEW: Fair enough.
MS. BREDEHOFT: Amy, could you read that back, please. Thank you.
(The court reporter read the pertinent

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part of the record.)
MR. CHEW: I would instruct the witness not to answer on attorney-client privilege grounds.
THE WITNESS: And thank you. I accept the instruction. Sorry for the repetition.
BY MS. BREDEHOFT:
Q Did you discuss the statement with Mr. Depp before making the statement?
MR. CHEW: Same objection; same grounds.
THE WITNESS: Yeah, I accept the instruction.
Q Did you discuss the statement with Mr. Depp after making the statement?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q Was Mr. Depp aware, either before or after, that you were making this statement?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q Did you make this statement with

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Mr. Depp's authorization or agreement?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q Was Mr. Depp aware that you were speaking with the press?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q Did Mr. Depp ever ask you to retract or correct this statement?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q If Mr. Depp had asked you to retract or correct the statement, would you have retracted or corrected it?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q If Mr. Depp had told you that the statement was not correct, would you have corrected or retracted it?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: I accept the instruction.
Q Did you rely upon any statements or

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evidence from Mr. Depp in making this statement?
MR. CHEW: Same instruction; same grounds.
THE WITNESS: Yes, I accept the instruction.
MS. BREDEHOFT: Thank you. You can take this one down, Lucien.
And if you can bring up Exhibit No. 5.
AV TECHNICIAN: Stand by.
(Exhibit 5, Daily MailOnline article, Published April 27, 2020, was marked for identification and is attached to the transcript.)
AV TECHNICIAN: Showing Exhibit 5 on the screen.
BY MS. BREDEHOFT:
Q Mr. Waldman, I'm going to be asking you a question about a specific statement in this one. If you would like to read the article first, you are certainly at liberty to, and you can take control now and do that.
A Thank you. I will.
MR. CHEW: And, again, I would just note for the record this is not one of the three

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statements, F, G, or H, that is still at issue in the litigation.

THE WITNESS: Okay. Thank you. I've read it.

MS. BREDEHOFT: All right. I'm going to ask Lucien to take control and take me to page 9. And then I'm going to ask to take control so I can do my highlighter. And I'm going to go down to -- there we go. It's page 10, actually, I guess, here.

BY MS. BREDEHOFT:

Q It says -- and this is -- I guess I didn't set the stage here. This was the Daily Mail published on July 3, 2020 [sic]. And I'm going to now direct your attention to page 9. Depp's lawyer Adam Waldman said the various discrepancies proved that nothing Heard and her friends said about the events of May 21, 2016 could be considered credible.

Do you see that?

MR. CHEW: Objection; hearsay.

THE WITNESS: I do.

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Q Then I'm going to direct your attention, Mr. Waldman, to the next statement. Quote, Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn't do the trick.

MR. CHEW: Objection; hearsay.

MS. BREDEHOFT: Excuse me, I'm not done.

Q The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property.

So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and a publicist, and then placed a second call to 911.

Do you see that statement?

MR. CHEW: Objection; hearsay.

THE WITNESS: I do.

Q Did you make those statements?

A There are two parts to what you've shown me. The first part didn't have quotation marks around it.

Q And I'm not asking about that.

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A Okay.

Q I'm sorry --

A Where it said, nothing could be considered credible, that's not quoting me.

Q Right.

A The part with the quote marks, I believe I said that, yes.

Q So starting from "quite simply" through "911," you stated all that; is that correct?

MR. CHEW: Objection; vague and ambiguous.

THE WITNESS: Yes, I believe so.

Q Okay. Did you make this -- these statements on Mr. Depp's behalf?

MR. CHEW: Instruct the witness not to answer on the grounds of attorney-client privilege.

THE WITNESS: I accept the instruction.

Q Why did you make these statements?

MR. CHEW: Same instruction; same reason.

THE WITNESS: I accept the instruction.

Q What were you trying to convey to the press in making these statements?

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MR. CHEW: Same instruction; same reason.

THE WITNESS: I accept the instruction.

BY MS. BREDEHOFT:

Q Did you discuss this statement with Mr. Depp before making these statements?

MR. CHEW: Same instruction; same reason.

THE WITNESS: I accept the instruction.

Q Did you discuss these statements with Mr. Depp following making these statements?

MR. CHEW: Same instruction; same rationale.

THE WITNESS: Yes, I accept the instruction.

Q Was Mr. Depp aware, either before or after, that you were making these statements?

MR. CHEW: Same instruction; same reason.

THE WITNESS: I accept the instruction.

Q Did you make these statements with Mr. Depp's authorization or agreement?

MR. CHEW: Same instruction; same basis.

THE WITNESS: I accept the instruction.

Q Was Mr. Depp aware you were speaking with

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the press?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did Mr. Depp ever ask you to retract or correct these statements?
MR. CHEW: Same objection; same basis.
THE WITNESS: I accept the instruction.
Q If Mr. Depp had asked you to retract or correct these statements, would you have retracted or corrected them?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q If Mr. Depp had told you these statements were not correct, would you have corrected or retracted them?
MR. CHEW: Same objection; same basis.
THE WITNESS: I accept the instruction.
Q Did you rely upon any statements or evidence from Mr. Depp in making these statements?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Okay.

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MS. BREDEHOFT: Lucien, you can take that one down, and let's go to Exhibit No. 6.
AV TECHNICIAN: Stand by.
(Exhibit 6, Daily MailOnline article, Published June 24, 2020, was marked for identification and is attached to the transcript.)
AV TECHNICIAN: I'm showing Exhibit 6 on the screen.
BY MS. BREDEHOFT:
Q Mr. Waldman, I'm going to ask you to take a look at Exhibit No. 6. This was another Daily MailOnline, July 3, 2020 [sic]. And if you would like to go ahead and read the article, this would be a good time to do it.
A Thank you.
MR. CHEW: And while he's doing that, I would just note for the record this is not one of the three articles that contain statements that are still at issue in the case in Ms. Heard's counterclaims.
THE WITNESS: I'm getting a security block message.

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MS. BREDEHOFT: I got it, too.
AV TECHNICIAN: Just click on the screen and try not to click on the text.
THE WITNESS: Okay. I got the box again.
MS. BREDEHOFT: Could we maybe take a break and, Lucien, you can see if you can figure that out -- help figure that out.
AV TECHNICIAN: Sure.
THE VIDEOGRAPHER: We are -- stand by. We are now going off the record. The time is 11:22 a.m.
(Recess was held.)
THE VIDEOGRAPHER: We are now going back on the record. The time is 11:31 a.m.
BY MS. BREDEHOFT:
Q Mr. Waldman, we were looking at Waldman Exhibit No. 6, and it's the Daily Mail from July -- I just lost it there -- July 3, 2020. And you were going to scroll through it and I think we had some technical difficulties so we took a break. Have you had an opportunity to review it or do you need to now?

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A No, Ms. Bredehoft, I -- I just saw the screen for the first time. So may I read it now?
Q Absolutely.
MR. CHEW: And, Elaine, while he's doing that, let me make a correction. I had -- I stated with a couple of the last exhibits that these were not the statements at issue because I was thrown off by the date at the top of the exhibits. So some of the statements are at issue in the counterclaims. That was not the basis of any of my instructions not to answer. All the instructions not to answer were based on attorney-client privilege. So I just wanted to make that clear.
THE WITNESS: Okay. May I read now?
Q Oh. I thought you were reading while Ben was talking. But go ahead.
A Oh, sorry. Okay. I've -- there. It's controlling the document. Thank you.
Okay. Thank you. I've read it.
Q Okay. Mr. Waldman --
MS. BREDEHOFT: I'm going to ask for

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control of the screen, Lucien, if you could.
Thank you.
BY MS. BREDEHOFT:
Q I'm going to ask you to turn to what is the 11th page, the last page you just finished reading, and I'm going to direct your attention to some specific words that are attributed to you. Do you see it says, Depp's attorney Adam Waldman said, right here?
I'm trying to get that color, but...
AV TECHNICIAN: Oh, yeah, I -- the ability to highlight is not -- you'll have to use a different tool to -- yeah, you'll have to draw. Yeah.
Q Okay. Do you see, Depp's attorney Adam Waldman said? Do you see that there, Mr. Waldman?
A I do.
Q Okay. And then I'm going to direct your attention to specifically: the end of Ms. Heard's abuse hoax against Johnny Depp. Do you see that?
A I do.

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Q Did you speak the words, quote, the end of Ms. Heard's abuse hoax against Johnny Depp?
MR. CHEW: Objection; hearsay.
THE WITNESS: I'm -- I'm not sure. It appears as I look at this that there are quote marks around the statement, and that suggests that I did. I don't remember saying these particular words, but it appears so.
Q Do you have any reason to believe that you did not say, the end of Ms. Heard's abuse hoax against Ms. -- Johnny Depp?
MR. CHEW: Objection; asked and answered, calls for speculation.
THE WITNESS: No, I have no reason to -- no reason to doubt that.
Q What was -- were you representing Mr. Depp at the time you made this statement? I'm going to refer to it as a "statement." I'm taking specific words: Ms. Heard's abuse hoax against Johnny Depp. But were you representing Mr. Depp at the time you made the statement that included "Ms. Heard's abuse hoax against Johnny Depp"?

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MR. CHEW: Instruct the witness not to answer based on attorney-client privilege.
THE WITNESS: I accept the instruction.
Q Why did you make the statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q What were you trying to convey to the press in making this statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did you make the statement on Mr. Depp's behalf?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did you discuss this statement with Mr. Depp before making the statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did you discuss this statement with Mr. Depp following making the statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.

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Q Was Mr. Depp aware, either before or after, that you were making this statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did you make the statement with Mr. Depp's authorization or agreement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Was Mr. Depp aware you were speaking with the press?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q Did Mr. Depp ever ask you to retract or correct this statement?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
Q If Mr. Depp had asked you to retract or correct the statement, would you have done so?
MR. CHEW: Same instruction; same basis.
THE WITNESS: I accept the instruction.
MS. BREDEHOFT: All right. We're going to go ahead and take this one down. And let's go

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VIRGINIA:
IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - - - - - - - - - - - - - - x
JOHN C. DEPP, II, :
Plaintiff, :
v. : Case No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant. :
- - - - - - - - - - - - - - - - - x

Videotaped Deposition of JOHN C. DEPP, II
Reston, Virginia
Tuesday, November 10, 2020
10:40 a.m.
Volume 1
CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Job No. 328692
Pages 1 - 266
Reported by: Karen Young

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Videotaped Deposition of JOHN C. DEPP, II, held at the offices of:
CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, Virginia 20190
(703) 318-6800

Pursuant to notice, before Karen Young, Notary Public of the Commonwealth of Virginia.

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ALSO PRESENT:
Dustin Thomason, Videographer
Amber Laura Heard, by mobile videoconference
Leslie Hoff, Charlson Bredehoft Cohen & Brown, P.C.

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and made. So Jack has been, yeah, integral and very important.
Q Jack Whigham moved to another agency recently; is that correct?
A Yes, he did.
Q And do you know the name of the new agency?
A No, I don't.
Q Are you still with him even though he has moved?
A I will definitely go with Jack, yes, of course.
Q That just hasn't come up yet for you?
A No, as far as I'm concerned, Jack Whigham is my agent whether he's at CAA or not, he's my film agent. At present, it's entirely normal and possible that Christian Carino could remain my commercial agent, as they say, in CAA.
Q And what role does Bryan Lourd play?
A Bryan Lourd is the -- he's the head of CAA. He's the chairman I suppose, chairman of CAA.
Q Does he do anything personally for you

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with your career?
A Bryan Lourd?
Q Yes.
A No, not very much, no.
Q Okay. When did you first meet Adam Waldman?
A First met Adam Waldman, was it 2016? I'm thinking.
Q Was it in the time frame of Tracey Jacobs -- the Tracey Jacobs switch, was it around that same time frame?
A I can't remember if Tracey was still in my life at that moment. I believe that she was not, and I met Adam with Ed White, at Ed White's house, and --
Q Did Ed White introduce you to Adam Waldman?
A Adam Waldman was someone that was brought up -- his name was brought up as a -- as a very capable and brilliant attorney, and he was someone that I wanted to talk with regarding the Mandel situation at that time, first and foremost, the

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Mandel situation, and though Jake Bloom's thing was coming out as -- it wasn't looking great, I waited because I -- because I loved Jake Bloom in many ways, and I couldn't bring myself to believe that he would have done that to me, though when it came to light, yes, Adam Waldman started with me basically around then as an outside Hollywood attorney, which I did not want a Hollywood attorney.
MR. CHEW: And Mr. Depp, these questions are fine, but I just want to --
THE WITNESS: Remind me that --
MR. CHEW: -- advise you --
THE WITNESS: Yes.
MR. CHEW: -- that when Adam became your attorney, your communications are 100 percent --
THE WITNESS: Of course.
MR. CHEW: -- privileged.
THE WITNESS: Of course. Thank you.
BY MS. CHARLSON BREDEHOFT:
Q Who recommended Adam Waldman to you?
A It was kind of a -- it was a guy that I'd

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met who turned out to be a very, very sweet man who understood my dilemma and felt that I was being dealt a dirty hand, and he recommended someone named Adam Waldman and --
Q What's the name of that man that recommended him?
A He was like a -- it was an attorney in the U.K. that I'd met.
Q You don't recall his name?
A No, I don't. I don't recall his name.
Q So how is it that you ended up meeting Adam Waldman at Ed White's house?
A I requested to meet with Mr. Waldman. I believe it was Ed White who facilitated that meeting because there was a dinner held at Ed White's house.
Q Had Ed White worked with Adam Waldman before?
A I don't believe so, no.
Q Okay. So do you recall when you first hired Adam Waldman?
A Well, after -- after our first discussion

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and after he -- he had received enough information on the case and enough -- enough facts, he gave it some thought and then he got back to me on his -- what he felt I had to -- what he felt was the right thing to do.

Q. Do you remember approximately when this was?

A. I mean --

Q. Are we still in 2016 or are we --

A. Yes, I believe we're still in 2016, yes.

Q. All right.

A. It wasn't long after that that I -- once I discussed the case with Mr. Waldman, I felt that he was the man for the -- for the job.

Q. And is this before or after you resolved, for lack of a better word, your divorce with Amber that you met Mr. Waldman?

A. Oh, boy. Oh, before we broke up or before the divorce?

Q. Before the August settlement. August 2016 is when you reached the settlement.

A. That's the settlement, okay, so it was after.

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Q. Okay, so sometime between August 2016 and the end of 2016 is when you met Adam Waldman and hired him.

A. I'm going to guess -- I think it was somewhere in the -- I think it was around Octoberish.

Q. All right, and has Adam Waldman worked for you since that time?

A. Yes, ma'am.

Q. Okay. Consistently?

A. Yes, ma'am.

Q. And you consider him a trusted advisor?

A. Oh, yes, ma'am.

Q. Okay. Is he -- is Adam Waldman authorized to speak on your behalf?

MR. CHEW: Objection to the form of the question. It calls for a legal conclusion. It's also vague as to instance.

A. Instance is very important. Is he allowed to speak on my behalf? Well, of course, there's a yes and a no in there. It depends on the

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situation, it depends on what -- you know, what's presented.

Q. Is Adam Waldman authorized to speak on your behalf with respect to your position on Amber Heard and her statements?

MR. CHEW: Objection. Same objection. Objection to the form of the question to the extent it calls for a legal conclusion and to the extent it depends -- it's vague as to instance.

A. I think -- just --

Q. You know what?

A. Excuse my ignorance. Is that also not privileged?

MR. CHEW: Yes, any communications you had with Mr. --

THE WITNESS: I do feel like --

MR. CHEW: Any -- I'll instruct you not to answer --

THE WITNESS: -- we're entering the arena of privilege.

MR. CHEW: Yeah, Mr. Depp, I will definitely instruct you not to answer any questions

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about communications you had to or from Adam Waldman or any of your attorneys.

BY MS. CHARLSON BREDEHOFT:

Q. Let me do it this way. I think this might be the easiest way. When Mr. -- were you familiar with some requests for admissions that we served in this case that you filed responses last Friday to? Let me phrase it a little differently because based on the look on your face, no.

A. Yes, I was confused, yes.

Q. Okay. We filed a series of what we call request for admissions, and we attached the articles that Mr. -- one that you had made statements in, the GQ article, and then we also attached the articles in which Mr. Waldman had made statements. We asked whether those were genuine and authentic and -- and the specific quotes were genuine and authentic, and the responses to those were yes, they were genuine and authentic.

I'm going to go through, because I -- just to make it move as quickly as possible, and then that way Mr. Chew can, you know, figure -- to

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help you where you know you want to be instructed or not, I'm just trying to make this as transparent as possible. I'm going to go through and ask you on each of these whether Mr. Waldman was authorized to make these statements, okay? So --

MR. CHEW: And just so you know -- and first of all, it would be helpful if we had the document to which you're referring. Secondly, I will instruct him not to answer any specific question about what he communicated to or from Mr. Waldman, but you can go through this for the record.

MS. CHARLSON BREDEHOFT: I'm not going to ask him that so that we don't get into that issue. That's what I'm trying to --

MR. CHEW: Okay.

MS. CHARLSON BREDEHOFT: When I say I'm trying to be transparent, I'm literally going through the statements and just saying was Mr. Waldman authorized on your behalf to say X.

MR. CHEW: Right, and I will give the appropriate instruction, so please --

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MS. CHARLSON BREDEHOFT: That's --

MR. CHEW: Please delay your answer.

MS. CHARLSON BREDEHOFT: Yeah, that's --

MR. CHEW: I know it's somewhat artificial, but she has to make a record on this.

THE WITNESS: Sure thing.

BY MS. CHARLSON BREDEHOFT:

Q. So on April 12, 2019, was Adam Waldman authorized on your behalf to make the quote in page 6, accusing Ms. Heard of committing, quote, "Defamation, perjury and filing and receiving a fraudulent temporary restraining order demand with the court," end of quote?

MR. CHEW: Mr. Depp, I will instruct you not to answer that question because you cannot do so without disclosing your communications with Adam Waldman.

A. Thank you, Ben.

Q. On June -- in June of 2019, was Adam Waldman authorized on your behalf to tell The Blast that, quote, "Ms. Heard continues to defraud her abused hoax victim, Mr. Depp, the Me Too movement

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she masquerades as the leader of, and other real abuse victims worldwide," end of quote.

MR. CHEW: Mr. Depp, I would instruct you not to answer that question on the basis of attorney-client communication.

A. Indeed.

Q. On July 2nd, 2019, was Adam Waldman authorized on your behalf to tell The Blast that Ms. Heard, quote, "Went to court with painted on bruises to obtain a temporary restraining order on May 27," end of quote?

MR. CHEW: Mr. Depp, I would instruct you not to answer that question based on attorney-client privilege.

A. Absolutely, Ben.

Q. So you're -- just for the record, so you are, based on the instructions of your counsel, you are declining to answer each of these questions, correct? I just want to make sure the record is clear.

MR. CHEW: Yes, he's going to follow my instruction.

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A. It seems pointless for me to sit here and go against my counsel -- my counsel's wishes.

Q. I wasn't asking you to go against it. I just --

MR. CHEW: He's going to follow the instructions of counsel, as I'm sure Mr. Heard will when her turn comes.

MS. CHARLSON BREDEHOFT: I just want a clear record is all I'm trying to --

MR. CHEW: She's entitled to ask.

THE WITNESS: Oh, no, I --

MR. CHEW: And I will make an objection to each one. She has to make her record.

THE WITNESS: I get you.

BY MS. CHARLSON BREDEHOFT:

Q. On July 3, 2019, was Adam Waldman authorized on your behalf to state to People Magazine that, quote, "Ms. Heard's battered face was a hoax," end of quote?

MR. CHEW: I respectfully direct Mr. Depp -- instruct Mr. Depp not to answer that question based on attorney-client privilege.

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A Thank you.
Q And you are following your counsel's instructions not to answer, correct?
A Yes, ma'am, I'll follow my counsel's instructions, thank you.
Q Okay. Then on April 8, 2020, was Adam Waldman authorized on your behalf to say, quote, "Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and a shield depending on their needs. They have selected some of her sexual violence hoax facts as the sword, inflicting them on the public and Mr. Depp," end of quote.
MR. CHEW: I would instruct -- you're asking whether he authorized that, and I would instruct him not to answer that question based on attorney-client communication.
MS. CHARLSON BREDEHOFT: And just -- I neglected to say in The Daily Mail in --
MR. CHEW: I apologize, I --
MS. CHARLSON BREDEHOFT: No, no.
MR. CHEW: I jumped the gun.

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MS. CHARLSON BREDEHOFT: No, no, that was my fault. So can we just amend that and have the --
MR. CHEW: Sure.
MS. CHARLSON BREDEHOFT: -- same instruction?
MR. CHEW: Same instruction.
BY MS. CHARLSON BREDEHOFT:
Q On April 27, 2020, was Adam Waldman authorized on your behalf to tell The Daily Mail that, quote, "Quite simply, this was an ambush, a hoax. They set Mr. Depp up by calling the cops, but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed and left after seeing no damage to face or property, so Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist and then placed a second call to 911," end of quote.
MR. CHEW: I would instruct the witness not to answer the question based on attorney-client

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privilege.
A I'll -- I'll take Ben's advice. Thank you.
Q. Okay. On June 24, 2020, was Adam Waldman authorized on your behalf to accuse Ms. Heard in The Daily Mail of committing a, quote, "abuse hoax," end of quote, against you?
MR. CHEW: And I would instruct Mr. Depp not to answer that question based on attorney-client privilege.
THE WITNESS: Thank you, Ben. I will -- I take your advice and I appreciate it. Thank you.
MR. CHEW: You're most welcome.
MS. CHARLSON BREDEHOFT: And now with respect to each of those that I just asked, I want to just phrase it a little bit differently, but to save time and us having to go through it --
MR. CHEW: Sure.
MS. CHARLSON BREDEHOFT: I would just substitute the word "authorized" to was he acting as your agent when he said, "Do you want me to go through all of them again and ask that or --

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MR. CHEW: I'm going to -- first of all, it would call for a legal conclusion, but I would give the same instruction --
MS. CHARLSON BREDEHOFT: Okay.
MR. CHEW: -- for him not to answer --
MS. CHARLSON BREDEHOFT: So --
MR. CHEW: -- whether you're asking as an agent or an attorney.
MS. CHARLSON BREDEHOFT: So for the record purposes, we can agree that I was going to go back and then ask for each of those same ones acting as your agent, and you would have instructed him also on attorney-client privilege not to answer, and he would have followed your advice;
MR. CHEW: Yes, to spare your time --
THE WITNESS: Yes, indeed.
MR. CHEW: Let's do that.
MS. CHARLSON BREDEHOFT: Okay.
THE WITNESS: The one thing that I am confused about, I'd love to have defined in a way, as an attorney, there's that, but agent -- what -- what is the definition of agent in this -- in this

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instance? An agent as in Tracey Jacobs, a Jack Whigham or a --

MR. CHEW: It's confusing. We can talk --

MS. CHARLSON BREDEHOFT: Speaking on your behalf.

MR. CHEW: We can talk --

THE WITNESS: Okay.

MR. CHEW: -- about it off the record.

THE WITNESS: I just didn't know, yeah.

MR. CHEW: It's confusing because agent -- an attorney can also be an agent, so it's tricky, but I'll give the instruction just so that we don't have to --

THE WITNESS: It's just -- the one thing is he's not my -- not a -- he's not a talent agent or he's not a --

MS. CHARLSON BREDEHOFT: No.

THE WITNESS: -- an agent of my -- has anything to do with --

MS. CHARLSON BREDEHOFT: And I think Mr. Chew and I knew.

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THE WITNESS: Okay, yeah.

MR. CHEW: It's -- the -- the --

THE WITNESS: This is just my --

MR. CHEW: The confusing thing about agent, as you said, agent can be a commercial agent, can be a talent agent, and technically we lawyers can be agents in a different context.

THE WITNESS: Of course.

MR. CHEW: But I think we're clear on --

THE WITNESS: Yeah, I just wanted the context.

MR. CHEW: No, it's very -- yeah.

THE WITNESS: I need to know the definition.

MR. CHEW: Context is key. Sorry.

[redacted]MS. CHARLSON BREDEHOFT: But for your purposes, Mr. Chew, just me substituting and asking in each of those questions if Mr. Waldman was acting as Mr. Depp's agent in making those same statements --

[redacted]MR. CHEW: Same instruction not to answer because he was --

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[redacted]MS. CHARLSON BREDEHOFT: Attorney-client privilege.

[redacted]MR. CHEW: Attorney-client privilege.

BY MS. CHARLSON BREDEHOFT:

Q And Mr. Depp, you are following your counsel's instructions with respect to all of that, correct?

A Yes, ma'am. Thank you.

Q Okay. Do you have a social media team?

A No, I have a -- social media's something I've never -- I've never participated in. It wasn't until the Covid pandemic started to hit and then people were stuck in isolation that I -- that I thought if there was ever a time to open an account like an Instagram account to be able to talk directly to the people to try to lighten at least their moment with a couple of posts, this or that, thanking them for various things, that's the first time I've ever had any kind of social -- social media experience, and to be honest, I don't have a team. I have -- there's a woman friend of mine's misses who runs it for me. I myself don't

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even know how -- I don't see it, I don't know how to log into it. I don't -- I'm not particularly tech savvy, so --

Q I'm going to back up for a minute. I forgot to ask one more series on that set of the --

MR. CHEW: Okay.

BY MS. CHARLSON BREDEHOFT:

Q -- counterclaims, and my apologies for the inconvenience.

A Sure thing.

[redacted]Q With respect to each of the quotes that I just gave, and to make it easier, beginning with the April 12, 2019 statement to page 6, for each of those statements, do you adopt those statements or have you adopted those statements that Mr. Waldman made?

[redacted]MR. CHEW: I'm going to instruct him not to answer based on attorney-client privilege as to each of the statements that Mr. Waldman made, that's excluding the GQ statement, which I believe's the first one in --

MS. CHARLSON BREDEHOFT: Correct.

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MR. CHEW: Okay.
MS. CHARLSON BREDEHOFT: All right.
MR. CHEW: I think we're clear. I think the record's clear on that.
MS. CHARLSON BREDEHOFT: All right, yeah, and it's -- the paragraph where I read these from is paragraph 66A through F of the counterclaim.
MR. CHEW: No, understood. It's a little difficult because you haven't provided us a copy, but I think we're clear.
MS. CHARLSON BREDEHOFT: Okay, so that same question of do you adopt or have you adopted these statements also would be imposing attorney-client privilege --
MR. CHEW: Correct.
MS. CHARLSON BREDEHOFT: -- and instructing him not to answer, correct?
MR. CHEW: Correct.
BY MS. CHARLSON BREDEHOFT:
Q And Mr. Depp, you would not answer based on your counsel's direction?
A That is correct. Thank you.

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MR. CHEW: And I assume Ms. Heard will do the same at her deposition. She will follow your instructions. I don't think I'll ask --
MS. CHARLSON BREDEHOFT: I was going to say, I don't know that I can speak for her just yet on that.
MR. CHEW: No, but I -- I don't think you need to ask him that each time.
MS. CHARLSON BREDEHOFT: Oh, you know, it depends -- depends upon the judge, but some of them require that on the record. That's -- that's why.
MR. CHEW: I think Mr. Depp is going to follow my instructions, right or wrong.
MS. CHARLSON BREDEHOFT: Okay, great.
MR. CHEW: So the house will fall upon me and not upon him.
BY MS. CHARLSON BREDEHOFT:
Q That makes it -- that makes it easier, okay. So let me go back to the social media, and I apologize for --
A Not at all.
Q -- jumping around a little bit, but let

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me -- do you have a publicist?
A I do. I've had a publicist for a number of years. I've been with a woman named Robin Baum, and -- and --
Q What does she do for you?
A Well, that's a good question. Since the -- ever since the -- Ms. Heard's allegations and accusations and the People Magazine cover and reporting me to be a monster and a wife-beater and all that, since then, Ms. Baum's work or her responsibilities or her representation of me, our communication lessened a great deal.
We did speak a couple of times. I think she was overwhelmed -- I think Ms. Baum was overwhelmed with the -- with what appeared to be the imminent death of me, and therefore, didn't really take much -- well, many many many many many people in Hollywood were scared to take a stand on anyone because it could cost them their livelihood, it could cost -- if you back someone who's been defined as a ne'er-do-well, you know, I mean, and that's a -- it's not enough to say a ne'er-do-well.

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Fear was rampant throughout Hollywood of -- you know, people suddenly realize yeah, I like Johnny, but you know what? I don't have a dog in this race and I don't want to get in trouble and -- you know, so yeah, I was -- I was not a safe bet, or I was not a safe person to represent, let's say.
Q So is there a point where Ms. Baum stopped being your publicist? I'm just a little confused.
A Well, there's a point where she stopped being my publicist, but she's still technically my publicist because I have not -- I have not, you know, relieved her of her duties because she's not doing anything, so I just -- she is there if I -- if I need to call her, but I have had no need to call her, as she's not really been involved in any of my attempts to get the truth out there into the world.
Q Did you ask Robin Baum to assist you in getting your truth out?
A I asked. I certainly asked her for advice and asked her, you know, what is the -- how

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and that's still what it's for.
Q So who were the people that were in -- I'm trying to figure out who set it up for you.
A I don't know.
Q How can -- how would -- where would we be able to look to find out who set up your Instagram account?
A I would say the man to ask for that is Ed White.
Q Because he would have paid for it, right?
A Oh, I think, yeah, at the end of the day, everything's going to come back to Ed.
Q Did you discuss setting up the Instagram account with Adam Waldman?
MR. CHEW: You may answer that yes or no.
THE WITNESS: I can answer that?
MR. CHEW: You can answer yes or no. You shouldn't disclose your communications with Mr. Waldman.
THE WITNESS: Oh, I see, so yes, of course, yes.
BY MS. CHARLSON BREDEHOFT:

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Q Do you -- with the Instagram account, do you have any Twitter account?
A No.
Q Have you ever Tweeted?
A I've never Tweeted in my life.
Q Have you ever accessed somebody's Twitter account to read other people's Tweets?
A No, ma'am, I don't – I don't read – I don't read things in newspapers, I don't – I don't – I don't – I don't know what Twitter or Tweeter is.
Q Okay.
A I'm –
Q Do you have a Facebook account?
A No.
Q Do you have any other kind of -- other than the Instagram, do you have any other kind of social media account?
A I mean, I have the ability to text and send e-mails, and that's – that's about as far as I can get with a computer.
Q Okay. So other than the conversation

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that you told me -- or conversations you had with Ms. Baum, Robin Baum, about how to deal with the publicity after the obtaining of the temporary restraining order, did you speak with anyone about how to -- how to handle in the press and in the public this type of situation?
MR. CHEW: Objection to the form of the question.
MS. CHARLSON BREDEHOFT: You know, I asked it pretty terribly. I agree with you, so let me ask --
MR. CHEW: I didn't say it was terrible. I was just going to say it was ambiguous.
MS. CHARLSON BREDEHOFT: It was nice of you to use restraint on that one. I appreciate that, Ben.
MR. CHEW: Thank you.
BY MS. CHARLSON BREDEHOFT:
Q I think we've established that Ms. Baum hasn't done anything for you by way of publicity since May 27, 2016, correct?
A That's safe, yeah, to say.

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Q Has anyone else done anything for you by way of publicity since May 27, 2016?
A No, that's really the job of the publicist. When -- yeah, when you're – when you're not particularly allowed in the door to discuss that kind of thing and you know that the person that you should be discussing it with has a bad case of the fear because of the situation, anything that I wanted to say I couldn't say so I didn't say for a very long time.
I kept stum, as it were. I kept my mouth closed because I would rather -- it was my feeling that I would rather just continue to take the hits and then deal with them when I got -- when it got to a point where you could deal with a lot, as opposed to it becoming a he said she said. I was not remotely interested in a he said she said or any kind of contest about it. I wanted the truth out there, and my truth was not going to be heard by the mainstream media, so I went on tour, kept my mouth shut and did that for quite a long time.
Q And then you filed the lawsuit against

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A No.
Q Did that stop at the same time in around October 2018?
A Yes, right around the time that, yes, everything went down with Mr. Bloom.
Q What was the reason that you stopped the relationship with Marty Singer?
A Marty Singer's essentially Jake Bloom's fix-it, henchman.
Q And I apologize. I said the wrong date. I said October 2018. I meant October --
A Oh.
Q -- 2016.
A '16, of course. Sorry. I missed that too. Thank you though.
Q I had asked you a series of questions earlier about Adam Waldman, but there were a couple more that I needed to -- for the record, and I'm anticipating -- wake up, Ben.
MR. CHEW: I'm awake.
MS. CHARLSON BREDEHOFT: I'm just teasing you.

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MR. CHEW: I'm writing my summary.
BY MS. CHARLSON BREDEHOFT:
Q So I just want to ask you a few more questions here with respect to Adam Waldman. So was Adam Waldman acting as your agent or with your authority in contacting potential witnesses in this litigation?
MR. CHEW: I would -- I would first object because it calls for a legal conclusion, and then I would instruct Mr. Depp not to answer because that would require disclosing attorney-client privilege, so I would instruct you not to answer, and he will, as he said earlier, follow my instructions.
A Thank you.
Q I have like several here, and they're all in a row. I just need to put them on the record.
A Yes, ma'am.
Q Did Adam Waldman act as your agent or with your authority in drafting declarations for potential witnesses that had the header from this litigation?

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MR. CHEW: Same instruction not to answer, attorney-client privilege.
BY MS. CHARLSON BREDEHOFT:
Q Okay. Did Adam Waldman act as your agent or with your authority in communicating with the press relating to this litigation and to the Sun and Wootton litigation?
MR. CHEW: Instruct Mr. Depp not to answer the question.
MS. CHARLSON BREDEHOFT: On the grounds of attorney-client privilege again, right?
MR. CHEW: Yes.
MS. CHARLSON BREDEHOFT: I just want to make sure.
MR. CHEW: I'm sorry, yeah, all of these are attorney-client privilege.
THE WITNESS: And I'll of course follow Ben's --
MR. CHEW: Thank you.
MS. CHARLSON BREDEHOFT: The -- I think we raised it off the record, and I just want to make another on the record. My understanding was

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that you were going to think more about confidentiality of the settlements on the Mandel suit and the Brooks -- not the Brooks.
MR. CHEW: Yes.
MS. CHARLSON BREDEHOFT: The Mandel suit and the --
MR. CHEW: Yeah, unfortunately --
MS. CHARLSON BREDEHOFT: Jake --
MR. CHEW: Unfortunately --
MS. CHARLSON BREDEHOFT: -- Bloom.
MR. CHEW: They both have Draconian confidentiality provisions.
MS. CHARLSON BREDEHOFT: And so you're instructing him not to answer.
MR. CHEW: Yes, because doing so would subject him and -- well, more importantly him, and also me, but more importantly him, to Draconian penalties.
MS. CHARLSON BREDEHOFT: Even though we have a protective order.
MR. CHEW: Despite having a protective order.

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A – on the phone with Amber Heard's –
Q Okay.
A – person that we introduced her to so that she would understand what a postnup is. That's it.
Q Do you -- did Adam Waldman act as your agent or with your authority in any conduct associated with computers that related to Amber Heard?
MR. CHEW: I would instruct Mr. Depp not to answer on the grounds of attorney-client privilege.
BY MS. CHARLSON BREDEHOFT:
Q And you are following your counsel's instructions, correct?
A Yes, I'm going to do that. Thank you very much.
Q When did Amber Heard move into the penthouse?
A I don't know exactly the date.
Q Do you remember the year?
A I feel like it's maybe 2014 maybe. I

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believe it's somewhere in 2014. Very difficult to –
Q Did you move in at the same time with Amber to the penthouse?
A It was a penthouse that I'd bought years before, so I had already taken residence there. It was a place that I would go to and stay from time to time.
Q Did you and Amber decorate it for her -- in preparation for her moving in, redecorate?
A Well, sure, yes.
Q Okay, so do you remember approximately when that was, when the redecoration took place?
A Well, I would say from the git-go, she had – she had free rein to choose where – where she wanted to be, where she wanted her things up. Of course, all of that would have been done. In fact, her – her decision to use the master bedroom and the guest bedroom in penthouse 5 as her shoe closet and her clothing closet might have taken me a little by surprise, but no, that was all provided, and she had a choice of whatever she

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wanted to do basically.
Q So timing wise, were you engaged at the time that Amber Heard moved into the penthouse?
A I don't know if we were officially – no, we weren't officially engaged, no.
Q When did you get officially engaged?
A I don't know exactly, but it wasn't that early.
Q When you said officially, is there some distinction between engaged and officially engaged?
A Well, no, I think this just – I don't think if someone is my girlfriend, you know, if the word "engaged" comes in, are you obligated to change that to my fiancee? Then you get married and you're obligated to change it to your wife? Why these rules – she's my girl, I'm her guy, and I don't want to think about it – about something as abstract and as beautiful as love in official kind of status and names.
Q You said yesterday I believe that you believed that Elon Musk was behind Amber's allegations of domestic violence and domestic

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abuse. Why do you believe that?
MR. CHEW: Objection to the form of the question. I think that mischaracterizes his testimony, but you may correct me.
A I don't know. I don't know that – exactly. What you're asking me is – is far away from what I stated. So there is perfect proof that the transcript is all of our saving grace, so maybe if you want to look back in the transcript and see what I said –
Q Well --
A – then that could help you.
Q Why don't you just tell me what you think. Do you think Elon Musk has any -- has any role in --
A Any role?
Q In Amber Heard's decision to move forward with the temporary restraining order against you and --
A I never said that once.
Q And domestic violence?
A Never said that once, ma'am.

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partial, I don't know. If something ended up not to your liking, I don't know.
Q. Did Adam Waldman represent you as of 20 March 2020?
A. I think -- I think we might be getting into something that's attorney-client privilege, and I -- didn't the judge also just recently find that kind of an unpleasant thing for you to be --
MR. CHEW: I would -- I would instruct the witness not to answer any questions about any communications between you and Adam Waldman, who Ms. Bredehoft knows better than anybody is one of your counsel. So, I instruct you not to answer and we can move on.
Q. Well -- well, we've got to move backwards.
A. I'm invoking attorney-client privilege.
Q. Mr. Depp, I'm going to ask you one more time. Did you provide a partial audio recording of the 26 March 2015 audio recording that you've identified as paragraph -- in paragraph 7A of your witness statement to The Daily Mail? Yes or no, did you provide it to them?

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A. My devices were given to my attorneys.
Q. That's not the question I'm asking you. Did you give a partial of the audio recording to The Daily Mail?
A. Did I personally give an audio recording to anyone? No.
Q. Do you know who did?
MR. CHEW: No, I'm going to instruct you not to answer that question. You've already -- you've already answered the one question she asked that she was entitled to ask. You said you didn't do it. Let's move on.
A. I think she said -- she's getting -- she's getting into territory where the judge has already -- I think the judge has made an order about --
Q. Mr. Depp, did you provide --
A. I'm sorry. I was just talking.
Q. But you weren't answering the question. Mr. Depp --
A. You think that I answered your question wrong --

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Q. Mr. Depp --
MR. CHEW: (Indecipherable) he did not.
Q. Mr. Depp, did you provide a partial of the audio recording on 4 January 2016 that you identified in paragraph 7B of your witness statement to The Daily Mail?
MR. CHEW: Objection. It assumes facts not in evidence, misstates his testimony, lack of foundation, and contradicts the document, and asked and answered.
Q. What's your answer?
A. I told you that's (indecipherable).
Q. You need to answer the question.
MR. CHEW: You may answer the question again if you understand.
A. Did you -- did you -- maybe you were working up a --
Q. Are you refusing to answer the question, Mr. Depp?
MR. CHEW: No, he already answered the question.
MS. BREDEHOFT: No, he didn't, Mr. Chew.

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He answered the one that's 7A, not 7B.
THE WITNESS: Austin, I know you're the gentleman -- Vicky, Ms. Wilson, is it possible, are you able to read back --
Q. No, you don't get to ask that question.
A. I'm not asking you, ma'am.
Q. Have you made any effort at all to try to locate the full recordings that you've identified here in paragraph 7A and B of your witness statement?
MR. CHEW: Objection. Asked and answered. Lack of foundation. Argumentative. Misstates the document. He said what he did with his devices three or four times.
MS. BREDEHOFT: That's not what I'm asking.
Q. Have you made any effort at all to find out where the full recordings are of the audio recording from 26 March 2015 and the audio recording from 4 January 2016?
MR. CHEW: Objection. Argumentative. Lack of foundation. Assumes facts not in

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evidence. Assuming partial recordings.
A I just looked at a piece of paper that you showed me with these file names on them. You even yourself skipped through the file names because it's a bunch of numbers. You're saying one is partial. Did I make it partial or did I give it? I don't know what these are.
So, I don't -- I cannot tell you 1,000 percent what these things are, so I cannot answer your questions in any way that's going to please you and make you jump for joy. I can only tell you, as I did say --
Q But the answer is no. The answer is no, you have not made any effort --
MR. CHEW: Ms. Bredehoft, please let -- please let him finish. You say --
MS. BREDEHOFT: He's not answering the question. He's being --
MR. CHEW: He was trying. He was trying to answer your question.
MS. BREDEHOFT: He's not trying.
All right. Let's go. Take this one out,

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Austin.
MR. CHEW: Now you're just being nasty, and if you continue --
MS. BREDEHOFT: I'm not being nasty. You're intentionally trying to drag this out so that I don't get to ask the questions, and you know it.
MR. CHEW: You're projecting your value or lack thereof onto me.
BY MS. BREDEHOFT:
Q All right. Let's talk about the op-ed, all right, that Amber Heard published in The Washington Post. Do you recall that?
A When the article was published in the Washington Post was December 18th, 2000 -- December something 2018, was it?
Q I'm asking -- okay. Let's just go to the next question. Yes, that's correct. Okay. Other than --
A That's good. My memory worked. That's great.
Q So, other than -- you're looking down at

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something. What are you looking at?
A It's a drawing.
Q All right. Other than your attorneys, did you have any communications with anyone about the op-ed between December 18, 2018, and March 1, 2019, when you filed this lawsuit? I'm asking for anyone other than your attorneys.
A I don't recall.
Q Okay. Now, between the time of the op-ed being published on December 18, 2018, and March 1, 2019, when you filed the lawsuit, did you lose any roles or career opportunities?
A Yes --
Q What?
A -- I did. Well, I had a decent -- a decent run with Disney for a while there on a series of films called Pirates of the Caribbean that I was removed from after the op-ed was released.
Q Has there been a Pirates of the Caribbean 6?
A Not just yet. I think they're trying to

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figure out exactly how to do it.
Q Has anyone spoken with you from Disney about any role that you may have in Pirates 6?
A No.
Q Now, after the U.K. judgment, you were asked to resign from Fantastic Beast 3, and you testified about that earlier, and I'm not going to go through all of that again. What has your career been like since you were asked to leave the Fantastic Beast 3 and the U.K. judgment was released?
MR. CHEW: Objection. Ambiguous. Vague.
A The only way that I can explain it is -- well, it's very simple. Everybody is told, "Turn off. Flick that light. There's no -- he doesn't exist no more. Out," you know. Basically, it -- yes, it's been -- I've been -- yeah, it was kind of -- I'm a leper in Hollywood.
Q Okay. Have you had any roles? Have you received any roles since the U.K. judgment came out in November 2 of 2021?
A From --

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Q Sorry.
A From -- from Hollywood?
Q Yes, anyone, anywhere.
A Not from Hollywood, no. I have a production company, and we've developed a number of projects, one of which, Minamata, we did -- shot a film and it was released, although had -- back from MGM because they wouldn't release it because of the situation with my name being linked to leper colonies.
Q And this is after the U.K. judgment.
A Yes, it is. It is after the U.K. judgment.
Q All right. I'm going to jump to Tokyo for a moment.
A Boy, that's hard.
Q Do you recall -- do you recall going to Tokyo in January of 2015 with Amber Heard?
A Oh, yes.
Q Okay. Do you recall what the movie was that you were going to for the premier?
A Tokyo. No, ma'am, I don't. I don't.

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It's a -- there's a lot -- I've been to Tokyo a number of times for premieres. I can't remember which --
Q Do you recall whether your children --
A Yes, my children --
Q -- with you on that trip?
A Yes, they were with us, yes.
Q Was there anyone else besides Amber Heard, your children, and you that went on that trip to Tokyo in 2015?
A Yes, there was her friend Brittany Eustice.
Q Okay. Anyone else?
A I believe one of the -- one or two of the guys from my camp, maybe Steven Deuters, or one of security, maybe. I can't remember. Maybe it was Jerry Jost. I don't -- I don't remember.
Q Did anyone else accompany the children?
A The children were with -- no, pretty much -- so, I don't -- no, we didn't bring a nanny there. They were older -- they were old enough to not have a nanny.

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Q All right. Do you recall where you stayed in Tokyo?
A I -- I have a feeling that it was the Park Hyatt, I believe.
Q And did the children stay in the same room with you?
A The children stayed in -- we had adjoining rooms, but it was sort of like a -- it was like a nightly sleepover. You know, there was -- everyone would gather in the living room, couches and chairs, and sleep on floors and pillows and things like that.
Q And that was true of Brittany and Steven Deuters, as well?
A No, Steven keeps to himself. Brittany Eustice is -- was a very close friend of -- of Ms. Heard's and -- and she was -- she was very good with kids. My kids liked her, Brittany.
Q Okay.
A I can't remember if there was anyone -- there might have been. I don't remember if her sister, Ms. Enriques was there or not.

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MS. BREDEHOFT:
Q Okay. Austin, can you bring up Exhibit 51, please?
REMOTE TECH: Stand by.
(Depp Exhibit 51, previously marked, is attached to the transcript.)
Q Mr. Depp, I'm going to ask you to look -- take a look at what has been marked as Depp Exhibit Number 51. It's page 12 of Amber Heard's counterclaim. And, in particular, I'm just going to ask you, and this is my last series of questions and then I'm done, but I'm going to ask you to take a look at paragraphs 45, 46, and 47 for a moment. And let me make that a little bit larger.
A Oh, that's good. Yeah.
Q Oops. Oops. I'll scroll down so you can see it. Okay. Do you see -- let me know when you're done.
A Yes, I'm -- I've finished.
Are you finished?
Q Was -- was Adam Waldman acting as your

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attorney when these statements were made?
MR. CHEW: Mr. Depp, I'm instructing you not to answer that question based on attorney-client privilege.
Q Did Adam Waldman have the authority to speak on your behalf in making these statements that are reflected in paragraphs 45 through 47 of the counterclaim?
MR. CHEW: Mr. Depp, I'm instructing you not to answer that question based on the attorney-client privilege.
Q Did you authorize Adam Waldman to make these statements that are reflected in paragraphs 45, 46, and 47 of the counterclaim?
MR. CHEW: I respectfully instruct you not to answer that question based on attorney-client privilege.
Q Have you at any time -- I'm sorry.
Have you at any time -- I'm assuming you're taking your -- your attorney's advice and that's why I'm not making you say more. Fair enough?

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A Yes.
Q Do you -- have you ever retracted these statements reflected in paragraphs 45, 46, and 47?
MR. CHEW: Assumes facts not in evidence. He didn't make the statements.
Q Do you remember the question?
A Yes, I remember the question.
Q Have you at any time retracted these or said these were false?
MR. CHEW: Objection to the form of the question. Compound.
And I would instruct you not to answer the question to the extent it would require you to disclose attorney-client privilege. So, I'm going to instruct you not to answer. So, I instruct you not to answer.
MS. BREDEHOFT: Okay. And, Ben, just so we're clear on the record, when you instruct him not to answer, we're assuming he's accepting your instruction; correct? So, I don't have to say, "Are you following your attorney's advice"; right?
MR. CHEW: Correct.

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A True. Yes, I said it before but you started early, so I just went with it.
Q Okay. Is Adam -- have you ever asked Adam Waldman to retract these statements that are reflected in paragraphs 35, 36, and 37?
MR. CHEW: I would instruct you not to answer the question based on attorney-client privilege.
Q Is Adam Waldman still your attorney and agent?
MR. CHEW: Objection to the form of the question. It's compound and calls for a legal conclusion.
A Is Adam Waldman still my -- is still legal counsel for me?
Q Yes.
A Yes.
Q Okay. And that has not changed at any point between April 8, 2020, and the present; is that correct?
A No, ma'am.
MS. BREDEHOFT: Okay. I think that I

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might be out of time.
John, what is the running time here? I'm trying to respect my time here.
MR. CHEW: There's no rule requiring you to fill out the time.
MS. BREDEHOFT: Yeah, I know, but I'm also going to respect if I only have three-and-a-half, I think I've hit that. If I didn't, though, I have more questions. That's why I'm asking John.
John, would it be better if we go off the record and then check that and then we'll see?
MR. CHEW: I think we should stay on the record.
MS. BREDEHOFT: Oh, okay. I thought he said last time he had to go off in order to calculate.
THE VIDEOGRAPHER: Yeah, to get an accurate precise calculation, I'd have to go off the record to stop the recording.
MS. BREDEHOFT: All right. Let's do that real quick and check because I do think I'm out and I don't want to --

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VIRGINIA:
IN THE CIRCUIT COURT FOR FAIRFAX COUNTY
- - - - - - - - - - - - - - - x
JOHN C. DEPP, II, : Case No.
Plaintiff, : CL-2019-0002911
v. :
AMBER LAURA HEARD, :
Defendant. :
- - - - - - - - - - - - - - - x
****
CONTAINS CONFIDENTIAL INFORMATION
PURSUANT TO THE PROTECTIVE ORDER
****
Videotaped Deposition of ROBIN BAUM
Conducted Remotely via Zoom
Thursday, January 20, 2022
12:31 p.m. Eastern Time

Job No.: 425537
Pages: 1 - 204
Reported By: AMY L. STRYKER, CCR

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Videotaped Deposition of ROBIN BAUM, conducted remotely.

Pursuant to subpoena, before AMY L. STRYKER, Certified Court Reporter and Notary Public of the State of Maryland.

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KIMBERLY JOHNSON, Videographer

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MR. PRESIADO: Also assumes facts not in evidence.
BY MS. PINTADO:
Q You can go ahead, Ms. Baum.
A Are you wanting me to answer that question?
Q Yes.
A I have no -- I mean, I -- probably a combination.
Q Okay. And did you do anything to verify statements of Adam Waldman when you received them?
A No. Adam Waldman gave me statements and told me to send them from him so they say they're from him.
Q And when did you start -- when did Adam Waldman start participating in the publicity of Mr. Depp?
MR. PRESIADO: Objection; misstates testimony, assumes facts not in evidence, vague and ambiguous.
MS. HOUCK: Calls for speculation.
MR. PRESIADO: Join.

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THE WITNESS: I don't know. I don't know exactly. I couldn't give you a date or a year.
BY MS. PINTADO:
Q What was Mr. Waldman's role in publicity for Mr. Depp?
MR. PRESIADO: Objection; calls for speculation, assumes facts not in evidence, lacks foundation.
And, Ms. Baum, I would caution you in course -- of course, in con- -- in consult with your attorney, I would caution you not to divulge any communications you've had with Mr. Waldman, him being an attorney for Mr. Depp and you being an agent of Mr. Depp.
MS. HOUCK: I concur.
MR. PRESIADO: So if the question is posed and you can't -- and you believe you can't answer -- answer without divulging such communications, of course your attorney would have to instruct you not to answer. But as the attorney for Mr. Depp who holds the privilege, I would ask you not answer.

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MS. PINTADO: And I would once again note that there is no privilege that can be applied to those communications. Ms. Baum is not an attorney and is a third party.
So please go ahead and answer unless you're directed not to, in which case we might have to come back for another day.
MR. PRESIADO: And I don't agree with that. But our position is on the record.
MS. HOUCK: Right. There is a dispute, obviously, but we will respect the privilege that's being held by Mr. Depp.
So can we have the question again.
THE REPORTER: Do you want me to read it back?
MS. PINTADO: Yes, please.
THE REPORTER: Stand by. What was the person's name? Wald-?
MS. PINTADO: Waldman.
(The court reporter read the pertinent part of the record.)
MR. PRESIADO: Same objections.

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MS. PINTADO: And -- yeah. I understand that those are standing objections. We don't need to state them every time.
THE WITNESS: Well, I could just say that Adam Waldman was Johnny -- or was the -- Johnny's attorney and provided me with statements.
BY MS. PINTADO:
Q Would you say he had an active role in publicity for Mr. Depp?
MR. PRESIADO: Objection --
MS. HOUCK: Objection.
MR. PRESIADO: -- calls for speculation, lacks foundation, assumes facts not in evidence, vague and ambiguous.
MS. HOUCK: Join.
MR. PRESIADO: Also to the extent it calls for a legal conclusion.
BY MS. PINTADO:
Q Ms. Baum, you can answer.
A I'm still confused. Am I supposed to answer or not supposed to answer?
MS. HOUCK: Yes, you can answer. Unless I

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Mr. Depp's counsel. So if you could limit your answer, if you have one, to communications where Mr. Waldman was not involved.

MS. HOUCK: I agree.

THE WITNESS: You're saying I should limit -- repeat that last thing you said to me.

MR. PRESIADO: Sure. So she's asking you about communications between you and Mr. Depp.

THE WITNESS: Yeah.

MR. PRESIADO: But if you had those communications with Mr. Waldman present, then they're privileged and I would ask you not to answer that.

But if it's just between you and Mr. Depp -- if, in fact, those conversations were ever had -- please limit your answer to those conversations that did not include Mr. Waldman.

THE WITNESS: Okay.

I did not have conversations with Mr. Depp.

BY MS. PINTADO:

Q Did you ever disagree with any of the

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statements that you were putting out from Mr. Waldman?

MR. PRESIADO: And, again, Ms. Baum, if that was a communication between you and Mr. Waldman, I would --

MS. PINTADO: I'm not --

MR. PRESIADO: -- ask that you not answer that.

MS. PINTADO: I'm not referring to communications, for now, with Mr. Waldman --

MR. PRESIADO: That's not --

MS. PINTADO: -- although I object to that.

MR. PRESIADO: Then you need to clarify your question.

BY MS. PINTADO:

Q Ms. Baum, did you understand the question?

A I think you're asking me if I ever objected to the statements. Are you asking me if I objected to the statements or objected them -- to Adam Waldman?

Q Not -- not to Adam Waldman. Just, did you

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object to any of the statements?

MR. PRESIADO: Objection; vague and ambiguous, assumes facts not in evidence.

MS. HOUCK: And compound to the extent that it's multiple statements. I don't know which ones you're talking about.

THE WITNESS: I -- I -- sorry. The words just flew out of my head.

BY MS. PINTADO:

Q Let --

A I did -- I trusted Mr. Adam's direction -- Mr. Waldman's direction.

Q Were you asked by Mr. Depp to publish statements that Mr. Waldman gave to you?

MR. PRESIADO: Again, Ms. Baum, I caution you to not reveal any communications that Mr. Waldman was present or party to even though she's just asking you about you and Mr. Depp.

THE WITNESS: I did not speak to Mr. Depp.

Q Okay. And did you speak with Mr. Waldman about any of the statements that he was asking you to send to the press?

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MR. PRESIADO: Objection; calls for attorney-client communications.

And I would ask that you not answer that question on -- since Mr. Depp asserts the privilege as to that question.

MS. HOUCK: Join in the objection.

And I'll instruct you not to answer that, Ms. Baum.

THE WITNESS: Okay.

MS. PINTADO: All right. Let's look at 27.

(Exhibit 18, Chain of e-mails dated 12/18/14, Bates Nos. BAUM0000404 through BAUM0000409, was marked for identification and is attached to the transcript.)

AV TECHNICIAN: Exhibit 18.

BY MS. PINTADO:

Q And this is BAUM 404 -- well, it starts as that. It's a six-page document.

A A six-page. Okay.

Q And on this first page -- if you could -- if you could just read the first page for me

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and -- or skim the document, and then let me know if you understand -- or, sorry, recognize this document.

A I can't move it down.

Q I'll do it for you.

A Thank you.

Q Ms. Baum, what is this document?

A Well, it's -- it's a letter from somebody who works from -- at the National -- National Enquirer, asking for comment.

Q And they're asking for a comment about a story that Depp has turned his place into a "rehab retreat"; isn't that right?

A Yeah, that's what it --

MR. PRESIADO: Objection; the document speaks for itself.

THE WITNESS: Yeah, that's what the document says.

Q And this is December 18, 2014, correct?

A Correct.

Q And scrolling back up, Ms. Gonzalez at the National Enquirer sends you an additional -- an

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addition to the comment request sent earlier.

And you forward this e-mail -- these e-mails from Ms. Gonzalez to Christi Dembrowski, correct?

A Yeah, that's what it looks like.

Q Did you not want to respond to this press inquiry?

A Well, I don't -- I don't recall whether I did or I did not, but I don't make a habit of responding on any of my clients' behalf to the National Enquirer.

Q Was it true that Depp was in rehab?

MR. PRESIADO: Objection; calls for -- lacks foundation, calls for speculation.

THE WITNESS: I don't know.

Q And why did you forward it to Ms. Dembrowski?

A At the time, I included her in everything.

Q Why is that?

A Well, she was -- she was my partner who I, you know, worked on -- for years on Johnny's behalf.

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Q So at this time, at least, in December of 2014, you were working as a partner with Ms. Dembrowski?

MS. HOUCK: Objection; lacks foundation, assumes facts --

MR. PRESIADO: Also misstates testimony.

Q You can answer, Ms. Baum.

A I -- yeah, I mean, I -- I -- yes, I worked with Christi.

Q Okay.

THE WITNESS: Can I -- excuse me. Can I pause for one second? It's just that the sun has changed and it's very bright and I'm having a hard time seeing, so...

Okay. Thank you.

MS. PINTADO: Okay.

Let's pull up 28.

(Exhibit 19, Chain of e-mails dated 3/11/15 and 3/12/15 with attachments, Bates Nos. BAUM0000661 through BAUM0000683, was marked for identification and is attached to the transcript.)

AV TECHNICIAN: Exhibit 19.

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BY MS. PINTADO:

Q Okay. And I will scroll through it. It's 23 pages.

A Sorry.

Q Are you -- let me know when I'm -- I can scroll.

A You can scroll.

Q I'm going to go back up to the top of this document. If you need to review any other parts of it, let me know.

A Okay.

Q Do you recognize this document?

A Yes.

Q What is it?

A It was a document that the unit publicist on the film had -- an e-mail that the unit publicist from the film had sent to me.

Q So Michael Singer is the publicist on the film?

A Yes. He worked for Jerry Bruckheimer.

Q Okay. And what company was that?

And I apologize for the sirens in the

1

VIRGINIA:
IN THE CIRCUIT COURT FOR FAIRFAX COUNTY
----------x
JOHN C. DEPP, II, :
Plaintiff, :
v. : Civil Action No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant. :
----------x

Videotaped deposition of
JACK WHIGHAM
Conducted Virtually
Wednesday, January 20, 2021
12:09 p.m. EST

Job No.: 344474
Pages: 1 - 198
Reported By: Paul P. Smakula

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Deposition of JACK WHIGHAM, conducted virtually:

Pursuant to notice, before Paul P. Smakula, Notary Public in and for the State of Maryland.

3

APPEARANCES

ON BEHALF OF PLAINTIFF DEPP:
CAMILLE M. VASQUEZ, ESQUIRE
BENJAMIN CHEW, ESQUIRE
YARELYN MENA, ESQUIRE
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2211 Michelson Drive
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(949) 440-0240

ON BEHALF OF DEFENDANT HEARD:
ELAINE CHARLSON BREDEHOFT, ESQUIRE
CHARLSON, BREDEHOFT, COHEN & BROWN
11260 Roger Bacon Drive
Suite 201
Reston, Virginia 20190
(703) 318-6800

4

APPEARANCES CONTINUED

ON BEHALF OF THE WITNESS:
GREG D. DERIN, ESQUIRE
LAW OFFICE OF GREG D. DERIN
1801 Century Park East
16th Floor
Los Angeles, California 90067
(310) 552-1062

ALSO PRESENT:
Amber Heard
Jean-Louis Ziesch, Videographer
Alex Sussman, AV Technician

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Q What do you recall discussing with Adam Waldman?
MS. VASQUEZ: I'm going to object here. Calls for hearsay. And to the extent, Mr. Whigham, you discussed anything covered by the attorney-client privilege, and since Mr. Depp is the holder of that privilege and Mr. Waldman is Mr. Depp's attorney, I'm going to instruct you not to answer.
MR. DERIN: Is that instruction that any conversation that Mr. Whigham had with Mr. Waldman you're instructing him not to answer anything about that conversation?
MS. VASQUEZ: To the extent that you would have to divulge information or parts of that conversation that would be covered by the attorney-client privilege, yes, I'm instructing you not to answer. We can go question by question, but the question, the way I heard it, I could have it read back, was quite broad.
Q What do you recall discussing with Mr. Waldman relating to the --

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A Yeah, it -- it was very brief. It was mostly just, I think --
MR. DERIN: Well, hang on for a second, Jack. You know, if you're going to get into the substance of it -- Ms. Vasquez, I don't know whether you want him to tell -- to have a -- to describe generically what the subject was, but you can't expect the witness to make a decision about whether it's covered by the attorney-client privilege. So you're going to have to instruct him whether the conversation is covered by the privilege and you instruct him not to answer or have him describe the general subject matter whether it's about the litigation or about something else, but it's not for him to determine, it's for you to instruct.
MS. VASQUEZ: I understand Mr. Derin. Mr. Whigham, I apologize. I think the way the question is phrased -- Paul, do you mind reading back the question? I believe it's relating to the lawsuit. Paul, do you mind reading back the question?

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(Requested portion read back.)
MS. VASQUEZ: Okay. To the last question, what do you recall discussing with Adam Waldman, I'm going to object that it's overbroad. And I will just -- as an instruction, to the extent that your answer, Mr. Whigham, involves discussions with Mr. Waldman relating to the Jake Bloom lawsuit or any litigation of Mr. Depp's, I will instruct you not to answer.
MR. DERIN: Elaine, if you want to perhaps kind of parse it out, that's fine, but otherwise, I think there's an instruction.
MS. BREDEHOFT: Right. There's an instruction, if I'm hearing this, that she's asserting the attorney-client privilege over a third party in any discussion that they had with Mr. Waldman on the basis of Mr. Depp's attorney-client privilege.
Q Mr. Whigham, were you present with Mr. Depp in any of your conversations with Mr. Waldman?
A No.

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MR. DERIN: Objection; vague and ambiguous. You can answer.
Q Were you present with Mr. Depp when you had the discussion with Mr. Waldman about the Jake Bloom litigation?
A No.
Q How many conversations did you have with Mr. Waldman regarding the Jake Bloom litigation?
A To my -- the best of my recollection, mainly one.
Q And what do you recall of your discussion with Adam Waldman relating to the Bloom litigation?
MS. VASQUEZ: Mr. Whigham, I'm going to instruct you not to answer on the basis of the attorney-client privilege. You were representing Mr. Depp as an agent and Mr. Waldman is Mr. Depp's attorney. So I will instruct you not to answer Ms. Bredehoft's question on that basis.
Q And are you following that advice? I just need that on the record that you're following the advice. I don't agree with the invoking of the

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attorney-client privilege, but I need to put on the record that you are following that advice and not responding to the question; is that correct? And Mr. Derin, feel free to jump in. I'm okay --

MR. DERIN: Yeah, based on Mr. Depp's -- the assertion of Mr. Depp's privilege, Mr. Whigham, I think you're bound to honor that assertion of privilege because he's the holder of privilege. So on that basis, I'll instruct you not to answer because I think you have no choice.

Q And just for the record, then you are following your counsel's advice not to answer; correct?

A Yes.

MS. BREDEHOFT: Okay. Alex, can you pull up Whigham 4, please.

Q Now, Mr. Whigham, you received a subpoena duces tecum, a subpoena for documents in this case, do you recall that?

A I don't, but seeing this reminds me.

Q Okay. Let me just go down so we can -- because this will make it easier as we go through

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other documents. It's labeled JW and then some zeros and 145, 146, 147 here. The document production that was given on your behalf has JW and then numbers one through -- and I can't remember what the last one was, but it's roughly 150. Does that help refresh your recollection?

A Yes, ma'am. Yes.

Q Okay. And did you -- once you received the subpoena, then did you go in and try to find the documents that were responsive to the request?

A Yes.

Q Okay.

A We work with internal lawyers to make sure we complied fully.

(WHIGHAM Deposition Exhibit 4 marked for identification and attached to the transcript.)

Q Okay. Great. And so I'm going to show you this particular document that's been marked as Whigham No. 4. And it has at the top, Re Johnny Depp slams Donald Trump at Glastonbury and asks, when was the last time an actor assassinated a President? But I'm going to take you down a

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little further here on this document so you can see the whole trail. It starts June 22nd, 2017. Robin Baum, sharing in case you didn't see. And then Christi Dembrowski, haven't had a chance to look, but will. Who is Christi Dembrowski?

A She's Johnny sister.

Q How frequently did you work with Christi Dembrowski in connection with your representation of Mr. Depp?

MS. VASQUEZ: Objection; assumes facts not in evidence; it's vague and ambiguous as to "work with."

A I -- I was in touch with Christi fairly often.

Q And what -- for what reasons, just give me an example?

A She was -- she was just very involved in Johnny's life and helpful a lot with scheduling and details and stuff like that.

Q Okay. You -- did you have an understanding that she worked in a management role for Mr. Depp?

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MS. VASQUEZ: Objection; calls for speculation; lack of foundation; assumes facts not in evidence; vague and ambiguous.

A Not management per se, just kind of, you know, helpful. She obviously was his sister and knew everyone in his life and was able to help with a lot of logistics.

Q Okay. Thank you. I'm going to go up a little further. And then there is -- this one is again from Robin Baum June 22nd, it has been picked up everywhere and could continue past this first round of stories. I haven't seen a tweet from DT yet in response. And then this particular -- on top of this story, one we have this one too, Twitter is active. And it says, Johnny Depp management knew about Amber Heard abuse, do you see that?

A I do.

Q Do you believe that this press relating to Johnny Depp's management knowing about Amber Heard abuse negatively impacted Mr. Depp's personal or professional reputation or career?

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VIRGINIA:
IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

- - - - - - - - - - - - x
JOHN C. DEPP, II :
Plaintiff, :
v. : Civil Action No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant. :
- - - - - - - - - - - - x

Videotaped Videoconference Deposition of
STEPHEN DEUTERS
Conducted Virtually
Thursday, February 24, 2022
12:30 p.m.

Job No.: 433440
Pages: 1 - 237
Reported By: Scott D. Gregg, RPR

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Deposition of STEPHEN DEUTERS, held at the offices of:

All Parties Participated Via Videoconference

Pursuant to notice, before Scott D. Gregg, RPR, Notary Public in and for the City of Norfolk.

3

APPEARANCES
ON BEHALF OF PLAINTIFF AND STEPHEN DEUTERS:
(Appearing via videoconference)
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4

APPEARANCES CONTINUED
ON BEHALF OF DEFENDANT:
(Appearing via videoconference)
J. BENJAMIN ROTTENBORN, ESQUIRE
KAREN M. STEMLAND, ESQUIRE
WOODS ROGERS PLC
123 East Main Street, 5th Floor
Charlottesville, Virginia 22902
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ALSO PRESENT:
Drew Halton, Videographer
Catherine Gonzalez, Technician Specialist

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the page, there's a representation of a couple -- of part of the text exchange between you and Amber that we looked at earlier, right?
MS. VASQUEZ: Objection; assumes --
THE WITNESS: Yeah.
MS. VASQUEZ: -- facts, vague.
BY MR. ROTTENBORN:
Q And ET, you recognize that to be the logo for Entertainment Tonight, correct?
MS. VASQUEZ: Calls for speculation.
THE WITNESS: I don't know what their logo is, to be honest.
BY MR. ROTTENBORN:
Q Entertainment Tonight was the same outlet that had a journalist contact you just the day before that we just looked at, right?
A The one that said she had obtained my texts?
Q Yes.
A Okay.
Q And at the top of this page it says, Johnny Depp's assistant, Stephen Deuters, tells

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TMZ the texts that were posted in which he allegedly apologized to Amber Heard for Johnny's violent behavior are heavily doctored, and he never said Johnny attacked her.
Is it your testimony that you never told that to TMZ?
MS. VASQUEZ: Objection; asked and answered for the third time.
THE WITNESS: Yeah, I never spoke to TMZ.
BY MR. ROTTENBORN:
Q Did you speak with any journalist or press outlet and convey that message to them that TMZ is reporting?
A No, I didn't speak with anyone.
Q Below it says, Deuters says he knows of no acts of abuse toward Amber at the hands of Johnny and has never made such a claim to anyone. He adds, Johnny has never been violent toward anyone he knows.
Do you see that?
A I see that, yes.
Q Did you make a statement to that effect to

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TMZ or Entertainment Tonight or any press outlet?
A I'm afraid I did not.
Q Did you make a statement that the text themselves are suspicious because they don't even show a date?
MS. VASQUEZ: Objection; asked and answered for the sixth time, argumentative, harassment.
THE WITNESS: No.
BY MR. ROTTENBORN:
Q Did you make a statement to Entertainment Tonight, TMZ, or any other press outlet or journalist that you will testify under oath you never had a conversation about alleged violence with Amber?
MS. VASQUEZ: Same objections, asked and answered maybe the seventh time. I've lost count.
THE WITNESS: I never had any conversations with TMZ or any other press outlet, no.
BY MR. ROTTENBORN:
Q Did anyone on your behalf have any

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conversation with TMZ or any other press outlet about any of the substance of this article?
MS. VASQUEZ: Objection; calls for gross speculation.
THE WITNESS: Not to my knowledge, certainly not.
BY MR. ROTTENBORN:
Q And as you sit here today, you're not claiming in any way that the text messages between you and Amber were doctored in any manner, correct?
MS. VASQUEZ: Objection; calls for speculation, calls for a legal conclusion.
THE WITNESS: I never found the text, so I can't honestly say whether they were or whether they weren't.
BY MR. ROTTENBORN:
Q You have no basis to believe that the text messages were doctored in any way, correct?
MS. VASQUEZ: Objection; asked and answered, argumentative.
And, Mr. Deuters, I'm going to caution

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you -- actually, I'm going to instruct you not to answer on the basis of attorney-client privilege.
MR. ROTTENBORN: Scott, can you read back the question, please.
(The reporter read back as requested.)
MS. VASQUEZ: Same instruction.
BY MR. ROTTENBORN:
Q Other than anything you have learned from your attorneys or communications you've had with your attorneys, you have no basis to believe that these text messages were doctored in any way, correct, Mr. Deuters?
MS. VASQUEZ: Same instruction, same objection.
BY MR. ROTTENBORN:
Q Mr. Deuters, are you refusing to answer the question on the basis of your attorney's instruction?
MS. VASQUEZ: On the basis of attorney-client privilege, yes, he is.
MR. ROTTENBORN: You're not the witness, Camille. I asked him a question if he is refusing

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to answer. You're not testifying here.
BY MR. ROTTENBORN:
Q Mr. Deuters, are you re --
MS. VASQUEZ: He is not answering your question that invades the attorney-client privilege, Mr. Rottenborn.
MR. ROTTENBORN: There's nothing that invades the attorney-client privilege, but I'm asking him if he is declining to answer.
BY MR. ROTTENBORN:
Q Mr. Deuters, are you taking your counsel's advice and not answering my question?
A I am taking counsel advice.
Q Okay. I'll note -- we will very likely be going to court on this and have you come back for more time, Mr. Deuters, because that's a wildly inappropriate instruction by your counsel. I made clear I was not asking for attorney-client communications.
So other than -- let me ask it again; I'll give you another chance.
Other than attorney-client communications,

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which I am not asking about, do you have any basis to believe that the texts that we looked at between you and Amber Heard are doctored?
MS. VASQUEZ: Mr. Deuters, because you can't answer that question without violating the attorney-client privilege, I am going to, again, instruct you not to answer.
BY MR. ROTTENBORN:
Q Are you following your attorney's instruction, Mr. Deuters?
A Yes.
Q Did you ever ask TMZ to retract the statements that they made in that article that were attributed to you?
A No. I've never had any contact with them whatsoever, so either way.
Q Were you comfortable with the fact that apparently TMZ published an article that had all sorts of alleged falsehoods about things that you now claim you didn't say? Were you -- did that make you uncomfortable?
MS. VASQUEZ: Objection; argumentative,

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vague.
THE WITNESS: Yeah, I'm not sure what to say. I wasn't paying much attention to that side of things, to be quite honest. I don't recall my feelings at the time.
BY MR. ROTTENBORN:
Q Did you -- did you have any conversations with any of Johnny's representatives stating that you were uncomfortable, that you had been allegedly misquoted by TMZ?
MS. VASQUEZ: Objection; misstates prior testimony.
THE WITNESS: Not to my knowledge. I don't remember having conversations with his team, with his lawyer team, no.
BY MR. ROTTENBORN:
Q Did you ever have any conversations with Johnny's legal team at the time about these text messages?
MS. VASQUEZ: Asked and answered.
THE WITNESS: I can't remember who the legal team were. No, not to my knowledge. I

David Murphy

From:	David Murphy
Sent:	Tuesday, March 22, 2022 10:36 AM
To:	Calnan, Stephanie; Chew, Benjamin G.; Vasquez, Camille M.; Moniz, Samuel A.; Crawford, Andrew C.; Meyers, Jessica N.
Cc:	Elaine Bredehoft; Adam Nadelhaft; Clarissa Pintado; Rottenborn, Ben; Treece, Joshua; Heather Colston; Michelle Bredehoft
Subject:	RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Stephanie,

Your email is disappointing for a number of reasons, and does not even answer the one critical inquiry. First, as you know Mr. Depp already unsuccessfully tried to argue that Ms. Heard failed to timely comply with the relevant Order. As fully briefed and argued by Ms. Heard, it was *Mr. Depp's* counsel who repeatedly ignored Ms. Heard's communications (which Mr. Depp's counsel continues to do on this very email chain) to get her devices imaged per that Court Order. Followed by *Mr. Depp's Expert* ignoring communications and attempts to schedule the imaging, while complaining how busy he was and only being available during very limited times on specific dates which were accommodated. *Mr. Depp's Expert* then demanded the use of specific hardware by Mr. Young, but simultaneously refused to provide such hardware for Craig Young's use. The Court then agreed by denying Mr. Depp's Motion on this exact issue on March 4, which I argued. Perhaps this is why your email refers to when Mr. Depp received photographs, because you know and the Court agreed none of this can be blamed on Ms. Heard.

Second, this is the first I am hearing of any "technical glitches," but this is due to choices made by Mr. Depp. At that same March 4 hearing, based on *Mr. Depp's demands* the Court changed the data exchange process to Craig Young himself making two copies of his reviewed data onto two USBs, and sending those to each party's expert. Previously, Ms. Heard's expert received the data and then within 24 hours sent an exact duplicate to Mr. Depp's expert, and the process was seamless. So once again, this new delay was due to choices and demands made by Mr. Depp, and your implication that this was an error tied to Ms. Heard is again misplaced projection.

Third, you indisputably represented below that Mr. Neumeister would identify a date certain to produce a Supplemental Expert Report by March 18, and then failed to do so. Trial begins in less than 3 weeks, and Mr. Depp's position that he "hopes to" have a date certain is not workable at this late stage. Following Mr. Neumeister's production, Mr. Ackert will need time to prepare his Opposition Report, and we will need time to review both before deposing each expert. We are running out of time.

Therefore, please either confirm or deny by 5 PM today that Mr. Neumeister will: 1) Produce a full and complete Supplemental Expert Disclosure by 5 PM on Thursday, March 31; and **2)** Mr. Neumeister will appear for deposition by Zoom at 10 AM Eastern on either April 5 or April 6 for up to

7 hours. If Mr. Depp does not timely respond or refuses to respond with a clear position on these two requests, Ms. Heard will proceed accordingly.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: Calnan, Stephanie <SCalnan@brownrudnick.com>
Sent: Monday, March 21, 2022 10:15 PM
To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

David,

As you know, we are still receiving a large volume of photographs, all of which were substantially delayed as a result of Ms. Heard's failure to timely comply with the relevant Order (the first tranche of photos not being received until March 2, several months late and on the eve of trial). Mr. Neumeister is now receiving many thousands of photographs – 58,000 and counting – many of which are outside the scope of the Court's Order, and is not yet in a position to provide a report. Setting aside the delays, there also seem to be some technical glitches. This past Saturday, Mr. Neumeister received a drive that had zero images on it. Moreover, several iTunes backups have still not even been processed.

We hope to have a date certain by which a supplemental report will be provided. We are amenable to continuing Mr. Ackert by mutual agreement beyond the expert cutoff, and will therefore plan not to proceed on Wednesday. However, we reject any suggestion that you are entitled to require that Mr. Neumeister be deposed before Mr. Ackert.

Best,
Stephanie

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Monday, March 21, 2022 1:03 PM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

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

Stephanie,

I am following up on these matters once again. With Mr. Ackert's pending deposition and trial quickly approaching, Mr. Depp ignoring these issues and refusing to respond is inappropriate and highly prejudicial to Ms. Heard. Especially when Mr. Depp committed to identifying by March 18 the date when Mr. Neumeister will produce a Supplemental Expert Disclosure, then failed to do so.

Please identify Mr. Depp's position on these matters ASAP.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
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From: David Murphy
Sent: Saturday, March 19, 2022 8:19 AM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft

<mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Stephanie,

As the below emails reflect, Mr. Depp committed to identifying a date certain for the production of a full and complete Supplemental Expert Disclosure from Mr. Neumeister by yesterday. But we received no further response from Mr. Depp. Please respond by providing this agreed information by Sunday, March 20.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
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From: David Murphy
Sent: Thursday, March 17, 2022 11:35 AM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Stephanie,

Thank you for your response. This email confirms the parties' agreement that tomorrow's noticed deposition of Mr. Neumeister is being continued, and we will serve an Amended Notice once we have a new date for his deposition following the date he will serve the Supplemental Expert Disclosure. We also think it makes sense to continue the deposition of Mr. Ackert for the same reasons, but defer to Mr. Depp.

We look forward to receiving a date certain when Mr. Neumeister will serve a Supplemental Expert Disclosure by COB tomorrow, followed by providing Mr. Neumeister's available dates for deposition.

Thank you for working with us on this issue.

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: Calnan, Stephanie <SCalnan@brownrudnick.com>
Sent: Wednesday, March 16, 2022 5:05 PM
To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

David,

We are amenable to moving the deposition of Mr. Neumeister. We will get back to you later this week with an ETA on a supplemental report from Mr. Neumeister.

Best,
Stephanie

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Wednesday, March 16, 2022 4:21 PM
To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

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

Ben et. al.,

We have not received any response to this inquiry, and urge you to work with us by providing the requested information. But if Mr. Depp continues to refuse to respond, Ms. Heard will proceed accordingly and reserves all rights.

David E. Murphy

Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.

11260 Roger Bacon Drive, Suite 201

Reston, Virginia 20190

PH: (703) 318-6800

FX: (703) 318-6808

From: David Murphy
Sent: Tuesday, March 15, 2022 12:18 PM
To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Ben et al.,

We are writing regarding the status of Bryan Neumeister producing a Supplemental Expert Disclosure. Please identify a date certain when Mr. Depp will agree to produce a Supplemental and

complete Expert Disclosure for Mr. Neumeister. As you know, Ms. Heard is entitled to a full and complete disclosure of Mr. Neumeister's opinions in advance of both deposition and trial.

Additionally, as you also know Mr. Neumeister's deposition is currently noticed for March 18. But since Mr. Neumeister has not produced any Supplemental Expert Disclosure, it does not make sense to proceed on March 18 as Ms. Heard will have no choice but to hold the deposition open and bring Mr. Neumeister back for further testimony following receipt of his Supplement and sufficient time to review it. Therefore, in an attempt to resolve this issue, Ms. Heard proposes that both parties stipulate and agree to re-schedule the deposition of Mr. Neumeister either the week of March 28-April 1 or April 4-8, depending on the date certain when Mr. Neumeister is committing to produce his Supplement.

Please respond by 12 PM tomorrow with: 1) A date certain when Mr. Neumeister will disclose all opinions through a Supplement; **2)** Mr. Depp's position on Ms. Heard's request to re-schedule by agreement Mr. Neumeister's deposition for March 28-April 1 or April 4-8; and **3)** If Mr. Depp is agreeing, Mr. Neumeister's available dates for deposition during that time-frame. If Mr. Depp refuses or does not respond, Ms. Heard is prepared to proceed with the deposition as noticed for March 18, and reserves all rights to hold the deposition open to fully examine Mr. Neumeister on all opinions disclosed after March 18 and/or to move to strike later-asserted opinions, along with seeking fees and costs for having to re-depose Mr. Neumeister.

Thank you for your consideration,

David E. Murphy

Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.

11260 Roger Bacon Drive, Suite 201

Reston, Virginia 20190

PH: (703) 318-6800

FX: (703) 318-6808

****

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Transcript of Hearing

Date: November 20, 2020
Case: Depp, II -v- Heard

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Second category of documents relating to the other litigation in which Mr. Depp has been involved, as Your Honor has seen, these requests are hopelessly broad and unduly burdensome. Even with Ms. Bredehoft's reported limitations, she still seeks all witness interactions, Mr. Depp's explanations, Mr. Depp's perceptions, any and all photographs, et cetera.

Having been involved in all of those cases, Your Honor, I can say that none of those cases has anything to do with Ms. Heard or alleged abuse by Ms. Heard or any other woman, because the only other woman in Mr. Depp's 57 years who ever accused him of abuse was Ms. Heard.

The Bloom case involved Mr. Depp's former lawyer, who illegally took 5 percent of his income from a period between 1999 and April 2017. Judge Green in Los Angeles declared that the alleged oral contract was violative of Sections 6147 of the California Business and Professional Code. As a result of that ruling in this case, the firm of Bloom, Hergott was disbanded because he had

perpetrated that scheme on several other people, including Sylvester Stallone. That case involved also one -- approximately one million documents.

Mr. Depp and Ms. Heard were only married for 15 months during that 18-year period. The TMG case involved Mr. Depp's former manager prior to Ed White. He was -- Mr. Mandel was the manager from 1999 through March of 2016. He breached fiduciary duties and misappropriated tens of millions of dollars. Again, that case involved approximately one million documents, most of which were designated confidential by the defendant, which is the same -- the same is true in the Bloom case.

The Rocky Brooks' case is a comically frivolous case involving an incident more than a year after the divorce. The bodyguard's case involved an esoteric dispute as to whether the two gentlemen employees were either employees or independent contractors. So none of this had anything to do with Ms. Heard or her alleged claims of abuse.

The Court should deny the motion as to

CERTIFICATE OF SHORTHAND REPORTER - E-NOTARY PUBLIC

I, Carla L. Andrews, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; that review was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, it its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 23rd day of November, 2020.

Carla L. Andrews

E-NOTARY PUBLIC IN AND FOR
THE COMMONWEALTH OF VIRGINIA

My Commission Expires: April 30, 2023

From: Blair, Arnold G.
To: BChew@brownrudnick.com; ACrawford@brownrudnick.com; SMoniz@brownrudnick.com; LPresiado@brownrudnick.com; CVasquez@brownrudnick.com; YMena@brownrudnick.com; Adam Nadelhaft; brottenborn@woodsrogers.com; Carla Brown; cmariam@grsm.com; David Murphy; Elaine Bredehoft; jcogger@grsm.com; jtreece@woodsrogers.com; kblocher@grsm.com
Cc: Blair, Arnold G.
Subject: Blair, Arnold G. shared "DEPP017" with you.
Date: Thursday, January 28, 2021 12:08:20 PM
Attachments: 47d1a64a-b36a-4888-9f41-1f7218db57c2
85426c71-e643-4eb1-b313-3d43bd6ce98e
a6c31a4c-2175-421e-b35b-c902846fa0f2
3b8746e9-1b83-4431-9c84-252c3bbeaf91

Blair, Arnold G. shared a file with you

DEPP017

This link only works for the direct recipients of this message.

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Transcript of Tracey Jacobs

Date: January 28, 2021
Case: Depp, II -v- Heard

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Q And why not? 15:49:57

A Because as I just said, it was similar to 15:49:58

some of the events in his personal life with the 15:50:01

man -- the story itself about the lead. 15:50:05

MR. CHEW: Alex, if you would please move 15:50:14

ahead to Exhibit 9. 15:50:15

MS. BREDEHOFT: And, Ben, may I -- for all 15:50:22

of these UTAs that are labeled, may I just have a 15:50:24

blanket objection to them being referred to as not 15:50:27

being produced in discovery? 15:50:31

MR. CHEW: You certainly may, Blaine, but 15:50:33

they were all produced to your office prior to 15:50:36

this deposition. So you should, again, check with 15:50:39

them, because you got that and you got the 15:50:41

deposition transcripts, so -- 15:50:43

MS. BREDEHOFT: And I understand you've 15:50:46

said that, I haven't seen them, you might be right 15:50:47

I might be wrong, but if I'm right then I want to 15:50:50

preserve the objections. So I'm -- but I'm trying 15:50:53

to not to make this longer, I just want to have a 15:50:56

blanket objection and we can deal with it later. 15:51:00

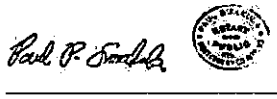
MR. CHEW: Okay. Are we on -- yes, we're 15:51:03

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, PAUL P. SMAKULA, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 5th day of February, 2021.

My commission expires: June 18, 2023.



NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action No.: CL-2019-0002911**
	)	
Amber Laura Heard,	)	
	)	
Defendant.	)	
	)	

PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA HEARD'S MOTION TO COMPEL AND FOR RELIEF BASED ON FAILURE TO TIMELY PRODUCE DISCOVERY BEFORE DEPOSITION OF TRACEY JACOBS

admonishing Ms. Heard's counsel as follows: **"And, Ms. Bredehoft, I am going to make a comment to you. And maybe I shouldn't, but I am going to, anyway. But you risk losing credibility with the Court when you come before the Court and accuse the other side of not following the rules... You also send vastly overbroad requests apparently in the hope that they will negotiate something better than what you might have gotten had you sent a reasonable request[.]"** (Chew Decl., **Ex. 3**, 30:14-31:3.) In defiance of the Court's admonition, Ms. Heard served her Tenth RFPs, for similar documents, to which Mr. Depp timely objected on January 22, 2021. (Ms. Heard's Att. 3.)

II. Ms. Heard's Assertions about the Jacobs' Deposition Are False

Ms. Heard deposed Ms. Jacobs, Mr. Depp's former agent, on January 28, 2021. Ms. Jacobs has never been identified as a percipient witness to any alleged violence between Mr. Depp and Ms. Heard, and indeed, testified in response to Ms. Bredehoft's questions that she was unaware of those allegations before Ms. Heard publicized them, and that she has never discussed the allegations with Mr. Depp. (Chew Decl., **Ex.** 6 at 107:15-108:13.) Shortly before Ms. Jacobs' deposition, and in the course of preparing for same, we discovered that Ms. Heard had been referenced in parts of Ms. Jacobs' deposition transcripts from the TMG Action and Bloom Action, and that portions of those transcripts could—*arguably*—relate to the claims and defenses in this action. Mr. Depp then immediately produced the transcripts on the day of the deposition (although, given the Court's denial of Ms. Heard's Eighth RFPs, and Mr. Depp's timely and proper objection to the Tenth RFPs, Mr. Depp had a basis to withhold them). Ms. Heard's allegations of deceptive conduct are therefore false. Again, we produced the transcripts immediately upon becoming aware of their *arguable* relevance, and undersigned counsel correctly represented to Ms. Bredehoft that they had been provided to her office. (Chew Decl. at

Respectfully submitted,

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

Dated: June 17, 2021

1344442 v1-iManDB-036503/0001

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Transcript of Motions Hearing

Date: June 25, 2021
Case: Depp, II -v- Heard

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF MR. DEPP:

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ON BEHALF OF THE DEFENDANT MS. HEARD:

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timing worked out well at all for Ms. Bredehoft, but you did provide it. I can't fault you for that; however, I think it is important that she does get that other video as soon as you get that. Then she'll have the two videos. She has the transcripts now.

I'm not going to make any pre-trial motions as far as designating portions of it or the foundational objections. I'm just not going to do that at this point. I don't think that's a proper thing to do when we're so far away from trial. That is something that might come up later when we get closer to trial, but at this time, I'm not going to do that.

And since you are going to be providing the videos, I'm just going to deny the motion to compel today. We'll see where we are on Friday with that, and I'm not going to give fees to anybody on this matter. All right?

MR. CHEW: Thank you very much, Your Honor.

MS. BREDEHOFT: Your Honor --

THE COURT: Is there --

MS. BREDEHOFT: If I'm understanding your ruling, then, it's without prejudice for us to be able to come back and ask for this relief again; is that correct?

THE COURT: Well, it's a motion in limine. When we get closer to trial, if there's still issues going on, but, you know, that's going to be something we do at our pre-trial conference when we start doing deposition issues, yes.

MR. CHEW: And, Your Honor, just to clarify, may we submit to Your Honor's chambers on Monday a proposed order?

THE COURT: Yes, that would be fine.

MR. CHEW: And to that end, Your Honor, so we can have obviate any disagreement, the motion to compel is denied? I don't want to get into a fight about --

THE COURT: Right.

MR. CHEW: -- without prejudice.

THE COURT: No -- well, the motion to compel is denied. Whether or not authenticating

parts of depositions, that has nothing to do with the motion to compel. Whether or not we do that is something for pre-trial. I assume we're going to be going through quite a few different depositions and there's going to be arguments back and forth at that time.

MR. CHEW: Thank you, Your Honor.

MS. BREDEHOFT: Your Honor, if I may, so I understood that Your Honor granted the motion to compel with respect to the second video deposition.

MR. CHEW: No, Your Honor.

THE COURT: No, no, I didn't. I denied the motion to compel outright. They're providing the second video, so it's a moot point. So that's going to get you either Monday or Tuesday, it sounds like.

MR. CHEW: Yes, Your Honor.

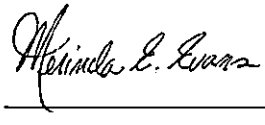
THE COURT: That's a moot point. So I'm denying the motion to compel.

MS. BREDEHOFT: Your Honor -- and I'm not trying to be unreasonable here, but maybe you know that we have had issues with these proposed orders,

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Merinda Evans, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of June, 2021.

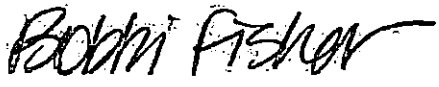


Merinda Evans, Notary Public
for the Commonwealth of Virginia

Notary Registration No.: 7808245
Expiration: 1/31/2023

CERTIFICATE OF TRANSCRIBER

I, Bobbi J. Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



Bobbi J. Fisher, RPR
NCRA Registered Professional Reporter (RPR)
Prepared: June 26, 2021

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II *Plaintiff and Counterclaim Defendant,* v. AMBER LAURA HEARD, *Defendant and Counterclaim Plaintiff.*	:	Civil Action No.: CL-2019-0002911

PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S FOURTH REQUESTS FOR ADMISSION

Pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff"), by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's Fourth Set of Request For Admission (each, a "Request" and collectively, the "Requests"), dated February 4, 2021 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. The following general objections and responses (the "General Objections") are incorporated into each specific objection and response as if fully set forth therein:

2. Plaintiff objects to the Requests to the extent they purport to call for information that: (a) is subject to the attorney-client privilege; (b) constitutes attorney work product; (c) includes information protected from disclosure based on common interest or a similar privilege; or (d) is otherwise protected from disclosure under applicable privilege, law, or rule. Plaintiff

contact between any part of Your body and another person's genitalia, anus, groin, breast, inner thigh, or buttocks; or (b) direct contact between any part of a third party's body and Your genitalia, anus, groin, breast, inner thigh, or buttocks.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, vague and ambiguous to the extent it seeks to impose burdens beyond those required by the Rules. This term is overly broad in its ten year scope, and vague and ambiguous in its use of the terms "direct contact" and "sexual manner." Plaintiff further objects to this term to the extent that it is inflammatory and harassing, assumes facts not in evidence, lacks foundation, calls for a medical and/or legal conclusion and seeks information unrelated to this case and that is unlikely to lead to the discovery of admissible evidence. Plaintiff will agree to meet and confer with Defendant regarding this term.

t. ***You and/or Your.*** The terms "You" and/or "Your" refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has "control" as understood by the Rules of this Court.

RESPONSE: No objection.

REQUESTS FOR ADMISSION

1. Please admit that the document produced as DEPP19191 and attached as **Exh. 1** is a true, genuine, and authentic copy of a December 14, 2012 email exchange between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19191 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

2. Please admit that the document produced as DEPP19194-19196 and attached as **Exh. 2** is a true, genuine, and authentic copy of May 23, 2013 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19194-19196 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general

and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

3. Please admit that the document produced as DEPP19207-19208 and attached as **Exh. 3** is a true, genuine, and authentic copy of December 29, 2013 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19207-19208

appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

4. Please admit that the document produced as DEPP19209 and attached as **Exh. 4** is a true, genuine, and authentic copy of a September 2, 2015 email between Tracey Jacobs, Christi Dembrowski, and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this

communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19209 appears to be a copy of an email between Tracey Jacobs, Christi Dembrowski, and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

5. Please admit that the document produced as DEPP19210 and attached as **Exh. 5** is a true, genuine, and authentic copy of an October 23, 2015 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19210 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general

and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

6. Please admit that the document produced as DEPP19211 and attached as **Exh. 6** is a true, genuine, and authentic copy of November 14, 2015 emails between Andrew Thau, Raul Anaya, Tracey Jacobs, Joel Mandel, and the email address danny@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19211 appears to

be a copy of an email between Andrew Thau, Raul Anaya, Tracey Jacobs, Joel Mandel, and the email address danny@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

7. Please admit that the document produced as DEPP19213 and attached as **Exh. 7** is a true, genuine, and authentic copy of January 19-20, 2016 emails between Tracey Jacobs, Andrew Thau, Joel Mandel, and Jeremy Zimmer.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to

Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19213 appears to be a copy of an email between Tracey Jacobs, Andrew Thau, Joel Mandel, and Jeremy Zimmer. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

8. Please admit that the document produced as DEPP19215 and attached as **Exh. 8** is a true, genuine, and authentic copy of a January 26, 2016 email between Tracey Jacobs, Jim Berkus, Jeremy Zimmer, Joel Mandel, and the email address jab@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19215 appears to be a copy of an email between Tracey Jacobs, Jim Berkus, Jeremy Zimmer, Joel Mandel, and the email address jab@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal

knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

9. Please admit that the document produced as DEPP19216 and attached as **Exh. 9** is a true, genuine, and authentic copy of February 12, 2016 emails between Tracey Jacobs, Joel Mandel, Christi Dembrowski, and the email addresses danny@bhdrl.com, mls@bhdrl.com, and jab@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing

specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19216 appears to be a copy of an email between Tracey Jacobs, Joel Mandel, Christi Dembrowski, and the email addresses danny@bhdrl.com, mls@bhdrl.com, and jab@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

10. Please admit that the document produced as DEPP19217 and attached as **Exh. 10** is a true, genuine, and authentic copy of a March 7, 2016 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it

implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19217 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

11. Please admit that the document produced as DEPP19218 and attached as **Exh. 11** is a true, genuine, and authentic copy of a March 9, 2016 email between Tracey Jacobs, Gueran Ducoty, Christi Dembrowski, Joel Mandel, Jenna Gates (Jacobs), and the email addresses danny@bhdrl.com and mls@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19218 appears to be a copy of an email between Tracey Jacobs, Gueran Ducoty, Christi Dembrowski, Joel Mandel, Jenna Gates (Jacobs), and the email addresses danny@bhdrl.com and mls@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

12. Please admit that the document produced as DEPP19219-19224 and attached as **Exh. 12** are true, genuine, and authentic copy of February 2-5, 2016 emails between Emily Speak, David Kitchen, Linda Curtis, Joel Mandel, Andrew Thau, Nicholas R. Dumas, Kevin Wells, and Alyssa Gallo.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or

work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19219-19224 appears to be a copy of an email between Emily Speak, David Kitchen, Linda Curtis, Joel Mandel, Andrew Thau, Nicholas R. Dumas, Kevin Wells, and Alyssa Gallo. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

13. Please admit that the document produced as DEPP19225-19230 and attached as **Exh. 13** is a true, genuine, and authentic copy of the document titled "Agreement in Consideration of Guaranty" that was attached to the emails produced by Mr. Depp as DEPP19219-19224.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19225-19230 appears to be "a true, genuine, and authentic copy" of a document titled "Agreement in Consideration of Guaranty".

14. Please admit that the document produced as DEPP19233 and attached as **Exh. 14** is a true, genuine, and authentic copy of November 15, 2014 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication.

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19233 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

15. Please admit that the document produced as DEPP19234-19236 and attached as **Exh. 15** is a true, genuine, and authentic copy of February 26, 2015 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19234-19236 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

16. Please admit that the document produced as DEPP19237-19238 and attached as **Exh. 16** is a true, genuine, and authentic copy of February 27, 2015 emails between Tracey Jacobs, Sean Bailey, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19237-19238 appears to be a copy of an email between Tracey Jacobs, Sean Bailey, and Christi Dembrowski.

Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

17. Please admit that the document produced as DEPP19239 and attached as **Exh. 17** is a true, genuine, and authentic copy of April 14-15, 2015 emails between Tracey Jacobs, Scott Cooper, John Lesher, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from

disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19239 appears to be a copy of an email between Tracey Jacobs, Scott Cooper, John Lesher, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

18. Please admit that the document produced as DEPP19240-19253 and attached as **Exh. 18** is a true, genuine, and authentic copy of text messages between Tracey Jacobs and Edward White.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19240-19253 appears to be a copy of text messages between Tracey Jacobs and Edward White. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

19. Please admit that the document produced as DEPP19254-19300 and attached as **Exh. 19** is a true, genuine, and authentic copy of July 18-October 26, 2016 text messages between Tracey Jacobs and Mr. Depp.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits DEPP19254-19300 appears to be a copy of text messages between Tracey Jacobs and Mr. Depp.

20. Please admit that the document produced as DEPP19790 and attached as **Exh. 20** is a true, genuine, and authentic copy of an April 14, 2015 email between Magdolna Nyeso, Edward Allanby, Joel Mandel, Joe Kaczorowski, Robert Corzo, Neil Shah, Jacob Bloom, Sandra Spierenburg, and Maarten Melchor.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19790 appears to be a copy of an email between Magdolna Nyeso, Edward Allanby, Joel Mandel, Joe Kaczorowski, Robert Corzo, Neil Shah, Jacob Bloom, Sandra Spierenburg, and Maarten Melchor. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

21. Please admit that the document produced as DEPP19791-19795 and attached as **Exh. 21** is a true, genuine, and authentic copy of the attachment to the email produced by Mr. Depp as DEPP19790.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19791-19795 appears to be a copy of the attachment.

22. Please admit that the document produced as DEPP19797-19798 and attached as **Exh. 22** is a true, genuine, and authentic copy of April 14 and April 21, 2016 emails and an attachment between Robert Corzo, Neil Shah, Donald Starr, Danny Watts, and Stanley Buchtal.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19797-19798 appears to be a copy of emails between Robert Corzo, Neil Shah, Donald Starr, Danny Watts, and Stanley Buchtal. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

23. Please admit that the document produced as DEPP19801-19839 and attached as **Exh. 23** is a true, genuine, and authentic copy of a document dated August 7, 2002, titled "Memorandum of Agreement," and with the Subject "'PIRATES OF THE CARIBBEAN'/ JOHNNY DEPP/ACTOR."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19801-19839 appears to be a copy of a document titled "Memorandum of Agreement," and with the Subject "'PIRATES OF THE CARIBBEAN'/ JOHNNY DEPP/ACTOR."

24. Please admit that the document produced as DEPP19840-19843 and attached as **Exh. 24** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "GUARANTY."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19840-19843 appears to be a copy of a document titled "GUARANTY."

25. Please admit that the document produced as DEPP19844-19849 and attached as **Exh. 25** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "FIRST MATE PRODUCTIONS, INC. ACTOR/LOAN-OUT STANDARD TERMS AND CONDITIONS."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19844-19849 appears to be a copy of

a document titled "FIRST MATE PRODUCTIONS, INC. ACTOR/LOAN-OUT STANDARD TERMS AND CONDITIONS."

26. Please admit that the document produced as DEPP19850-19852 and attached as **Exh. 26** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO THE STANDARD TERMS AND CONDITIONS FOR AN ACTOR (LOAN OUT)."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19850-19852 appears to be a copy of a document titled "RIDER TO THE STANDARD TERMS AND CONDITIONS FOR AN ACTOR (LOAN OUT)."

27. Please admit that the document produced as DEPP19853-19865 and attached as **Exh. 27** is a true, genuine, and authentic copy of an August 7, 2002 document titled "Exhibit 'CB'".

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to

the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19853-19865 appears to be a copy of a document titled "EXHIBIT 'CB'".

28. Please admit that the document produced as DEPP19866-19876 and attached as **Exh. 28** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO EXHIBIT 'CB'."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19866-19876 appears to be a true, copy of a document titled "RIDER TO EXHIBIT 'CB'."

29. Please admit that the document produced as DEPP19877-19887 and attached as **Exh. 29** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "Exhibit DRCB."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to

this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19877-19887 appears to be a of a document titled "EXHIBIT DRCB."

30. Please admit that the document produced as DEPP19888-19897 and attached as **Exh. 30** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO EXHIBIT 'DRCB'."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19888-19897 appears to be a copy of a document titled "RIDER TO EXHIBIT DRCB."

31. Please admit that the document produced as DEPP19906-19954 and attached as **Exh. 31** is a true, genuine, and authentic copy of a document dated August 28, 2008, titled "Memorandum of Agreement," and with the Subject "'ALICE IN WONDERLAND'/JOHNNY DEPP/ACTOR."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19906-19954 appears to be "a true, genuine, and authentic copy" of a document titled "ALICE IN WONDERLAND'/JOHNNY DEPP/ACTOR."

32. Please admit that the document produced as DEPP20019-20063 and attached as **Exh. 32** is a true, genuine, and authentic copy of an October 8, 2014 document titled "Tyron Management Services Limited."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing

specific and general objections, Plaintiff admits that DEPP20019-20063 appears to be a copy of a document titled "Tyron Management Services Limited."

33. Please admit that the document produced as DEPP20078 and attached as **Exh. 33** is a true, genuine, and authentic copy of a November 1, 2016 email from Michael Sinclair to Jacob Bloom, Edward White, Andrew Thau, Bryan Freedman, and the email address ssroloff@caa.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20078 appears to be a copy of an email from Michael Sinclair to Jacob Bloom, Edward White, Andrew Thau, Bryan Freedman, and the email address ssroloff@caa.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is a copy.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

34. Please admit that the document produced as DEPP20079-20084 and attached as **Exh. 34** is a true, genuine, and authentic copy of the attachment to the email produced by Mr. Depp as DEPP20078.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility,

including without limitation hearsay and relevance, Plaintiff admits that DEPP20079-20084 appears to be a copy of a letter addressed to Mr. Depp.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

35. Please admit that the document produced as DEPP20086-20087 and attached as **Exh. 35** is a true, genuine, and authentic copy of September 30, 2015 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20086-20087 appears to be a copy of emails between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

36. Please admit that the document produced as DEPP20088 and attached as **Exh. 36** is a true, genuine, and authentic copy of a September 2, 2015 email between Tracey Jacobs, Joel Mandel, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20088 appears to be a copy of an email between Tracey Jacobs, Joel Mandel, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

37. Please admit that the document produced as DEPP20089 and attached as **Exh. 37** is a true, genuine, and authentic copy of September 10, 2015 emails between Andrew Thau, Tracey Jacobs, Christi Dembrowski, and the email address danny@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20089 appears to be a copy of emails between Andrew Thau, Tracey Jacobs, Christi Dembrowski, and the email address danny@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff

otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

38. Please admit that the document produced as DEPP20090 and attached as **Exh. 38** is a true, genuine, and authentic copy of March 24, 2016 emails between Bec Smith, Tracey Jacobs, Rena Ronson, Jim Meenaghan, Jeremy Landau, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20090 appears to be a copy of emails between Bec Smith, Tracey Jacobs, Rena Ronson, Jim Meenaghan, Jeremy Landau, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

39. Please admit that the document produced as DEPP19205 and attached as **Exh. 39** is a true, genuine, and authentic copy of November 22, 2013 emails between Tracey Jacobs, Christi Dembrowski, Joel Mandel, Rachel Arlook (Jacobs), and the email addresses jab@bhdrl.com, danny@bhdrl.com, and mls@nhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Tracey Jacobs and Christi Dembrowski. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of

the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

40. Please admit that the document produced as DEPP19206 and attached as **Exh. 40** is a true, genuine, and authentic copy of December 6, 2013 emails between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19206 appears to be a copy of emails between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

41. Please admit that the document produced as DEPP19212 and attached as **Exh. 41** is a true, genuine, and authentic copy of a November 16, 2015 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff

further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19212 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is "a true, genuine, and authentic copy".

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

42. Please admit that the document produced as DEPP19796 and attached as **Exh. 42** is a true, genuine, and authentic copy of April 18, 2016 emails between Jacob Bloom and Donald Starr.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible

evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Jacob Bloom and Donald Starr. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

43. Please admit that the document produced as DEPP20064 and attached as **Exh. 43** is a true, genuine, and authentic copy of January 6-7, 2015 emails between Joe Kaczorowski, Danny Watts, and Donald Starr.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Joe Kaczorowski, Danny Watts, and Donald Starr. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

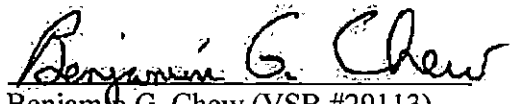
SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

Dated: January 3, 2022

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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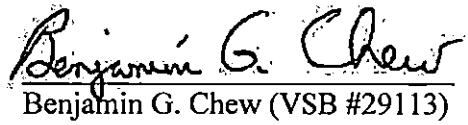

Benjamin G. Chew (VSB #29113)

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Transcript of John C. Depp, II, Volume 4

Date: December 14, 2021
Case: Depp, II -v- Heard

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partial, I don't know. If something ended up not to your liking, I don't know.
Q. Did Adam Waldman represent you as of 20 March 2020?
A. I think -- I think we might be getting into something that's attorney-client privilege, and I -- didn't the judge also just recently find that kind of an unpleasant thing for you to be --
MR. CHEW: I would -- I would instruct the witness not to answer any questions about any communications between you and Adam Waldman, who Ms. Bredehoft knows better than anybody is one of your counsel. So, I instruct you not to answer and we can move on.
Q. Well -- well, we've got to move backwards.
A. I'm invoking attorney-client privilege.
Q. Mr. Depp, I'm going to ask you one more time. Did you provide a partial audio recording of the 26 March 2015 audio recording that you've identified as paragraph -- in paragraph 7A of your witness statement to The Daily Mail? Yes or no, did you provide it to them?

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A. My devices were given to my attorneys.
Q. That's not the question I'm asking you. Did you give a partial of the audio recording to The Daily Mail?
A. Did I personally give an audio recording to anyone? No.
Q. Do you know who did?
MR. CHEW: No, I'm going to instruct you not to answer that question. You've already -- you've already answered the one question she asked that she was entitled to ask. You said you didn't do it. Let's move on.
A. I think she said -- she's getting -- she's getting into territory where the judge has already -- I think the judge has made an order about --
Q. Mr. Depp, did you provide --
A. I'm sorry. I was just talking.
Q. But you weren't answering the question. Mr. Depp --
A. You think that I answered your question wrong --

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Q. Mr. Depp --
MR. CHEW: (Indecipherable) he did not.
Q. Mr. Depp, did you provide a partial of the audio recording on 4 January 2016 that you identified in paragraph 7B of your witness statement to The Daily Mail?
MR. CHEW: Objection. It assumes facts not in evidence, misstates his testimony, lack of foundation, and contradicts the document, and asked and answered.
Q. What's your answer?
A. I told you that's (indecipherable).
Q. You need to answer the question.
MR. CHEW: You may answer the question again if you understand.
A. Did you -- did you -- maybe you were working up a --
Q. Are you refusing to answer the question, Mr. Depp?
MR. CHEW: No, he already answered the question.
MS. BREDEHOFT: No, he didn't, Mr. Chew.

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He answered the one that's 7A, not 7B.
THE WITNESS: Austin, I know you're the gentleman -- Vicky, Ms. Wilson, is it possible, are you able to read back --
Q. No, you don't get to ask that question.
A. I'm not asking you, ma'am.
Q. Have you made any effort at all to try to locate the full recordings that you've identified here in paragraph 7A and B of your witness statement?
MR. CHEW: Objection. Asked and answered. Lack of foundation. Argumentative. Misstates the document. He said what he did with his devices three or four times.
MS. BREDEHOFT: That's not what I'm asking.
Q. Have you made any effort at all to find out where the full recordings are of the audio recording from 26 March 2015 and the audio recording from 4 January 2016?
MR. CHEW: Objection. Argumentative. Lack of foundation. Assumes facts not in

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evidence. Assuming partial recordings.
A I just looked at a piece of paper that you showed me with these file names on them. You even yourself skipped through the file names because it's a bunch of numbers. You're saying one is partial. Did I make it partial or did I give it? I don't know what these are.
So, I don't -- I cannot tell you 1,000 percent what these things are, so I cannot answer your questions in any way that's going to please you and make you jump for joy. I can only tell you, as I did say --
Q But the answer is no. The answer is no, you have not made any effort --
MR. CHEW: Ms. Bredehoft, please let -- please let him finish. You say --
MS. BREDEHOFT: He's not answering the question. He's being --
MR. CHEW: He was trying. He was trying to answer your question.
MS. BREDEHOFT: He's not trying.
All right. Let's go. Take this one out,

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Austin.
MR. CHEW: Now you're just being nasty, and if you continue --
MS. BREDEHOFT: I'm not being nasty. You're intentionally trying to drag this out so that I don't get to ask the questions, and you know it.
MR. CHEW: You're projecting your value or lack thereof onto me.
BY MS. BREDEHOFT:
Q All right. Let's talk about the op-ed, all right, that Amber Heard published in The Washington Post. Do you recall that?
A When the article was published in the Washington Post was December 18th, 2000 -- December something 2018, was it?
Q I'm asking -- okay. Let's just go to the next question. Yes, that's correct. Okay. Other than --
A That's good. My memory worked. That's great.
Q So, other than -- you're looking down at

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something. What are you looking at?
A It's a drawing.
Q All right. Other than your attorneys, did you have any communications with anyone about the op-ed between December 18, 2018, and March 1, 2019, when you filed this lawsuit? I'm asking for anyone other than your attorneys.
A I don't recall.
Q Okay. Now, between the time of the op-ed being published on December 18, 2018, and March 1, 2019, when you filed the lawsuit, did you lose any roles or career opportunities?
A Yes --
Q What?
A -- I did. Well, I had a decent -- a decent run with Disney for a while there on a series of films called Pirates of the Caribbean that I was removed from after the op-ed was released.
Q Has there been a Pirates of the Caribbean 6?
A Not just yet. I think they're trying to

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figure out exactly how to do it.
Q Has anyone spoken with you from Disney about any role that you may have in Pirates 6?
A No.
Q Now, after the U.K. judgment, you were asked to resign from Fantastic Beast 3, and you testified about that earlier, and I'm not going to go through all of that again. What has your career been like since you were asked to leave the Fantastic Beast 3 and the U.K. judgment was released?
MR. CHEW: Objection. Ambiguous. Vague.
A The only way that I can explain it is -- well, it's very simple. Everybody is told, "Turn off. Flick that light. There's no -- he doesn't exist no more. Out," you know. Basically, it -- yes, it's been -- I've been -- yeah, it was kind of -- I'm a leper in Hollywood.
Q Okay. Have you had any roles? Have you received any roles since the U.K. judgment came out in November 2 of 2021?
A From --

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Q Sorry.
A From -- from Hollywood?
Q Yes, anyone, anywhere.
A Not from Hollywood, no. I have a production company, and we've developed a number of projects, one of which, Minamata, we did -- shot a film and it was released, although had -- back from MGM because they wouldn't release it because of the situation with my name being linked to leper colonies.
Q And this is after the U.K. judgment.
A Yes, it is. It is after the U.K. judgment.
Q All right. I'm going to jump to Tokyo for a moment.
A Boy, that's hard.
Q Do you recall -- do you recall going to Tokyo in January of 2015 with Amber Heard?
A Oh, yes.
Q Okay. Do you recall what the movie was that you were going to for the premier?
A Tokyo. No, ma'am, I don't. I don't.

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It's a -- there's a lot -- I've been to Tokyo a number of times for premieres. I can't remember which --
Q Do you recall whether your children --
A Yes, my children --
Q -- with you on that trip?
A Yes, they were with us, yes.
Q Was there anyone else besides Amber Heard, your children, and you that went on that trip to Tokyo in 2015?
A Yes, there was her friend Brittany Eustice.
Q Okay. Anyone else?
A I believe one of the -- one or two of the guys from my camp, maybe Steven Deuters, or one of security, maybe. I can't remember. Maybe it was Jerry Jost. I don't -- I don't remember.
Q Did anyone else accompany the children?
A The children were with -- no, pretty much -- so, I don't -- no, we didn't bring a nanny there. They were older -- they were old enough to not have a nanny.

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Q All right. Do you recall where you stayed in Tokyo?
A I -- I have a feeling that it was the Park Hyatt, I believe.
Q And did the children stay in the same room with you?
A The children stayed in -- we had adjoining rooms, but it was sort of like a -- it was like a nightly sleepover. You know, there was -- everyone would gather in the living room, couches and chairs, and sleep on floors and pillows and things like that.
Q And that was true of Brittany and Steven Deuters, as well?
A No, Steven keeps to himself. Brittany Eustice is -- was a very close friend of -- of Ms. Heard's and -- and she was -- she was very good with kids. My kids liked her, Brittany.
Q Okay.
A I can't remember if there was anyone -- there might have been. I don't remember if her sister, Ms. Enriques was there or not.

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MS. BREDEHOFT:
Q Okay. Austin, can you bring up Exhibit 51, please?
REMOTE TECH: Stand by.
(Depp Exhibit 51, previously marked, is attached to the transcript.)
Q Mr. Depp, I'm going to ask you to look -- take a look at what has been marked as Depp Exhibit Number 51. It's page 12 of Amber Heard's counterclaim. And, in particular, I'm just going to ask you, and this is my last series of questions and then I'm done, but I'm going to ask you to take a look at paragraphs 45, 46, and 47 for a moment. And let me make that a little bit larger.
A Oh, that's good. Yeah.
Q Oops. Oops. I'll scroll down so you can see it. Okay. Do you see -- let me know when you're done.
A Yes, I'm -- I've finished.
Are you finished?
Q Was -- was Adam Waldman acting as your

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attorney when these statements were made?
MR. CHEW: Mr. Depp, I'm instructing you not to answer that question based on attorney-client privilege.
Q Did Adam Waldman have the authority to speak on your behalf in making these statements that are reflected in paragraphs 45 through 47 of the counterclaim?
MR. CHEW: Mr. Depp, I'm instructing you not to answer that question based on the attorney-client privilege.
Q Did you authorize Adam Waldman to make these statements that are reflected in paragraphs 45, 46, and 47 of the counterclaim?
MR. CHEW: I respectfully instruct you not to answer that question based on attorney-client privilege.
Q Have you at any time -- I'm sorry. Have you at any time -- I'm assuming you're taking your -- your attorney's advice and that's why I'm not making you say more. Fair enough?

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A Yes.
Q Do you -- have you ever retracted these statements reflected in paragraphs 45, 46, and 47?
MR. CHEW: Assumes facts not in evidence. He didn't make the statements.
Q Do you remember the question?
A Yes, I remember the question.
Q Have you at any time retracted these or said these were false?
MR. CHEW: Objection to the form of the question. Compound.
And I would instruct you not to answer the question to the extent it would require you to disclose attorney-client privilege. So, I'm going to instruct you not to answer. So, I instruct you not to answer.
MS. BREDEHOFT: Okay. And, Ben, just so we're clear on the record, when you instruct him not to answer, we're assuming he's accepting your instruction; correct? So, I don't have to say, "Are you following your attorney's advice"; right?
MR. CHEW: Correct.

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A True. Yes, I said it before but you started early, so I just went with it.
Q Okay. Is Adam -- have you ever asked Adam Waldman to retract these statements that are reflected in paragraphs 35, 36, and 37?
MR. CHEW: I would instruct you not to answer the question based on attorney-client privilege.
Q Is Adam Waldman still your attorney and agent?
MR. CHEW: Objection to the form of the question. It's compound and calls for a legal conclusion.
A Is Adam Waldman still my -- is still legal counsel for me?
Q Yes.
A Yes.
Q Okay. And that has not changed at any point between April 8, 2020, and the present; is that correct?
A No, ma'am.
MS. BREDEHOFT: Okay. I think that I

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might be out of time.
John, what is the running time here? I'm trying to respect my time here.
MR. CHEW: There's no rule requiring you to fill out the time.
MS. BREDEHOFT: Yeah, I know, but I'm also going to respect if I only have three-and-a-half, I think I've hit that. If I didn't, though, I have more questions. That's why I'm asking John.
John, would it be better if we go off the record and then check that and then we'll see?
MR. CHEW: I think we should stay on the record.
MS. BREDEHOFT: Oh, okay. I thought he said last time he had to go off in order to calculate.
THE VIDEOGRAPHER: Yeah, to get an accurate precise calculation, I'd have to go off the record to stop the recording.
MS. BREDEHOFT: All right. Let's do that real quick and check because I do think I'm out and I don't want to --

COURT REPORTER: And is standard delivery okay?
MR. CHEW: Yes, ma'am.
COURT REPORTER: Okay. Thank you all very much.
(Off the record at 1:43 p.m. ET.)

ACKNOWLEDGEMENT OF DEPONENT

I, JOHN C. DEPP, II, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any corrections appear on the attached Errata sheet signed by me.

_____ _____
(DATE) (SIGNATURE)

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Victoria L. Wilson, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not discussed; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 19th day of December, 2021.

My commission expires February 3, 2024.

Victoria Lynn Wilson
_____
VICTORIA L. WILSON
NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II Plaintiff, v. AMBER LAURA HEARD Defendant.	Civil Action No.: CL-2019-0002911

ORDER

THIS CAUSE comes at the request of Defendant Amber Laura Heard, by counsel, who filed a Motion to Compel Production of Documents and Responses to Interrogatories and Requests for Admission against Plaintiff John C. Depp, II on July 2, 2020. Having reviewed the parties' pleadings and heard their argument on this matter, it is hereby:

ORDERED that Defendant's Motion is **GRANTED in part** and **DENIED in part** as set forth below. On or before 5 p.m. on August 21, 2020, Plaintiff shall:

(1) Supplement his Answers and substantively respond to Defendant's First Requests for Admission Nos. 11, 12, 13, 14 and 15;

(2) Produce all documents responsive to Defendant's First Request for Production Nos. 11-12;

(3) Fully supplement his Answer to Interrogatory No. 1 in Defendant's First Set of Interrogatories to Plaintiff for all persons with knowledge of any information relating to claims and defenses, including but not limited to all known addresses, email addresses and telephone numbers for all individuals identified, to the extent Plaintiff has that information within his possession, custody, or control;

DO ENDO. 8-11-20

(4) Supplement his Answer to Interrogatory No. 12 in Defendant's First Set of Interrogatories to "Identify each romantic partner other than Ms. Heard that [Mr. Depp has] had in the past 10 years;"

(5) Substantively and fully respond to Interrogatory No. 1 in Defendant's Second Set of Interrogatories to identify all payments, gifts or transfers of value, in monetary form, to the identified individuals and any other Romantic Partners from 2012 to present;

(6) Substantively and fully respond to Interrogatory No. 2 in Defendant's Second Set of Interrogatories to Plaintiff to identify all "fees from every Performance from 2010 to present;" and

(7) Produce all documents responsive to Defendant's Second Request for Production Nos. 10, 12 and 13.

IT IS SO ORDERED.

ENTERED this 10th day of August, 2020.

[redacted]

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

ENDORSEMENT OF THIS ORDER BY COUNSEL OF RECORD FOR THE PARTIES IS WAIVED IN THE DISCRETION OF THE COURT PURSUANT TO RULE 1:13 OF THE SUPREME COURT OF VIRGINIA.

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Transcript of Eric George

Date: April 5, 2021
Case: Depp, II -v- Heard

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Mr. Depp ever initiated any legal action, be it a lawsuit, arbitration, or demand against your, then-client, Amber Heard? 16:39:16 16:39:21 16:39:24

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. Speculation. 16:39:26 16:39:27

Go ahead. 16:39:29

A We -- will you say that again at the beginning, you said putting aside what? 16:39:30 16:39:35

Q Putting aside the divorce case, had there ever been any litigation or arbitration between your former client, Amber Heard, and Johnny Depp? 16:39:38 16:39:42 16:39:45

A Not that I recollect. 16:39:49

MS. BREDEHOFT: Objection. 16:39:51

THE WITNESS: I'm sorry. Ms. Bredehoft, I didn't catch your objection. 16:39:53 16:39:55

MS. BREDEHOFT: It was leading. Hearsay and foundation. Calls for speculation. 16:39:57 16:39:58

THE WITNESS: As I sit here today, not that I recollect. 16:40:01 16:40:03

BY MR. CHEW: 16:40:04

Q It is fair to say that you and your client fired the first shot, true? 16:40:05 16:40:10

MR. SCHWARTZ: Objection. Misstates his testimony. Argumentative. 16:40:12 16:40:14

MS. BREDEHOFT: Yeah, and hearsay. Leading. Foundation. Calls for speculation. 16:40:15 16:40:18

You may answer. 16:40:20

A No. 16:40:20

Q Why is it not true? 16:40:21

A Look at the letter itself. 16:40:23

Q Is this a love tap? 16:40:24

MS. BREDEHOFT: Objection. Argumentative. 16:40:27

MR. SCHWARTZ: I don't want -- 16:40:30

MS. BREDEHOFT: [Indiscernible.] Hearsay. 16:40:33

BY MR. CHEW: 16:40:33

Q Let's look to the attachment. Was this arbitration demand filed by Amber Heard against Mr. Depp? What is that? 16:40:36 16:40:39 16:40:44

A Look at the second paragraph referencing any further public statements that Mr. Depp or his agents may make about Ms. Heard. I think that speaks for itself. 16:40:46 16:40:50 16:40:53 16:40:56

Q What is the -- please describe for us what you intended to convey as Ms. Depp's arbitration 16:40:57 16:41:02

document. 16:43:13

MS. BREDEHOFT: Objection, hearsay. 16:43:13

Leading. Foundation. Not best evidence. 16:43:17

Document speaks for itself, and misstates the 16:43:19

document. 16:43:22

BY MR. CHEW: 16:43:22

Q Did I accurately read that, sir? 16:43:22

A Yes. 16:43:25

Q Was that a meritorious claim? 16:43:25

MR. SCHWARTZ: Objection, calls for a 16:43:34

legal conclusion. 16:43:40

MS. BREDEHOFT: Yeah, calls for a legal 16:43:40

conclusion. Hearsay. Leading. Foundation. 16:43:42

BY MR. CHEW: 16:43:42

Q We've been talking about meritorious 16:43:44

claims all day long. Was that a meritorious 16:43:46

claim? 16:43:50

MS. BREDEHOFT: Same objections. 16:43:50

A Yes. 16:43:51

Q How was it resolved -- or, strike that. 16:43:51

How did Mr. Depp's -- how did Mr. Depp 16:43:55

respond to Ms. Heard's arbitration demand, 16:43:59

Exhibit 13? 16:44:02

MR. SCHWARTZ: Objection. Calls for 16:44:03

speculation, lack of personal knowledge. 16:44:04

MS. BREDEHOFT: Yeah, objection. Hearsay, 16:44:05

leading, foundation, and speculation. 16:44:08

Go ahead. 16:44:09

A There was an issue raised about whether 16:44:10

the parties had complied with the requisite 16:44:12

procedures to have any such arbitration claims 16:44:20

properly before a judge pro tem. So for 16:44:31

procedural reasons, this was found not to properly 16:44:36

be before the judge pro tem who we brought this 16:44:41

before. 16:44:45

Q Isn't it true that Mr. Depp filed a motion 16:44:46

to dismiss? 16:44:49

MS. BREDEHOFT: Objection. Hearsay, 16:44:50

leading, foundation, calls for speculation, not 16:44:51

best evidence. 16:44:53

Go ahead. 16:44:54

A I don't recollect the title of it, but he 16:44:55

did file a motion for exactly -- raising exactly 16:44:58

the claim that I just mentioned. 16:45:04

Q Who adjudicated Mr. Depp's motion to dismiss? 16:45:07 16:45:10

MS. BREDEHOFT: Objection. Calls for hearsay. Leading. Foundation. Speculation. Not best evidence. 16:45:11 16:45:13 16:45:16

Go ahead. 16:45:16

A Again, I believe it was the judge pro tem, a man named Judge Meisinger, Lou Meisinger. 16:45:17 16:45:21

Q And is it true that Judge Meisinger dismissed Ms. Heard's arbitration demands summarily? 16:45:29 16:45:33 16:45:37

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. Speculation. 16:45:37 16:45:38

Go ahead. 16:45:40

A Again, not on the merits, but precisely because there was a question about whether the parties stipulated to have these particular disputes heard before him. 16:45:41 16:45:45 16:45:47 16:45:50

Q Did Judge Meisinger throw out Ms. Heard's arbitration demand, "yes," or "no"? 16:45:52 16:45:56

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. Not best evidence. 16:45:59 16:46:01

Speculation, and argumentative. 16:46:02

A You're misconstruing a decision based on a procedural ground, and trying to suggest that it was based on a substantive ground. And I'm telling you that Judge Meisinger determined that the parties had not properly dotted there is and crossed their Ts with respect to designating him, personally, as the judge pro tem; and, therefore, he could not exercise jurisdiction over the claim. There was nothing that he did that addressed the merits of the claim. 16:46:05 16:46:11 16:46:14 16:46:17 16:46:20 16:46:25 16:46:29 16:46:32 16:46:36 16:46:38

Q Motions to dismiss are granted oftentimes not on the merits. Did he or did he not dismiss Ms. Heard's demand for arbitration? 16:46:42 16:46:44 16:46:50

MR. SCHWARTZ: Objection. Asked and answered. 16:46:52 16:46:53

MS. BREDEHOFT: Yeah, asked and answered, and also objection to the form of the question. It's very argumentative and inappropriate. Hearsay. Leading. Foundation. And calls for speculation. 16:46:53 16:46:54 16:46:57 16:47:00 16:47:00

BY MR. CHEW: 16:47:00

[indiscernible]. 16:47:58

MR. CHEW: Are you kidding me? 16:48:02

MR. SCHWARTZ: You didn't cross-notice this deposition. 16:48:04 16:48:06

MS. BREDEHOFT: He did. He cross-noticed it so he has the ability. 16:48:06 16:48:09

BY MR. CHEW: 16:48:09

Q Did -- 16:48:13

MR. CHEW: Excuse me. 16:48:13

Q Did Judge Meisinger award your client any compensatory damages? 16:48:15 16:48:20

MS. BREDEHOFT: Objection. Hearsay, leading, foundation, it's a hypothetical and not best evidence. Calls for speculation. 16:48:21 16:48:23 16:48:26

A Again -- 16:48:28

Q "Yes," or "no," sir. 16:48:31

MS. BREDEHOFT: Objection. You may not badger the witness. You may not demand a "yes" or "no." That is not appropriate in Virginia courts, and you know it. Objection to the form of the question. 16:48:32 16:48:34 16:48:37 16:48:39 16:48:42

BY MR. CHEW: 16:48:42

Q Did he award compensatory damages to your client, "yes," or "no"? 16:48:42 16:48:47

MS. BREDEHOFT: Objection. Asked and answered. Leading. Hearsay. Foundation. Not best evidence. 16:48:47 16:48:48 16:48:50

A Again, as I've explained, there was no hearing; and, therefore, there was no adjudication in favor of or against my client on the merits. 16:48:51 16:48:56 16:48:59

Q Did he award any punitive damages to Ms. Heard? 16:49:03 16:49:06

MR. SCHWARTZ: Asked and answered. 16:49:06

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. Not best evidence. And asked and answered and argumentative. 16:49:06 16:49:08 16:49:13

BY MR. CHEW: 16:49:15

Q Please answer the question: Did he award punitive damages to your client, or not? 16:49:15 16:49:18

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. Not best evidence. Argumentative. Asked and answered. 16:49:20 16:49:22 16:49:24

A So for the reasons I've explained, as there was no hearing whatsoever since, for 16:49:26 16:49:29

procedural reasons, the matter was not before him, there was no award of punitive damages or any other relief for either side in the proceeding. 16:49:33 16:49:36 16:49:39

Q What communications, if any, did you have with Ms. Heard about Judge Meisinger's decision throwing out her demand for arbitration? 16:49:43 16:49:45 16:49:51

MS. BREDEHOFT: I'm going to object. Let me object first. Calls for attorney-client communication, so I'm invoking the attorney-client communications. 16:49:53 16:49:56 16:49:59 16:50:02

MR. SCHWARTZ: And I will instruct the witness not to answer for that reason, and also for attorney work product protection. 16:50:02 16:50:03 16:50:05

MR. CHEW: All right. Let me make a record because we are, as Mr. George aptly predicted, we are going back to the Court. So I will ask the questions, and Mr. George will wait for you to instruct. 16:50:05 16:50:10 16:50:13 16:50:16 16:50:19

BY MR. CHEW: 16:50:19

Q Did you have any oral communications with Ms. Heard relating to the demand for arbitration and the results of that as reflected in 16:50:20 16:50:22 16:50:25

MR. SCHWARTZ: Also lack of foundation, and I'll instruct the witness not to answer. 18:30:47 18:30:49

MS. BREDEHOFT: Lack of foundation, speculation, hearsay. 18:30:51 18:30:54

MR. CHEW: You're instructing him not to answer that, too? 18:30:55 18:30:57

MR. SCHWARTZ: Correct. 18:30:59

BY MR. CHEW: 18:31:00

Q Who is Paul Berese [ph]. 18:31:01

A Paul Berese is a private investigator. 18:31:05

Q Did there come a time when you engaged Mr. Berese to be a private investigator for Ms. Heard with respect to Mr. Depp's defamation case in Virginia? 18:31:10 18:31:16 18:31:21 18:31:24

MS. BREDEHOFT: I'm going to object on the grounds that it calls for either attorney-client communications or work product in connection with representation, and I would invoke the privileges. 18:31:25 18:31:27 18:31:31 18:31:35

MR. SCHWARTZ: And I will assert the attorney work product protection on Mr. George's behalf and instruct him not to answer for the same reason. 18:31:38 18:31:39 18:31:39 18:31:45

BY MR. CHEW: 18:31:45

Q Isn't it true that Mr. Berese was a male adult film star before he moved into the area of private investigation? 18:31:46 18:31:50 18:31:55

MS. BREDEHOFT: I'm going to object. Leading. Hearsay. Foundation. Calls for speculation. And to the extent that this calls for any information that would be associated with work product, I would invoke that doctrine and privilege, as well if there is any communication with respect to attorney-client communications, I would invoke that privilege. 18:31:57 18:31:58 18:32:03 18:32:05 18:32:08 18:32:13 18:32:15 18:32:17

MR. CHEW: Are you instructing him not to answer? 18:32:19 18:32:21

MR. SCHWARTZ: I don't think the question calls for that, but go ahead. 18:32:21 18:32:22

A I can certainly tell you I have no personal information on that one. 18:32:24 18:32:26

Q But you did engage him as an investigator in the context of the Virginia case, correct? 18:32:30 18:32:33

MS. BREDEHOFT: I'm going to object. 18:32:36

A I didn't say that. 18:32:39

MR. SCHWARTZ: Go ahead, Elaine. 18:32:42

MS. BREDEHOFT: That was already asked and answered. I've already objected on the basis of work product and, potentially, attorney-client privilege, and I'm invoking those. 18:32:44 18:32:46 18:32:47 18:32:51

MR. SCHWARTZ: And I'll object on the basis of the attorney work product protection and instruct the witness not to answer on the basis for that. 18:32:54 18:32:56 18:32:59 18:33:02

MR. CHEW: Well, all of this has been waived, but we're going to fight this another day. So please be very quick in your instructions not to answer so we can move on. But I have to make a record, as you know. 18:33:02 18:33:04 18:33:04 18:33:09 18:33:10

BY MR. CHEW: 18:33:12

Q What tasks if any, did you give Mr. Berese with respect to investigating Mr. Depp in the context of the Virginia action? 18:33:13 18:33:17 18:33:21

MS. BREDEHOFT: I'm going to object, and calls for hearsay, foundation, speculation, and to the extent that it calls for any attorney-client communications or work product associated with the 18:33:22 18:33:24 18:33:29 18:33:32

to the extent that it calls for attorney-client communications outside of the scope of the representation of the drafting and publication of the op-ed and also work product, and will invoke those privileges. 19:17:38 19:17:41 19:17:44 19:17:47 19:17:49

BY MR. CHEW: 19:17:53

Q What communications, if any, did you have with Amber Heard about your allegation here that Johnny Depp "repeatedly" beat her? 19:17:53 19:17:56 19:17:59

MS. BREDEHOFT: I'm going to object to the extent that it calls for attorney-client communications outside the representation of Amber for the drafting and publication of the op-ed, and also work product privileges, and invoke those. 19:18:02 19:18:04 19:18:06 19:18:09 19:18:12

MR. SCHWARTZ: I'll add asked and answered, and I'll instruct the witness not to answer to the extent that the answer reveals communications outside the limited scope we've been discussing. 19:18:15 19:18:18 19:18:20 19:18:25 19:18:28

BY MR. CHEW: 19:18:28

Q What did your investigator, Paul Berese, write you or write you about what he had 19:18:28 19:18:33

discovered about the allegation concerning Mr. Depp beating Amber Heard? 19:18:36 19:18:39

MS. BREDEHOFT: I'm going to object to the extent that calls for hearsay, foundation, speculation, and then also to the extent that it calls for attorney work product outside the scope of the representation for the op-ed, for the drafting and publication of the op-ed. I would invoke that privilege. 19:18:41 19:18:43 19:18:46 19:18:49 19:18:52 19:18:54 19:18:57

MR. SCHWARTZ: And I'll also object on the basis of attorney work product and instruct the witness not to answer. 19:18:59 19:19:01 19:19:04

BY MR. CHEW: 19:19:05

Q Isn't it true that Mr. Berese told you he came up with no one that could corroborate Ms. Heard's allegations? 19:19:06 19:19:09 19:19:12

MS. BREDEHOFT: Objection. Leading. Hearsay. Foundation. And then to the extent it calls for work product outside the representation -- outside the scope of the representation for the drafting and publication of the op-ed, I would invoke the privilege. 19:19:13 19:19:15 19:19:17 19:19:20 19:19:23 19:19:26

meritorious claims, correct? 20:07:09

MS. BREDEHOFT: Objection. Hearsay. 20:07:11

Foundation. Speculation. Not best evidence. 20:07:13

MR. SCHWARTZ: And mischaracterizes the 20:07:17

evidence. 20:07:17

A Mr. Chew, I should only say that I do 20:07:21

understand that an order was issued denying the 20:07:23

motion to dismiss; but beyond that, I really 20:07:26

shouldn't comment on it because I just don't know 20:07:30

the particulars of what occurred at that point in 20:07:32

time. 20:07:32

Q All right. Mr. George, I just want to -- 20:07:32

this is just for purposes of making the record. 20:07:40

Did Ms. Heard, either directly or through 20:07:44

you, engage Paul Berese to be a private 20:07:47

investigator in the Depp v Heard matter? 20:07:53

MS. BREDEHOFT: Objection to the extent 20:07:56

that this calls for any attorney-client 20:07:59

communications outside the scope of the drafting 20:08:01

and publication of the op-ed or outside the scope 20:08:02

of -- or with work product outside the scope of 20:08:06

the drafting and publication of the op-ed, I would 20:08:10

impose the -- I would invoke the privilege and the doctrine. 20:08:15 20:08:19

MR. SCHWARTZ: And I will also object on the basis of the attorney work product protection, and instruct the witness not to answer. 20:08:19 20:08:20 20:08:22

MR. CHEW: Okay. Just two more. 20:08:24

BY MR. CHEW: 20:08:24

Q Were you, or some attorney at your law firm, the person who engaged Mr. Berese, or was it someone else? 20:08:29 20:08:31 20:08:35

MS. BREDEHOFT: Objection to the extent it calls for work product outside the scope of the drafting and publication of the op-ed, I would invoke the work product privilege. And to the extent that it would involve or implicate attorney-client communications, because I guess that's a possibility in that one, outside the scope of the op-ed, I will impose that. 20:08:35 20:08:37 20:08:41 20:08:44 20:08:48 20:08:53 20:08:56 20:08:59

MR. SCHWARTZ: I'll object on the basis of attorney work product protection, and instruct the witness not to answer. 20:09:01 20:09:04 20:09:05

BY MR. CHEW: 20:09:06

Q Was Ms. Heard the one who directly engaged Mr. Berese to serve as a private investigator in matters relating to Depp versus Heard? 20:09:07 20:09:11 20:09:14

MS. BREDEHOFT: Objection. I believe that one definitely calls for attorney-client communications outside the scope of the -- it calls for an answer to that involving either attorney-client communications outside the scope of the op-ed, the drafting and publication of the op-ed, or work product also outside that scope of the op-ed. So I would invoke the privilege and the document. 20:09:16 20:09:19 20:09:20 20:09:23 20:09:28 20:09:29 20:09:33 20:09:38 20:09:41

MR. SCHWARTZ: And I will object on the basis of the attorney work product protection, and instruct the witness not to answer. 20:09:41 20:09:42 20:09:45

BY MR. CHEW: 20:09:47

Q At the time of the op-ed representation that you were trying to carve out, what, if any, conversations did you have with James Franco or James Franco's lawyer? 20:09:47 20:09:50 20:09:53 20:09:58

MS. BREDEHOFT: I'm going to object to the extent that it calls for any work product outside 20:10:01 20:10:03

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AMBER LAURA HEARD,	:	
	:	Civil Action No.: CL-2019-0002911
Defendant.	:	
	:	
	:	
	:	

PLAINTIFF JOHN C. DEPP, II'S THIRD SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DEFENDANT AMBER LAURA HEARD'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby provides supplemental responses and objects to certain requests of Defendant Amber Laura Heard's ("Defendant" and/or "Ms. Heard") First Set of Interrogatories (each, an "Interrogatory" and collectively, the "Interrogatories"), dated October 7, 2019 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. Plaintiff incorporates by reference as if fully set forth herein the General Objections contained in the Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2019.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. Plaintiff incorporates by reference as if fully set forth herein the Objections to Instructions and Definitions contained in the Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2019.

INTERROGATORIES

1. Identify each person having any knowledge or information about any of the claims or defenses in this case, including but not limited to Your (a) substance abuse, (b) damage of property, (c) acts of violence, (d) abuse in any form of any Romantic Partner, and (e) relationship with Ms. Heard. The answer to this Interrogatory should include contact information, to the extent known, for the following: Alejandro Romero, Ben King, Bobby de Leon, Brandon Patterson, Bruce Witkin, Christi Dembrowski, C.J. Roberts, Dr. Connell Cowan, Cornelius Harrell, Dr. David Kipper, Debbie Lloyd, Erin Boerum (Falati), Isaac Baruch, Joel Mandel, Kevin Murphy, Jerry Judge, Josh Drew, Keenan Wyatt, Laura Divenere, Lisa Beane, Malcolm Connolly, Melissa Saenz, Nathan Holmes, Samantha McMillan, Sam Sarkar, Sean Bett, Stephen Deuters, Tara Roberts, Todd Norman, Trinity Esparza, Trudy Salven, Tyler Hadden.

SUPPLEMENTAL RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions and specific objections as though set forth in full.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following individual with knowledge of the claims or defenses in this case:

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31.	Paige Heard	Deceased	
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33.	Nathan Holmes	310-729-8326	
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79.	Gina Deuters	Contact through Plaintiff's counsel.	
80.	Stephen Deuters	Contact through Plaintiff's counsel.	Yes
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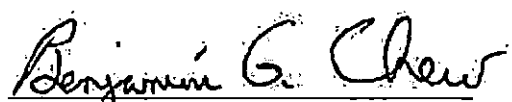
89.	Cameron Dumas	Tourjet	

Dated: February 22, 2021

Respectfully submitted,



Benjamin G. Chew (VSB #29113)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK, LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
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bchew@brownrudnick.com
acrawford@brownrudnick.com

Leo J. Presiado (*pro hac vice*)
Camille M. Vasquez (*pro hac vice*)
BROWN RUDNICK, LLP
2211 Michelson Drive, Seventh Floor
Irvine, CA 92612
Phone: (949) 752-7100
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cvasquez@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)
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New York, New York 10036
Phone: (212) 209-4938
Fax: (212) 209-4801
jmeyers@brownrudnick.com

Counsel for Plaintiff John C. Depp, II

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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

Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11260 Roger Bacon Dr., Suite 201
Reston, VA 20190
Phone: 703-318-6800
Fax: 703-318-6808
ebredehoft@cbcblaw.com
cbrown@cbcblaw.com
anadelhaft@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant Amber Laura Heard

Benjamin G. Chew

From: Chew, Benjamin G.
To: Abdallah, Samy; Elaine Bredehoft
Cc: brottenborn@woodsrogers.com; Adam Nadelhaft; Crawford, Andrew C.; Vasquez, Camille M.; Moniz, Samuel A.
Subject: Suggested Restrictions on Camera in the Courtroom
Date: Thursday, March 10, 2022 11:26:04 AM
Attachments: image003.png

Dear Samy,

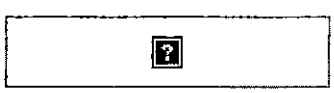
Mr. Depp opposes certain of Ms. Heard's proposed restrictions and may have a few of his own to recommend.

As to the former, Mr. Depp *strongly* objects, for example, to Ms. Heard's proposed No. 5, which is a classic case of Ms. Heard "wanting to have her cake and eat it too." We believe that Ms. Heard's rape allegations are outrageously false, and physically impossible, since one allegedly occurred *after* Ms. Heard had severed the top of his finger with a broken vodka bottle (and as to which Ms. Heard's testimony shifted dramatically as to timing). And even the Court in the U.K. dismissed one of them out of hand. Ms. Heard is proposing that the cameras capture the fact of her scandalous allegations- which her counsel has improperly leaked to the press in violation of the Stipulated Amended Protective Order- but *omit* the patently false facts which would show the world how absurd her claims are. That is neither fair nor appropriate.

In light of the fact that a few weeks still remain before trial, and that I will be in Los Angeles with Mr. Depp for the mediation this coming Wednesday, March 16, Mr. Depp respectfully requests that the Court allow him until next Thursday, March 17, in which to respond to Ms. Heard's suggestions- and to propose his own- and that the Court consider taking them up on Friday, March 18, when the parties will be before the Court anyway on the sanctions motions.

Warm regards,

Ben



Benjamin G. Chew
Partner

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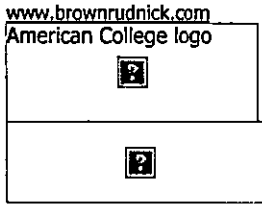
T: 202-536-1785
F: 617-289-0717
bchew@brownrudnick.com
www.brownrudnick.com



Please consider the environment before printing this e-mail

From: Abdallah, Samy <Samy.Abdallah@fairfaxcounty.gov>
Sent: Wednesday, March 9, 2022 3:46 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; brottenborn@woodsrogers.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>
Subject: RE: Suggested Restrictions on Camera in the Courtroom

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

Dear Elaine,

Thank you for sending proposed restrictions! I will provide them to Judge Azcarate.

Sincerely,
Samy

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Wednesday, March 9, 2022 3:43 PM
To: Abdallah, Samy <Samy.Abdallah@fairfaxcounty.gov>
Cc: Ben G. Chew <bchew@brownrudnick.com>; brottenborn@woodsrogers.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>
Subject: Suggested Restrictions on Camera in the Courtroom

Samy: This follows Chief Judge Azcarate's decision to allow a pool camera in the courtroom for the trial, and her request that we send any suggested restrictions to you within the next two weeks. Our suggestions are as follows:

1. The camera should be in a stationary position such that there is no risk of accidentally capturing any juror;
2. The Court should explicitly prohibit any filming or tweeting on smart phones or any other devices by anyone in the courtrooms;
3. The Court controls whether there is any filming within the Courthouse. We strongly recommend the Court prohibit any filming within the Courthouse other than the camera that will be used for the pool inside the courtroom – this will also minimize the risk of any jurors being captured;
4. Voir Dire should not be included in the filming, to protect the jurors – if

the court is inclined to include the questions, at least exclude the answers or any risk of filming the jurors or their voices;

5. Testimony with respect to the underlying facts relating to the sexual violence allegations, including rape and sexual assault, as well as any arguments about the specific testimony (not the fact of the allegations of sexual violence, but the underlying facts) should not be included in the filming (and we would ask to close the courtroom for this testimony) when counsel plan to raise the topic beyond simply the allegations of sexual violence, or elicit testimony, they should first ask to approach the bench so the Court can take the appropriate steps to protect ;
6. The cameras should be restricted to the Court, the witnesses and counsel – it should not pan or attempt to capture the audience or staff, including any reactions they may have to any testimony and shall not hone in on any work product of counsel;
7. The cameras should be off during any bench conferences;
8. The cameras should be off during any motions in Limine argued (or ruled upon) at trial;
9. The cameras should be off during jury instruction conferences;
10. If the Court is permitting live stream, consider a 5 minute delay to be able to correct for any inadvertent capturing, e.g. a juror;
11. We assume the March 30, 31 and April 1 hearings on the Motions in Limine and Deposition Designations will be closed to the public and the motions filed under seal.

We are happy to participate in any further discussions or hearings relating to these issues if the Court so desires.

Thank you very much for your consideration. Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, VA 20190

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II *Plaintiff and Counterclaim Defendant,* v. AMBER LAURA HEARD, *Defendant and Counterclaim Plaintiff.*	:	Civil Action No.: CL-2019-0002911

PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S RESPONSES AND OBJECTIONS TO DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S FOURTH SET OF INTERROGATORIES

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II, by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's Fourth Set of Interrogatories (each, an "Interrogatory" and collectively, the "Interrogatory"), dated January 17, 2022 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. Plaintiff incorporates by reference as if fully set forth herein the General Objections contained in the Responses and Objections to Defendant's First Set of Requests for Production of Documents and Things to Plaintiff, dated September 3, 2019.

gg. ***Your Expert Designation***. The phrase "Your Expert Designation" refers to Plaintiff's Designation/Identification of Expert Witness served on February 16, 2021, along with any supplemental to or any other Designation/Identification of Expert Witness served by you in this Action.

RESPONSE: No objection.

INTERROGATORIES

1. Please describe in detail each and every incident during which You contend that Ms. Heard inflicted any type of physical or emotional violence or abuse upon you. Please include the dates, times and location, as well as a description of the communications and actions leading up to, through, and following such alleged violence or abuse.

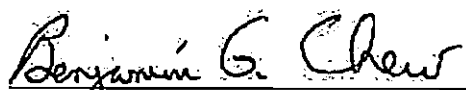
RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as compound. Plaintiff further objects that this Interrogatory will cause Defendant to exceed the number of additional interrogatories authorized by the Court. Plaintiff further objects to the term "violence or abuse" as vague and ambiguous. Plaintiff further objects that the Interrogatory is overly broad, ambiguous, and seeks irrelevant information, particularly (but without limitation) with respect to its demand for a "description of the communications and actions leading up to, through, and following such alleged violence or abuse." Plaintiff further objects to this Interrogatory as overly broad and unduly burdensome. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this

Interrogatory to the extent it is intended to harass Plaintiff. Plaintiff further objects to this Interrogatory as unreasonably cumulative and duplicative of Defendant's document requests, specifically Interrogatory No. 2 in Defendant's Third Set of Interrogatories.

Dated: February 7, 2022

Respectfully submitted,



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Andrew C. Crawford (VSB #89093)
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Leo J. Presiado (*pro hac vice*)
Camille M. Vasquez (*pro hac vice*)
Samuel A. Moniz (*pro hac vice*)
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Phone: (949) 752-7100
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cvasquez@brownrudnick.com
smoniz@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
Phone: (212) 209-4938
Fax: (212) 209-4801
jmeyers@brownrudnick.com

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

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn
Joshua R. Treece
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10 S. Jefferson Street, Suite 1400
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brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Elaine Charlson Bredehoft
Adam S. Nadelhaft
Clarissa K. Pintado
David E. Murphy
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Reston, Virginia 20190
Telephone: (703) 318-6800
ebredehoft@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant and
Counterclaim Plaintiff Amber Laura Heard

Benjamin G. Chew (VSB #29113)

Craig J. Mariam (SBN: 225280)
cmariam@grsm.com
Michael J. Dailey (SBN: 301394)
mdailey@grsm.com
GORDON REES SCULLY MANSUKHANI, LLP
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071
Telephone: (213) 576-5000
Facsimile: (877) 306-0043

Attorneys for Defendant and Counterclaim Plaintiff
AMBER LAURA HEARD

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

AMBER LAURA HEARD,

Petitioner,

vs.

THE MANDEL COMPANY, INC., d/b/a THE MANAGEMENT GROUP, a California Corporation,

Respondent.

JOHN C. DEPP, II,

Plaintiff,

vs.

AMBER LAURA HEARD,

Defendant.

CASE NO. 19STCP04763

Judge: Honorable Stephanie M. Bowick
Dept: 19

DECLARATION OF MICHAEL J. DAILEY REGARDING MS. HEARD'S ATTEMPTED SERVICE OF SUBPOENAS FOR DISCOVERY ON NON-PARTIES TRAVIS MCGIVERN, LEONARD DAMIAN, AND KEVIN MURPHY

Underlying Action
Fairfax County Circuit Court, Virginia
Case No. CL-2019-0002911

Honorable Penney S. Azcarate Presiding
(Chief Judge)

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

I, Michael J. Dailey, declare as follows:

1. I am an attorney duly admitted to practice before all courts in the State of California. I am a Partner with the law firm Gordon Rees Scully Mansukhani, LLP, counsel of record for Petitioner/Defendant and Counterclaim Plaintiff Amber Laura Heard ("Ms. Heard"). I have personal knowledge of the facts contained herein, and as to those facts of which I do not have personal knowledge, I believe them to be true on information and belief. If called as a witness I could and would competently testify thereto.

2. I submit this declaration regarding Ms. Heard's attempted service of subpoenas for production of business records on non-parties Travis McGivern and Leonard Damian, and subpoenas for personal appearance on non-parties Travis McGivern, Leonard Damian, and Kevin Murphy. The subpoenas to Mr. McGivern and Mr. Damian were issued by my office pursuant to the Interstate and International Depositions and Discovery Act, and the subpoena to Mr. Murphy was issued by my firm's Chicago office pursuant to Illinois statute, all for use in the underling Virginia Action, *Depp v. Heard*, Case No. CL-2019-0002911.

Travis McGivern

3. On January 27, 2022, my office issued a subpoena for production of business records and a subpoena for personal appearance to Travis McGivern at 321 No. Pass Ave. #123, Burbank, CA 91505. On the same day, the subpoenas were provided to BFRM, a California process server, to attempt personal service on Mr. McGivern. Later that day, BFRM informed my office by email that 321 No. Pass Ave. #123, Burbank, CA 91505 is a postal annex, and further service attempts were placed on hold. Attached hereto as **Exhbit A** is a true and correct copy of that email.

4. On February 2, 2022, my office ran an online background search via Westlaw for Mr. McGivern, and identified an alternative address of 333 1st Street, Apt B109, Seal Beach, CA 90740.

5. On February 16, 2022, my office issued new subpoenas for production of business records and for personal appearance to Mr. McGivern at 333 1st Street, Apt B109,

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

Seal Beach, CA 90740, and these were again provided to BFRM to attempt personal service.

6. I am informed that BFRM attempted to serve the subpoenas on Mr. McGivern at the new address on February 17, 2022, at 6:40 p.m., but were told by the current occupant that he did not know anyone by the name of Travis McGivern and had been living at that address for over a year. A true and correct copy of BFRM's declaration regarding its service attempt at this address is attached hereto as **Exhibit B**.

Leonard Damian

7. On January 27, 2022, my office issued a subpoena for personal appearance to Leonard Damian at 6217 Archway, Irvine, CA 92618, and provided this subpoena to BFRM to personally serve Mr. Damian. I am informed that BFRM attempted service on January 27, 2022 at 5:49 p.m., but there was no answer and no one appeared to be home.

8. On January 28, 2022, my office issued a subpoena for production of business records to Leonard Damian at the same address of 6217 Archway, Irvine, CA 92618 and provided this to BFRM to personally serve Mr. Damian.

9. I am informed that BFRM attempted service of both subpoenas on January 29, 2022 at 11:49 a.m., but that there was no answer at the door and no one appeared to be home. I am informed that BFRM attempted service again on January 29, 2022 at 8:10 p.m., February 1, 2022 at 8:00 p.m., February 8, 2022 at 8:25 a.m., February 11, 2022 at 6:15 p.m., and February 14, 2022 at 11:50 a.m., but on each occasion, there was no answer. Attached hereto as **Exhibit C** are true and correct copies of BFRM's service update emails for this address.

10. On February 4, 2022, given service attempts had been unsuccessful up to that point, my office ran an online background search via Westlaw for Mr. Damian, and identified an alternative address of 8033 W. Sunset Blvd., Los Angeles, CA 90046.

11. On February 15, 2022, my office issued new subpoenas for production of business records and for personal appearance to Mr. Damian at 8033 W. Sunset Blvd., Los Angeles, CA 90046, and these were again provided to BFRM to attempt personal service. BFRM informed my office they attempted to serve Leonard Damian at the new address on

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

February 17, 2022 at 7:20 a.m., but this new address was a UPS store and further service attempts were put on hold. A true and correct copy of BFRM's update email is attached hereto as **Exhibit D.**

12. On February 17, 2022, my office identified a further alternative address for Mr. Damian of 23396 Camelia Ln, Murrieta, CA 92662, associated with one of his bodyguard permits. This address was provided to BFRM on February 17, 2022, to continue service attempts at this address.

13. I am informed that BFRM attempted service on February 19, 2022 at 7:55 a.m. at the 23396 Camelia Ln, Murrieta, CA 92662 address, but that a woman by the name of Shannon Scanlon stated she had lived there for two years and does not know a Leonard Damian. A true and correct copy of BFRM's declaration regarding its service attempts at this address is attached hereto as **Exhibit E.**

Kevin Murphy

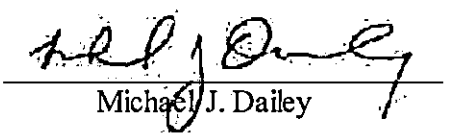
14. On February 17, 2022, the Lake County Court, Illinois, issued a subpoena for personal appearance to Kevin Murphy at 25 Ronan Rd., Unit 202, Highwood, IL 60040. On the same day, my firm's Chicago office provided the subpoena to Hanrahan Investigators, an Illinois process server.

15. I am informed that Hanrahan Investigators attempted service on February 17, 2022 at 5:00 p.m. but there was no response at Mr. Murphy's door. I am informed that Hanrahan Investigators attempted service again on February 18, 2022 at 3:00 p.m., February 21, 2022 at 5:30 p.m., February 23, 2022 at 3:15 p.m., and February 26, 2022 at 8:12 a.m., but on each occasion there was no answer. I am informed Hanrahan Investigators also attempted to call and text Mr. Murphy on February 18, 22, 24, 28, and March 5, 9 and 14, but were unable to reach Mr. Murphy. A true and correct copy of Hanrahan Investigators' declaration regarding its service attempts is attached hereto as **Exhibit F.**

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge, information and belief.

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

Executed this 21st day of March, 2022



Michael J. Dailey

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

EXHIBIT A

Sebastian van Roundsburg

From: Brian Mantilla <support@bfrmlegal.net>
Sent: Thursday, January 27, 2022 4:46 PM
To: Diane Cutting
Cc: Michael Dailey; Sebastian van Roundsburg; Kailey Gersten
Subject: Re: PLS PERSONALLY SERVE - Subpoenas to McGIVERN & DAMIAN | DEPP v. HEARD | TRAVIP-1214021

Follow Up Flag: Follow up
Flag Status: Completed

Hi Diane,

The address for Travis McGivern is a postal annex.

Please provide us with an alternate address.

Please let us know if we can assist you with anything else, Thanks.

Best Regards,
Jeffrey Buan
Client Relations Associate, Process Server, Court Runner & On-call Courier

BFRM Legal Support Services
Los Angeles Office, U.S. Bank Tower
633 W. 5th Street, 28th Floor
Los Angeles, CA 90071
Ph: (877) 353-4313 Fax: (213) 986-3142

Orange County Office, Irvine Towers
18100 Von Karman Avenue, Suite 850
Irvine, CA 92612
Ph: (877) 353-4313 Fax: (213) 986-3142

Email: support@bfrmlegal.net
Web: https://urldefense.com/v3/__http://www.bfrmlegal.com__;!!Nz4wtPUZ-ZE!OzCmWQqiJ6_FFjLbzK4SxUy7nUfGe0BnZ6A1uJXWNEACIrqBhPiX3AC8s1Pz1S4$

LOCATIONS: Los Angeles, San Diego, San Francisco, Orange County, The Inland Empire, The Antelope Valley

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Please register on our Portal to be able to E-file with the California State Courts
and to Electronically Record Documents by clicking on the link below.
https://urldefense.com/v3/__https://bfrmlegal.legalconnect.com/registration__;!!Nz4wtPUZ-ZE!OzCmWQqiJ6_FFjLbzK4SxUy7nUfGe0BnZ6A1uJXWNEACIrqBhPiX3AC8n8yW2io$

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):	TELEPHONE NO.:	FOR COURT USE ONLY
Craig J. Mariam, SBN 225280 Michael J. Dailey, SBN 301394 Gordon Rees Scully Mansukhani, LLP 633 West Fifth St, 52nd Fl Los Angeles, CA 90071 Telephone: (213) 576-5000 Fax No: (877) 306-0043 Email: cmariam@grsm.com / mdailey@grsm.com ATTORNEY FOR: Defendant Amber Laura Heard	Ref. No. or File No.	
Insert name of court and name of judicial and branch court, if any: Superior Court of California, County of Los Angeles, Central District		
SHORT TITLE OF CASE: John C. Depp, II v. Amber Laura Heard		

DECLARATION OF NON-SERVICE	HEARING DATE:	TIME:	DEPT./DIV.:	CASE NUMBER: 19STCP04763

At the time of service attempt(s), I was at least 18 years old and not a party to the above noted action

1. I attempted to serve the:
   a. **Subpoena for Production of Business Records in Action Pending Outside California; Attachment 3; Attachment 4; Subpoena Duces Tecum (Civil)- Attorney Issued; Attachment 3; Counsel of Records for All Parties; Notice of Deposition of Travis McGivern; Deposition Subpoena for Personal Appearance in Action Pending Outside California; Attachment 3; Subpoena for Witness (Civil)- Attorney Issued; Notice of Deposition by Video; Certificate of Service; Counsel of Records for All Parties**

   b. on *(name)*: Travis McGivern

   c. by serving: Non-Service

   d. by delivery ☐ AT HOME ☐ AT BUSINESS ☐ OTHER (Physical Address Unknown)
      1. date:
      2. time:
      3. address: 333 1st St, Apt B109
         Seal Beach, CA 90740

   e. ☐ by mailing
      1. date:
      2. place:

2. Manner of service: **Non-Service**

3. Previous Attempts:
   a. 02/17/2022 at 6:40 PM- Current resident, an Asian gentleman told me he doesn't know anyone by the name of Travis and he's been living in this apartments for a year now.

Process Server:
Destiny Romero Silva
BFRM LEGAL SUPPORT SERVICE
633 W 5th Street, 28th Floor
Los Angeles, CA 90071

TEL: (213) 291-8383

[X] Registered California Process Server
Registration No.: 6238
County: Orange
Fee for service:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on:

Date: 03/21/2022 Signature _____

EXHIBIT C

Sebastian van Roundsburg

From: support@bfrmlegal.net
Sent: Monday, January 31, 2022 7:43 AM
To: Diane Cutting
Cc: Michael Dailey; Sebastian van Roundsburg; Kailey Gersten
Subject: RE: PLS PERSONALLY SERVICE Production subpoena to LEONARD DAMIAN | TRAVIP-1214021 | DEPP v. HEARD

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Diane,

Status of service on Leonard Damian:

1/27/22 at 5:49 PM
I waited around because people usually come home after or a bit after 5 pm but came home. No answer.

1/29/22 at 11:15 am
Nobody seems to be home but a lot of cars are parked on the driveway. Not sure which one is their driveway but I'm assuming it's the first driveway next to their door. Neighbor told me they aren't home. No answer.

1/29/22 at 8:10 pm
No answer at the door.

We will continue attempting service.

Best Regards, Bree Weathers
Process Department Manager
BFRM LEGAL SUPPORT SERVICES
Ph: (213) 291-8383 FAX: (213) 986-3142
Email: support@bfrmlegal.net
Web: www.bfrmlegal.com
LOCATIONS: Los Angeles, San Diego, San Francisco, Orange County, The Inland Empire, The Antelope Valley
Electronic Court filing and Electronic Document Recording / Service of Process / On-Call Courier / Locates / Document Retrieval / Document Duplication
Please register on our Portal to be able to E-file with the California State Courts and to Electronically Record Documents by clicking on the link below.
https://bfrmlegal.legalconnect.com/registration

From: Diane Cutting <dxcutting@grsm.com>
Sent: Friday, January 28, 2022 5:18 PM
To: BFRM LEGAL SUPPORT SERVICES <support@bfrmlegal.net>
Cc: Michael Dailey <mdailey@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Kailey Gersten

Sebastian van Roundsburg

From: support@bfrmlegal.net
Sent: Friday, February 4, 2022 10:31 AM
To: Diane Cutting
Cc: Michael Dailey; Sebastian van Roundsburg; Kailey Gersten
Subject: RE: PLS PERSONALLY SERVICE Production subpoena to LEONARD DAMIAN | TRAVIP-1214021 | DEPP v. HEARD

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Diane,

Please see status on Leonard Damien below:

2/1/22 at 8:00 PM- Nobody seems to be home and a package arrived addressed to Jenessa Bowen.

Best Regards, Bree Weathers
Process Department Manager
BFRM LEGAL SUPPORT SERVICES
Ph: (213) 291-8383 FAX: (213) 986-3142
Email: support@bfrmlegal.net
Web: www.bfrmlegal.com
LOCATIONS: Los Angeles, San Diego, San Francisco, Orange County, The Inland Empire, The Antelope Valley
Electronic Court filing and Electronic Document Recording / Service of Process / On-Call Courier / Locates / Document Retrieval / Document Duplication
Please register on our Portal to be able to E-file with the California State Courts and to Electronically Record Documents by clicking on the link below.
https://bfrmlegal.legalconnect.com/registration

From: Diane Cutting <dxcutting@grsm.com>
Sent: Monday, January 31, 2022 8:20 AM
To: support@bfrmlegal.net
Cc: Michael Dailey <mdailey@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Kailey Gersten <kgersten@grsm.com>
Subject: RE: PLS PERSONALLY SERVICE Production subpoena to LEONARD DAMIAN | TRAVIP-1214021 | DEPP v. HEARD

Okay, thank you for the update.

From: support@bfrmlegal.net <support@bfrmlegal.net>
Sent: Monday, January 31, 2022 7:43 AM
To: Diane Cutting <dxcutting@grsm.com>
Cc: Michael Dailey <mdailey@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Kailey Gersten <kgersten@grsm.com>

Sebastian van Roundsburg

From: support@bfrmlegal.net
Sent: Monday, February 14, 2022 12:18 PM
To: Diane Cutting
Cc: Michael Dailey; Sebastian van Roundsburg; Kailey Gersten
Subject: RE: PLS PERSONALLY SERVICE Production subpoena to LEONARD DAMIAN | TRAVIP-1214021 | DEPP v. HEARD

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Diane,

Please see updated status on Leonard Damian below:

2/8/22 at 8:25 AM- No answer at door. No cars in driveway.
2/11/22 at 6:15 PM- No answer at door, no activity.
2/14/22 at 11:50 am No answer at the door.

We will place this on hold.

Best Regards, Bree Weathers
Process Department Manager
BFRM LEGAL SUPPORT SERVICES
Ph: (213) 291-8383 FAX: (213) 986-3142
Email: support@bfrmlegal.net
Web: www.bfrmlegal.com
LOCATIONS: Los Angeles, San Diego, San Francisco, Orange County, The Inland Empire, The Antelope Valley
Electronic Court filing and Electronic Document Recording / Service of Process / On-Call Courier / Locates / Document Retrieval / Document Duplication
Please register on our Portal to be able to E-file with the California State Courts and to Electronically Record Documents by clicking on the link below.
https://bfrmlegal.legalconnect.com/registration

From: Diane Cutting <dxcutting@grsm.com>
Sent: Friday, February 4, 2022 10:43 AM
To: support@bfrmlegal.net
Cc: Michael Dailey <mdailey@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Kailey Gersten <kgersten@grsm.com>
Subject: RE: PLS PERSONALLY SERVICE Production subpoena to LEONARD DAMIAN | TRAVIP-1214021 | DEPP v. HEARD

Okay, thank you, Bree.

EXHIBIT D

Sebastian van Roundsburg

From: Brian Mantilla <support@bfrmlegal.net>
Sent: Thursday, February 17, 2022 10:40 AM
To: Kailey Gersten
Cc: Sebastian van Roundsburg; Michael Dailey; Diane Cutting; Jeanne Farrar
Subject: Re: PLS PESONALLY SERVICE SUBPOENAS TO LEONARD DAMIAN/ DEPP v. HEARD/ TRAVIP-1214021
Attachments: 20220217_072818.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Kailey,

Status of service on Leonard Damian:
02/17/22 at 7:20am - Location is a UPS store.

Please provide us with an alternate address or if you would like for us to skip trace this subject, just let us know.

Please let us know if we can assist you with anything else, Thanks.

Best Regards,
Jeffrey Buan
Client Relations Associate, Process Server, Court Runner & On-call Courier

BFRM Legal Support Services
Los Angeles Office, U.S. Bank Tower
633 W. 5th Street, 28th Floor
Los Angeles, CA 90071
Ph: (877) 353-4313 Fax: (213) 986-3142

Orange County Office, Irvine Towers
18100 Von Karman Avenue, Suite 850
Irvine, CA 92612
Ph: (877) 353-4313 Fax: (213) 986-3142

Email: support@bfrmlegal.net
Web: www.bfrmlegal.com

LOCATIONS: Los Angeles, San Diego, San Francisco, Orange County, The Inland Empire, The Antelope Valley

Electronic Court filing and Electronic Document Recording / Service of Process / On-Call Courier / Locates / Document Retrieval / Document Duplication

Please register on our Portal to be able to E-file with the California State Courts

EXHIBIT E

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name and Address)*:	TELEPHONE NO.:	*FOR COURT USE ONLY*
Craig J. Mariam, SBN 225280 Michael J. Dailey, SBN 301394 Gordon Rees Scully Mansukhani, LLP 633 West Fifth St, 52nd Fl Los Angeles, CA 90071 Telephone: (213) 576-5000 Fax No: (877) 306-0043 Email: cmariam@grsm.com / mdailey@grsm.com ATTORNEY FOR: Defendant Amber Laura Heard	Ref. No. or File No.	
Insert name of court and name of judicial and branch court, if any: Superior Court of California, County of Los Angeles, Central District		
SHORT TITLE OF CASE: John C. Depp, II v. Amber Laura Heard		

DECLARATION OF NON-SERVICE	HEARING DATE:	TIME:	DEPT./DIV.:	CASE NUMBER: 19STCP04763

At the time of service attempt(s), I was at least 18 years old and not a party to the above noted action

1. I attempted to serve the:
   a. **Subpoena for Production of Business Records in Action Pending Outside California; Attachment 3; Attachment 4; Subpoena Duces Tecum (Civil)- Attorney Issued; Attachment 3; Counsel of Records for All Parties; Notice of Deposition of Leonard Damian; Deposition Subpoena for Personal Appearance in Action Pending Outside California; Attachment 3; Subpoena for Witness (Civil)- Attorney Issued; Notice of Deposition by Video; Certificate of Service; Counsel of Records for All Parties**

   b. on *(name)*: Leonard Damian

   c. by serving: Non-Service

   d. by delivery ☐ AT HOME ☐ AT BUSINESS ☐ OTHER (Physical Address Unknown)
      1. date:
      2. time:
      3. address: 8033 W Sunset Blvd
         Los Angeles, CA 90046

   e. ☐ by mailing
      1. date:
      2. place:

2. Manner of service: **Non-Service**

3. Previous Attempts:
   a. 02/19/2022 at 7:55 am- I spoke with Shannon Scanlon who stated she had been here for 2 years, there is no Leonard Damian.

Process Server:
Michael Tarango
BFRM LEGAL SUPPORT SERVICE
633 W 5th Street, 28th Floor
Los Angeles, CA 90071

TEL: (213) 291-8383

[X] Registered California Process Server
Registration No.: 893
County: San Bernardino
Fee for service:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on:

Date: 03/21/2022

Signature

EXHIBIT F

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

JOHN C. DEPP, II,	)	
	)	
Plaintiff,	)	**Case No.**
	)	
v.	)	**Pending Out-of-State Action:**
	)	**Civil Action No. CL-2019-0002911**
AMBER LAURA HEARD,	)	**Circuit Court of Fairfax County, Virginia**
	)	**(Foreign Subpoena Attached)**
Defendant,	)	
	)	

AFFIDAVIT OF ATTEMPTED SERVICE

I, Peter J. Dotson, a citizen in good standing in the State of Illinois, am a private person over the age of 18 years, not a party to nor interested in the above captioned matter, I am a registered employee of Hanrahan Investigations located at 4413 Roosevelt Road, Suite 110, Hillside, IL 60162, a private detective agency listed under The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, under the laws of the State of Illinois, agency license #117-000934.

I attempted to serve a SUBPOENA FOR DEPOSITION, NOTICE OF DEPOSITION BY VIDEO and a witness fee check in the amount of $25.00 upon Kevin Murphy at his residence, 25 Ronan Rd., Unit 202, Highwood, IL 60040 on 02/17/2022 and 02/23/2022.

On 02/17/2022 at approximately 5:00 PM, there was no response at the intercom for Unit 202. I spoke with multiple neighbors through the building intercom system attempting to gain access to Murphy's residence. An unidentified female neighbor allowed me access to the building and stated Murphy was out of town. There was no response at Murphy's door. I called the possible phone numbers listed for Murphy as well as his associates and left voicemails regarding the aforementioned service documents.

On 02/23/2022 at approximately 3:15 PM, there was no response at the intercom for Unit 202. I spoke with multiple neighbors through the building intercom system attempting to gain access to Murphy's residence. I was unable to gain access to the building. I called the possible phone numbers for Murphy and left voicemails regarding the aforementioned service documents.

Additionally, I conducted a phone canvass for Kevin Murphy on 02/18/2022, 02/22/2022, 02/24/2022, 02/28/2022, 03/05/2022, 03/09/2022 and 03/14/2022. I was unable to reach Kevin Murphy during these phone canvass attempts. I left voicemail messages as well as text messages during these listed attempts to contact Kevin Murphy.

Further, the affiant sayeth not.

Peter J. Dotson

Subscribed and Sworn
before me this 21 day
of March 2022.

Notary Public

OFFICIAL SEAL
GEORGE S SODE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 02/16/2026

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

JOHN C. DEPP, II,	)	
	)	
Plaintiff,	)	**Case No.**
	)	
v.	)	**Pending Out-of-State Action:**
	)	**Civil Action No. CL-2019-0002911**
AMBER LAURA HEARD,	)	**Circuit Court of Fairfax County, Virginia**
	)	**(Foreign Subpoena Attached)**
Defendant,	)	
	)	

AFFIDAVIT OF ATTEMPTED SERVICE

I, Ellen O. Misloski, a citizen in good standing in the State of Illinois, am a private person over the age of 18 years, not a party to nor interested in the above captioned matter, I am a registered employee of Hanrahan Investigations located at 4413 Roosevelt Road, Suite 110, Hillside, IL 60162, a private detective agency listed under The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, under the laws of the State of Illinois, agency license #117-000934.

I attempted to serve a SUBPOENA FOR DEPOSITION, NOTICE OF DEPOSITION BY VIDEO and a witness fee check in the amount of $25.00 upon Kevin Murphy at his residence, 25 Ronan Rd., Unit 202, Highwood, IL 60040 on 02/18/2022.

On 02/18/2022 at approximately 3:00 PM, there was no response at the intercom for Unit 202. I buzzed all intercoms for the building and an unknown neighbor buzzed me into the building without speaking through the intercom system. On the second floor, there was an unlocked door which accessed the outdoor balcony. Along this balcony I located a door to Unit 202. I knocked on this door multiple times but did not receive an answer. I went to the main lobby of the building, and a resident from upstairs came down and asked me to leave. I called the possible phone numbers for Murphy and left voicemails regarding the aforementioned service documents.

Further, the affiant sayeth not.

Ellen O. Misloski

Subscribed and Sworn
before me this 21 day
of March 2022.

Notary Public

OFFICIAL SEAL
GEORGE S SODE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 02/16/2026

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

JOHN C. DEPP, II,	)	
	)	
Plaintiff,	)	**Case No.**
	)	
v.	)	**Pending Out-of-State Action:**
	)	**Civil Action No. CL-2019-0002911**
AMBER LAURA HEARD,	)	**Circuit Court of Fairfax County, Virginia**
	)	**(Foreign Subpoena Attached)**
Defendant,	)	
	)	

AFFIDAVIT OF ATTEMPTED SERVICE

I, George S. Sode, a citizen in good standing in the State of Illinois, am a private person over the age of 18 years, not a party to nor interested in the above captioned matter, I am a registered employee of Hanrahan Investigations located at 4413 Roosevelt Road, Suite 110, Hillside, IL 60162, a private detective agency listed under The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, under the laws of the State of Illinois, agency license #117-000934.

I attempted to serve a SUBPOENA FOR DEPOSITION, NOTICE OF DEPOSITION BY VIDEO and a witness fee check in the amount of $25.00 upon Kevin Murphy at his residence, 25 Ronan Rd., Unit 202, Highwood, IL 60040 on 02/21/2022 and 02/26/2022.

On 02/21/2022 at approximately 5:30 PM, there was no response at the intercom for Unit 202. I spoke with multiple neighbors through the building intercom system attempting to gain access to Murphy's residence. I was unable to gain access to the building. I called the possible phone numbers for Murphy and left voicemails regarding the aforementioned service documents.

On 02/26/2022 at approximately 8:12 AM, there was no response at the intercom for Unit 202. I spoke with multiple neighbors through the building intercom system attempting to gain access to Murphy's residence. I was unable to gain access to the building. I called the possible phone numbers for Murphy and left voicemails regarding the aforementioned service documents.

Further, the affiant sayeth not.

George S. Sode

Subscribed and Sworn
before me this 21 day
of March 2022.

Notary Public

OFFICIAL SEAL
PETER J DOTSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:02/01/23

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II *Plaintiff,* v. AMBER LAURA HEARD, *Defendant.*	:	Civil Action No.: CL-2019-0002911

PLAINTIFF JOHN C. DEPP, II'S FOURTH SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DEFENDANT AMBER LAURA HEARD'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby provides supplemental responses and objects to certain requests of Defendant Amber Laura Heard's ("Defendant" and/or "Ms. Heard") First Set of Interrogatories (each, an "Interrogatory" and collectively, the "Interrogatories"), dated October 7, 2019 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. Plaintiff incorporates by reference as if fully set forth herein the General Objections contained in the Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2019.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. Plaintiff incorporates by reference as if fully set forth herein the Objections to Instructions and Definitions contained in the Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2019.

INTERROGATORIES

1. Identify each person having any knowledge or information about any of the claims or defenses in this case, including but not limited to Your (a) substance abuse, (b) damage of property, (c) acts of violence, (d) abuse in any form of any Romantic Partner, and (e) relationship with Ms. Heard. The answer to this Interrogatory should include contact information, to the extent known, for the following: Alejandro Romero, Ben King, Bobby de Leon, Brandon Patterson, Bruce Witkin, Christi Dembrowski, C.J. Roberts, Dr. Connell Cowan, Cornelius Harrell, Dr. David Kipper, Debbie Lloyd, Erin Boerum (Falati), Isaac Baruch, Joel Mandel, Kevin Murphy, Jerry Judge, Josh Drew, Keenan Wyatt, Laura Divenere, Lisa Beane, Malcolm Connolly, Melissa Saenz, Nathan Holmes, Samantha McMillan, Sam Sarkar, Sean Bett, Stephen Deuters, Tara Roberts, Todd Norman, Trinity Esparza, Trudy Salven, Tyler Hadden.

FURTHER SUPPLEMENTAL RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions and specific objections as though set forth in full.

Subject to and without waiving the foregoing objections, Plaintiff supplements his prior responses as follows:

Plaintiff incorporates by this reference all previous responses to this interrogatory and the information set forth therein, as though set forth in full. Plaintiff further incorporates by this reference all persons identified in Defendant Amber Laura Heard's responses and supplemental responses to Mr. Depp's interrogatories. Plaintiff further incorporates by this reference all persons participating in the UK Action, which information is equally available to and already in possession of Defendant. Plaintiff further re-identifies the following individuals with potential knowledge of the claims or defenses in this case, who have been previously identified:

No.	Person	Contact Information
1.	Dr. Laurel Anderson	10921 Wilshire Blvd. #1101 Los Angeles, CA 90024
2.	Dr. Amy Banks	114 Waltham Street, Suite #17, Lexington MA 02421
3.	Ellen Barkin	c/o Jacob Buchdahl, Susman Godfrey, 1301 Avenue of the Americans, 32nd Floor, New York, NY 10019
4.	Isaac Baruch	1472 N. Sweetzer Ave., West Hollywood, CA 90069; 323-445-2400 Isaacbaruch@hotmail.com
5.	Robin Baum	c/o Stalwart Law Group, 1100 Glendon Ave., Suite 2300, Los Angeles, CA 90024
6.	Lisa Beane	Pfarrergasse 2, Regensburg, German 90407
7.	Blair Berk	Tarlow & Berk, 9119 Sunset Blvd, West Hollywood, CA 90069; 310-278-2111
8.	Paul Bettany	140 Columbia Heights, Brooklyn, NY 11201
9.	Jacob Bloom	150 S. Rodeo Dr., Third Floor, Beverly Hills, CA 90212

No.	Person	Contact Information
10.	Natasha Brooks	3278 Wilshire Blvd., Los Angeles, CA 90010
11.	Bianca Butti	Unknown
12.	Christian Carino	c/o Erika Schreiber, Esq., 405 Lexington Ave, 21st Floor, New York, NY 10174
13.	Malcolm Connolly	310-890-7867; c/o Malcolm Connolly Security, 46-54 High Street, Ingatestone CM49DW
14.	Dr. Connell Cowan	323-363-8454, 15355 Mulholland Dr., Los Angeles, CA 90077
15.	Amanda de Cadenet	917-913-8194; c/o The Maritime Hotel, 363 W. 16th Street, New York, NY 10011
16.	Elisa "Christi" Dembrowski	c/o Dylan Ruga, Stalwart Law Group, 1100 Glendon Ave., 17th Floor Los Angeles, CA 90024, 310-954-2000
17.	Debbie Depp	859-475-7997
18.	Laura Divenere	323-401-0427; c/o Lee A. Sherman, Esq. 2601 Main Street, Suite 900, Irvine, CA 92614
19.	Mick Doohan	61-418-759-945

No.	Person	Contact Information
20.	Josh Drew	707-287-0092; 530 S. Hewitt St., Unit 436, Los Angeles, CA 90013
21.	Kelly Sue Eder	714-261-1403
22.	Trinity Esparza	849 S. Broadway, Los Angeles, CA 90014
23.	Erin Boerum Falati	323-821-2795; 585 1/2 Washington Blvd., Marina Del Rey, CA 90292
24.	James Franco	818-934-2536; Francojames7@gmail.com
25.	Hector Galindo	Macias Gini & O'Connell, LLP, 2029 Century Park East #1500, Los Angeles, CA 90067; 310-746-2122; hgalindo@mgocpa.com
26.	Eric George	2121 Avenue of the Stars, Suite 2800, Los Angeles, CA 90067
27.	Jodi Gottlieb	323-384-5517; 517 N. Arden Blvd., Los Angeles, CA 90004
28.	Tyler Hadden	c/o LAPD Central Division, 251 E. 6th St., Los Angeles, CA 90014
29.	Cornelius Harrell	849 S. Broadway, Los Angeles, CA 90014; 1420 Seward St. Apt 2, Hollywood, CA 90028-7847

No.	Person	Contact Information
30.	David Heard	512-914-4247
31.	Paige Heard	Deceased
32.	Whitney Henriquez	310-849-0982
33.	Nathan Holmes	310-729-8326 Highgate Barn, Gaylands lane , Earby, BB186JR
34.	Jennifer Howell	c/o Richard A. Spehr, Mayer Brown LLP, 1221 Avenue of the Americas, New York, NY 10020; 212-506-2500; rspehr@mayerbrown.com
35.	Melanie Inglessis	917-291-1714; 344 Stowe Terrace, Los Angeles, CA 90042
36.	Dr. Bonnie Jacobs	drbajacobs@yahoo.com
37.	Tracey Jacobs	c/o David M. Marmorstein, Esq., 1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067
38.	Kate James	1138 N Poinsettia Place, W Hollywood, Los Angeles, CA; 310-621-7605 K8james@mac.com K8james@earthlink.net

No.	Person	Contact Information
39.	Starling Jenkins	starlingjenkins@gmail.com
40.	Jerry Judge	Deceased
41.	Ben King	Riverwalk, Apartment W308, 161 Millbank, London SW1P 4FA
42.	Dr. David Kipper	424-333-6767; 153 S. Lasky Dr. #3, Beverly Hills, CA 90212 c/o John Harwell; 310-546-7078, jdh@harwellapc.com
43.	Samantha Klein	Wasser, Cooperman & Mandles, PC, 2049 Century Park East, Suite 800, Los Angeles, CA 90067
44.	Jessica Kovacevic	William Morris Endeavor, 9601 Wilshire Blvd, Beverly Hills, California, 90210; 310-285-9000
45.	Debbie Lloyd	310-403-7681; 71 Tempe Trail, Palm Desert, CA 92211; c/o Dylan Ruga 1100 Glendon Ave. 17th Floor, Los Angeles, CA 90024
46.	Elizabeth Marz	646-620-7452; 7618 Norton Ave., Apt. 2, West Hollywood, CA 90046
47.	Joel Mandel	c/o Michael Kump and Suann MacIsaac, Kinsella Weitzman Iser

No.	Person	Contact Information
		Kump & Aldisert LLP, 808 Wilshire Blvd., Santa Monica, CA 90401, 310-566-9800
48.	Brandon McCulloch	310-933-7150
49.	Samantha McMillen	310-386-1613 Samantha@samanthamcmillen.com saintsandcharms@me.com
50.	Savannah McMillan	912-344-6015 saintsandcharms@me.com
51.	Travis McGivern	321 N. Pass Ave. Suite 123 Burbank, CA 91501
52.	Michele Mulrooney	2049 Century Park East, Suite 2300, Los Angeles, CA 90067
53.	Kevin Murphy	847-912-7999; 530 S. Hewitt St., Unit 436, Los Angeles, CA 90013
54.	Joanne Murray aka JK Rowling	jo@quenzle.com
55.	Elon Musk	310-709-9497, 10911 Chalon Rd. Los Angeles, CA 90077
56.	Brandon Patterson	849 S. Broadway, Los Angeles, CA 90014
57.	Raquel Pennington	512-426-6267; c/o Lee Brenner, Esq.

No.	Person	Contact Information
		2049 Century Park East, Suite 2300, Los Angeles, CA 90067
58.	Tara Roberts	Little Halls Pond Cay, Exuma, Bahamas; Tara@lhpcay.com
59.	Alejandro Romero	849 S. Broadway, Los Angeles, CA 90014
60.	Anthony Romero	arp@ucla.org
61.	Melissa Saenz	c/o LAPD Central Division, 251 E. 6th St., Los Angeles, CA 90014
62.	Trudy Salven	26820 Marina Point Ln., Santa Clarita, CA 91355 ; 661-297-3105
63.	Kristina Sexton	626-755-4416; 30 Tiger Dr., Arundel, Queensland, Australia, 4214
64.	Robin Shulman	rshulman@aclu.org
65.	Martin D. Singer	Lavely & Singer, 2049 Century Park East, Suite 2400, Los Angeles, CA 90067-2906, 310-556-3501
66.	Samantha Spector	Spector Law, 1901 Avenue of the Stars, Suite 1020, Los Angeles, CA 90067; 424-313-7500
67.	Monroe Tinker	153 S Lasky Dr # 3, Beverly Hills, CA 90212; 310-275-5206

No.	Person	Contact Information
68.	Tasya van Ree	323-707-7343
69.	Adam Waldman	5163 Tilden Street NW, Washington, DC 20016
70.	Laura Wasser	2049 Century Park East, Suite 800 Los Angeles, CA 90067, 310-277-7117
71.	Wasser, Cooperman & Mandles, P.C.	2049 Century Park East, Suite 800 Los Angeles, CA 90067, 310-277-7117
72.	Jessica Weitz	646-319-5363; jweitz@aclu.org
73.	Jack Whigham	c/o Erika Schreiber, Esq., 405 Lexington Ave. 21st Floor, New York, NY 10174
74.	Edward White	21700 Oxnard Street, Suite 400, Woodland Hills, CA 91367
75.	Bruce Witkin	323-823-1986
76.	iO Tillett Wright	646-644-6847
77.	Sean Bett	Contact through Plaintiff's counsel.
78.	Bobby de Leon	Infinitum Nihil, 1472 N. Sweetzer Ave., Los Angeles, CA 90069
79.	Gina Deuters	Contact through Plaintiff's counsel.
80.	Stephen Deuters	Contact through Plaintiff's counsel.
81.	Todd Norman	Infinitum Nihil, 1472 N. Sweetzer Ave., Los Angeles, CA 90069

No.	Person	Contact Information
82.	Sam Sarkar	Infinitum Nihil, 1472 N. Sweetzer Ave., Los Angeles, CA 90069
83.	Doug Stanhope	310-948-2600
84.	Dina Waxman	323-960-2077
85.	Andy	1472 N. Sweetzer Ave., Los Angeles, CA 90069; 310-844-8881; 310-414-9314
86.	Russell	+44 07900571647
87.	Keenan Wyatt	310-748-0448; keenwyatt@aol.com; 5235 Mission Oaks Blvd. #170 Camarillo, CA 93012
88.	Jacklyn Kelsey	Tourjet
89.	Cameron Dumas	Tourjet

16. State in detail all facts which support and/or otherwise relate to any claim for monetary relief as part of this matter. Include in Your answer: (i) an itemization of all damages, loss or injury for which You are claiming or seeking to recover in this action—including each and every employment opportunity which You claim You have lost as a result of the actions complained of; (ii) an explanation of how the damages were computed; (iii) all assumptions made in computing the damages, and the basis for such assumptions; (iv) an explanation of how the damages are attributable to Defendant; and (v) all efforts to mitigate the damages.

FURTHER SUPPLEMENTAL RESPONSE:

Plaintiff reiterates the objections stated above in his original Answer, including that this Interrogatory is more appropriately addressed following the completion of fact and expert

discovery. Subject to and without waiving any of the foregoing objections, Plaintiff further supplements his response as follows:

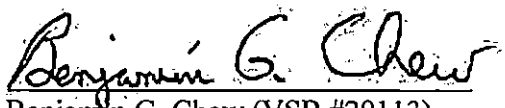
Plaintiff notes that because Ms. Heard's defamatory statements constitute defamation per se, damages are presumed, and need not be specifically proven. In any event, Plaintiff responds that his claim for monetary damages is supported by, *inter alia*, the fact that Plaintiff's reputation and career has been severely damaged, and Plaintiff has suffered the absence of roles and a substantial decline in his marketability. Although it is obvious and inevitable that these types of allegations would have a negative impact on Plaintiff's reputation and professional standing, particularly because Plaintiff is an individual in the public eye, the economic impact of these defamatory statements is the subject of expert analysis and disclosure according to Virginia law. Accordingly, Plaintiff incorporates by this reference his Disclosures of Expert Witnesses in this action and the documents underlying the same, specifically including the opinions and support for the opinions of Michael Spindler, Richard Marks and Doug Bania, as though set forth in full. Plaintiff further incorporates by this reference relevant deposition testimony in this action, including without limitation the testimony of Jack Whigham, Walt Disney, Christian Carino, as well as documents produced in this action, including without limitation Plaintiff's contracts with Disney, and the documents produced at EWC 1-52. Plaintiff further notes that he has suffered widespread negative press attention following the Op-Ed, which press coverage is a matter of public record and equally available to Defendant.

Further, just four days after Ms. Heard's op-ed was first published on December 18, 2018, Disney announced on December 22, 2018 that it was dropping Mr. Depp from his leading role as Captain Jack Sparrow in the forthcoming sixth installment of the *Pirates of the Caribbean* franchise. Based on Mr. Depp's prior earnings in connection with the *Pirates of the Caribbean*

franchise, Mr. Depp expects that his role in the sixth installment would have been worth at least $50,000,000. Disney has never retracted that announcement, and to date Mr. Depp has never been approached or offered a role in the subsequent *Pirates* movie. In addition, Mr. Depp has not been offered or has otherwise lost other roles, such as an anticipated role as Harry Houdini, following Ms. Heard's Op-Ed.

Dated: March 11, 2022

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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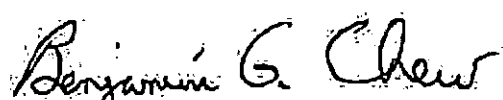

Benjamin G. Chew

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Ordinary Income/Expense	
Income	
FORTUNATELY, THE MILK	6,250.00
Dark Shadows	36,741.00
Total Income	42,991.00
Gross Profit	42,991.00
Expense	
CASH	0.00
Abandoned Projects	9,470.40
AMERICAN EXPRESS #2-51005	
JOHN C. DEPP #2-51005	
MEALS AND ENTERTAINMENT	634.10
DUES AND SUBSCRIPTIONS	14,930.73
OFFICE SUPPLY	5,928.39
Total JOHN C. DEPP #2-51005	21,493.22
Total AMERICAN EXPRESS #2-51005	21,493.22
Projects-Expenses	
SHANE MACGOWAN	734.10
Total Projects-Expenses	734.10
Bank Service Charges	0.00
Commissions	
UTA	3,674.10
Total Commissions	3,674.10
Computer and Internet Expenses	920.95
Depreciation Expense	5,427.00
Franchise Tax	800.00
Insurance Expense	
Health Insurance	148,868.69
Workers Compensation	221.00
Total Insurance Expense	149,089.69
Office Expense	4,222.74
Payroll Expenses	3,431.65
[redacted]	
Taxes	
Payroll Taxes	
CA STATE	926.00
Payroll Taxes - Other	54,060.09
Total Payroll Taxes	54,986.09

These financial statements have not been subjected to an audit, review or compilation engagement; accordingly, no assurance is provided on them

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
State Taxes	-17.14
Taxes - Other	30.00
Total Taxes	54,998.95
Telephone Expense	4,768.13
Travel Expense	548.55
Total Expense	1,055,232.65
Net Ordinary Income	-1,012,241.65
Net Income	-1,012,241.65

These financial statements have not been subjected to an audit, review or compilation engagement; accordingly, no assurance is provided on them

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
Ordinary Income/Expense	
Income	
Producer Fees	
Dark Shadows	29,187.00
Total Producer Fees	29,187.00
Total Income	29,187.00
Gross Profit	29,187.00
Expense	
CROCK OF GOLD	5,595.75
TRADEMARKS GENERAL	3,808.96
AMERICAN EXPRESS #2-51005	
JOHN C. DEPP #2-51005	
TELEPHONE	328.52
DUES AND SUBSCRIPTIONS	9,293.92
OFFICE SUPPLY	2,668.17
Total JOHN C. DEPP #2-51005	12,290.61
Total AMERICAN EXPRESS #2-51005	12,290.61
Projects-Expenses	
MARLOWE	283.91
Total Projects-Expenses	283.91
Bank Service Charges	21.00
Commissions	
UTA	2,189.03
Total Commissions	2,189.03
Computer and Internet Expenses	1,139.88
Dues and Subscriptions	3,403.60
Gifts	209.97
Insurance Expense	
Health Insurance	185,760.31
Total Insurance Expense	185,760.31
Meals and Entertainment	78.61
Office Expense	9,469.44
Office Supplies	165.76
Outside Services	
GEOFF HOOVER LLC	3,000.00
Glowpuppy, LLC	600.00
Total Outside Services	3,600.00
Payroll Expenses	3,590.66
[redacted]	

INFINITUM NIHIL, INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
[redacted]	
Storage	75.63
Taxes	
Payroll Taxes	54,014.86
Taxes - Other	90.00
Total Taxes	54,104.86
Telephone Expense	4,778.22
Travel Expense	518.89
Total Expense	1,071,367.81
Net Ordinary Income	-1,042,180.81
Net Income	-1,042,180.81

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Ordinary Income/Expense	
Income	
BOSWELL/FANTASTIC BEAST 3	13,368,328.90
FROM HELL	31,220.00
MURDER ON THE ORIENT EXPRESS	1,388,787.00
Profit Participation	
Dark Shadows	297,201.00
Sweeney Todd	1,605.90
Total Profit Participation	298,806.90
INTO THE WOODS	606,133.00
Residuals	
Charlie & the Chocolate Factory	6,464.81
Dark Shadows	1,903.03
Fantastic The Crimes	23,949.98
Fantastic Beast And Where To	9,242.16
Imaginarium of Dr. Parnassu	147.56
Murder on the Orient Express	6,587.27
Once Upon a Time in Mexico	871.79
Pirates 5 Dead	4,574.90
Richard Says Goodbye-The Profes	9,869.02
Rum Diaries	45.26
Sweeney Todd	3,074.91
Total Residuals	66,730.69
Total Income	15,760,006.49
Gross Profit	15,760,006.49
Expense	
Entertainment	
MINAMATA	1,741.88
Total Entertainment	1,741.88
Bank Service Charges	389.63
Cash	186.79
Commissions	
UTA	1,116,577.88
Total Commissions	1,116,577.88
Gifts	2,096.83
Meals and Entertainment	385.47
Medical	684.18
Office Supplies	1,070.84
Payroll Expenses	874.07
Payroll Taxes	
ETT	7.00
FUTA	42.00
Medicare	3,625.00
Social Security	8,537.40
SUI	105.00

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L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Total Payroll Taxes	12,316.40
[redacted]	
Repairs and Maintenance	5,332.00
[redacted]	
Taxes	
Franchise Tax Board	15,466.00
United Kingdom	893,507.80
Taxes - Other	215.00
Total Taxes	909,188.80
Travel	
Living & Travel Expenses	
Fantastic Beast	136,300.00
Total Living & Travel Expenses	136,300.00
Travel - Other	330.90
Total Travel	136,630.90
Travel Expense	95,801.03
Total Expense	2,655,794.70
Net Ordinary Income	13,104,211.79
Other Income/Expense	
Other Income	
FTB Tax Refund	15,466.00
Total Other Income	15,466.00
Net Other Income	15,466.00
Net Income	13,119,677.79

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L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
Ordinary Income/Expense	
Income	
BOJUE SHANGHAI	1,750,000.00
BOSWELL/FANTASTIC BEAST 3	4,958,005.34
BOSWELL / FANTASTIC BEAST 2	22,410.00
FROM HELL	31,220.00
INCOME	1,351.89
MURDER ON THE ORIENT EXPRESS	1,355,691.00
Profit Participation	
Charlie & the Chocolate Factory	10,161.00
Dark Shadows	241,354.00
Sweeney Todd	16,164.11
Total Profit Participation	267,679.11
INTO THE WOODS	120,095.00
Residuals	
The Professor	20.61
Charlie & the Chocolate Factory	8,475.54
Dark Shadows	6,682.01
Fantastic The Crimes	18,147.07
Fantastic Beast And Where To	10,496.69
Imaginarium of Dr. Parnassu	71.67
Murder on the Orient Express	12,628.82
Once Upon a Time in Mexico	1,117.25
Pirates 5 Dead	3,302.13
Richard Says Goodbye-The Profes	1,794.95
Rum Diaries	59.49
Sweeney Todd	2,734.62
Total Residuals	65,530.85
Royalties	
Once Upon a Time in Mexico	0.04
Total Royalties	0.04
Total Income	8,571,983.23
Gross Profit	8,571,983.23
Expense	
Office Expenses	8,718.93
Dues and Subscriptions	573.12
Automobile Expense	1,394.01
Bank Service Charges	391.38
Cash	4,246.16
Commissions	
RANGE MEDIA	175,000.00
UTA	527,283.42
Total Commissions	702,283.42
Gifts	343.24
Meals and Entertainment	3,001.81

L.R.D. PRODUCTIONS, INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
Medical	3,855.77
Messenger, Freight & Postage	70.04
Office Supplies	9,073.05
Outside Services	
[redacted]	
Sunstroke House Productions	67,769.13
Total Outside Services	80,369.97
Payroll Expenses	886.62
Payroll Taxes	
ETT	7.00
FUTA	42.00
Medicare	7,250.00
Social Security	8,853.60
SUI	105.00
Total Payroll Taxes	16,257.60
[redacted]	
Publicity	44,516.60
Repairs and Maintenance	2,881.46
[redacted]	
Taxes	
FEU TAX	48,270.80
Franchise Tax Board	307,595.00
United Kingdom	1,121,492.04
Taxes - Other	25.00
Total Taxes	1,477,382.84
Telephone Expense	60.50
Travel	
Living & Travel Expenses	3,534.78
Travel-Meals	4,019.04
Travel - Other	1,795.58
Total Travel	9,349.40
Travel Expense	104,452.76
Total Expense	3,125,929.15
Net Ordinary Income	5,446,054.08
Net Income	5,446,054.08

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Ordinary Income/Expense	
Income	
THE PUFFINS	350,000.00
INCOME - NON UTA	
NINTH GATE	39,576.03
Total INCOME - NON UTA	39,576.03
FEES	
PARFUMS CHRISTIAN DIOR	2,450,000.00
Total FEES	2,450,000.00
OTHER INCOME	5,689.72
PROFIT PARTICIPATION	
SLEEPY HOLLOW	84,050.00
FEAR AND LOATHING -NON UTA	20,401.00
BLOW	129,765.00
ED WOOD - NON UTA	3,515.00
TRYON PIC 1 (PIRATES 1)	461,996.00
TRYON PICS 2 & 3 (PIRATES 2&3)	4,390,696.00
TRYON PIC 4 (ALICE 1)	956,531.00
TRYON PIC 5 (PIRATES 4)	2,297,015.00
Total PROFIT PARTICIPATION	8,343,969.00
RESIDUALS	
LATE SHOW W/ JAMES CORD	390.00
21 JUMP STREET	886.88
A NIGHTMARE ON ELM STREET	1,993.88
ALICE IN WONDERLAND	7,732.85
ALICE THROUGH THE LOOKING GLASS	9,756.73
ARIZONA DREAM	40.34
BLACK MASS	3,778.80
BENNY AND JOON	954.12
BLOW	1,515.42
CRY BABY	598.64
DEAD MAN	5.96
DON JUAN DEMARCO	297.17
DONNIE BRASCO	2,663.78
EDWARD SCISSORHANDS	1,739.15
FAMILY GUY	442.49
FEAR AND LOATHING - NON UTA	2,156.42
FREDDY'S DEAD FINAL NIGHTMARE	178.34
GONZO	251.62
I LOVE YOU, MAN	111.95
INTO THE WOODS	2,965.35
JACK AND JILL	519.67
KING OF THE HILL	25.67
LONE RANGER	702.58
MORTECAI	290.03

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
NICK OF TIME	441.74
PIRATES OF THE CARIBBEAN	4,162.04
PIRATES 2 'DEAD MAN'S CHEST	3,916.14
PIRATES 3 'AT WORLD'S END	2,186.58
PIRATES 4 'ON STRANGER TIDES	1,854.43
PUBLIC ENEMIES	764.34
RANGO	6,100.52
SHERLOCK GNOMES	15,383.38
SECRET WINDOW	3,199.16
THE ASTRONAUT'S WIFE	752.46
THE TOURIST	3,768.36
TRANSCENDENCE	83.21
TUSK	178.00
WHAT'S EATING GILBERT GRAPE	1,052.75
YOGA HOSERS	45.20
Total RESIDUALS	83,886.15
ROYALTIES	
BMI	2,005.46
SOUNDEXCHANGE	1,371.94
Total ROYALTIES	3,377.40
Total Income	11,276,498.30
Gross Profit	11,276,498.30
Expense	
American Express #53001	5,000.00
HOLLYWOOD VAMPIRE TOUR	0.00
LATE CHARGE	50.38
American Express #03005	
DUES AND SUBSCRIPTIONS	95.00
Total American Express #03005	95.00
CHILDREN	0.00
AMERICAN EXPRESS 5-52003	9,935.58
AMERICAN EXPRESS 2-12007 TRAVEL	
JOHN C. DEPP #2-12007	
TRAVEL	567.00
HOTEL	144,903.30
MEALS AND ENTERTAINMENT	36,741.52
DUES AND SUBSCRIPTIONS	28.00
TRANSPORTATION	2,424.12
AIRFARE	777,473.24
Total JOHN C. DEPP #2-12007	962,137.18
Total AMERICAN EXPRESS 2-12007 TRAVEL	962,137.18
ELAN VISA #4520	
JOHN DEPP #4538	
DUES AND SUBSCRIPTIONS	1,212.93
Total JOHN DEPP #4538	1,212.93

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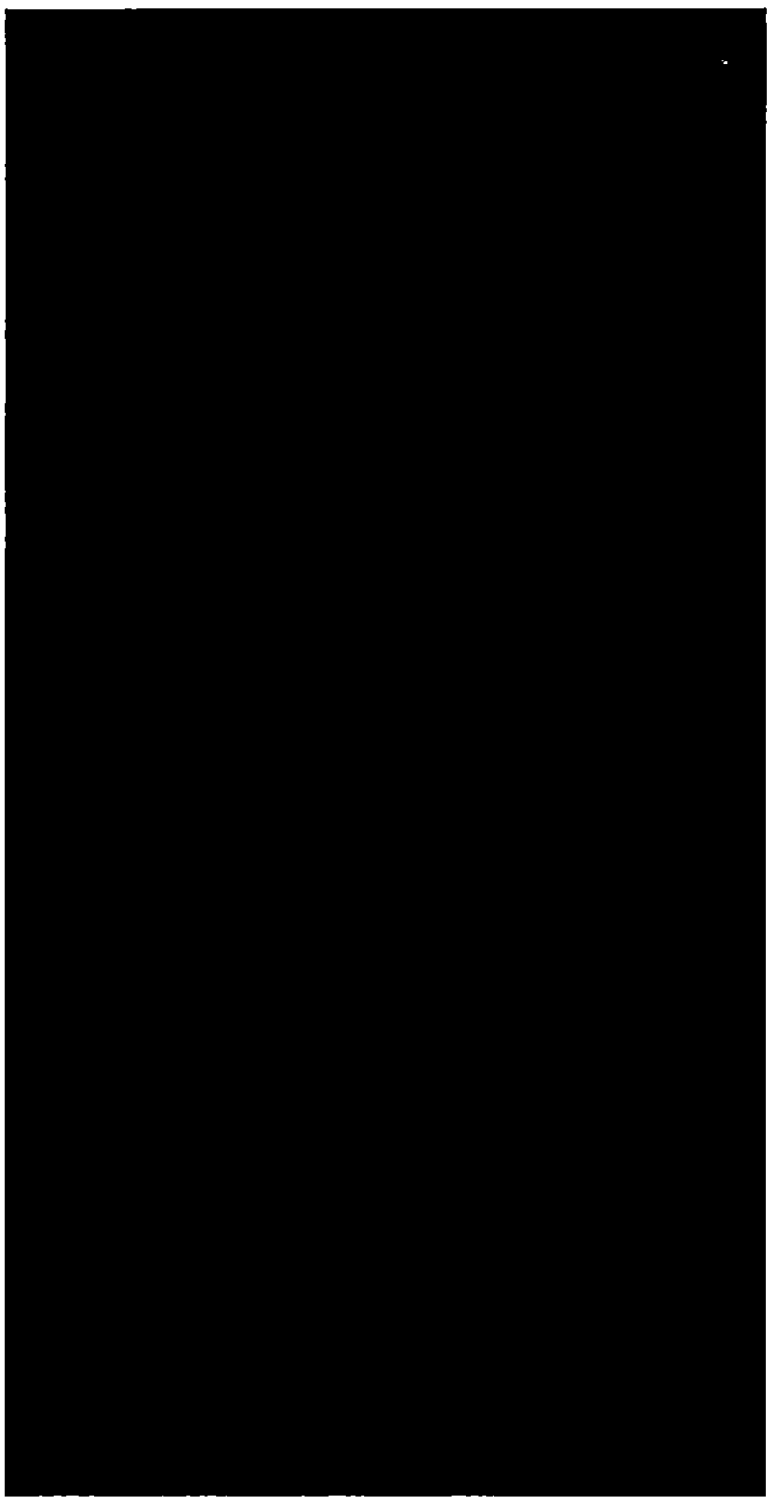
SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Total ELAN VISA #4520	1,212.93
AMERICAN EXPRESS 73008	



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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
[redacted]	
JOHN C. DEPP #2-73008	
OFFICE SUPPLIES	421.79
STORAGE	7,449.88
DUES AND SUBSCRIPTIONS	54,412.32
Total JOHN C. DEPP #2-73008	62,283.99
Total AMERICAN EXPRESS 73008	402,221.79
6311 ROMAINE STREET	
RENT	
#63-4350	76,860.00
#63-4345	61,820.00
#63-4344	22,069.20
Total RENT	160,749.20
Total 6311 ROMAINE STREET	160,749.20
MESSENGER	25,637.18
UNION DUES	8,097.96
1480 SWEETZER	
CABLE	0.00
Total 1480 SWEETZER	0.00
OFFICE EXPENSE	17,515.66
MEDICAL	
SAG- AFTRA	1,311.00
MEDICAL - Other	16,062.83
Total MEDICAL	17,373.83
AUTOMOBILE EXPENSE	

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
LEASE 2020 MINI COOPER S COUNTR	0.00
LEASE 2017 CHEVROLET SUBURBAN	0.00
LEASE 2017 CADILLAC ESCALADE	19,523.25
INSURANCE	4,886.00
REPAIRS AND MAINTENANCE	1,185.00
AUTOMOBILE EXPENSE - Other	2,405.36
Total AUTOMOBILE EXPENSE	27,999.61
BANK SERVICE CHARGES	5,766.14
CASH	34,361.36
COMMISSIONS	
CAA	244,970.00
ICM	14,402.70
UTA	379,157.10
Total COMMISSIONS	638,529.80
COMPUTER AND INTERNET EXPENSE	8,400.00
DUES AND SUBSCRIPTIONS	3,893.00
ENTERTAINMENT	
THE PUFFIN	327.31
JEFF BECK	9,551.59
ENTERTAINMENT - Other	4,003.50
Total ENTERTAINMENT	13,882.40
FAN MAIL	25,563.60
GIFTS	2,001.84
INSURANCE EXPENSE	
COMMERCIAL	56,487.52
FIREMANS FUND INSURANCE	216,906.34
MEDICAL CONCIERGE	36,000.00
Total INSURANCE EXPENSE	309,393.86
INTEREST EXPENSE	
CAL PRIVATE BANK #56625	2,566.67
CAL PRIVATE BANK #56694	118,412.16
CAL PRIVATE BANK #53923	410,621.04
Total INTEREST EXPENSE	531,599.87
LOAN FEES	
Cal Private Loan #53923	32,986.24
Cal Private Loan #56694	22,885.00
Total LOAN FEES	55,871.24

[redacted]

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
[redacted]	
PAYROLL EXPENSES	874.07
PAYROLL TAXES	
MEDICARE	3,625.00
FUTA	42.00
ETT	105.00
SUI	7.00
SOCIAL SECURITY	8,537.40
Total PAYROLL TAXES	12,316.40
[redacted]	
ACCOUNTING	
GREEN HASSON JANKS	50,958.00
Total ACCOUNTING	50,958.00
[redacted]	

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
[redacted]	
PUBLIC RELATIONS	
SLATE PR, LLC	55,350.00
Total PUBLIC RELATIONS	55,350.00
PROFESSIONAL FEES - Other	14,609.10
[redacted]	
REPAIRS AND MAINTENANCE	8,221.24
[redacted]	
STORAGE	72,560.97
TAXES	
UK TAXES WITHHELD	229,702.00
CALIFORNIA	
FRANCHISE TAX BOARD	123,142.00
Total CALIFORNIA	123,142.00
TAXES - Other	251.00
Total TAXES	353,095.00
TELEPHONE EXPENSE	49,108.50
TRAVEL EXPENSES	
TRAVEL EXPENSES-HOTELS	901.88
TRAVEL EXPENSES-AIRFARE	16,945.00
TRAVEL EXPENSES - Other	18,991.28
Total TRAVEL EXPENSES	36,838.16
UTILITIES	
CABLE AND INTERNET	7,096.18
Total UTILITIES	7,096.18
Total Expense	14,774,277.24
Net Ordinary Income	-3,497,778.94
Other Income/Expense	
Other Income	
TAX REFUND	5,498.98
INTEREST INCOME	76,926.17
Total Other Income	82,425.15

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2020

	Jan - Dec 20
Net Other Income	82,425.15
Net Income	-3,415,353.79

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SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
Ordinary Income/Expense	
Income	
THE PUFFINS	250,000.00
INCOME - NON UTA	
NINTH GATE	56,192.80
Total INCOME - NON UTA	56,192.80
FEES	
PARFUMS CHRISTIAN DIOR	4,900,000.00
Total FEES	4,900,000.00
OTHER INCOME	20,978.62
PROFIT PARTICIPATION	
CITY OF LIES	1,945.46
SLEEPY HOLLOW	62,882.00
FEAR AND LOATHING -NON UTA	52,573.00
BLOW	56,256.00
PIRATES 1 & 2	489,646.00
TRYON PICS 2 & 3 (PIRATES 2&3)	4,343,285.00
TRYON PIC 4 (ALICE 1)	1,634,249.00
TRYON PIC 5 (PIRATES 4)	2,579,012.00
Total PROFIT PARTICIPATION	9,219,848.46
RESIDUALS	
21 JUMP STREET	575.76
A NIGHTMARE ON ELM STREET	3,621.37
ALICE IN WONDERLAND	11,412.38
ALICE THROUGH THE LOOKING GLASS	6,532.25
ARIZONA DREAM	53.58
BLACK MASS	2,686.18
BENNY AND JOON	979.41
BLOW	2,229.85
CRY BABY	387.31
DEAD MAN	3.34
DON JUAN DEMARCO	392.92
DONNIE BRASCO	3,183.63
EDWARD SCISSORHANDS	2,994.55
FAMILY GUY	67.66
FEAR AND LOATHING - NON UTA	1,763.67
FREDDY'S DEAD FINAL NIGHTMARE	256.45
GONZO	328.03
I LOVE YOU, MAN	24.31
INTO THE WOODS	2,599.02
JACK AND JILL	395.06
KING OF THE HILL	22.45
LONE RANGER	684.61
MORTECAI	338.24
NICK OF TIME	412.01

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
PIRATES OF THE CARIBBEAN	4,109.26
PIRATES 2 'DEAD MAN'S CHEST	3,747.29
PIRATES 3 'AT WORLD'S END	2,174.30
PIRATES 4 'ON STRANGER TIDES	1,719.73
PUBLIC ENEMIES	1,152.19
RANGO	3,872.73
SHERLOCK GNOMES	31,620.24
SECRET WINDOW	3,598.11
THE ASTRONAUT'S WIFE	461.59
THE TOURIST	2,519.51
TRANSCENDENCE	60.02
TUSK	540.43
WHAT'S EATING GILBERT GRAPE	682.44
YOGA HOSERS	71.76
Total RESIDUALS	98,273.64
ROYALTIES	
BMI	528.41
SOUNDEXCHANGE	991.22
ROYALTIES - Other	73.47
Total ROYALTIES	1,593.10
Total Income	14,546,886.62
Gross Profit	14,546,886.62
Expense	
American Express #53001	5,027.96
American Express #03005	
DUES AND SUBSCRIPTIONS	130.00
American Express #03005 - Other	-1,500.00
Total American Express #03005	-1,370.00
AMERICAN EXPRESS 5-52003	3,654.36
AMERICAN EXPRESS 2-12007 TRAVEL	
JOHN C. DEPP #2-12007	
TRAVEL	41.54
HOTEL	22,584.81
MEALS AND ENTERTAINMENT	3,169.85
DUES AND SUBSCRIPTIONS	550.00
TRANSPORTATION	22,347.64
AIRFARE	42,903.75
Total JOHN C. DEPP #2-12007	91,597.59
Total AMERICAN EXPRESS 2-12007 TRAVEL	91,597.59
AMERICAN EXPRESS 73008	[redacted]

CONFIDENTIAL DRAFT

SCARAMANGA BROS., INC.

Profit & Loss

January through December 2021

	Jan - Dec 21
[redacted]	

CONFIDENTIAL DRAFT

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
[redacted]	
JOHN C. DEPP #2-73008	
COMPUTER AND INTERNET	254.56
OFFICE SUPPLIES	-1.74
STORAGE	9,121.99
DUES AND SUBSCRIPTIONS	3,527.20
TRAVEL	3,181.20
Total JOHN C. DEPP #2-73008	16,083.21
Total AMERICAN EXPRESS 73008	347,666.65
6311 ROMAINE STREET	
RENT	
#63-4350	103,615.84
#63-4345	80,366.00
#63-4344	19,445.36
RENT - Other	5,995.76
Total RENT	209,422.96
UTILITIES	2,783.93
Total 6311 ROMAINE STREET	212,206.89
MESSENGER	62,283.26
UNION DUES	4,048.98
1480 SWEETZER	
CABLE	1,999.80
Total 1480 SWEETZER	1,999.80
PENSION ADMINISTRATION	1,475.00
OFFICE EXPENSE	3,541.46
MEDICAL	
SAG- AFTRA	7,036.98
MEDICAL - Other	895.47
Total MEDICAL	7,932.45
AUTOMOBILE EXPENSE	

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
LEASE 2020 MINI COOPER S COUNTR	6,780.37
LEASE 2017 CADILLAC ESCALADE	12,090.24
INSURANCE	50,109.54
AUTO-OTHER	809.65
REPAIRS AND MAINTENANCE	8,446.33
AUTOMOBILE EXPENSE - Other	2,498.95
Total AUTOMOBILE EXPENSE	80,735.08
BANK SERVICE CHARGES	6,541.10
CASH	7,255.91
COMMISSIONS	
GAM	0.00
CAA	549,940.00
ICM	9,140.87
UTA	1,026,433.34
Total COMMISSIONS	1,585,514.21
COMPUTER AND INTERNET EXPENSE	8,400.00
DUES AND SUBSCRIPTIONS	3,761.00
ENTERTAINMENT	
JEFF BECK	1,200.00
Total ENTERTAINMENT	1,200.00
FAN MAIL	31,829.80
INSURANCE EXPENSE	
COMMERCIAL	5,888.10
COMMERCIAL PACKAGE	97,334.81
CRIME	3,479.00
FIREMANS FUND INSURANCE	104,642.82
MEDICAL CONCIERGE	48,000.00
MEDICAL INS REIMB-SECURITY	31,257.50
UMBRELLA	80,199.00
WORKERS' COMPENSATION	11,209.00
INSURANCE EXPENSE - Other	182,645.78
Total INSURANCE EXPENSE	564,656.01
INTEREST EXPENSE	
CAL PRIVATE BANK #56625	1,470.00
CAL PRIVATE BANK #56694	120,138.88
CAL PRIVATE BANK #53923	400,660.01
INTEREST EXPENSE - Other	362.51
Total INTEREST EXPENSE	522,631.40
LOAN FEES	
Cal Private Loan #53923	500.00
Total LOAN FEES	500.00
MEALS AND ENTERTAINMENT	824.31
[redacted]	

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
[redacted]	
PAYROLL EXPENSES	886.62
PAYROLL TAXES	
MEDICARE	7,250.00
FUTA	42.00
ETT	7.00
SUI	105.00
SOCIAL SECURITY	8,853.60
Total PAYROLL TAXES	16,257.60
[redacted]	

CONFIDENTIAL DRAFT

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
[redacted]	
PUBLIC RELATIONS	
SLATE PR, LLC	73,800.00
Total PUBLIC RELATIONS	73,800.00
[redacted]	
REPAIRS AND MAINTENANCE	22,510.16
[redacted]	
STORAGE	81,641.99
TAXES	
STATE - NC	0.67
UK TAXES WITHHELD	
PICTURE 5 (PIRATES 4)	257,902.00
Total UK TAXES WITHHELD	257,902.00
NC WK ST	0.60
CALIFORNIA	
FRANCHISE TAX BOARD	1,699,435.00
CALIFORNIA - Other	60.00
Total CALIFORNIA	1,699,495.00
TAXES - Other	185.00
Total TAXES	1,957,583.27

SCARAMANGA BROS., INC.
Profit & Loss
January through December 2021

	Jan - Dec 21
TELEPHONE EXPENSE	50,348.68
[redacted]	
UTILITIES	
CABLE AND INTERNET	6,302.14
Total UTILITIES	6,302.14
VOIDED CHECKS	0.00
Total Expense	15,413,516.68
Net Ordinary Income	-866,630.06
Other Income/Expense	
Other Income	
INTEREST INCOME	11,433.10
FTB tax refund	4,435.00
Total Other Income	15,868.10
Net Other Income	15,868.10
Net Income	-850,761.96

CONFIDENTIAL DRAFT

From:	Moniz, Samuel A.
To:	Adam Nadelhaft; Michelle Bredehoft; Chew, Benjamin G.; Vasquez, Camille M.; Presiado, Leo J.; Suda, Casey; Meyers, Jessica N.; Crawford, Andrew C.
Cc:	Elaine Bredehoft; Clarissa Pintado; David Murphy; Heather Colston; Rottenborn, Ben; Treece, Joshua; Michael Dailey; Craig Mariam; Sebastian van Roundsburg; Hazel Mae Pangan; jfarrar@grsm.com; dxcutting@grsm.com; Calnan, Stephanie; Mena, Yarelyn
Subject:	RE: Depp v Heard - Subpoenas to Gina Deuters
Date:	Tuesday, November 30, 2021 8:03:52 PM
Attachments:	image001.jpg

****EXTERNAL EMAIL****

Adam:

As indicated in my email below, we have not agreed and have not been authorized to accept service on behalf of Gina Deuters. Listing a means of contact is not the same as agreeing to accept service or waiving the requirements of personal service.

As also indicated in my email below, we will look into this issue and get back to you. We have been doing our best to work cooperatively with your office on the various subpoenas Ms. Heard has issued, and intend to continue doing so. But as you already know, we cannot accept service of any and all subpoenas without authorization.

Sam

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Adam Nadelhaft <anadelhaft@cbcblaw.com>
Sent: Tuesday, November 30, 2021 4:27 PM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Heather Colston <hcolston@charlsonbredehoft.com>; brottenborn@woodsrogers.com; Treece, Joshua <jtreece@woodsrogers.com>; Michael Dailey <mdailey@grsm.com>; Craig Mariam

<cmariam@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Hazel Mae Pangan <hpangan@grsm.com>; jfarrar@grsm.com; dxcutting@grsm.com; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: Depp v Heard - Subpoenas to Gina Deuters

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

Sam- After we requested the depositions of Stephen Deuters and Sean Bett in August of 2020, Ben Chew agreed to accept service for both (documents and depositions), so long as we agreed to take both depositions by Zoom. We have been working with your firm on their document productions for over a year, and have scheduled the depositions based on receiving the documents, which you recently produced. We expect these to be taken on January 25 and January 26, 2022, and if someone is not available, you should let us know now and provide available dates by this Thursday.

With respect to Gina Deuters, you specifically directed us to contact Ms. Deuters through Brown Rudnick. We have done precisely that, by sending you her subpoenas. Mr. Depp cannot list your firm as the address for Ms. Deuters and then refuse to accept service on their behalf. Please confirm that Gina Deuters will be available for her deposition on January 27, 2022. If they she is not available on that date, like Mr. Deuters and Mr. Bett, please let us know by Thursday of this week and we will work with you to schedule a mutually acceptable date for her deposition. Please be aware, however, that all these subpoenas should be treated by you as served, based on your explicit directions and agreements.

Adam

Adam S. Nadelhaft
Partner
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, VA 20190

(703) 318-6800, ext. 239
(240) 472-8298 (mobile)
(703) 318-6808 (fax)
www.cbcblaw.com

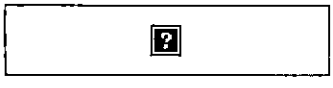
From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Tuesday, November 30, 2021 4:00 PM
To: Adam Nadelhaft <anadelhaft@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Heather Colston <hcolston@charlsonbredehoft.com>; brottenborn@woodsrogers.com; Treece, Joshua <jtreece@woodsrogers.com>; Michael Dailey <mdailey@grsm.com>; Craig Mariam <cmariam@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Hazel Mae Pangan <hpangan@grsm.com>; jfarrar@grsm.com; dxcutting@grsm.com; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: Depp v Heard - Subpoenas to Gina Deuters

Adam,

We have not previously agreed (and are not currently authorized) to accept service on behalf of Gina Deuters. We should also note that we understand Stephen and Gina Deuters to now be resident in the UK, and likely not subject to subpoena in the U.S.

We will look into this issue and can discuss this with you further, but as of today's date you should not assume that you have served this subpoena, or that it is effective.

Best,
Sam



Samuel A. Moniz
Associate

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F: 949-486-3671
smoniz@brownrudnick.com
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From: Adam Nadelhaft <anadelhaft@cbcblaw.com>
Sent: Tuesday, November 30, 2021 12:30 PM
To: Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Heather Colston <hcolston@charlsonbredehoft.com>; brottenborn@woodsrogers.com; Treece, Joshua <jtreece@woodsrogers.com>; Michael Dailey <mdailey@grsm.com>; Craig Mariam <cmariam@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; Hazel Mae Pangan <hpangan@grsm.com>; jfarrar@grsm.com; dxcutting@grsm.com
Subject: Depp v Heard - Subpoenas to Gina Deuters

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

Ben, et al- Attached are subpoenas to Gina Deuters that were filed with the Court today. This should also be considered service upon Ms. Deuters, as in Mr. Depp's disclosures, he stated that service for Ms. Deuters should be through Mr. Depp's counsel.

Best-

Adam

Adam S. Nadelhaft
Partner
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, VA 20190
(703) 318-6800, ext. 239
(240) 472-8298 (mobile)
(703) 318-6808 (fax)

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****

The information contained in this electronic message may 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.

****

****

The information contained in this electronic message may 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.

****

SUBPOENA DUCES TECUM (CIVIL) – ATTORNEY ISSUED VA CODE §§ 8.01-413, 16.1-89, 16.1-265; Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: 2019-002911

FILED
CIVIL PROCESSING
HEARING DATE AND TIME

Fairfax County Circuit Court

2021 NOV 30 P 1:11

4110 Chain Bridge Road, 3rd Floor, Fairfax, VA 22030
COURT ADDRESS

JOHN T. FREY
CLERK, CIRCUIT COURT

JOHN C. DEPP, II v./*In re:* AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Gina Deuters c/o Benjamin Chew, Brown Rudnick LLP
NAME

601 Thirteenth Street NW Suite 600
STREET ADDRESS

Washington	DC	20005
CITY	STATE	ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

PLEASE SEE ATTACHMENT 3

at 11260 Roger Bacon Drive Reston VA 20190 dmurphy@cbcblaw.com LOCATION at December 19, 2021 at 9:30am EST DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Defendant and Counterclaim Plaintiff Amber Laura Heard
PARTY NAME

David E. Murphy	90938
NAME OF ATTORNEY	VIRGINIA STATE BAR NUMBER
c/o Charlson Bredehoft Cohen & Brown, P.C.	703 318 6800
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY
11260 Roger Bacon Drive, Suite 201 Reston, VA 20190	703 318 6808
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY
November 30, 2021	David E. Murphy
DATE ISSUED	SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☒ **This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

.....

☐ PERSONAL SERVICE | Tel. No. .....

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

.....

☐ Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ NOT FOUND ....., Sheriff

..... by ....., Deputy Sheriff

DATE

CERTIFICATE OF COUNSEL

I, David E. Murphy, counsel for Defendant Amber Laura Heard, hereby certify that a copy of the foregoing subpoena duces tecum was served via email

DELIVERY METHOD

to bchew@brownrudnick.com, et al, counsel of record for Plaintiff John C. Depp, II, on the 30th day of November, 2021.

David E. Murphy

SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

ATTACHMENT 3

John C. Depp, II v. Amber Laura Heard

Fairfax County Circuit Court: CL 2019-0002911

DEFINITIONS

a. **Action.** The term "Action" means the above-captioned action.

b. **And/or.** The use of "and/or" shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.

c. **Communication.** The term "Communication" means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, photographs, video or audio tape recordings, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).

d. **Complaint.** The term "Complaint" means the Complaint, dated March 1, 2019, filed in the Action.

e. **Concerning.** The term "Concerning" includes relating to, referring to, describing, evidencing, or constituting.

f. **Correspondence.** The term "correspondence" means any document(s) and/or communication(s) sent to or received from another entity and/or person.

g. **Defendant and/or Ms. Heard.** The terms "Defendant" and/or "Ms. Heard" refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and all persons acting on her behalf.

h. **Depp Abuse of Heard Dates.** The phrase "Depp Abuse of Heard Dates" refers to the time periods contained in the Court's November 8, 2021 Order: December 15, 2012-January 15, 2013; March 6-April 5, 2013; June 1-June 30, 2013; May 22-June 7, 2014; August 15-August 31, 2014; December 15-December 31, 2014; January 23-February 8, 2015; March 1-April 6,

2015; August 1-August 31, 2015; November 24-December 10, 2015; December 13, 2015-January 12, 2016; April 19-May 5, 2016; May 19-June 4, 2016; and July 15-July 29, 2016.

i. **Disney.** The term Disney refers Walt Disney Motion Pictures Group, Inc., is affiliates, subsidiaries, employees, agents, assigns, representatives and all persons and entities acting on its behalf, including, but not limited to, Walt Disney Pictures, Sean Bailey, and Jerry Bruckheimer.

j. **Document.** The term "Document" is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and including all of their contents and attached files. The term "document" shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, audio or video recordings, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements, circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

k. **Engaged.** The term "Engaged," in relation to a person (as defined herein), means contracted, directed, hired, retained, formed an agreement with (whether formal or informal, binding or nonbinding, written or oral), and/or procured the services of, whether or not in exchange for remuneration or other valuable consideration.

l. **Including.** The term "including" means including but not limited to.

m. **Other Litigation.** The term "Other Litigation" includes the following cases either brought against Mr. Depp or by Mr. Depp. Individually, the name in quotations following the title of the case refers to that particular case.

- *Eugene Arreola, Miguel Sanchez v. John C. Depp, II et al.*, Case No. BC704539, Cal. Super. Ct. (Los Angeles County filed May 1, 2018) ("Security Guard Case").
- *Gregg "Rocky" Brooks v. John C. Depp, et al.*, Case No. BC713123, Cal. Super. Ct. (Los Angeles County filed July 6, 2018) ("Movie Set Assault Case").

- *John C. Depp, II, et al v. Bloom Hergott Diemer, Rosenthal Laviolette Feldman Schenkman & Goodman, LLP, Jacob A. Bloom, and DOES 1-30,* Case No. BC680066 (Cal. Super. Ct. filed Oct. 17, 2017) ("Attorney Case").
- *John C. Depp, II, Edward L. White v. The Mandel Company, et al.,* Case No. BC646882 (Cal. Super. Ct. filed January 13, 2017) ("Mandel case").

n. **Person.** The term "person" is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

o. **Performance.** The term "Performance," in relation to Mr. Depp, means any creative work in which Mr. Depp or his likeness is, was, will be, may be, or is contemplated to appear, whether or not in exchange for payment or other benefit to Mr. Depp, and includes (without limitation) any appearance (or potential appearance) by Mr. Depp in any film, TV series, product endorsement, advertisement, musical performance, or in-person appearance. To avoid doubt, a Performance includes any creative work in which it was contemplated that Mr. Depp or his likeness would be featured, even if the work was ultimately created without Mr. Depp or his likeness appearing.

p. **Plaintiff and/or Mr. Depp.** The terms "Plaintiff' and/or "Mr. Depp" in the context of any communications refer to Plaintiff John C. Depp, II, and also include his agents, representatives, employees, assigns, and all persons acting on his behalf both individually or as entities, including, but not limited to Infinitum Nihil, Scaramanga Bros. Inc., L.R.D. Productions, Inc., Adam Waldman, The Endeavor Law Firm PC, Frederick Levin, Buckley Sandler LLP, Pat Cipollone, Edward White, Edward White & Co, Benjamin Chew, Camille Vasquez, and Samuel Moniz, or any other attorney or agent representing Mr. Depp.

q. **Requests.** The term "Requests" shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment.

r. **Romantic Partners.** The term "Romantic Partners" shall mean any persons You know to have been in an intimate relationship with Mr. Depp.

s. **You and/or Your.** The terms "You" and/or "Your" refer to the recipient of this Subpoena, as well as all persons and entities over which said recipient has "control" as understood by the Rules of this Court.

INSTRUCTIONS

1. Where information in Your possession is requested, such request includes non- privileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

2. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests any information which might otherwise be construed to be outside their scope.

3. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

4. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

5. If You perceive any ambiguities in a question, instruction, definition, or other aspect of this Subpoena, set forth the matter deemed ambiguous, and the construction used in answering.

6. If You assert a claim of privilege as to any of Your responses to the Requests, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication.

7. If You perceive any Request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so as to permit an informed ruling on the objection.

8. These Requests are continuing in character so as to require You to promptly amend or supplement Your production of documents within a reasonable time if You obtain or become aware of any further documents responsive to this Subpoena.

9. Unless otherwise indicated, these Requests request documents for a time period of January 1, 2012 to the present

DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, You are required to produce the original or an exact copy of the following and any documents in Your possession, custody or control:

1. All documents, communications, and correspondence relating to communications with Adam Waldman, Benjamin Chew, Camille Vasquez, Leo Presidio, Samuel Moniz, or any other attorney representing or communicating with you on behalf of Mr. Depp.

2. All documents, communications, and correspondence relating in any manner to Ms. Heard.

3. All documents that constitute, refer to or relate to video and/or audio recordings, photographs and/or images of Ms. Heard, including any copies of anything recorded by Mr. Depp or any of his entities, representatives or agents.

4. All documents that refer or relate to any consumption or possible consumption of alcohol or drug use, or abuse, by Mr. Depp.

5. All documents referring or relating to any instances or possible instances of issues with anger, anger management, shouting, yelling, scolding or speaking in a harsh tone, by Mr. Depp toward any person, including Ms. Heard or other females, any acquaintances, friends, dates, employees, or contractors of Mr. Depp or his companies, photographers, videographers, news reporters, and/or strangers.

6. All documents relating in any manner to Mr. Depp's efforts to cover up, deny, falsify or misrepresent facts or events reflecting negatively upon him.

7. All documents that refer or relate to any instances or possible instances of physical violence by Mr. Depp toward any person or property, including any photographs, videos, drawing, or other descriptions.

8. All documents that may impact negatively on Mr. Depp or Mr. Depp's reputation.

9. All communications between you and Mr. Depp referring or related to the Instagram account "johnnydepp," including but not limited to all communications referring to any posting on this account from January 1, 2020 through the present.

10. All communications between you and Mr. Depp referring or related to the posting of any information on the internet related to Mr. Depp.

11. All communications with Mr. Depp in which he created and/or sent you any content to be posted on the Instagram account "johnnydepp."

12. All communications between you and Robin Baum related in any manner to Mr. Depp.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II, Plaintiff, v. AMBER LAURA HEARD, Defendant.	Civil Action No.: CL-2019-0002911

COUNSEL OF RECORD FOR ALL PARTIES

Benjamin G. Chew (VSB 29113) Andrew C. Crawford (VSB 89093) BROWN RUDNICK LLP 601 Thirteenth Street, N.W. Washington, D.C. 20005 Telephone: (202) 536-1700 Facsimile: (202) 536-1701 bchew@brownrudnick.com acrawford@brownrudnick.com *Counsel for Plaintiff John C. Depp, II*	Camille M. Vasquez (admitted *pro hac vice*) BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 cvasquez@brownrudnick.com *Counsel for Plaintiff John C. Depp, II*
Elaine Charlson Bredehoft (VSB No. 23766) Adam S. Nadelhaft (VSB No. 91717) Clarissa K. Pintado (VSB No. 86882) David E. Murphy (VSB No. 90938) Charlson Bredehoft Cohen & Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, Virginia 20190 Telephone: (703) 318-6800 ebredehoft@cbcblaw.com anadelhaft@cbcblaw.com cpintado@cbcblaw.com dmurphy@cbcblaw.com *Counsel for Defendant Amber Laura Heard*	J. Benjamin Rottenborn (VSB No. 84796) Joshua R. Treece (VSB No. 79149) WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, Virginia 24011 Telephone: (540) 983-7540 brottenborn@woodsrogers.com jtreece@woodsrogers.com *Counsel for Defendant Amber Laura Heard*

SUBPOENA FOR WITNESS (CIVIL) – ATTORNEY ISSUED

Commonwealth of Virginia
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. 2019-002911

FILED
CIVIL PROCESSING
9:30 am
2021 NOV 30 P 1:12
JOHN T. FREY
CLERK CIRCUIT COURT
FAIRFAX, VA

HEARING DATE AND TIME

Fairfax County Circuit Court

4110 Chain Bridge Road, 3rd Floor, Fairfax, VA 22030
ADDRESS OF COURT

JOHN C. DEPP, II v./*In re:* AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:
You are commanded to summon

Gina Deuters c/o Benjamin Chew, Brown Rudnick LLP
NAME

601 Thirteenth Street NW Suite 600
STREET ADDRESS

Washington	DC	20005
CITY	STATE	ZIP

TO the person summoned: You are commanded to appear

[ ] in the _____ Court

[X] at 11260 Roger Bacon Drive, Reston, VA 20190 or Remote Via Zoom
ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on January 27, 2022 at 9:30 am to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

Defendant and Counterclaim Plaintiff Amber Laura Heard
PARTY NAME

David E. Murphy	90938
NAME OF ATTORNEY	VIRGINIA STATE BAR NUMBER
c/o Charlson Bredehoft Cohen & Brown, P.C.	(703) 318-6800
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY
11260 Roger Bacon Drive, Suite 201, Reston, VA 20190	(703) 318-6808
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY
November 30, 2021	David E. Murphy
DATE ISSUED	SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

CERTIFICATE OF SERVICE

I certify that on this 30th day of November, 2021, a copy of the foregoing shall be served by email, pursuant to agreement and Court Order, as follows:

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

David E. Murphy

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II, Plaintiff, v. AMBER LAURA HEARD, Defendant.	Civil Action No.: CL-2019-0002911

COUNSEL OF RECORD FOR ALL PARTIES

Benjamin G. Chew (VSB 29113) Andrew C. Crawford (VSB 89093) BROWN RUDNICK LLP 601 Thirteenth Street, N.W. Washington, D.C. 20005 Telephone: (202) 536-1700 Facsimile: (202) 536-1701 bchew@brownrudnick.com acrawford@brownrudnick.com *Counsel for Plaintiff John C. Depp, II*	Camille M. Vasquez (admitted *pro hac vice*) BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 cvasquez@brownrudnick.com *Counsel for Plaintiff John C. Depp, II*
Elaine Charlson Bredehoft (VSB No. 23766) Adam S. Nadelhaft (VSB No. 91717) Clarissa K. Pintado (VSB No. 86882) David E. Murphy (VSB No. 90938) Charlson Bredehoft Cohen & Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, Virginia 20190 Telephone: (703) 318-6800 ebredehoft@cbcblaw.com anadelhaft@cbcblaw.com cpintado@cbcblaw.com dmurphy@cbcblaw.com *Counsel for Defendant Amber Laura Heard*	J. Benjamin Rottenborn (VSB No. 84796) Joshua R. Treece (VSB No. 79149) WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, Virginia 24011 Telephone: (540) 983-7540 brottenborn@woodsrogers.com jtreece@woodsrogers.com *Counsel for Defendant Amber Laura Heard*

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Transcript of Edward White

Date: February 2, 2022
Case: Depp, II -v- Heard

Planet Depos
Phone: 888.433.3767
Email: transcripts@planetdepos.com
www.planetdepos.com

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documents numbered EWC 24 through 46 are Income Statements and Profit & Loss statements for Scaramanga Bros.?

A They appear to be Income Statements for Scaramanga, if that's responsive to your question.

Q And Profit & Loss statements as well?

A It's -- just let me look at it for a moment.

Q Sure.

A What I'm looking at -- it moved. What I'm looking at is a Profit & Loss summary analysis for January through December 2016. Is that responsive to your question?

Q Yeah. My question was just if -- if these documents included -- you said just Income Statements, but also Profit & Loss statements for Scaramanga Bros.

A There are three entities, you've identified them, that are only owned by Mr. Depp and utilized for his business activities.

Q What is Scaramanga Bros.?

A It's another loan-out corporation. And

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depending upon the nature and the scope of the business activity, the income and related expenses are a conduit through this entity, as they are for L.R.D., and as they are for Infinitum.

Q And is your firm responsible for filing Mr. Depp's individual tax returns and tax returns for these entities?

A Yes.

Q And have you been since you were retained in 2016?

A Yes.

MR. ROTTENBORN: Can you please go to the table starting at EWC 48.

Q And just tell me, what are these documents?

A It appears that this document was constructed to identify sources of revenue from various business relationships for several periods commencing in 2009. Based upon what I can see on the screen, continuing through --

MR. ROTTENBORN: Not so small. I can't see it.

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THE WITNESS: See, what's happened is, on the right side of my screen there is a visual image of all the people participating.

I'm just trying to get the final date. It's a little small. Can we make that a little bigger, please.

Is that 2020? Yes, it appears that the schedule commences on 2009 and continues through August of 2020.

BY MR. ROTTENBORN:

Q And is this a schedule that you put together?

A This would have been put together by my colleagues. I would have engaged in discussions with them about the content.

Q For all these documents, EWC 1 through 52, what other documents did you or anyone else rely upon or refer to to prepare them?

A We would have looked at the underlying source documents; for example, contracts. We would have looked at the stream of payments that were actually rendered. That would be examples of

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the kind of information that we would have analyzed in order to produce this document.

Q What else would you have analyzed?

A Those are the two salient elements; what the contract stipulates and what actually was received.

Q And were there also -- for -- and I'm talking about not only this summary document on 48 to 52, but also EWC 1 through 47, which shows -- those documents show expenses as well, right?

A What I looked at earlier there were schedules that showed profit and loss and, therefore, the loss portion of it would be the expense part of the ledger.

Q So, what documents would you or anyone else refer or rely upon to generate the Income Statements or Profit & Loss statements?

A Numerous documents. There could be thousands if not tens of thousands of entries that would be compiled and organized and presented to construct these numbers.

Q And where would those entries or that

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information reside?
A They reside in journals, which is the book of first entry, and in the ledgers that are maintained for each of these entities.
Q Do you use software for those journals or ledgers?
A Yes, we do.
Q What software?
A A company called QuickBooks. On some cases we've used Datafaction.
Q I'm sorry, what was that second one?
A Datafaction.
But QuickBooks is our primary software package, if you will.
Q You mentioned earlier, I think when you were referring to the summary tables at the end of this document bundle, that you would look at contracts and stream of payments. What is "stream of payments"?
A That's the actual receipts of cash that is paid to Mr. Depp and his entities from the various companies that engage him.

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Q And where does that information exist?
A It exists in the journals and in the ledgers for each of the entities.
Q Have you produced those contracts, the stream of payments, the journals, the ledgers, anything of that nature in this case?
MR. PRESIADO: Objection; compound.
You can answer, if you know.
THE WITNESS: Well, all the information that we were requested has been produced and sent to counsel.
Q And I don't want to know what your counsel told you to produce or not because that's privileged at this point, but my question to you is: Do you know whether or not you have produced -- like you produced EWC 1 through 52 to us, whether you produced contracts or stream of payments or journals or ledgers or any other information that would underlie EWC 1 through 52?
MR. PRESIADO: And I object to that as privileged. What he produced to counsel is privileged, so I'd instruct him not to answer.

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You can ask him, as you have been, what exists. But as far as what he produced at the instruction of counsel is privileged.
THE WITNESS: Therefore, I will follow the advice of my counsel.
BY MR. ROTTENBORN:
Q And my question was: Is he aware -- are you aware, Mr. White, of any of that type of information being produced to Ms. Heard's side in this case?
MR. PRESIADO: Objection. That would necessarily involve attorney-client communications. I instruct him not to answer.
THE WITNESS: Therefore, I will not answer in accordance with the instruction of my counsel.
Q Mr. White, are you aware of a court order requiring Mr. Depp to produce all underlying financial documents relied upon or referred to by you, Mr. White, to prepare the numbers and calculations included in EWC 1 through 52?
MR. PRESIADO: Objection; calls for -- necessarily calls for attorney-client

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communications and I'd instruct him not to answer.
THE WITNESS: Therefore, I will not answer in accordance with the instruction from my counsel.
BY MR. ROTTENBORN:
Q I disagree that that necessarily entails that, but we'll obviously take direction from your counsel.
Have you ever taken it upon yourself, Mr. White, to see a public order requiring Mr. Depp to produce the information that I just listed?
MR. PRESIADO: I'm sorry, Ben, I -- I must have missed the beginning of that. Can you repeat that, please.
Q Other than communications with your counsel, have you ever seen yourself, taken it upon yourself to see a public court order requiring Mr. Depp to produce documents referred to or relied upon in constructing EWC 1 through 52?
MR. PRESIADO: I'm not sure I understand

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that question, so I'll object as vague and ambiguous.
But, again, to the extent -- to the extent you understand the question, to the extent you can answer without divulging attorney-client communications, you can do so. Otherwise, I would instruct you not to answer.
THE WITNESS: I do not believe I can respond to that without violating the attorney-client privilege, and, therefore, I will follow the advice of my counsel.
BY MR. ROTTENBORN:
Q I just want to kind of get a breakdown of -- or just kind of get an understanding of these documents to some degree. So if we look at, like we looked at before, just say EWC 20, just as an example.
Just to make sure I'm understanding these documents, this document is saying that in the calendar year 2016, L.R.D. Productions had a gross profit of 2.098 million and change?
A That's what the schedule states.

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MR. ROTTENBORN: Let's go to -- just by way of example, let's go to EWC 35, please.
BY MR. ROTTENBORN:
Q Can you -- and I think I have an understanding, but I'm curious as to yours. Can you explain to me what a residual is.
A Yes. Artists receive upfront consideration for their performances. In addition, if you are highly acclaimed, you have a participation in the film based upon a formula. And the residuals would be the quantification of your participation. So it comes after the movie is produced and viewed by the general public, and typically been very successful, that produces extraordinary income, and the artist may participate in that, and that creates a residual.
Q How does that differ from profit participation?
A It's a term of -- that some people use. And it may be some -- substantially equivalent.
Q So, like, on EWC 35, in 2015, Scaramanga Bros., as a result, I assume, with Mr. Depp's

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involvement in these films, but tell me if I'm wrong, received a number of residuals in a number of films and television appearances, right?
MR. PRESIADO: Objection; compound.
THE WITNESS: The answer is yes, the schedule depicts the sources of that revenue.
Q And if you go to the next page, EWC 36, there's a separate section for Profit Participation. Do you see that?
A Yes.
Q What is the difference between profit participation and residuals --
A It's oftentimes how the entertainment company classifies their disbursements. But both a residual and a profit participation is something earned by the artist in addition to their initial guaranteed compensation.
Q Do you have -- obviously, this -- the information that you have at your firm's disposal for -- before you became involved, that information had to come from somewhere, right?
MR. PRESIADO: I'm sorry, Ben. I missed

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that question. Can you repeat it, please.
MR. ROTTENBORN: Sure. Let me rephrase.
BY MR. ROTTENBORN:
Q Did -- does -- the information about what Mr. Depp or his affiliated companies earned before you were hired, did that come from TMG records?
MR. PRESIADO: Again, to the extent that -- to the extent your knowledge in that regard was obtained through communications where attorneys were present, I would instruct you not to answer. But, otherwise, you can answer.
THE WITNESS: Attorneys were not present. And we obtained all the historical documents that had been constructed by TMG, and that would have been the source of our information.
Q Do you have any knowledge one way or the other on whether those records that you received from TMG are accurate?
A I do not have any reason to believe they're not accurate. But we did not reconstruct the historical information and perform a comprehensive forensic study.

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Q Would it be common to provide this information to Mr. Depp in, say, the first quarter of 2020?
A We respond to Mr. Depp in accordance with his request. And it would not be common that we would necessarily send him the type of schedules that you've been showing me within the first quarter. If he has inquiries, we -- we would -- we would respond in a very timely manner, meaning in the first -- within 30 days.
But in response to your question were these statements produced with the objective to sending them to Mr. Depp, the answer is no; they're produced for other reasons.
Q And what are those reasons?
A We have to file tax returns for Mr. Depp and his entities. In order to file tax returns, you take out of the journals and the ledgers an unadjusted trial balance, then you go through an adjusting process. So we're producing these documents primarily for our internal use in order to be in compliance with the various taxing

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authorities.
Q So for the 2020 Profit & Loss statements would you have produced those for your internal use prior to filing Mr. Depp's 2020 taxes?
MR. PRESIADO: Objection; vague and ambiguous as to "produced." Do you mean create or prepare, or do you mean "produced" in the context of litigation?
Q You can answer, Mr. White.
MR. PRESIADO: You can answer, if you understand it.
THE WITNESS: I don't know the timing of when these documents were created, and I don't know the origin of why they were created. I gave you what I thought would be a reasonable explanation, which is: We create financial statements for several reasons. One is to be compliant with taxing authorities. Others might be that financial institutions that made loans to Mr. Depp would like financial information about his capacity.
So there would be a number of reasons why

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a profit and loss statement might be produced, as you called it, I call it created, within the -- from -- by my colleagues at EWC.
Q Is it -- would it be safe to assume that the 2020 Profit & Loss statements were created over a month ago?
A For 2020?
Q Yes.
A Oh, yes. We had to -- for 2020 we had to file tax returns for these entities in a timely manner, and it clearly would have not been created in -- in -- I guess you're saying January of '22.
Q Right. So they would have been created before you filed those timely tax returns?
A Yes. If this information was used in the preparation of the tax returns, they would have been produced notably before the compliance scheduled dates.
Q And when did you get -- file Mr. Depp's tax returns for 2020?
A Which tax return are you referring to?
Q For the three businesses.

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A They have to be filed by September 15th of '21. So they would have been filed on or before that date. And I cannot tell you the date that they were filed because it's -- I'd have to speak with my colleagues and look at the schedules to see the actual date. But before --
Q So --
A -- September 15th of '21.
Q So the 2020 Profit & Loss statements for Mr. Depp's companies would have been created by your firm prior to September 15, 2021?
A If these statements were created for the purpose of being compliant with the taxing authorities, the answer is yes. I don't know the reason why these particular statements were constructed or the timing of them. There could have been other reasons for these, and I'd have to look into the purpose for the construction of these statements.
But generally speaking, statements are created well before the compliance date of -- to be compliant with the taxing authorities.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II, Plaintiff, v. AMBER LAURA HEARD, Defendant.	Civil Action No.: CL-2019-0002911

ORDER

THIS MATTER CAME TO BE HEARD upon Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Ms. Heard") Motion to Compel Responses to Tenth Requests for Production of Documents to Plaintiff and Counterclaim Defendant John C. Depp II, pursuant to Rule 4:12 of the Rules of the Virginia Supreme Court; and upon consideration of the briefs, exhibits, and argument of counsel on August 6, 2021, it is hereby:

ORDERED that Ms. Heard's Motion is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 5 of Ms. Heard's Tenth Requests for Production of Documents:

> Portions of non-privileged deposition transcripts, written discovery responses (including responses to interrogatories, requests for production, and requests for admission), pleadings, exhibits to pleadings, and deposition exhibits referenced in responsive portions of deposition testimony provided in any of the "Other Litigation" [as defined in the 10th Requests for Production] relating to:
>
> a. Ms. Heard's relationship with Mr. Depp;
>
> b. To the extent not covered by the preceding category, Mr. Depp's and Ms. Heard's respective allegations of physical or emotional domestic abuse/violence;

no env 8/23/21

c. Any alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, as a result of alleged tardiness or behavior on set;

d. Any allegations of reputational harm, alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, caused by the defendants in the Other Litigation;

e. Any allegations by the defendants in the Other Litigation of damage to Mr. Depp's career prospects, damage to his career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity;

f. Any allegations by anyone of drug and alcohol use or abuse by Mr. Depp or Ms. Heard;

g. Anything related to Mr. Depp committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial remuneration as a result of the property damage committed;

h. Anything related to Ms. Heard committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial enumeration as a result of the property damage committed;

i. Anything related to Mr. Depp's injury to his finger in March 2015; and

j. Anything related to Mr. Depp's efforts to obtain a pre-nuptial or post-nuptial agreement from Ms. Heard and any communications in connection therewith.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 6 of Ms. Heard's Tenth Requests for Production of Documents:

> All financial documents relied upon by Mr. White, or anyone else who may have been involved or participated (collectively, "Mr. White"), in preparing the documents bates numbered EWC 1-52. For purposes of clarity, this request is only seeking all underlying financial documents relied upon or referred to by Mr. White to prepare the numbers and calculations included in EWC 1-52.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 20 of Ms. Heard's Tenth Requests for Production of Documents:

> Please provide documents sufficient to reflect all loans, benefits, perks, expenses, or payments for any other reason in excess of $5,000 in either cash or value made by You from May 21, 2016 through the present, to the following (for each person the request includes if paid to an entity or someone on their behalf): Debbie Lloyd, Christi Dembrowski, Trinity Esparza, Brandon Patterson, Cornelius Harrell, Alejandro Romero, Robin Baum, Laura Divenere, Christian Carino, Jack Whigham, Tracy Jacob, Melanie Inglessis, Stephen Deuters, Sean Bett, Malcolm Connolly, Nathan Holmes, Raquel Pennington, Kate James, Jennifer Howell, Michele Mulrooney, Edward White, Melissa Saenz, Tyler Hadden, Isaac Baruch, Lisa Beane, Erin Boerum, Connell Cowan, Bobby de Leon, Gina Deuters, Josh Drew, Ben King, David Kipper, Joel Mandel, Samantha McMillen, Kevin Murphy, Todd Norman, C.J. Roberts, Tara Roberts, Anthony Romero, Trudy Salven, Sam Sarkar, Robin Schulman, Doug Stanhope, Jessica Weitz, Bruce Witkin, Keenan Wyatt, and Blair Berk.
>
> The foregoing shall not require the production of documents reflecting payments to Mr. Depp's attorneys. Mr. Depp shall also identify, in the affirmative and without stating any amounts, whether any of the above identified individuals received any salary, commissions, bonuses, or advances ("Salary") from him.

and it is further

ORDERED that Mr. Depp shall produce all documents responsive to the above Requests no later than September 17, 2021; and it is further

ORDERED that Ms. Heard's Motion to Compel Requests 10, 24 and 25 of the Tenth Requests for Production of Documents is DENIED as overbroad.

SO ORDERED.

August 19, 2021

[redacted]

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.

SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:

[redacted] (by permission)

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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jtreece@woodsrogers.com

Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:

[redacted]

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Andrew C. Crawford (VSB 89093)
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Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF OPPOSING EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order dated April 22, 2021, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby designates and identifies his opposing expert witnesses.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses have yet to occur—Plaintiff reserves the right to supplement this Opposing Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

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5. **Richard J. Shaw, MD, Forensic Psychiatrist, Stanford University School of Medicine, 401 Quarry Road, Suite 1122, Palo Alto, California 94305.** Dr. Shaw is a Professor of Psychiatry who has been practicing psychiatry for over 35 years. Dr. Shaw currently works at the Department of Psychiatry and Behavioral Sciences at Stanford University School of Medicine where he has worked since 1996. Dr. Shaw serves as the Medical Director for Consultation-Liaison Services at the Lucile Packard Children's Hospital at Stanford University and as a Psychiatric Consultant for the Pediatric Emergency Room at Standard University Medical Center. Dr. Shaw is board certified in psychiatry and child and adolescent psychiatry. Dr. Shaw currently serves on various professional organizations including as a member of the Committee on the Physically Ill Child for the American Academy of Child and Adolescent Psychiatry. Dr. Shaw has authored 70 peer revied manuscripts and almost 30 book chapters. Dr. Shaw serves on the editorial board for *Academic Psychiatry.* Dr. Shaw is a seasoned expert who has been performing forensic psychiatric work for the past 18 years, has been retained as an expert in almost 200 cases, and has provided trial or deposition testimony in nearly 50 cases. Dr. Shaw received his Pre-clinical Training in Basic Medical Sciences from the University of London and his Medical Degree at the Middlesex Hospital Medical School from the University of London.

Subject Matter of Dr. Shaw's Opinion: Dr. Shaw will testify concerning Dr. Spiegel's opinions as rendered in Ms. Heard's Supplemental Disclosure of Expert Witness dated January 11, 2022.

Substance of Dr. Shaw's Opinion: Specifically, Dr. Shaw will draw upon his experience and expertise as a forensic psychiatrist to testify that (i) based on the Goldwater Rule, psychiatrists should not render professional opinions about the mental state of individuals they

have not personally and thoroughly evaluated; (ii) the Goldwater Rule remains best practices as it has been widely accepted by the professional organizations that dictate standards of care with regard to forensic practice; (iii) in rendering an opinion about cognitive deficits and psychiatric diagnoses in Mr. Depp without conducting a personal evaluation, Dr. Spiegel has failed to abide by the Goldwater Rule; and (iv) Dr. Spiegel misrepresents the literature on risk factors for IPV as Dr. Spiegel frames these risk factors as evidence that Mr. Depp is an IPV perpetrator.

Summary of the Grounds for Dr. Shaw's Opinion: Dr. Shaw will base his opinions on the following grounds:

f. The Goldwater Rule:

a. *American Psychiatric Association*:

i. In 1973, the American Psychiatric Association (APA) developed a policy commonly known as the Goldwater Rule following a controversy that emerged during the 1964 presidential election when Fact magazine published the results of a large survey of psychiatrists who were asked whether Senator Barry Goldwater was psychologically fit to run for the presidency. Many respondents described the senator as "paranoid," "grossly psychotic" and a "megalomaniac" while others provided diagnoses that included schizophrenia and narcissistic personality disorder.[37] After Senator Goldwater successfully sued the magazine for defamation of character, the APA asserted that psychiatrists should not give professional

[37] Fact Magazine. 1,189 Psychiatrists Say Goldwater Is Psychologically Unfit to be President! Vol 1, No. 5. New York, NY: Fact Publishing; September-October 1964.

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opinions about the mental state of individuals they have not personally and thoroughly evaluated.[38]

ii. The Goldwater Rule has subsequently been published as an annotation in Section 7.3 of the Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry: "On occasion psychiatrists are asked for an opinion about an individual who is in the light of public attention or who has disclosed information about himself/herself through public media. In such circumstances, a psychiatrist may share with the public his or her expertise about psychiatric issues in general. However, it is unethical for a psychiatrist to offer a professional opinion unless he or she has conducted an examination and has been granted proper authorization for such a statement."[39]

iii. The APA Ethical Guidelines further caution that "a psychiatrist should avoid cloaking their public statements with the authority of the profession."[40]

iv. In 2008, Richard Friedman, MD, a Professor of Psychiatry at Weill Cornell Medical College, similarly opined that "for a mental health professional – or any physician – to publicly offer a diagnosis at a distance of a non-patient not only invites public distrust of these professionals but also is intellectually dishonest and is damaging to the

[38] American Psychiatric Association. The Principles of Medical Ethics: Principles With Annotations Especially Applicable to Psychiatry. Arlington, VA: American Psychiatric Press Inc; 2008.
[39] Ibid.
[40] Ibid.

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profession."[41] He also wrote that "a professional opinion should reflect a thorough and rigorous examination of a patient, the clinical history, and all relevant clinical data and protection of strict confidentiality, none of which is possible by casual observation of a public figure. To do so otherwise is unethical because it violates this fundamental principle and thereby misleads the public about what constitutes accepted medical and nonmedical professional practice."[42]

v. In 2016, Ronald Pies, MD, a Professor of Psychiatry, also at Weill Cornell Medical College, writing in the Psychiatric Times, supported the premise of the Goldwater Rule, including that it is unethical to offer publicly the putative clinical diagnosis of any living person unless the psychiatrist has conducted a thorough clinical examination of the person, evaluated appropriate ancillary data such as the person's family history or psychometric testing, and has been granted proper authorization for stating the person's diagnosis publicly.[43] However, he argued for greater clarity and specificity in interpreting the Goldwater Rule. While Dr. Pies asserted that comments made by a psychiatrist that amount to a clinical diagnosis of a living person in the absence of a clinical evaluation was a breach of the Goldwater Rule, he wrote that there were circumstances in which a psychiatrist might give a professional opinion. These included: (1) historical inferences

[41] Friedman RA. "Is It Time to Call Trump Mentally Ill?" The New York Times, February 17, 2017.
[42] Ibid.
[43] Pies RW: Deconstructing and Reconstructing the "Goldwater Rule," Psychiatric Times, Vol 33 No 10, October 7, 2016

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as to a likely diagnosis applied to a person who was no longer living, often a historical figure of interest; (2) non-diagnostic professional opinions regarding living persons when a psychiatrist might comment broadly about the clinical significance of a pattern of behavior without offering a specific clinical diagnosis; and (3) professional comments that offer a differential diagnosis of a symptomatic or behavioral pattern in a living person, without providing a clinical diagnosis of that person. Dr. Pies also clarified that a clinical diagnosis can only be made on the basis of a direct personal examination of a patient.

vi. In 2017, the APA Ethics Committee reasserted its support for the Goldwater Rule in an opinion in which it was asserted that while it was reasonable for psychiatrists to share their expertise about psychiatric issues in general, it was unethical to offer a professional opinion about an individual without conducting a psychiatric evaluation.[44] The Ethics Committee clarified that the rule applied to all professional opinions offered by a psychiatrist, not merely those limited to affirming the presence or absence of a psychiatric diagnosis. In explaining this position, the Ethics Committee gave three justifications in support of their opinion:

    1. When a psychiatrist renders an opinion about the behavior, symptoms, or diagnosis of a public person without consent, the psychiatrist is violating the principle that all psychiatric

[44] Oquendo M (2017). "APA Remains Committed to Supporting Goldwater Rule." www.psychiatry.org Accessed February 6, 2022.

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evaluations should be conducted with both consent and authorization of the individual.

2. When a psychiatrist offers a professional opinion about an individual who has not been examined, the psychiatrist is departing from the established and accepted community standard of care which requires a careful review of the individual's medical history and first-hand examination. Practicing in this manner compromises the integrity of the psychiatrist and the psychiatric profession.
3. When psychiatrists offer medical opinions about an individual whom they have not examined, there is the potential to stigmatize those with mental illness.

vii. In a 2017 commentary on the APA Ethics Committee opinion, Maria Oquendo, MD, PhD, the President of the APA, came out strongly in support of this position, including that adherence to the Goldwater Rule should supersede concerns commonly expressed against the Rule, including those related to freedom of speech, civic duty, and "professional opinions or psychological profiles solicited by courts or law officials for forensic cases."[45] Dr. Oquendo concluded her commentary by speaking to the damage to the professional integrity and trust of psychiatry by the community and wrote that breaking the

[45] Ibid.

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Goldwater Rule was "irresponsible, potentially stigmatizing, and definitely unethical."[46]

viii. The presidency of Donald Trump has brought fresh attention to the premise of the Goldwater Rule. In December 2016, a Huffington Post article featured a letter written by three professors of psychiatry citing President Trump's "grandiosity, impulsivity, hypersensitivity to dislikes or criticism, and an apparent inability to distinguish between fantasy and reality" as evidence of his mental instability.[47] John D. Gartner, a practicing psychotherapist and author who teaches at Johns Hopkins University Medical School, and quoted in the U.S. News & World Report, described President Trump as having "malignant narcissism, which is characterized by grandiosity, sadism, and antisocial behavior."[48] It has been argued that while the validity of *psychiatric profiling* is not established, it might reasonably be defended if it was deemed vital to public safety or national security.[49] However, this argument has little bearing with respect to private citizens involved in civil litigation.

b. American Psychological Association

i. In 2016, Susan H McDaniel, PhD, President of the American Psychological Association, in response to press coverage regarding

[46] Ibid.
[47] Greene R (2016). Is Donald Trump Mentally Ill? 3 Professors Of Psychiatry Ask President Obama To Conduct 'A Full Medical And Neuropsychiatric Evaluation' The Huffington Post. https://www.huffpost.com/entry/is-donald-trump-mentally_b_13693174. Accessed February 6, 2022.
[48] Milligan S (2017). Temper Tantrum, US News & World Report. http://www.usnews.com/news/the-report/articles/2017-01-27/does-donald-trumps-personality-make-him-dangerous. Accessed February 6, 2022
[49] Kroll J, Pouncey C (2016). The ethics of APA's Goldwater Rule. Journal of the American Academy of Psychiatry and the Law, 44, 226-235.

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whether or not therapists should analyze presidential candidates, came out strongly with the opinion that neither psychiatrists nor psychologists should offer diagnoses of candidates or any other living public figure they have never examined.[50] Dr. McDaniel wrote that the code of ethics of the American Psychological Association promotes the view that psychologists should "'take precautions' that any statements they make to the media 'are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice' and 'do not indicate that a professional relationship has been established' with people in the public eye, including political candidates."[51]

ii. When providing opinions of psychological characteristics, psychologists must conduct an examination adequate to support their statements or conclusions and should not offer psychiatric diagnoses of a living public figure they have not examined.

c. *American Medical Association*:

i. In 2017, the American Medical Association wrote new guidelines into the AMA Code of Medical Ethics stating that physicians should "refrain from making clinical diagnoses about individuals (*e.g.*, public officials, celebrities, persons in the news) they have not had the

[50] McDaniel, SH. "Response to Article on Whether Therapists Should Analyze Presidential Candidates." American Psychological Association, March 14, 2016.
[51] Ibid.

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opportunity to personally examine."[52] In a 2017 commentary on these guidelines, Mark Moran wrote that physicians should understand that they will be taken as authorities when they engage with the media and therefore should ensure that the medical information they provide is "accurate, inclusive of known risks and benefits, commensurate with their medical expertise, and based on valid scientific evidence and insight gained from professional experience."[53]

g. Professional Standards of Forensic Practice Abide By The Goldwater Rule: Standards of care with regard to forensic practice have been addressed by the two principal professional organizations, the American Academy of Psychiatry and the Law and the American Board of Forensic Psychology. Both these organizations have published practice guidelines that are consistent with the principles outlined in the Goldwater Rule.

   a. *American Academy of Psychiatry and the Law*

      i. In 2015, the American Academy of Psychiatry and the Law (AAPL) published a Practice Guideline for the Forensic Assessment based on the work of an AAPL Task Force that consisted of many of the acknowledged experts in the field of forensic psychiatry.[54] The Practice Guideline was the product of a consensus based on the available literature and knowledge in a broad range of forensic

[52] American Medical Association (2017). "Reference Committee on Amendments to Constitution and Bylaws." Accessed Fairbury 6, 2022.
[53] Moran M (2017). AMA Goes Beyond 'Goldwater Rule' In Ethics Guidelines on Media Interaction. Psychiatric News. 52 (24): 1. doi:10.1176/appi.pn.2017.12b6. Accessed February 6, 2022
[54] American Academy of Psychiatry and the Law. AAPL Practice Guideline for the Forensic Assessment, J Am Acad Psychiatry Law, 43, 2, 2015.

assessments. The Practice Guidelines were intended to address the variable standards and inconsistencies in forensic practice, to ensure integrity in the course of a forensic evaluation, and to ensure adherence to the American Medical Association's Code of Ethics. These ethical guidelines call for adherence to honesty, objectivity, and respect for persons.

ii. The Practice Guideline specifically addresses the importance of informed consent in the course of a forensic assessment. The guidelines state that the evaluee should be given an opportunity to ask questions regarding the process, contact counsel regarding questions about the assessment process, and give proper informed consent. With respect to collateral information, the Practice Guideline addresses the importance of a thorough review of collateral information including past psychiatric and mental health treatment records. With respect to the topic of conducting an assessment without an interview, the AAPL ethics guidelines state: "For certain assessments (such as record reviews for malpractice cases), a personal examination is not required. In all other forensic evaluations, if, after appropriate effort, it is not feasible to conduct a personal examination, an opinion may nonetheless be rendered on the basis of other information. Under these circumstances, it is the responsibility of psychiatrists to make earnest efforts to ensure that their statements, opinions, and reports or testimony based on these opinions, clearly state that there was no

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personal examination and note any resulting limitations to their opinions."[55]

iii. The Practice Guideline specifically comments on the need for a thorough mental status examination to elicit information about the frequency and severity of psychiatric symptoms including mood, anxiety, trauma-related symptoms, thought content, thought form, delusional beliefs, perceptual disturbances, cognition, and concentration and relevant comments, insights, and judgment. With respect to rendering opinions, the Practice Guideline notes that the scientific foundation for the opinion may have to withstand a *Daubert* challenge in court and that the evaluator should ensure that the scientific technique used is reliable and generally accepted among other factors.[56] When an opinion cannot be rendered to a reasonable degree of medical certainty, the referral source should be notified before the evaluator writes a report. In cases in which further information or testing is required to render a final opinion, the Practice Guideline states that "these opinions can be problematic and are not generally recommended" and that if a preliminary opinion is given, "its limitation should be explained and the need for further information described."[57]

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[55] Ibid.
[56] Daubert v. Merrell Dow Pharmaceuticals, 509 US 579. 1993.
[57] American Academy of Psychiatry and the Law. AAPL Practice Guideline for the Forensic Assessment, J Am Acad Psychiatry Law, 43, 2, 2015.

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b. American Board of Forensic Psychology

i. The American Psychological Association has also published practice guidelines for the specialty of Forensic Psychology.[58] These guidelines contain specific text regarding the rendering of professional forensic opinions about persons who have not been examined: "Forensic practitioners recognize their obligations to only provide written or oral evidence about the psychological characteristics of particular individuals when they have sufficient information or data to form an adequate foundation for those opinions or to substantiate their findings (EPPCC Standard 9.01). Forensic practitioners seek to make reasonable efforts to obtain such information or data, and they document their efforts to obtain it. When it is not possible or feasible to examine individuals about whom they are offering an opinion, forensic practitioners strive to make clear the impact of such limitations on the reliability and validity of their professional products, opinions, or testimony."[59]

h. Dr. Spiegel Failed to Abide by the Goldwater Rule: In rendering an opinion about cognitive deficits and psychiatric diagnoses in Mr. Depp without conducting a personal evaluation, Dr. Spiegel's practice is not consistent with the Goldwater Rule. He is proposing to offer damaging testimony about the character of Mr. Depp without conducting a thorough evaluation based on principles that have been endorsed by the American Psychiatric Association, American Psychological Association, American

[58] American Psychological Association. Specialty Guidelines For Forensic Psychology (2013). American Psychologist 68, 1, 7-19 https://www.apa.org/practice/guidelines/forensic-psychology. Accessed February 6, 2022
[59] Ibid.

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Medical Association, American Academy of Psychiatry and the Law, and the American Board of Forensic Psychology. The opinions that Dr. Spiegel intends to offer are based on an incomplete data set, lacking a mental status examination and lacking a review of relevant prior psychiatric history. Moreover, Dr. Spiegel is proposing to offer his opinions without having obtained informed consent from Mr. Depp. The Goldwater Rule was established specifically to discourage testimony of this nature recognizing that when a psychiatrist provides opinions about mental status and psychiatric diagnoses, he/she carries an authority that bears significant weight in both legal proceedings and with the general public. The Ethics Committee of the American Psychiatric Association has consistently ruled that psychiatric profiling and diagnoses made without a personal examination of the individual are a violation of its principles. In addition, Dr. Spiegel does not indicate whether he believes his opinions can be rendered to a reasonable degree of medical certainty or specify that further information would be needed to confirm these opinions. As noted above, the Practice Guideline of the American Academy of Psychiatry and the Law and of the American Board of Forensic Psychology states that reference should be made to these limitations in cases where conclusions are drawn without a full data set.

a. *Dr. Spiegel Improperly Speculates about the Cognitive Abilities of Mr. Depp without Evidence from Neuropsychological Testing:* Dr. Spiegel opines that Mr. Depp has demonstrated impaired attention, difficulty with word-finding retrieval, and impairments in cognitive memory and processing speed which he believes are a direct result of his sustained use and abuse of drugs and alcohol. However, Dr. Spiegel cites no neuropsychological testing data to

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support these opinions. In addition, such opinions would generally be provided by a trained neuropsychologist who is credentialed to conduct such testing, rather than a psychiatrist. The manner in which these opinions have been developed is in violation of the Goldwater Rule.

b. *Dr. Spiegel Improperly Attributes Undocumented Deficits in Brain Function, Cognition and Memory to Medications Prescribed to Mr. Depp:* Dr. Spiegel is expected to testify that medications prescribed to Mr. Depp, including Seroquel, Neurontin, and Adderall, are highly abusable and that prolonged abuse can have damaging effects on brain function, cognition, and memory. Dr. Spiegel believes that, while taking these prescribed medications, Mr. Depp was not "sober" by any medical definition. It is not clear whether Dr. Spiegel has records to document the rationale for the prescription of these medications, the doses, the time of administration, or his clinical response. However, all three of these medications have established psychiatric indications and can be safely prescribed for many years without harmful effects on brain function, cognition, or memory. In fact, Adderall, a medication prescribed to improve focus and concentration and decrease impulsivity, has been shown in multiple studies to improve brain functioning and academic achievement.

    i. *Dr. Spiegel Improperly Speculates About the Presence of Narcissistic Personality Disorder and Deficits in Temperament in Mr. Depp without a Proper Clinical Evaluation:* Dr. Spiegel intends to opine that Mr. Depp has characteristics of Narcissistic Personality Disorder,

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which include lack of empathy, controlling behavior, self-absorption, displays of physical violence when told "no," and displays of anger when they perceive rejection from their partner. However, to make a diagnosis of Narcissistic Personality Disorder, the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5) specifies that the individual needs to manifest a pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts. The DSM-5 criteria do not include controlling behavior, displays of physical violence when told "no," or displays of anger when they perceive rejection from their partner. In Ms. Heard's Supplemental Disclosure of Expert Witnesses, Dr. Spiegel does not provide details of the data on which he bases his opinion. In addition, Dr. Spiegel intends to opine that Mr. Depp has a "frail temperament" that results in a lack of behavioral control and impulsivity. While there are established and evidence-based measures to assess temperament, there is no evidence that Dr. Spiegel has relied upon such data. The rendering of such opinions without a personal evaluation and supplementary evidence is another violation of the Goldwater Rule. Richard Friedman, MD, in a commentary on the practice of making clinical diagnoses in individuals without doing an in-person evaluation has also noted that characteristics of a diagnosis such as Narcissistic Personality Disorder may also be explained on the basis of other mental health issues.[60]

[60] Friedman RA, (2008). Role of physicians and mental health professions in discussions of public figures. Journal

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i. Dr. Spiegel Misrepresents the Literature on Risk Factors for IPV as Evidence that Mr. Depp is an IPV Perpetrator: Much of the research conducted on topics of medical and psychiatric interest, including IPV, involves the identification of risk factors that are more commonly associated with specific behaviors or psychiatric conditions. This research can be useful in helping screen for specific diagnoses and developing interventions to help prevent these conditions. However, the presence even of multiple risk factors in any one individual is not evidence that that individual has this condition. With regard to Mr. Depp, his alleged past trauma history, alleged prior history of substance abuse, and alleged history of impulsive or erratic behaviors is not evidence that he is a perpetrator of IPV. The presence of IPV needs to be verified with objective data and cannot be established solely based on a profile of risk factors.

Dr. Shaw's rebuttal opinions will be based on a review of Ms. Heard's Supplemental Disclosure of Expert Witnesses dated January 11, 2022, as well as the evidence that Dr. Spiegel has relied on to form his opinion as identified as Attachment 7 to Ms. Heard's Supplemental Disclosure. Dr. Shaw's opinion will also be based on current and relevant peer-reviewed scientific literature. A full list of references that Dr. Shaw has relied on thus far to form his opinion is attached hereto as **Exhibit J.** Dr. Shaw may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by non-parties. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

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of the American Medical Association 300, 11, 1348-1350.

Dr. Shaw's CV is attached hereto as **Exhibit K.** He is being compensated for his work at the rate of $800 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

Respectfully submitted,

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Dated: February 10, 2022

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Opinions of the Ethics Committee

on

The Principles of Medical Ethics

~

With Annotations Especially Applicable to Psychiatry

2017 Edition

AMERICAN PSYCHIATRIC ASSOCIATION™

Published by the American Psychiatric Association
Arlington, VA

Exhibit
Shaw 6

potential and competency, or consultants are asked to recommend a treatment regimen. To ask them to perform a personal examination in each case would be impractical and prevent such agencies from benefiting from psychiatric consultation. The psychiatrist must, of course, observe the rules of confidentiality (Section 4, Annotation 4, APA) and of proper relationships with other health professionals (Section 5, Annotations 2, 3, and 4, APA). (1976)

(G7d)

Question: A psychiatrist testifies for the state in a criminal case about the competency of the defendant. The psychiatrist based the testimony on medical records and did not examine the defendant nor have the defendant's approval to render an opinion. Was this ethical?

Answer: Yes. See Section 7, Annotation 3 (APA): On occasion psychiatrists are asked for an opinion about an individual who is in the light of public attention or who has disclosed information about himself/herself through public media. In such circumstances, a psychiatrist may share with the public his/her expertise about psychiatric issues in general. However, it is unethical for a psychiatrist to offer a professional opinion unless he/she has conducted an examination and has been granted proper authorization for such a statement. Confusion has arisen by taking the second sentence above and not connecting it to the first sentence as was intended. It is common for forensic experts to offer opinions as was done according to the question. Further, it would be too great an extension of the Goldwater Rule to say that a person, by being a defendant in court, has entered into "the light of public attention." This annotation was developed to protect public figures from psychiatric speculation that harms the reputation of the profession of psychiatry and of the unsuspecting public figure. (1985)

Answer: The psychological profiling of historical figures designed to enhance public and governmental understanding of these individuals does not conflict with the ethical principles outlined in Section 7, Paragraph 3, as long as the psychological profiling does not include a clinical diagnosis and is the product of scholarly research that has been subject to peer review and academic scrutiny, and is based on relevant standards of scholarship. (2008)

Expanded Opinion (2017):

Question: May a psychiatrist give an opinion about an individual in the public eye when the psychiatrist, in good faith, believes that the individual poses a threat to the country or national security?

Answer: Section 7.3 of *The Principles of Medical Ethics With Annotations Especially Applicable to Psychiatry* (sometimes called "The Goldwater Rule") explicitly states that psychiatrists may share expertise about psychiatric issues in general but that it is unethical for a psychiatrist to offer a professional opinion about an individual based on publicly available information without conducting an examination. Making a diagnosis, for example, would be rendering a professional opinion. However, a diagnosis is not required for an opinion to be professional. Instead, when a psychiatrist renders an opinion about the affect, behavior, speech, or other presentation of an individual that draws on the skills, training, expertise, and/or knowledge inherent in the practice of psychiatry, the opinion is a professional one. Thus, saying that a person does not have an illness is also a professional opinion. The rationale for this position is as follows:

1. When a psychiatrist comments about the behavior, symptoms, diagnosis, etc., of a public figure without consent, the psychiatrist violates the fundamental principle that psychiatric evaluation occurs with consent or other authorization. The relationship between a psychiatrist and a patient is one of mutual consent. In some circumstances, such as forensic evaluations, psychiatrists may evaluate individuals based on other legal authorization such as a court order. Psychiatrists are ethically prohibited from evaluating individuals without permission or other authorization (such as a court order).

2. Psychiatric diagnosis occurs in the context of an evaluation, based on thorough history taking, examination, and, where applicable, collateral information. It is a departure from the methods of the profession to render an opinion without an examination and without conducting an evaluation in accordance with the standards of psychiatric practice. Such behavior compromises both the integrity of the psychiatrist and of the profession itself.

3. When psychiatrists offer medical opinions about an individual they have never examined, this behavior has the potential to stigmatize those with mental illness. Patients who see a psychiatrist, especially their own psychiatrist, offering opinions about individuals whom the psychiatrist has not examined may lose confidence in their psychiatrist and/or the profession and may additionally experience stigma related to their own diagnoses. Specifically, patients may wonder about the rigor and integrity of their own clinical care and diagnoses and confidentiality of their own psychiatric treatment.

Psychiatrists, and others, have argued against this position. We address five main arguments against this position:

a) Some psychiatrists have argued that the "Goldwater Rule" impinges on an individual's freedom of speech as it pertains to personal duty and civic responsibility to act in the interest of the national well-being. This argument confuses the personal and professional roles of the psychiatrist. The psychiatrist, as a citizen, may speak as any other citizen. He or she may observe the behavior and work of a public figure and support, oppose, and/or critique that public action. But the psychiatrist may not assume a professional role in voicing that critique in the form of a professional opinion for the reasons discussed above, those being, lack of consent or other authorization and failure to conduct an evaluation.

b) Psychiatrists have also argued that the "Goldwater Rule" is not sound because psychiatrists are sometimes asked to render opinions without conducting an examination of an individual. Examples occur, in particular, in certain forensic cases and consultative roles. This objection attempts to subsume the rule with its exceptions. What this objection misses, however, is that the rendering of expertise and/or an opinion in these contexts is permissible because there is a court authorization for the examination (or an opinion without examination), and this work is conducted within an evaluative framework including parameters for how and where the information may be used or disseminated. In addition, any evaluation conducted or opinion rendered based on methodology that departs from the established practice of an in-person evaluation must clearly identify the methods used and the limitations of those methods, such as the absence of an in-person examination.

c) Psychiatrists have further argued that they should be permitted to render professional expertise in matters of national security and that the "Goldwater Rule" prohibits this important function. While psychiatrists may be asked to evaluate public figures in order to inform decision makers on national security issues, these evaluations, like any other, should occur with proper authority and methods within the confidentiality confines of the circumstances. Basing professional opinions on a subset of behavior exhibited in the public sphere, even in the digital age where information may be abundant, is insufficient to render professional opinions and is a misapplication of psychiatric practice.

d) Some psychiatrists have argued that they have a responsibility to render an opinion regarding public figures based on Tarasoff duties to warn and/or protect third parties. This position is a misapplication of the Tarasoff doctrine. Actions to warn and/or protect a third party occur in situations in which a psychiatrist is providing treatment to or an evaluation of an individual who poses a risk to others and Tarasoff serves as a rationale for a limited sharing of otherwise confidential or privileged information. However, for information in the public domain, law enforcement agencies that have the same, and perhaps even greater, access to information about the individual are charged with protecting the public.

e) Finally, some psychiatrists have argued that rendering an opinion based on information in the public domain without conducting an examination should be permissible because psychiatrists are often involved in psychological profiling. However, psychological profiling differs markedly from self-initiated public comments as described in this opinion. Psychological profiling occurs when a law enforcement or other authorized agency or

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

COUNTERCLAIM PLAINTIFF AND DEFENDANT'S
THIRD SUPPLEMENTAL AND REBUTTAL DISCLOSURE OF EXPERT WITNESSES

Counterclaim Plaintiff and Defendant Amber Heard ("Ms. Heard") hereby identifies the following individuals who are expected to be called as expert witnesses at trial:[1]

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Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as "Johnny Depp"), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he "never abused Ms.

[1] This Expert Designation addresses expert testimony and opinions relating to Ms. Heard's Counterclaim and Ms. Heard's defenses.

Exhibit
Shaw 5

David R. Spiegel, MD
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Expertise and Qualifications

Dr. Spiegel's C.V. is attached as **Att. 7**. Dr. Spiegel is a Professor of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School, which he joined in 2001 after almost a decade in private practice. Dr. Spiegel obtained his medical degree from SUNY-Health Science Center at Brooklyn, and then completed his psychiatry residency at Dartmouth-Hitchcock and Hershey-Penn State. Dr. Spiegel is a clinical supervisor for psychiatry residents and psychology interns and presents to community mental health professionals. Dr. Spiegel's inpatient and outpatient practices involve new and follow-up comprehensive evaluations, which include history, mental status examination, diagnoses, and treatment planning, and encompasses about 85-90% of Dr. Spiegel's daily workload. Throughout his career, Dr. Spiegel has diagnosed, treated and provided therapy to patients suffering from varying degrees of alcohol and substance abuse, as well as to both victims and perpetrators of intimate partner violence ("IPV").

Dr. Spiegel has testified as an expert in the Commonwealth of Virginia, as well as Maryland and South Carolina on a range of topics in psychiatry and behavioral sciences. He has written and lectured extensively on the effects of alcohol and drugs (both legal and illegal) on the human brain and the person's interactions with others (both short-term and long-term), the causes and effects of intimate partner abuse, and other psychiatric issues.

In conjunction with the rendering of his opinion in this litigation, Dr. Spiegel reviewed and relied upon the relevant pleadings, videos, audios, pictures, text messages, emails, medical records, and other documents produced in discovery, testimony from the UK, depositions, see

Att. 8 ("data reviewed" or the "record evidence"), and an interview with Ms. Heard. Dr. Spiegel twice requested an assessment of Mr. Depp, but Mr. Depp declined.

Dr. Spiegel will testify as an expert in the fields of Psychiatry and Behavioral Sciences. Dr. Spiegel bases his opinions, to within a reasonable degree of medical and professional probability and/or certainty in the fields of psychiatry and behavioral sciences, upon his background, experience, knowledge, a review of the materials provided to him, and other information available to him, including the sources cited in this Designation.

Dr. Spiegel has been engaged to analyze and opine on the impact of alcohol and substance abuse, including the combination of drugs taken by Mr. Depp, and the potential impact of sustained use of these substances on memory, cognition, and how this may impact Mr. Depp. Dr. Spiegel has also been asked to analyze the risk factors associated with perpetrators of Intimate Partner Violence ("IPV"), and in his evaluation of the record evidence, whether Mr. Depp has exhibited conduct or behaviors indicative or consistent with any of these risk factors. Dr. Spiegel will also testify relating to specific drugs and alcohol and their medical and psychiatric effects and impacts, the diagnoses and treatment of patients with alcohol and drug/substance use disorder, evidence of medical and psychiatric consequences of prolonged substance abuse, characteristics and behaviors consistent with prolonged substance abuse and IPV, and medical and psychological characteristics and explanations of behaviors demonstrated by the record evidence, Dr. Spiegel will also testify as set forth below.

I. The Impact of Alcohol and Drug Use/Abuse Over Limited and Prolonged Periods of Time.

Dr. Spiegel is expected to testify about the medical and psychological impact on Mr. Depp based on the evidence of Mr. Depp's alcohol and drug use since the 1980s. Dr. Spiegel is expected to testify that the record evidence demonstrates that Mr. Depp has a history of using or

overusing alcohol and controlled drugs, including cocaine, ecstasy (MDMA), magic mushrooms and cannabis as well as certain prescribed drugs (notably Oxycodone, Roxicodone or Roxies, Xanax and Adderall). Dr. Spiegel is also expected to testify that regularly associating with others who extoll the virtues of drugs is an indicator of a drug problem, and in this case, Mr. Depp regularly associated with such people, including Hunter S. Thompson, Keith Richards, and Marilyn Manson, who extolled the virtues of drugs and alcohol. Friends and associates of Depp have remarked publicly that hanging out with Mr. Depp means surrounding one's self with drugs and alcohol. Dr. Spiegel will also testify about record evidence, including but not limited to, Dr. Kipper attempting to treat Mr. Depp for years for "polysubstance abuse" (the abuse or dependence to many substances), text messages where Mr. Depp is seeking cocaine and ecstasy, text messages where Mr. Depp requests more of his prescribed medications, purporting to lose or be confused by the location of the doses prescribed, text messages to his nurse that he was "high as a muthafucka" when he made the film, Black Mass, articles where Mr. Depp admits that he spends much more than $30,000 a month on wine, deposition and trial testimony of Mr. Depp's drug and alcohol abuse, and notes from Mr. Depp's own doctors and nurses, including Dr. Kipper's analysis that Mr. Depp "is uncomfortable, is pessimistic that he will ever be able to stop doing drugs, actually romanticizes the entire drug culture and has no accountability for his behaviors." Based on this evidence, Dr. Spiegel is expected to testify that Mr. Depp's conduct is indicative of and consistent with displaying a long-term, alcohol and drug addiction and has abused drugs and alcohol, which is considered a significant risk factor and consistent with perpetrators of IPV, as further discussed below.

Dr. Spiegel is also expected to testify that hundreds of studies show a significant link between substance abuse and memory loss, which, as a result, affects cognitive functions such as

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learning, language and comprehension. The record evidence shows that Mr. Depp has experienced blackouts, periods of significant confusion, thinking people are present who are not, imagining entire conversations or fights with people not present, and the like. When a person experiences a blackout during alcohol or drug use, for example, it prevents the brain from completing the process of forming memories. Persistent drug use can cause not only issues with recalling recent events but also long-term memory loss. Drug and alcohol use affects the hippocampus which is essentially the brain's memory-storage system. Someone who becomes heavily dependent on drugs, including alcohol, will start to see long-lasting effects to their memory and brain function. They may begin to struggle with learning new things and have trouble recalling details such as birthdays and other important dates. Dr. Spiegel is also expected to testify that there is a high correlation between domestic abuse, heavy alcohol abuse, and cognitive disorders. *See* Differential Cognitive Profiles of Intimate Partner Violence Perpetrators Based on Alcohol Consumption, Alcohol Volume 70, August 2018, Pages 61-71, Sara Vitoria-Estruch; Angel Romero-Martínez; Marisol Lila; Luis Moya-Albiol. Dr. Spiegel is expected to testify that approximately 85% of individuals in rehab programs have a history of IPV.

Dr. Spiegel is expected to testify that based on his review of Mr. Depp during the video deposition taken of Mr. Depp on November 10, 11 and 12, 2020, and December 14, 2021, Dr. Spiegel was able to review and assess Mr. Depp's appearance, behavior and thought process, thought content, cognitive symptoms, insight and judgment. Dr. Spiegel is expected to testify that Mr. Depp demonstrated impaired attention, difficulty with word-finding retrieval, demonstrated impaired cognitive memory and processing speed, difficulty in his ability to focus on the topic at hand, disorganized thoughts, difficulty recalling details of events and difficulty with impulse control and demonstrated erratic behavior. Dr. Spiegel is expected to testify that

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based on Mr. Depp's age of 58, these impairments cannot be attributable to age, but are consistent with and a direct result of Mr. Depp's sustained use and abuse of alcohol and drugs. This is also consistent with the record evidence, which has demonstrated Mr. Depp having cognitive impairments not in line with his age, such as failing to recall his lines for his movies, and having them read to him while wearing an earpiece. Dr. Spiegel is further expected to testify that Mr. Depp's misrepresentations of sobriety and downplaying and failure to take responsibility for his drug and alcohol use are consistent with those individuals who have an alcohol and drug use disorder. Dr. Spiegel has also reviewed Mr. Depp's UK testimony and will testify that the inconsistencies in Mr. Depp's testimony regarding his drug and alcohol abuse is a clear example of patients with alcohol and drug use disorder. Dr. Spiegel is also expected to testify that a 2- to 5-day detoxification from drugs and alcohol is only the first step of rehabilitation treatment – this must be followed up with an extended plan or program, and a "cleansing" is not an effective mechanism to repair the cognition and memory effects of long-term drug and alcohol use disorder. In addition, Dr. Spiegel is expected to testify that drugs prescribed to Mr. Depp, including Seroquel, Neurontin, and Adderall are highly abusable, and prolonged abuse can have damaging effects on brain function, cognition, and memory. Dr. Spiegel is also expected to testify that while Mr. Depp was on these medications, he was not "sober" by any medical definition. Dr. Spiegel will further testify that the use of MDMA can cause feelings of being enraged, auditory and visual hallucinations, and erratic and uncontrolled behavior including self-mutilation and self-harm and cutting off one's own finger is behavior of that can occur in users of MDMA.

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II. Intimate Partner Violence

A. Analysis of IPV

Dr. Spiegel is expected to testify as to the definition and medical and psychological characteristics of IPV, both perpetrators and survivors. IPV is a pattern of assaultive and coercive behaviors that may include inflicted physical injury, psychological abuse, sexual assault, progressive social isolation, stalking, deprivation, intimidation and threats.

IPV is common. It affects millions of people in the United States each year. Data from CDC's National Intimate Partner and Sexual Violence Survey indicate about one in four women have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact. About 35% of female IPV survivors experience some form of physical injury related to IPV. There are also many other negative health outcomes associated with IPV. These include a range of conditions affecting the heart, digestive, reproduction, muscle and bones, and nervous systems, many of which are chronic. Survivors can experience mental health problems such as depression and posttraumatic stress disorder (PTSD) symptoms.

Dr. Spiegel is expected to testify that, based on his work with perpetrators and victims of IPV, as well as significant research in the field, there are identified risk factors, or characteristics of a person that increase risk of that person being an IPV perpetrator. Those risk factors include heavy alcohol and drug use, poor behavioral control/impulsiveness, a narcissistic personality, and attitudes accepting or justifying IPV. Dr. Spiegel is expected to testify that, based on the evidence he reviewed, including text messages, photographs, video tapes, audio files, medical

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documentation, therapy records, witnesses, depositions, trial testimony and other exhibits, Mr. Depp has engaged in conduct indicative of or consistent with these risk factors.

Dr. Spiegel is expected to testify that this case includes allegations of all forms of IPV, including physical violence, sexual abuse, and psychological aggression, and is further expected to testify as follows:

i. **Physical violence.** Physical violence involves forceful physical contact that may vary from light pushes and slaps to severe beatings and lethal violence. A review of the evidence in this case shows a significant amount of physical abuse perpetrated against Ms. Heard throughout the course of their relationship, and that Ms. Heard was physically assaulted several times per week, sometimes daily. There are numerous witnesses who reported seeing cuts, bruises, and injuries for years, and it was reported that Mr. Depp grabbed, pushed, and shoved Ms. Heard; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, and body; slapped her with the front and back of his hand; kicked her; slammed her against the wall and floor; threw objects at her; suffocated her, flicked a cigarette at her; pulled her by the hair; and beat her up. In addition, Dr. Banks, M.D. testified that Mr. Depp acknowledged being physical with Ms. Heard and recalled hearing that he used a cigarette to burn himself. Banks Tr. 55:14-56:9.

ii. **Sexual abuse.** Sexual abuse includes coercive and physical behaviors varying from trying to persuade someone to perform a sexual act against their will, ignoring "no" responses, to physically forced sex acts. There is record evidence of Mr. Depp sexually assaulting Ms. Heard on a number of occasions.

iii. **Psychological aggression.** Psychological aggression (or emotional abuse) refers to acting in an offensive or degrading manner toward another, usually verbally, and may

include threats, ridicule, withholding affection, and restrictions (*e.g.*, social isolation, financial control). These behaviors are perpetuated by someone who is, was, or wishes to be involved in an intimate or dating relationship with an adult or adolescent, and one aimed at establishing control by one partner over the other. (Capaldi DM, Knoble NB, Shortt JW, Kim HK. A Systematic Review of Risk Factors for Intimate Partner Violence. Partner Abuse. 2012;3(2):231-280.doi:10.1891/1946-6560.3.2.231.).

Psychologically abusive behaviors by Mr. Depp that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, writing on surfaces, such as countertops, lamp shades, mirrors and walls, erratic behavior; antagonistic behaviors about Ms. Heard's career; criticizing her ambition; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, ugly, fat); constant accusations of flirting and infidelity; controlling her clothing choices and movie parts; insisting on using his security detail and vehicles, not permitting her to have a password on her devices, showing up on set, insisting she spend his money and being upset when she resisted; criticizing her body; and emotional manipulation (threats of suicide; threats and actual infliction of self-harm).

B. <u>Substance Abuse is a Risk Factor of IPV</u>

Substance abuse has been found to occur in 40-60% of IPV incidents across various studies. Several lines of evidence suggest that substance use/abuse plays a facilitative role in IPV by precipitating or exacerbating violence. This includes IPV perpetration in the contexts of intoxication, and withdrawal and addiction. Likewise, drug-induced paranoia and fears of infidelity were used by perpetrators to justify IPV in ways that extended men's more everyday invocations of sexual jealousy and distrust as reasons for checking up on partners. Dr. Spiegel is expected to testify that intoxication related to alcohol and stimulant drugs (methamphetamines

and cocaine) was linked to IPV perpetration in all studies. Several studies have also shown that both survivors of IPV and perpetrators talk about how partners under the influence of alcohol and/or drugs turn from a "good husband to a bad husband" (Boonzaier & Rey, 2003); from "Dr. Jekyll to Mr. Hyde" (Gilbert et al., 2001)] ; from "a warrior to a beater" (Matamonasa-Bennett, 2015)]; turn into "dictators," and "converts you into a monster" (Gilchrist et al., 2015) (Boonzaier & Rey, 2003). Dr. Spiegel is expected to testify that the more disinhibited by drugs and alcohol a person is, the more likely the person is to exhibit physical violence towards another person, and particularly if the intoxicated person has baseline impulsivity and lacks behavioral control/response prevention.

Studies have also shown an increased risk of IPV perpetration when dependent perpetrators were in withdrawal or craving alcohol, heroin and stimulant drugs due to irritability and frustration (Satyanarayana et al., 2015; Wilson et al., 2017) (Gilbert et al., 2001) (Abdul-Khabir et al., 2014; Ludwig-Barron et al., 2015) (Watt, 2012).

As discussed above, the record evidence reflects that Mr. Depp had a history of alcohol and drug abuse, including during the relationship with Ms. Heard.

C. Lack of Behavioral Control and Impulsiveness is a Risk Factor of IPV

Dr. Spiegel is expected to testify that the lack of behavioral control and impulsiveness is also a strong risk factor for IPV. Research indicates a robust association between impulsivity, or the inability to regulate certain behaviors, and various forms of aggressive behavior (*e.g.*, *Abbey et al.*, 2002; Hynan & Grush, 1986; Netter et al., 1998), including IPV (*e.g.*, Cohen et al., 2003; Shorey, Brasfield, Febres, & Stuart, 2010; Schafer et al., 2004). Cross-sectional research indicates that men who report IPV perpetration are higher in impulsivity compared to men who do not report IPV (Cohen et al., 2003).

Dr. Spiegel is expected to testify that the record evidence reflects that Mr. Depp has a "frail temperament" that results in lack of behavioral control and impulsivity. This evidence includes, but is not limited to, notes from Mr. Depp's doctor (Dr. Kipper) referring to Mr. Depp: "[t]here is also an issue of patience. He's driven almost reflexively by his id - has no patience for not getting his needs met, has no understanding of delayed gratification and is quite childlike in his reactions when he does not get immediate satisfaction." This lack of behavioral control and impulsiveness are significant risk factors for IPV. Dr. Spiegel will testify that Mr. Depp's testimony in this case and the UK action demonstrate a lack of behavioral control and impulsiveness, including, but not limited to, the following testimony:

A. Sorry. I was saying that the ability or the impetus or the synapse that fires does not necessarily mean that you have to be drunk to smash something or throw something against the wall or punch a wall or door. It is a human reflex to something that feels stronger than you. It is a frustration and that is what happens.

Depp UK Trial 125:20-25.

A. Well, what I am trying to explain to you is that it does not take alcohol for one to become upset about something. That reaction, the internal reaction, does not require alcohol to slam your hand down on a table or be so frustrated about what you are unable to do, when it is out of your hands, and you have fallen prey to something that is bigger than you, and it is, you know, that is pretty much it.
Q. Did you smash things when you were living with Ms. Paradis?
A. Over 14 years, I imagine that I must have, and over 14 years I imagine that she must have.

Depp UK Trial 126:14-23. Mr. Depp also testified that he was arrested in 1994 because, as he admitted, he "trashed" a hotel room in New York in 1994, and prior to that arrest, was arrested for assaulting a hotel lobby security guard. Depp UK Trial 55-56:3-3. While in Paris in 1999, he became angry with members of the press, and confronted and threatened them with a large piece of wood. In 2018, Mr. Depp was sued for assault of a location manager on the set of City of Lies. Depp UK Trial 90:70-15. In addition, Dr. Spiegel will testify that these instances show a pattern of violence and impulsiveness in lieu of self-control, which is consistent with the behavior of a perpetrator of IPV. Depp's paranoia, jealousy, and uncontrollable anger and rage is supported by testimony from Mr. Depp's psychiatrist, Dr. Blaustein. Blaustein Tr. 48:22-49:19, 184.In fact, for Depp it was often "easier to play a character" than to live with his "devil." Blaustein Tr. 151:20-152:2, 140:21-141:7.

D. Narcissism is a Risk Factor of IPV

A narcissist is a person who has an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others. Dr. Spiegel will testify that according to the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, symptoms of Narcissistic Personality Disorder include (1) requiring excessive admiration; (2) possessing a sense of entitlement, such as an unreasonable expectation of favorable treatment or compliance with his or her expectations; (3) is exploitative and takes advantage of others to achieve his or her own ends; (4) lacks empathy and is unwilling to identify with the needs of others; (5) is often envious of others or believes that others are envious of him or her; and shows arrogant, haughty behaviors and attitudes. Dr. Spiegel will testify that narcissists have a fragile self-esteem that is vulnerable to the slightest criticism.

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Dr. Spiegel is expected to testify that in his review of the record evidence, Mr. Depp has engaged in behavior and conduct indicative of and consistent with all these symptoms of Narcissistic Personality Disorder which is another risk factor for IPV. These behaviors and characteristics are documented by Mr. Depp's own treating physician, Dr. Kipper, as well as reflected by other record evidence.

Studies have shown that narcissistic men are more likely to commit domestic violence. For example, the findings of Kent State University researchers (2010) suggest that "the anger, hostility, and short fuse that accompany a man's narcissism tend to be directed toward ... women," and that "narcissistic men can become enraged when they are denied gratification... including when people reject them." In fact, some of the more common traits that overlap both narcissists and abusers include lack of empathy, controlling behavior, self-absorption, displays of physical violence when told "no," and displays of anger when they perceive rejection from their partner. Dr. Spiegel is also expected to testify when there is an association of substance abuse disorder with Narcissistic Personality Disorder, there is a significantly increased likelihood of more hostility and aggression from the perpetrator.

E. <u>Attitudes Accepting or Justifying IPV is a Risk Factor of IPV</u>

Attitudes toward IPV are known predictors of IPV victimization and perpetration. Dr. Spiegel is expected to testify that there is record evidence demonstrating that Mr. Depp would "joke" about IPV, even in public articles. This includes, but is not limited to, a GQ article in which Mr. Depp admitted telling Hunter S. Thompson about Kate Moss, "she gets a severe beating." Mr. Depp was also involved in a particularly striking text exchange with actor Paul Bettany, with whom Mr. Depp has admitted to using "cocaine, alcohol, and pills." In a text to Mr. Bettany dated June 11, 2013, Mr. Depp wrote "Let's burn Amber!!!" and "Let's drown her

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before we burn her!!! I will fuck her burnt corpse afterwards to make sure she's dead." Dr. Spiegel is expected to testify that such cavalier attitudes toward IPV are a significant risk factor of IPV actually occurring in intimate relationships.

F. Being a Previous Victim of Physical or Psychological Abusive is a Risk Factor of IPV

Studies have also demonstrated that previously being a victim of physical or psychological abuse and witnessing IPV between parents as a child can also be a risk factor that leads to a person being an IPV perpetrator in his intimate relationships.[29] Dr. Spiegel is expected to testify that his review of the evidence demonstrates that Mr. Depp was a previous victim of physical violence from his mother, and saw his parents engage in IPV. This includes Mr. Depp's testimony that his "[b]rains [were] beaten out by my mom" as far back as he could remember, through the age of 17. Mr. Depp also testified that his mother would punch his father, knocking teeth out of his father's mouth, and that his father, in response, punched holes in the wall. This witnessing of violence at a young age is a high-risk factor of IPV.

G. Warning Signs of IPV

[29] *See e.g.*, Storvestre GB, Jensen A, Bjerke E, Tesli N, Rosaeg C, Friestad C, Andreassen OA, Melle I, Haukvik UK. Childhood Trauma in Persons With Schizophrenia and a History of Interpersonal Violence, Front Psychiatry. 2020 May 5;11:383. doi: 10.3389/fpsyt.2020.00383. PMID: 32431632; PMCID: PMC7214725; Ernst AA, Weiss SJ, Hall J, Clark R, Coffman B, Goldstein L, Hobley K, Dettmer T, Lehrman C, Merhege M, Corum B, Rihani T, Valdez M, Adult intimate partner violence perpetrators are significantly more likely to have witnessed intimate partner violence as a child than nonperpetrators. Am J Emerg Med. 2009 Jul;27(6):641-50; Flynn A, Graham K. "Why did it happen?" A review and conceptual framework for research on perpetrators' and victims' explanations for intimate partner violence. Aggress Violent Behav. 2010;15(3):239-251. doi:10.1016/j.avb.2010.01.002; https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html .

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In addition to risk factors of IPV, Dr. Spiegel is expected to testify based on studies and his work with perpetrators and victims of IPV, that there are certain warning signs to help recognize if someone is an IPV perpetrator. These warning signs include:

- **Use of physical aggression.** They often slap, hit, shove, or push their partner. Dr. Spiegel is expected to testify that based on the record evidence, including but not limited to, audio recordings, pictures of Ms. Heard's injuries, text messages, video recordings, and deposition and trial testimony, the record reflects that Mr. Depp has slapped, hit, shoved Ms. Heard on a regular basis, and has also head-butted her, grabbed her hair and punched her, dragged her across the room, kicked her, thrown objects at her, strangled her, and suffocated her.
- **They are unpredictable. Their moods tend to change rapidly and radically.** Dr. Spiegel is expected to testify to the record evidence, including but not limited to deposition and trial testimony, emails, texts, video, audio, and journal entries, that demonstrate Mr. Depp's change from a loving husband to what even Mr. Depp called "the Monster."
- **They are often jealous, suspicious, and/or angry – even if they have no reason to be.** Dr. Spiegel is expected to testify about the record evidence, which reflects Mr. Depp's jealousy of virtually any man (and woman) who worked with Ms. Heard, and his fear that she was having affairs with multiple partners.
- **They control their partner's time. They monitor and control their partner's activities, including whether they go to work or school, and how much they see their family and friends.** Dr. Spiegel is expected to testify that Mr. Depp reflected this conduct as well. Based on the record evidence, including deposition

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and trial testimony, he would call directors and male costars to check on her, insist she use his vehicles and security detail, not have passwords on her devices so he could easily access them, interfere with filming and roles, and regulate and manipulate who she could see and spend time with.

- **They control their partner's money. They make important financial decisions with shared money by themselves, or they take their partner's money without permission.** Dr. Spiegel is expected to testify to the record evidence that reflects that Mr. Depp exerted his financial control over Ms. Heard and attempted to exert even more control.
- **They use verbal threats. They are not afraid to name-call, swear, and yell at their partner.** Dr. Spiegel is expected to testify to the degrading comments Mr. Depp made toward Ms. Heard (whore, cunt, bitch, ugly, fat). Mr. Depp also told Ms. Heard that she was being his mother and psychotic sister. Blaustein Tr. 157:2-13.
- **They isolate their partner. They may limit their partner's use of the phone or other sources of communication, or may force their partner to stay at home.** Dr. Spiegel is expected to testify that the evidence of Mr. Depp controlling where Ms. Heard stayed, regulating who she can see and when, and requiring that she not have any passwords on devices so he had unfettered access to her devices and communications is a warning sign of IPV.
- **They blame. They often try to blame their partner or others for their problems.** Dr. Spiegel is expected to testify that the record evidence reflects Mr. Depp constantly blaming Ms. Heard for the problems in their relationship, and

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that Mr. Depp largely does not accept responsibility for any of his conduct, and routinely blames others.

- **They threaten to hurt themselves, their partner, or their partner's loved ones if their partner tries to leave.** Dr. Spiegel is expected to testify as to the warning signs of IPV, where Mr. Depp regularly told Ms. Heard during or after an altercation that he was thinking of suicide or threats of (and actual) self-harm if she did not do as he pleased, and audio recordings relating to using a knife to cut himself and inflicting a cigarette burn on himself.
- **They apologize and make promises.** Dr. Spiegel is expected to testify that perpetrators very commonly apologize after an instance of IPV and make promises not to repeat their behavior. The apologies may be sincere, at the time, but also may be motivated by wanting to remain in the relationship, where they view themselves as being dominant.

Dr. Spiegel is expected to testify that in his review of the record materials and in speaking with Ms. Heard, Mr. Depp exhibited all these warning signs in his relationship with Ms. Heard.

III. Rebuttal to Opinion of Dr. Shaw's regarding the Goldwater Rule

Dr. Spiegel is expected to testify that the Goldwater Rule does not apply in the context of expert testimony. It has long been established that the Goldwater rule does not extend to the court context.[30] "Rigid application of the rule (according to its broadest interpretation) would appear to invalidate long-standing working practice in the courts and in insurance and

[30] *See e.g.*, Aoibheann McLoughlin, *The Goldwater Rule: a bastion of a bygone era?* HISTORY OF PSYCHIATRY, December 20, 2021.

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government agencies, where psychiatric opinion without diagnostic interview is commonplace."[31] Such a broad interpretation of the Rule is not supported by the APA and would prohibit expert testimony from psychiatric experts that is routinely admitted in court in a wide variety of contexts.[32] For example "[i]n psychiatric malpractice cases, psychiatrists proffer opinions as to the diagnoses, dynamics and best treatment protocols without directly examining the patients. This is most obvious in cases involving completed suicides, but also in boundary violation cases, improper pharmacological treatment for a given diagnosis, and other alleged malpractice situations. Chart reviews are accepted as the evidentiary bases for expert opinions." (Kroll and Pouncey, 2016).

Furthermore, there is little empirical or theoretical evidence to support the claim that a diagnosis can only be achieved through in-person evaluation. Indeed, "written records and accounts, along with video footage, can provide robust diagnostic information on patients not personally interviewed" (McLoughlin, 2021). Dr. Spiegel has examined over three days of videotaped deposition of Mr. Depp, video footage of Mr. Depp during the relationship with Ms. Heard, audio recordings of Mr. Depp during the relationship with Ms. Heard, pictures, text messages, emails, medical records, psychiatric history, and other documents produced in discovery, testimony from the UK and depositions. With such an abundance of audiovisual and

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[31] *Id.*, *see also*, J. Kroll and C. Pouncy, *The ethics of APA's Goldwater Rule*. 44(2)JOURNAL OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW 226 (2016) ("Furthermore, the APA's proscription on diagnosis without formal interview can be questioned, since third-party payers, expert witnesses in law cases, and historical psychobiographers make diagnoses without conducting formal interviews.").

[32] American Psychiatric Association, Ethics Committee Opinion, March 15, 2017 (". . . the rendering of expertise and/or an opinion in these contexts is permissible because there is a court authorization for . . . opinion without examination. . .and this work is conducted within an evaluative framework including parameters for how and where the information may be used or disseminated.").

documentary evidence, Dr. Spiegel's opinions, which are not diagnoses, but observed behaviors and statements from Mr. Depp that are consistent with IPV and narcissism, do not run afoul of the Goldwater Rule. All of Dr. Spiegel's opinions are within a reasonable degree of psychiatry and behavioral sciences and professional probability and/or certainty. Dr. Spiegel may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider any further discovery and documentation or facts which become available to him.

Julian Ackert
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Expertise and Qualifications

Mr. Ackert's C.V. is attached as **Att. 9**, which details Mr. Ackert's professional experience and all articles and testimony he has completed over the last ten years. Mr. Ackert is a Managing Director at iDiscovery Solutions, Inc. ("iDS"), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community. Mr. Ackert has a Bachelor of Science degree in Computer Science from the University of Virginia and has over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. Specifically, Mr. Ackert has extensive experience creating and implementing preservation, collection, and production strategies and performing digital forensics and metadata analysis on electronically stored

Documents Reviewed by David R. Spiegel, MD

Depositions

John C. Depp – November 10, 11, and 12 2020 and December 14, 2021
Amber Heard – August 13, 2016
Raquel Pennington – June 16, 2016
Josh Drew – November 19, 2019
Isaac Baruch – November 20, 2019
Ellen Barkin – November 22, 2019
Liz Marz – November 26, 2019
Lisa Beane – December 13, 2019
Kristina Sexton – December 18, 2019
Cornelius Harrell – January 13, 2021
Laura Divenere – January 15, 2021
Tracey Jacobs – January 28, 2021
Melanie Inglessis – February 2, 2021
David Kipper, M.D. – February 22, 2021
Amber Heard – January 12-14, 2022
Alan Blaustein – January 21, 2022
Joel Mandel – January 26, 2022
Laurel Anderson – February 21, 2022
Tracey Jacobs (Depp, et al. v. The Mandel Company, et al.) – May 30, 2018
Tracey Jacobs (Depp, et al. v. Bloom Hergott Diemer Rosenthal Laviolette Feldman Schenkman & Goodman, LLP, et al.) – May 13, 2019

UK Trial Testimony

All UK Trial Transcripts
Amber Heard
John C. Depp
iO Tillet Wright
Whitney Henriquez
Melanie Inglessis
Josh Drew
Raquel Pennington
Laura Divenere

Medical Records

Medical Records Johnny Depp
Dr. David Kipper (including nurse's notes)
Dr. Alan Blaustein
Australia Medical Records

List of Medications – January 12, 2015
List of Medications – October 26, 2016
List of Drug Citations in Depp UK Testimony
Lloyd Records Summary
Insurance Records

Medical Records Amber Heard
Dr. David Kipper (including nurse's notes)
Dr. Connell Cowan
Dr. Laurel Anderson – Treatment Summary

Audio

Boston Plane Incident – May 24, 2014
Knife – July 22, 2016 - CTRL00058195
Australia damage - March 2015
Headbutting - 20160722 144803

Video

JD in Kitchen Slamming Cabinets - Feb 10 2016
Columbia Building Surveillance Cameras

Photos

Contained in Exhibits to AH and JD Declarations
Property Damage -May 21, 2016
Various pictures of Amber Heard cuts and bruises
Various pictures of John C. Depp drug use and behavior
Various pictures of John C. Depp finger injury in DEPP00045631-45636

Legal Documents

Complaint – Depp v Heard – March 1, 2019
Answer and Grounds of Defense – Depp v Heard – August 10, 2020
Counterclaim (with exhibits) - Depp v Heard – August 10, 2020
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021
Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019
Declaration of John C. Depp (with exhibits) – May 2019
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020
Complaint – Arreola, et al. v. Depp, et al. – May 1, 2018

Complaint – Brooks v. Depp, et al. – July 6, 2018
Plaintiff's Supplemental Designation of Expert Witnesses – January 18, 2022
Defendant's Objections & Responses to Plaintiff's 4th Set of Interrogatories – February 9, 2022

Text Messages

Contained in Exhibits to AH and JD Declarations
AH Texts with Paige Heard 3-22-13
Paul Bettany - Texts with JD
Australia Texts – JD asking for illicit substances
Texts between Amber Heard and Debbie Lloyd

Documents

Diary entry – Amber Heard – July 27, 2015
Draft Emails - Amber to Herself - May 25, 2014
GQ – *Johnny Depp Will Not Get Burned* – November 2018
Rolling Stone - *Inside Trials of Johnny Depp*
Independent – *'It was an unpleasant feeling': Paul Bettany on having texts to Johnny Depp about Amber Heard made public*
Blumenthal Nordrehaug Bhowmik De Blouw LLP – *Former Bodyguards Receive Settlement After Suing Depp For Employment Violations* – February 8, 2019
Variety – *Johnny Depp Trial Over Location Manager's Assault Suit Delayed to May* – October 16, 2019

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

- - - - - - - - - - - - - - - x
JOHN C. DEPP, II, :
Plaintiff, : Case No.
v. : CL-2019-0002911
AMBER LAURA HEARD, :
Defendant. :
- - - - - - - - - - - - - - - x

Videotaped Deposition of
RICHARD J. SHAW, M.D.
Conducted Remotely via Zoom
Tuesday, March 15, 2022
10:03 a.m.

Job No.: 438435
Pages: 1 - 136
Reported By: AMY L. STRYKER, CCR

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Deposition of RICHARD J. SHAW, M.D., conducted remotely.

Pursuant to notice, before AMY L. STRYKER, Certified Court Reporter and Notary Public of the State of Maryland.

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APPEARANCES

ON BEHALF OF PLAINTIFF JOHN C. DEPP, II:
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APPEARANCES CONTINUED

ON BEHALF OF DEFENDANT AMBER LAURA HEARD:
ADAM NADELHAFT, ESQ.
CHARLSON BREDEHOFT COHEN BROWN
& NADELHAFT, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, Virginia 20190
(703) 318-6800

ALSO PRESENT:
CHARLIE MCGRATH, AV Technician
ARMANDO FORTE, Videographer

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MR. NADELHAFT: You have Attachment 2. So just keep it ready. But could you put up Attachment 9, please.
AV TECHNICIAN: All right. Stand by.
(Shaw 3, References, was marked for identification and is attached to the transcript.)
AV TECHNICIAN: All right. That should be it.
BY MR. NADELHAFT:
Q Dr. Shaw, I'm showing you what's been marked as Shaw Exhibit 3. Do you recognize this document?
A Yes.
Q What is this?
A It's a list of References that I referred to in my designation.
Q Okay. And these documents that are on pages 1 and 2 are articles and cases; is that right?
A Yes.
Q And is this a totality of the documents you reviewed in this matter?

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A I have reviewed some documents that Dr. Spiegel referred to in his designation and rebuttal.
Q Were those additional articles?
A Yes.
Q Do you recall what articles you reviewed?
A There was one that was referred to yesterday by Dr. McLaughlin.
Q Anything else you recall?
A That's what I recall.
Q Okay. You did not review any depositions in this matter, correct?
A I reviewed many depositions, but – I have a list of documents if you want me to go through those.
Q So you did review – you reviewed depositions in this matter?
A I did, yes.
Q As part of your expert opinion?
A Yes. Well, not as part – well, I don't know if I'm using these as part of my opinion. My opinion is fairly limited. But I did review

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deposition testimony.
Q Do you know if that was disclosed in the expert disclosures?
A I don't know.
Q Okay. What depositions did you review?
A Can I go through this list that I have?
Q Yeah, sure.
A So there was the videotaped deposition of Mr. Depp, depositions of Dr. Kipper, Dr. Cowan, Dr. Blaustein, Dr. Banks, Dr. Anderson, and Debbie Lloyd, and Erin Falati.
Q And are those depo- -- did those depositions -- are you relying on them at all as a basis for your opinions in this matter?
A I'm – certainly the records by Dr. Blaustein and the other mental health providers are material that I relied on to some degree, yes.
Q How did you – how are the medical records that you reviewed for Dr. Blaustein -- how did you rely on them for your opinions?
A His records were important to me because

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Dr. Spiegel had referred to them in his designation and had stated that he had relied upon his records. And he'd also made the point in his rebuttal that opinions can be expressed in a case without specifically personally evaluating a patient. And I thought it was important to understand the quality and nature of the records that Dr. Blaustein had kept since I – since I do think it is reasonable to render opinions about a case based on review of medical records, if the medical records are of good quality and rigorous and meet the standard of care.
Q So are you going to be giving an expert opinion as to the quality of the records of Dr. Blaustein?
A My – you know, my scope is to talk about Dr. Spiegel's opinions and his methodology. So insofar as these records were relied on by him, I would be – certainly would have opinions about the quality of the records that he used to render his opinion.
Q In your designation did you disclose

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anywhere regarding the quality of any medical records in this case?
A I don't know.
Q Do you recall writing that in your designation, about the quality of the medical records in this case?
A No, I do not. But I did, certainly in my review of Dr. Spiegel's rebuttal, take note of the fact that he was -- his opinion was that it's reasonable to conduct an evaluation without seeing someone based on record review. And he gave several examples, like insurance agents and malpractice cases. And I agree that in those cases it is reasonable to render an opinion, but I do think that the records that are relied upon have to be certainly of a -- you know, what I would consider meeting the community standard of care.
And so in this case, I -- you know, I would have opinions about those records in the context of this case that are relevant to my opinions.

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Q You've not disclosed your opinions on the quality of the medical records in this case, correct?
A I have not, no.
Q Okay. Did you review the video deposition of Mr. Depp?
A Yes, I did.
Q So you reviewed -- do you recall how long the dep- -- in total the deposition was?
A I don't.
Q Do you recall that there were four separate days of deposition testimony?
A Yes.
Q And you don't have an estimate as to how many hours the deposition was?
A I don't.
Q For the other depositions did you review the transcripts or the videos?
A The transcripts.
Q Did you review any medical records of Ms. Heard?
A No.

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Q Did you review any contemporaneous audio recordings --
MS. CALNAN: Objection; vague.
Q -- of Mr. Depp?
MS. CALNAN: Objection; vague.
THE WITNESS: No.
Q Did you review any contemporaneous video recordings of Mr. Depp?
MS. CALNAN: Objection; vague.
THE WITNESS: Aside from the video deposition, no.
Q Did you review any contemporaneous photos of Mr. Depp or Ms. Heard?
A I do recall seeing some photographs of Ms. Heard.
Q What photographs did you see of Ms. Heard?
A Of her face.
Q And how were -- are the photos of her face in any way affecting your opinion?
A No.
Q Did you review any contemporaneous text messages that were produced in this case?

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A Yes.
Q What text messages did you review?
A I don't recall the exact sequence of messages, but there were text messages between many of the parties, including Ms. Heard, Mr. Depp. Some of these may have been referred to in the depositions and I may not have actually looked at the specific text, but I do recall seeing some text messages including some text messages between Mr. Depp and, I believe, Dr. Kipper and Debbie Lloyd.
Q Did the text message -- did any of the text messages you reviewed -- did you rely on any of the text messages for your opinions in this case?
A No.
Q Did you review any diary entries that were produced in this matter?
A I'm sorry, did you say diary entries?
Q Diary, yup.
A I don't recall those, no.
Q Okay. And did you review -- the documents

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MS. CALNAN: Sorry.
Objection; improper hypothetical.
THE WITNESS: I don't think there are different interpretations. I think it's pretty clear what it states. I think there are people who have disagreed with it and -- but I think the Goldwater Rule is -- it states clearly what is expected of a psychiatrist.
Q Your designation says that Dr. Spiegel did not thoroughly evaluate Mr. Depp. What's your basis for that opinion?
A Well, a psychiatric evaluation -- there are several components to a psychiatric evaluation, particularly in the context of a legal case. It requires a full history, a review of medical records. It requires a full mental status examination.
The components of the evaluation depend to some degree on what opinions are being expressed. So I would give you an example, that if one was to make a diagnosis of narcissistic personality disorder or reference narcissistic personality

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traits, there would be specific questions that would have to be asked of the individual. And those could be done in the course of an interview by a competent psychiatrist or it could be done with the assistance of structured interviews or other measures, such as the Narcissistic Personality Inventory.
If the expert is expressing an opinion about -- sorry I'm being a bit repetitive here, but I'll say it one more time. If they're giving opinions about cognition, memory, attention, word-finding difficulties, and -- and also as in the case of Dr. Spiegel who was directly attributing all of these deficits to alcohol and substance use, it's incumbent on the expert to, first of all, have their own thorough history about which substances were used, for how long, and to what degree and how recently. And to have testing which would normally in this case be neuropsychological testing to document those deficits.
So on that basis I believe he did not

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conduct a thorough evaluation. He reviewed a deposition, a long deposition, in which Mr. Depp had to sit for many hours and answer very personal questions that at times were difficult for him and exposing and -- in which he was, you know, frequently interrupted and told that he was not answering the questions appropriately, and in which there were arguments between the attorneys that were upsetting to him. And, you know, knowing what we know about his history of exposure to trauma in his past, this is clearly upsetting to him.
And so I think that relying on that deposition was not proper and not necessarily representative of who Mr. Depp is. And, again, I'm not expressing an opinion one way or another about Mr. Depp's mental status since I also would not want to violate the Goldwater Rule, but this was not a clear evaluation by Dr. Spiegel.
Q Do mental status exams ask patients personal questions?
A Yes.

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Q So a person would have to answer personal questions in a mental status exam, correct?
A Yes.
MS. CALNAN: Objection; asked and answered.
Q Okay.
A It would be an incomplete mental status examination without these core questions that every psychiatrist knows are part of their own mental status examination.
Q Okay. And what are the core questions that are part of a thorough mental status examination?
MS. CALNAN: Objection; outside the scope of Dr. Shaw's opinion. Sorry.
THE WITNESS: Okay. Sorry.
Yeah, well, certainly questions about current mood, or what we call affect, presence of suicidal ideation, questions about delusional ideation or the presence of audio-visual hallucinations. And with regard to the cognitive portion of the mental status examination,

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby designates and identifies his expert witnesses.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses, specifically Ms. Heard, have yet to occur—Plaintiff reserves the right to supplement this Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, Richard Marks & Associates, 10573 W. Pico Blvd., Suite 221, Los Angeles, California 90064.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry. Mr. Marks

California state law in effect on May 21, 2016 related to policy and procedure development regarding general crimes and domestic violence response for law enforcement agencies; the LAPD's policies and procedures in effect on May 21, 2016 related to general crimes and domestic violence investigations; and standard patrol practices related to general crimes, domestic violence investigations, officer safety, and evidence identification and collection.

Ms. Frost may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Designation, the depositions of Ms. Heard, Officer Melissa Saenz, Officer Tyler Hadden, and the LAPD have yet to occur and the documents from the LAPD that were requested by Ms. Heard have yet to be produced.

Ms. Frost's CV is attached hereto as **Exhibit H.** She is being compensated for her work at the rate of $485 per hour for consultation time and $535 per hour for deposition and trial testimony time; none of her compensation is contingent on the opinions she renders or the outcome of the litigation.

Non-Retained Experts

1. **Christian Carino, Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067.** Mr. Carino served as Mr. Depp's agent since October 2016. Mr. Carino is regarded as a leading talent agent in Hollywood, with extensive experience in the film, commercial, fashion and entertainment industries. Mr. Carino is expected to testify on the

negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career, as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Carino may rely on his expertise in the entertainment industry and his experience as an agent and industry executive.

2. **Jack Whigham, Range Media Partners.** Mr. Whigham has served as Mr. Depp's agent since October 2016 and is regarded as a leading talent agent in Hollywood, with extensive experience in the film, commercial, fashion, and entertainment industries. Mr. Whigham is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career, as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Whigham may rely on his expertise in the entertainment industry and his experience as an agent and film industry executive.

3. **Edward White, C.P.A., Edward White & Co., LLP, Warner Center Towers, 21700 Oxnard Street, Suite 400, Woodland Hills, California 91367.** Mr. White has served as Mr. Depp's business manager and accountant since March 14, 2016. Mr. White is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career and economic circumstances as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. White may rely on his expertise in business and accounting and his experience as a business manager in the entertainment industry.

4. **Robin Baum, Partner, SLATE PR, LLC, 901 North Highland Avenue, Los Angeles, California 90038.** Ms. Baum is regarded as one of the leading publicists in Hollywood, with extensive experience in the film industry. She has served as Mr. Depp's publicist for over a decade. Ms. Baum is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career as well as the impact of a jury verdict in Mr.

Depp's favor on his career going forward. In so doing, Ms. Baum may rely on her expertise in the entertainment industry and her experience as a publicist in that industry.

5. **Dr. David Kipper, MD, 153 South Lasky Drive, Beverly Hills, California 90210.** Dr. Kipper has been practicing internal medicine for decades and has served as Mr. Depp's treating physician for more than six years. Dr. Kipper also served as Ms. Heard's treating physician while Ms. Heard was in a relationship with Mr. Depp. Dr. Kipper is expected to testify as to the pharmacological effects of the medications prescribed on Mr. Depp, as well as medical opinions reached during the course of Mr. Depp and Ms. Heard's treatment. In so doing, Dr. Kipper may rely on his expertise and experience as a medical doctor practicing internal medicine.

Respectfully submitted,

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

- - - - - - - - - - - - - - -x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Civil Action No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

- - - - - - - - - - - - - - -x

Videotaped Deposition of

DAVID KIPPER, M.D.

Conducted Virtually

Monday, February 22, 2021

12:07 p.m. EST

Job No.: 348206

Pages: 1 - 273

Reported By: Paul P. Smakula

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Deposition of DAVID KIPPER, M.D., conducted virtually:

Pursuant to notice, before Paul P. Smakula, Notary Public in and for the State of Maryland.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF DEPP:

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE WITNESS:

JOHN HARWELL, ESQUIRE

LAW OFFICE OF GREG D. DERIN

5 La Pradera

Carmel-By-The-Sea, California 93923

(855) 546-7078

ALSO PRESENT:

Kim Johnson, Videographer

Alex Sussman, AV Technician

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Q Is the cell phone number (310) 433-0334 an old cell phone number of yours?
A An old cell phone number.
Q Okay. And is your email address David@Kippermd.com?
A Yes.
Q And you've been deposed before, Dr. Kipper?
A Yes.
Q So you know the general rules. I'm going to start off asking you questions. If at any time you don't understand a question, or can't hear me because we're doing this via Zoom, please let me know. If you respond it will be assumed you understood and heard my question. Does that make sense?
A Yes.
Q Okay. Please also be sure to answer verbally as you're doing. As you know, a nod or a shake of the head isn't going to do so the court reporter can accurately transcribe what you're saying; does that make sense?

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A Yes.
Q Okay. Have you ever been deposed in any cases involving Johnny Depp?
A No.
Q Okay. Now, you're a doctor; correct?
A Yes.
Q And an internist?
A Yes.
Q How long have you been practicing medicine?
A Since 1977.
Q And I noticed on your website, it says you provide concierge healthcare. What does that mean?
A That means I provide healthcare on a retainer-based -- arrangement.
Q What do you mean by retainer-based arrangement?
A Patients pay an annual fee and all services are included. And I'm available 24/7.
Q Now you also practice -- part of your practice is addiction treatment; is that correct?

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A Correct.
Q And you've written a book on addiction?
A Yes.
Q What's the title of the book?
A The Addiction Solution.
Q And by addiction do you mean addiction to drugs and alcohol?
A Yes.
Q Is there any other addictions that you practice treating?
A Well, there are behavioral addictions, but those are far less common.
Q And in your practice you've dealt with patients who have blacked out from drugs or alcohol?
A Yes.
Q And when a person experiences a black out during alcohol or drug use what, if anything, happens to the brain as to what's occurring or understand -- what their understanding is occurring around the person?
MR. HARWELL: Mr. Nadlehaft, you've just

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asked a question that requires the expert opinion of Dr. Kipper. As I wrote to you all earlier last week, if you ask expert questions you're going to have to pay the expert fees required under California Evidence Code Section 994. And I will instruct him not to answer any questions calling for expertise unless you wish to retain him for that purpose for this deposition.
Q Do you understand that you've been listed as a nonpaid expert by Mr. Depp?
A Can you define that for me, please, Adam?
Q Do you understand that you have been -- identified as a potential non -- that there -- a fact witness that is not -- let me, strike that. I'll come back to that.
MR. HARWELL: Mr. Nadlehaft, if it helps we're not answering any questions propounded by Mr. Depp's lawyers that call for an expert opinion without being compensated under evidence code Section 994 either.
Q With the understanding that you've been identified by Mr. Depp as a potential expert?

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detox from alcohol, opiates, benzo, and cocaine?
A Those -- those substances were in his history. The substance that he was at that point concerned about and abusing were opiates.
Q And when you say he was concerned about the substance he was abusing was opiates, was this in the conversation before May 22nd, 2014?
A I can't remember specifically.
Q Okay. So you had this initial conversation with Mr. Depp and then you had this initial consultation with him a few months later; is that correct?
A Yes, that's correct.
Q And you met with Mr. Depp in Boston?
A Yes.
Q And Mr. Depp was filming a movie at the time?
A Yes.
Q And in your notes you say he had had a history of self-medicating behaviors involving multiple substances of abuse. These include: Alcohol, opiates, benzodiazepines, and stimulants, cocaine. Is that -- is that accurate what he told you?
A Yes. That's in my -- that statement is in my notes, correct.
Q Okay. And in addition to opiates, was he -- was Mr. Depp addicted to any other prescription drugs?
A No, other than opiates, no.
Q Okay. What is -- with what is Roxicodone?
A It's an opiate.
Q And what is -- what is Adderall?
A Adderall is a stimulant.
Q Okay. And was Mr. Depp addicted to Adderall?
A No.
Q What is Xanax?
A Xanax is a benzodiazepine.
Q Okay. So was it -- was at any time Mr. Depp addicted to Xanax?
MR. HARWELL: I'm going to object to the form of the question in that you appear to be asking for his expert conclusion. If the question was did Mr. Depp indicate he was addicted to a benzodiazepine that's fine. If you wish him to read from his expert report that's also fine.
MR. NADLEHAFT: Okay. That's fine. Alex, can I take control?
Q Okay. This first -- this first paragraph on this page, these are notes based off of your discussion with Mr. Depp?
A Yes.
Q Okay. And then on the second page where it says physical examination, that's just what you conducted at the time -- on Mr. Depp?
A Yes. Yes.
Q Okay. And where it says "impression" on the third page, that was your impression of Mr. Depp at the time of May 22nd, 2014?
A Yes.
Q And under that, the plan, that -- that's -- that's documenting your plan for Mr. Depp going forward?
A Correct.
Q Did Mr. Depp pay for this visit?
A Yes.
Q Okay. And -- and was the plan to start treatment for Mr. Depp after he was finished with his movie in Boston?
MS. MEYERS: Objection; leading.
Q You can answer -- well, when was the plan to start treatment of Mr. Depp?
A After his -- after he completed his current film.
Q Okay. We can take this down. Can you put up Kipper 4, please?
(KIPPER Deposition Exhibit 4 marked for identification and attached to the transcript.)
MR. HARWELL: I will raise the same objection as to this document. We did not produce it to you. It contains PHI that we excluded from our production.
Q Dr. Kipper, do you recognize Kipper Exhibit 4?
A Yes.
Q And what are the -- what is Kipper Exhibit 4?

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production. And I'll represent to you that there were no drug tests that I saw for 2014 or 2015 for Mr. Depp. Do you know why that is?

A The only thing I can – the answer is no. I can't – I don't understand that. We had a flood in our office in 2014, October. The office above us flooded our office and the basement, which is where we kept certain records, but I'm not sure which records relating to Mr. Depp would have been involved in that. But other than that, no.

Q Okay. Would the -- would drug tests for Mr. Depp for 2014 and 2015, would those also be kept electronically?

A No.

Q Who did you work with to conduct the drug test of Mr. Depp?

A Yes, I ordered the drug test.

Q And – and what company did you work with?

A It appears that it's MD Lab. That's the lab we use.

Q Okay. And -- and the drug tests that we

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do have, they came from your files; correct?

A Correct.

Q And they're meant to be accurate; correct?

A Correct.

Q All right. And you would agree that drug tests that you took of Mr. Depp in the 2016 through 2019 period showed Mr. Depp testing positive for cocaine; correct?

A Correct.

MS. MEYERS: Objection.

Q The drug tests showed Mr. Depp being positive for cocaine; correct?

A Yes, correct.

Q Okay. And for THC, he was -- Mr. Depp was also positive for THC; correct?

A Correct.

Q And for benzo; is that correct?

A The answer would be yes. I'm looking for benzo – the answer would be correct because he was maintained on benzos, benzodiazepines.

Q Okay. And how long was -- was Mr. Depp on benzodiazepine?

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A He was on benzodiazepines pretty much throughout our relationship during this period of time.

Q Wasn't -- wasn't one of the objectives to get him off of benzodiazepines?

A It was, and we actually used a medication to accomplish that initially. But he didn't tolerate that medication very well. Not everyone does. So he was put back on his benzos.

Q Okay. Do you believe that Mr. Depp had an addiction to benzo?

A I think Mr. Depp had an anxiety –

MR. HARWELL: Objection; calls for an expert opinion.

MR. NADLEHAFT: You're not going to answer that?

MR. HARWELL: I'm instructing him not to answer.

Q On page 3 of Exhibit 7, what's being shown here under where it starts with cocaine metabolites?

A This – this is a listing of substances

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with reference ranges. And I think if you scroll down you'll see his specific analysis related to that.

Q Okay. And -- and on page 4, Robert Wells was the name for Mr. Depp; is that correct? An alias; correct?

A Yes, correct.

Q Okay. And this – this is a drug test for 11/21/16; correct?

A Yes.

Q And it -- what is it showing Mr. Depp positive for? What drugs?

A Positive for cocaine, amphetamines, and benzodiazepines.

Q Okay. Is -- is amphetamines a drug that you were prescribing to Mr. Depp?

A Correct.

Q What -- what drugs were that -- what drugs were they?

A That's Adderall.

Q Adderall. Okay. Is there any -- strike that.

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Q Hold on one second. Sorry. Do you see at Kipper 7 -- Kipper 71 where it says MD's flight has been canceled. Arrangements are being made for him to arrive on the island on 8/12/14?
A Yes, I see that.
Q Okay. So is it -- is it accurate that you arrived at Mr. Depp's island on August 12, 2014? Is that accurate?
A Yes, that is correct.
Q Okay. Do you see the note on 8/15/2014, "Texts from fiancee that patient is quote 'paranoid' and trying to fight with fiancee. States he is quote 'angry' and quote 'freaking out'"?
MS. MEYERS: Objection; hearsay.
Q "RN and MD went to assess patient." Do you see that?
A I do.
Q Is this note yours or -- or Ms. Lloyd's?
A It's Ms. Lloyd.
Q Okay. And do you recall -- do you recall Ms. Heard informing either you or Ms. Lloyd that

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Mr. Depp was paranoid and trying to fight with her?
MS. MEYERS: Objection; calls for hearsay.
Q You can answer.
A I can't recall that specific conversation. But if it's in these notes I would assume that it's an accurate statement.
Q And you and -- and you -- and you and Ms. Lloyd went to assess Mr. Depp based on the texts from Ms. Heard; correct?
MS. MEYERS: Objection; assumes facts not in evidence.
Q Did you go to assess Mr. Depp on August 15th, 2014, according to these notes?
A That's correct.
Q All right. And by the way, fiancée is Ms. Heard in these notes; correct?
A Yes.
Q And patient -- and patient is Mr. Depp; correct?
A Correct.
Q And you see the note for August 17th at

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15:45, "Patient's fiancée came to get MD and RN stating that patient was erratic and paranoid."
Do you see that?
A Yes.
Q And was this -- and again, was this your notes or Ms. Lloyd's notes?
A Ms. Lloyd.
Q Okay. And did -- do you recall anything else that Ms. Heard said about Mr. Depp beyond being erratic and paranoid?
MS. MEYERS: Objection; calls for hearsay.
A I can't remember.
Q Do you recall Mr. Depp having any -- being erratic when he was on the island?
MR. HARWELL: I'm going to object as it calls for an expert opinion.
MR. NADLEHAFT: I'm not asking as a doctor just as a person who was on the island with Mr. Depp.
Q Was he erratic?
A My opinion would come as a doctor, not as a nondoctor, because I am a doctor. So there were

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certainly times during the course of the treatment which -- which he demonstrated discomfort with his treatment.
Q When you say discomfort what do you mean with that?
A He was frustrated, and per the notes and my memory, he was anxious to get this over with and had expressed some frustration and discomfort when -- when he wasn't feeling well.
Q Okay. And if we scroll down to 8/18/14, is this at 1:00 in the morning?
A Yes.
Q Okay. And this is at Kipper 77 on -- on Kipper 5, "Patient is upset and irritable. M.D. and R.N. went to assess patient." Is that accurate that you came to see Mr. Depp at 1:00 in the morning?
A Yes.
Q And after receiving a text from Ms. Heard?
A Correct.
Q And Mr. Depp -- the note says he states -- he being Mr. Depp, states, "He had a fight with

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MS. MEYERS: Objection; calls for hearsay.
Q You can answer.
A She did -- she did tell us that, yes.
Q And did Ms. Heard reaching out to you cause you to visit Mr. Depp?
A Yes.
Q And in the second paragraph on Kipper 8 it says, "It's difficult for me to read too much into the conversation that followed. He's uncomfortable, is pessimistic that he'll ever be able to stop doing drugs, actually romanticizes the entire drug culture, and has no accountability for his behaviors." Was that accurate when you wrote it?
A Yes.
MS. MEYERS: Objection.
MR. HARWELL: I'm going to object as to whether that calls for an expert opinion. I think that you can have some read -- read the language into the record, but not ask him the basis for his conclusion.
MR. NADLEHAFT: I just asked if it's

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accurate. I didn't ask the basis.
MR. HARWELL: Is the writing accurate, Dr. Kipper?
A Yes. That's what I said. That is what I wrote.
Q And in the second page you write, "He has fundamental issues with anger, and when he gets mad at her, meaning Amber, for her bad behavior, he has tremendous ambivalence and guilt about these feelings even being valid." Is that accurate -- is it accurate that you wrote that?
A Yes, it's accurate that I wrote that.
Q You also wrote, "I also think that his need to be liked trumps his ability to actually reach out to these guys with the vulnerability that would ultimately give him the support he needs from the community he respects." Is that accurate that you wrote that?
A Yes.
MS. MEYERS: Objection; form; document speaks for itself.
Q And you also write, "There's also an issue

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of patience. He is driven also reflexively by his ID. He has no patience for not getting his needs met, has no understanding of delayed gratification, and is quite childlike in his reactions when he does not get immediate satisfaction." Is that accurate what you wrote?
MS. MEYERS: Objection; form; document speaks for itself.
Q You can answer.
A That is what I wrote.
Q And you wrote this to Ms. Dembrowski because you were concerned about Mr. Depp; is that correct?
A I wrote this so that she was aware of where we were in the process of his treatment.
Q And you wrote this after he had an incident with Ms. Heard; correct?
MS. MEYERS: Objection; assumes facts not in evidence.
A I did not witness the incident. I wrote this after we were called to see him because there was an alleged incident, but he clearly was

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uncomfortable at that time when we came to see him. And, again, we were getting ready to transition off of the island and I wanted Christi to have a clear understanding of where we were at that time.
Q Okay. And you wrote on page -- from the bottom of page 2 to page 3, "For my two cents, I think he needs to remain committed, endure some discomfort. He's actually ever had very little. Get neurochemically stable, seek an ongoing therapeutic relationship with a doctor I know that could help him, and get him into the recovery community on whatever level he would accept. Short of this, his chances remain slim. He is discouraged and angry, but this is not unusual at this phase of treatment."
Is that accurate what you wrote then?
A That is what I wrote, yes.
Q Okay. Do you need to take a break?
A I'm okay.
Q Okay. Fair enough.
A Pretty soon all this tea I'm drinking is

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going to change that opinion.
Q I understand. You let me know. You see at 23 -- at Kipper 79 at 2315, it says, "R.N. received text from fiance stating, 'he's manic, full-on flipping out. Give up. Not to call you guys.'" Do you see that?
A Yes, I see that.
Q Okay. That's a note from Ms. Lloyd?
A Correct.
Q And Ms. Lloyd would only have written down this note if she actually received that -- a text like that from Ms. Heard; correct?
A Yes, that's correct.
Q Were you informed at this time that Mr. Depp was manic, full-on flipping out?
A Yes, I was -- I certainly read her note, and she relayed that information to me.
Q Okay. And Ms. Lloyd also received a text from Ms. Heard saying, "We need help. He's at the border, refusing to take his meds. Fiancee informed nurse would come right over." Do you see that at 8:20?

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A Yes.
MS. MEYERS: Objection; calls for hearsay.
Q And then at 12:30 you and Ms. Lloyd met with Mr. Depp?
A Yes, according to these notes, yes.
Q Okay. And do you know, was this now in the Bahamas or was this back in Los Angeles?
A I need to go back to the date, not the time. Can you scroll up? Thank you.
Q 8/20/14.
A And I'm just looking at my calendar. Yes, we were now back in Los Angeles.
Q And in the notes on 12:30 on August 20th, "Mr. Depp stated he was done with the process and no longer wanted M.D. and R.N. services." Do you see that?
A Yes.
Q Do you recall Mr. Depp telling you that?
A Yes.
MS. MEYERS: Objection; calls for hearsay.
Q And do you recall Mr. Depp saying there was tension between him and Ms. Heard?

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MS. MEYERS: Objection; calls for hearsay.
A Yes.
Q And it was -- you thought it was best for Ms. Heard to take a few days for herself; correct?
MR. HARWELL: Objection; calls for expert opinion.
Q Was the plan for Ms. Heard to take a few days for herself?
A Yes.
Q And Mr. Depp wanted -- is it true Mr. Depp wanted to stop taking all the medications you were providing him?
A Yes, that's reflected in this note.
Q Now, you mentioned you had -- you did text with Mr. Depp on occasion; correct?
A I believe so, but I really can't remember any specific time or message that I sent to him.
MR. NADLEHAFT: Okay. Alex, can you put up Exhibit 9, please, Kipper Exhibit 9.
(KIPPER Deposition Exhibit 9 marked for identification and attached to the transcript.)
Q Dr. Kipper, Mr. Depp has produced a number

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of texts in this litigation between you and him. And they're in this chart here. We're not going to go through all of them, I promise you. But I want to ask you about a few of them. And we'll do this throughout the deposition. And on 8/21/2014 it says Dr. David Kipper, this 310 phone number, was that your phone number at the time?
A Yes.
Q Okay. And this was a text from you that says -- to Mr. Depp that says, "Glad you're better today. Respect you as much as I love you. You're impossible not to love, but an easier job not to respect. You're making my job a pleasure, an honor, and a few sleepless nights. Stop firing me, I know what I'm doing." Do you recall sending that text to Mr. Depp?
A Yes.
Q Okay. Now, you had been working with Mr. Depp for how long at this point as of August 21st, 2014, approximately?
A We had started -- the detox started I believe on the 10th of August, and this is -- I'm

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having a little trouble – can this be enlarged a little bit?
Q Sure. That might be too much.
A Yeah, that's a little – so this was written on – I'm looking for the date, there it is, 8/19 –
Q No, it's 8/21, the bottom one.
A Yes, I'm sorry. I forgot your question already.
Q How long had you been working with Mr. Depp at this point as of August 21st, 2014?
A And can you define by working with him? Are you talking about specifically the detox or are you talking about our initial meeting?
Q Even if you go with the initial meeting, how many months has that been?
A So about four months.
Q Okay. And you write, "Stop firing me." In that four months, how many times had Mr. Depp tried to fire you?
A That was – I believe that was the first time. And again, this was in reference to him not

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wanting to proceed and not wanting our help. This is actually – I'm sorry this was the second time, because the first time was on the island just as we were getting ready to leave. He did not want to proceed, he didn't think he could do it. That changed after a conversation, he was back on board. And this came from – I think followed that incident that you – we just referred to in the notes when we were asked to come and visit with them and – where he didn't want to proceed and then again at the end of that visit he was back on board.
Q Okay. Now, on August 24th, 2014, its shows a text -- when it shows him, that's Mr. Depp to you, David Kipper, and Mr. Depp wrote, "Forgot to tell you, had a hopefully very positive and free of ego squawk with Amber last night that went very well... And then I shot a few Negroes in a club on Sunset Boulevard. So far so good..."
Do you recall this text from Mr. Depp?
A No.
Q Was that Mr. Depp's typical language?

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A Again, I don't recall this specific email. So that may be – that may have been an attempt at humor.
Q Were you concerned at all that he was having any -- Mr. Depp was having any hallucinations?
A No.
Q Okay. Were you ever concerned that Mr. Depp was having hallucinations?
MR. HARWELL: Objection; calls for an expert testimony.
Q Were you ever told that Mr. Depp was having hallucinations?
MS. MEYERS: Objection; calls for hearsay.
Q You can answer that.
A I can't remember hearing that.
Q From anybody at any time?
A Correct.
Q Alex, can you put up Kipper 10.
(KIPPER Deposition Exhibit 10 marked for identification and attached to the transcript.)
Q Dr. Kipper, Kipper 10 is an -- do you

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recognize this document?
A No, but I'm looking at it.
Q Let me ask you this, do you recall if Arrowsarc@icloud.com was Ms. Heard's email address?
A I assume that by looking at this document.
Q Do you recall Ms. Heard emailing you saying that she got into an argument when Johnny didn't come home the night before or that night?
MS. MEYERS: Objection; hearsay.
Q You can answer.
A Until I saw this, I don't recall that specifically, but I can see by this document that that did happen.
Q Is it true that Ms. Heard informed you then and at other times that Mr. Depp explodes?
MS. MEYERS: Objection; calls for evidence not in the record; hearsay.
Q You can answer.
A Yes.
Q Okay. Exhibit 5, Kipper 101 at 9/22/14 at 1:25. You see it says, "R.N. received text from

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you're able to know how you are, good or bad. This is when we need to connect, and without judgment, but I'm very concerned about you and want to right the ship." So same concerns as you had in the text message before; correct?

A Correct.

Q And -- and then on November 16th you write, "I need to hear from you. Please call me." So you were still concerned about Mr. Depp in this November 16th, 2014, time frame; correct?

MS. MEYERS: Objection; vague.

A Yes. Evidently, yes.

Q Now, on November 17th, 2014 -- in 2014, Mr. Depp texted you and said, "I have been to see Amber downtown. Yeah, yeah, interesting to say the least. Wow. Anyway, I'm still away and don't foresee slumber anytime soon to this broken instrument of a squash situated atop my shoulders. I would love to speak whenever you get a minute, Dear David, though honestly if I were you, Debbie, and/or Erin I would RUN for the fucking hills!!! I love you, Doctor... Cannot thank you enough for

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all you've done. Not only for me and my poor pack of wolves and my sweet, fucking brave Mikey... these are the things that remind us that life should be a fucking gas. I'm waste deep in big muddy here... Hit me when you're drunk... It'll be far less boring. Love you long time, brother... And of course, the beautiful and luminous Chanelle... And by now 8'6" Sam! Mucho, mucho... From those of us who are not as others. X. JD."

You recall do you recall this text from Mr. Depp?

A No, I don't. But clearly I see that I received that text.

Q Do you -- okay. Do you recall in this November -- when -- have you seen texts like this from Mr. Depp to you?

MS. MEYERS: Objection; vague and ambiguous.

Q Let me ask you this way, when you would receive texts from Mr. Depp, could you tell whether he was intoxicated or not?

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MS. MEYERS: Objection; calls for speculation; lacks foundation; vague and ambiguous.

MR. HARWELL: And expert testimony.

A No. The answer would be no.

Q Do you know what he means by, "Fucking brave Mikey"?

A He had a friend that had a serious health issue, and this may have been the one that died. But this was in reference to one of his friends.

Q Do you recall if after Mr. Depp had one of his friends die, if he had a relapse into drugs or alcohol?

MS. MEYERS: Objection; vague.

Q Around this 2014 time frame?

MR. HARWELL: And I'm going to object as to calling for expert testimony. If you wish to point him to a piece of paper and have him read it to you, we're welcome to, otherwise you're asking for expert testimony.

Q Do you recall if Mr. Depp was taking drugs or alcohol in this November 2014 time frame after

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he lost a friend?

A No, I can't say. I can't remember.

MR. NADLEHAFT: Okay. Okay. Alex, can you put up Kipper 13, please.

(KIPPER Deposition Exhibit 13 marked for identification and attached to the transcript.)

Q Do you recognize, Dr. Kipper, this email chain between you and Connell Cowan?

A I can't -- I don't remember it, but I'm refreshing myself with what you're showing me.

Q Okay. Who is Connell Cowan?

A He's a psychologist that I had referred Amber to see.

Q Okay. And on January 27th, 2015, at 6:11 p.m. you wrote to Mr. Cowan -- Dr. Cowan, "Connell, sorry for getting back to you late. I'm swamped. Amber and JD have been fighting nonstop since he confirmed his need for a prenup on their way to the airport going to Japan to promote his movie. She tried to push up the date of the wedding to avoid all this, but the reality is he'll need prenup. If she fails to sign, they

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won't get married. Both behaved like super triple DD types, complete with thrown coffee, attempts to storm the cockpit by him to turn the plane around, attempts by her to leave the plane while they were over the fucking ocean, etcetera."

Do you recall writing that to Dr. Cowan?

A No, I don't recall writing that, but clearly I did.

Q Were you -- do you recall being in the plane with Mr. Depp and Ms. Heard where he tried to storm the cockpit?

MS. MEYERS: Objection; assumes facts not in evidence; calls for speculation.

Q You can answer.

A Never, no.

Q Okay. But you were somehow informed that Mr. Depp tried to storm the cockpit; correct?

A Yes.

Q And there was thrown coffee; correct?

MS. MEYERS: Objection; calls for hearsay; calls for speculation; assumes facts not in evidence.

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A Again, I don't recall who gave me this information that I translated to Dr. Cowan.

Q And you were concerned about the information enough to share it with Dr. Cowan; correct?

MS. MEYERS: Objection; vague and ambiguous.

A Yes, I was concerned because I was -- I was trying to arrange for therapy for these two.

Q Okay. And Ms. Heard was your patient as well as Mr. Depp at this time; correct?

A At this time, yes.

Q Were you concerned about any sort of violence towards Ms. Heard at this time?

MS. MEYERS: Objection; vague and ambiguous as to violence; assumes facts not in evidence.

MR. HARWELL: And I'm afraid you're calling for an expert opinion.

MR. NADLEHAFT: The concern about violence you're saying is an expert opinion?

MR. HARWELL: Were you concerned about

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violence? Were you asking a guy on the street it might not be, but it would be the opinion of someone who would be uninformed. You're asking their physician whether he was concerned about violence, and that in California requires expert testimony.

Q Is there any -- Dr. Kipper, are there any ethical rules to report -- report the violence if you were to be told of violence?

A If I were to see the violence I would be obligated to -- I would be obligated to make some reporting. I never saw any violence.

Q And you didn't report either Mr. Depp or Ms. Heard; correct? Because you didn't see -- your testimony is you didn't see any violence between -- from Mr. Depp to Ms. Heard or Ms. Heard to Mr. Depp; correct?

A We never saw violence between the two of them.

Q Okay. You heard reports but never saw -- you never saw it is your testimony?

A Correct.

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Q Okay. And there isn't -- is there -- and getting -- there's no ethical obligation to report violence if you were told about purported violence?

MR. HARWELL: If you know the answer to that question, Doctor.

A I don't -- I know that -- if I know that a patient of mine has committed a murder or has committed a criminal act, murder, specifically, then I am required to report that.

Q But if it's not a murder, if someone is -- if a client is reporting being beaten by their husband, you don't have to report that under the ethical code?

A If it's reported to me, no. If I observe this and know this to be a fact, then yes.

Q And that's based on your -- and that's based on -- and you have that -- you gave the statement based on what you recall of the ethical code for doctors in California; is that correct?

A Yes, that's correct.

MR. NADLEHAFT: Okay. Can you put up

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Q And Raja Sawhney emailed you, do you see that?
A Yes.
Q Okay. And he writes, "Thank you for your time, David. Attached is a copy of my notes for you to use as necessary, re Robert Wells." And Robert Wells is Mr. Depp; correct?
A Correct.
Q And this was from March 8th, 2015; correct?
A Yes.
Q Okay. And Dr. Sawhney writes to you, "51M, right ring finger injury and distal detipping. Right-hand dominant. Unclear history of traumatic event and no witnesses. Patient under the influence and not coherent. Not sure of mechanism. Accompanied by his physician, Dr. Kipper, who has given him Toradol and Augmentin, 870 milligrams orally." is there anything inaccurate in that email?
A If this refers to him in the emergency room in Australia, I did not see him as incoherent

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nor did I see him as under the influence. He was perfectly coherent.
Q Okay. There was no reason for Dr. Sawhney to lie in this email; correct?
MS. MEYERS: Objection; calls for speculation.
A I can't respond to what he saw or what his interpretation was. I only know my own.
Q Okay. And on the second page, he writes, "On examination, conversant and pleasant when awake, but not coherent. Heavily contaminated hand and fingers with dirt, grime, and paint." Do you see that?
A Yes.
Q Is that consistent with your memory?
A My memory was that he was coherent throughout the time that I was with him. And I was with him throughout that admission and treatment in the emergency room.
Q So your -- again, is there any reason for the doctor to say that he wasn't coherent?
MS. MEYERS: Objection; calls for

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speculation.
MR. HARWELL: And calls for an expert opinion.
MR. NADLEHAFT: I don't believe it calls for an expert opinion.
MR. HARWELL: You're asking him if there's any reason for that doctor to have determined he was coherent, and he did not determine he was coherent. All you're going to get from him is whether or not -- you asked him if it was accurate; he said he doesn't think it's accurate.
Q Was it accurate that his hand -- that his heavily contaminated hand and fingers with dirt, grime, and paint?
A That's accurate.
Q Okay. Is there anything other than the coherent here that you find that's inaccurate?
A No, the rest of that seems accurate.
Q Okay. And when you saw Ms. Heard at the house in this March 7th, 2015, time frame, did she seem like she was on -- was she coherent?
A She was coherent.

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Q And did she seem like she was on any drugs or alcohol?
MR. HARWELL: Objection; calls for an expert opinion.
MR. NADLEHAFT: Okay. Can you put up Exhibit 16.
(KIPPER Deposition Exhibit 16 marked for identification and attached to the transcript.)
Q Dr. Kipper, do you recall seeing Kipper 16 from the Gold Coast University Hospital?
A Please allow me a minute to review this.
Q Sure.
A And your question was do I recall that note?
Q Yeah. Do you recall seeing this document?
A Yes, I do.
Q Okay. And it's from Dr. Steve -- Steve Dr. Grant, I'm not sure. And it says, "Thanks for seeing and treating this patient. He sustained an injury to his right middle finger tonight after accidentally cutting it with a kitchen knife." Do you see that?

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Q Do you have a background in psychology?
A Yes. Actually, I have a background in mental health, in addiction, and as a general internist.
Q So you're qualified to make a diagnosis of Bipolar I?
A Yes.
Q And did this diagnosis impact your treatment of Mr. Depp in any way?
MR. HARWELL: Objection; calls for expert opinion.
Q I'd like to direct your attention now to the heading "Plan." Do you see this?
A Yes.
Q Okay. I'm going to go through the medication listed under the heading re-establish dopamine balance, do you see that?
A Yes.
Q Okay. So first of all, I see Adderall listed. Was Mr. Depp taking Adderall at the time you started treating him?
A Not at the time, no.

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Q Adderall is something that you prescribed to him when you started treating him?
A Yes.
Q And what was the purpose of prescribing him Adderall?
MR. HARWELL: Objection. Calls for expert opinion.
Q How did Adderall affect Mr. Depp?
A Adderall increased his ability to focus.
Q Okay. And I see trial lithium here, is this another medication you prescribed to Mr. Depp?
A Yes.
Q And he wasn't already taking it at the time that you started treating him?
A Correct.
Q And how did lithium affect Mr. Depp?
A Lithium ultimately was not a good choice because it created some fatigue for him. And lithium is a mood stabilizing medication. And the prescription – the prescribing was to stabilize his mood.

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Q From what you observed, did it stabilize his mood?
A Unfortunately it was hard to dissect that out. Because this was -- again, he was in the middle of a maintenance program on medication when we started at that time to transition to an actual detox. So during that period of time it's hard to say what was what, which medicines were creating what effects.
Q I see here you say maintain current dosing of Roxicodone and Klonopin. How did -- so am I correct this was medication that Mr. Depp was already taking when you started treating him?
A Yes.
Q And how did maintaining this medication affect Mr. Depp?
A It kept him from going into withdrawal from these two different medicines.
Q Okay. I'd like to go on to the next page here. I see trial of Ambien here. Is this -- is this also medication that you prescribed to Mr. Depp?

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A Yes.
Q And he was not previously taking Ambien?
A Not – not recently when I first met him, no.
Q And how did the Ambien affect Mr. Depp?
A It allowed him to sleep.
Q And I see here maintain current Lexapro but wean off gradually. Was this a medication that Mr. Depp was already on when you started treating him?
A Yes.
Q And how did this medication affect Mr. Depp?
A It also contributed to adjusting his mood, depression, and anxiety.
Q Of the medications that we've just discussed, taking them together, how did that affect Mr. Depp?
A These medications did not – as a combination did not negatively impact him.
Q When you say negative -- what do you mean by when you say didn't negatively impact him?

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff,
v. : Case No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant.

CONFIDENTIAL - UNDER SEAL

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, October 8, 2021

11:51 a.m.

Job No.: 403339

Pages: 1 - 34

Reported by: Carol A. Lowe, RPR

past. So there's no question an IME could answer.

Of course, other than Ms. Heard Mr. Depp has never even been accused much less arrested or convicted of assaulting anyone; unlike Ms. Heard who was arrested for assaulting her then girlfriend, Tasya van Ree, and who spent a night in jail nor has Mr. Depp had any contact, no emails, no calls, no texts, with Ms. Heard in a long time.

Defendant's reference to Dr. Kipper's report is inapposite for the following reasons. A, Dr. Kipper is a general internist. He's not a psychologist. B, he treated both Mr. Depp and Ms. Heard as their physician. C, Dr. Kipper did no psychological testing of Mr. Depp that could be retested for which Dr. Kipper would be wildly unqualified. D, no one, not Mr. Depp or Dr. Kipper, has put Mr. Depp's mental condition at issue nor have they suggested that he has any condition or takes any medications that in any way proves he did not abuse Ms. Heard.

And, to be clear, we are not proffering

Dr. Kipper as an expert. And we'll be -- our expert disclosures given the continuance of the trial are not due until January. And I will make this representation. And had there been a meet-and-confer, we would have done this.

But we are not proffering Dr. Kipper as an expert on anything. We are proffering him as a fact witness. And irrespective of the letter to Christi Dembrowski who's Mr. Depp's sister from Dr. Kipper, Dr. Kipper has testified in response to Mr. -- Ms. Bredehoft's questioning that he never saw any injury on Ms. Heard.

That's what we're bringing him to tell the jury; that there was no injury. And that's consistent with the very credible, repeated testimony by Officers Melissa Saenz and Tyler Hadden that there were no marks on Ms. Heard. And, remember, Officer Saenz had handled over a hundred domestic abuse cases. So she knew what to look for and when to look for it.

Ms. Heard's reference to fairness is ironic as fairness strongly militates toward

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff and Counterclaim Defendant,	:	
	:	
v.	:	
	:	
AMBER LAURA HEARD,	:	Civil Action No.: CL-2019-0002911
	:	
Defendant and Counterclaim Plaintiff.	:	
	:	

PLAINTIFF/COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S LIST OF WITNESSES

COMES NOW Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff" or "Mr. Depp"), by counsel, and pursuant to the Scheduling Order entered by this Court, submits the following list of witnesses whom he may call to testify at the trial scheduled to begin on April 11, 2022. Mr. Depp reserves the right to amend or supplement this list as appropriate. Further, Mr. Depp specifically reserves the right to amend this list to reflect any change in the manner in which the witnesses identified below are testifying.

1. John C. Depp, II, by in-person testimony
2. Sean Bett, by in-person testimony
3. Gina Deuters, by in-person testimony
4. Stephen Deuters, by in-person testimony
5. Ben King, by in-person testimony
6. Malcolm Connelly, by in-person testimony, but reserving the right to call by video link

7. Travis McGivern, by video link

8. Starling Jenkins, by video link

9. Dr. David Kipper, reserving the right to call by video link, otherwise by deposition testimony

10. Isaac Baruch, reserving the right to call by video link, otherwise by deposition testimony

11. Kevin Murphy, by video link

12. Christian Carino, reserving the right to call by video link, otherwise by deposition testimony

13. Christi Dembrowski, by in-person testimony

14. Tara Roberts, by video link

15. Edward L. White, by in-person testimony

16. Sam Sarkar, reserving the right to call in person, otherwise by video link

17. Paul Bettany, by video link

18. Keenan Wyatt, by video link

19. Jack Whigham, reserving the right to call by video link, otherwise by deposition testimony

20. Leonard Damian, by video link

21. Robin Baum, by video link

22. Andy Milner, by video link

23. Samantha McMillen, by video link

24. Adam Waldman, reserving the right to call live or by video link, otherwise by deposition testimony

25. Trinity Esparza, by video link

26. Kate James, reserving the right to call by video link, otherwise by deposition testimony

27. Debbie Rassel, by video link

28. Shannon J. Curry, PsyD, by in-person testimony

29. Richard S. Gilbert, M.D., by in-person testimony

30. Richard Marks, by in-person testimony

31. Michael Spindler, CPA, CFE, CFF, ABV, CAMS, by in-person testimony

32. Doug Bania, by in-person testimony

33. Bryan Neumeister, by in-person testimony

34. Kimberly Ann Collins, MD, by in-person testimony

35. Dr. Richard Shaw, by in-person testimony

36. Rachael Frost, by in-person testimony

37. All witnesses and deposition testimony identified in Plaintiff's Designation of Deposition Testimony, any Counter-Designations, and any amendments or supplements thereto, specifically including (without limitation) the following:

a. Laurel Anderson

b. Isaac Baruch

c. Robin Baum

d. Sean Bett

e. Connell Cowan

f. Candie Davidson-Goldbronn, PMQ of Children's Hospital, Los Angeles

g. Christi Dembrowski

h. Christian Carino

i. Stephen Deuters

j. Christopher Diener

k. Laura Divenere

l. Terence Dougherty

m. Joshua Drew

n. Erin Falati

o. William Gatlin

p. Eric George

q. Tyler Hadden

r. Whitney Henriquez

s. Jennifer Howell

t. Melanie Inglessis

u. Tracey Jacobs

v. Katherine James

w. David Kipper

x. Debbie Lloyd

y. Michelle Mulrooney

z. Tina Newman

aa. Brandon Patterson

bb. Raquel Pennington

cc. Alejandro Romero

dd. Anthony Romero

ee. Melissa Saenz

ff. Rami Sarabi

gg. Kristina Sexton

hh. Monroe Tinker

ii. Adam Waldman

jj. Laura Allison Wasser

kk. Edward White

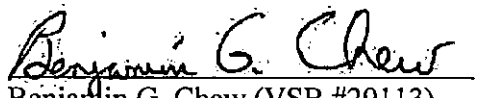
ll. Bruce Witkin

38. Any witnesses identified by Plaintiff and/or Defendant and Counterclaim Plaintiff Amber Heard to whom Plaintiff does not object.

39. Any witnesses necessary for rebuttal or impeachment.

Dated: March 14, 2022

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Karen Stemland
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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 RESPECTING TRIAL TESTIMONY BY AUDIOVISUAL MEANS AT TRIAL

Pursuant to Rule 1:27(c)(1) of the Rules of the Virginia Supreme Court, Plaintiff and Counterclaim-Defendant John C. Depp, II ("Mr. Depp") and Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard") (collectively with Mr. Depp, the "Parties"), through their respective counsel, hereby jointly request and consent to the relief in this Order, as evidenced by their signatures below. Therefore, it is hereby:

ORDERED that the courtroom and technology that will be used for trial in this case meet the requirements of Va. Code § 19.2-3.1 and Rules 1:27(b) and (f) of the Virginia Supreme Court; and it is further

ORDERED that pursuant to Rule 1:27(e)(1), any witness within the scope of this Order testifying at trial from a remote location within Virginia shall be placed under oath in the same fashion as any live witness present at the trial; and it is further

ORDERED that pursuant to Va. Sup. Ct. R. 1:27(e)(2), any witness within the scope of this Order testifying at trial from a remote location outside the Commonwealth of Virginia must sign a

written consent before testifying meeting the requirements of Rule 1:27(c)(2)(A-C) of the Virginia Supreme Court; and it is further

ORDERED that the Parties shall disclose specifically on their Witness List filed with the Court on or before March 14, 2021 any witness who will testify remotely by audiovisual means at trial and it is further

ORDERED that nothing prevents either party from moving to exclude all or part of any witness's testimony, including those identified as testifying by audiovisual means, nor does it exclude the ability of the parties to designate portions of depositions or prior testimony of any such witness identified on the parties' Witness Lists as testifying by remote audiovisual means; and it is further

ORDERED that this Order shall not apply to the trial testimony of the parties or any expert witnesses; all such witnesses shall testify in person at trial, unless otherwise agreed to by the Parties in a subsequent Consent Order, or as otherwise ordered by the Court.

SO ORDERED.

November 22, 2021

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

WE ASK FOR THIS:

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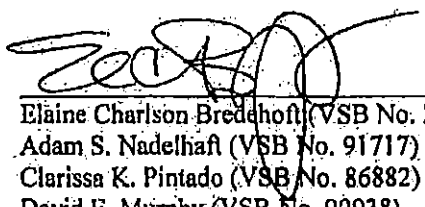
Counsel for Plaintiff and Counterclaim-Defendant John C. Depp, II

WE ASK FOR THIS:



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Counsel for Defendant and Counterclaim-Plaintiff Amber Laura Heard

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II, Plaintiff and Counter-defendant, v. AMBER LAURA HEARD, Defendant and Counter-plaintiff.	Civil Action No.: CL-2019-0002911

SCHEDULING ORDER

A SCHEUDLING CONFERENCE was held on March 26, 2021.

After discussing the various issues presented, it was **ORDERED:**

I. Trial

The trial date is April 11, 2022 (with a jury). The estimated length of the trial is four weeks.

II. Discovery

The parties shall complete discovery, including depositions, by thirty (30) days before trial, or by March 11, 2022; however, depositions taken in lieu of live testimony will be permitted until forty-five (45) days before trial, or by February 25, 2022. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadlines established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1 (e) of the Rules of the Supreme Court of Virginia. "Seasonably" means as soon as practical. No provision of this Order supersedes the Rules of the Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts

If requested in discovery, plaintiff's, counter-claimant, third party plaintiff's and cross-claimant's experts shall be identified on or before ninety (90) days before trial, or by January 11, 2022 If requested in discovery, defendants and all opposing experts shall be identified on or before sixty (60) days before trial, or by February 10, 2022. If requested in discovery, experts or

opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than forty-five (45) days before trial, or by February 25, 2022. If requested, all information discoverable under Rule 4:1 (b) (4) (A) (i) of the Rules of the Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1 (e).

IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment, or other dispositive motions not more than sixty (60) days after being filed.

V. Exhibit and Witness List

Counsel of record shall exchange by March 14, 2022 a list specifically identifying each exhibit to be introduced at trial, copies of all exhibits, marked, tabbed and indexed, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefore except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel by March 24, 2022 or the objections will be deemed waived absent leave of court for good cause shown.

VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, a pretrial conference shall be held on February 9, 2022 at 10:00 a.m., wherein the briefing schedule for motions *in limine*, settlement discussions and other pretrial motions or matters which may aid in the disposition of this action can be heard. Also, to the extent not resolved prior to February 9, 2022, counsel for the parties shall present to the Court their respective positions as to how any claims for attorneys' fees and costs should be adjudicated at some point after the trial. Pursuant to the Court's Order of January 27, 2021, attorneys' fees and costs will not be tried in the corpus of the trial, now starting April 11, 2022 and attorneys' fees experts need not be identified by the deadlines set forth in Section III, *supra*.

VII. Motions *in Limine*

Absent leave of court, any motion *in limine* which requires argument exceeding five (5) minutes shall be duly noticed and heard before the day of trial. Objections to deposition excerpts addressed in Section XI *infra*, and Motions *in Limine* shall be heard at 10:00 a.m. on March 30, 2022 and March 31, 2022.

VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least ten (10) days before trial.

IX. Continuances

Continuances will only be granted by the court for good cause shown.

X. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall by April 1, 2022 exchange proposed jury instructions. The parties shall confer and exchange objections by April 6, 2022 and shall confer with respect to the objections by April 8, 2022. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged by no later than March 9, 2022, except for good cause shown or by agreement of counsel. All objections and counter-designations shall be exchanged by March 18, 2022, and any rebuttal and objections to the counter-designations shall be exchanged no later than March 23, 2022. The parties shall file with the Court deposition transcripts with the designations, counter-designations and rebuttal designations and all remaining objections no later than March 25, 2022. A hearing on all the remaining objections to designations shall be heard at 10:00 a.m. on March 30, 2022 and continuing into March 31, 2022, along with the Motions *in Limine*.

XII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

Entered this 22 day of April, 2021.

JUDGE Penney S. Azcarate

Counsel for Plaintiff

Counsel for Defendant

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby designates and identifies his expert witnesses.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses, specifically Ms. Heard, have yet to occur—Plaintiff reserves the right to supplement this Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, Richard Marks & Associates, 10573 W. Pico Blvd., Suite 221, Los Angeles, California 90064.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry. Mr. Marks

Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Designation, Ms. Heard has yet to grant access to the original devices, including mobile devices and computers (including laptops and iPads), as well as access to the operating system drives and cloud backups of these original devices for purposes of performing a physical extraction and direct examination of all relevant data from the original devices as requested in Mr. Depp's Seventh Set of Requests for Production, dated February 12, 2021, to Ms. Heard.

Mr. Neumeister's CV is attached hereto as **Exhibit D**. He is being compensated for his work at the rate of $575 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

5. **Shannon J. Curry, PsyD, Clinical Psychologist, Curry Psychology Group, 200 Newport Center Drive, Suite 204, Newport Beach, California 92660.** Dr. Curry is a clinical psychologist with extensive experience and clinical and research expertise in individual and community trauma, forensic psychology, and relationships/the Gottman method of couples' therapy. Currently, Dr. Curry is the owner and director of the Curry Psychology Group, a multispecialty mental health center in Newport Beach, California. Dr. Curry has nine years of experience as a licensed clinical psychologist, providing direct therapy and assessment services and supervising masters- and doctoral-level clinicians. Prior to becoming a clinical psychologist, Dr. Curry worked for seven years as a therapist. She is experienced in treating adults, couples, adolescents, children, and families across a diverse range of settings including community counseling centers, forensic psychiatric hospitals, correctional programs, military facilities, and rural clinics both in the U.S. and abroad (Ayacucho, Peru and La Paz, Mexico). In addition to her clinical work, Dr. Curry is on the board for the University of California Irvine Center for

Unconventional Security Affairs ("CUSA") and is involved in continued research on issues of poverty, warfare, violence, environmental sustainability, and complex disaster.

Dr. Curry received her Bachelor of Arts in Psychology and Social Behavior with high honors from the University of California, Irvine; a Master of Arts in Psychology from Pepperdine University; a Post-Doctoral Master of Science in Clinical Psychopharmacology from Alliant University (for psychologist prescriptive authority in certain states and federal jurisdictions); and a doctorate in Clinical Psychology from Pepperdine University with research honors. Dr. Curry completed a year-long doctoral internship at Tripler Army Medical Hospital in Honolulu, Hawaii, an American Psychological Association ("APA")-Accredited training site, where she obtained intensive experience in psychological assessment and the treatment of post-traumatic stress disorder ("PTSD"). She then completed a two-year post-doctoral residency at Hawaii State Hospital, a forensic psychiatric hospital where she specialized in trauma and forensic psychology and obtained Certification as a Forensic Evaluator for the Hawaii State Department of Courts and Corrections.

Dr. Curry will testify concerning Ms. Heard's behavior in the context of her relationship with Mr. Depp, including Ms. Heard's abuse of Mr. Depp. Specifically, Dr. Curry is expected to draw upon her experience and expertise as a clinical and forensic psychologist as well as her review of current and relevant peer-reviewed scientific literature to testify as to the following:

a. Ms. Heard exhibits patterns of behavior that are consistent with co-occurring Cluster B Personality Disorder traits, especially Borderline Personality Disorder ("BPD");

b. Ms. Heard repeatedly and characterologically perpetrated severe physical and psychological Intimate Partner Violence ("IPV") toward Mr. Depp over the course of their relationship; and

c. Ms. Heard exhibits patterns of behavior that suggest her allegations of abuse against Mr. Depp are false.

Dr. Curry's opinions will be based on a review of documentary evidence and deposition and trial testimony, including the deposition testimony of Ms. Heard in the 2016 divorce proceeding between Ms. Heard and Mr. Depp and the deposition testimony of Mr. Depp in this case, the documents, video and audio recordings, photographs, and text messages produced by Mr. Depp and Ms. Heard including documents submitted by Ms. Heard to obtain a temporary restraining order against Mr. Depp in 2016, the arrest records of Ms. Heard for domestic abuse against Ms. Tasya van Ree, and documents relating to Ms. Heard and her involvement, including any donations, to the American Civil Liberties Union, the documents produced by the Children's Hospital of Los Angeles, and the medical records produced by Dr. David Kipper, Dr. Connell Cowan, and Dr. Alan Blaustein. Dr. Curry's opinions will also be based on current and relevant peer-reviewed scientific literature. A full list of references that Dr. Curry has relied on thus far to form her opinion is attached hereto as **Exhibit E.**

Dr. Curry may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Designation, the follow depositions have yet to occur: Dr. David Kipper, Ms. Debbie Lloyd, Ms. Erin Falati, Ms. Heard's treating psychologists and physicians, Ms. Heard, and Ms. Tasya van Ree.

Dr. Curry's CV is attached hereto as **Exhibit F.** She is being compensated for her work at the rate of $300 per hour for time spent preparing and $500 per hour for time spent attending and providing testimony in court proceedings; none of her compensation is contingent on the opinions she renders or the outcome of the litigation.

6. **Kimberly Ann Collins, MD, Forensic Pathologist, Newberry Pathology Group, Newberry Memorial Hospital, 2669 Kinard Street, Newberry, South Carolina, 29108.** Dr. Collins is a forensic pathologist with the Newberry Pathology Group at Newberry Memorial Hospital and has been practicing in this area for twenty-seven years. Previously, Dr. Collins was a full professor in pathology and laboratory medicine and the Forensic Pathology Fellowship Director at the Medical University of South Carolina. Dr. Collins also served as the Chief Medical Examiner for Charleston County. Dr. Collins is board certified in anatomic pathology, clinical pathology, and forensic pathology from the American Board of Pathology. Dr. Collins is also a Diplomat of the American Board of Pathology in Anatomic and Clinical Pathology as well as Forensic Pathology. Dr. Collins is the former President of the National Association of Medical Examiners and former Chair of the Board. Dr. Collins has published more than eighty peer-reviewed manuscripts, chapters, and texts, including articles and presentations on spousal and domestic abuse. Dr. Collins serves on the editorial boards of *Archives of Pathology and Laboratory Medicine, American Journal of Forensic Medicine and Pathology,* and *Journal of Forensic Science, Medicine, and Pathology.* Dr. Collins is a seasoned expert and has worked on over 3,000 cases involving injuries, suicides, homicides, and accident investigations. Dr. Collins received her Bachelor of Science in Microbiology from the University of Georgia and her Doctor of Medicine from the Medical College of Georgia.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

ORDER

THIS CAUSE comes at the request of Plaintiff John C. Depp, II, by counsel, to require that Defendant Amber L. Heard execute a HIPAA waiver, and

IT APPEARING that the Motion to Compel Execution of HIPAA Releases should be granted, it is hereby:

ORDERED that Defendant Amber L. Heard shall, by July 17, 2020, execute HIPAA waiver(s) authorizing her healthcare providers, including but not limited to the six providers referenced in Defendant's interrogatory responses, to release and disclose to Counsel for Mr. Depp protected health information related to (1) Ms. Heard's medical and psychological treatment stemming from any alleged abuse by Mr. Depp; ~~(2) Ms. Heard's treatment stemm~~ [redacted] ~~from her abuse of alcohol or drugs; and (3) Ms. Heard's mental health records.~~

ENTERED this 10th day of August, 2020.

[redacted]

The Honorable Bruce D. White
CHIEF JUDGE

WE ASK FOR THIS:

[redacted]

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Adam R. Waldman, Esq.
THE ENDEAVOR LAW FIRM, P.C.
1775 Pennsylvania Avenue, N.W., Suite 350
Washington, D.C. 20006

SEEN AND OBJECTED TO:

Due 1:13 Waiver- [redacted]

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VIRGINIA:
IN THE CIRCUIT COURT OF FAIRFAX COUNTY
----------x
JOHN C. DEPP, II, :
Plaintiff, :
v. : Case No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant. :
----------x

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HEARING
Before the Honorable PENNEY AZCARATE
Fairfax, Virginia
Friday, January 7, 2022
12:14 p.m.

Job No.: 423027
Pages: 1 - 70
Reported by: Carol A. Lowe, RPR

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Hearing held at:

CIRCUIT COURT OF FAIRFAX COUNTY
4110 Chain Bridge Road
Courtroom 5J
Fairfax, Virginia 22030
(703) 691-7320

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APPEARANCES

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PROCEEDINGS

(The court reporter was sworn.)

THE COURT: All right. In the matter of Depp versus Heard, this case comes today -- we do have the courtroom cleared since it's under the protective order -- dealing with a motion to compel.

I understand there was an agreement. At least I signed an order for the interrogatories. But we're still on the RFPs; correct?

MR. CHEW: Yes, Your Honor.

THE COURT: All right.

MR. MURPHY: Yes, Your Honor.

THE COURT: Thank you for at least working through some of it. I appreciate that. Okay. All right. Yes, sir. Mr. Chew.

MR. CHEW: Good morning, Your Honor. May it please the Court, Ben Chew for plaintiff, Johnny Depp. May I please have leave to remove my mask?

THE COURT: Yes. That's fine.

MR. CHEW: Thank you. I'll put it back

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obviously we would adhere to that restriction.
With Your Honor's leave I would just go to the next category unless Your Honor wants to stop --
THE COURT: Well, I can go ahead and rule on this. Do you have anything else to -- on -- on this matter?
MR. CHEW: Yes. Yes.
THE COURT: Is there anything else on this matter? I just want to make sure --
MR. CHEW: Oh, no, Your Honor. I apologize.
THE COURT: Okay. All right. As far as when we get to the RFP in the 10th set, four and 18, I'm going to deny those as I -- the raw data is going to -- as stated before, it's -- it's going to the -- to the experts. And that's where we're going to leave it for now.
As far as one, two, five and six, it will be the same scope as the August 2021 which is just the same language. I think it's not documents relied on. I think you're right. The

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language from that, whatever the experts relied on, we're stopping there. We're not going to the next level of -- of discovery from that. So we're keeping the same scope there.
And then I think that left us with three, correct, or is it --
MR. MURPHY: I don't believe we've addressed three yet, Your Honor.
THE COURT: Okay.
MR. CHEW: We had one through six and 18.
THE COURT: Okay.
MR. MURPHY: No. I -- we didn't argue three, Your Honor. But I -- but I will say it says --
THE COURT: Is it similar to --
MR. MURPHY: -- relied on. So --
THE COURT: The same scope.
MR. MURPHY: Yeah. If you're going to revise that within the scope of the previous order, I think that could be taken --
THE COURT: All right.

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MR. MURPHY: -- care of now.
THE COURT: That takes care of that too. Okay. All right. Then your next set.
MR. CHEW: Thank you, Your Honor.
The next set, these are request numbers seven through 17 in Mr. Depp's 10th set of RFPs. And these are documents reflecting, one, diagnoses and treatment of Ms. Heard for mental, physical -- psychological conditions similar to those claimed in her counterclaim and expert disclosures and, two, Ms. Heard's mental condition prior to, during and after her alleged psychological, slash, mental injuries.
Again, Your Honor, the relevance is clear. Mr. Depp's expert, Dr. Shannon Curry, needs these records from five years before Ms. Heard's relationship with Mr. Depp to present and evaluate Ms. Heard's baseline mental condition prior to events where she claimed Mr. Depp caused her PTSD; because remember, Your Honor, the scope of Dr. Curry's investigation was to assess, A, whether Ms. Heard, in fact, has PTSD and, B, to

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the extent she does what was the cause of it.
Ms. Heard has testified that she suffered from abuse at a very young age which is a reference to her parents or one of her parents and that she had suffered sexual assault by the time she was of college age which was long before she met Mr. Depp.
And I would go, if I could, Your Honor, to subparagraph B of Your Honor's order of October 7th, 2021, 2021, where Your Honor ordered that Dr. Curry's evaluation may assess all domains that were a focus of the prior examination by Dr. Hughes including, and now subparagraph B, review of relevant records including but not limited to medical records including ER or urgent care visits, mental health records, therapy, psychiatric medication, treatment in an out-patient or residential facility, former psychological evaluations and all the raw data, school records, grades, enrollment, suspensions, expulsions, truancy, special education services, et cetera, arrest records, legal records,

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employment records, military records and diaries.
Relevant records must be obtained as far back as necessary for Dr. Curry to determine with a reasonable degree of certainty how Ms. Heard was functioning prior to the alleged traumatic event but not fewer than three to five years prior to the alleged trauma, unquote.
So we believe this is not only in keeping with but pursuant to the Court's prior order. And Dr. Curry believes that five years, no more than that, is -- is what she needs to have the -- the baseline.
THE COURT: All right. Yes, sir.
And, Mr. Murphy, I know in your chart you took six out; so if you want to just address all of them except six. And then we'll do --
MR. MURPHY: Yes, Your Honor.
THE COURT: Okay.
MR. MURPHY: And in the chart we tried to sort of --
THE COURT: 16. I'm sorry. Not six.
MR. MURPHY: Yeah, but I know --

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THE COURT: 16.
MR. MURPHY: -- what you meant. But we tried to --
THE COURT: Okay.
MR. MURPHY: -- sort of red line in a way without -- you know, you can't do red lines like that.
THE COURT: Okay.
MR. MURPHY: But that --
THE COURT: I understand.
MR. MURPHY: -- that was the point of our chart. So -- so you said leave 16 out. Is that because you think that's within --
THE COURT: Well, you -- you just -- you just left it out. You -- you put 16 separately. I'm not sure why.
MR. MURPHY: Well, let me be clear, Your Honor. It's within the same --
THE COURT: Okay.
MR. MURPHY: -- grouping. It's just a separate note on it because --
THE COURT: Okay.

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MR. MURPHY: -- there was --
THE COURT: That's fine.
MR. MURPHY: -- an additional --
THE COURT: Go ahead.
MR. MURPHY: -- point.
The point being, Your Honor, is on 16 -- for seven through five (sic) and 17, the plaintiff (sic) is asking those be denied in totality for the reasons in the brief and the reasons I'll state. 16 was stated separately because we -- we believe there's a narrower scope that should be ordered for that one. So that's why it was --
THE COURT: Okay.
MR. MURPHY: -- it was separate.
THE COURT: Thank you.
MR. MURPHY: The -- the Court ruled; has already ruled on this. We quote it in Attachment 5 in the brief and as in the chart. And we believe that the scope of that -- that order is exactly the scope that should be ordered today when it comes to medical records.
And that's -- the language inserted into

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that, in the chart, is -- is a quote; is verbatim from that prior order on the scope of medical records. So that's why we believe 16 should be narrowed to what Ms. Heard puts in the chart.
As to seven through 15 and 17, they're -- first of all, they're overbroad, unduly burdensome and unlikely to lead to discovery of admissible evidence for the same reason based on that previously defined scope of medical records of Ms. Heard.
And by these RFPs' plain language they have no date limitation whatsoever. They go back to Ms. Heard's entire life as just quoted by Mr. Depp's counsel, abuse at a very young age. So that literally is her entire life they're seeking medical records for.
I'm a little unclear what the scope is. Are they seeking five years? Are they seeking the whole life? Because both are stated in here. But -- but, nevertheless, either one is overbroad; but entire life is even more overbroad. I don't even -- I'm not even aware of any case law that

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describes entire life of medical records being relevant.

And -- and Mr. Chew used the word "testified" in terms of this quote. May I just clarify that this is not -- this was -- this was pulled from, as stated in those RFPs, the op-ed. So I just think the word "testified" is -- is -- is very misleading there because that implies it was some kind of testimony in court under oath. I just wanted to make that clarification.

So we believe that those RFPs are overbroad and should be denied and far exceed also the scope of paragraph 6-B of Attachment 3 to Ms. Heard's opposition which is that previous IME order, so yet another reason; overly broad, unduly burdensome, unlikely to lead to discovery of admissible evidence and relitigating issues already decided by this Court. So that's two orders that Mr. Depp is attempting to relitigate the scope of through these RFPs.

THE COURT: All right. Thank you. All right. Yes, sir.

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MR. CHEW: Just very briefly; one short clarification. Yes, Ms. Heard did say that in the op-ed she and the ACLU drafted. But she also testified to that in London; that she was abused growing up and then she was sexually abused when she was of college age. But I just wanted to clarify that.

THE COURT: All right.

MR. CHEW: So that's both in the op-ed and in her testimony, although neither Mr. Murphy nor I were in London. But I've seen the witness statements.

THE COURT: All right. Thank you. I understand that.

All right. So as to 16, that -- that scope will be limited as we have stated previously in -- in -- in the order. So that just has to be limited to -- to the same scope as the previous order.

As far as the other ones, seven through 15 and 17, I do find that they are overbroad. They would go back basically to her childhood.

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And it's unduly burdensome. And I -- I do not see the relevance of that. So I'm going to sustain the objections, I guess, for those.

All right. That would get us up to 19 through 32.

MR. CHEW: Yes, Your Honor. Thank you.

Request numbers 19 through 32 of the 10th set of RFPs call for documents pertaining to Ms. Heard's claim to have suffered 100 million dollars of damages as alleged in her counterclaim.

These are for -- all of these RFPs are focused on exploring the alleged damages of a hundred million dollars based on Mr. Waldman's three statements.

Mr. Depp and -- and his counsel need to know what career prospects and the income were for Ms. Heard during the same year time line that the Court previously applied to Mr. Depp as to his damages; because, of course, Mr. Depp's affirmative claims for 50 million dollars, you know, relate to the lost opportunities stemming from the December 2018 op-ed.

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And Chief Judge White ordered Mr. Depp to produce documents in -- in the 10 -- 10-year time line which I think also applied to his income tax returns.

And -- and this 10-year time line again is -- is necessary to assess the career trajectory of Ms. Heard and how it was impacted, if at all, by the three statements Mr. Waldman made.

We also need information, Your Honor, with respect to how the damages are allocated among the eight statements; because Your Honor may recall that in the -- count two of the counterclaims -- count one and count three were thrown out -- five of the eight statements were thrown out because they were time barred; one by Mr. Depp, four by Mr. Waldman.

So it will be Mr. Depp's contention that it is Ms. Heard's obligation to assess how did these three statements affect her 100 million dollar damages claim as opposed to the other five.

Also with respect to the RFP dealing with Ms. Heard's communications, we respectfully

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff,
v. : Case No.
AMBER LAURA HEARD, : CL-2019-0002911
Defendant.

CONFIDENTIAL - UNDER SEAL

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, March 11, 2022

12:01 p.m.

Job No.: 436233

Pages: 1 - 68

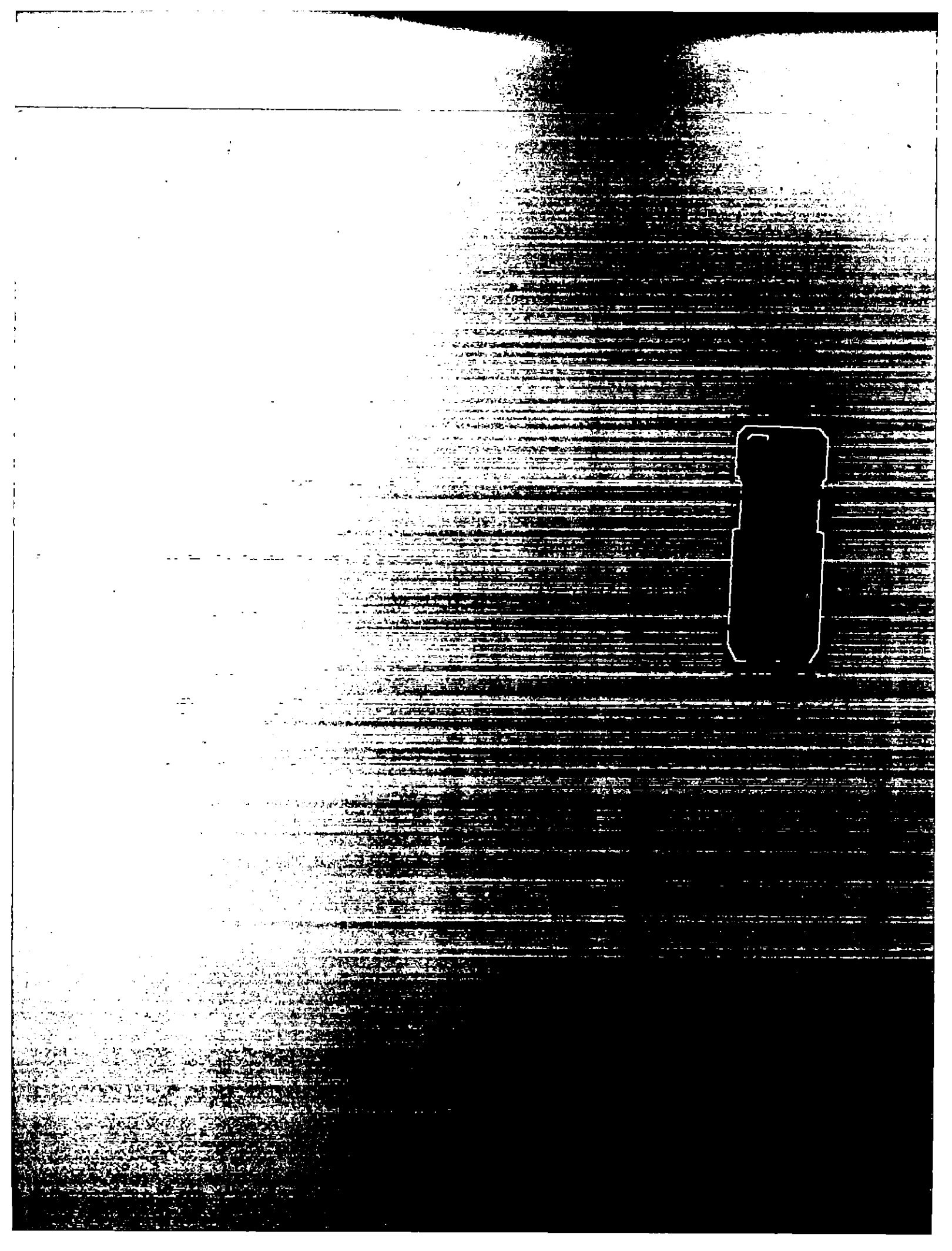
Reported by: Carol A. Lowe, RPR

MR. NADELHAFT: No, I have no -- listen, he -- there are -- we don't know what's in the records. Dr. Anderson's counsel knows what's in the records. And based on the HIPAA release she made the determination as to what fell within the HIPAA release.

That is -- there's nothing to -- there's nothing more to order. She -- she's already done that as have every other witness including Dr. Kipper's counsel including plenty of doctors on Mr. Depp's counsel -- side including Mr. Depp himself in the document I just showed you which had virtually everything redacted. Thank you, Your Honor.

THE COURT: All right. All right. Thank you. I -- I don't know about wrangling or -- I -- I know that the HIPAA releases are the same for everybody. And if the attorneys took that and did what they did to redact it, I -- I have to -- to -- to go with those redactions. Based on what I've heard I'm just going to deny the motion. Okay?

Attachments 52, 53, 57



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EXCLUSIVE: 'I just reacted and I'm sorry. It's below me.' Listen as Amber Heard admits to smashing a door into Johnny Depp's head before 'clocking' him in the jaw, in explosive audio tape confession

- Amber Heard admitted to smashing a door into Johnny Depp's head in an explosive tape recording, exclusively obtained by DailyMail.com
- The audio has never been aired publicly, but Depp's lawyers played it out loud to Heard, 33, while she was giving a deposition in their bitter 2016 divorce case
- The actress claims she didn't mean to slam the door into Depp's face - but says of the punch to her then-husband's jaw: 'I just reacted and I'm sorry. It's below me'
- She told Depp's lawyers that the taped conversation 'misrepresents what actually happened,' disputing whether it was a punch or a push
- The latest tape emerged today as the warring A-listers prepare to square up again in two separate defamation lawsuits on either side of the Atlantic
- In 2016, Heard yielded to Depp's plea to settle out of court for $7m, but their truce crumbled in 2018 with Heard's domestic violence victim op-ed
- Depp hit her with a $50m defamation suit, saying she implied he was the abuser, which caused him to lose his prized role of Captain Jack Sparrow
- In their legal battle, both accused the other of domestic violence and DailyMail.com published a recording in which Heard confessed to 'hitting' Depp

By BEN ASHFORD FOR DAILYMAIL.COM

PUBLISHED: 10:12 EDT, 17 March 2020 | **UPDATED:** 11:56 EDT, 17 March 2020

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Amber Heard admits to smashing a door into **Johnny Depp**'s head before 'clocking' him in the jaw in the latest bombshell in a series of explosive audio recordings obtained exclusively by DailyMail.com.

The shocking tape suggests the Pirates of the Caribbean actor, 56, was hit so hard by the bathroom door that it knocked him off his feet.

'I then stood up, I don't even know if I said, I mean, I might've said like, what the f**k, you know, whatever. Cause I'd just been hit in the head with a f**king corner of the door,' Depp protests.

'And then I stood up and then you f**king clock me.'

Heard claims she didn't mean to slam the door into Depp's face - but says of the punch to her then-husband's jaw: 'I just reacted and I'm sorry. It's below me.'

The shocking audio has never been aired publicly, but Depp's lawyers played it out loud to the 33-year-old actress while she was giving a deposition in their bitter 2016 divorce case.

She told his attorneys that the taped conversation 'misrepresents what actually happened,' disputing whether it was a punch or a push, before adding: 'I mean, he was just very dramatic about everything.'

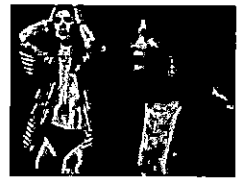
Amber Heard recalls altercation where she 'clocked' Depp in jaw

Watch the full video

FEMAIL TODAY

Kylie Jenner and Travis Scott's toddler Stormi, four, relaxes on a private jet with an Hermès blanket as rapper reveals she gives them trouble at night but is 'sweet' in the morning

Blake Lively bares sculpted midriff in plunging peekaboo outfit as she leads the stars at Gem Awards in NYC



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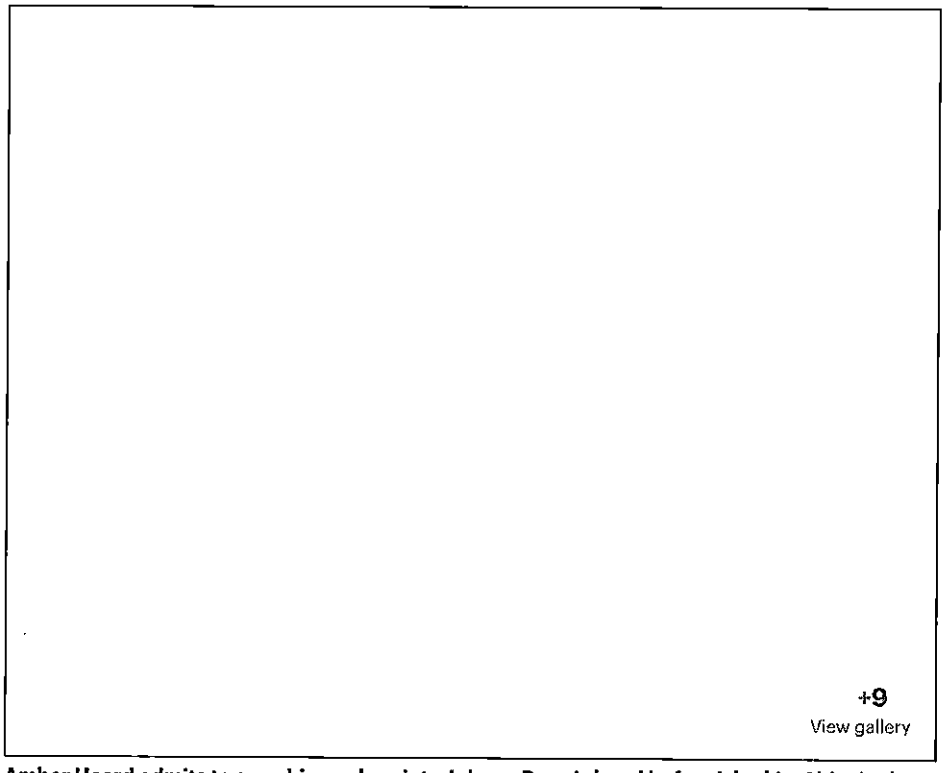
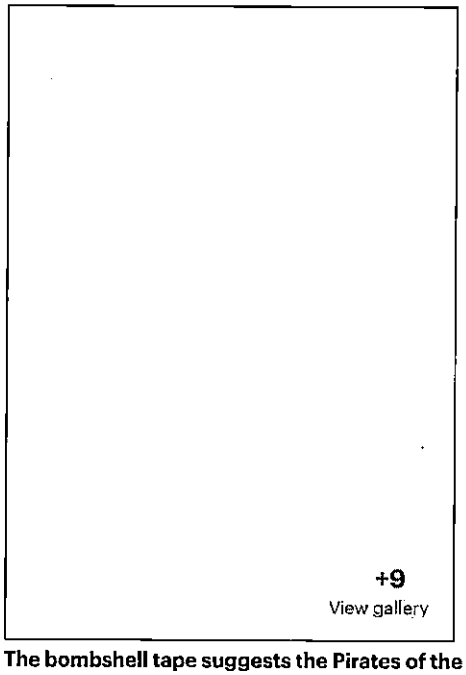
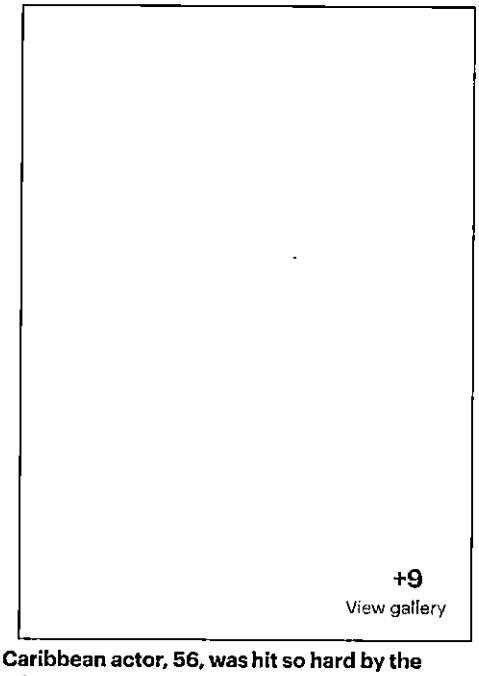


Amber Heard admits to smashing a door into Johnny Depp's head before 'clocking' him in the jaw in the latest series of explosive audio recordings obtained exclusively by DailyMail.com





The bombshell tape suggests the Pirates of the Caribbean actor, 56, was hit so hard by the bathroom door that it knocked him off his feet. 'I then stood up, I don't even know if I said, I mean, I might've said like, what the fk, you know, whatever. Cause I'd just been hit in the head with a f**king corner of the door,' Depp protests. 'And then I stood up and then you f**king clock me.' As part of Depp's $50m defamation case against Heard, he included images of his own bruised and battered face (pictured) following Heard's alleged attacks**

Depp's supporters, however, say it is just one of several taped 'confessions' that prove Heard was the domestic abuser in

Timeline of Amber Heard and Johnny Depp's relationship

▸well and give 24-hour coverage

▸Victoria Beckham and her husband David put on a stylish display as they don sunglasses for a low-key dinner at Oswald's private members' club

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their toxic 18-month marriage - the precise opposite of what she claims.

In a previous exchange, published exclusively by DailyMail.com in January, Heard admitted to 'hitting' the Oscar nominee, and pelting him with pots, pans and vases.

Weeks later, DailyMail.com published a further clip in which Heard, an ambassador for women's rights and an outspoken domestic violence advocate, taunted Depp for fleeing a violent confrontation, telling him: 'You are such a baby. Grow the f**k up Johnny.'

The latest tape emerged today as the warring A-listers prepare to square up again in two separate defamation lawsuits on either side of the Atlantic.

On March 23, Depp will take on News Group Newspapers in London over a 2018 article in The Sun newspaper that described him as 'wife beater' and allegedly damaged his standing as a globally famed movie star, with Heard scheduled to give testimony.

And, later this year, hostilities will switch to Virginia where Depp has filed a $50 million suit over a Washington Post op-ed in which Heard lamented her experiences as a domestic violence victim, an article that didn't mention her ex by name but allegedly led to him losing his role of Captain Jack Sparrow.

It's not known when or where the latest audio was made, however the pair had a habit of recording their arguments, often consensually, as a form of DIY marriage guidance so they could play the tapes back later.

'I opened the bathroom door when you were knocking on it,' Depp begins in the near-three minute clip.

'After a few times I opened and you know, you just kept coming, you just kept going, you just kept going, kept going.

'I tried to close the door three times, you know, please, please, just do you know.

February 3, 2015

Johnny Depp and Amber Heard marry in a private civil ceremony at their LA home, four years after they met as co-stars on the set of The Rum Diary. They celebrate with a lavish reception on a private island in the Bahamas that Depp bought in 2004 for $3.6 million.

April 21, 2015

Heard breaches Australia's biosecurity laws after she and Depp fail to declare their two Yorkshire Terriers when they arrive on a private jet for the filming of Pirates of the Caribbean: Dead Men Tell No Tales. Charges of illegally importing animals are dropped but Heard admits falsifying quarantine documents and is placed on a $1k one month good behavior bond.

May 23, 2016

Heard files for divorce after 15 months of marriage, citing irreconcilable differences. Four days later a judge issues a temporary restraining order against Depp over domestic violence allegations. Pictures of Heard's alleged injuries hit the tabloids but the LAPD finds no evidence of a crime.

August 16, 2016

Heard retracts her allegations as she and Depp reach a $7 million divorce settlement. Their marriage was 'intensely passionate and at times volatile, but always bound by love,' the former actors say in a statement. 'There was never any intent of physical or emotional harm'.

December 18, 2018

The Washington Post publishes an op-ed by Heard, an ambassador for women's rights at for the American Civil Liberties Union, urging support for women who suffer domestic violence. 'Two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out,' Heard writes.

March 1, 2019

Despite not being named in the article, Depp files a $50 million defamation suit in Fairfax Circuit Court, Virginia saying it insinuated he was an abuser and got him fired from the Pirates of

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'And then, wait and then, then I, I, I, I accidentally, I swear when I was trying to close the door, I guess it scraped your toes.

'I didn't, you know, I didn't mean to do that. I don't know. I bent down and you either pushed or you kicked.

'I think you kicked the door open. I mean the door. Yeah, more open so that it would hit me and it hit me.'

Heard insists that she didn't mean to slam the door into father-of-two Depp - but he protests: 'It hit me in the f**king head.'

Heard responds: 'I did not do anything to, I did not kick a door or push a door so that it would hit you. I did not, I swear that I don't even, that did not, it was not my intention.

'I think I remember when the door scraped my toes. I, um, I, I reacted, but this whole, the door thing, I, I remember I never did that. That wasn't on purpose. I might've done it on accident.'

Depp is prepared to accept that the door smashing part of his accusation could have been unintentional.

But as for the alleged punch: 'I then stood up, I don't even know if I said, I mean, I might've said like, what the f**k, you know, whatever. Cause I'd just been hit in the head with a f**king corner of the door.

'And then I stood up and then you f**king clock me.'

Heard replies: 'I remember hitting you as a response to the door thing. And I'm really sorry about hitting you with the door or hitting your head, I did not mean to.'

Finally Depp asks: 'You didn't mean to hit me in the head with the door but you meant to punch me in the jaw?'

His ex-wife, admits: 'I did mean, I meant to hit you, and I did not do this thing with the door, I do remember, I did mean to hit you.'

the Caribbean franchise. Depp dismisses Heard's allegations as a 'hoax' and claims he was actually the victim of her violence.

April 10, 2019

Heard files a motion to dismiss the complaint, cataloging more than a dozen instances of abuse between 2012, when she moved in with Depp, and the May 2016 bust up that preceded their divorce. She refers to him as 'the monster' in the 300-plus page filing.

May 20, 2019

Depp hits back against the motion to dismiss claiming Heard painted bruises on her face, scrubbed metadata and fabricated evidence against him. He denies ever abusing any woman and says of her allegations: 'I will continue to deny them for the rest of my life.'

January 31, 2020
#JusticeforJohnnyDepp becomes a top trending hashtag on Twitter after DailyMail.com publishes audio of Heard admitting she hit Depp and threw pots, pans and vases.

Online petition urging Warner Brothers and DC Entertainment to ax Heard from the upcoming Aquaman 2 hits 130,000 signatures.

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Vanessa Paradis defends ex Johnny Depp in his

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In a previous exchange, published exclusively by DailyMail.com in January, Heard admitted to 'hitting' the Oscar nominee, and pelting him with pots, pans and vases. The fighting pair seem to refer to a violent incident that took place in Australia one month into their marriage in which Depp suffered a severed finger (pictured)

+9
View gallery

Depp has claimed in other audio tapes that Heard 'went berserk' when he asked her to sign a 'post-nup' agreement, hurling a Vodka bottle at him which shattered and ripped off the tip of his finger (pictured after surgery)

- toner instead of moisturizer for a dewy, glowing complexion - and there's 15% off for DailyMail readers!
- Britney Spears RETURNS to Instagram two days after deactivating it on her own volition... but does not explain why she left
- Disney reinstates gay kissing scene between two female characters on Pixar's 'Toy Story' spinoff 'Lightyear' after outrage from workers who claimed the film giant actively censored 'overtly gay affection'
- Vanderpump Rules star Tom Schwartz takes full blame for split with Katie Maloney after 12 years together: 'I wish I had a scapegoat'
- Dakota Johnson is pretty in patterned Gucci suit over monogrammed bodysuit at Cha Cha Real Smooth premiere at SXSW in Austin
- Zach Braff calls girlfriend Florence Pugh one of the 'best actresses' after directing her in upcoming drama film A Good Person

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She adds: 'Okay. I'm sorry I hit you. I didn't mean to hit you but it was in response. I just reacted in response to my foot. I just reacted and I'm sorry. It's below me.'

When confronted with the same audio tape during her 2016 divorce disposition, Heard insisted she was the one trapped and on the defensive, not Depp.

'It also misrepresents what actually happened, which is him trying to get into a room,' she said, according to a transcript obtained by DailyMail.com.

'I'm trying to keep him out of, and then he runs the door over my toes trying to get into the room. I tried to push him out of it, which is what the hit is that is referred to.

'And Johnny, whenever he was hit or touched at all, referred to it in these ways of punching or clocked or whatever.

'And whether you discussed it with him or not, the last thing you do in talking to him afterwards or trying to reconcile with him is to get into what the definition of those words mean to him.'

Depp and Heard met on the set of The Rum Diary, back in 2011 and married in February 2015.

However they split less than two years later when Heard filed for divorce and obtained a temporary restraining order against Depp for allegedly beating her up, an accusation he has repeatedly denied.

Full audio: Depp and Heard clash over the phone during divorce

Watch the full video

The Bachelor Clayton Echard hits back at shocked fans reacting to risqué photo of girlfriend Susie Evans CHOKING him in bed

Queen, 95, has 'wheelchair-friendly lift and new state-of-the-art security installed at Balmoral retreat' so she can 'spend more time there' in her late nineties

Cardi B showcases her huge back tattoos and side boob as she dons revealing string bikini top in Instagram snaps

'All that comes to the forefront of my mind is that cheeky little smile': Keith Richards, 78, says he's still 'recovering' from the death of his Rolling Stones bandmate Charlie Watts

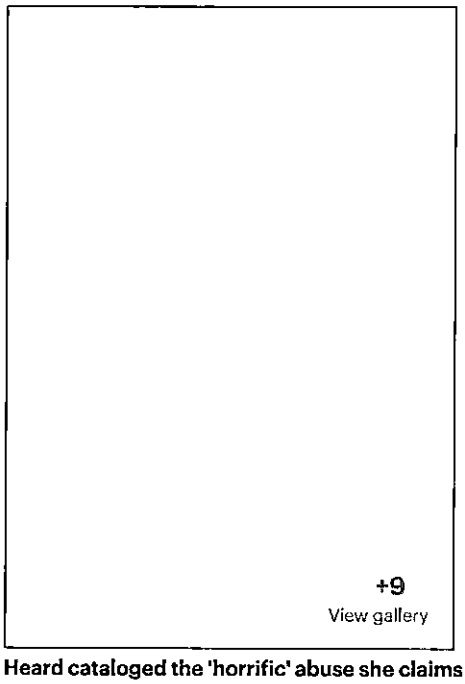
Looking for a healthy but hassle-free dog food? Try this human-grade air-dried dog food that's full of real and clean ingredients like blueberries and broccoli - and save 20%

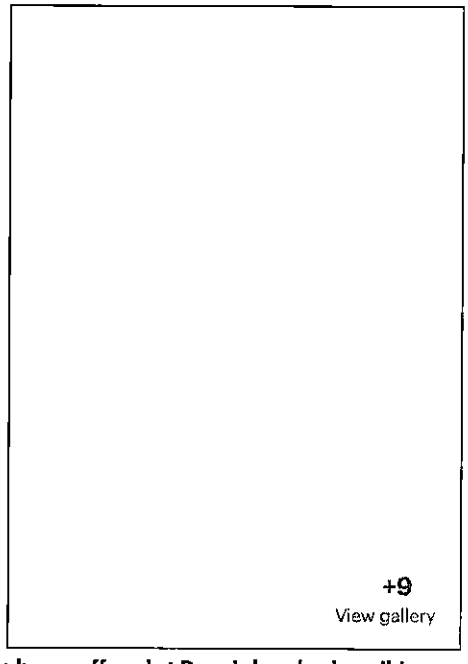
Shia LaBeouf's pregnant fiancée Mia Goth showcases her burgeoning baby bump in navy blue leggings and white T-Shirt as she steps out in LA

Seven individuals arrested outside Paris in connection to robbery of Lupin set where $330,000 worth of equipment was stolen

Elizabeth Hurley, 56, looks fabulous in figure hugging workout gear as she steps out after paying tribute to tragic ex Shane Warne

Jason Sudeikis manages ten keepy-uppies as he transforms into hapless football manager Ted Lasso to raise money for the





Heard cataloged the 'horrific' abuse she claims to have suffered at Depp's hands, describing him as 'the monster' and recalling many of the allegations she made during their divorce. The filing included photos of bruises and scars (left and right)

Amid a torrent of headlines and blood-curdling allegations, the pair agreed to a $7 million divorce settlement in August 2016 - which Heard says she donated to charity.

However their back-and-forth feud reignited when she wrote in her December 2018 op-ed: 'I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out.'

The article didn't mention Depp by name but he sued regardless, arguing he was the victim of an 'elaborate hoax' instigated by Heard to generate positive publicity and advance her career.

'Ms. Heard is not a victim of domestic abuse; she is a perpetrator,' the lawsuit alleges.

'She hit, punched and kicked me. She also repeatedly and frequently threw objects into my body and head, including heavy bottles, soda cans, burning candles, television remote controls and paint thinner cans, which severely injured me.'

Heard responded with a lurid 300-page filing of her own, cataloging the 'horrific' abuse she claimed to have suffered at Depp's hands, describing him as 'the monster' and recalling many of the allegations she made during their divorce.

A spokesman for Heard's legal team said: 'Ms. Heard's testimony is clear that, in the incident described, she was attempting to escape an assault at the hands of Mr. Depp.

'It is unfortunately common for men who have committed domestic abuse to present themselves as the "victim" when nothing could be further from the truth.'

The case is due to be heard in August.

TRANSCRIPT OF AMBER HEARD'S AUDIO TAPE 'CONFESSION' OF

▸ **UK's Red Nose Day**

▸ **Back To The Future's Christopher Lloyd to star in season 3 of the hit Disney+ show The Mandalorian**
Christopher is getting ready to step into a story set a long time ago in a galaxy far, far away

EXCLUSIVE **Casey Affleck, 46, cuddles bikini-clad Caylee Cowan, 23, amid rumors of engagement as they enjoy romantic holiday in Tulum**

▸ **Inside Linda Gray's home on the ranch: Dallas actress, 81, gives tour of sprawling property as she puts it on the market for $3million after 50 years**

▸ **Gwyneth Paltrow reveals what she wears for a day at the GOOP office but fans are NOT happy with her footwear: 'Those shoes are hideous honey'**

▸ **D-I-Y denim! Ab-flashing Julia Fox wears homemade bandeau made from the top of her (now VERY low-rise) jeans after defending her ex Kanye West**

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'CLOCKING' JOHNNY DEPP

JOHNNY DEPP: Probably just s****y lock. Anyway.

AMBER HEARD: I didn't do that.

JD: I opened the bathroom door when you were knocking on it. After a few times I opened and you know, you just kept coming, you just kept going, you just kept going, kept going. I tried to close the door three times, you know, please, please just do you know.

AH: Hey.

JD: And then, wait and then, then I, I, I, I accidentally, I swear when I was trying to close the door, I guess it scraped your toes.

AH: It did.

JD: I didn't, you know, I didn't mean to do that. I don't know. I bent down and you either pushed or you kicked. I think you kicked the door open. I mean the door. Yeah, more open so that it would hit me and it hit me.

AH: No I didn't mean to, I didn't know that was going to.

JD: Wait, wait. It hit me in the f**king head.

AH: But I did not mean to do that. I don't know what you're talking about.

JD: I was bent down behind the door.

AH: I did not do anything to, I did not kick a door or push a door so that it would hit you. I did not, I swear that I don't even, that did not, it was not my intention. I think I remember when the door scraped my toes. I, um, I, I reacted, but this whole, the door thing, I, I remember I never did that. That wasn't on purpose. I might've done it on accident.

JD: Okay. So let's say that was an accident.

AH: Right. It was.

JD: I then stood up, I don't even know if I said, I mean, I might've said like, what the f**k, you know, whatever. Cause I'd just been hit in the head with a f**king corner of the door.

AH: I'm so sorry. I did not, I'm sorry.

JD: And then I stood up and then you f**king clock me.

AH: I remember hitting you as a response to the door thing. And I'm really sorry about hitting you with the door or hitting your head, I did not mean to, nor erm.

JD: You didn't mean to hit me in the head with the door but you meant to punch me in the jaw?

AH: I did mean, I meant to hit you, and I did not do this thing with the door, I do remember, I did mean to hit you.

JD: So that you didn't mean?

AH: The door? No, god, no, I didn't.

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'I've never been more disturbed in my life': Netflix viewers are left horrified by 'messed-up' and VERY graphic sex scene in bizarre horror series Brand New Cherry Flavor

Charli XCX displays her toned midriff in a black crop top and pleated miniskirt as she leads the way at her Crash album launch party

EXCLUSIVE **Day out with grandma! Maria Shriver dotes on granddaughter Lyla, 18 months, in Montecito, where pregnant daughter Katherine and Chris Pratt rent a home**

Stella McCartney is selling her luxury fashion stock on budget store TK Maxx after her company saw losses of nearly £32million last year

Katherine Schwarzenegger shows off baby bump in form-fitting black shirt and pink jacket as steps out for breakfast with a friend in LA

JD: But punching me in the jaw you did?

AH: Okay. I'm sorry I hit you. I didn't mean to hit you but it was in response. I just reacted in response to my foot. I just reacted and I'm sorry. It's below me.

JD: Your foot. That was why you punched me?

AH: Yeah, but I'm sorry, I'm sorry If I....

Share or comment on this article: Amber Heard admits to smashing a door into Johnny Depp's head before 'clocking' him in the jaw

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William and Kate in tour storm: Duke and Duchess are forced to scrap their first visit on Caribbean trip after villagers stage protest about 'colonialism'

Mary J. Blige, 51, explains why she doesn't want kids: 'I don't want to have to tend to someone all the time'
Mary has no plans to add kids to her family anytime soon

Naomi Watts enjoys a trip to Universal Studios in Los Angeles with her family and visits a King Kong exhibit after starring in the hit film: 'When your teen catches you eyeing an old flame'

Hailey Bieber cuts casual figure in yellow and brown tie dye shirt in mirror selfie... days after hospitalization caused by blood clot

'My jawline looks snatched and the puffiness is gone!' Real women share impressive face transformations after 'working out' with FaceGym's tools at home - and there's now 20% off

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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

Declaration of Julian Ackert

1. I am a Managing Director at iDiscovery Solutions, Inc. ("iDS"), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community.

2. I have over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. I have a Bachelor of Science degree in Computer Science from the University of Virginia. My curriculum vitae is attached here to as Exhibit A, which details my professional experience and all articles and testimony I have completed over the last ten years.

3. Specifically, I have extensive experience creating and implementing

preservation, collection, and production strategies and performing digital forensics and metadata analysis on electronically stored information ("ESI"). I have performed preservation, collection, analysis, and production of ESI in hundreds of matters.

4. This declaration is based on my personal knowledge, years of experience, training, education, and the information provided to date. The opinions provided herein are given to a reasonable degree of professional certainty.

5. My forensic analysis and testimony rate is $525/hour and iDS is also being reimbursed for reasonable expenses and the cost of other employees working under my supervision. My opinions are not contingent on fees earned by iDS in this matter.

6. When I state "I," "Myself," or "iDS" I mean this work was done by me, or by people working at my direction and supervision within iDS.

7. iDS has been retained by Ms. Amber Laura Heard ("Ms. Heard") through her counsel in this matter to provide digital forensic preservation and analysis services and electronic discovery consulting, search, and production services.

8. I have reviewed the metadata for many of Mr. Depp's produced documents – specifically multimedia documents such as audio files and pictures, including those documents referenced in my declaration below.

9. Based on my review of the produced metadata, there are anomalies that call into question the authenticity of the multimedia documents. Specifically, I find instances where the date metadata, such as creation and modification date metadata, is either missing or is significantly after the alleged date of the incident. Missing creation dates and/or modification dates that post-date the facts can be a sign of digital evidence manipulation.

10. For example, DEPP00007303 is a picture produced with limited creation and

modification metadata – all of which is dated July 22, 2019. I understand that the date of the alleged incident captured by this image is March 2015, and I would expect to see creation and modification date metadata that aligns with the alleged date of the incident.

11. In another example, DEPP00009916 is a picture produced with no creation date metadata and modification date metadata of July 3, 2020. On the face of the picture, I can see a date of March 9, 2015, but I have no way of authenticating that the picture was not modified or altered on July 3, 2020.

12. DEPP00009047 is yet another example of a produced document with metadata anomalies - the metadata indicates that the audio content was created in September 2015 and then somehow modified in June 2016.

13. When there are metadata anomalies such as these, an appropriate process to investigate and resolve them would start first with forensic images of the devices used to create and/or store the documents, followed by an extraction of targeted information, including all available metadata for each active and deleted document, which can then be analyzed for potential manipulations.

14. I reserve the right to supplement my findings if additional evidence or information is provided to me.

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

Executed on this 22nd day of December 2021.

Julian Ackert

Exhibit A

JULIAN ACKERT

Managing Director

iDiscovery Solutions, Inc.

202.249.7865

jackert@idsinc.com

Profile on LinkedIn

@iDiscoveryInc

Mr. Julian Ackert, a Managing Director at iDiscovery Solutions (iDS) in Washington DC, has over 20 years of consulting and project management experience in the technology and litigation industries.

He has extensive experience with forensic data collection, computer forensic analysis, creating and implementing preservation and collection strategies, managing electronic data processing and review endeavors, analyzing complex transactional data systems, and working with large multi-national corporations to establish and develop methodologies and best practices for litigation preparedness. Mr. Ackert has written expert reports and provided testimony on the forensic preservation, acquisition, and analysis of electronic information. Additionally, he has worked on several international projects involving complex data privacy, collection, and review challenges.

Mr. Ackert is a member of The Sedona Conference, Working Group 11 (Data Security and Privacy Library) and Working Group 12 (Trade Secrets). Prior to joining iDS, he was a Principal and New York regional lead at LECG and a Manager at FTI Consulting. Mr. Ackert began his career designing, developing, and implementing Knowledge Management / Content Management applications, government middleware solutions, and E-business applications for Federal Government services at Accenture.

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SELECT CONSULTING EXPERIENCE

- Directed a team of consultants on the identification, preservation, collection and production of structured data for an antitrust MDL. Implemented custom preservation and collection proto-cols and extracted approximately 10 terabytes of structured data from proprietary client data-base systems for analysis and review. Developed a structured data ESI protocol that governed the parameters of structured data productions.
- Managed a team of consultants on the analysis of 100s of millions of database records for a com-plex ligation in the commercial real estate industry. Analyzed trends and patterns in the data-base records that assisted counsel with identifying potentially relevant employees, partner re-lationships, and timeframes of interest.
- Managed a team of UK and US consultants on a data preservation and email data analysis endeav-or. Established an on-site review room in the UK and worked with UK outside counsel to en-sure that electronic discovery processes upheld EU data privacy laws.
- Directed a team of computer forensic consultants and contractors on forensic data preservation, backup tape recovery, email, and electronic file culling and search for approximately 100 cus-todians. Established an onsite triage center at an offshore facility to handle nearly 5 terabytes of data. Authored expert report on the methods, processes, types, and volumes of data pre-served, processed, and delivered for attorney review.
- Led a data analysis engagement consisting of metadata examination on Lotus Notes database documents. Acted as the client's Subject Matter Expert on Lotus Notes databases and au-thored expert testimony on the electronic discovery methods implemented during the project and subsequent project findings.
- Managed investigative team of computer forensic and complex data analysis consultants through the preservation, acquisition, and analysis of over 5 billion rows of NYSE trade data. Analysis period covered over 5 years of transactional data focusing on the alleged fraudulent trading activity. Additional responsibilities included administration of a SQL database containing key transactional trade data.
- Managed a data acquisition, e-file processing, and document review project in response to an SEC inquiry of over 45 custodians. Engagement required leading a multi-city team of computer fo-rensic professionals through the forensic acquisition, electronic data processing, and docu-ment review phase of a project with a condensed project timeline of three weeks.
- Led multi-national electronic discovery preservation and analysis team on an internal audit com-mittee investigation of a global metallurgy company. Engagement required managing com-puter forensic technicians through data preservation, forensic analysis, and automated culling of both Finnish and English enterprise email, financial data, and business documents related to the investigation.

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EDUCATION

- University of Virginia, Charlottesville, VA
- School of Engineering and Applied Sciences
- B.S. Computer Science, January 1998

SELECT PUBLICATIONS

- "GDPR and Data Maps: "X" Marks the Spot to Delete", Today's General Counsel, July 2018
- "5 Tips to Help Mitigate Insider Theft", Metropolitan Corporate Counsel, March 2017
- "A Practical Approach to Data Preservation and Collection", Metropolitan Corporate Counsel, May 2015
- "Big Data: The Elephant in The E-Discovery Room", Metropolitan Corporate Counsel, June 2013

TESTIFYING EXPERIENCE

1. Declaration on computer forensic analysis activities, Gilead Tenofovir Cases, JCCP No. 5043, December 2021
2. Declaration on computer forensic analysis activities, Michael David Testa, Individually and as Trustee of The M. David Testa Revocable Living Trust, Dated October 25, 2017 v. Town of Jupiter Island, December 2021
3. Expert report on forensic data analysis activities, Megan Enger and Sarah Infante. v. Thomas L. Cardella & Associates, November 2021
4. Declaration on collection and production of social media, In Re: Zantac (Ranitidine) Products Liability Litigation, November 2021
5. Declaration on computer forensic analysis activities, Chi Nguyen v. City of Philadelphia, October 2021
6. Declaration on computer forensic analysis activities, John C. Depp, II, v. Amber Laura Heard, October 2021
7. Declaration on computer forensic analysis activities, Marley R. Dominguez v. Iconiq Capital Management, LLC, October 2021
8. Declarartion on computer forensic analysis activities, Sunlight Financial LLC, and Sunlight Financial Holdings, Inc. v. Duncan Hinkle, and Sunstone Credit, Inc., August 2021
9. Declaration on ESI search and production, Gilead Tenofovir Cases, JCCP No. 5043, July 2021
10. Deposition on forensic data analysis activities, Lainhart et. al. and Doyle et. al. v. Louisville/Jefferson County Metro Government, July 2021
11. Expert report on forensic data analysis activities, Lainhart et. al. and Doyle et. al. v. Louisville/Jefferson County Metro Government, June 2021
12. Deposition on computer forensic analysis activities, Havana Docs Corporation v. Carnival Corporation d/b/a Carnival Cruise Line, June 2021
13. Declaration on computer forensic analysis activities, eHealthInsurance Services, Inc. v. Healthpiolt Technologies LLC., May 2021
14. Declaration on computer forensic analysis activities and spoliation issues, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., April 2021
15. Declaration on computer forensic analysis activities, Havana Docs Corporation v. Carnival Corporation d/b/a Carnival Cruise Line, March 2021
16. Court Testimony on computer forensic analysis activities, State of Maryland v. Darrian McAfee
17. Expert report on forensic data analysis activities, Kaelin et. al. v. Louisville/Jefferson County Metro Government, January 2021
18. Declaration on computer forensic analysis activities, Sequoia Benefits & Insurance Services DBA Sequoia Consulting Group v. Sageview Advisory Group et. al., January 2021
19. Declaration on computer forensic analysis activities, Doneyda Perez v. DirectTV Group Holdings LLC, et al., December 2020
20. Declaration on ESI search and production protocols, Trust-ED Solutions, LLC v. Gilbert, LLP, No-vember 2020

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21. Declaration on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, November 2020
22. Declaration on ESI review and production effort, Gilead Tenofovir Cases, JCCP No. 5043, August 2020
23. Declaration on collection and production of social media, Adrian Holley, et al. v. Gilead Sciences, Inc., August 2020
24. Declaration on collection and production of social media, Gilead Tenofovir Cases, JCCP No. 5043, July 2020
25. Declaration on computer forensic analysis activities, Doneyda Perez v. DirectTV Group Holdings LLC, et al., July 2020
26. Expert report on forensic data analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, June 2020
27. Declaration on ESI review and production effort, Adrian Holley, et al. v. Gilead Sciences, Inc., May 2020
28. Declaration on ESI production protocols, Adrian Holley, et al. v. Gilead Sciences, Inc., April 2020
29. Declaration on computer forensic analysis activities, Krista Brill v. Draeger, Inc. and Miguel Angel Armendariz, April 2020
30. Deposition on computer forensic analysis activities, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., April 2020
31. Trial Testimony on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, March 2020
32. Declaration on computer forensic analysis activities, Jesus Jiminez v. CRC Property Management West, Inc., March 2020
33. Declaration on computer forensic analysis activities, Denver Cooley v. Solar Turbines Incorporated, February 2020
34. Supplemental expert report on forensic data analysis activities, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., February 2020
35. Declaration on ESI data types, Anthony Robles, Individually and on Behalf of Other Persons Simi-larly Situated v. The Coca-Cola Company, Coca-Cola Refreshments USA, Inc., and Does 1-10, February 2020
36. Declaration on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, January 2020
37. Expert report on forensic data analysis activities, Medidata Solutions, Inc. and MDSOL Eu-rope Limited v. Veeva Systems, Inc., January 2020
38. Declaration on ESI collection and production effort, Kristopher Lawson, Vincent McCleery, and Sean McMurran, Individually and on Behalf of Other Persons Similarly Situated v. Love's Travel Stops & Country Stores, Inc., December 2019
39. Declaration on ESI review and production effort, Sandra Wolford et. al. v. Bayer Corp. et. al., De-cember 2019
40. Declaration on ESI systems and data recovery options, In the Matter of Certain Lithium Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Processes Thereof, Oc-tober 2019
41. Trial Testimony on computer forensic analysis activities, Futrend Technology Inc. v. Microhealth LLC, et. al., October 2019
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43. Declaration on collection, search, and disposition process, Strategic Delivery Solutions, LLC v. Stallion Express, LLC, September 2019
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53. Expert Report on computer forensic analysis activities, Quandra Speights v. The Boeing Company, December 2018
54. Affidavit on computer forensic analysis activities, Futrend Technology Inc. v. Microhealth LLC et. al., October 2018
55. Affidavit on preservation, collection and search protocols, Sarah Lankford Sprecher v. Leroy E. My-ers, Jr., September 2018
56. Declaration on computer forensic analysis activities, Yifat Oren et. al, v. Stefanie Cove, et. al., Au-gust 2018
57. Trial Testimony on metadata and computer forensic analysis activities, Broadcast Sports Interna-tional, LLC v. Gil Pascal, et. al., June 2018
58. Declaration on computer forensic analysis activities, Airgas, Inc. v. The Carlyle Group, Carlyle In-vestment Management, LLC, and Leslie Graff, June 2018
59. Supplemental Declaration on e-Discovery deduplication and production protocols, Helen McLaughlin v. Bayer Essure Inc, et. al., May 2018
60. Declaration on computer forensic analysis activities, Charlotte Pinckney and Kyle Pinckney v. The Pep Boys Manny Moe & Jack O/D/B/A Pep Boys, May 2018
61. Declaration on e-Discovery deduplication and production protocols, Helen McLaughlin v. Bayer Essure Inc, et. al., March 2018
62. Declaration on e-Discovery deduplication and production protocols, Hannah Dorman et. al. v. Bayer, Corp, et. al., February 2018
63. Court Testimony on computer forensic analysis activities, MRP UO Partners, LLC, et. al, v. Ray-mond Rahbar, Jr. et. al., October 2017 – November 2017
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68. Declaration on computer forensic analysis activities, Yadkin Bank v. George Mason Mortgage, Inc. et. al, June 2017
69. Declaration on computer forensic analysis activities, Nichole Baibos v. ConnectYourCare LLC, May 2017
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71. Declaration on preservation and collection protocols, MD Helicopters, Inc. v. Aerometals, Inc., April 2017
72. Affidavit on computer forensic analysis activities, Yadkin Bank v. George Mason Mortgage, Inc. et. al, March, 2017
73. Court Testimony on metadata and computer forensic analysis activities, George Mason Mortgage, Inc. v. Caliber Home Loans, Inc., February 2017
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75. Expert Rebuttal Report on data breach analysis, Employment Background Investigations, Inc. v. Federal Insurance Company, October 2016
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87. Declaration on collection and analysis of document metadata, Everett v. Everett, February 2014
88. Affidavit and Expert Report on forensic data analysis activities, Symphony Health Solutions v. David Gascoigne, January 2014
89. Court Testimony on computer forensic analysis activities, Taylor v. Republic Services Inc, et al, January 2013
90. Affidavit on preservation and collection protocols, King Industries, Inc. v. United Association of Journeymen and Apprentices of the Pluming and Pipefitting Industry of the US and Canada, De-cember 2012
91. Deposition on issues associated with alleged metadata spoliation, Dyncorp International v. Jane T. Flowers, et al, July 2012
92. Trial Testimony on metadata, forensic analysis, and e-Discovery best practices, City Pharmacy of Elkton v. Northside Pharmacy, April 2012
93. Declaration on forensic collection of social media content, Peters v. Veez Grille, January 2012
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SELECT SPEAKING ENGAGEMENTS AND CONFERENCES

1. Sedona Conference Working Group 11 – "Artificial Intelligence (AI) model transparency: Core principles in promoting transparency of AI and algorithms", October 2019
2. Sedona Conference Working Group 11 – "Data Security and Privacy Legal issues in Artificial Intel-ligence", March 2018
3. Webinar, Metropolitan Corporate Counsel – "Data Breach Response: Orchestrating Legal & Tech-nical Resources to Contain & Mitigate", March 2017
4. Sedona Conference Working Group 11 – "Privacy by Design", St. Petersburg, January 2017
5. CLE, ZwillGen, Cloud Computing and Mobile Devices, November 2016
6. Sedona Conference Working Group 11 – "Privacy by Design", Seattle, August 2016

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7. The Exchange (Today's General Counsel Institute) – "Strategic Use of Objections and Responses Under New Rule 34", Chicago, June 2016
8. CLE Panel, "Engaging and Managing the Presentation and Preparation of Expert Witnesses in Bankruptcy and Federal Court", May 2016
9. CLE Webinar, The Knowledge Group – "Mobile Data and BYOD: Mitigating eDiscovery and Data Breach Risks", April 2016
10. CLE Webinar, The Knowledge Group – "Mobile Privacy and Security Issues in 2015: Practical Guid-ance to Mitigate Data Breaches", August 2015
11. The Exchange (Today's General Counsel Institute) - "The Importance of Project and Process Man-agement", Chicago, June 2015
12. Masters Conference - "Cloud Computing and Mobile Devices – How to Be Prepared for Litigation", Philadelphia, July 2014
13. The Exchange (Today's General Counsel Institute) - "The 'eWorkplace' and its Impact on eDiscov-ery", New York, July 2014
14. Masters Conference - "Discussion and Debate Over Potential Changes to the Federal Rules of Civ-il Procedure", Chicago, May 2014
15. Masters Conference, "Predictive Analytics and Its Effect on Big Data", Chicago, May 2014
16. Chicago Association of Litigation Support Managers (CALSM-posium), "Forensic Collection Trends Now and into the Near Future", October 2013
17. CLE, Tydings & Rosenberg LLP, "E-Discovery Primer", October 2013
18. Masters Conference, "Cloud Computing and Mobile Device Usage: Challenges They Bring to Your Litigation", July 2013
19. CLE, Williams & Connolly LLP, "Mobile Forensics for Lawyers", January 2013
20. Chicago Association of Litigation Support Managers (CALSM-posium), "How to Prepare for E-Discovery Supplementation Obligations", October 2012
21. Paraben Forensic Innovations Conference, "Analyzing Structured Data", November 2010

PROFESSIONAL AFFILIATIONS

- The Sedona Conference, Working Group 11 (Data Security and Privacy)
- The Sedona Conference, Working Group 12 (Trade Secrets)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

In Re:

JOHN C. DEPP, II vs. AMBER LAURA HEARD

RECORDED CONVERSATION

Audio file: 20150926 133342

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P R O C E E D I N G S

MS. HEARD: If you're willing to work on the things the way that you say you are, when it's easy to say when you're not mad. If you're really -- if you're really willing to stand by that when it is tough, then we can work on these things.

But I have no ability -- I can't do it alone. And yesterday I got so upset so fast because all those fights before in Toronto, I didn't stoop to that level once. And you hurt me more than ever before. And I ever completely --

MR. DEPP: Last night?

MS. HEARD: No. The fights before that we -- these fights before and it didn't --

MR. DEPP: Yeah. The same. It's -- you hurt me as --

MS. HEARD: And so again last night --

MR. DEPP: -- as much as I can be fuckin' hurt.

MS. HEARD: That's not true.

MR. DEPP: Verbally for sure --

MS. HEARD: In Toronto I didn't say a single

fucking thing to you except for when I got mad at the very end of the fight, the second or third fight. It was the second fight, I think. But you -- that's the only thing I did --

MR. DEPP: It wasn't at the end --

MS. HEARD: So this claim that I hurt you is bullshit. I -- I --

MR. DEPP: It wasn't at the end and I also [inaudible]

MS. HEARD: There's like recordings of it. There's -- there's zero -- I didn't see --

MR. DEPP: Well, you never played them for me. How come?

MS. HEARD: You tell me when that would have been a good time to do.

MR. DEPP: Now's a good time.

MS. HEARD: I don't think now's a good time.

MR. DEPP: Now's a good time.

MS. HEARD: I don't think now's a good time.

MR. DEPP: We'll face the fuckin', you know --

MS. HEARD: If you -- if that's your -- it's going to be your issue. And I told you, any time you

want to sit down and do it calmly, I even said to you we could even like do it with somebody helping us.

MR. DEPP: I don't have to do it with you. Just send them to me, right?

MS. HEARD: I -- all of this we have talked about. But you want to talk about it now? Let's spend more time talking about it now.

MR. DEPP: There's nothing I can say to you about this argument of -- that's been happening since Rio. Even leading up to the gig, trying to make sure you were cool with your fuckin' screen test. Not letting you take a commercial fly because I wanted, you know, I thought we could fuckin' work out the thing.

MS. HEARD: If leaving a party two hours before is -- is really a fair trade to you, then --

MR. DEPP: What do you mean leaving a party two hours --

MS. HEARD: -- I going to really think about some other things.

MR. DEPP: Leaving --

MS. HEARD: If that's important to you that you would rather me not do it, go to -- or fly

commercial without you because you can't -- you -- you didn't want to leave a party a couple hours early, which is all I asked for, then fuck, then I need to rethink some real things. I need to really think some things over. If that's what you think --

MR. DEPP: It wasn't -- it wasn't about leaving the party two hours early. We were only at the hotel for a fuckin' -- maybe an hour. Maybe an hour and fuckin' a half tops.

MS. HEARD: I don't know what you're talking about. You mean at the restaurant?

MR. DEPP: After the show.

MS. HEARD: We hung out --

MR. DEPP: And we waited for the --

MS. HEARD: -- until everybody was done hanging out.

MR. DEPP: No. Hang on, man. Don't you remember waiting for the luggage?

MS. HEARD: Yes, I do.

MR. DEPP: Okay.

MS. HEARD: Because it wasn't taken care of.

MR. DEPP: Right. Right. No. It was tak- --

MS. HEARD: Because it's my life.

MR. DEPP: May I speak?

MS. HEARD: Yes.

MR. DEPP: The luggage was taken care of. The truck did not show up. It's Brazil. The truck hadn't shown up for the luggage. It was fuckin' two hours late or something. So as you thought it was Nathan's fault --

MS. HEARD: I did not think it was Nathan's fault. I did not think it was Nathan's fault. I didn't know whose fault it was.

MR. DEPP: Well, who would you think?

MS. HEARD: I -- I have no idea. That was my point. Everybody knew that there was this plan and that it was important to me. It wasn't obviously important to you. It was important to me.

MR. DEPP: It obviously wasn't important to me?

MS. HEARD: Yeah. Like it wasn't part of your life.

MR. DEPP: Why -- then why would I be taking -- why would I -- why would I be doing that?

MS. HEARD: No, no. I didn't mean it wasn't important to you emotionally. I meant like it wasn't about your life. It was important to me in my life. That's all I meant. I wasn't saying anything about you.

MR. DEPP: You're talking to them.

MS. HEARD: No. I'm saying it was -- no. I said exactly what I meant. It wasn't like a priority in your life. It wasn't your screen test, it was mine. That's all I meant.

MR. DEPP: Right. But I made it my priority by getting everything together.

MS. HEARD: Mm-hmm.

MR. DEPP: To make sure that we could leave on time.

MS. HEARD: Yeah. So we could leave when you wanted to leave. You said you wanted to play it by ear. And you did not want to commit to leaving at like --

MR. DEPP: I had to commit -- I had to commit to a plane. I had to commit to [inaudible]. Nathan doesn't choose that. I choose that. The truck was late. By the time we got everything loaded, we split. It took us not nearly as long to get to the airport as we

thought, about 25 minutes maybe.

And we were there 15 minutes after we were scheduled to have been there. Then we went through customs, where they nearly took every fucking stitch of clothing off everybody. Then we got on the plane. And Brazilian airspace was closed. They -- fuckin' military stopped it for that two and a half hours that we sat on the fuckin' tarmac.

MS. HEARD: I know. I was there. I know all of those -- the chronology of it.

MR. DEPP: Right. So it is not my fault.

MS. HEARD: I didn't say it was your fault. But I'm glad we're going over everything that happened that night. Do you think that it's weird that -- I mean do you think it's normal -- I don't know -- that -- you think normal couples always -- never let things go and keep fighting about the exact same fight over and over again every time they get mad?

Or do you think that we are two sensitive people -- like we're so sensitive or emotional or something, and that that's part of why like when we get hurt or mad, we rehash everything we're fighting about

in recent history, in our recent past? Or do you think it's normal?

MR. DEPP: I mean don't -- don't -- I -- I don't really know what you're talking about. Because this is all a part of it.

MS. HEARD: I'm saying like do -- do you think that like it's normal that -- do you think normal couples fight about the same fight over and over again?

MR. DEPP: But you're not acknowledging -- yeah, I do.

MS. HEARD: Because I just feel like that's what we do a lot. You know, we fight about whatever the last three or four fights were. And then we do it over and over again. And I don't know, maybe that's normal.

MR. DEPP: All right. Let's talk -- let's forget -- let's forget the plane and your absolute need to --

MS. HEARD: Can you not be insulting?

MR. DEPP: -- get back here and do your screen test.

MS. HEARD: Can you not -- don't be insulting.

MR. DEPP: Can you not judge what I'm saying

right now while I'm talking. Let's talk about last night. Let's talk about you said Rocky and Josh are going to come over, right? And have dinner. Unless you don't want them to or whatever. And I said, no, no, it's all right, it's cool.

I just really want to fuckin' take a shower first. Because I haven't showered -- I hadn't showered since before the gig. Because we had to leave when we're -- to get to the airport.

MS. HEARD: Yes --

MR. DEPP: So by the time we got in.

MS. HEARD: [inaudible]

MR. DEPP: Shower. Yeah.

MS. HEARD: Yeah. It's very rude of me to have [inaudible]

MR. DEPP: I'm sorry.

MS. HEARD: -- leave a party and didn't shower --

MR. DEPP: I'm sorry. I can't --

MS. HEARD: I'm sorry; it's really rude of me, really terrible --

MR. DEPP: Do we really have to talk about

past fights?

MS. HEARD: You just did.

MR. DEPP: [inaudible]

MS. HEARD: When you like made that little dig about the shower, you know that little thing you did, the little dig about the shower, because, you know --

MR. DEPP: I wanted a -- I'm explaining why I wanted a shower.

MS. HEARD: Okay.

MR. DEPP: Right?

MS. HEARD: Yeah.

MR. DEPP: Is that all right with you?

MS. HEARD: Yeah. I hear you loud and clear [inaudible]

MR. DEPP: Thanks Buzz [ph].

MS. HEARD: Nice.

MR. DEPP: So then about two seconds later Rocky knocks on the door. I go get the wine. I open the fuckin' wine. Hang out. You guys eat your fuckin' cheese and stuff. I want to go up to the shower. So I say I'm going to go up to the shower. Bang, food arrives. So I said, eat without me.

Went up to the shower. Fuckin' light's out. Tried to find candles. Two candles I could fuckin' find in the dark. Fuckin' -- yeah. And it took a long time. I was up there a long time. But I mean so what, that's my business, what I'm doing. I'm taking a show- -- a long shower. That's really neither here nor there to anyone. That's my fuckin' business.

And came downstairs. They were getting ready to split. Okay, bye-bye. Isaac asks me to go over there. I went over there. I was there 45 minutes or something. Okay, I should've called you. I come in the room, I said fuckin' Isaac [inaudible] really talking, fuckin' blah, blah, blah.

And -- and you're not saying a word to me. So I said, what's wrong. Nothing. What's wrong? And then so I let it go. And I grab the remote. And then you were bitching because I -- you're reading a book and watching a TV series at the same time, because you're multitasking you say.

So I go to put it back on your channel. Then you say, no, I don't care, I don't want to watch. Okay, cool. So I'm looking around for shit. And then suddenly

you just fuckin' started cracking into me. And then the next thing I know it's get the fuck out of my bed, get the fuck out of my room, get the fuck -- it's a -- what?

And I -- I -- it was like -- what the fuck? It's not like you caught me cheating on you down the hall. I was next door talking to Isaac. There was no -- no harm in it. It didn't cause you any fuckin' harm. It didn't do anything that should fucking have any effect on -- on how you feel about me, or treat me, or look at me. Walk away.

MS. HEARD: I'm not walking away. I was [inaudible] through my bag to get a [inaudible]

MR. DEPP: And I guess what I'm trying to say is that -- whatever offended you to the degree it did that made you get so hot, as to throw me out of our bed, when I know damn well you're going to come out and you're going to fuckin' start yelling again. I know it. Because we repeat ourselves, as you said.

So I was trying to figure out what to fuckin' do after you yelled again downstairs. And I got dressed. And you picked the lock on the fuckin' office

and then came through --

MS. HEARD: I didn't pick the lock.

MR. DEPP: It was locked.

MS. HEARD: I didn't -- I swear I didn't --

MR. DEPP: Really?

MS. HEARD: No. I didn't pick the lock.

MR. DEPP: I thought you fuckin' put a hairpin in it or something because I locked it.

MS. HEARD: No. It opened. I don't know, maybe it just doesn't -- it didn't even --

MR. DEPP: It's probably just a shitty lock. Anyway --

MS. HEARD: I didn't do that.

MR. DEPP: I opened the bathroom door when you were knocking on it. After a few times I opened. And you know, you just come in -- you just kept going. You just kept going, kept going. I tried to close the door three times. You know, please, please, just -- you know.

And then, wait, and then -- then I -- I -- I -- I accidentally I swear, when I was trying to close the door, I guess it scraped your toes. And I didn't --

I -- you know, I didn't mean to do that. And I bent down.

And you either pushed or you kicked, I think you kicked the door open. I mean, the door -- yeah, more open so that it would hit me. And it hit me --

MS. HEARD: No. I didn't mean to --

MR. DEPP: Wait --

MS. HEARD: I didn't know --

MR. DEPP: It hit me in the fuckin' head.

MS. HEARD: But I did not mean to do that. I don't know what you're talking --

MR. DEPP: I was bent down behind the door.

MS. HEARD: I did not do anything to -- I did not kick a door or push a door so that it would hit you. I did not. I -- I swear. I don't even -- that did not -- it was not my intention. I -- I think I remember when the door scraped my toes, I -- I -- I reacted. But this whole -- the door thing -- I -- I -- I never did that. That wasn't on purpose. I might have done it on accident.

MR. DEPP: Okay.

MS. HEARD: But --

MR. DEPP: So let's say that was an accident. I then stood up. I don't even know if I said -- I mean I might have said what the fuck, you know, whatever, because I had just been hit in the head with the fuckin' corner of a door.

MS. HEARD: I'm sorry. I did not -- I'm sorry --

MR. DEPP: And then I stood up. And then you fuckin' clocked me.

MS. HEARD: I -- I remember hitting you as a response to the door thing. And I'm really sorry about hitting you with the door, or hitting your head. I did not mean to, nor --

MR. DEPP: You didn't mean to hit me in the head with the door, but you meant to punch me in the jaw.

MS. HEARD: I didn't -- I meant to hit you. And I -- I -- I did not do this thing with the door. I -- I do remem- -- I did mean to hit you and --

MR. DEPP: So that you didn't mean.

MS. HEARD: The door? No. God, no. I didn't -- and --

MR. DEPP: But punching me in -- in the jaw, you did.

MS. HEARD: I didn't -- okay, I'm sorry I hit you. I did mean to hit you, but it was in res- -- in response. I just reacted in response to my foot. I just reacted. And I'm sorry. It's below me.

MR. DEPP: Your foot? That was why you punched me?

MS. HEARD: Yeah. But -- but -- I'm -- I'm sorry. I'm sorry if I --

MR. DEPP: You should take photographs of the wounds so you have them for --

MS. HEARD: I --

MR. DEPP: -- future.

MS. HEARD: Look, we -- I'm trying to apologize to you and you're being an asshole.

MR. DEPP: And you're --

MS. HEARD: You want -- I mean --

MR. DEPP: No. You're -- you're -- you're -- you're -- it's -- it's --

MS. HEARD: What are you saying?

MR. DEPP: It's awesome to see. You're

changing the story in your favor.

MS. HEARD: I am not changing the story. I remember it differently. And I'm -- I'm really sorry that that upset you so much. But I do remember reacting when the door caught my foot. I just jumped. And I am -- I -- that's not to my favor. I mean I can't be changing it to my favor when I'm actually --

MR. DEPP: You actually didn't jump --

MS. HEARD: Maybe I should just --

MR. DEPP: You went down, you went, ow.

MS. HEARD: I -- I can even rewind it to prove you from this recording. I am sitting here saying sorry for something I did. And you're telling me I'm changing the story to your favor and being sarcastic, then being offensive and rude --

MR. DEPP: No, saying that you didn't mean to kick me in the fuckin' head.

MS. HEARD: That I did not mean --

MR. DEPP: Saying that the punch --

MS. HEARD: That was absolutely not --

MR. DEPP: Saying that the punch came from your reaction to your toe being hurt --

MS. HEARD: It did. Didn't -- didn't it -- didn't it happen right after? What do you -- do you -- what is that you remember differently, that you're so sure of?

MR. DEPP: I tried to -- I tried to close the door.

MS. HEARD: After the -- after it ran over my -- the --

MR. DEPP: No. I tried to close the door and it ran over your toes, I guess.

MS. HEARD: Uh-huh.

MR. DEPP: I didn't see. I wasn't looking down.

MS. HEARD: Well, I'm sure it's, you know, it's questionable --

MR. DEPP: You may the --

MS. HEARD: I might have -- I just might have made it up on the fly. But -- but that's good that --

MR. DEPP: You made a noise like you were hurt.

MS. HEARD: Probably made it up, right. You -- you didn't see anything, so. And then I hit you.

MR. DEPP: Are you really going to do this like this? You really want to be like that?

MS. HEARD: I was trying. And you weren't letting me apologize.

MR. DEPP: I'm trying to fuckin' explain to you. Fuck your smile. I don't need it, Amber. You go and be -- the -- lie to somebody else, man. Lie to somebody else.

MS. HEARD: No. I'm sit -- I'm sitting -- I'm sitting here --

MR. DEPP: Like you lied in front of Travis last night and said you didn't fuckin' smack, fuckin' throw a fuckin' --

MS. HEARD: I don't know what you're talking about.

MR. DEPP: Travis does.

MS. HEARD: Well, then you marry Travis.

MR. DEPP: Don't tempt me.

MS. HEARD: I'm sitting here -- I'm sitting here apologizing to you. And you are --

MR. DEPP: No.

MS. HEARD: -- picking me apart and being an

asshole to me while I'm apologizing. You tell me I'm changing the story to my favor. I -- I'm not saying I did everything right. And I'm not saying I was right in this case. In fact, I was actually actively -- you can rewind it to see -- apologizing to you. And you weren't letting me.

I hit you. Yes. After I felt like that barrier was broken down. When my -- when -- when the door slammed on my foot, I went, oh shit, it's -- in my head I want, oh shit, it's going down. I reacted to the pain. The fuckin' door caught me. And I thought he's getting violent. I thought we were going there in my head. We've been there before. And I reacted.

Last time, the last three fights all in Toronto, I didn't react. And I felt fucked over, royally fucked over, because no one was in more pain than me for that entire week following. Because I heard everything that you just cannot imagine to somebody. And I didn't react. I didn't stoop to that level. I didn't call you names. I didn't tell you I didn't love you. I didn't [inaudible] I didn't do any of the shit.

I didn't say I was leaving. I didn't do any of

the shit. And I suffered for it. So I have learned probably in a bad way that it doesn't do any good when you take the high road, and when you don't do things right, and when you're the only person doing it, you get hurt more.

And so I feel like that didn't work. I really tried hard in Toronto. I walked away with all the fuckin' bruises. And the second I felt physical pain, it just went -- in my brain went something different than the emotional pain. And I went, shit, this is going down.

And I don't know -- I did not mean to hit -- the -- like cause the door to hit you. I did not mean --

MR. DEPP: Wait, in the head you mean, when I was bent down.

MS. HEARD: You said -- you said I caused the door to hit you. And I did not mean that.

MR. DEPP: Well, you pushed it or shoved or kicked it --

MS. HEARD: But I did not mean to hit you with it. I did not mean -- that -- that's what I'm saying.

I'm not saying I didn't mean to touch the door. I clearly did. I'm saying I did not mean to hit you with it.

MR. DEPP: Okay.

MS. HEARD: I did mean to hit you with my fist or hand. I didn't mean to punch you. I meant to hit you. I'm sorry I didn't open my hand. I'm actually sorry I did -- I did it at all. I should never do that. I should never get physical.

But in my defense, I felt that pain. It went some -- I went this is physical. And I just thought we were going there. And I didn't last time. And I didn't -- I got hurt more for it. I'm sorry I did it. And I came over today because I feel bad that -- by the way, I had also taken an Ambien already when I was laying in bed.

And I don't know like if that has anything to do with one's ability to like con- -- you know, control yourself. But I don't -- I feel like if I look at myself objectively and I reacted so bad, that I think it must have something to do with it.

I'm really sorry. I didn't mean to. I didn't

mean to confront you. I was -- I took an Ambien so I wouldn't even be tempted to say, what man, what the fuck. Because I knew you wouldn't apologize for it. I knew you would never under -- just understand me for being hurt, that you fu- -- fucked off and did not even like let me know, you know, I took a shower. I was going to bed, I --

MR. DEPP: I did -- I told you when I was leaving --

MS. HEARD: No. But you didn't -- not even look at me. I just happened to hear it. I almost didn't even hear it at all. And you didn't text me or -- or -- or -- or let me know. And it took a very long time. And I knew I couldn't just bring it up to you because I knew you would never just hear me and say sorry. I -- I know, I keep you waiting a lot. And I shouldn't do it.

I knew you wouldn't say that. So I knew it was pointless to bring it up. And so all these old patterns were repeating themselves. I -- I feel it's pointless to bring things up to you that could be minor. So then I sit on them or I sat on it. I was already in an Ambien, or already falling asleep with an Ambien,

thinking I was trying to avoid bringing anything up to you. But I also --

MR. DEPP: You were reading and watching television [inaudible]

MS. HEARD: Yeah. Yeah. That's exactly how you fall asleep. It's -- I mean that's exactly how I feel asleep. You watch TV, and I watch TV, or I read, or both.

MR. DEPP: [inaudible]

MS. HEARD: You know? And I had the TV on kind of like this, you know, background because I was catching up on the episode I already saw. And I was trying to read and, you know, fall asleep. I had already taken an Ambien. I was trying to fall asleep and not bring it up to you, because I knew I couldn't just bring it up to you when you say sorry.

MR. DEPP: All right. So once that -- once when you came to the bathroom door, and once I tried to close the door and it scraped your foot, which is -- I swear to you, I promise, was an accident, absolutely an accident. I'm not denying that it --

MS. HEARD: It's okay. I know.

MR. DEPP: [inaudible] it was an accident. So once I did that, that's when you thought, oh fuck, the violence is on [inaudible] fuckin' foot --

MS. HEARD: I just -- my brain just went there, just clicked. And I -- I should've controlled it better. It's my -- it's my fault --

MR. DEPP: And so when you were screaming at me to get the fuck out of your bed, and out of your room, and when you kicked the door, or pushed the door to hit me in the back of the head and my back --

MS. HEARD: I did not mean to hit you in the back of the head.

MR. DEPP: You slammed it on me as I was walking out, Amber.

MS. HEARD: Did we not -- oh, oh, you mean the --

MR. DEPP: You slammed the --

MS. HEARD: -- I thought you were talking about the bathroom, when you said -- oh, I was like --

MR. DEPP: No. When I left the bedroom, when you were screaming for me to get the fuck out of your room and out of your bed --

MS. HEARD: I'm sorry. I don't even remember that part. I was so upset --

MR. DEPP: You don't remember that part?

MS. HEARD: I don't remember -- well, no, I remember screaming at you, but I don't remember slamming the door or it touching -- I'm sorry. I didn't -- I don't --

MR. DEPP: Well, that's when I thought the violence was on.

MS. HEARD: Okay. Understandable.

MR. DEPP: Yeah.

MS. HEARD: Um, I'm sorry. I'm sorry I did that. And I shouldn't have done it. And I'm -- I'm sorry. I don't --

MR. DEPP: Okay. Well, what -- just tell me something, please, as human beings.

MS. HEARD: Yeah.

MR. DEPP: As human fucking beings. What's worse?

MS. HEARD: What's worse?

MR. DEPP: What's worse? I go next door and I'm talking to Isaac. When you could've fuckin' texted

me, you could've texted Isaac. You couldn't come next door --

MS. HEARD: [inaudible]

MR. DEPP: Please, wait, let me finish.

MS. HEARD: [inaudible] do that.

MR. DEPP: Well, you weren't going to do that?

MS. HEARD: I'm not going to come and interrupt you when you want to be there. I just think it would have been nice if you would consider --

MR. DEPP: But then why -- then why would you be mad when I come back?

MS. HEARD: I wasn't mad. I wanted you to just say, look I --

MR. DEPP: You weren't mad?

MS. HEARD: Like you just said, when you brought it up to me on the plane, I wanted you to realize it. I wanted you to realize it.

MR. DEPP: Brought up what on the plane?

MS. HEARD: When I walked away and talked to Winnie [ph]. And I said you were mad. And you go, I wasn't mad, I just wanted you to realize it. Okay. Back at you. I wanted you to realize it.

MR. DEPP: No. Because I was -- on the plane, so let's go back to that. Now we're going back into used -- used garments --

MS. HEARD: No, I'm not. I'm referencing -- no, I'm not. I'm referencing --

MR. DEPP: That's what I was doing before.

MS. HEARD: -- something you -- no. I'm referencing something you said.

MR. DEPP: Yeah. Can I tell you why I said it?

MS. HEARD: That -- that's relevant now.

MR. DEPP: May I tell you why I said it, so I'll refresh your memory. You said -- no. I was in the middle of a conversation because we were not doing well. I was in the middle of speaking. You stood up and started to walk away. And I said, are you just going to walk away while I'm talking? And you said, I'm just going to go get a water.

And about 30 minutes later you came back. Now was I mad? No.

MS. HEARD: It's not something you say.

MR. DEPP: What?

MS. HEARD: You were fighting about -- you

were bringing up old fights, and we're not just talking about --

MR. DEPP: No, but you did it.

MS. HEARD: No. I didn't. I talked about what you said. I was refreshing your memory of what you said --

MR. DEPP: I'm saying what you said. I'm saying --

MS. HEARD: You're not.

MR. DEPP: -- what you said to me was, no, I'm not getting up in the middle of your conversation, in the middle of your talk. I'm going to get a water. And then you don't come back for 30 minutes. Did you fuckin' drill a well to get the water? No.

MS. HEARD: So you're talking about -- what did I say -- what -- why -- what is the relevance here, that you're trying to get away with talking about an old fight, when I am not talking about that fight. I'm talking about something you said --

MR. DEPP: You just did talk about that fight.

MS. HEARD: No, I'm not. No, I didn't. I said what you said. You said, I'm not upset.

MR. DEPP: Right.

MS. HEARD: I just wanted you to be aware. So I quoted you. And you said, and you looked at me, looking like you had never heard that before, and you go, what are you talking about? What -- I didn't say that. And I repeated the context of when you said that. I'm saying the same --

MR. DEPP: I can't wait to listen to this tape back because --

MS. HEARD: I'm saying the same thing you're saying, which is I'm -- I wasn't mad about the Isaac thing. I wanted you to be aware. I -- was my -- were my feelings hurt? Yes. But I wanted you to be aware. And I knew I couldn't just say to you, man --

MR. DEPP: Is that how you make me aware by throwing a wobbly [ph] --

MS. HEARD: If you were me --

MR. DEPP: All I said was, here's what you did. I just want you to be aware. That was you walking away from me in the middle of a fucking important conversation, an important sentence. And you come back 30 minutes later. I wasn't mad. And I said, I'm not

mad. I just wanted you to fucking be aware. So I didn't --

MS. HEARD: That's not what happened [inaudible] --

MR. DEPP: When I came back --

MS. HEARD: And we can fight about it all day. We can just dedicate this argument to it.

MR. DEPP: All right. Well, I can -- listen, any -- any fuckin' two dime -- two -- two bit fuckin' head shrink could listen to that tape and see that this is fucking going nowhere. Nowhere.

MS. HEARD: Yeah. Want --

MR. DEPP: You're -- you're --

MS. HEARD: How much time do you want to dedicate to this old fight I remember very differently.

MR. DEPP: Look, you're saying the violence kicked off you thought when I accidentally scraped your toes. Well, wrong. The violence kicked off when you fuckin' either kicked or pushed our bedroom door into me to get me out quicker I guess. It was probably a helpful move. And screaming --

MS. HEARD: Stop being sarcastic --

MR. DEPP: -- shut the fuck -- get the fuck -- get the fuck out of my bed, get the fuck out of my room, get the -- okay. And I did. And I said, don't -- don't fuckin' come after me -- don't come after me --

MS. HEARD: [inaudible] so you've said this a thousand times since being on this couch, you know, all you're doing. If I had done this --

MR. DEPP: Amber --

MS. HEARD: -- and you kicked off in Toronto and just sat there and berated you over and over again --

MR. DEPP: You did. You did.

MS. HEARD: And berated you over -- no, I didn't.

MR. DEPP: Yes, you did.

MS. HEARD: I did not. It did not happen.

MR. DEPP: Go see -- go see what else was it?

MS. HEARD: You called me ugly, told me no one would love me. You want to get back into this? I'll tell you, you --

MR. DEPP: Your behavior was ugly.

MS. HEARD: -- you fucking crying, you're

still crying --

MR. DEPP: Your behavior was ugly.

MS. HEARD: And saying, poor me, poor me, because you were called pussy. When you called me ugly, you said no one would love me when I was old --

MR. DEPP: What else -- what else --

MS. HEARD: You said no one liked me. You told me you didn't love me anymore.

MR. DEPP: [inaudible]

MS. HEARD: You told me you didn't want me to be with you. What did you just say?

MR. DEPP: Not many people do like you. You going to be aware of it. You must be aware of it. Want me to do, lie?

MS. HEARD: Does this make you feel good?

MR. DEPP: No, it doesn't.

MS. HEARD: It does.

MR. DEPP: You know, it doesn't make me feel good to be fuckin' harangued by you.

MS. HEARD: Right. You're the one telling me everything I did wrong yesterday. I have -- all -- all I've said is sorry.

MR. DEPP: [inaudible]

MS. HEARD: And you have done nothing but remind me --

MR. DEPP: You're the one that's being [inaudible]

MS. HEARD: Toronto. Because you're still crying about being called pussy. You're still sitting here, poor me, poor me, I was called pussy. You were called one thing in a series of hours --

MR. DEPP: No, wasn't there another one? You don't remember the other one?

MS. HEARD: Oh, there were two? Do you know what I was called? Do you know what I heard? You are so obsessed with yourself and your poor you, poor you, poor you. You're -- all you focus on is this thing that you recall you got called one name. And it's all you care about. It's all you can focus on.

You're so thin skinned that all you can do is focus on being called a name. Which by the way --

MR. DEPP: Pussy, coward, weakling, or weak.

MS. HEARD: I didn't call you weakling.

MR. DEPP: Uh, uh --

MS. HEARD: Didn't call you coward.

MR. DEPP: Yes, you fucking did.

MS. HEARD: I called you puss- -- not in that fight.

MR. DEPP: Yes, you did.

MS. HEARD: And all you can think about is you. And yet you for three nights told me every hurtful, ugly, mean thing you could think of calling me. And then --

MR. DEPP: That's wrong.

MS. HEARD: -- sit here and try and justify it now --

MR. DEPP: That's wrong. That's wrong.

MS. HEARD: And yet all you can focus on is being called a pussy? Do you know what it feels like to have your fucking loved one tell you, I don't love you anymore? No one likes you? No one likes you?

MR. DEPP: I'm -- I'm --

MS. HEARD: And you going to know. You going to know. Oh, you didn't know? Oh, you must know.

MR. DEPP: I didn't say that.

MS. HEARD: Oh I -- you want me to lie? That's

exactly what you said.

MR. DEPP: Stop it now.

MS. HEARD: And for days, and all you can focus on is being called pussy. Well, I mean --

MR. DEPP: No, there were a few more names.

MS. HEARD: -- that's kind of case in point, don't you think?

MR. DEPP: There were a few more names, Amber.

MS. HEARD: Not true. Absolute lie. You -- all you --

MR. DEPP: Did you tell -- did you tell Travis that you --

MS. HEARD: All you did --

MR. DEPP: -- that you hit me last night when I asked you to?

MS. HEARD: All you did was -- you called me ugly, no one would love me --

MR. DEPP: Did you tell Travis last night, let's talk about the current fight.

MS. HEARD: -- my tits sag. No one would ta- - - love me if my tits sag. For days I heard this.

MR. DEPP: Did you --

MS. HEARD: For days. I'm leaving. I'm getting a room. I'm getting a flight.

MR. DEPP: You're so full of shit, it's fuckin' disgusting --

MS. HEARD: All you did was say those aw- -- most awful things you can think. I don't love you anymore. I'm falling out of love with you anymore. I don't like you anymore. No one likes you. Everyone hates me. I should've listened to them. I'm getting a room. I mean every mean, hurtful, nasty, ugly thing that I told you one day, I'll never be able to forget. And you --

MR. DEPP: Half of that stuff I don't even know what you're talking about.

MS. HEARD: -- you looked at me -- you said all of that shit to me.

MR. DEPP: No way.

MS. HEARD: Yes, you did.

MR. DEPP: Half of it I don't fuckin' know.

MS. HEARD: And I -- because I didn't sit there and berate you for it the next day, and the day after, and the day after, telling you over and over

again, even though you're apologizing to me, which didn't happen. How -- every awful thing you did. I didn't do that.

MR. DEPP: I don't know what you're talking about. You've -- you've taken it to another level. My sad little brain can't understand. Did you tell Travis last night when I asked you to?

MS. HEARD: I don't know -- I don't know what you're talking about.

MR. DEPP: You don't?

MS. HEARD: No. But let's hear it. Let's hear every -- you want to -- you want to keep telling me? Look, I said I was sorry.

MR. DEPP: I'll call Travis.

MS. HEARD: Do whatever you fuckin' want. Marry Travis. I don't care. You are so obsessed --

MR. DEPP: Don't tempt me. Don't tempt me.

MS. HEARD: -- obsessed with fuckin' -- somehow Travis is going to help you. No one's arguing with you. I --

MR. DEPP: The only other person who saw the truth.

MS. HEARD: Yes. Only person that saw the truth. You're right. Travis knows everything about our relationship. And you're probably right. You should be with Travis. You're right. He knows you. And he understands our relationship. He knows everything. He really gets all the context. I'm sure.

He probably was there for every one of these fights and really understands you. He probably knows our marriage so well that it matters right now that what he thinks it does so much. You're right. He probably sees everything.

MR. DEPP: Don't waste my time.

MS. HEARD: He knows it all.

MR. DEPP: Don't waste my fuckin' time with this horseshit. Stop.

MS. HEARD: How --

MR. DEPP: Stop talking to me about Travis. Stop talking to me about all that shit --

MS. HEARD: [inaudible]

MR. DEPP: Listen, he was the only person there who saw the fuckin' truth.

MS. HEARD: Yes. I'm sure he saw the truth.

And I'm sure he knows the truth. And keep relying on Travis because he knows everything. You want to keep going? Keep talking about Travis --

MR. DEPP: Not many people see the truth.

MS. HEARD: Yeah. I'm sure he saw everything. And I know he knows everything. And he certainly knows what goes on. And he certainly knew what led up to it. Right.

MR. DEPP: Have you always had an addiction for dishonesty?

MS. HEARD: Yeah. Mm-hmm. There we go. Back to that. You want to call me ugly again?

MR. DEPP: No.

MS. HEARD: Because you're following the same route --

MR. DEPP: I said dishonesty.

MS. HEARD: -- of predicable insults, that you can fuckin' -- who's being dishonest? What have I said but sorry? Did I say it didn't happen? No. Did I say I'm sorry for it happening? Yes. Do I remember things exactly the way you remember them? No. That's called fucking memory. It is going to vary.

I remember the plane differently. I remember Toronto differently than you. Didn't mean I'm being dishonest. You follow the same line of insults. And then focus on you being called a pussy. When you don't even look at your own hypocritical behavior. When you can say the most mean insulting fucking things you can think of saying to someone to hurt them. To hurt them.

MR. DEPP: Fat old man --

MS. HEARD: And then all you can think about is the names you've been called.

MR. DEPP: Fat old man --

MS. HEARD: All you can think about is those two -- see, look, see --

MR. DEPP: The one you lied about that you said to Jerry --

MS. HEARD: All you can think about is a name you were called a year ago. But yet you just ignored that you just called me a liar. You fuckin' mind your own fuckin' -- drink your own fuckin' medicine.

MR. DEPP: You do. You do lie.

MS. HEARD: Drink your own fuckin' medicine. You're a hypocrite. You're a hypocrite.

MR. DEPP: No, you are --

MS. HEARD: All you're doing is ignoring all the shit you do.

MR. DEPP: You lie to me all the way through.

MS. HEARD: All that you do is ignore everything that you do and focus on the name you were called.

MR. DEPP: So I'll just think of everything that you do --

MS. HEARD: Focused on your problem. Focused on the one thing you did. Focus on the one thing.

MR. DEPP: You focus on everything I've done and stay with it.

MS. HEARD: So do you.

MR. DEPP: Nope. No thanks. Not buying. What a fucking chump. What a chump I am. [inaudible] Would you like anything else? Coffee or something?

MS. HEARD: I didn't come over here to fight about last night with you. I didn't want to come over here to remind you of all the shitty things that you said to me in Toronto. I didn't come over here to fight about it. I forgave you and I really intended to move

on.

I think our -- and I don't know what it is about us not ever really letting anything go, because we fight so much about all -- all the other fights. That I don't know if [inaudible] because we feel so -- my hands are dry. Maybe it's because [inaudible] so much pain. There's like a need to [inaudible] or something, you know. I don't know what it is, but I love you, Johnny --

MR. DEPP: That doesn't stop me from loving you, any of it. I love you too, baby.

MS. HEARD: You're the love of my life. You are also my home and my -- you're my life. It would be so easy for either of us to walk away in any of these fights. But it's been four years. And neither of us have gone anywhere. And -- and it's because we -- you feel, I hope, I think, it doesn't make sense otherwise, that there is no life without the other one.

You're the love of my life. And if you weren't the most amazing dynamic beautiful person I've ever met, then I would have said fuck this a long time ago. It would have been so much easier. But you're the

absolute joy and love of my life. And so when it's bad, it's absolutely impossible to -- to -- to -- to walk away because -- I mean truly walk away.

Both of us try and have tried. And I'm not going anywhere. I'm telling you now, I love you, I can't imagine my life without you. This is torture for me as well. I want to change the things that we do wrong. But I can't do it alone.

Everyone thinks that you can just change and somebody else will have to change with you. And it's not true. I don't have the ability to sit there and hear for three fights in a row how you're leaving, and walking out, and getting a room, and calling me all these names, and saying the worst things you can imagine to say to me over and over. And then --

MR. DEPP: How could it have been three nights in a row?

MS. HEARD: It wasn't three nights in a row. It was three consecutive [inaudible]

MR. DEPP: You're talking on the plane as well.

MS. HEARD: One of them --

MR. DEPP: The plane was way before.

MS. HEARD: No, because the plane -- the plane I participated in. I'm talking about the one where I didn't -- I didn't participate. I kept trying to get you to calm down, chill out, look at the broader picture [inaudible] maybe there were two, I'm sorry.

But I can't be -- I don't have the chemistry, the body chemistry to sit there and take it, and then be okay, as you found out.

MR. DEPP: Nor do I.

MS. HEARD: So what we do is we fight to save ourselves, you know. I see it in you. I do the same thing as you do, you know.

MR. DEPP: Last night didn't have to happen.

MS. HEARD: No. It didn't. But it is not one sided. This -- that fight escalated for the same reasons they always escalate. And it could have been stopped --

MR. DEPP: We could have gone right to bed. We could have gone right to bed.

MS. HEARD: Yes. We could have. We could have. I can tell you exactly what you could have done to make

that happen. And I'm sure you have idea of exactly what I could have done to make that happen. You know, but we didn't do that for -- for these reasons that are big, like bigger, the pattern reasons, the --

For instance, I didn't bring it up to you in the right way because I knew you wouldn't just say sorry. I know that sucks. Sorry. Which would have made it fine. But I knew you weren't going to do that because of the conditioning, you know, feeling like you don't -- your criticism, feeling I can't say something when it hurts me, feeling like you don't -- you're too defensive instead of care -- what is it? Caregiving?

Instead of the caregiving you get -- caregiving for your -- caregive yourself -- for yourself. You protect yourself instead of me. So if I'm hurt by something, the first thing you do is immediately defend yourself with aggressive, you go on the offense and defense at the same time, instead of actually going --

I'm sorry, it's almost like if you say you're sorry, you're admitting you're a fuckup. And I know that that's the same thing for you. And I understand

that's why you never just go, oh sorry, yeah, I could've done that differently.

And -- and so I didn't bring it up in the right way because I just assumed that it would be a fight if I brought it up. So it came out in a really weird different way. And I don't want that either. I fucked up in how I handled it. I did fuck up. And I am sorry. Really from the bottom of my heart, I'm sorry.

I'm -- I'm so sorry. I should've never done that. I should've never said get out. I should've never yelled. I should've never touched you. And I'm really sorry.

MR. DEPP: Thank you.

MS. HEARD: I want to get better. I want to fix the things that are bigger so that those -- I don't want to sit here and fight about what happened last night, or on the plane, or in Toronto.

MR. DEPP: [inaudible]

MS. HEARD: I want to -- I want to work out the bigger issues. It's bigger. And it's the same shit.

MR. DEPP: It is bigger. I mean, look, we've committed ourselves to each other, not by some fucking,

you know, religious bullshit or --

MS. HEARD: Mm-hmm.

MR. DEPP: Just because we love each other.

MS. HEARD: Mm-hmm.

MR. DEPP: And that's not -- whatever feeling that we have between each other together, that feeling will not -- you know what I mean. One day you'll meet a guy, who knows, and I have a girl. And -- and you have something different with them than you do with me. But that still won't take away what we felt for each other.

MS. HEARD: Mm-hmm.

MR. DEPP: And it probably still won't take away your feelings or my feelings. None of it.

MS. HEARD: Mm-hmm.

MR. DEPP: We'll remember the bad points. But the bad points seem to fade when you remember the good. If there was good. And there has been good. The last thing that I want in any case at any time is to fight with you.

But you -- you -- and I say this truly, I -- I -- I -- I -- this is not an insult. I say this with utmost truth, that I just -- I don't want to be bagged

on, you know what I mean? Like I've -- it's always me. I -- I keep doing stuff wrong. I really can't feel like that all the time. And there -- there's quite a lot of time that, you know, you become very sensitive about small things. And, you know, shit, so can I too, you know. I -- I can too.

MS. HEARD: But it's the same things.

MR. DEPP: No -- no. No, it's not. It's not necessarily the same things. I've become -- I --

MS. HEARD: The -- if you look at the bigger picture [inaudible]

MR. DEPP: I became irrational when you're doing movies. I become jealous and fuckin' crazy and weird. And you know, we fight a lot more. But I -- I don't want to do that anymore. And I've --

MS. HEARD: I don't either. But I'm not picking you apart. You only see criticism as an insult and picking you apart. You never actually go, I'm a human, I make mistakes. It's not even I make mistakes all the time, it's that I have quirks. You have your own. I have my own.

And if we look at everything that the other

person says, hey, I need this differently, or this made me feel bad, or I want you be aware of this because it kind of stung me.

MR. DEPP: I wish we would've done it last night --

MS. HEARD: Every single time --

MR. DEPP: I wish I would've done that a million times --

MS. HEARD: -- we bring it up, we can't see it as like an ego shutdown. It can just be a thing we can work on. I know, I have them. I have things that you -- that I want to be able to hear from you that aren't mean. They're just -- this hurt me, or don't do that, that stung me.

Or look, if I go over to say hi to Rocky and the girls, and I stayed for that long, after I also like, you know, was upstairs for so long --

MR. DEPP: But you have.

MS. HEARD: If -- but when -- okay so when I do, if it affects you negatively, I --

MR. DEPP: It does -- I mean it --

MS. HEARD: Then -- then it's irrelevant. It's

about what the other person needs. You live a life with somebody.

MR. DEPP: It's not irrelevant. It's just I'm saying, I'm -- I'm -- I'm not going to get pissed off because it's something that you want to do --

MS. HEARD: You have different --

MR. DEPP: -- somewhere you want to be.

MS. HEARD: Then baby, you have different things that affect you than I do.

MR. DEPP: We all do, of course.

MS. HEARD: We're two different people living in a life together. And the best we can do is say, these are my corners, this is what affects me, this is yours, you know. You might not be affected by that. However, sometimes you might be. And sometimes you might feel like I disappear in my closet and you were waiting with coffee or whatever

And I want to be in a relationship where you can tell me, I was waiting here with coffee, I thought you were going to be back. And then I need to be the person to be like, if it affected you and you're not just trying to make a point of it, if it really did

affect you, I'd say sorry. Or I want to be that person that says sorry.

I might not always be. And I'll fuckin' change that. But I need to be able -- you can't -- if you see every criticism as you're a fuckup, I can't ever say this affects me negatively.

MR. DEPP: No, but --

MS. HEARD: Anything.

MR. DEPP: One doesn't feel like -- if -- if -- if -- if there's criti- -- criticism, even like three times a month, four times a month, that's a lot. It's once a week. When it's more than that, it's really, really fuckin' weird. It's weird. It's upsetting. It's upsetting. Because --

MS. HEARD: I agree.

MR. DEPP: -- I only feel like --

MS. HEARD: I agree.

MR. DEPP: -- you see me in a way that -- that, whatever. You know, you keep saying that I going to step up, you know. You know, stop running away, and this -- the things that you've called running away in the past are me trying to get out of a fight that could

escalate into something really ugly and violent. And I don't -- don't ever want that again for us. I don't want to --

MS. HEARD: I agree. But it is not --

MR. DEPP: [inaudible]

MS. HEARD: It is not criticism of you every day, or every fuckin' week, or any -- it's the same thing that you do that you don't work on, that you don't actually change, you don't -- and it affects everybody. It's not me alone. It's just I'm the only one who doesn't work for you and can actually say to you, this affects me.

I'm really glad that people like Shep [ph] in your life can actually say to you, this affects, like affects me. But you were let off the hook, as you should have been. It's that thing that you do, you have very little people in your life that can do like what Shep did or what I do, which is say that fuckin' affects me. No one else is going to say that to you.

MR. DEPP: But baby, for example --

MS. HEARD: You --

MR. DEPP: -- I was ready. Now I wasn't ready

long before you --

MS. HEARD: I -- I don't want to talk about specifics though.

MR. DEPP: But I --

MS. HEARD: It's a -- you know it's a bigger thing. I mean [inaudible]

MR. DEPP: No. But I know -- no, no. It is a bigger thing. For sure. I -- I know.

MS. HEARD: You just --

MR. DEPP: I'm late. I'm late.

MS. HEARD: I just feel like breaking it down in this one example minimizes it.

MR. DEPP: No. But it's -- okay.

MS. HEARD: You know?

MR. DEPP: Okay. Yeah.

MS. HEARD: If you want to, go ahead.

MR. DEPP: No.

MS. HEARD: But I just -- I don't want to fight about a fight. I want to talk about the bigger things, which is I'm not criticizing you all the time, you do this, you dress this, don't do this, don't do that. I have a fucking -- it is this -- it is one

thing. It's pretty fucking consistent. I have one major criticism of you that I really feel like is important in fights that really affects us negatively. That's in fights. I'm talking about in life.

It is that one fucking thing. It is the K hole [ph] of attention that is your gaze. It's whatever your -- it's like -- it's like -- it's whatever is there, everything else disappears. It's whatever is in front of you and you lose track of also like when, you know -- that's what makes you late, that's what makes --

MR. DEPP: It's my brain. It's -- there's shit going on.

MS. HEARD: Yes. And I love your brain. And I love everything that you have going. I love you. You are not -- you're the same. You could have anyone you want. I could have anyone I want. I love you. Most of all because of what's in here and in here. I love your brain. I love your heart. And I love you. I love being with you.

I have one criticism. And it pops up in different examples, in different facets. But it is really one thing. And it is the lack of -- of -- of --

of -- of consideration. Not intentional. And you make it sounds like I keep going, oh, well you do this, and you do this, and I'm criticizing you. It's not the case.

It is one thing that comes up in different -- not very different forms, but comes up in different examples. It is the disappearing act of your -- of your attention and energy. And sometimes you're great, and so clear, and lucid, and present. And that's a different thing altogether.

However, lately it's -- you know there's a lot going on, and it hasn't really been like that, you know. You haven't been the one to go, oh, I need to text her, I've been over here for like an hour. Or you're not one to -- it doesn't make me -- fuck it. That's -- I'm being -- I'm being example --

MR. DEPP: I should've -- I --

MS. HEARD: I didn't mean to give an example. Sorry.

MR. DEPP: I should -- no. But while -- while you use the example, I should have, in retrospect, even then, of course it crossed my mind. And then I thought,

well, she -- she's -- she's probably cool, she's taking a shower, she's getting her makeup off.

MS. HEARD: Okay.

MR. DEPP: You know?

MS. HEARD: Yeah.

MR. DEPP: I mean, I -- that's what I was thinking. And I was trying to get out of there for a long time.

MS. HEARD: I'm sure you were.

MR. DEPP: And when I finally did get out, it was, you know, another 15, 20 minutes at the door, you know, like --

MS. HEARD: Yeah.

MR. DEPP: I said, dude, I'll just come -- I'll come by tomorrow, man, we'll talk about it, you know, come back tomorrow, come back tomorrow. But he was obviously starved for --

MS. HEARD: Sure.

MR. DEPP: -- attention. And, you know, especially --

MS. HEARD: I invited him over for dinner.

MR. DEPP: No, I know. I could [inaudible] --

MS. HEARD: And we hung out for like --

MR. DEPP: He knocked on the door and --

MS. HEARD: We -- we hung out for like an hour downstairs, and ate, and talked. And you were missed, sorely missed.

MR. DEPP: But I was only upstairs.

MS. HEARD: I know. I know. And I wasn't mads about it, you know? I mean, it's kind of like a joke, you know, Rocky and Josh were, oh yeah, you know, another -- what did Rocky -- Josh said, another 10 minutes, he's like, actually we're going to time it. And then we thought, fuck it, no, because it's just so amazing.

And I said, yeah, actually I'd be curious of the time, because in France we did this game where we would all bet, 55, 45, an hour and a half, or an hour and 5, you know. And we'd -- whoever -- whenever you would come back from 10 minutes, I'll be right behind you, it would be -- no one ever guessed less than 45. And it was between 45 and an hour and 5, where whoever got the prize.

And it's a -- it's al- -- it's almost a joke.

I most of the time can laugh it off because I know you, and I know it's you. But -- but it's so chronic, the lateness, it's chro- -- it's so chronic and it's gotten so bad. Whitney even said it. She's like, it's got -- this is like got -- it's gotten worse. It's so bad.

It's so late, so regularly, and so consistently not on it, whatever that is, multitasking, whatever you want to call it, that I do voice it sometimes when it hurts me. It does hurt me sometimes. When I'm upstairs, when I'm reading, in a shower. And I'm like, well I don't want to bother him, he's where he wants to be. But that's what hurts. You were where you want to be. And I'm not --

MR. DEPP: I understand.

MS. HEARD: And I'm waiting for you. And --

MR. DEPP: Well, at Isaac's, I wasn't where I wanted to be. I wanted to be back over there in bed because I was hallucinating and tired.

MS. HEARD: All I wanted --

MR. DEPP: And --

MS. HEARD: -- was to be able to say that to you and have you respond right there. And just, you

know --

MR. DEPP: I -- I -- I --

MS. HEARD: -- I'm sorry.

MR. DEPP: I would have --

MS. HEARD: It would have meant so much to me. I --

MR. DEPP: I would have if it hadn't have been so kind of aggressive, you know.

MS. HEARD: I -- I'm sorry. You're right. I didn't handle it very well. But I -- it's because like as soon as you go, well fuck it, I'm always a fuck up, I'm al- -- you're always on me, and get mad at me, and then yell at me, and be defensive, and make it a fight about me.

MR. DEPP: No. But like for example -- and I didn't fuckin' say anything. I can't -- I'm not going to say anything to them when I get there. And, you know, but look, I mean, and I don't mean this in a mean way, I'm truly just giving you my observation.

Every -- every day before I went either to rehearsal or to sound check, for -- for the Roxy, you -- you -- you hit me up with some problem or what --

something you felt, or something I didn't do, or this or that. And it was -- it was every day at rehearsal.

MS. HEARD: I was upset about Toronto that entire time.

MR. DEPP: [inaudible]

MS. HEARD: And I was trying to suppress it.

MR. DEPP: And -- and -- and -- and I was -- I mean I was at least 30 minutes late for rehearsal every day. And I was 45 minutes late for the sound check at the Roxy.

MS. HEARD: Mm-hmm.

MR. DEPP: You know? And [inaudible]

MS. HEARD: But it wasn't because of me. That's not fair.

MR. DEPP: Well, no --

MS. HEARD: You were late -- I mean I took maybe five min- -- I didn't get more than five minutes of your time at --

MR. DEPP: No, no --

MS. HEARD: -- a single one of those days.

MR. DEPP: No, no, come on, Amber, please --

MS. HEARD: And every time I didn't even even

-- I didn't take more than five minutes. We talked the first two days -- oh no, the first day of rehearsal, the first two days of rehearsal, before you went up and showered and stuff. You -- that was you and your not managing the time. You cannot put that on me. That's ridiculous.

MR. DEPP: I'm not --

MS. HEARD: I didn't have even five minutes.

MR. DEPP: Listen, like I said, I don't want to fight with you. I don't want to fight with you about this. But your perception of five minutes in this case is -- is -- is off.

MS. HEARD: Okay. Well, coming from you, I'll take that. Because I think you have a hard time with time as well.

MR. DEPP: Of what?

MS. HEARD: I think you have a hard time perceiving time. So if you tell me my perception's off on time, I'll take it.

MR. DEPP: I just know how late I was.

MS. HEARD: That's you though. It's you putting off the shower. That's you waiting to talk to

your wife until you're literally you're rushed and telling me you had to go every -- I don't want to get into it. But I --

MR. DEPP: Yeah. You -- you --

MS. HEARD: -- I was just trying to suppress fighting --

MR. DEPP: You were upset because I wasn't speak -- being -- being able to spend the morning with you.

MS. HEARD: No. I was up- --

MR. DEPP: That was also because --

MS. HEARD: I was upset from Toronto. I didn't want to --

MR. DEPP: -- you didn't get up late --

MS. HEARD: I didn't even want to be -- the thing is, I was really struggling that whole week because I was looking -- I was looking online for apartment rentals, I was trying to -- one minute I -- I mean one hour I thought -- I mean I'd wake up in the morning and I'd go, I'm going to be fine this morning. I'm going to not think about it, all the shit.

And I would by the end of the day, even in the

morning, try not to bring it up, but then also realize that my marriage was des- -- being destroyed. I found a counselor that could help like with, you know, separation. I found a -- well I looked at apartments online.

MR. DEPP: I -- I didn't know you went that far.

MS. HEARD: I didn't -- because I could not imagine getting over the pain of what happened in Toronto. It was so bad.

MR. DEPP: I couldn't imagine getting over a lot of shit like on the plane.

MS. HEARD: Yes. But --

MR. DEPP: That was the second time.

MS. HEARD: That was -- we both participated in that. Toronto, I -- all I did in Toronto, all I did was fight to keep you okay, safe. I was worried about you getting -- going off the rails and binging because you were drinking. I wanted you not -- I wanted you to be okay for your press. I wanted you to stay in the room, not to fight, but just even to go in the other room so you weren't downstairs drinking until 5.

I -- it was not a mu- -- that was -- a lot of our fights are -- are 50/50. And some of them are on me. This one -- those Toronto fights, I spent the whole time telling you I love you, and trying to get you to calm down, and keep you safe. Stop. Let's not do this. Look at the bigger picture. I love you. [inaudible] picture.

And that train had fuckin' left. And there is no excuse for it. You want to make excuses, I know that's your instinct just to make --

MR. DEPP: For what?

MS. HEARD: -- an excuse, to allow yourself to go off the rails. There is no excuse for just --

MR. DEPP: What are we talking about, Toronto?

MS. HEARD: Yeah.

MR. DEPP: The -- the -- listen, the -- there's no excuse for either of us being the way we -- you know, getting the way we get. And being -- being that fuckin' -- allowing ourselves to get to such a degree, of such a fuckin' heated arena. There's no fucking reason in the world for it. It's dumb, it's dumb, it's stupid, and it's fuckin' dumb.

But you know, your memory of Toronto is what it is. And yeah, I said some fuckin' really nasty things to you. And -- and those nasty things had been building up from the prior argument. Just like your shit had been building up.

The plane I thought, this is it, we're fuckin' -- we -- we're dead. After the plane. We're fuckin' dead. I don't know how to look at her anymore. I don't know how to feel anymore. I don't know -- I don't --

Again, I -- what you think an argument where you didn't say shit, I mean, again, I'm sorry, but there were people out the door -- right outside the door who heard everything.

MS. HEARD: In Toronto? Is that what we're talking about?

MR. DEPP: Yeah.

MS. HEARD: Then -- then get them in the room right now, the -- the mystery help that you keep referencing, and have them sit in front of me. I want to hear someone tell me what I said to you. Because still, I have yet to hear one thing. I called you spineless at the end of one fight. And I -- I called

you a coward and -- no, I said spineless and pussy.

That -- those were two names that I called you. And I told you what you were doing with spineless. And I called you a pussy. And I said I was sorry. And I meant it. But it was at the end of a fight. I had been fuckin' provoked to no end, prodded, poked, kicked. I had heard every nasty thing you could think of saying to a woman before that comment came out.

And I still had the strength afterwards to say, let's just not do this, please. Let's look at the bigger picture. We love each other. Let's skip all the steps when we say the hurtful things. Stop. And I said that the whole time. So whoever you're fuckin' talking about, quit fuckin' referencing them. Be fuckin' fair. Fight fair. Get them here right now.

I want to fuckin' see them, look them in the eye, and hear them tell me, in front of me, in front of you, what I fuckin' said in Toronto. Because I didn't say a fuckin' thing. I didn't do anything in Toronto. I fuckin' held it together the whole time. I am sorry I called you a pussy. And your actions were spineless. And I am sorry I said that. I'm really sorry I said

that. I shouldn't have stooped to that level.

MR. DEPP: What actions --

MS. HEARD: But I had said --

MR. DEPP: What actions of mine were spineless?

MS. HEARD: You had said you wanted to get a room at the beginning of the fight.

MR. DEPP: No, I didn't.

MS. HEARD: Well, then I don't remember what it was. But it was all the shit that led up to that. It was at the end of that second fight. And I am sorry I called you that name. But all you -- how much it's hurt you, and how much you talked about it, and how much you've complained about that affecting you, and how much that you've carried that, magni- -- magnify that by a thousand. Well, being literal, 200. Magnify that.

You're focused on one thing you got called. Imagine being called 20,000 more things. And not just called names. Being looked at and said the most hurtful, ugly things I've ever been told ever in my life, on top of being called those things. While you're saying to someone, I love you.

I was actually saying to you, that last fight, all I was saying is, come back, let's not do this, I love you. I even sat down and you were like, fuck you, you're fuckin' ugly, I can't look at you. And I said, I love you. I fuckin' hate you. I love you. And I actually did that.

MR. DEPP: You did.

MS. HEARD: I -- that was the fight. I got mad at something that I would get mad about now. It was rude and inconsiderate. And instead of me being able to just say, that hurt me, you have a fuckin' -- you know, the ego is so offended, that all you have to do is lash out at me, hurt me, call me names, to try and defend yourself. Because heavens forbid, you did something rude. Which is human. You know? It was human.

You could have just said sorry and I would've felt better. And that's all because we're two people trying to struggle and it's so hard to live with each other --

MR. DEPP: What was the fight about?

MS. HEARD: Remember we -- it started because I -- you didn't -- we had gotten comfortable, I had

gotten my pajamas, started -- took my hair out. I started off. We ordered pizza, ordered a movie. My mom was coming up to the room. We were curled up on the couch. And then you decided -- then you decided to tell someone, me in this case, you wanted to go to a party.

And I -- I had no -- and I did say, I started by saying I don't want to go, let's not do that. Why -- and then I said, why -- what the fuck, I have already taken off my makeup, I fuck- -- my dress, my heels, my hair --

MR. DEPP: But your makeup was still on --

MS. HEARD: Why didn't you tell me -- I had started to take it off. I took off my lipstick. I said, why didn't you tell me before? I have -- I'm in my pajamas at this point. Why didn't you tell me before? We had ordered a movie. We talked about our night. We actually talked about doing -- that's how it started.

And after that moment, I came back. And I said -- we got my dress on, got my shoes on, put my hair back up. And I said, let's go to the party. And you were so obstinate, and adamant, and stubborn, and -- and -- and -- and -- and I don't know what it was. But

you from that moment on did nothing but insult and hurt me.

MR. DEPP: Could -- could it have been that I was -- a bit prodded by your lack of wanting to get dressed again.

MS. HEARD: I was prodded by your lack of telling me. Don't you see? There's always a thing that you can just rely on that. You not take any responsibility for your shit. You -- that's no excuse. You felt prodded, yeah, so did I. I felt prodded about you telling me after the fact that we were going to go to a party, after we had already talked about our night.

We even ordered pizza. We fucking were queuing up a movie. We told my mom. Even security was like, what? They didn't know. No one knew that you were going. You -- and you didn't tell anybody. And I -- you don't think I felt prodded? I felt prodded.

MR. DEPP: Wasn't it Lawrence Krause [ph] [inaudible]

MS. HEARD: No, it was the party for the -- it was the afterparty for the movie.

MR. DEPP: Oh, right. No, we went to that.

MS. HEARD: No, we didn't.

MR. DEPP: [inaudible]

MS. HEARD: We didn't go. We went to something else. We didn't go that night. We fought.

MR. DEPP: We went to a dinner thing where Terry Gilliam was.

MS. HEARD: That was different. That was Venice, Terry Gilliam.

MR. DEPP: Oh, I'm sorry. Too many to think of --

MS. HEARD: I felt prodded too. I don't want to sit here and fight about Toronto. And I really think it's fucked up that we fight about the old -- old fights over, and over, and over, and over again. I did tell you I would let that shit go.

And I'm sorry that I spent five minutes of your mornings ending in a bad way. But we didn't talk for -- for more than 10. I did not make you late. You have a late problem. It's a fact.

MR. DEPP: I do. I admit to that. But it was a half hour.

MS. HEARD: It's -- it was not -- that was not because of me. You put -- you putting off talking to me until you were already a half hour late. In fact, every time we talked, you were telling me you were already late. So don't -- it's not on me. And I buried it, the whole fucking week. I sat there --

MR. DEPP: I said, I'm -- yeah, I'm late. And I -- and then I -- I got my guitar and my bag. And everything else was out the door.

MS. HEARD: I buried it. I'm -- your wife didn't take more than five second -- more than 10 minutes of your time. And in those -- all those mornings. And I understanded you -- I understood you have -- you had something very important going on. And I wanted to support you. But I was dying on the inside. Dying.

I have never felt so depressed about our situation ever. I have had resolve before. I have walked away from you when you're drunk and fucked up. And things that are like -- but -- but -- but Toronto was like the -- the plane that -- that the plane when you kicked me. It was so bad and so unprovoked --

MR. DEPP: Wait, wait.

MS. HEARD: Sorry.

MR. DEPP: The plane when I kicked you. You can't just reference it like with the plane that I kicked you.

MS. HEARD: You know which one I'm talking about, right? Like the one from a long time ago.

MR. DEPP: It's on the tape recorder. If you're going to say that I kicked you, you'll say everything else you did.

MS. HEARD: On the plane that I'm talking about is the plane from Boston. I did nothing to you. And everyone can attest. Everyone will back -- back that up. I did nothing to you that time. You were -- you were fucked up. You were real -- I'm talking about a long time ago.

That was the only time in my relationship with you. Remember I went back to New York, that I -- I felt so unsure about us, is after Toronto. And I sat on that all week, and cried every fucking day.

MR. DEPP: It was after Toronto when? This Toronto? I didn't kick you on the fuckin' plane.

MS. HEARD: I know. I said that was the only other time in our relationship that --

MR. DEPP: Oh, okay.

MS. HEARD: -- felt like this. And I'm sorry I took a few minutes of your time in Toron- -- in -- in LA when you were getting ready for rehearsals. But I was trying desperately to figure out if I could res- -- recover, if there could be love gained that had been murdered. I couldn't -- it was a --

MR. DEPP: I understand that. I --

MS. HEARD: It was a tough week. And I --

MR. DEPP: I'm going through the same exact fuckin' thing.

MS. HEARD: I -- I -- you have certainly not gone through this. I have certainly never looked at you and said some of these things to you. I have --

MR. DEPP: Don't say that.

MS. HEARD: -- never told you I didn't love you.

MR. DEPP: Yes, you have.

MS. HEARD: I did not. I've never told you I was falling out of love with you. I never told you --

and also we've made promises. [inaudible] just defend yourself. And me pointing out some of the things you did [inaudible]

MR. DEPP: I'm not defending myself. I'm just --

MS. HEARD: -- just bounces right back at me.

MR. DEPP: Hey, I'm not defending myself. You wanted me to say when -- when I feel something, and you know, when I -- I feel that the, you know, I want to say something to you, that it was okay. That's -- that's the promise you gave me a little while ago. I'm -- I'm telling you, if you -- if you lost memory last night of kicking me out the door with the fucker hitting me --

MS. HEARD: Again, I'm sorry --

MR. DEPP: And you -- and your memory is gone from you kicking the -- the bathroom door and hitting me in the skull as I was bent down --

MS. HEARD: Again, I am sorry --

MR. DEPP: Wait. If you have those memory fuckin', you know, divots --

MS. HEARD: I was upset. There was a lot going

on --

MR. DEPP: Okay. But wait --

MS. HEARD: And I was on an Ambien. Like what -- why are you obsessing over the fact that I can't remember it the way you remembered it. I said I was sorry. I didn't deny it.

MR. DEPP: Okay. I know that. I'm not talking about that. What I want to get to is that you say to me, fuckin' unquestionably, like in -- in -- impenetrably you never said, I don't want to fuckin' be with you, I'm not in love with you anymore.

MS. HEARD: I'm falling out of love with you. Falling out of love with you.

MR. DEPP: It was dark, man. It was a dark -- it was a dark moment.

MS. HEARD: I let it go. I meant it. My mom said I have going to fucking forgive you or -- or not. And I going to forgive you if I want to be with you. I have got to forgive you.

MR. DEPP: I've going to forgive you if I want to be with you.

MS. HEARD: Yes. It's not solo. I'm just

saying what I -- I made a choice to let it go and to forgive you. And I meant it. And I'm sorry that it's coming up now. It really should not come up. It really should not be something that we keep using in fights. It doesn't help us.

It doesn't help our standing to point out how fucked -- it doesn't do anything but cause the other one to retreat and defend. So I'm sorry --

MR. DEPP: If you listen to your tape back, it would be you that brings up the Toronto shit more than me.

MS. HEARD: You're right. I brought it up and I'm sorry. That's why I'm saying this. I was trying to defend myself from this whole thing about like me taking your time when you were rehearsing. And I took no time and suffered by myself. And really sat on that. And didn't -- it wasn't right.

You ask me every morning what the fuck is going on. And I wasn't right, wasn't okay. It was not okay. And we talked about it on Whitney's birthday that night. And you promised never to go there again. Is my memory okay now? I mean so far? Was that wrong?

MR. DEPP: Yeah, as far as Whitney's party, and I promised never to go there again, and all that shit. Yeah. It is. But -- but --

MS. HEARD: All right. So I --

MR. DEPP: And the time thing is just -- it doesn't matter --

MS. HEARD: Look, you see it differently. I feel like I took five minutes of your time. And you let like I took 30 minutes. And I -- it's probably somewhere in between, to be honest. Okay. So obsessing over it is pointless. It's fighting for nothing.

You've going to be able to -- you've going to be able to hear what I need. And when you do something wrong, it cannot be impossible ever to say to you -- you going to be responsible. I hold you responsible. And I know no one else does --

MR. DEPP: When I do something wrong, that affects you in the wrong way.

MS. HEARD: We have to live together.

MR. DEPP: Yes.

MS. HEARD: Everyone else gets to go home. Ev--

MR. DEPP: That's the first time you said we, by the way.

MS. HEARD: Pardon?

MR. DEPP: It's practically the first time that you've said we.

MS. HEARD: Okay. We have to live together. And I have said we a lot [inaudible] conversation. We have to live together. And we both have quirks and corners. Maybe you remember me saying this earlier.

We both have shit that we need to -- puzzle pieces that we need to carve out to make -- to fit with the other, you know, to fit in a life with someone. And sometimes we fit perfectly. Sometimes I think we hurt and don't know what to do with it. We don't have an outlet for it. We're still holding on to it and not admitting we're holding on to it.

We still kind of hate the other one for the things I've said to you. You know, it's just -- and we don't let it go. And then it comes up -- a fight comes up, instigated by the same patterns, you know. Me getting mad at you about something, or you getting mad at me about something.

And then all this shit comes up in all the fights. And why -- why can't we just like -- like be humble enough to say, oh shit, I'm sorry, when we fuck up. Why is it like this --

MR. DEPP: I don't -- I don't have an answer to that question. I mean I -- I -- I'd love to be, if I'm not [inaudible] I would love to be.

MS. HEARD: It takes humility. And I know I'm the only person that like holds you accountable really in your life in an overt way. But if you're late, or you fuck off, and you ignore me, and I'm waiting on you, it's rude, and it makes me feel bad. And I have to be able to -- to say it. And yesterday I'm really sorry for how I reacted.

But that was me not knowing how to fucking have a normal fight with like a [inaudible] it's like that's normal, couple -- like a normal couple thing. It could have been small, like you said earlier.

MR. DEPP: It could have been two seconds.

MS. HEARD: Yes. But me not imagining that you could give it that or allow it to be, made me -- I took an Ambien so I wouldn't be -- so I wouldn't be -- so

I'd fall asleep before I'd be touched by you and have to fuckin' confront it. I tried to, you know, read, and calm down. I tried to not talk about it. Because I just could not imagine it working. Where you could just hear it and say, I'm sorry, and also know that that's an issue you have.

I couldn't imagine it. And so it came out really bad. It came out poorly. I handled it poorly. By the time we talked, I was already seething. And then I reacted like a -- a person that has been hurt over many, many fights. And holding on to probably some things without knowing it. And I reacted because I thought, fuck it.

I don't want Toronto. I don't want to be the person that sits there and says, I love you, while someone's looking at you in the eye and telling you that no one likes you, and that they don't like you anymore, and they don't love you, and you're ugly, and all this shit.

I don't want to -- I didn't want to be the one that did that. I didn't want to take the high road. And I -- I want to always -- I want us to both [inaudible]

I feel like one of us -- one of us fuckin' -- one of us can't do it. We need to both do it. Otherwise one of us -- one of us is just getting fucking hurt.

Like in Toronto I was a fucking punching bag. I just heard every mean thing. And all I was doing was saying stop. And I got so fucked up.

MR. DEPP: I understand.

MS. HEARD: I don't want to --

MR. DEPP: Toronto -- Toronto to you was the plane ride to me. You know? And you're not going to unhear that shit. You can forgive me for it if you can't -- but you will never unhear that. And I'll never unhear the shit I heard. So ultimately is that shit important? No, in the big picture.

We should be bigger than that. We should find a way. And we do both need work. I'm not saying I don't. We both need to work on it.

MS. HEARD: So there's no accountability, no stability, no rules? And we got married for that reason. We got married so we'd have like stability. So the fuckin' relationship wasn't on the line every time.

MR. DEPP: Look, I -- I didn't kick you out of

bed last night.

MS. HEARD: I did. I'm sorry for it.

MR. DEPP: Okay, but you -- you know what I'm saying --

MS. HEARD: Yes. I do know what you're saying. But it doesn't happen in a vacuum. It's the result of conditioning of fights over and over again that do things, that make us react in the way we react.

MR. DEPP: Indeed.

MS. HEARD: So where do we stop? Where do we stop it?

MR. DEPP: Go see a counselor.

MS. HEARD: Do you imagine your life without me? Could you?

MR. DEPP: I mean, no. Of course not. Why would I -- why -- why -- why would I imagine? You know I love you. I told you that. First thing you came in, you said you love me, I said I love you. Because I do. But it can't go on this way. Not for you -- not for you, not for me --

MS. HEARD: I agree.

MR. DEPP: It can't go on this way.

MS. HEARD: I agree. I agree.

MR. DEPP: Because it's just going to build, and build, and build. And if there's any more physical violence, that's it.

MS. HEARD: I agree. I agree. I agree.

MR. DEPP: So I'll check on counselors, man. Let's see somebody. If that's what needs to be done, I'll do it.

MS. HEARD: I just don't know if you -- I want to talk to that Amy person. But I'm worried that you don't control yourself. And when you get mad, you -- you just take off. And I'm worried that on Skype, it's not like we're going to be in a room, and you're just going to fuckin' walk away if you don't like it.

MR. DEPP: It -- it's not about me liking, you know, these horrible truths. I don't like them now. And I'm not walking away.

MS. HEARD: Mm-hmm. True.

MR. DEPP: I -- I -- what I'm concerned with is the truth, getting -- there is no fuckin' way that -- if you, you know, change a story or if I change a story, it -- it -- it -- there's no point in us seeing

a fucking shrink [inaudible]

MS. HEARD: There is no -- I see someone regularly. No one knows that better than me. There is no point in life to a therapist or to a counselor or whatever. Knew you have it in your mind that, you know, like I'll go to [inaudible] just to hear myself talk of validation. It's the opposite of what I do.

What I value in people and why I don't want people around me that need me more than I need them, or that work for me, I don't want -- I had this breakdown like before I even met you about realizing that everyone around me was in some sort of need. And I wasn't getting -- being able to get honest feedback.

And, you know, now I'm -- I'm -- aside from Whitney, you know, she's different. Whitney never holds back. Anyway, but that's part of why I value having people around me that are going to be honest with me and that don't need me. That's how you get something from someone.

There's nothing -- that's the value. That's the goal, is that people can hold you accountable. People can hold up a mirror. People can be honest with

you --

MR. DEPP: Abso- -- absolutely.

MS. HEARD: And if I feel not safe enough to do that because I don't know what you're going to do, you're going to take off, and run, and not like -- that's -- it's going to be really hard to sit there and get something from a counselor when I feel like I can't actually --

MR. DEPP: But you can't predict the future.

MS. HEARD: No. I can't. No. I can't. But we need help. And if we don't change, we will -- we won't survive. And I love you. And I want my life with you. But -- I know we both get mad and we both lose our shit. But there has to be some sort of thing that you follow, some rules, some guidelines, both of us. Both of us. You know?

MR. DEPP: I don't disagree at all.

MS. HEARD: Promises -- I feel like I really want you to keep your promises.

MR. DEPP: I don't --

MS. HEARD: Huh?

MR. DEPP: I mean I -- I keep my promises.

Maybe I'm late. Maybe I'm flaky. Maybe --

MS. HEARD: I'm not talking about that.

MR. DEPP: Well, what promises?

MS. HEARD: Just -- just want you to keep your promises. So if we say --

MR. DEPP: I want you to keep your promises too.

MS. HEARD: I know you do. I know you do. We need help. And I'm -- I'm -- I -- I -- I -- I -- we need to promise each other to do this. Don't you think?

MR. DEPP: Yeah.

MS. HEARD: I mean maybe I'm wrong. But I --

MR. DEPP: No.

MS. HEARD: I just think that there -- we can use some things --

MR. DEPP: I promise you this --

MS. HEARD: -- like that.

MR. DEPP: I promise you this. If we go to the therapist, couples therapist, marriage, whatever, counselor, we go there, I promise you, absolute, unabashed, straight up, honesty. And please, please, because you going to be fuckin' really strong to do it

and not -- not let the ego ebb at you. Please be a thousand percent honest. I don't care what it's about.

MS. HEARD: I will be.

MR. DEPP: Please.

MS. HEARD: That's easy. It's easy to be honest. And I'm very honest. I know you don't have a lot of people around you that confront you ever. But you and I are two different human beings, different consciences, right? So you are going to remember something different than me.

And I can insult you, and insult your character, by calling you pussy. Because you don't conform to seeing it my way. So you must be a liar. That just makes you feel bad.

MR. DEPP: I was a pussy -- the results of the, you know -- I -- I fuckin' -- pussy -- I was a pussy because I didn't take care of the fuckin' [inaudible] you know, who tried to touch you in the fuckin' elevator and --

MS. HEARD: Tried?

MR. DEPP: You told me he didn't touch you in the fuckin' --

MS. HEARD: Yes. I told you he touched me. I told you he grabbed me. I told you he tried to kiss me. I told you he kissed all over my hands and arms and head --

MR. DEPP: Yeah, yeah, yeah.

MS. HEARD: -- and -- and he grabbed me, and grabbed my arm, and tried -- that's significantly touching you. Grabbed my waist, my stomach. I mean that's touching you. And I told you that. That's honest. That's honest.

MR. DEPP: I -- I didn't know it was all to that degree, I --

MS. HEARD: I did tell you that.

MR. DEPP: Okay. Okay. All right. Don't freak out.

MS. HEARD: But you remember different things. So that's different. I don't have to call you a liar.

MR. DEPP: It doesn't matter. I -- it doesn't matter. You -- you -- I -- I went through all kinds of shit.

MS. HEARD: Yeah. I get shit for being called -- I'm calling you a pussy. Yet you call me a liar all

the time.

MR. DEPP: Can I finish my sentence? I went through all kinds of shit to try to find that motherfucker.

MS. HEARD: Good.

MR. DEPP: He never went back to his fuckin' room.

MS. HEARD: Good.

MR. DEPP: I got his fuckin' name. I know how to find him if need be.

MS. HEARD: Okay. Cool.

MR. DEPP: But you -- do you, you know, said that I fuckin' --

MS. HEARD: Did -- did I --

MR. DEPP: Didn't even -- I didn't take care of it because I was a fuckin' pussy, and a liar, and [inaudible]

MS. HEARD: I called you the name that you were calling me. You were calling me a liar and I called it right back to you. And I did call you pussy. And I -- it's like again, I said I was sorry for calling you a pussy. I called you one name. For every

time you heard pussy, I heard a thou- -- every time you heard that, I heard 15 insults from whore to liar.

MR. DEPP: Weak.

MS. HEARD: You, from whore to liar.

MR. DEPP: Coward.

MS. HEARD: I did not call you in -- in Toronto, I did not call you --

MR. DEPP: Yes, you did.

MS. HEARD: No. I did not. I did not call you a coward.

MR. DEPP: You have the tapes. Let's listen.

MS. HEARD: Yes. I will. I did not call you that in Toronto. I have called you that before. But for everything, every time you heard pussy, which you're so obsessed that you got called. And I'm sorry. That must be so tough that you got called that one name. I heard a thousand. So it makes me a little, mmm --

MR. DEPP: A thousand is probably --

MS. HEARD: Annoyed.

MR. DEPP: If anything, that's probably a little bit of an exaggeration.

MS. HEARD: To say the least. Annoyed, to say

the least.

MR. DEPP: Is a thousand exaggerating?

MS. HEARD: To hear you continue to complain about being called that one name, when you called me -- roughly 50.

MR. DEPP: 50.

MS. HEARD: Yes. So being honest, stop. It's so -- it's annoying me.

MR. DEPP: It's annoying you.

MS. HEARD: It's terribly annoying. You got called one thing and you --

MR. DEPP: Is this called honesty and you are --

MS. HEARD: -- called me a liar and a whore --

MR. DEPP: And you are getting taking defense. How is that going to be with a marriage counselor? You're worried about me walking away?

MS. HEARD: What do you mean?

MR. DEPP: Look at what you're doing.

MS. HEARD: I'm sorry if I'm getting angry. So.

MR. DEPP: You want to try? You --

MS. HEARD: I -- did I not just say sorry for getting angry? That's trying and you know it.

MR. DEPP: You've said sorry 15 times now for getting angry.

MS. HEARD: You want to insult me for being -- and call -- saying sorry. You use it against me in every fight when I do. And yet then you also say I don't do anything wrong and I can't be wrong. Yet you -- you don't think that's a little counterproductive to yell -- to yell both things at me, [inaudible] with both things?

You want to insult me for saying sorry now too much? Well, I thought --

MR. DEPP: No.

MS. HEARD: -- if we're talking to each other, and we're being honest, and trying to be humble, I thought that's kind of like a good thing to do when you feel it, you know, to be taking care of the other person. I'm trying to take care of your feelings by saying sorry. That's care.

MR. DEPP: Was it [inaudible]

MS. HEARD: And you're not.

MR. DEPP: In an aggressive way.

MS. HEARD: No. I did not say sorry in an aggressive way. That's not true.

MR. DEPP: What led up to it?

MS. HEARD: I don't know what led up to it. But I --

MR. DEPP: The conversation we just had.

MS. HEARD: I -- I said sorry. And I meant it. And then you wanted to use it against me and then rub my nose in it, which is something you do all the time.

MR. DEPP: No. Sorry --

MS. HEARD: Would you -- would you like to end our conversation now because it's clearly not going anywhere.

MR. DEPP: If you want to end the conversation, end the conversation. Here's what I'm saying. Sorry, when you hear it all the time --

MS. HEARD: Then I won't say it anymore.

MR. DEPP: Sorry becomes -- it almost has no meaning.

MS. HEARD: Right. Then I won't say it anymore.

MR. DEPP: And you're being defensive. You're picking out things to -- to fucking hit back with in your own way right now. So what's it -- what are you going to be like with a counselor? Is it -- is it -- like am I -- is that a dream -- am I dreaming? Or is that just something that you'd like to do, but you -- you worry about me running away, but yet you're the one who gets heated up.

MS. HEARD: We both get heated.

MR. DEPP: I was not heated just now.

MS. HEARD: No. You weren't just now.

MR. DEPP: I don't think I've been heated the majority of this conversation.

MS. HEARD: Oh, good.

MR. DEPP: I don't want that. If you love me, I'll try. I love you, I'll try. I mean if you love me, you'll try. And if I love you, I'll try. That's about the most we can give one another right now.

MS. HEARD: Yeah. Let's just see what happens.

MR. DEPP: You can be fatalistic about it if you want. That's -- that's also --

MS. HEARD: I didn't meant to be.

MR. DEPP: -- a waste of time.

MS. HEARD: I just feel stupid for trying to be earnest. It's like any time I am, it's like you're a fucking animal. You know, like you fuckin' smell weakness. And as soon as I am humble and earnest, and go, okay, I'm sorry or whatever, that's when you get fuckin', you know, you get something from it. And then you start going mean. And then you start saying insulting things.

MR. DEPP: I'm not being mean.

MS. HEARD: And then you start, you know, really -- you can't resist rubbing someone's nose in it once they say, sorry I did that. You just like, you can't -- it's like a scab you can't help but pick. You going to like -- it's like you get something from it.

So I won't say sorry anymore. I won't be earnest anymore. Like I was trying to be humble. I thought it would work for us because ego, pompous, fucking attitude's don't really work so well for us. So I was actually trying to say sorry. You're right. Sorry. I was wrong. Sorry. What do I get for it?

MR. DEPP: All I said was if -- if sorry

becomes just a go to sort of thing to fix -- to patch it up, to band aid it --

MS. HEARD: Heavens forbid, I try to band aid this.

MR. DEPP: That it becomes almost meaningless those words.

MS. HEARD: Mm-hmm. Yeah. Seems really meaningless to try and fix something that's broken. That's really meaningless, huh. Heavens forbid, I try to fix it.

MR. DEPP: Just saying, it helps to mean them.

MS. HEARD: Who says I don't mean them? Only you. Only you. So you know how I feel, how I think. You know better. And you want to -- and you want to tell me you're trying to be earnest and humble. Are you trying at all to be earnest, and humble, and real, and earnest?

Have you ever tried that in a fight when you're hurt, when you're angry? Have you ever just tried to be stronger than that shit and just be earnest?

MR. DEPP: I do -- what do you think I've been

doing, insulting you? Is that insulting?

MS. HEARD: Heavens forbid, I try to put a band aid. Don't you fucking give me shit about saying sorry. As if that's a bad thing, as if band aids --

MR. DEPP: Listen --

MS. HEARD: Or -- or bad fucking thing. You know what we need? We need that. We need humility. We need fuckin' humility. We need to be able to say sorry to each other.

MR. DEPP: Let me tell you something. If you'll remember, couldn't have been even two weeks ago, we had a talk where I said to you, listen, I feel like I keep saying I'm sorry. I would say I'm sorry for everything. I've been saying that since I was a kid, just to fuckin' get through this shit. I'm sorry, I'm sorry, I'm sorry, I'm sorry.

Even sometimes if you don't feel like you did anything wrong. You just say, I'm sorry, to fuckin' quash it, to quell it.

MS. HEARD: Mm-hmm.

MR. DEPP: You know?

MS. HEARD: Mm-hmm.

MR. DEPP: So I'm not, you know, haranguing you, or -- or -- or -- or fuckin' attacking you. I'm just explaining to you, to me, from my perspective. It's not just your sorries. It's my sorries too. Because they happen a lot. Because we fight a lot.

So if -- like it's always just I'm sorry. You know, I -- I love you can be said easily with the mouth. But you going to know what's -- you going to see what's happening inside. You going to be able to look into those eyes. Or you going to be able to feel it. But that's all I'm saying. I was not attacking you.

It's -- it's -- it's -- and matter of fact, look, that's for both of us. That's for both of us. Because I don't want to have to say I'm sorry, if I -- if I feel like I didn't do anything. And I don't want to have to say I'm sorry all the time because --

MS. HEARD: Then don't.

MR. DEPP: Huh?

MS. HEARD: Then don't. Don't say you're sorry. That's what we need. We need a real grown up relationship where we don't have to say sorry to each other when they -- when you hurt the other. That's

going to fix this. Of all the fuckin' things you take from this --

MR. DEPP: No.

MS. HEARD: -- what you really walk away with --

MR. DEPP: No.

MS. HEARD: -- is that?

MR. DEPP: No. Listen to me, please. What I'm saying is, I'm sorry doesn't need to be tossed around like it's the only thing that's going to get us out of this. That's not going to do it --

MS. HEARD: Who said it was the only thing that would get us out of this? Who said it's as simple as a sorry? Who said that's all we're going to do?

MR. DEPP: I think we have to be honest. The sorry can come later. Explain yourself. I'll explain myself and say, look, I feel fucked over about this, or I feel bummed about this. You say, look at, that was really rude, you know, whate- -- blah, blah, blah. Then --

MS. HEARD: You'll freak out.

MR. DEPP: You're predicting the future.

MS. HEARD: You're right. Last night I couldn't have said anything. I wish I could. Impossible. You would have fuckin' attacked me. You would have fuckin' defended it, attacked me. The only thing that really -- you would never have thought -- [inaudible] don't hold your -- no one holds you accountable. You don't hold yourself accountable. Never ever do.

You want to complain about having said sorry too much, yet I actually feel like you attack more than you say sorry. And if you ever have to say sorry, you fucking lose it. I don't know what this obsession is about not saying sorry. But if this is your ego talking, then protect your ego, be with yourself. But that just seems like ego to me.

MR. DEPP: You missed my point, altogether.

MS. HEARD: What would have really been great yesterday is a sor- -- is a sorry. And so if your big point is that we shouldn't have to say it and don't -- we shouldn't say it, it's like how is that going to help us? Yesterday you would have never thought, I'm really sorry.

But yet if you had actually tried to change how you saw, change your perspective and thought, I want to take care of this person and not this person, if you had thought that, you would have said sorry. You might not have had the instinct to think that I was right. But now in retrospect you know that I was right. You know that I had the right -- that it was fair. Yes.

MR. DEPP: I walked into the room saying how damn fuckin' Isaac --

MS. HEARD: It's not sorry.

MR. DEPP: -- talked my --

MS. HEARD: There's a difference.

MR. DEPP: I -- was I -- was I being aggressive?

MS. HEARD: There's a difference. It's not a sorry. There's a difference. One cares for me. The other is you .

MR. DEPP: What I'm saying is --

MS. HEARD: If we need less of that in our relationship, then you and I are totally talking different languages and this is a waste.

MR. DEPP: No. I'm sorry is an after the fact

thing. Explain ourselves honestly and to the point, without freaking out. And then I understand more of what you're really upset about. And then I could say, fuck, I'm sorry. Now I really understand.

But had I said sorry last night, you -- you -- you weren't going to -- I -- I mean, I -- I -- I'd bet fuckin' dollars to donuts you weren't going to turn around and say, it's okay, baby, I understand. For sure not.

MS. HEARD: [inaudible]

MR. DEPP: I -- I'm -- I'm saying, it's -- if I was at the track, I'd be putting all my money on that.

MS. HEARD: Okay. But you should try it once. You don't ever act like your humble. You don't -- you're always defensive. You're always on the --

MR. DEPP: What did you say about me earlier? You said I was the most kind --

MS. HEARD: Kind heart ever --

MR. DEPP: -- hearted, caring --

MS. HEARD: That's if you're not wrong. And if you haven't done something wrong, you have this bad boy

complex, like a mom bad boy complex. As soon as you feel like you fucked up, your -- I've never seen anything like it.

MR. DEPP: You're going to include the dad in there too, because he -- he -- he got me pretty good as well.

MS. HEARD: It's like this -- this allergy to being -- to doing anything wrong, if you were seen in a bad light. And I'm not even saying you're a bad boy. I'm not saying --

MR. DEPP: It's not about doing anything wrong [inaudible] fucked with.

MS. HEARD: Yeah. But I'm not fucking with you by saying, hey man, I've been waiting for you, you've been a long time, and you could've just let me know, could've texted me, whatever. That's not being fucked with. But you see it that way.

MR. DEPP: That's --

MS. HEARD: That's the real issue.

MR. DEPP: That's not --

MS. HEARD: That's a big picture issue.

MR. DEPP: That is not the way it was

approached by you last night. It wasn't.

MS. HEARD: I didn't approach it last night like that. Because I can't approach it. If I ever say these things to you, you immediately -- like this is what I'm talking about, you go into this ego driven, protect your own self, defend yourself, I didn't do anything wrong, fuck you, I'm tired of being wrong all the time, I hate this, you know, kind of thing.

MR. DEPP: And that's what you were doing as well.

MS. HEARD: Yeah.

MR. DEPP: That's exactly what you were doing as well, if that's what you think.

MS. HEARD: Yeah.

MR. DEPP: It's true. It's fuckin' true.

MS. HEARD: Yeah.

MR. DEPP: Yeah. You were protecting your ego because you didn't want to fuckin' say nothing [inaudible]

MS. HEARD: Oh yeah. I was. I actually was protecting my ego. I told you why. I told you why I did that that way. I didn't want to do that. I didn't want

to internalize it, and be fucked over, and try to fall asleep desperately, force yourself to sleep so you don't confront the person you're supposed to be friends with, for fear of -- knowledge of them not actually saying I care about you.

I'm sorry I hurt your feelings, and not hearing fuck about your feelings, and only caring about themselves and whether they're right or wrong, whether they're right specifically. Not a bad boy, they're not a fuck up. So they can't do anything wrong. How dare you fucking criticize me.

MR. DEPP: It's always like that?

MS. HEARD: I can't ever -- you want honesty, but then when I'm honest with you and say, like what, we're going to a party now? Why didn't you tell me? That's fucking rude. I can't be mad. I can't -- I can't get mad at you? You can't do anything wrong. I mean it's just --

MR. DEPP: [inaudible] feel the way you do. I am -- I am truly sorry. Because clearly I have had some -- something to do with it, you know. Made you mad. I'm sorry for that. [inaudible]. [inaudible].

MR. DEPP: What would you like to do, Amber?

MS. HEARD: [inaudible]

MR. DEPP: Mm-hmm.

MS. HEARD: [inaudible] security, safety [inaudible]. I want them back. The ones I've destroyed and the ones you've destroyed. The ones we've destroyed. [inaudible] I want to know that marriage is sacred. I want to know --

MR. DEPP: The marriage is sacred.

MS. HEARD: I want a few things. And I want to make promises to the other. I want promises because I need the safety, I need security. I need the safety back. I used to feel safe with you. You know? [inaudible] through phases and I can sometimes [inaudible] feel safe. [inaudible] that song.

MR. DEPP: Mmm.

MS. HEARD: You have stripped me down and shaved my head. And I've done the same probably to you, you would say. Right? And now we're both here. And I want to -- want some of the safety back. I want to make the commitment again. I want to -- I want to -- and I want to have a reason to honor it, you know?

Like there's no point in honoring it if you think the other one's just going to fuckin' take off, throw the ring at you, you know? There's no point in keeping a boundary if you think you're going to be hit or if they're going to just fuckin' run. You know, either way.

For this to work, I want -- for -- for me, I want -- I want -- I want us to make promises and keep them to each other. And I want to get help to know how we fight. I mean to -- to get help fighting. I think it's always bigger issues. And we have the -- we don't have the ability to bring it up safely to the other.

I want you to always be honest with me. I want you to always be honest with me. And I want to be able to take criticism and help make myself be somebody that fits in your life the same way as I want you to want to fit in my life.

You know, I was saying in Brazil about coming back for the test is just I -- it is a -- I want to be as important to you as you are to me. And sometimes it's inconvenient to fly when you want to leave. So I don't like flying in the middle of the night. But I do

it, you know?

Sometimes it's inconvenient. I'm missing work or I'm missing this. I mean look at me, I haven't worked since February.

MR. DEPP: [inaudible]

MS. HEARD: Depressed [inaudible]

MR. DEPP: Five movies coming out -- oh no, you have [inaudible]

MS. HEARD: I have just one. Danish Girl. The thing is, I have -- it's inconvenient, but I -- I do it because I -- I love you. And I want to do it. I want to make my life fit into yours. What I was saying on the plane was just that, hey, can you motivate to make this not stressful for me. And that didn't happen.

And -- and then when the -- when the plane was two and a half hours late, which was out of your control, and the car was two hours late, out of your control, it really -- it really -- I barely got there in time. And didn't have time to shower, do any of the things that were comfortable, that I needed to feel comfortable, and okay, and calm, and safe. I didn't have that. Not --

MR. DEPP: I got you a hotel.

MS. HEARD: But those two -- yes, you did. And you helped me with my lines. And in that -- that last day, you were wonderful. Once we were on the plane, you were so supportive. The problem is, it would have been -- it would have meant a lot to me to have had an hour shaved off the time we spent in the party -- or whatever.

I didn't want to take the event from you. I didn't want to take the after party from you. I have been 100 percent on your arm and at your side. But I just wanted a little compromise, a little, okay, it's annoying, but let's go a little earlier, whatever. And you did end up coming through. But it was so late, it was too late, like we literally left -- we -- we didn't leave any time for fuck ups, like out of our control fuck ups. We didn't leave time for that.

And all I was saying, it wasn't a criticism, it wasn't even a -- I was saying, I just want to know that I'm -- that that's not like a reflection of me being not important. I -- I'm -- it's insecure [inaudible] blamed it on me. I said it's [inaudible]

sorry, I'm talking about a specific fight. I'm sorry. I'm sorry.

MR. DEPP: [inaudible]

MS. HEARD: I want to get help and learn how to fight about these things so we're not fighting about the same shit over and over again.

MR. DEPP: Yeah.

MS. HEARD: And I want us to make promises to each other that we keep boundaries.

MR. DEPP: We don't -- look, I didn't say -- I didn't say divorce last night.

MS. HEARD: No. You didn't.

MR. DEPP: I did not say divorce last night.

MS. HEARD: No. You did not.

MR. DEPP: You said divorce last night.

MS. HEARD: I said breakup. Yeah.

MR. DEPP: No. You said divorce. You actually said the word divorce. I'm sorry [inaudible]

MS. HEARD: It's just I -- I don't remember -- I'm not being dishonest.

MR. DEPP: No. I --

MS. HEARD: That's where you need to slow

down. You don't have to attack my character just because I didn't remember one word.

MR. DEPP: I was not attacking your character.

MS. HEARD: Insinuating I'm not honest is an insult to my character.

MR. DEPP: No. I said, I'm sorry, I just want to be honest. You didn't remember saying that. I'm not saying you're a liar. You said --

MS. HEARD: Then what does honesty have to do with it. Why -- why -- you're insinuating I'm not being honest. I want you to be -- oh, you mean being honest with me.

MR. DEPP: I said, I just -- yeah.

MS. HEARD: Okay.

MR. DEPP: I want to be honest.

MS. HEARD: Okay. I want you to be honest.

MR. DEPP: And I want to be honest with the fucking shrink if we see one.

MS. HEARD: We -- it -- if you want to do this marriage thing, if you want to make this work, if you don't -- if you want me in your life, then we do. We have to see somebody. We have to get help.

MR. DEPP: I'm not disagreeing with you. I -- I absolutely agree. But you -- you do have to see, like all -- all I was saying is I want to be honest. And then you jumped and said, I'm calling you dishonest. That was not the case.

MS. HEARD: Okay. All right.

MR. DEPP: Okay?

MS. HEARD: I get it. I'm glad you explained. It sounded like you were insinuating I wasn't. Thank you for explaining.

MR. DEPP: Sure. That's how the shit starts, you know. If I did that to you, or you did that to me.

MS. HEARD: Well, that did happen. And we handled it okay.

MR. DEPP: Yeah. Of course. We got through it. We've gotten through worse. We have gotten through worse where they were about to start and fuckin' get crazy. And they -- and we talked ourselves down. I don't [inaudible] with us. I want -- I want your friendship. I want us to be happy. I want us to love each other at all times.

Of course there's going to be fights here and

there. But we don't ever need to go where we've gone again. We really just don't. And -- and I've love to put everything behind us and just start out fresh and new. As better people, as more understanding people. So that we do have a shot at making it and staying together.

You need another water?

MS. HEARD: Do you want anything?

MR. DEPP: No. I'm good. Thank you.

MS. HEARD: There's a water if you want it.

MR. DEPP: Thank you.

MR. DEPP: I called Dr. [inaudible] asking about someone.

MS. HEARD: I have someone that [inaudible] we could talk to, that I reached out to, and --

MR. DEPP: It's someone you've been to before.

MS. HEARD: No, no. Never met her.

MR. DEPP: Cool.

MS. HEARD: Just somebody that came -- that came recommended. And we could also take the suggestions from Kipper [ph]. But there's also that Amy Banks lady [inaudible]

MR. DEPP: I know, but that's --

MS. HEARD: -- dynamic book on like the chemical workings of the brain and how it affects people in a relationship.

MR. DEPP: [inaudible]

MS. HEARD: Yes, but it's not here.

MR. DEPP: It might be. I don't know [inaudible]

MS. HEARD: I'm not talking about the book.

MR. DEPP: Oh. Then what? What?

MS. HEARD: I'm saying your reservations about her are because she's --

MR. DEPP: Oh. It's not necessarily reservations. I just -- I -- I didn't get the feeling that she -- she was interested in doing that when I spoke to her.

MS. HEARD: No. She [inaudible]

MR. DEPP: She [inaudible] separate -- she wanted to speak to us separately.

MS. HEARD: She wanted to get to know us. She was -- she asked specifically, do you want this to be --

MR. DEPP: Well, then let's [inaudible] get her fuckin' --

MS. HEARD: We need somebody in person, I think, so. That's what I'm saying.

MR. DEPP: Oh, you think we need someone in person.

MS. HEARD: Don't you?

MR. DEPP: I -- I would think so, yeah. But I mean, that -- that lady [inaudible] Amy Banks. And we both trust her. You read her book. I -- I -- you know, if we get a fuckin', you know, Skype or whatever with her on a fuckin' screen like that, it wouldn't be so bad. [inaudible] computer screen, it can be a little, you know, distracting.

MS. HEARD: Do you want me to tell [inaudible]

MR. DEPP: Sorry?

MS. HEARD: Do you need me to tell you I love you?

MR. DEPP: I love you too. I love you too. I love you more than anything in the world [inaudible]. I've told you this. The last thing fuckin' thing that I want to do in this world is -- is -- is to let my woman

down. And especially if it feels to me like I do it all the time. It's a horrible feeling.

MS. HEARD: I'm sorry you feel horrible all the time.

MR. DEPP: I don't feel horrible all the time. Did I just say that?

MS. HEARD: Well, you said that you feel like it all the time. That you fuck up all the time.

MR. DEPP: Sorry. Okay. I didn't -- let's take out all the time. I'm sorry. It -- it -- it -- the last thing I want to do is let you down ever. And it just seems like I do more than --

MS. HEARD: More what?

MR. DEPP: More than should be normal, I think.

MS. HEARD: You just can't be like wrong. Or normally can't do anything -- I can't tell you -- we're two people trying to fit together. Our lives are trying to fit together. And if you do something, and you don't ever change it, like being in your fucking in your own world and then not realizing, because you're absent minded, that two hours have passed, and someone's

waiting on you.

That shit is something you do all -- you do it very often. And if you never change it, of course I'm going to say to you, it still bothers me. Because you still do it. But yet if I don't say anything, I'm fucked. If I do say something, I'm fucked, I'm the bad guy, and you're feeling bad.

And yet you can't just say, I'm sorry. Because then it's -- your ego doesn't allow it, or because it doesn't protect you. But -- but we -- that could be normal. You say it's more than -- happens more than normal. Normal is being two people that allow each other that.

MR. DEPP: Yeah.

MS. HEARD: Am I wrong?

MR. DEPP: No. Not wrong. I was only saying that leading in, is I'm sorry, and sometimes you take away from the words that come after. That sorry can start to be just a [inaudible]. I don't want to be like that.

MS. HEARD: Nor do I. I want honesty. And if you cannot actually put yourself in someone else's

shoes, even though your inability to do so is ruining your marriage, then I don't know what we'll do. If you can't look at this and say, how would I feel if I were her, ever, we'll keep having this. You won't be sorry. You'll just feel like you're obligated to say it.

But if you put yourself in my shoes last night, you would have -- you would have felt bad. You would -- if you put -- if we switched places, and you didn't automatically in your brain go, well, she does that, just to deflect and bounce off the blame. If you actually put yourself in my shoes, you'd -- you would understand. And you wouldn't be forced to say sorry.

You would be like, yeah, that -- I wouldn't want to be that. I -- that would suck. We need to --

MR. DEPP: [inaudible]

MS. HEARD: We need to fix it --

MR. DEPP: You just sat here and threw all the blame on me.

MS. HEARD: No. I -- I did not mean to. I'm --

MR. DEPP: We're going to listen to the tape.

MS. HEARD: I'm sorry that it -- oh, can't say sorry.

MR. DEPP: You can say you're sorry.

MS. HEARD: I don't feel like I can.

MR. DEPP: Of course you can. Just please explain. Explain.

MS. HEARD: I went -- I went there because I -- I was feeling like criticized for having the gall to be upset with you more than once. It's like I keep telling you, it's the same thing. You just don't change it or address it. So it does come up, yes.

But it's not a character flaw. It's not like I'm like I don't like you. I'm just saying, hey, that bum- -- that -- that was rude [inaudible] sad or whatever. You -- I don't feel like you're saying to me ever in our life. Yeah, I can imagine if I were you. I'm sorry. Or whatever it is. Not sorry. But you know, understanding, the humility, humble, the earnest, caring about me.

MR. DEPP: I said all that tonight or today. I said all of it today.

MS. HEARD: I hate that we've been fighting today. And I hate fighting with you ever. I want to stop. I want to get better. And we need to be able to

have problems though in our life. Like we're not [inaudible] be perfect.

MR. DEPP: Of course, but --

MS. HEARD: And I've said this a thousand times to you, let's allow each other to be -- to fuck up. Let's allow each other to like be human, and say sorry, and move on, and hear the other one without trying to jump.

MR. DEPP: Let's -- let's -- let's also let the other person be the other person, that are --

MS. HEARD: I'm not preventing you from being who you are when I am honest with you, which is what you say you want --

MR. DEPP: That's what I want --

MS. HEARD: -- which is that affects me when you just fuck off for this long and don't even text. That affected me. And yet now you want to make it like I'm trying to prevent you from being who you are. If I did that shit, you would be hurt.

MR. DEPP: I'm not -- I didn't say that you were guilty of it as well, or I mean, that I was guilty of it as well. Those kind of things, it's not going to

do us any favors, that shit.

MS. HEARD: What shit?

MR. DEPP: To -- to -- to -- to -- to -- to -- rattle each other's cages and not --

MS. HEARD: Baby, be present. You're not -- that's not -- I was talking about something. Can you please respond to that. Please.

MR. DEPP: What did I say wrong?

MS. HEARD: It's not wrong. Can you please respond to what I'm -- I'm -- I'm saying?

MR. DEPP: Maybe I missed the question. Give me the question again.

MS. HEARD: Every time we say to each other, we're going to allow each other this, we're going to allow each other to fuck up, we're going to, you know, be human.

And -- and you said, well and just like maybe allow each other -- allow the other one to be themselves. And I said, wait a second, come on, we're talking about last night.

I did not prevent you, me making a request of you or being honest with you about how I felt is not

preventing you from being who you are. It's not. That's -- that is you shirking responsibility for having done something that's not really cool. You -- it was -- it wasn't a big deal. And it could have been not a big deal at all.

But you like fundamentally just it's like you can't take any responsibility [inaudible] why can't you just say -- or why can't you actually -- imagine how you would feel if the table were turned and you were in the other person's -- that's what we need.

We don't need this fuckin' rule of can't say sorry, or you have to say sorry a certain way, and it's too over- -- we need sorry. We need humility. We need love. We need to care about the other person more than our fucking selves.

MR. DEPP: I don't disagree. Again, the sorry thing was more about being able to -- being able to say how you feel before saying I'm sorry.

Let me say what I feel. Let me hear what you feel. And if I'm wrong and if I've been a dick, the fuckin' I am sorry. But -- but I -- I'm sorry shouldn't be --

MS. HEARD: I can't --

MR. DEPP: -- just a go to thing before we explain ourselves.

MS. HEARD: I can't rely on you going and actually realizing --

MR. DEPP: Well, it's not because --

MS. HEARD: -- that you're sorry. Like you won't ever think you're --

MR. DEPP: Everything that you --

MS. HEARD: -- you won't ever think you're responsible. I know your personality. And you'll never think you're responsible. You'll automatically throw the blame. So if the rule is --

MR. DEPP: Amber, you -- you do know that that's what you do.

MS. HEARD: Yet I say sorry all the time. That's weird.

MR. DEPP: So do I.

MS. HEARD: No, you don't.

MR. DEPP: I had a talk with you about I felt like I was saying it too much. We had a talk about it.

MS. HEARD: I feel like that [inaudible]

MR. DEPP: Yes. I -- that's -- that's where I got the shit from.

But in my lifetime, I, you know, my life before you, that was not the fuckin' case, you know. I'm only saying that the truth of what we feel is more important to hear from each other than I'm sorry.

Unless you're just coming into this saying -- and saying, look, I'm sorry, this is how I felt, I was wrong, bang. You know? I'm not saying [inaudible]

MS. HEARD: Do you actually think you'll be able to -- do you actually think you'll ever be able to in the moment, when someone says to you, you did something that affects me negatively, do you actually think that you'll be able to transcend your immediate impulse to just fight back and -- and the one, the impulse, your immediate impulse that you've had since you were a kid you say, you really think you can transcend that and then go -- and actually listen to me, for instance, say how I feel?

Do you act- -- do you actually -- I mean do you think that?

MR. DEPP: Yeah. But you don't believe me, so.

MS. HEARD: I would -- I would love that to happen. And I think if you can do that, I -- I would do it.

MR. DEPP: Okay.

MS. HEARD: I would love it if, you know. Can't keep fighting about the same shit. I'm so sick of revisiting every fight we've ever had. I think you're right. I think we going to move forward and start over. Are you okay? And you going to be able to let it go too.

MS. HEARD: [inaudible]

MR. DEPP: Can you see me as [inaudible] can you see me as your friend.

MS. HEARD: What?

MR. DEPP: If you -- if you -- let's trust a lot of my -- what my reactions are going to be. Do you love me as a man? Do you love me as your husband, as the man who signed up to spend the rest of his life with you?

It just doesn't sound like you trust me very well. And my reactions are going to be fucked up and that I've never said I'm sorry to you and --

MS. HEARD: I didn't say you never said it.

MR. DEPP: Okay, that I don't say I'm sorry to you.

MS. HEARD: I certainly don't think you'll say sorry to me like you think you will. I don't think you'll mean it. I don't -- because I don't think you'll say it unless you mean it.

And I don't think you'll mean it. And then I think sometimes you say sorry and you don't mean it, as you admitted to me earlier in a different fight, of course.

And that made me feel like you're dishonest. So I don't want that either. So I don't know what the fuck. Because I certainly don't think that you'll be able to see if I, God forbid, if I get upset with you for something. I get hurt.

If you do something that hurts me, because you're just not thinking or whatever it is, God forbid, if I have to deal with it.

I don't know what I'll do. I don't know how to say it to you. You won't be okay. You won't -- the first thing you're going to do is be defensive.

And -- and -- and I -- I'm not trying to predict the future. I'm not trying to be discouraging. But I don't know what the fuck is going to change, you know?

I came over here to say, what are we going to fuckin' do different. And I just feel like --

MR. DEPP: Feel like what?

MS. HEARD: I don't know. I don't know.

MR. DEPP: Well, then that's something you have to think about.

MS. HEARD: I -- I -- I came over here, and do you remember how I started this conversation. Do you remember me telling you I loved you?

MR. DEPP: Yes.

MS. HEARD: Do you remember me telling you you were my man?

MR. DEPP: Yes.

MS. HEARD: And that I can't imagine my life without you.

MR. DEPP: Yes. Do you remember me saying it back?

MS. HEARD: Yes. When I asked you about living

your life with me, you said yes. You took a while, and you kind of begrudgingly said yes.

MR. DEPP: I gave you a weird look like a -- the kind of -- what -- why -- why would I have fuckin' married you.

MS. HEARD: Yes.

MR. DEPP: I -- I love you. Deeply. I love you passionately. I love you in every fucking way, in every fucking way. And it hurts to -- to -- to feel like I'm letting you down.

Because I don't -- because I don't want to do that. And -- and I know it hurts when we get in a big one, and I start calling you names, and you start calling me names.

And, you know, and one of them, it was me more than -- doing more of the name calling. So the only fuckin' reason to ever, ever think about any of the fights again is as a reminder, and that's it. I really, really wish we could get there.

I'm sorry for last night. I'm sorry that I was at Isaac's for so long. Couldn't get out.

MS. HEARD: Could've just been so simple. You

know? Small.

MR. DEPP: Totally.

MS. HEARD: I have the right to get mad at you.

MR. DEPP: You -- of course you do.

MS. HEARD: It's going to happen. I'm a human. You're a human. We live together. I'm a woman. I'm your woman. I'm going to get mad at you. I'm telling you now, I'm going to get mad at you.

There are going to be things you -- you -- that you -- it's like you use it as an excuse to -- to say, fuckin', you know, that you're in a bad situation, and you don't -- can't do it anymore, and you can't always let me down.

And you grand -- you make it this grandiose thing, like this big negative grandiose thing, where if I say one thing to you, it's like you're always -- like I'm always letting me down.

And you can't be in the situation you're always letting me down. And it's not fair to me. It makes me so I can't say -- we can't have normal interactions. Like normal fights. Normal problems.

I want you to be able to do the same with me, without me freaking out, thinking this is it, you know? Which is where my head, you know, went yesterday.

MR. DEPP: Yeah. Of course. In those situations it's pretty easy. I [inaudible] with that shit. I just -- just think that we can try with a counselor. Whether you want to do this lady that's in town or whoever it is, I'm in. If you want to do what's her face with the book, Amy -- Amy whatever her name is. Banks. We'll do it with her.

If you want -- whatever, man. I -- I'm -- I'm prepared. I don't want to be unhappy, no more than you do. So why shouldn't we try to fix it.

MS. HEARD: We need boundaries.

MR. DEPP: I agree. And -- and remember when we were talking and I said, you know what we should do, write down on a piece of paper our -- our things. Kind of [inaudible] each other the --

MS. HEARD: Sorry, excuse me.

MR. DEPP: Want some paper?

MS. HEARD: Yes.

MR. DEPP: It's not here.

MS. HEARD: No?

MR. DEPP: Nope. It's not here. [inaudible] write on this. What is this? Okay.

MS. HEARD: [inaudible]

MR. DEPP: [inaudible] what are you -- I mean you can do the list all right now. That's what you want.

MS. HEARD: No. This is to be off limits. Divorce. That's on my list. You can never ever throw it around. That's on my list.

MR. DEPP: I haven't.

MS. HEARD: I -- I'm not saying you -- I'm not saying you did. I'm -- I'm saying it's on my list. And it's one I fucked up last night.

MR. DEPP: Okay.

MS. HEARD: So this is -- I'm being impartial here.

MR. DEPP: Okay, cool.

MS. HEARD: That is a must for me.

MR. DEPP: I don't want a divorce.

MS. HEARD: Yeah. But I want to feel safe. I want to feel safe. I fucking don't feel it. I don't

feel safe. I don't feel -- I'm looking at fucking apartments half the time. I mean like not half the time. I fuckin' -- I don't want to do that. I'm married.

MR. DEPP: I wish you would've told me.

MS. HEARD: I couldn't. I couldn't talk to you. You were busy. You were going to rehearsals.

And every time I tried to talk to you a little bit, I wasn't -- we didn't have enough time. You were -- every time I spoke to you in that whole week you were rushing out. Never did you have time. And I even said this to you.

MR. DEPP: [inaudible] I was there right after rehearsals.

MS. HEARD: Please don't argue with me. I promise you that I'm not lying when I say this. I even said this to you. I said, I feel like the last thing you have time for is me. I just want a little time, 10 minutes, whatever.

And it was -- didn't have time. I was -- and then when I -- when I finally talked to you, which I carried it around all week, and when I finally talked

to you, I said this to you. Remember when we talked that night, Whitney's birthday?

MR. DEPP: Yeah. Yeah, I did -- I didn't want to [inaudible]

MS. HEARD: That night that we had that talk. And you apologized.

MR. DEPP: Yeah.

MS. HEARD: We got married so that there would be safety, so that there was a foundation. And it's all fuckin' pointless. I'd rather take off my ring now and fuckin' live my life, and just say how it go -- see how it goes, than to continue in this fucking forced thing, where we every single time go I don't want this anymore.

It's like -- it's like every time it gets hard. We didn't write vows. We didn't, you know, get around to doing the important shit, which is like, you know, fuckin' fighting for the wedding I fuckin' made happen. No. We didn't do that. We didn't say to each other, I up and down, low and high, tough and easy, both.

We didn't say that to each other, but we need

to. It's going to be sacred. There's no point in being married. We -- there's -- I don't get anything from this. You don't get anything from this. And what -- why? Safety.

For the -- a foundation, for the home. We burn it to the ground every time we fight. And I know you didn't do it this time.

CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 137 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

October 12, 2020

Chris Naaden

(326184, 20150926 133342)

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

----------X

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

----------X

Volume 1

Videotaped Deposition of THE ART OF ELYSIUM,

By and through its Designated Representative,

JENNIFER HOWELL,

and in her Individual Capacity

Conducted Virtually

Friday, February 26, 2021

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Reported by: Marney Alena Mederos, RPR, CRR

Videotaped Deposition of THE ART OF ELYSIUM, By and through its Designated Representative, JENNIFER HOWELL, and in her Individual Capacity, conducted virtually.

Pursuant to subpoena, before Marney Alena Mederos, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Maryland.

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every day. 04:27:37

Q So is it your understanding that the 04:27:38

finger incident happened at the same time as the 04:27:40

dog incident in which the dogs were illegally in 04:27:43

Australia? 04:27:46

A I believe it was before that -- 04:27:48

Q All right. 04:27:50

A -- and that's where I was trying to 04:27:50

come up with a timeline, and there was so much 04:27:52

that was said in that time. It was constant. So 04:27:55

that's where I've always said on dates I'm very -- 04:27:58

I'm just trying to be as honest and give you what 04:28:01

I know as I possibly can. So I don't know the 04:28:03

exact date. 04:28:06

Q So March of what year? 04:28:07

A It would be 2015. 04:28:13

Q Okay. Now, you also said that Whitney 04:28:15

gave you a blow-by-blow of how the finger was cut 04:28:21

off. 04:28:27

Do you recall saying that? 04:28:28

A Yes, ma'am. 04:28:30

Q So tell me exactly what Whitney said in 04:28:30

the blow-by-blow of how Amber cut off Johnny's finger. 04:28:33 04:28:37

A She came back in from whoever she was talking to out in the hall, she was still very upset, and she was like, "She apparently threw a bottle, his finger's off, and they rushed him out." 04:28:39 04:28:41 04:28:44 04:28:48 04:28:51

She was in kind of a state of panic, to be honest with you, because she was so upset and didn't know what to do. And, yeah, I mean, that would be what I'm saying the blow-by-blow that I was referring to was. 04:28:52 04:28:54 04:28:56 04:28:58 04:29:01

Q So she said -- 04:29:02

(The Reporter clarified the record.) 04:29:10

BY MS. BREDEHOFT: 04:29:12

Q I just want to make sure I've got exactly what you recall Whitney saying. 04:29:12 04:29:14

So she said, "So apparently she threw a bottle"? 04:29:17 04:29:21

A (No verbal response.) 04:29:24

Q What else? 04:29:25

A And that it cut off his finger, and 04:29:25

firsthand, or what they thought or might have heard from someone else? 04:32:24 04:32:28

MS. VASQUEZ: Objection. Compound. Calls for speculation. Calls for hearsay. 04:32:30 04:32:31

THE WITNESS: The way it was told to me, I assumed it was firsthand, but I do not know. 04:32:34 04:32:35

BY MS. BREDEHOFT: 04:32:41

Q Okay. And have we exhausted your recollection about the cutting off the finger in Australia? 04:32:41 04:32:44 04:32:47

A Yes, ma'am. My entire brain's exhausted in general, so, yes, ma'am. 04:32:47 04:32:49

Q Okay. Now, you also said that there was an incident in which Whitney said that Amber threw a glass of wine at her, correct? 04:32:55 04:32:57 04:33:02

A Yes, ma'am. 04:33:06

Q And that was at the Tribeca Film Festival? 04:33:07 04:33:10

A I believe so, yes, ma'am. 04:33:11

Q And do you recall which film was being presented at the Tribeca Film Festival? 04:33:13 04:33:19

A I believe it was The Adderall Diaries, 04:33:22

yes, ma'am. 04:33:25

Q Which was James Franco with Amber, 04:33:25

correct? 04:33:28

A Yes, ma'am. 04:33:29

Q Okay. And what is it exactly that you 04:33:29

recall Whitney saying? 04:33:33

A She came back into the office. She 04:33:36

often sat in the chairs that I'm telling you 04:33:38

about, the black-and-white ones by the kitchen, 04:33:41

and she came back and she said that she and Amber 04:33:44

had gotten in a huge fight, and Amber threw a full 04:33:46

glass of red wine at her in an elevator. 04:33:49

Q And when did Whitney tell you that? 04:33:54

A It was, I believe, April-ish of that 04:33:57

year. That's usually whenever Tribeca is, so I'm 04:34:00

assuming around that time. 04:34:04

Q Do you recall what year? 04:34:06

A It would be, I think, 2015 as well. 04:34:08

Q Okay. And did Whitney tell you 04:34:17

anything else about that argument other than that 04:34:19

Amber threw a glass of red wine at her? 04:34:23

A No, ma'am. 04:34:28

witness's testimony. It's an improper hypothetical. 04:36:16 04:36:21

THE WITNESS: Yes, ma'am. 04:36:21

BY MS. BREDEHOFT: 04:36:24

Q "Yes" in what way? 04:36:25

A I'm sorry, am I -- sorry, sorry, sorry, sorry. I just said, "Yes, ma'am." 04:36:28 04:36:31

What was the last question? 04:36:32

Q Are you able to discern whether these are just typical close-sister fights that happen with close-aged sisters? 04:36:34 04:36:36 04:36:41

A I don't really know how to answer that. She was confiding in me as a friend and talking to me about her personal relationship, and I do not have anyone a year and a half in age to me, so I guess that's your point. 04:36:48 04:36:49 04:36:53 04:36:56 04:37:01

Q All right. Did Whitney tell you -- ever tell you that she had been beaten by Amber? 04:37:02 04:37:05

A I mean, yes, would be the short answer of that. 04:37:14 04:37:17

Q All right. Let's hear when specifically. 04:37:17 04:37:20

A The way the stories went were that it was her whole life. I can't give you specifics, because, again, she was confiding into me -- confiding in me while she lived there, and I listened, and I do understand sibling relationships because I'm close with my sisters too. What she shared with me seemed very extreme based on any experience I have in any friendships or relationships I have. 04:37:21 04:37:24 04:37:27 04:37:30 04:37:33 04:37:36 04:37:38 04:37:41 04:37:45

Q All right. I want you to tell me exactly what was said by Whitney that you considered to be extreme, including when, what the circumstances were, the best you can recall. 04:37:46 04:37:47 04:37:51 04:37:56

A Growing up, she said that they were both pretty severely abused and that Amber would take the brunt of it on her behalf and that she always appreciated that, and that where she would take the brunt of it, that when she got mad, that -- I'm trying to articulate it in the best and kindest way I can, because I have deep sympathies for both of them from what Whitney shared with me. 04:37:58 04:38:00 04:38:03 04:38:08 04:38:14 04:38:17 04:38:20 04:38:24 04:38:26

That their childhood was extremely abusive, and where Amber would take up for her in those abusive situations that happened to them, that she would also then turn and direct her rage on Whitney later. That's how it was told to me in ways -- that's the best way I can communicate it. 04:38:27 04:38:30 04:38:34 04:38:36 04:38:39 04:38:43

Q So exactly what words did Whitney use to describe how Amber directed the rage onto Whitney? 04:38:48 04:38:51 04:38:55

A I mean, this was however long ago. She lived with me for 11 months, and it was one story after the next. While she was there, she just kind of opened up to me. So I'm giving you a vast generalization of all the stories, because I never knew that however many years later I would have to ever disclose any of this or share any of this. 04:38:58 04:39:01 04:39:03 04:39:06 04:39:09 04:39:12 04:39:17

Q Can you remember any specifics that Whitney told you about Amber turning any type of rage on her? 04:39:20 04:39:23 04:39:31

A I don't -- I mean, I don't want to misstate specific incidences. Stuff that happened with kids in high school on up. She said that it 04:39:31 04:39:33 04:39:36

MS. VASQUEZ: Objection. Assumes facts -- I'm so sorry, Elaine. I apologize. 04:44:40

(The Reporter clarified the record.) 04:44:46

BY MS. BREDEHOFT: 04:44:48

Q -- January of 2018? 04:44:48

MS. VASQUEZ: Objection. Assumes facts not in evidence. Calls for hearsay. 04:44:51

THE WITNESS: No, ma'am, I do not recall. I had no idea if they were dating or not. 04:44:58

BY MS. BREDEHOFT: 04:45:06

Q Now, there's one more thing that you reported in your declaration and your witness statement. You said that Whitney told you that Amber had struck Johnny and that Whitney had tried to interfere in some manner. 04:45:06

Do you remember that? 04:45:23

A Yes, ma'am. 04:45:24

Q Tell me when Whitney told you that. 04:45:25

A I -- this was where I was trying -- trying to put that together. She -- when she came to stay with me, what she said -- that was one of the main incidents. She said that she had gone 04:45:30

up, she was -- according to her recollection of the stair incident, she was running up the stairs behind them and trying to stop Amber from attacking Johnny. Amber pushed her down the stairs, according to her, and she said if the security guard hadn't been there, she would have probably fallen all the way down. 04:45:41 04:45:45 04:45:49 04:45:52 04:45:56 04:45:58 04:46:01

Q When was this? 04:46:05

A I'm not sure. Sometimes March, April, or May. 04:46:06 04:46:10

And that's where I said to Adam, I'm not sure if she came to stay with me and then went back to live with them and then came back again in May or not, because I was traveling during that time as well. But whenever she came to stay, she did go back down there some, so that's where I can't -- I don't know the dates of the incidents. I'm assuming, yeah. 04:46:10 04:46:13 04:46:15 04:46:19 04:46:21 04:46:24 04:46:28 04:46:31

It was all -- literally, it was chaos in the office, is truly the truth. All of these stories were coming out. It was constant with Whitney sharing all this stuff to the point I was 04:46:38 04:46:40 04:46:43 04:46:45

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Transcript of Jennifer Howell, Corporate Designee & Individually, Volume 2

Date: March 3, 2022
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

----------x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.: CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

----------x

Videotaped Deposition of

JENNIFER HOWELL

Volume II

Conducted Virtually

Thursday, March 3, 2022

10:04 a.m. PST

Job No.: 436313

Pages: 219 - 363

Reported by: Cassidy Western, RPR

Videotaped Deposition of JENNIFER HOWELL, conducted virtually.

Pursuant to notice, before Cassidy Western, RPR, Notary Public in and for the Commonwealth of Pennsylvania.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF, JOHN C. DEPP, II:

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and

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ON BEHALF OF THE DEFENDANT, AMBER LAURA HEARD:

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A P P E A R A N C E S (continued)

ON BEHALF OF THE WITNESS:

RICHARD A. SPEHR, ESQUIRE

MAYER BROWN LLP

1221 Avenue of the Americas

New York, NY 10020

(212) 506-2500

ALSO PRESENT:

Catherine Gonzalez, A/V Technician

Ervin Farkas, Videographer

Q -- to live at the Eastern Columbia building? 10:53:45 10:53:46

MS. PINTADO: Objection; calls for hearsay, speculative, leading. 10:53:47 10:53:49

A She -- she was not. She was not. And when she first started working here, Johnny had given her a car as well, so she had a car that he had given her. It was an orange Dodge car of some sort that she was driving. And she always went on and on and on about how generous he was for giving her that car, and giving her a place to live, and how great he was. 10:53:52 10:53:55 10:53:58 10:54:01 10:54:07 10:54:10 10:54:12 10:54:15

Q I think you testified previously that Ms. Henriquez would speak often at Art of Elysium's offices about her relationship with Ms. Heard and her observations of -- of Ms. Heard and Mr. Depp's relationship. Fair? 10:54:17 10:54:19 10:54:23 10:54:27 10:54:32

A Yes. 10:54:34

MS. PINTADO: Objection; misstates the testimony. 10:54:35 10:54:37

Q Was there an incident that took place at Art of Elysium in 2015 relating to Mr. Depp and 10:54:39 10:54:41

Ms. Heard's stay in Australia? 10:54:51

MS. PINTADO: Objection; leading, 10:54:54

speculative, calls for hearsay. 10:54:55

A The -- there were a few -- the dogs -- 10:55:01

the dog situation, after that happened and they 10:55:05

were flown back here, the dogs were coming in the 10:55:09

office. Whitney had the dogs. She went and 10:55:13

took -- took time off work to go pick them up and 10:55:13

bring them in. So we had the dogs here every day. 10:55:17

And that happened, and then the other 10:55:20

thing is she was sitting in the office and loudly 10:55:22

proclaimed that she had done it now, that she'd 10:55:28

had cut off his finger. And -- 10:55:30

Q Let me -- 10:55:31

A -- I -- 10:55:32

Q Let me -- sorry, Ms. -- Ms. Howell. I'm 10:55:33

just going to try to take this in -- in pieces -- 10:55:35

A Okay. 10:55:37

Q -- just to make sure the record's clear. 10:55:38

Let's talk about that exclamation by -- 10:55:42

by Ms. Heard -- Ms. Henriquez. I want to 10:55:45

understand what happened. 10:55:49

So you were in the office that -- that day when Ms. Henriquez said something about a finger being cut off? 10:55:51 10:55:53 10:55:57

A Yeah. I mean, to be -- 10:55:58

MS. PINTADO: Objection -- 10:56:00

A -- honest -- 10:56:01

MR. CHEW: Objection; calls for hearsay, misstates the testimony, assumes facts not in evidence. 10:56:01 10:56:02 10:56:05

A To be honest with you, Camille, I was sitting exactly where I'm sitting right now because I'm sitting at my desk in the office. So I was sitting right here on my computer, working, in my zone, responding, doing whatever I was doing. And right over there, there were two black-and-white chairs at the time with a table in between it. Whitney was sitting in one of the black-and-white chairs. There's a door that goes out right over there as well, and she just screamed, She's done it now. She's cut off his God damn finger, and made this huge proclamation. And I pushed my chair back. I was, like, What? 10:56:06 10:56:09 10:56:11 10:56:14 10:56:17 10:56:20 10:56:24 10:56:25 10:56:28 10:56:30 10:56:32 10:56:36 10:56:41

And she goes, She cut off his finger. She cut off his finger. 10:56:45 10:56:45

And then she bolted out the door and was, like, I got to call somebody. I got to call somebody. And she went out the door and she called someone. I don't know who she called. That's what was said. 10:56:45 10:56:47 10:56:50 10:56:52 10:56:55

Q Did Ms. Henriquez say to you who the "she" was and who the "he" was? 10:56:56 10:56:59

A It was Amber -- 10:57:01

MS. PINTADO: Objection. Objection; hearsay, assumes facts not in evidence, lack of foundation, leading. 10:57:02 10:57:03 10:57:05

A It was Amber and Johnny, and she apparently had thrown a bottle and cut off his finger, is what she reported when she came back in from whoever she talked to outside. 10:57:08 10:57:11 10:57:14 10:57:17

MS. PINTADO: And I'll move to strike that on the basis of, it's unresponsive and based on hearsay. 10:57:20 10:57:21 10:57:26

Q So what you heard Ms. Henriquez say in the office was -- she screamed and she said 10:57:30 10:57:32

bid -- building. 10:28:19

Q And do you remember what year, 10:28:20

approximately, you attended the birthday party at 10:28:21

Nobu in Hollywood for Ms. Heard? 10:28:23

MS. PINTADO: Objection; asked and 10:28:26

answered, leading. 10:28:27

A '15 or '16, I would think. 10:28:30

Q Each time you saw Mr. Depp, did you ever 10:28:37

see him doing any illicit, illegal drugs? 10:28:40

A Never. 10:28:47

Q Did you ever see him consuming excessive 10:28:48

amounts of alcohol? 10:28:51

MS. PINTADO: Objection. 10:28:52

A No. 10:28:52

MS. PINTADO: Form. 10:28:53

A Never. 10:28:55

Q Did you ever see Mr. Depp appear 10:28:58

intoxicated? 10:29:00

A No. 10:29:04

MS. PINTADO: Objection to form. Calls 10:29:04

for expert testimony. 10:29:06

A Never. No. 10:29:08

year did you attend a birthday party for Ms. Heard at her home? 10:32:45 10:32:49

A I would say that was probably '17 or '18. 10:32:51 10:32:55

Q Other than -- 10:33:03

A She was living with Rocky because Rocky was there getting dressed as well. And Rocky had -- he -- she was with a stunt double, the guy, I believe, she ended up marrying, they were there whenever we got there. So it was whenever she was living with Rocky and Rocky's now husband in a home. 10:33:04 10:33:06 10:33:09 10:33:13 10:33:16 10:33:18 10:33:22

Q Other than that incident in either 2017 or 2018 at Ms. Heard's home for her birthday, did you ever witness Ms. Heard do any illegal or illicit drugs in your presence? 10:33:24 10:33:27 10:33:32 10:33:36

A No. No. 10:33:39

Q Since you've known Ms. Heard, have you ever observed her drinking excessively? 10:33:47 10:33:49

MS. PINTADO: Objection. 10:33:52

Q Drinking alcohol excessively? 10:33:53

MS. PINTADO: Objection; vague, assumes 10:33:56

facts not in evidence, leading. 10:33:57

A 2018 Heaven, she showed up incredibly 10:34:02
intoxicated. There was an issue on the red carpet 10:34:09
with the people who were dealing with the red 10:34:12
carpet. And it kind of spread throughout the 10:34:14
event on headset how to kind of handle her and get 10:34:16
her in because she was very intoxicated when she 10:34:20
showed up for the event. And there was some issue 10:34:23
on the red carpet. 10:34:25
I was not -- I did see her later and 10:34:27
definitely can say she was intoxicated, but I was 10:34:29
only hearing through the production team that they 10:34:32
were having a problem holding her up to get her 10:34:36
down the red carpet. 10:34:39

Q And when -- 10:34:40

MS. PINTADO: And I'll -- 10:34:41

Q -- you saw -- 10:34:42

MR. CHEW: -- move to strike that. 10:34:42

A That would have been at John Legend's 10:34:45
Heaven. She came with Whitney. 10:34:46

MS. PINTADO: And I'll move to strike 10:34:50
that as nonresponsive, and also calls for expert 10:34:50

8:58

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1 of 4

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: CL-2019-0002911
v.	)	
	)	
Amber Laura Heard,	)	
	)	
Defendant.	)	
	)	

DECLARATION OF JENNIFER HOWELL

I, Jennifer Howell, declare as follows:

1. I am over the age of 18 and not a party to this action. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could competently testify thereto.

2. Whitney Henriquez, whose maiden name was Whitney Heard, is my dear friend. She has told me that I am her "chosen sister." I also call her my "chosen sister".

3. Whitney worked for me at a non-profit organization that I founded 22 years ago and run called The Art of Elysium. We take artists and help them be of service to communities in need. We serve over 30,000 individuals in need each year. Whitney volunteered for the organization in 2014 for about 6 months. And she worked full time as a paid employee for me in 2015-2016, where Whitney served as Art Salon Manager/Director.

4. I have learned that Whitney testified in court July 23 in London about a violent incident in March 2015 on the stairs at Johnny Depp's penthouse. She testified that Johnny supposedly hit Amber and Whitney on the stairs at Johnny's downtown penthouse. Then Whitney said she had to go to live with her employer where she had to sleep on their floor. I am that employer. This is not what I was told to be true. First, Whitney came to live in the guest room of

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employer. This is not what I was told to be true. First, Whitney came to live in the guest room of

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my apartment on Wilshire Boulevard, not on my floor but in my guest room. Second, when Whitney arrived, she was a mess. Whitney told me she tried to stop her sister Amber from hitting anad attacking Johnny on the stairs. Whitney said when she tried to intervene to stop Amber from going after Johnny, Amber nearly pushed Whitney down the stairs. She told me she was worried Amber "was going to kill Johnny." She told me she had endured that kind of abuse her entire life, first from her father, and then from Amber, who she said was extremely violent. She lived with me because she did not feel she could go back to live at the Eastern Columbia Building. My father reminded me this morning that I told him that "Whitney had moved in with me because she was terrified of her sister."

5. While Whitney was living with me, she told me Johnny kept checking in to see how she was doing and that he called her "sis" and she called him "brother." Whitney said to me on multiple occasions that she did not know why he was staying in the relationship nor why he was putting up with Amber's abuse. Whitney shared with me the damage endured by both her and Amber as children and the injuries she had suffered from Amber both psychologically and physically. Whitney was devastated during this time, and my heart broke for her.

6. When Whitney came back from New York (I believe it was for Tribeca Film Festival, THE ADDERALL DIARIES premiere or both) she shared with me and everyone in the office that Amber freaked out, attacked Whitney and threw a wine glass full of red wine at her in the elevator.

7. While Amber and Johnny were in Australia, Whitney was in the office sitting in the black and white chairs near the kitchen and loudly proclaimed, "oh my God, she has done it now. She has cut off his fucking finger."

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8. I knew Paige Heard, Amber and Whitney' mother. Paige shared with me while I was visiting Whitney that Elon Musk had gifted a Tesla or multiple Teslas (not sure if it was one or more), but Amber found out that they were "bugged." Paige told me that Amber said Elon was controlling, abusive and that she was in a legal battle with him over the rights to embryos that they had created together. He wanted to destroy them, and Amber tried to keep them to have a baby. Paige told me that Johnny was either an "angel" or a "saint" compared to Elon, and she wished that Amber and Johnny would reconcile. Paige also told me the reason Johnny and Amber broke up was because Amber was violent and emotional and loved Johnny so much that she could not control it. I was indeed taken aback because this conversation occurred after the divorce and when Hunter was only a few months old, and I was at Whitney's house. Whitney told me that Amber and Johnny were still in touch and that they were each other's true loves or something to that exact sentiment. Whitney was still going through the emotions of having had a baby and all of those ups and downs, and I could not believe that Amber and Johnny's relationship was being discussed while Whitney was the one who needed to be the focal point and needed our support.

9. When Amber got into legal trouble regarding smuggling the dogs into Australia, she asked me to write her a character reference about her charity work, and I did so. We had given her a humanitarian award. She volunteered with the charity and attended events for the charity. I am still grateful for that. I knew nothing about her personal life behind closed door until I became close with Whitney.

10. When Amber was in trouble with the Australian authorities, she asked me to write a character letter in support of her, which I did. I wrote on behalf of Amber for her volunteering with the charity.

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11. Later, when Amber and Johnny were divorcing, $7 million of the proceeds was supposed to go to charity. I learned that none of it would be directed to The Art of Elysium, which Amber had been closely associated with for years. Instead, I understood it would all go to ACLU and LA Children's Hospital. I asked Amber's publicist why, when she and Amber had been so eager to use our name in the press during the divorce, and when the funds would mean so much to a small organization like ours, would Amber direct all the money to these other two huge charities that she had not been associated with? Amber's publicist told me that they were more prominent charities with a more significant press reach and got international press. Then, months later, a $250,000 donation came into our organization from an anonymous donor "on behalf of Amber Heard." The funds did not come from Amber. I believed this donation came from Elon.

12. Years later, on July 24, 2020, I received two subpoenas from Johnny's attorney after Whitney testified about sleeping on my floor following the stairs incident. The following day, I spoke with Johnny's attorney Adam Waldman for the first time.

13. I told him the stories of my experiences with Whitney, Paige and Amber Heard, and he asked me to give this declaration. I shared the names of The Art of Elysium's staff who worked during the same time as Whitney who also heard these things and more and willingly gave access to my e-mails, texts to confirm dates and timeline of all stated.

Executed this 26th day of July, 2020, in Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America and Commonwealth of Virginia that the foregoing is true and correct.

Jennifer Howell

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On behalf of: Claimant / Appellant
Witness: Jennifer Howell
No: First
Exhibit JH1
Date: 13 January 2021

Appeal No. A2/2020/2034

Claim No. QB-2018-006323

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

JOHN CHRISTOPHER DEPP II

Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LTD
(2) DAN WOOTTON

Defendants

WITNESS STATEMENT OF
JENNIFER HOWELL

I, **JENNIFER HOWELL**, of 3278 Wilshire Boulevard, Los Angeles, CA, 90019 **WILL SAY** as follows:

1. I am the Founder of a non-profit organization that I have run for 23 years called The Art of Elysium (the "**AoE**"). We take in artists and help them to be of service to communities in need. We serve over 30,000 individuals in need each year.

2. Unless stated otherwise, the facts and matters referred to in this witness statement are within my own knowledge and are true, or they are true to the best of my knowledge, information and belief based on sources stated within this witness statement.

3. I make this witness statement in response to the evidence given under cross examination by Whitney Henriquez during the trial of these proceedings on 23 July 2020. I understand that the Appellant will seek to rely upon it in his appeal.

4. There is now produced and shown to me a paginated bundle of documents marked **JH1** to which I refer to below.

My relationship with Whitney Henriquez and Amber Heard

5. Every year the AoE holds the 'HEAVEN' gala in Los Angeles. It is usually a big event in January, held on the night before the Golden Globes. I believe that Amber first came to the gala in 2008 or 2009, which I believe is when I first met her. Johnny Depp also attended the gala a few times and I had met him at them.

6. I met Whitney Henriquez through Amber Heard. I believe I met her at an event she had attended with Amber. The first time she and I had any one on one interaction is when she came to The Art of Elysium's art salons to discuss potentially using the space for a bridal shower for Amber. During this meeting she told me how excited she was that Amber was marrying Johnny and how excited she was to put together a bridal shower for her sister. During this meeting, she told me about her previous work experience doing events, bar management and the like. I told her the plans of expanding the art salons into an artist program for the charity and that I would love to discuss bringing her on board to manage the salons once we had funding to so. Whitney was excited by the opportunity and shortly thereafter began volunteering with the art salons before we were able to officially offer her a job. She began volunteering around 28 August 2014 and was formally employed by the AoE as Art Salon Manager/Director shortly before the 2015 HEAVEN gala.

7. In January 2015 at this Heaven gala, AoE honored Amber with the Spirit of Elysium Award. She was nominated by one of the AoE staff who coordinated the volunteering and who nominated Amber as she was good with the children, particularly as she was bilingual so she could speak to them both in Spanish and English, and in sign language. I am still grateful for her support of our charity.

8. Around this time, I was invited to an engagement party for Amber and Johnny.

9. I knew nothing about Amber's personal life behind closed doors until later, as I got to know Whitney better, which happened naturally during the course of her employment at the AoE. I still consider Whitney to be my dear friend and she has told me that I am her "chosen sister". I also called her my "chosen sister". She meant this in the context of wishing that she could choose me as her family, instead of the sister she was given by blood.

March 2015 to January 2016

10. During the course of her employment and as a result of working together closely in our offices, Whitney began to disclose information about Amber's behavior. For example, while Amber and Johnny were in Australia, and which I believe must have been early March 2015, Whitney was sitting near the kitchen in our office and suddenly proclaimed loudly: "oh my God, she has done it now. She has cut off his fucking finger." I have since read Amber's testimony during the trial in London and I understand that Amber claims that Johnny accidentally cut part of his own finger off, which is contrary to what I was told by Whitney at the time.

11. At that time, Whitney was living in a penthouse at the Eastern Columbia building, where her sister and Johnny lived. Later that year, she asked to come and stay with me. She ended up living with me in the guest room of my apartment on Wilshere Boulevard, in a queen-sized bed. She stayed with me for a number of months in 2015 and into 2016. I cannot recall exactly when Whitney moved in or when she moved out, as I did not keep records at the time and had no reason to think I needed to. It is also difficult for me to remember when and how long Whitney was staying in my apartment, because she seemed to fall out and make up with Amber

on a number of occasions and so I do not think she stayed with me for only one uninterrupted period of time, but there was one longer period of time which I believe fell in the second half of 2015 and the early part of 2016. My job also requires me to travel a lot and so I was not at my apartment for the entire period Whitney was staying with me. I no longer have a record of my text conversations with Whitney at the time (which was her main method of communication) as I have since changed my phone service provider. I have found emails from between 11 January and 6 March 2016, which suggest that Whitney was still living with me at the time. A copy of those emails are enclosed at Exhibit JH1 pages 1 to 3. Although I also believe that she and Amber were reconciled in January 2016, as they both came to the AoE Heaven gala.

12. When she arrived, it was one evening, and Whitney was in a mess. She told me she had tried to stop Amber from hitting and attacking Johnny during an argument on the stairs. Whitney said when she tried to stop Amber from hitting and attacking Johnny, Amber nearly pushed her (Whitney) down the stairs. She told me she was worried Amber was going to kill Johnny. She told me she had endured that kind of abuse her entire life, first from her father, and then from Amber, who she said was extremely violent. As she told me this, she was inconsolable. I cannot remember if she had anything with her when she arrived at my apartment that evening, but I think she had to go back to the Eastern Columbia Building at some stage to get some more clothes and her things.

13. At the time, I believed that Whitney was telling me about an event which had just happened. However, I understand from reading about the trial in London, which I did after Whitney referred to me in her evidence, that an incident involving Whitney, Amber and Johnny on the stairs in the penthouses at the Eastern occurred in late March 2015. I do not believe that it was that early in 2015 when Whitney came to stay, but I cannot say for sure. If it was later, I cannot say whether I misunderstood when thinking that the stairs incident had just happened, or if Whitney gave the wrong impression.

14. She lived with me because she told me that she did not feel she could go back to live at the Eastern Columbia Building. She told me that she had fallen out with her sister badly and no longer wanted to be involved with her at that time. My father recently reminded me that I had told him at the time that "Whitney had moved in with me because she was terrified of her sister."

15. I remember one time, Whitney had returned from New York, where I think she had been for a premiere or the Tribeca Film Festival. She shared with me, and nearly everyone in the office, that during the trip Amber had freaked out, attacked her (Whitney) and had thrown a wine glass full of red wine at her in an elevator. I believe it would have been April 2015, as that is when the Tribeca festival takes place. I think this must have been before Whitney moved in with me for the longer period of time, as I doubt that Whitney would have gone with her sister if it was just after she came to live with me.

16. While Whitney was living with me, she told me Johnny kept checking in to see how she was doing and that he called her "sis" and she called him "brother." I obviously did not see any of her messages. Whitney was always singing his praises and said that Johnny was more of a brother to her, than Amber was a sister. Whitney said to me on multiple occasions that she did not know why he was staying in the relationship nor why he was putting up with Amber's abuse. Whitney shared with me the damage endured by both her and Amber as children from their parents.

17. While living with me Whitney started sharing with me the magnitude of everything which had happened with her and Amber, not only with me but with people in our office. Whitney told me so much about Amber that at times I had to tell her I didn't want to know any more. I knew that at some point Amber would be back in her life and that I would have to see and speak to Amber and I didn't want to have to interact with her knowing all of the awful things Whitney said that she had done.

18. In light of how much she told me and others about Amber and Johnny I have no doubt that if Johnny had ever laid a hand on Amber, we would have been told about it. If she had told me

that Johnny had hit Amber I would have been down there with the cops and social workers to get her out of there. I am embarrassed and deeply regret not doing the same kindness for Johnny.

19. Whitney's employment at the AoE came to an end shortly after Heaven in January 2016as a part of wider layoffs at the time, because we no longer had the budget to employ her. At the time a donor had made a pledge, which we had based our entire budget on, but the pledge was not paid.

20. Amber had gotten into legal trouble regarding smuggling her dogs into Australia. She asked me to write her a character reference about her charity work, and I did so. A copy of that reference is enclosed at Exhibit JH1 page 4. We had given her a humanitarian award a year earlier and I still felt grateful for her support of the AoE, even if by then I felt very protective of Whitney and was concerned about Amber's behavior. Whitney also asked me to write the letter on behalf of her sister. I deeply regret writing that letter at this point in time.

Contact with Whitney and Amber in 2019

21. Later, when Amber and Johnny were divorcing that summer, $7 million of the proceeds from the divorce was supposed to go to charity. I learned that none of it would be directed to the AoE, which Amber had been closely associated with for years. Instead, I understood it would all go to ACLU and LA Children's Hospital. I was disappointed at this news and asked Amber's publicist why, when she and Amber had been so eager to use our name in the press during the divorce, and when the funds would mean so much to a small organization like ours, would Amber direct all the money to these other two huge charities that she had not been associated with. Amber's only volunteering opportunities at CHLA were while she was volunteering as one of the AoE artists for our programs. Amber's publicist told me that they were more prominent charities with a more significant press reach and got international press.

22. On 9 January 2018, a $250,000 check came into our organization from an anonymous donor, with a note stating it was made "on behalf of Amber Heard." The funds did not come from

Amber, but from "Fidelity Charitable". A copy of the check received is enclosed at Exhibit JH1 page 5. I was very grateful for the donation.

23. I knew Amber and Whitney's mother, Paige Heard through Whitney. I visited Whitney at her house on 9 February 2019, shortly after she had given birth to her son, Hunter. Paige was there with her. During the visit Paige shared that Elon Musk had gifted Amber a Tesla or multiple Teslas (I'm not sure if it was one or more), but Amber had told her that she had found out that they were "bugged." Paige also made other private disclosures to me about Amber and Elon's relationship. Paige said that she wished Amber and Johnny would reconcile, and that they had broken up because Amber was violent and emotional and loved Johnny so much that she could not control it. She said that the restraining order Amber obtained in 2016 was only due to the attorneys' advice. Whitney told me that Amber and Johnny were each other's true loves or something to that exact sentiment.

24. I was taken aback by this conversation. Whitney was still going through the emotions of having had a baby and all of those ups and downs, and I could not believe that Amber and Johnny's relationship was being discussed while Whitney was the one who needed to be the focal point and needed our support.

25. I last saw Whitney in 2019. I was in contact with Whitney via text message in 2020, but with everything going on with the pandemic we didn't see each other as we had previously done.

July 2020

26. I did not follow the trial in London between Johnny and the Sun. On 24 July 2020 I was called by someone who wishes to remain anonymous, to tell me that Whitney had mentioned me while testifying in court in these proceedings in London and had said something about sleeping on my floor.

27. I was told and have since read Whitney's testimony, during which she recalled a violent incident in March 2015 on the stairs at Johnny Depp's penthouse. She testified that Johnny supposedly hit Amber and Whitney on the stairs at Johnny's downtown penthouse. Whitney

also said she had to go live with her employer. I am that employer. As stated above, she stayed in my guest room in a queen sized bed, not on the floor or a couch, and the incident on the stairs which she had described to me in 2015 was the opposite of what she told the court.

28. After hearing about this I agonized over whether to come forward with what I knew. I had not come forward before this because I had not appreciated what I knew was relevant. I couldn't believe that Whitney had lied in that way.

29. In the end, I spoke to Christi, Johnny's sister, whom I had met through the AoE chairman years ago. Christi asked me if I would give a statement. I said I would only be comfortable doing so if I had a subpoena. I expressed to her my deepest apologies for not coming forward before Whitney took the stand and had I known what she would say under oath that I would have done something. Later that day I received a subpoena from Johnny's attorney, Adam Waldman (see Exhibit JH1 pages 6 to 8). I said in my US declaration that I received two subpoenas from Adam, but I have since checked my records and have realized that I have two copies of the same subpoena. The following day, on 25th July, I spoke with Adam. I told him my experiences with Whitney, Paige and Amber Heard, including what Whitney had told me in what I believed was the immediate aftermath of the argument on the stairs, which contradicted what Whitney had said in court. He asked me to give a declaration for the case in Virginia which I agreed to do. We worked on it during the course of the next day. A copy of the final version that I signed is enclosed at Exhibit JH1, pages 9 to 12.

30. After speaking to Adam on 25 July, I called Tash Brooks, who is Whitney's best friend and another employee of mine at the AoE. When I told her I was giving evidence in response to what Whitney had said on the stand, she fell apart. She said that Amber had convinced Whitney to lie for her. Tash told me that before travelling to London, Whitney was so worried about the trial that she was physically ill and her hair was falling out.

31. I felt awful for Whitney. Whitney's son was only a year or so old at the time, so I cannot imagine how difficult it was for Whitney, but from all the things she had talked about back in 2015, I assumed that she was again doing her sister's bidding.

32. At around 3am on 26 July 2020 Whitney texted me. She asked if it was true that I was giving evidence to Johnny's legal team. Clearly it had gotten back to her that I was preparing to explain what she had told me. I responded telling her that she had chosen to mention me up on the stand in court, and that she should know that I would always tell the truth. She wrote back saying that Adam Waldman is trying to destroy her family's lives and that I had been lied to. I did not respond, but instead wrote her a letter, informing her that I had received subpoenas, that I had spoken to Adam and that I had given him my account. In my letter I told Whitney that it had taken the subpoenas to get me to be forthcoming about what I had been told. I told her this at the time, as I did not want her to think I had betrayed her trust by providing my evidence without being compelled to. In fact, I had told Christi that I would provide my testimony but only if I was subpoenaed. I then wrote an email to Whitney on 28 July, to which I attached my letter. I followed up with another email half an hour later, after reading Whitney's statement to the press in which she said my declaration was untrue. The press reported statements (see Exhibit JH1 pages 13 to 17) from Whitney saying that: "*This is complete fiction. Jennifer Howell's statements do not bear any relationship to the truth and I have no idea why she is saying this.*" My correspondence with Whitney is enclosed at pages 18 to 33 of Exhibit JH1. Whitney has not responded, and I have not heard from her since.

33. I had hoped that Tash and my other employees at AoE who had heard what Whitney had said back in 2015 about Amber would speak out. Tash has since told me that Amber is paying for her (Tash's) attorney and for some of my other employees and former employees' attorneys and that they are being advised to oppose any subpoenas from Johnny's lawyers. I have spoken with one of the AoE's former employees who has told me that he was contacted by Whitney and Tash and told to avoid telephone calls from certain numbers and if he was contacted by any attorneys, that he should say he does not recall anything and does not know why I am saying these things. They told him that I must be being paid to give a false testimony, which is entirely untrue.

34. On 7 August 2020 Leslie Culp, one of the AoE's employees, received a subpoena from Amber's US attorneys for me and a second one for the AoE. The subpoenas from Amber's

attorneys seek copies of our entire server, financials, text messages and staff information. Copies of the subpoenas are enclosed in Exhibit JH1 pages 34 to 76. We have opposed this. I believe they are trying to suggest that I have been paid or financially incentivized to lie for Johnny. That is not true. If I were to be motivated in anyway by money, Amber had a $250,000.00 donation made to us in her honor and that amount is far more than any amount Johnny has ever donated to the charity. My motivation in starting the charity was to have a servant's heart and to be of service to those in need and through art transcend any circumstance an individual is facing. Part of a servant's heart is to do what is right even when it is hard.

35. I wish to make clear that I have only met Johnny a handful of times at our events, once or twice at the Eastern Standard building with Amber and once at a birthday party for Amber. I have no loyalty to Johnny or any reason to lie for him. My loyalty is to Whitney as I can't stand the position she has been put in and am so upset for her that she felt she had to lie in Court for her sister. Coming forward as a witness in the US proceedings prompted the subpoenas being issued against the AoE, which has a legal bill for the non-profit organization of over $60,000. I have no financial or other reason to lie or support Johnny.

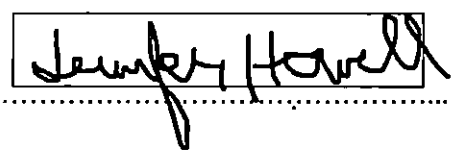
36. I have received no gifts or donations from Johnny, or anyone associated with him and the AoE has received no recent donations from him. Johnny did donate $25,000 to the AoE in 2015, the same year that Amber was honored at the Heaven gala (see Exhibit JH1 page 151). He also did a benefit concert in January 2016 (see Exhibit JH1, pages 185 to 190). This was an annual event which benefits two or three charities. The AoE was one of the two charities chosen that year. The donations from the event came from a sponsor of the evening, ticket sales and silent auction items. No donations came from Johnny or any of his companies or affiliates directly. Johnny also donated a lot of musical instruments as an in-kind donation while he and Amber were together. The AoE has not received any donations from Johnny since his divorce from Amber.

37. My interest in coming forward to give evidence in these proceedings is justice and ensuring that the truth comes out. If my loyalty is to anyone, it is to Whitney, who I continue to be very

fond of. I was very concerned to hear that she had lied under oath in London during the trial. While living with me Whitney told me that she had spent her whole life cleaning up her sister's messes and this appears to be another example.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Jennifer Howell

Date: 13 January 2021

On behalf of: Claimant / Appellant
Witness: Jennifer Howell
No: First
Exhibit JH1
Date: 13 January 2021

Appeal No. A2/2020/2034

Claim No. QB-2018-006323

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

BETWEEN:

JOHN CHRISTOPHER DEPP II

Claimant / Appellant

- and -

(1) NEWS GROUP NEWSPAPERS LTD
(2) DAN WOOTTON

Defendants / Respondents

WITNESS STATEMENT OF JENNIFER HOWELL

Ref: JA/JR/VA/D0185/001

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VIA ELECTRONIC MAIL

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Camille M. Vasquez, Esq.
Samuel A. Moniz, Esq.
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Attorneys for Defendant and Counterclaim Plaintiff
AMBER LAURA HEARD

Re: *Depp v. Heard,* California Case No.: 19STCP04763
Case No.: CL-2019-002911 (Action Pending Outside California)

Dear Counsel:

As you know, this firm is counsel to Non-Party Warner Bros. Entertainment Inc. ("WBEI") in connection with the Deposition Subpoena for Personal Appearance ("Deposition Subpoena") and Subpoena for Production of Business Records (the "Document Subpoena") served on WBEI by Plaintiff John C. Depp, II ("Depp"). We write to meet and confer regarding the Deposition Subpoena in an effort to avoid motion practice.

WBEI is a third party that has *nothing* whatsoever to do with this litigation. Nevertheless, in response to the Document Subpoena, WBEI has already produced the contract between WBEI and Defendant and Counterclaim Plaintiff Amber Laura Heard ("Heard"), as well as two option letters, for the motion pictures *Aquaman* and *Aquaman 2*. There is no dispute that Heard was cast in both *Aquaman* and *Aquaman 2* and paid for her services per her contract; the continued attempts to involve WBEI in this lawsuit due to speculative and baseless claims is improper and unwarranted.

We understand that the reason the parties seek to depose WBEI in this lawsuit is based on Heard's apparent claim that WBEI delayed in exercising her option for *Aquaman 2* because of her dispute with Depp and that this delay resulted in her not being able to renegotiate her contract for additional compensation on *Aquaman 2*. This is simply not true. As WBEI communicated to Heard's agent at the time, there were creative concerns with continuing to cast Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's agent. Any alleged delay by WBEI in picking up Heard's option as Mera for *Aquaman 2* was not due to her dispute with Depp or any of the allegations in this lawsuit. Moreover, Heard could not have negotiated for more money for her role in *Aquaman 2*, even with more time, as she apparently speculated at her deposition. There is simply no basis for Heard's claims.

As set forth below, WBEI is willing to submit a declaration under penalty of perjury to this effect. Moreover, as a non-party, WBEI has limited information about the progress of the litigation, discovery to date, and issues raised by the pleadings or adjudicated by the Los Angeles Superior Court or the Virginia Circuit Court of Fairfax County. Given WBEI's willingness to submit a declaration, and that, as a non-party, WBEI is entitled to heightened protection from discovery that imposes an undue burden, no deposition of WBEI should go forward. *See, e.g., Calcor Space Facility, Inc. v. Super. Ct.*, 53 Cal. App. 4th 216, 225 (1997) ("The concerns for avoiding undue burdens on the 'adversary' in the litigation . . . apply with even more weight to a nonparty.").

To avoid the substantial burden of a WBEI deposition, whose employees are still largely working remotely because of the continuing COVID-19 pandemic, WBEI is willing to serve the parties with a sworn declaration setting forth the following facts:

- Any delay in WBEI picking up Heard's option for *Aquaman 2* was due to creative issues in casting Heard in the role of Mera for *Aquaman 2*, which were communicated to Heard's agent at the time.

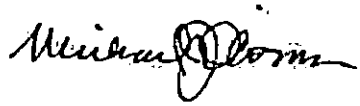
- Any delay in WBEI picking up Heard's option for *Aquaman 2* was not due to Heard's dispute with Depp or any of the allegations in this lawsuit.

- WBEI would not have paid Heard more money on *Aquaman 2*, even if Heard had had more time to attempt to negotiate.

WBEI's good faith proposal is a reasonable way to avoid imposing undue burden or expense on WBEI, especially in light of the fact that WBEI is a non-party with no involvement in this lawsuit. *See Calcor Space Facility,* 53 Cal. App. 4th at 225. Please confirm that neither party in this case will seek to proceed with a WBEI deposition in light of the above and will accept a sworn declaration in lieu of testimony.

All rights reserved.

Very truly yours,



Michael J. O'Connor

cc: Sarah L. Cronin, Esq.
Sarah E. Diamond, Esq.

From:	Moniz, Samuel A.
To:	Elaine Bredehoft; Cronin, Sarah L.; Suda, Casey; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Adam Nadelhaft; Clarissa Pintado; David Murphy; Michelle Bredehoft; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting; O"Connor, Michael J.; Diamond, Sarah E.
Cc:	Chew, Benjamin G.; Crawford, Andrew C.; Presiado, Leo J.; Vasquez, Camille M.; Meyers, Jessica N.; Calnan, Stephanie; Mena, Yarelyn
Subject:	RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI"s Motion to Quash Subpoenas
Date:	Friday, February 25, 2022 4:50:35 PM
Attachments:	image001.jpg

Elaine:

To refresh your recollection, you sent us a stipulation with an email that stated the following:

> Ms. Heard is willing to agree not to claim damages from any conduct associated with Aquaman II, so long as Mr. Depp will agree not to mention or raise in any manner Aquaman II at trial, including that Ms. Heard earlier claimed damages as a result of conduct associated with Aquaman II. Essentially, we would remove Aquaman II from the case and not discuss in any manner.

Your stipulation included the following express condition:

> The Parties agree that neither Ms. Heard nor Mr. Depp will include at trial any reference to Aquaman II for any reason, including but not limited to, any evidence or references supporting or disputing Ms. Heard's damages as it relates to her Counterclaims.

Nowhere in your email or stipulation do you suggest any wiggle room. Nowhere in your email or stipulation do you use the phrase "initial draft." Nowhere in your email and stipulation do you invite revisions. You made a proposal. We rejected it. We sent back a counterproposal. You did not respond.

It is clear that your stipulation was never a serious proposal, since I cannot imagine you actually thought we could agree to make no mention of Aquaman 2 at trial.

Should you wish to further discuss a possible stipulation, we would be generally open to discuss your stipulation to the truth of the facts in WBEI's attorneys' letter, the admissibility of a declaration from WBEI setting forth those facts, and the withdrawal of Ms. Heard's damages claims related to Aquaman 2. We will not agree under any circumstances to a blanket prohibition on mentioning Aquaman 2.

As for the comment that Ms. Heard was presumably responding to some sort of pressure, that seems a reasonable enough inference from the circumstances, since litigants and their attorneys do not normally volunteer to walk away from millions of dollars of claimed damages if they believe they have a valid basis in fact and law to pursue them. We obviously were not copied on the

communications between you and WBEI, and the brief makes clear that that statement is our assumption as to your reasons for abruptly offering to stipulate away your client's claimed damages. No retraction is required.

Thank you,
Sam

Samuel A. Moniz
Associate

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From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Friday, February 25, 2022 1:07 PM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Cronin, Sarah L. <SLCronin@Venable.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

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

Sam: We have read your Opposition and are quite troubled by two representations you made in your brief and Declaration:

1. You represented to the Court that Ms. Heard offered to enter into a Stipulation because of "pressure" from Warner Bros' counsel, suggesting Warner Bros was coercing or directing us. This is false.

2. You suggested to the Court that this so-called "coerced" Stipulation was a "take it or leave it" Stipulation. Instead, it was an initial draft, in an effort to settle the dispute, which we sent to you in Word for your review and editing. You chose not to provide any suggested edits or engage in any discourse and instead sent back terms I am confident the Court will recognize as on-its-face ludicrous. Your intent was clearly to sabotage the possibility of a Stipulation to force Warner Bros into a deposition.

We request that you file a retraction of the representation that Warner Bros in any manner attempted to coerce or direct us on our efforts to resolve this matter, and further to correctly represent to the Court the draft Stipulation we sent to you inviting edits and discourse, and your intentional efforts to thwart any resolution by demanding conditions to which no litigant would ever agree, so you could force the deposition.

We look forward to receiving your corrected pleading. Elaine

Elaine Charlson Bredehoft
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From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Wednesday, February 23, 2022 11:07 AM
To: Cronin, Sarah L. <SLCronin@Venable.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>

Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

Sarah,

We will forward you an unredacted copy. The attachments to the unredacted copy contain references to Ms. Heard's income information and some medical information that is (arguably) confidential. In an abundance of caution, please execute and return to us and to Ms. Heard's counsel on behalf of your firm Exhibit A to the attached Protective Order, by return email. Thank you.

Best,
Sam

Samuel A. Moniz
Associate

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From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Wednesday, February 23, 2022 6:29 AM
To: Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; ebredehoft@cbcblaw.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; cpintado@cbcblaw.com; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

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

Sam, please also send us the unredacted versions of these documents.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
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From: Suda, Casey <CSuda@brownrudnick.com>
Sent: Tuesday, February 22, 2022 8:10 PM
To: brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; ebredehoft@cbcblaw.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; cpintado@cbcblaw.com; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; Cronin, Sarah L. <SLCronin@Venable.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

Caution: External Email

Counsel,

Please find attached for service the following documents:

- Public Redacted Opposition of John C. Depp, II to Warner Bros. Entertainment Inc.'s Motion to Quash Subpoenas; Request for Sanctions; and Declaration of Samuel A. Moniz in Support;
- Notice of Motion and Motion for Order to File and Maintain Under Seal Portions of Opposition to Motion of Warner Bros. Entertainment Inc.'s Motion to Quash; and Declaration of Samuel A. Moniz in Support; and
- Notice of Lodging Documents Conditionally Under Seal in Opposition to Warner Bros. Entertainment Inc.'s Motion to Quash.

Thank you,

Casey Suda
Legal Executive Assistant

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****

From:	Elaine Bredehoft
To:	Moniz, Samuel A.; Cronin, Sarah L.; Suda, Casey; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Adam Nadelhaft; Clarissa Pintado; David Murphy; Michelle Bredehoft; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting; O"Connor, Michael J.; Diamond, Sarah E.
Cc:	Chew, Benjamin G.; Crawford, Andrew C.; Presiado, Leo J.; Vasquez, Camille M.; Meyers, Jessica N.; Calnan, Stephanie; Mena, Yarelyn
Subject:	RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI"s Motion to Quash Subpoenas
Date:	Friday, February 25, 2022 4:07:24 PM
Attachments:	image001.jpg

Sam: We have read your Opposition and are quite troubled by two representations you made in your brief and Declaration:

1. You represented to the Court that Ms. Heard offered to enter into a Stipulation because of "pressure" from Warner Bros' counsel, suggesting Warner Bros was coercing or directing us. This is false.
2. You suggested to the Court that this so-called "coerced" Stipulation was a "take it or leave it" Stipulation. Instead, it was an initial draft, in an effort to settle the dispute, which we sent to you in Word for your review and editing. You chose not to provide any suggested edits or engage in any discourse and instead sent back terms I am confident the Court will recognize as on-its-face ludicrous. Your intent was clearly to sabotage the possibility of a Stipulation to force Warner Bros into a deposition.

We request that you file a retraction of the representation that Warner Bros in any manner attempted to coerce or direct us on our efforts to resolve this matter, and further to correctly represent to the Court the draft Stipulation we sent to you inviting edits and discourse, and your intentional efforts to thwart any resolution by demanding conditions to which no litigant would ever agree, so you could force the deposition.

We look forward to receiving your corrected pleading. Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive
Suite 201

Reston, VA 20190
(703) 318-6800
(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcblaw.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Wednesday, February 23, 2022 11:07 AM
To: Cronin, Sarah L. <SLCronin@Venable.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

Sarah,

We will forward you an unredacted copy. The attachments to the unredacted copy contain references to Ms. Heard's income information and some medical information that is (arguably) confidential. In an abundance of caution, please execute and return to us and to Ms. Heard's counsel on behalf of your firm Exhibit A to the attached Protective Order, by return email. Thank you.

Best,
Sam

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
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F: 949-486-3671
smoniz@brownrudnick.com
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From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Wednesday, February 23, 2022 6:29 AM
To: Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; ebredehoft@cbcblaw.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; cpintado@cbcblaw.com; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

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

Sam, please also send us the unredacted versions of these documents.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

SLCronin@Venable.com | www.Venable.com

From: Suda, Casey <CSuda@brownrudnick.com>
Sent: Tuesday, February 22, 2022 8:10 PM
To: brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; ebredehoft@cbcblaw.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; cpintado@cbcblaw.com; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>; Cronin, Sarah L. <SLCronin@Venable.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>;

Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: John C. Depp, II v. Amber Laura Heard - Opposition to WBEI's Motion to Quash Subpoenas

Caution: External Email

Counsel,

Please find attached for service the following documents:

- Public Redacted Opposition of John C. Depp, II to Warner Bros. Entertainment Inc.'s Motion to Quash Subpoenas; Request for Sanctions; and Declaration of Samuel A. Moniz in Support;
- Notice of Motion and Motion for Order to File and Maintain Under Seal Portions of Opposition to Motion of Warner Bros. Entertainment Inc.'s Motion to Quash; and Declaration of Samuel A. Moniz in Support; and
- Notice of Lodging Documents Conditionally Under Seal in Opposition to Warner Bros. Entertainment Inc.'s Motion to Quash.

Thank you,

Casey Suda
Legal Executive Assistant

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Irvine CA 92612
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Please consider the environment before printing this e-mail

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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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****

From:	Cronin, Sarah L.
To:	Chew, Benjamin G.; Vasquez, Camille M.; Moniz, Samuel A.; Udenka, Honieh; Elaine Bredehoft; Michelle Bredehoft; Clarissa Pintado
Cc:	O"Connor, Michael J.; Diamond, Sarah E.; Tjaden, Karen M.
Subject:	John C. Depp, II v. Amber Laura Heard - WBEI declaration
Date:	Sunday, February 27, 2022 12:45:37 PM
Attachments:	WBEI DECL RE AQUAMAN 2(54487026.1).docx

Counsel,

At the Court's suggestion during the hearing that took place last week, please find attached a draft declaration that WBEI is prepared to sign, and which the parties can stipulate to the admissibility of in their upcoming trial. *See* Virginia Circuit Court Requests, Notices, and Applications Pretrial Conferences, Scheduling, Management, VA KR Circuit 308; VA R S CT Rule 1:19 ("At the final pretrial conference ... the court and counsel of record may consider any of the following: ... (c) the possibility of obtaining stipulations of fact, including, but not limited to, the admissibility of documents ....").

Please confirm your agreement to accept this stipulation in lieu of a deposition by 10 a.m. PT on March 2 and we will notify the Court that Non-Party WBEI's Motion to Quash Plaintiffs' Deposition Subpoena For Personal Appearance and Production of Documents and/or Protective Order has been taken off calendar.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

SLCronin@Venable.com | www.Venable.com

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Telephone: (310) 229-9900
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Attorneys for Non-Party
Warner Bros. Entertainment Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

California Case No.: 19STCP04763

Case No.: CL-2019-002911
(Action Pending Outside California)

DECLARATION OF _____

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

DECLARATION OF _____

I, _____, declare as follows:

1. I am _____ at Non-Party Warner Bros. Entertainment Inc. ("WBEI"). I have personal knowledge of the facts set forth herein. I am submitting this sworn declaration in lieu of providing trial testimony.

2. Amber Heard was cast in both *Aquaman* and *Aquaman 2* and was paid for her services per the terms of her contract. True and correct copies of Ms. Heard's "Talent Option" agreement, dated September 21, 2015 ("Option Agreement"), as well as the March 24, 2017 letter exercising the option for *Aquaman* under the Option Agreement and the June 3, 2021 letter exercising the option for *Aquaman* 2 under the Option Agreement are attached hereto as Exhibits A, B, and C.

3. Any alleged delay in picking up Ms. Heard's option for *Aquaman 2* was due to creative issues in casting Ms. Heard in the role of Mera for *Aquaman 2*, which were communicated to Ms. Heard's agent at the time.

4. Any alleged delay in WBEI picking up Ms. Heard's option for *Aquaman 2* was not due to Ms. Heard's dispute with Mr. Depp or to any of the allegations in this lawsuit.

5. WBEI would not have paid Ms. Heard more money on *Aquaman 2*, even if Ms. Heard had had more time to attempt to negotiate her contract.

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

Executed on February __, 2022 at Los Angeles, California.

_____

_____

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

From:	Cronin, Sarah L.
To:	Moniz, Samuel A.; Chew, Benjamin G.; Vasquez, Camille M.; Udenka, Honieh; Elaine Bredehoft; Michelle Bredehoft; Clarissa Pintado
Cc:	O"Connor, Michael J.; Diamond, Sarah E.; Tjaden, Karen M.; Presiado, Leo J.; Meyers, Jessica N.; Crawford, Andrew C.; Calnan, Stephanie; Mena, Yarelyn; Suda, Casey
Subject:	RE: John C. Depp, II v. Amber Laura Heard - WBEI declaration
Date:	Tuesday, March 01, 2022 12:16:13 PM
Attachments:	image001.jpg WBEI DECL RE AQUAMAN 2(54487026.2).docx

Counsel,

We have reviewed the edits to the proposed declaration and made some additional edits, reflected in the attached redline. See attached. Please let us know whether the attached declaration is acceptable in lieu of a deposition.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
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SLCronin@Venable.com | www.Venable.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
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Cc: O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>; Tjaden, Karen M. <KMTjaden@Venable.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard - WBEI declaration

Caution: External Email

Sarah,

Thank you for this, which is very helpful to see in writing. I have made some suggested edits to your proposed Declaration in track changes in the attached, which reflect what I think we would need WBEI to attest to (assuming it to be true, of course), in order for us to be willing to proceed by declaration in lieu of live testimony.

I think we would also need a stipulation and Consent Order from Ms. Heard (which would need to be filed with the Virginia Court in advance of this week's hearing in California) with respect to the following basic points:

1. Ms. Heard would need to stipulate and agree in the Consent Order that the Declaration is authentic, competent, admissible, and may be used for all purposes at trial;
2. Ms. Heard would need to stipulate and agree in the Consent Order that she will not seek to controvert at trial the factual statements in the Declaration; in other words, it will be an agreed fact at trial that Ms. Heard suffered no damages related to *Aquaman 2*; and
3. Ms. Heard would need to stipulate and agree in the Consent Order that she is conclusively withdrawing any claims for any damages based on *Aquaman 2*, and will supplement any applicable discovery responses to reflect that fact, to the extent necessary.

If we can all reach agreement on those points, then I think your proposed Declaration (with my revisions) would probably be acceptable. Otherwise, I see no alternative but to proceed with the deposition, since if we cannot reach agreement on those points it will be clear that there are still factual disputes that need to be explored in discovery.

Please let me know if you think it would be helpful to get on a call to discuss, and I will make myself available for a call today or tomorrow. I will be pleased to consider any revisions you suggest to my edits.

For the avoidance of doubt, this is all obviously subject to final review and approval on our end, but if you are agreeable to these terms I would expect to be able to get approval on our end quickly. Thank you.

Best regards,
Sam

Samuel A. Moniz
Associate

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2211 Michelson Drive, Seventh Floor
Irvine CA 92612
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F: 949-486-3671
smoniz@brownrudnick.com
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From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Sunday, February 27, 2022 9:45 AM
To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; ebredehoft@cbcblaw.com; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cpintado@cbcblaw.com

Cc: O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>; Tjaden, Karen M. <KMTjaden@Venable.com>
Subject: John C. Depp, II v. Amber Laura Heard - WBEI declaration

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Counsel,

At the Court's suggestion during the hearing that took place last week, please find attached a draft declaration that WBEI is prepared to sign, and which the parties can stipulate to the admissibility of in their upcoming trial. *See* Virginia Circuit Court Requests, Notices, and Applications Pretrial Conferences, Scheduling, Management, VA KR Circuit 308; VA R S CT Rule 1:19 ("At the final pretrial conference ... the court and counsel of record may consider any of the following: ... (c) the possibility of obtaining stipulations of fact, including, but not limited to, the admissibility of documents ....").

Please confirm your agreement to accept this stipulation in lieu of a deposition by 10 a.m. PT on March 2 and we will notify the Court that Non-Party WBEI's Motion to Quash Plaintiffs' Deposition Subpoena For Personal Appearance and Production of Documents and/or Protective Order has been taken off calendar.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

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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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VENABLE LLP
Michael J. O'Connor (SBN 90017)
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Sarah E. Diamond (SBN 281162)
Email: SEDiamond@Venable.com
2049 Century Park East, Suite 2300
Los Angeles, CA 90067
Telephone: (310) 229-9900
Facsimile: (310) 229-9901

Attorneys for Non-Party
Warner Bros. Entertainment Inc.

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Fairfax County Circuit Court Case No.: CL-2019-002911

Related to California Case No.: 19STCP04763

DECLARATION OF _____

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

DECLARATION OF _____

I, _____, declare as follows:

1. I am _____ at Non-Party Warner Bros. Entertainment Inc. ("WBEI" or "Warner Bros."). I have personal knowledge of the facts set forth herein, and if called upon as a witness I would and could competently testify thereto. I am submitting this sworn Declaration in lieu of providing trial testimony in the action entitled *John C. Depp, II v. Amber Laura Heard*, Fairfax County Circuit Court Case No.: CL-2019-002911.

2. I am authorized to make this Declaration on behalf of Warner Bros., and my testimony in this Declaration is a true and accurate statement of the knowledge of Warner Bros. on the matters set forth herein.

3. Amber Laura Heard ("Ms. Heard") was cast in both the film *Aquaman* and its sequel, *Aquaman and the Lost Kingdom* ("*Aquaman 2*"), and was paid for her services on both films per the terms of her contract. True and correct copies of Ms. Heard's "Talent Option" agreement, dated September 21, 2015 ("Option Agreement"), as well as the March 24, 2017 letter exercising the option for *Aquaman* under the Option Agreement and the June 3, 2021 letter exercising the option for *Aquaman* 2 under the Option Agreement are attached hereto as Exhibits A, B, and C.

4. Ms. Heard did not suffer any adverse employment action by Warner Bros. in connection with either *Aquaman* or *Aquaman 2* because of any of the allegedly defamatory statements by John C. Depp, II ("Mr. Depp") or Adam Waldman ("Mr. Waldman") that are alleged in her Counterclaim (the "Counterclaim Statements"). ~~Ms. Heard was not fired from *Aquaman 2* because of the Counterclaim Statements, and~~ Ms. Heard's compensation for *Aquaman* or *Aquaman 2* was not reduced because of the Counterclaim Statements.

Formatted: Font: Italic

5. Ms. Heard filmed *Aquaman 2* between ~~_____~~July 15, 2021~~=~~ and November 16~~_____~~, 2021.

6. Any alleged delay in picking up Ms. Heard's option for *Aquaman 2* was due to creative issues in casting Ms. Heard in the role of Mera for *Aquaman 2*, which were communicated to Ms. Heard's agent at the time.

7. Any alleged delay in Warner Bros. picking up Ms. Heard's option for *Aquaman 2* was not due to Ms. Heard's dispute with Mr. Depp or to any of the allegations in this lawsuit, specifically including the Counterclaim Statements.

8. Warner Bros. would not have paid Ms. Heard more money on *Aquaman 2*, even if Ms. Heard had had more time to attempt to renegotiate her contract. ~~The Counterclaim Statements had no impact on Ms. Heard's compensation for either *Aquaman* or *Aquaman 2*.~~

I declare under penalty of perjury under the laws of the State of California and the Commonwealth of Virginia that the foregoing is true and correct.

Executed on February __, 2022 at Los Angeles, California.

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

The Washington Post
Democracy Dies in Darkness

Amber Heard: I spoke up against sexual violence — and faced our culture's wrath. That has to change.

Opinion by **Amber Heard**

Dec. 18, 2018 at 5:58 p.m. EST

Amber Heard is an actress and ambassador on women's rights at the American Civil Liberties Union.

I was exposed to abuse at a very young age. I knew certain things early on, without ever having to be told. I knew that men have the power — physically, socially and financially — and that a lot of institutions support that arrangement. I knew this long before I had the words to articulate it, and I bet you learned it young, too.

Like many women, I had been harassed and sexually assaulted by the time I was of college age. But I kept quiet — I did not expect filing complaints to bring justice. And I didn't see myself as a victim.

Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out.

Friends and advisers told me I would never again work as an actress — that I would be blacklisted. A movie I was attached to recast my role. I had just shot a two-year campaign as the face of a global fashion brand, and the company dropped me. Questions arose as to whether I would be able to keep my role of Mera in the movies "Justice League" and "Aquaman."

I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse.

Imagine a powerful man as a ship, like the Titanic. That ship is a huge enterprise. When it strikes an iceberg, there are a lot of people on board desperate to patch up holes — not because they believe in or even care about the ship, but because their own fates depend on the enterprise.

In recent years, the #MeToo movement has taught us about how power like this works, not just in Hollywood but in all kinds of institutions — workplaces, places of worship or simply in particular communities. In every walk of life, women are confronting these men who are buoyed by social, economic and cultural power. And these institutions are beginning to change.

We are in a transformative political moment. The president of our country has been accused by more than a dozen women of sexual misconduct, including assault and harassment. Outrage over his statements and behavior has energized a female-led opposition. #MeToo started a conversation about just how profoundly sexual violence affects women in every area of our lives. And last month, more women were elected to Congress than ever in our history, with a mandate to take women's issues seriously. Women's rage and determination to end sexual violence are turning into a political force.

We have an opening now to bolster and build institutions protective of women. For starters, Congress can reauthorize and strengthen the Violence Against Women Act. First passed in 1994, the act is one of the most effective pieces of legislation enacted to fight domestic violence and sexual assault. It creates support systems for people who report abuse, and provides funding for rape crisis centers, legal assistance programs and other critical services. It improves responses by law enforcement, and it prohibits discrimination against LGBTQ survivors. Funding for the act expired in September and has only been temporarily extended.

We should continue to fight sexual assault on college campuses, while simultaneously insisting on fair processes for adjudicating complaints. Last month, Education Secretary Betsy DeVos proposed changes to Title IX rules governing the treatment of sexual harassment and assault in schools. While some changes would make the process for handling complaints more fair, others would weaken protections for sexual assault survivors. For example, the new rules would require schools to investigate only the most extreme complaints, and then only when they are made to designated officials. Women on campuses already have trouble coming forward about sexual violence — why would we allow institutions to scale back supports?

I write this as a woman who had to change my phone number weekly because I was getting death threats. For months, I rarely left my apartment, and

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Message

From: Robin Shulman [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D4ADF860C0144187A1ABE6C375DB8D65-ROBIN SHULM]
Sent: 12/18/2018 5:54:22 PM
To: Stacy Sullivan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df7e03721d734da7b28b89b69a448225-Stacy Sulli]; Jessica Weitz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b734e233bb34146a0105393feeedb06-Jessica Wei]
Subject: Re: Edited version of Ms. Heard's Washington Post op-ed

I agree with their change. Go for it!

From: Stacy Sullivan
Sent: Tuesday, December 18, 2018 4:40:20 PM
To: Jessica Weitz
Cc: Robin Shulman
Subject: RE: Edited version of Ms. Heard's Washington Post op-ed

Ok. so shall we just say don't change it and run as is?

From: Jessica Weitz
Sent: Tuesday, December 18, 2018 4:37 PM
To: Stacy Sullivan
Cc: Robin Shulman
Subject: RE: Edited version of Ms. Heard's Washington Post op-ed

I can't go back to them with this question right now and Amber is at the hospital with her sister.

Jessica Herman Weitz
Pronouns: she, her, hers

Director of Artist Engagement
American Civil Liberties Union
125 Broad St., New York, NY 10004
m 646-319-5363 | o 212-549-2634 | jweitz@aclu.org
www.aclu.org

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From: Stacy Sullivan
Sent: Tuesday, December 18, 2018 4:30 PM
To: Jessica Weitz
Cc: Robin Shulman
Subject: FW: Edited version of Ms. Heard's Washington Post op-ed

final

From: Hanna, Chris [mailto:Chris.Hanna@washpost.com]
Sent: Tuesday, December 18, 2018 4:23 PM
To: Stacy Sullivan

Cc: Johnson, Trey
Subject: Edited version of Ms. Heard's Washington Post op-ed

Good afternoon.

Below is an edited version of Amber Heard's Washington Post op-ed on women and abuse. Please review the text carefully, as it is our last chance to make changes before publication. If you have any questions or concerns, please hit reply-all to this email so our copy chief will see the message as well.

I do have a quick question highlighted in the text below.

Thanks so much, and have a great evening.

Chris
Multiplatform editor, Opinions
The Washington Post
--

I was exposed to abuse at a very young age. I knew certain things early on, without ever having to be told. I knew that men have the power - physically, socially and financially - and that a lot of institutions support that arrangement. I knew this long before I had the words to articulate it, and I bet you learned it young, too.

Like many women, I had been harassed and sexually assaulted by the time I was of college age. But I kept quiet - I did not expect filing complaints to bring justice. And I didn't see myself as a victim.

Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out.

Friends and advisers told me I would never again work as an actress - that I would be blacklisted. A movie I was attached to recast my role. I had just shot a two-year campaign as the face of a global fashion brand, and the company dropped me. Questions arose as to whether I would be able to keep my role of Mera in the movies "Justice League" and "Aquaman."

I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse.

Imagine a powerful man as a ship, like the Titanic. That ship is a huge enterprise. When it strikes an iceberg, there are a lot of people on board desperate to patch up holes - not because they believe in or even care about this man, but because their own fates depend on the enterprise. **QUESTION:** I would suggest changing "this man" to "the ship," to maintain the analogy formed at the beginning of the paragraph. Conversely, in the following paragraph, I would change the word "ships" to "men." However, I did not want to do so without running it past you first. Thoughts?

In recent years, the #MeToo movement has taught us about how power like this works, not just in Hollywood, but in all kinds of institutions - workplaces, places of worship or simply in particular communities. In every walk of life, women are confronting these ships that are buoyed by social, economic and cultural power. And these institutions are beginning to change.

We are in a transformative political moment. The president of our country has been accused by more than a dozen women of sexual misconduct, including assault and harassment. Outrage over his statements and behavior has energized a female-led opposition. #MeToo started a conversation about just how profoundly sexual violence affects women in every area of our lives. And last month, more women were elected to Congress than ever in our history, with a mandate to take women's issues seriously. Women's rage and determination to end sexual violence is turning into a political force.

We have an opening now to bolster and build institutions protective of women. For starters, Congress can reauthorize and strengthen the Violence Against Women Act. First passed in 1994, the act is one of the most effective pieces of legislation enacted to fight domestic violence and sexual assault. It creates support systems for people who report abuse, and provides funding for rape crisis centers, legal assistance programs and other critical services. It improves responses by law enforcement, and it prohibits discrimination against LGBTQ survivors. Funding for the act expired in September, and has only been temporarily extended.

We should continue to fight sexual assault on college campuses, while simultaneously insisting on fair processes for adjudicating complaints. Last month, Education Secretary Betsy DeVos proposed changes to Title IX rules governing the treatment of sexual harassment and assault in schools. While some changes would make the process for handling complaints more fair, others would weaken protections for sexual assault survivors. For example, the new rules would require schools to investigate only the most extreme complaints, and then only when they are made to designated officials. Women on campuses already have trouble coming forward about sexual violence - why would we allow institutions to scale back supports?

I write this as a woman who had to change my phone number weekly because I was getting death threats. For months, I rarely left my apartment, and when I did, I was pursued by camera drones and photographers on foot, on motorcycles and in cars. Tabloid outlets that posted pictures of me spun them in a negative light. I felt as though I was on trial in the court of public opinion - and my life and livelihood depended on myriad judgments far beyond my control.

I want to ensure that women who come forward to talk about violence receive more support. We are electing representatives who know how deeply we care about these issues. We can work together to demand changes to laws and rules and social norms - and to right the imbalances that have shaped our lives.

The writer is an actress and ambassador on women's rights at the American Civil Liberties Union.

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Transcript of Amber Laura Heard - Day 1

Date: January 12, 2022
Case: Depp, II -v- Heard

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VIRGINIA

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,	:	
Plaintiff and	:	
Counter-Defendant,	:	Civil Action No.
v.	:	CL-2019-0002911
AMBER LAURA HEARD,	:	Volume 1
Defendant and	:	
Counter-Plaintiff.	:	

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Videotaped Deposition of AMBER LAURA HEARD

Irvine, California

Wednesday, January 12, 2022

9:42 a.m. PST

Job No.: 421206

Pages: 1 - 341

Reported By: Rhonda Norberg, RPR

CSR No. 9265, CCRR No. 185

CONFIDENTIAL Videotaped Deposition of AMBER LAURA HEARD, held at 2211 Michelson Drive, Seventh Floor, Irvine, California 92612.

Pursuant to notice, before Rhonda Norberg, Certified Shorthand Reporter No. 9265, CCRR No. 185 in and for the State of California.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF AND COUNTER-DEFENDANT:

BENJAMIN G. CHEW, ESQUIRE
LEO PRESIADO, ESQUIRE
CAMILLE VASQUEZ, ESQUIRE
JESSICA MEYERS, ESQUIRE
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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE DEFENDANT AND COUNTER-PLAINTIFF:

ELAINE CHARLSON BREDEHOFT, ESQUIRE
BEN ROTTENBORN, ESQUIRE
CHARLSON BREDEHOFT COHEN & BROWN, PC
11260 Roger Bacon Drive
Suite 201
Reston, Virginia 20190
703.318.6800

ALSO PRESENT:

JOHN C. DEPP II
MICHELLE BREDEHOFT
CATHERINE GONZALEZ - Videoconference Tech
TALLAL DAHAR - Videographer

A That's true, my name is on it. 02:35:24
Q Could they publish something without your 02:35:25
explicit permission? 02:35:27
MS. BREDEHOFT: Objection to the form of 02:35:29
the question. 02:35:30
Go ahead. 02:35:30
THE WITNESS: A lot of people publish 02:35:30
things about me all the time without my permission. 02:35:32
I participated in writing this op ed but that has 02:35:34
nothing to do with me controlling when or how it is 02:35:38
released. 02:35:41
BY MR. CHEW: 02:35:42
Q On how many occasions have people published 02:35:42
things in your name without your permission? 02:35:44
MS. BREDEHOFT: Objection to the form of 02:35:47
the question; miss -- mischaracterizes her 02:35:49
testimony. 02:35:52
Go ahead. 02:35:53
THE WITNESS: I think you -- I disagree 02:35:53
with what you just said in -- in terms of it being a 02:35:56
reflection on what I have said. I said people write 02:36:00
about things using my name all the time without my 02:36:04
permission. However, I put my name to this and 02:36:08
they, of course, got my permission to do so. 02:36:14
MR. CHEW: Right. So the -- 02:36:18

1	THE WITNESS: Those are different things.	02:36:20
2	BY MR. CHEW:	02:36:22
3	Q So the answer to my question have there	02:36:22
4	been any occasions on which people have published	02:36:25
5	things in your name without your permission --	02:36:28
6	A Not that I --	02:36:31
7	MS. BREDEHOFT: Objection to the form of	02:36:33
8	the question.	02:36:34
9	Go ahead.	02:36:34
10	THE WITNESS: In my name, no, not to my	02:36:35
11	knowledge.	02:36:38
12	MR. CHEW: There we go. We've got an	02:36:38
13	answer. Okay. Let's show you what's been marked as	02:36:40
14	Exhibit 7.	02:36:43
15	(Exhibit No. 7 was marked for	02:37:01
16	identification by the Stenographer;	02:37:01
17	attached hereto.)	02:37:28
18	BY MR. CHEW:	02:37:28
19	Q Ms. Heard, do you recognize Exhibit 7 as	02:37:28
20	the final version of the op ed that you wrote?	02:37:31
21	A I don't know.	02:37:42
22	Q Do you have any reason sitting here today	02:37:42
23	to believe that this is not a true and correct copy	02:37:44
24	of the op ed that appeared in the Washington Post	02:37:46
25	and that's attached to the complaint that Mr. Depp	02:37:49

filed against you on March 1, 2019? 02:37:52

MS. BREDEHOFT: Objection to the form of 02:37:55

the question. And take your time to look at it. 02:37:56

BY MR. CHEW: 02:39:27

Q Is this your op ed, Ms. Heard? 02:39:28

A If you're representing to me that this is 02:39:31

the op ed in full, it looks like what I wrote, but 02:39:35

I'd have to see -- I can't say one way or another 02:39:40

that this is word for word the exact copy without 02:39:43

seeing the -- 02:39:49

Q Okay. Well, I will represent to you that 02:39:50

it is and I think your attorney would be squawking 02:39:53

if it weren't. On the first page of the op ed, 02:39:55

Exhibit 7, do you see where it says "by Amber 02:39:57

Heard"? 02:40:00

A Yes, I do. 02:40:00

Q That's accurate, correct? I mean, you did 02:40:06

write the op ed, true? 02:40:09

MS. BREDEHOFT: Objection to the form of 02:40:11

the question. 02:40:12

Go ahead. 02:40:12

THE WITNESS: I -- with the help of -- with 02:40:13

assistance, I did it and -- and wrote it. These are 02:40:18

my words, I signed my name to it. 02:40:22

///

BY MR. CHEW: 02:40:25
Q And you approved the -- the publication of 02:40:25
this version of the op ed, correct? 02:40:27
MS. BREDEHOFT: Objection to the form of 02:40:30
the question. 02:40:31
Go ahead. 02:40:31
THE WITNESS: Can -- I'm sorry. Please 02:40:32
repeat that. 02:40:33
BY MR. CHEW: 02:40:34
Q And you approved this version to be 02:40:34
published in the Washington Post on or about 02:40:37
December 18th, 2018, correct? 02:40:40
A I don't know what you mean by "this 02:40:43
version." 02:40:45
Q You approved this publication on December 02:40:46
18th, 2018, in the Washington Post, true? 02:40:49
MS. BREDEHOFT: Same objection. Objection 02:40:52
to the form of the question. 02:40:54
THE WITNESS: While I had no control or 02:40:58
approval control over certain aspects of where it 02:41:02
was published, when, or how, the substantive 02:41:05
information within the op ed is something that I 02:41:15
stand by. 02:41:16
BY MR. CHEW: 02:41:17
Q So you approved that this version of the op 02:41:17

ed be published, true or false? 02:41:21
MS. BREDEHOFT: Objection to the form of 02:41:23
the question. 02:41:24
THE WITNESS: The -- the information within 02:41:27
the op ed that I penned with the -- with the ACLU 02:41:27
is -- is what I stand by. 02:41:33
BY MR. CHEW: 02:41:34
Q And, in fact, it was published in the 02:41:34
Washington Post on December 18th, 2018, correct? 02:41:37
A That's what I understand. 02:41:42
Q And when did the first Aquaman movie 02:41:43
premiere? 02:41:46
A I'm -- I'm not sure. I believe it was in 02:41:47
December -- I think it was a Christmas release. 02:41:51
Q So it was the same month that your op ed 02:41:53
appeared, correct? 02:41:56
A I believe that. 02:41:57
Q Now, let's go through this. The version -- 02:41:57
this percent of the op ed is entitled "Amber Heard: 02:42:00
I spoke up against sexual violence and faced our 02:42:03
culture's wrath. That has to change." What are you 02:42:07
referring to there? 02:42:10
MS. BREDEHOFT: Objection to the form of 02:42:10
the question; assumes facts not in evidence. 02:42:12
Go ahead. 02:42:14

THE WITNESS: Well, I -- I didn't write this title. 02:42:15 02:42:16

BY MR. CHEW: 02:42:19

Q Who wrote the title? 02:42:20

A I -- I'm not sure. 02:42:21

Q But you approved the title, correct? 02:42:23

A I never saw the title before it was -- before it was printed or -- or went to press as far as I can recall. 02:42:25 02:42:30 02:42:35

Q Did you ever complain to the Washington Post, the ACLU, or anybody else about the title? 02:42:35 02:42:38

A No, I did not. 02:42:41

Q Why not? 02:42:42

MS. BREDEHOFT: Objection to the form of the question; calls for speculation, hearsay. 02:42:44 02:42:45

Go ahead. 02:42:47

THE WITNESS: I didn't see any reason why I should complain. 02:42:47 02:42:50

BY MR. CHEW: 02:42:52

Q When did you speak up against sexual violence? 02:42:53 02:42:55

A I've given many speeches. I have given a lot of commentary. I have given a lot of support to people who've also gone through similar things, albeit less public, many times. 02:42:56 02:43:06 02:43:11 02:43:16

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Transcript of Terence Dougherty

Date: December 2, 2021
Case: Depp, II -v- Heard

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IN THE CIRCUIT COURT FOR

FAIRFAX COUNTY, VIRGINIA

- - - - - - - - - - - - - x

JOHN C. DEPP, II, :

Plaintiff and :

Counter-Defendant, : Civil Action No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counter-Plaintiff. :

- - - - - - - - - - - - - x

VIDEOTAPED DEPOSITION OF TERENCE DOUGHERTY

HELD REMOTELY

Thursday, December 2, 2021

8:30 a.m.

Job No.: 412275

Pages: 1 - 439

Reported By: Debi Pearce

Videotaped deposition of TERENCE DOUGHERTY, held remotely, pursuant to notice, before Debi Pearce, Notary Public in and for the State of Maryland and the Commonwealth of Virginia.

A P P E A R A N C E S

APPEARING VIA VIDEOCONFERENCE ON BEHALF OF PLAINTIFF JOHN C. DEPP, II:

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ebredehoft@cbcblaw.com

Q And that's because the Rolling Stone relied on nothing other than the word of a practiced liar, correct? 14:44:04 14:44:06 14:44:10

MS. BREDEHOFT: Same objections. 14:44:12

MR. SCHWARTZ: Same objections. 14:44:13

A I don't know what -- what was the constellation of things that they relied on. 14:44:14 14:44:19

Q Had they done their due diligence, they never would have run the false story, would they? 14:44:22 14:44:25

MS. BREDEHOFT: Same objections. 14:44:27

Go ahead. 14:44:29

MR. SCHWARTZ: Same objections. 14:44:29

A I don't know that it is the case that -- I don't know. I don't know the answer to that. 14:44:30 14:44:34

MR. CHEW: All right. Let's look, please -- let's turn to Exhibit 73. 14:44:38 14:44:43

THE TECHNICIAN: Yes, sir. Standby. 14:44:51

(Whereupon, the above-referenced document was marked as Exhibit No. 73.) 14:44:51 14:44:51

(Document displayed.) 14:44:53

BY MR. CHEW: 14:44:53

Q Mr. Dougherty, have you ever seen this 14:45:09

document before? 14:45:26

A Yes. 14:45:29

Q Is this the online copy of the op-ed that the ACLU placed -- 14:45:31 14:45:34

MS. BREDEHOFT: Objection to the -- 14:45:38

BY MR. CHEW: 14:45:38

Q -- [indiscernible]. 14:45:38

MS. BREDEHOFT: -- form of the question. 14:45:39

I'm sorry. 14:45:40

Objection to the form of the question, and calls for hearsay, foundation, and speculation. 14:45:41 14:45:42

Go ahead. 14:45:45

A Yes. 14:45:47

Q Directing your attention to the title, "Amber Heard: I spoke up against sexual violence - and faced our culture's wrath. That has to change." 14:45:47 14:45:54 14:45:58 14:46:04

Who came up with that title? 14:46:04

MS. BREDEHOFT: Objection to the form of the question, hearsay, foundation, and speculation. 14:46:06 14:46:08 14:46:11

Go ahead. 14:46:11

A Based on my investigation, I'm not aware of any -- I'm not aware that the ACLU had any role in writing the name of the op-ed piece, and my understanding of how op-ed pieces work is, that the media, in this case The Washington Post, would have drafted the name of the -- the title of the op-ed and not the person who wrote the op-ed. 14:46:12 14:46:16 14:46:23 14:46:26 14:46:31 14:46:36 14:46:41

Q Did The Washington Post seek the ACLU's or Ms. Heard's approval of its title? 14:46:45 14:46:51

A I believe the answer to that is: No. There's nothing in the evidence that shows that they reached out to us to do that, and it is inconsistent with my understanding that these news outlets do not usually ask for the permission of the author of the op-ed to -- you know, for when they come up with the title. 14:46:54 14:46:55 14:46:57 14:46:58 14:47:01 14:47:04 14:47:08

Q It says, "I spoke up against sexual violence - and faced our culture's wrath." 14:47:10 14:47:14

What does that refer to? 14:47:18

MS. BREDEHOFT: Objection, leading, hearsay, foundation, calls for speculation. 14:47:19 14:47:22

Go ahead. 14:47:25

A That, after Ms. Heard spoke up about domestic violence, that she then had a lot of significant adverse impact of this, such as, you know, relating to her career and relating to how the public, at large, approached her. 14:47:27 14:47:34 14:47:36 14:47:45 14:47:48

Q What "violence" did she speak up about? 14:47:50

MS. BREDEHOFT: Objection to the form of the question, also hearsay, foundation, and speculation. 14:47:54 14:47:56 14:47:58

Go ahead. 14:47:59

A I believe that Amber has spoken up about several instances of violence throughout her life, including during her marriage to Johnny Depp. 14:48:00 14:48:04 14:48:09

Q So you understood, as anybody would, that this was a reference to her claims that her then-husband, Johnny Depp, physically abused her, correct? 14:48:12 14:48:16 14:48:21 14:48:25

MS. BREDEHOFT: Objection to the form of the question, and also calls for hearsay, foundation, and speculation, and I believe it's also outside of the topic. 14:48:25 14:48:30 14:48:31 14:48:32

Go ahead. 14:48:32

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II *Plaintiff and Counterclaim Defendant,* v. AMBER LAURA HEARD, *Defendant and Counterclaim Plaintiff.*	:	Civil Action No.: CL-2019-0002911

PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S SUPPLEMENTAL DESIGNATIONS OF DEPOSITIONS

COMES NOW Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff"), by counsel, and pursuant to the Section XI of the Scheduling Order entered by this Court submits the following designations of the depositions, taken in this action, as deposition testimony that Plaintiff may introduce at trial, through video and audio display and/or via reading of the transcript. Plaintiff reserves the right to withdraw any of these designations and/or to supplement these designations as appropriate, including to the extent warranted based on any rulings of the Court or any counter-designations submitted by the defendant. Plaintiff further notes that, although the Scheduling Order does not require the designation of party depositions, Plaintiff specifically reserves the right to use any and all portions of Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Defendant") deposition transcript and video at trial, for any and all purposes, and, to the extent required, the entirety of Defendant's depositions are deemed designated.

Christian Carino
1/19/21 Deposition, Volume 1

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Christian Carino
3/11/22 Deposition, Volume 2

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298/2	298/15		

Dated: March 15, 2022

Respectfully submitted,

Benjamin G. Chew (VSB #29113)
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CERTIFICATE OF SERVICE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

AMBER LAURA HEARD,

Petitioner,

vs.

THE MANDEL COMPANY, INC., d/b/a THE MANAGEMENT GROUP, a California Corporation,

Respondent.

JOHN C. DEPP, II,

Plaintiff and Petitioner,

vs.

AMBER LAURA HEARD,

Defendant and Respondent.

CASE NO. 19STCP04763

ASSIGNED FOR ALL PURPOSES TO HON. STEPHANIE M. BOWICK, DEPT. 19

NOTICE OF PETITION AND PETITION OF PLAINTIFF JOHN C. DEPP, II TO COMPEL FURTHER RESPONSES AT DEPOSITION OF ERIC GEORGE; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATIONS OF CAMILLE M. VASQUEZ AND SAMUEL A. MONIZ IN SUPPORT THEREOF

[Filed concurrently with Separate Statement]

Reservation No. 684058723448

DATE: August 5, 2021
TIME: 8:30 a.m.
DEPT: 19

Fairfax County Circuit Court, Virginia
Case No.: CL-2019-0002911

Hon. Penney S. Azcarate, Chief Judge, Fairfax Circuit Court, Presiding

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 5, 2021, at 8:30 a.m., or as soon thereafter as the matter may be heard in Department 19 of the above-entitled Court, located at 111 N. Hill Street, Los Angeles, California, Plaintiff and Petitioner John C. Depp, II ("Mr. Depp") will and hereby does petition the Court (the "Petition") for an Order compelling third-party witness Eric George ("Mr. George") to sit for a second day of deposition and further respond to a number of questions previously posed to him, as well as appropriate follow-up questions. The Petition is brought on the grounds that Mr. George failed and refused to provide responses to numerous questions during his deposition, principally on the basis of unfounded privilege objections asserted by Defendant Amber Laura Heard ("Ms. Heard").

This Petition is brought pursuant to Code of Civil Procedure §§ 2025.480 and 2029.600, and is based on this Notice of Petition and Petition, the attached Memorandum of Points and Authorities, the attached Declarations of Camille M. Vasquez and Samuel A. Moniz and supporting evidence attached thereto, and such additional evidence and argument as may be presented at or before the time set for the hearing.

DATED: June 14, 2021

Respectfully submitted,

BROWN RUDNICK LLP

By: Camille M. Vasquez
CAMILLE M. VASQUEZ
Attorneys for JOHN C. DEPP, II

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MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION

By this Petition, Plaintiff and Petitioner John C. Depp, II ("Mr. Depp") seeks an Order of this Court compelling further responses and a further day of deposition of third-party witness Eric M. George ("Mr. George"). This is an action for defamation commenced by Mr. Depp against his former wife, Amber Laura Heard ("Ms. Heard"). Mr. Depp's Complaint arises from Ms. Heard's publication of an Op-Ed (the "Op-Ed") in *The Washington Post* that Mr. Depp contends republished demonstrably false and defamatory allegations that he committed domestic abuse.

Ms. Heard has asserted the affirmative defense of advice of counsel, alleging in her Answer to Mr. Depp's Complaint that she relied on counsel in connection with the drafting and publishing of the Op-Ed, and therefore could not have acted with malice for purposes of defamation. The assertion of the defense of advice of counsel waives the attorney-client privilege with respect to the subject matter of the advice. The Virginia Court before which this dispute is pending has, accordingly, entered an Order dated May 12, 2021, in which the Court concluded, in pertinent part, that:

> By asserting defense of counsel as an affirmative defense, [Ms. Heard] waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint. Accordingly, **her communications on that subject are not privileged**, and **[Ms. Heard] shall produce all communications to or from anyone, including but not limited to any of her legal counsel... relating in any way to the Op-Ed[.]** (Emphasis added).

Mr. George was formerly Ms. Heard's attorney, and was deposed in this action on April 5, 2021. During his deposition, Ms. Heard and Mr. George sought to impose a narrow temporal limit on the scope of questioning, and declined to answer questions about his communications with Ms. Heard to the extent that the answer might implicate communications before his first receipt of a draft of the Op-Ed from Ms. Heard, or after its publication. This attempt to effectively impose a temporal limitation on the scope of Ms. Heard's waiver is improper. The defense of advice of counsel waives privilege as to the *subject matter* of the advice, and cannot be artificially restricted

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as to time.[1] Communications outside this narrow timeframe are certainly relevant to evaluating the affirmative defense of advice of counsel, and are within the scope of the subject matter waiver as dictated by governing law and the Order of the Virginia Court. The limitations sought to be imposed by Ms. Heard and Mr. George on Mr. Depp's discovery into this area are contrary to the Virginia Court's Order and applicable law, and should be overruled.

The Petition should be granted.

2. BACKGROUND

A. Summary Of The Virginia Action

This action commenced on March 1, 2019 in Virginia, when Mr. Depp filed an action for defamation against Ms. Heard, based on her demonstrably false claims to have been a victim of abuse during their relationship and brief marriage. The filing of Mr. Depp's Complaint (the "Complaint")[2] arose from an Op-Ed by Ms. Heard that was published in *The Washington Post* (the "Op-Ed"), in which Ms. Heard referenced claims of abuse she had previously asserted against Mr. Depp during their brief marriage. As alleged in Mr. Depp's Complaint, "[i]n the op-ed, Ms. Heard purported to write from the perspective of 'a public figure representing domestic abuse' and claimed that she 'felt the full extent of our culture's wrath for women who speak out' when she 'spoke up against sexual violence.'" (Complaint at ¶ 1.) As further alleged by Mr. Depp, "the op-ed was plainly about (and other media consistently characterized it as being about) Ms. Heard's purported victimization after she publicly accused her former husband, Johnny Depp… of domestic abuse in 2016[.]" (Complaint, at ¶ 2.) Mr. Depp contends that Ms. Heard's allegations of domestic abuse are demonstrably false and defamatory.

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[1] Counsel for Mr. George appears to have conceded in meet and confer correspondence the principle that the scope of a waiver resulting from the defense of advice of counsel is not necessarily temporally limited, but nonetheless seems firmly committed to the position that communications between Mr. George and Ms. Heard that post-date the publication of the Op-Ed and Mr. Depp's Complaint are not discoverable.

[2] A copy of Mr. Depp's Complaint is attached to the attached Declaration of Camille M. Vasquez in Support of the Petition ("Vasquez Decl.") at ¶ 4, Exhibit 1.

B. Mr. George's Representation Of Ms. Heard

Ms. Heard was represented early in the Virginia Action by the law firm Brown George Ross LLP, including by Eric George as lead counsel ("Mr. George"). Mr. George's firm filed Ms. Heard's initial response to the Complaint on or about April 11, 2019, a motion to dismiss and transfer the Virginia Action to California, which was denied by the Virginia Court. Following the denial of that motion to dismiss, Mr. George's firm withdrew as Ms. Heard's counsel, on or about November 8, 2019. Mr. George was replaced as Ms. Heard's counsel by the law firms Kaplan Hecker & Fink LLP and Susman Godfrey LLP. These two firms were in turn replaced by Ms. Heard's third and current counsel, Charlson Bredehoft Cohen & Brown, on or about June 17, 2020.[3]

C. Ms. Heard's Assertion Of The Defense Of Advice Of Counsel

On or about August 10, 2020, Ms. Heard's current counsel filed, on behalf of Ms. Heard, her Answer And Grounds of Defense ("Answer").[4] As her fourth affirmative defense in her Answer, Ms. Heard alleges that she **"relied upon counsel in writing and publishing the Op-Ed,"** and that therefore "there can be no malice as a matter of law, and therefore no action for Defamation." (Answer, p. 29.) (Emphasis added).

D. The Virginia Court's Finding That Ms. Heard Waived The Privilege As To All Communications "Relating In Any Way To The Op-Ed"

Following the assertion of the defense of advice of counsel by Ms. Heard, Mr. Depp served his Fourth Set of Requests for Production ("Fourth RFPs") on Ms. Heard on or about December 29, 2020 which included a request No. 19 for "[a]ll Documents and Communications regarding Your op-ed published in the *Washington Post*, which is referenced in Your Counterclaim at paragraph 37, and is the subject, at least in part, of the above-captioned action."[5] In her response to the Fourth RFPs, Ms. Heard sought to assert a privilege objection to this request; Mr. Depp

[3] See, Vasquez Decl. at ¶ 5.

[4] A copy of Ms. Heard's Answer is attached to the Vasquez Decl. at ¶ 6, Exhibit 2.

[5] A copy of Mr. Depp's Fourth Request for Production is attached to the Vasquez Decl. at ¶ 7, Exhibit 3.

moved to compel further responses and to overrule Ms. Heard's objections to the Fourth RFPs on April 8, 2021. The Virginia Court, the Hon. Chief Judge Penney S. Azcarate presiding, entered an Order on May 12, 2021 (the "May 12 Order"), in which the Virginia Court overruled Ms. Heard's privilege and other objections and found that based on the assertion of the defense of advice of counsel, Ms. Heard had waived the attorney-client privilege with respect to documents and communications **"relating in any way to the Op-Ed"**:

> [Ms. Heard's] objections to RFP Nos. 18 and 19 are OVERRULED. **By asserting defense of counsel as an affirmative defense, [Ms. Heard] waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint.** Accordingly, **her communications on that subject are not privileged**, and [Ms. Heard] shall produce all communications to or from anyone, including but not limited to any of her legal counsel and/or anyone associated with the ACLU, **relating in any way to the Op-Ed**, and shall produce… any and all other documents responsive to RFP Nos. 18 and 19. (Emphasis added).[6]

E. Mr. George's Failure To Answer Questions At His Deposition

Prior to the Court's May 12, 2021 Order, Ms. Heard had filed and served a subpoena for Mr. George's deposition, and counsel for Ms. Heard and Mr. Depp deposed Mr. George on April 5, 2021.[7] During Mr. George's deposition, counsel for Ms. Heard sought to elicit testimony in support of Ms. Heard's fourth affirmative defense of advice of counsel. In response to Ms. Heard's questioning, Mr. George testified, in part, as follows:

> Q: Okay. Thank you. So what, if any, legal representation did you provide to Ms. Heard relating to the op-ed?
>
> A: So -- and, again, I want to be clear that it's my understanding, for purposes of answering this question, that Ms. Heard is comfortable with waiving the attorney-client privilege as to that question, and as to what I'm being asked here, and it's under that understanding that I'm answering this.
>
> And that, in that capacity, she presented to me a draft of the op-ed, and asked for my counsel in terms of reviewing it, editing it, and finalizing it for publication.

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[6] A copy of the Court's May 12, 2021 Order granting Mr. Depp's Motion to Compel in pertinent part is attached to the Vasquez Decl. at ¶ 8, Exhibit 4.

[7] A copy of Ms. Heard's subpoena to Mr. George is attached to the Vasquez Decl. at ¶ 9, Exhibit 5.

See Transcript of Deposition of Eric George ("Depo Transcript") at 18:1-14.

> Q: In connection with the op-ed, what, if anything, was your objective in representing Amber Heard with respect to the review and revision of the op-ed?
>
> A: I reviewed it and spent some significant time on it to make sure the there would be no meritorious claim that could be brought against her in connection with a defamation or related type of tort claim, and, ideally, with that in mind, to minimize the possibility of her ever being sued in connection with publishing it.

Depo Transcript at 27:3-13.

Mr. George further testified, in response to questioning by Ms. Heard's counsel, that "I was comfortable that the piece could be published without there being any meritorious argument that it would constitute a breach of the divorce judgment or otherwise defame or constitute some other tort." (Depo Transcript at 92:11-16.)

However, when questioned by Mr. Depp's counsel, Mr. George made clear that he would be guided by the privilege objections asserted by Ms. Heard's current litigation counsel, who sought to impose strict limits on the scope of the communications subject to disclosure. More specifically, Mr. George—at the instruction of Mr. Heard's current counsel and his own counsel—refused to discuss any communications that preceded or followed the narrow timeframe in December of 2018 during which he was providing Ms. Heard advice on the Op-Ed. As a result, Mr. Depp was foreclosed from inquiring into communications between Ms. Heard and Mr. George following the publication of the Op-Ed, regardless of whether such communications may have had a relation to the subject matter of the defense of advice of counsel. Mr. George repeatedly made his intentions in that regard clear on the record:

> "I can make this easy. Again between those -- within the narrow frame of my being engaged to consult on the op-ed and the publication of the op-ed, I did not have any such discussions with her. And, prior to that, to the extent that I did, I can't get into that without either a waiver of the privilege or a court order."

(Depo Transcript at 215:7-13.)

Throughout the course of the deposition, Mr. George repeatedly and explicitly clarified that he was drawing a very narrow temporal line around the scope of his testimony, beginning with his receipt of the first draft of the Op-Ed, and ending with its publication. Mr. George and

his counsel consistently followed the instructions by Ms. Heard's current litigation counsel not to answer questions outside of that very narrow time window, regardless of whether those questions related to the subject matter of the Op-Ed.

As the transcript makes plain, Mr. George made clear that he was refusing, on a blanket basis, to answer questions about his communications with Ms. Heard—including communications that specifically related to the content and drafting of the Op-Ed—that occurred outside that narrow timeframe. *See, e.g.,* Depo Transcript at 229:20-230:1 (referring to ***"the time period for which the privilege has been waived commencing with my being asked about a forthcoming op-ed and then the publication of it"***); Depo Transcript at 207:16-208:1 (***"So within this specific time period where I'm advising Ms. Heard about the op-ed,*** I don't believe that we had a particular discussion at that particular time, but it is very important for me to emphasize that I am not, until the privilege is waived or I'm so ordered, getting into any such prior discussions to the extent that they occurred beforehand"); Depo Transcript at 211:16-20 (***"I cannot answer the question other than to say that, during the specific time period that I was engaged to advise with respect to the op-ed,*** no, I did not have such discussions ***in that narrow time frame"***). (All emphasis added). That is also consistent with the instructions that Mr. George was given by his own counsel (*See, e.g.,* Depo. Transcript at 287:17-18 -- ***"I'll instruct the witness not to answer anything outside the time period"***), and the instructions given by counsel for Ms. Heard.

Counsel for Ms. Heard and for Mr. George instructed Mr. George not to answer a number of questions relating to the drafting and content of the Op-Ed, and precluded, on a blanket basis, efforts to explore-post-publication communications on the subject matter of the Op-Ed. These questions are detailed more fully in Mr. Depp's concurrently filed Separate Statement; however, for illustrative purposes, Mr. George failed to answer the following questions, among others:

- "What conversations, if any, did you have with Ms. Heard prior to the publication of the op-ed of what happened two years ago, when she became a "public figure representing domestic abuse?"" (Depo Transcript at 209:17-21.) This question relates directly to particular language that appears in the Op-Ed.

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- "What understanding, if any, do you have with respect to the language [in a draft of the Op-Ed], 'Then two years ago, after I got a temporary restraining order against my then-husband.' What does that refer to?" (Depo. Transcript at 264:22-265:16.)
- "Within the scope of your engagement, prior to the publication of the op-ed, what, if any, investigation did you do of whether Ms. Heard, in fact, was physically abused by Mr. Depp, or did you just take her word for it?" (Depo Transcript at 177:11-178:9.)[8]

F. Meet And Confer Efforts

Mr. Depp commenced his meet and confer efforts with Mr. George by letter, through counsel, on May 20, 2021, noting that the limitations on Mr. George's testimony at his deposition were inconsistent with the waiver imposed by the Virginia Court and applicable law.[9] Counsel for Mr. George responded by letter on May 24, 2021, declining to produce Mr. George for a second day of deposition.[10] Mr. Depp's counsel responded, again by letter, on May 28, 2021.[11] On Friday, June 4, 2021, counsel for Mr. Depp met and conferred by telephone with counsel for Mr. George. Although no agreement was reached during this telephonic conversation, both parties agreed to engage in further efforts to confer. By email the same day, counsel for Mr. George confirmed an extension of Mr. Depp's deadline to move to compel, until June 14, 2021.[12] Counsel for Mr. Depp proposed a compromise by email on June 9, 2021.[13] By letter on June 11, 2021, counsel for Mr. George declined that compromise and made a counterproposal, which was objectionable in several respects to Mr. Depp.[14] Among other problems, counsel for Mr. George

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[8] A copy of excerpts from Mr. George's deposition is attached to the Vasquez Decl. as collective Exhibit 6.

[9] A copy of the May 20, 2021 letter to Mr. George's counsel is attached to the Declaration of Samuel A. Moniz ("Moniz Decl.") as Exhibit 7.

[10] A copy of the May 24, 2021 letter is attached to the Moniz Decl. as Exhibit 8.

[11] A copy of the May 28, 2021 letter is attached to Moniz Decl. as Exhibit 9.

[12] A copy of counsel's email is attached to the Moniz Decl. as Exhibit 10.

[13] A copy of the June 9, 2021 email is attached to the Moniz Decl. as Exhibit 11.

[14] A copy of the June 11, 2021 letter is attached to the Moniz Decl. as Exhibit 12.

continued to essentially stand on a temporal limit on the scope of waiver, taking the position that post-publication communications would not bear on the advice at issue in the advice of counsel defense.

Mr. Depp requested a further extension of the motion to compel deadline by email on June 11, 2021.[15] Counsel for Mr. George did not respond. On June 14, 2021, counsel for Mr. Depp again exchanged emails with counsel for Mr. George and again requested an extension to allow for further meet and confer efforts. Counsel for Mr. George ignored the request.[16]

Given the impending deadline to move to compel and the lack of agreement on a further extension of the same, Mr. Depp was forced to file this Petition the same date. However, it is Mr. Depp's intention to further confer with counsel for Mr. George, and to the extent that the parties are able to reach an informal agreement among themselves or with the guidance of the Court at an Informal Discovery Conference, Mr. Depp may withdraw the Petition.

3. LEGAL STANDARD

This Petition is brought pursuant to Code of Civil Procedure § 2029.600, which provides, in pertinent part, as follows:

> (a) If a dispute arises relating to discovery under [the Interstate and International Depositions and Discovery Act], any request for a protective order or to enforce, quash, or modify a subpoena, or for other relief may be filed in the superior court in the county in which discovery is to be conducted and, if so filed, shall comply with the applicable rules or statutes of this state.
>
> (b) A request for relief pursuant to this section shall be referred to as a petition notwithstanding any statute under which a request for the same relief would be referred to as a motion or by another term if it was brought in a proceeding pending in this state.

In turn, motions to compel further responses at a deposition are governed by Code of Civil Procedure § 2025.480, which provides, in pertinent part, as follows:

> (a) ***If a deponent fails to answer any question*** or to produce any document, electronically stored information, or tangible thing under

[15] A copy of counsel's email requesting a further extension is attached to the Moniz Decl. as Exhibit 13.

[16] A copy of this email exchange is attached to the Moniz Decl. as exhibit 14.

> the deponent's control that is specified in the deposition notice or a deposition subpoena, ***the party seeking discovery may move the court for an order compelling that answer*** or production. (Emphasis added).
>
> * * *
>
> (i) If the court determines that the answer or production sought is subject to discovery, it shall order that the answer be given or the production be made on the resumption of the deposition.

Because of the broad scope of discovery in California, the scope of permissible questioning at deposition is, of necessity, quite broad. *See, e.g.,* Code of Civil Procedure § 2017.010; *see also, Kalaba v. Gray* (2002) 95 Cal.App.4th 1416, 1423 ("deposition questions are intended to elicit information reasonably calculated to lead to the discovery of admissible evidence, not just admissible evidence"). The party objecting and refusing to respond at deposition bears the burden of justifying its objection. *See, e.g., San Diego Professional Ass'n v. Superior Court* (1962) 58 Cal.2d 194, 199 ("[t]he burden of establishing that a particular matter is privileged is on the party asserting that privilege"). Objections not asserted with particularity on the record are waived. *Boler v. Superior Court* (1987) 201 Cal.App.3d 467 fn. 1 ("an objection to a deposition question must state the specific ground, and unstated grounds are waived").

In accordance with Code of Civil Procedure § 2025.480(h), a certified copy of the relevant portions of the transcript of Mr. George's deposition will be lodged prior to the hearing on this Petition.

4. ARGUMENT

A. The Assertion Of The Defense Of Advice Of Counsel Waives The Attorney-Client Privilege As To The Subject Matter Of The Advice

To the extent that the defense of advice of counsel is a valid defense to a claim, the elements required to satisfy it under Virginia law are as follows:

> "The defendant must prove that he sought advice of counsel with an honest purpose of being informed of the law, that he made a full, correct, and honest disclosure of all material facts known to him or which he should reasonably have known, and that he acted in good faith guided by the advice given by counsel."

Pallas v. Zaharopoulos, 219 Va. 751, 755 (1979).

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"The party opposing the defense of reliance on advice of counsel must be able to test what information had been conveyed by the client to counsel and vice-versa regarding that advice—whether counsel was provided with all material facts in rendering their advice, whether counsel gave a well-informed opinion and whether that advice was heeded by the client." *Scalia v. Medical Staffing of America, LLC*, 2020 WL 1811344 at *4 (E.D. Va. 2020). Accordingly, by asserting the defense of advice of counsel in Virginia,[17] Ms. Heard has tendered as issues in the litigation such matters as whether she made a "full correct, and honest disclosure of all material facts"; whether she sought advice of counsel in good faith and with an honest purpose of following the law; and whether she acted in good faith reliance on the advice of counsel in concluding that the Op-Ed would not defame Mr. Depp.

Because of the nature of the defense, Virginia law and persuasive federal authority relied upon by Virginia courts, consistently recognize that the assertion of the defense operates as a waiver of the attorney-client privilege as to the subject matter of the advice. *See, e.g., 7600 Limited Partnership v. Questech, Inc.*, 41 Va. Cir. 60 (1996) (***"it is well settled that when a party asserts an advice of counsel defense, it waives the attorney-client privilege with respect to all communication to and from counsel concerning the transaction for which counsel's advice was sought"***) (emphasis added); *Luthman v. Geico*, 40 Va. Cir. 404 (1996) ("because [the defendant] asserts as a defense to this claim the advice of counsel, the information sought pertaining to the attorneys' mental impressions and opinions is no longer protected by the attorney-client privilege and is therefore discoverable"); *see also, LifeNet, Inc. v. Musculoskeletal Transplant Foundation, Inc.*, 490 F.Supp.2d 681 (E.D. Va. 2007) (recognizing waiver in the context of the assertion of the defense of advice of counsel, and explaining that "[t]he widely applied standard for determining the scope of a waiver of attorney-client privilege is that the waiver applies to *all other communications relating to the same subject matter*") (emphasis in original); and *United States v.*

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[17] Since Ms. Heard has asserted the attorney-client privilege in the Virginia Action, where she is a party and subject to the jurisdiction of the Virginia Court, the scope of her waiver is necessarily dictated by Virginia law and, to some extent, by relevant federal authorities routinely relied on by Virginia courts.

Dallman, 433 F.Supp.3d 804, 814 (E.D. Va. 2020) (concluding that while not unlimited, the scope of the waiver clearly extends to "any information that would undermine the defense" and citing with approval authorities extending the waiver to documents and communications that might be relevant "to impeach or undermine such a defense").[18]

The concept that the waiver extends broadly to the subject matter of the advice is fully consistent with Virginia law and related persuasive federal authorities that recognize that an intentional waiver of the attorney-client privilege as to a partial communication will generally waive the privilege as to all communications with counsel concerning the same subject matter. *See, e.g., Federal Election Commission v. Christian Coalition*, 178 F.R.D. 61, 74 (E.D. Va. 1998) (recognizing "the concept of subject matter waiver" under which "when a party waives the attorney-client privilege as to one document or communication, it may waive the attorney-client privilege as to *all* documents that bear on the same subject matter") (emphasis in original); *Williams v. Big Picture Loans, LLC*, 2019 WL 1983048 at *8 (E.D. Va. 2019) ("It has accordingly become established that if a party interjects the 'advice of counsel' as an essential element of a claim or defense, then that party waives the privilege as to all advice received concerning the same subject matter"); *Weil v. Investment/Indicators, Research and Management, Inc.*, 647 F.2d 18, 24 (9th Cir. 1981) ("it has been widely held that voluntary disclosure of the content of a privileged attorney communication constitutes waiver of the privilege as to all other such communications on the same subject"). Consistent with that principle, although federal authorities are not unanimous in the handling of the issue, numerous courts have rejected a temporally limited waiver such as the one sought to be imposed by Ms. Heard and Mr. George. *See, e.g., LifeNet, Inc. v. Musculoskeletal*

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[18] California law is in accord with that principle. *See, e.g., Transamerica Title Ins. Co. v. Superior Court* (1987) 188 Cal.App.3d 1047, 1053 ("the deliberate injection of the advice of counsel into a case waives the attorney-client privilege as to communications and documents relating to the advice"); *Wellpoint Health Networks, Inc. v. Superior Court* (1997) 59 Cal.App.4th 110, 128 (where a defendant seeks to rely on prelitigation advice and investigation by counsel, "it will have put the adequacy of the investigation directly at issue, and cannot stand on the attorney-client privilege or work product doctrine.... The defendant cannot have it both ways" and "If it chooses this course, it does so with the understanding that the attorney-client privilege and the work product doctrine are thereby waived").

Transplant Foundation, Inc. v. Superior Court, supra, 490 F.Supp.2d 681, 688 (E.D. Va. 2007) (noting that "[t]he overarching goal of waiver ... is to prevent a party from using the advice he received as both a sword, by waiving privilege to favorable advice, and a shield, by asserting privilege to unfavorable advice" and extending the waiver to include trial counsel); *see also, Genentech, Inc. v. Insmed Incorporation*, 442 F.Supp.2d 838, 844 (N.D. Cal. 2006) (rejecting a temporal limitation on the scope of the waiver and concluding that "Defendants' reliance on the advice of trial counsel is a basis for extending waiver to trial counsel").

Virginia law similarly has recognized that a waiver of privilege may constitute a waiver as to the entire subject matter at issue. Indeed, the concept of subject matter waiver with respect to the attorney-client privilege and work-product doctrine is specifically codified in Virginia law at Va. Code Ann. § 8.01-420.7, which recognizes the extension of a partial waiver of privilege to other, undisclosed communications, in circumstances when"[t]he waiver is intentional," the "disclosed and undisclosed communications or information concern the same subject matter" and "[t]he disclosed and undisclosed communications or information ought in fairness be considered together." Virginia courts have also found subject matter waiver in appropriate circumstances. *See, e.g., Vesilind v. Virginia State Board of Elections*, 91 Va. Cir. 490 (2016 (finding a subject matter waiver of the attorney-client privilege based on partial disclosure, and citing *Weil v. Investment/Indicators, Research and Mgmt., Inc.,* as authority in support of a finding of subject matter waiver); *Ostermann v. Monoflo International*, 1992 WL 884430 at *2 (1992) ("If the Defendant Corporation has already provided the Complainant with privileged communications, then the privilege has been waived as to any other related documents which are within the same subject matter"); *Tomblyn v. Compton*, 26 Va. Cir. 131 (1991) (recognizing waiver of privilege and extending a partial waiver of the attorney-client privilege to two sets of successive attorneys so as to encompass the entirety of the relevant timeframe, where "fairness" so required, because the court "cannot allow" a party to "use the attorney-client privilege as both a sword and shield"); *Blackman v. Commonwealth*, 45 Va.App. 633, 641 (2005 (recognizing "subject matter waiver" in Virginia law, in the context of the fifth Amendment privilege).

///

B. Virginia Law—And The Virginia Court's May 12, 2021 Order—Impose A Waiver As To The Entire Subject Matter Of Ms. Heard's Communications Regarding The Op-Ed

Here, Ms. Heard has asserted the defense of advice of counsel, to argue that the drafting and publication of the Op-Ed was done in consultation with counsel, and that she could therefore not have acted with "malice" for purposes of a claim for defamation. The concept of malice is recognized in Virginia law as involving "a showing that the statement was made… with knowledge that it was false or with reckless disregard of whether it was false or not." *Fleming v. Moore*, 221 Va. 884, 891 (1981). Accordingly, Mr. Depp must be entitled to explore Ms. Heard's communications with Mr. George relevant to evaluating that defense as framed in this action, including such matters as communications about Ms. Heard's own understanding of the import of the language used in Op-Ed; Ms. Heard's understanding of the truthfulness of its contents; the extent to which Ms. Heard had disclosed to Mr. George all facts material to the truthfulness and accuracy of the Op-Ed; and whether Ms. Heard was acting in good faith reliance on Mr. George's advice so as to avoid defaming Mr. Depp. Communications bearing on those and similar issues are relevant and discoverable regardless of *when* they occurred, even if they post-date the publication of the Op-Ed or the filing of Mr. Depp's Complaint, provided that they relate to the advice rendered to Ms. Heard on the Op-Ed.

The questions at issue on this Petition are all reasonably calculated to explore these and similar issues, and clearly fall within the scope of the subject matter waiver. For instance, several questions simply seek to explore conversations Mr. George and Ms. Heard may have had regarding particular language used in the Op-Ed, (e.g., "What conversations, if any, did you have at any point in time with Ms. Heard about this allegation here that she writes as a woman who has had to change her 'phone number weekly,' because she was getting 'death threats'"); other questions seek to explore the extent to which the Op-Ed was intended to remind Ms. Heard's readers of her allegations of abuse against Mr. Depp (e.g., "What understanding, if any, do you have with respect to the language, 'Then two years ago, after I got a temporary restraining order against my then-husband.' What does that refer to?").

Questions such as this are directly relevant to the issues raised by the assertion of the defense, and require a response. Mr. George's failure to answer these questions is simply not tenable. Fairness requires that Mr. Depp be allowed to explore all communications between Mr. George and Ms. Heard related to the advice rendered by Mr. George in connection with the Op-Ed. The scope of that questioning may not be artificially limited, as was done during the deposition, to only those communications that pre-date the publication of the Op-Ed.

Ultimately, the Virginia Court's May 12, 2021 Order is dispositive of this dispute. The Virginia Court clearly found a subject matter waiver, ordering production of documents by Ms. Heard of all communications "relating in any way" to the Op-Ed. And, notably, the May 21, 2021 Order did not include any limitations as to time:[19]

> **By asserting defense of counsel as an affirmative defense, [Ms. Heard] waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint. Accordingly, her communications on that subject are not privileged, and [Ms. Heard] shall produce all communications to or from anyone, including but not limited to any of her legal counsel… relating in any way to the Op-Ed**[.] (Emphasis added).

C. Mr. George Should Be Required To Attend A Second Day Of Deposition To Further Respond To Questions Posed—And Appropriate Follow-up Questions

Accordingly, the objections asserted during the course of the deposition should be overruled, and Mr. George should be required to attend a second day of deposition and to provide appropriate and complete responses to the questions set forth in the concurrently filed Separate Statement, and to appropriate follow-up questions directed to the subject matter of the Op-Ed.

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[19] Nor can Mr. George justify the greatly narrowed scope of his responses on the basis of the work-product doctrine. For one thing, to the extent that Mr. George was representing Ms. Heard in Virginia, Virginia law provides for limited work-product protection that can be overridden where, as here, it is directly at issue. *See, Rakes v. Fulcher*, 210 Va. 542, 546 (1970) ("This doctrine, however, does not offer absolute immunity, and discovery will be permitted where a showing of necessity greater than the normal requirement for good cause is made"). Given Ms. Heard's assertion of the defense of advice of counsel, that standard is clearly met with respect to Mr. George's work in connection with the Virginia Action. In any event, under either California or Virginia law, the work-product doctrine offers no support for the narrow temporal limit sought to be imposed during the deposition.

5. CONCLUSION

For all the foregoing reasons, the Petition should be granted in its entirety.

DATED: June 14, 2021

Respectfully submitted,

BROWN RUDNICK LLP

By: Camille M. Vasquez

CAMILLE M. VASQUEZ
Attorneys for JOHN C. DEPP, II

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 19

19STCP04763 August 11, 2021
AMBER LAURA HEARD vs THE MANDEL COMPANY, INC. 2:03 PM

Judge: Honorable Stephanie M. Bowick
Judicial Assistant: R. Duarte
Courtroom Assistant: C. Lam

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Petition to Compel Further Responses at Deposition of Eric George filed by Plaintiff/Petitioner John C. Depp, II

RULING

After consideration of the briefing filed and oral argument at the hearing, the Petition to Compel Further Responses at Deposition of Eric George filed by Plaintiff/Petitioner John C. Depp, II is DENIED in its entirety.

Petitioner withdraws his motion as to Question No. 4 at the hearing.

The Court denies the motion as to any proposed modifications for Question Nos. 8, 9 and 10.

Counsel for Amber Heard to give notice.

STATEMENT OF THE CASE

This is a civil petition that arises from the Depp v. Heard action, Case No. 2019-0291, filed on March 1, 2019, in Fairfax County, Virginia (the "Virginia Lawsuit"). Plaintiff in that case, John C. Depp II ("Plaintiff" or "Mr. Depp") filed suit against the petitioner in the instant matter before the Court, Amber Laura Heard ("Ms. Heard" or "Respondent"), alleging a singular cause of action for defamation stemming from an "op-ed" published by Petitioner in the Washington Post on December 18, 2018 (the "Op-Ed"). The Complaint filed by John Depp in the Virginia Lawsuit alleges that "the op-ed depended on the central premise that Ms. Heard was a domestic violence abuse victim and that Mr. Depp perpetrated domestic violence against her" and that [t]he op-ed's clear implication that Mr. Depp is a domestic abuser is categorically and demonstrably false" and "defamatory per se."

On June 14, 2021, John Depp, II filed the instant Petition to Compel Further Responses at

Deposition of Eric George. (the "Petition" or "Petition to Compel").

On July 23, 2021, Ms. Heard filed an Opposition (the "Heard Opposition"). On July 26, 2021, Non-Party Eric George filed an Opposition (the "George Opposition").

Pursuant to the written stipulation of the parties signed by the Court on July 28, 2021, the Court considers Mr. George's Opposition as timely.

GROUNDS FOR PETITION

Pursuant to Code of Civil Procedure section 2025.480 and 2029.600, John Depp, II moves for an order compelling non-party witness Eric George to sit for a second day of deposition and further respond to questions previously posed to him, as well as appropriate follow-up questions. Mr. Depp asserts that Mr. George improperly failed and refused to provide responses to numerous questions during his deposition, principally on the basis of unfounded privilege objections asserted by Petitioner Heard.

REQUEST FOR JUDICIAL NOTICE

Non-Party Eric M. George's unopposed request to take judicial notice of Exhibits B, F, and G is GRANTED. (Evid. Code, § 452(d), (h).)

The Court also GRANTS Respondent Heard's unopposed request to take judicial notice of Exhibit 15, but DENIES her request to take judicial notice of "[t]he description of the Conciliation Program on the Virginia Court's website...." It is unclear which "facts" Ms. Heard seeks judicial notice of or whether and how the "description" applies to the instant matter.

The Court notes that taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning. (See, e.g., Fremont Indem. Co. v. Fremont General Corp. (2007) 148 Cal.App.4th 97, 113-14; StorMedia Inc. v. Sup. Ct. (1999) 20 Cal.4th 449, 457 n. 9.)

DISCUSSION

I. Procedural Requirements

A. California Rules of Court

California Rules of Court, rule 3.1346 provides that:

A written notice and all moving papers supporting a motion to compel an answer to a deposition question or to compel production of a document or tangible thing from a nonparty deponent must be personally served on the nonparty deponent unless the nonparty deponent agrees to accept service by mail or electronic service at an address or electronic service address specified on the deposition record.
(Cal. R. Ct., 3.1346.)

Neither Mr. George nor Ms. Heard object to the Petition on grounds of failure to comply with the California Rules of Court. The Court finds that Eric George consented to the form of service of the Petition and accompanying documents.

B. Code of Civil Procedure

Code of Civil Procedure section 2029.600, subdivision (a) provides that:

If a dispute arises relating to discovery under this article, any request for a protective order or to enforce, quash, or modify a subpoena, or for other relief may be filed in the superior court in the county in which discovery is to be conducted and, if so filed, shall comply with the applicable rules or statutes of this state.
(Code Civ. Proc., § 2029.600(a).)

Code of Civil Procedure section 2029.600, subdivision (b) provides that "[a] request for relief pursuant to this section shall be referred to as a petition notwithstanding any statute under which a request for the same relief would be referred to as a motion or by another term if it was brought in a proceeding pending in this state." (Code Civ. Proc., § 2029.600(b).)

1. Timeliness

A petition to compel further responses made pursuant to Code of Civil Procedure sections 2025.480 and 2029.600 must be made no later than sixty (60) days after completion of the record of the deposition. (Code Civ. Proc., § 2025.480(b).)

Here, the deposition of Eric George occurred on April 5, 2021, and the Petition to Compel was filed and served on June 14, 2021. (See Camille Vasquez Decl., ¶ 10, Ex. 6; Petition to Compel, p. 6.) Following meet and confer efforts, counsel for Mr. George agreed to extend the deadline

for John Depp to file and serve a motion to compel to June 14, 2021. (Samuel Moniz Decl., ¶¶ 7-8, Ex. 10.) Accordingly, the Court deems the Petition timely.

2. Notice

Notice of the petition "shall be given to all parties and to the deponent either orally at the examination, or by subsequent service in writing. If the notice of the motion is given orally, the deposition officer shall direct the deponent to attend a session of the court at the time specified in the notice." (Code Civ. Proc., § 2025.480(b).)

The Court finds that John Depp, II has given proper notice of the instant Petition.

3. Meet and Confer

A party moving to compel a deponent to provide further answers or production pursuant to Code of Civil Procedure section 2025.480 must include with the motion "a meet and confer declaration under Section 2016.040." (Code Civ. Proc., § 2025.480(a), (b).) The declaration "shall state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion." (Code Civ. Proc., § 2016.040.)

Here, after consideration of the Declaration of Samuel A. Moniz included in the Petition to Compel, the Court finds that counsel for John Depp, II made a reasonable and good faith attempt at an informal resolution of each issue presented by the Petition to Compel. (See Moniz Decl. at ¶¶ 4-12, Exs. 7-14.)

II. Analysis

"If a deponent fails to answer any question or to produce any document, electronically stored information, or tangible thing under the deponent's control that is specified in the deposition notice or a deposition subpoena, the party seeking discovery may move the court for an order compelling that answer or production." (Code Civ. Proc., § 2025.480(a).) "If the court determines that the answer or production sought is subject to discovery, it shall order that the answer be given or the production be made on the resumption of the deposition." (Code Civ. Proc., § 2025.480(i).)

As an initial matter, the Court rejects Ms. Heard's suggestion that the appointment of a "conciliator" prevents the Court from ruling on the instant Petition to Compel. The Court agrees with Mr. Depp that Ms. Heard provides no basis to conclude that Mr. Depp must first seek the

relief sought in the Petition from the "conciliator" in Virginia. Mr. George is a non-party witness residing in California whose deposition appearance was obtained by means of a Deposition Subpoena for Personal Appearance in Action Pending Outside California. The Court finds this method properly provides for discovery to be conducted under the jurisdiction of the Los Angeles Superior Court. (See Vasquez Decl. at ¶ 9, Ex. 5.)

1. Scope of Waiver of Ms. Heard's Attorney-Client Privilege

It is undisputed that the Virginia Court's May 12, 2021 Order ruled upon Mr. Depp's "Motion to Compel Defendant's Further Reponses Without Objections and Production of Documents in Response to His Fourth Request for Production." (Petition to Compel at pp. 5-6, 15-16; Heard Opposition at pp. 2-7; George Opposition at pp. 5, 7-10.) However, the parties assert different interpretations as to the scope of Ms. Heard's waiver of the attorney-client privilege with respect to her affirmative defense that she "relied upon counsel in writing and publishing the Op-Ed," there can be no malice as a matter of law, and therefore, no action for Defamation. (Eric M. George Decl. ¶ 3, Ex. B [Amber Heard's Answer to the Complaint]; accord, Vasquez Decl. at ¶ 6, Ex. 2.)

The Court agrees with the arguments asserted by Ms. Heard and Mr. George in the briefing filed. The Court sustains the objections for Question Nos. 1, 3, 5, and 6, and the Court is satisfied with Mr. George's answers, finding them proper as phrased.

The Court does not allow the proposed modifications for Question Nos. 8. 9 and 10, as it does not follow the procedures under Code of Civil Procedure section 2025.480. The Court finds that it would be patently unfair and unduly prejudicial to both Ms. Heard and Mr. George to compel answers to the modified questions that were not posed at the deposition itself. Further, the Court finds sustains the objections to the original questions posed in Question Nos. 8, 9 and 10 as phrased.

Finally, the Court agrees with Mr. George's arguments that certain questions implicate the work-product doctrine. (See George Opposition at pp. 5, 7-8, 12-15.) The work-product objection was asserted by Mr. George's counsel with respect to Questions 8 and 9. Ms. Heard's counsel asserted the work-product objection with respect to Questions 2, 8, and 9. The Court sustains the objections on that ground. The Court finds that any thought processes or after-the-fact analysis, conclusions or opinions are not discoverable, and Mr. George is the holder of the privilege. (Code of Civ. Proc. section 2018.010 et seq.; 2018.030). The Court does not find that denial of this discovery from Mr. George will unfairly prejudice Mr. Depp or result in an injustice under the circumstances here. Further, Plaintiff still has the opportunity to depose Ms. Heard to explore

the subject areas raised in this motion.

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 08/11/2021 Sherri R. Carter, Executive Officer / Clerk of Court By: R. Duarte Deputy
PLAINTIFF/PETITIONER: Amber Laura Heard	
DEFENDANT/RESPONDENT: The Mandel Company, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 19STCP04763

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Petition to Compel Further Responses at Depositio...) of 08/11/2021 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Michael James Dailey
Gordon Rees Scully Mansukhani, LLP
633 W 5th Street
52nd Floor
Los Angeles, CA 90071

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 08/11/2021

By: R. Duarte
Deputy Clerk

CERTIFICATE OF MAILING

[Page 2188]

HENRIQUEZ - LAWS

A. That looks like Melanie.
MR. JUSTICE NICOL: Sorry, it looks like?
MS. LAWS: Melanie Inglessis.
A. Yes.
MR. JUSTICE NICOL: So the striped shirt?
A. You are talking about the white shirt; correct?
MS. LAWS: On the right, the far right of that image.
A. Yes. (Pause)
MR. JUSTICE NICOL: Yes.
MS. LAWS: Then in between Melanie and the lady in the check shirt, is that you?
A. It looks like it, yes.
Q. And then the lady in the checked shirt, is that Amanda de Cadanet?
A. I cannot recall.
Q. Let us have a look a few more seconds on. It may jog your memory. Carry on, please. (Footage shown) If you pause there, who has just entered the lift?
A. It looks like Raquel Pennington.
Q. Thank you. Is it coming back to you now, the events that day?
A. I have never seen this video. I do not know.
Q. Carry on, please. (Pause) That is your sister there, eating, is it not?
A. I cannot tell what she is doing. But that —

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HENRIQUEZ - LAWS

Q. That is your sister outside, is it not?
A. Yes. It looks like it. (Pause) (Footage shown)
Q. Pause there a second. Now, this is at 20 past 7 on the 25th. The lady who has just walked out, I am going to suggest – you should be able to tell by now as you have seen her – is Amanda de Cadanet, is it not?
A. Yes, ma'am.
MR. JUSTICE NICOL: Just a minute. (Pause) Yes. (Footage shown)
MS. LAWS: And you are going out that evening, were you not?
A. I do not recall.
Q. You do not recall? I am going to suggest to you —
MR. JUSTICE NICOL: Sorry, was this the section with the fake punch?
MS. LAWS: No, that we do not have.
MR. JUSTICE NICOL: I thought that is what I was looking at the video for.
MS. LAWS: No, we do not have that, but that video is a night when you were going out with your sister and a number of other girlfriends and we can see them in the lift. That is all I was asking to you identify. The atmosphere was happy.
A. Are you asking me if we looked happy in that video?
Q. Yes.
A. You can hardly tell anything in that video.
Q. Can you remember?

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HENRIQUEZ - LAWS

A. I do not remember. I do not remember that night. I do not know what we were doing.
Q. 22nd May: you describe your sister's injury in your witness statement and I will read it out to you in full. You may not need to go to it, but you say your sister's eye was bruised and swollen, her lip was busted open, and there was a chunk of her hair missing. Do you remember that, saying that?
A. I remember seeing that.
Q. You saw it?
A. I remember seeing those injuries.
Q. You are adding – well, first of all you are lying, are you not?
A. I am not lying.
Q. You are going further than anybody else has gone when giving that description, are you not?
MR. JUSTICE NICOL: Well —
MS. LAWS: Well, you have sat and listened to the evidence, Ms. Henriquez.
A. What are you asking me exactly?
Q. Have you, in your description, when you are lying on behalf of your sister, decided to add even more details?
A. I am not lying. I am adding the details that I honestly recall. That is it. As to what other people said in theirs, I cannot speak to it.

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HENRIQUEZ - LAWS

Q. Do you agree that your sister has a temper?
A. I disagree.
Q. Do you agree that your sister is someone that needs to be calmed down?
A. If she is upset, yes, we all do.
Q. There has been reference to texts and I can take you to them. It may be that you remember them. If you do, I will ask you about them; if not, I will take you to them. Do you remember text messages between yourself and Mr. Depp where you describe your sister as someone who needs to be calmed down?
A. I cannot recall. Can you take me to the text messages, please?
Q. File 8, please.
A. File 8?
Q. Yes.
MR. JUSTICE NICOL: 8, and which tab, please?
MS. LAWS: If I may just have a moment, I am just checking. (Pause) I think it is tab 57, please.
A. Page number?
Q. In fact, I am going to come back to those because there are several messages and my notation is inaccurate. I do not want to waste time.
MR. JUSTICE NICOL: So, not file 8?
MS. LAWS: No. I do not want to waste time trying to find them

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Transcript of Brandon Patterson, Corporate Designee

Date: March 2, 2022
Case: Depp, II -v- Heard

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www.planetdepos.com

that I've showed you, is your understanding that those are all accurate copies of ECB footage that were taken and preserved by ECB since 2016? 16:13:04 16:13:07 16:13:10

A Yes. 16:13:15

Q And, again, by taken by ECB, I mean by you or someone under your direction in the regular course of business; is that your understanding? 16:13:17 16:13:21 16:13:25

A Yes. 16:13:27

Q And is it correct that ECB has produced all the video footage that had been subpoenaed by attorneys? 16:13:29 16:13:33 16:13:39

A Yes, that's correct. 16:13:41

Q So to the extent that footage has not been produced, is it fair to say that that footage no longer exists, or do you have another explanation? 16:13:43 16:13:47 16:13:53

MS. VASQUEZ: Objection; vague and ambiguous, calls for speculation, assumes facts, lack of foundation. 16:13:57 16:13:59 16:14:02

THE WITNESS: Can you expand on that, please? 16:14:03 16:14:04

BY MS. STEMLAND: 16:14:04

Q Sure. So there's -- my understanding is 16:14:05

you testified there was 87 clips that have been preserved; is that right? 16:14:08 16:14:10

A Yes. 16:14:13

Q And that the date and timestamps are reasonably accurate, to your knowledge, on those? 16:14:15 16:14:18

MS. VASQUEZ: Objection -- 16:14:21

THE WITNESS: Yes, to my knowledge. 16:14:21

MS. VASQUEZ: Sorry, Mr. Patterson. Calls for speculation and expert opinion. 16:14:23 16:14:25

BY MS. STEMLAND: 16:14:28

Q And to the extent there are any missing days or times, is it fair to say that that footage no longer exists, or is there any other footage that could be produced? 16:14:28 16:14:30 16:14:33 16:14:35

MS. VASQUEZ: Objection; vague and ambiguous, speculation. 16:14:38 16:14:39

THE WITNESS: Outside of the videos that were requested, that's correct, no -- everything else would have been written over at this point. 16:14:44 16:14:45 16:14:49

BY MS. STEMLAND: 16:14:52

Q Okay. So there's no other videos other than those that have been produced, to your 16:14:52 16:14:54

knowledge? 16:14:57

MS. VASQUEZ: Asked and answered, calls for speculation. 16:14:59 16:15:02

THE WITNESS: Yes, correct. 16:15:02

BY MS. STEMLAND: 16:15:04

Q Okay. And I believe you testified that ECB currently has a new and improved video system; is that right? Am I remembering that correctly? 16:15:05 16:15:11 16:15:17

A Yes. 16:15:20

Q And back in 2016, would you agree with me that the video quality was somewhat grainy, as I believe that we have talked about in some of the clips? 16:15:23 16:15:26 16:15:32 16:15:34

MS. VASQUEZ: Objection; compound, leading, vague and ambiguous, and calls for an expert opinion. 16:15:35 16:15:40 16:15:45

THE WITNESS: Yes, compared to today's, yes. 16:15:48 16:15:52

BY MS. STEMLAND: 16:15:53

Q And was it also a little bit fuzzy in the clips that we reviewed today? 16:15:54 16:16:06

MS. VASQUEZ: Same objections. 16:16:09

MS. STEMLAND: Okay. Can we, please, scroll down to comment seven and could -- right there is good. Can we, please, blow that up a little. 18:29:09 18:29:10 18:29:17 18:29:20

BY MS. STEMLAND: 18:29:23

Q And I would like you to read, please, the comment -- the third comment down where it says, was this footage found? I'm not certain of the date or time. I also do not recall who she was with, but it was two females. I do not recall who threw the pretend punch. I also do not recall if she had any signs of injury during this time. However, do I recall one of the females pretending to punch Amber in the face. 18:29:23 18:29:25 18:29:28 18:29:33 18:29:35 18:29:38 18:29:41 18:29:44 18:29:46

Now, did you write this comment? Do you remember it? 18:29:49 18:29:55

A I... 18:29:55

MS. VASQUEZ: Objection; compound, vague. 18:29:58

THE WITNESS: I do recall vaguely. 18:30:02

BY MS. STEMLAND: 18:30:06

Q And this footage never was found; is that correct -- 18:30:07 18:30:11

MS. VASQUEZ: Objection; calls for speculation. 18:30:11 18:30:12

BY MS. STEMLAND: 18:30:13

Q -- to your knowledge? 18:30:14

MS. VASQUEZ: Objection to speculation, assumes facts. 18:30:15 18:30:17

THE WITNESS: The footage was never requested. 18:30:18 18:30:20

BY MS. STEMLAND: 18:30:23

Q By whom? 18:30:24

A Any of the attorneys. 18:30:25

Q So the footage -- is it your testimony that this exists, this footage exists or not? 18:30:31 18:30:36

MS. VASQUEZ: Objection; vague and ambiguous, unintelligible, misstates prior testimony. 18:30:40 18:30:43 18:30:47

BY MS. STEMLAND: 18:30:47

Q Are you aware that Mr. Depp's attorney in the UK trial has already admitted this footage does not exist? 18:30:47 18:30:50 18:30:52

MS. VASQUEZ: Oh, my God. Objection; hearsay, calls for speculation, unintelligible. 18:30:54 18:30:55

THE WITNESS: It was no longer exists. 18:31:01
BY MS. STEMLAND: 18:31:04
Q And it would no longer exist, and it was never produced as one of the 87 clips -- 18:31:04
MS. VASQUEZ: Objection -- 18:31:07
BY MS. STEMLAND: 18:31:11
Q -- is that right? 18:31:13
MS. VASQUEZ: -- misstates prior testimony, argumentative. 18:31:13
THE WITNESS: That is correct. 18:31:14
BY MS. STEMLAND: 18:31:16
Q And I believe you testified earlier that attorneys for both sides selected times and looked through video and made selections of what to preserve; is that -- was that your testimony? 18:31:19
A Yeah, that's correct. 18:31:23
Q But nobody selected that footage, to your knowledge? 18:31:24
A Not to my knowledge, no. 18:31:26
Q And it was never produced? 18:31:30
MS. VASQUEZ: Asked and answered. 18:31:33
THE WITNESS: Not to my knowledge, no. 18:31:36
18:31:39
18:31:45
18:31:45
18:31:47
18:31:49
18:31:53

BY MS. STEMLAND: 18:32:02
Q And is it correct that you do not recall 18:32:02
at that time whether Amber had any signs of 18:32:08
injury? 18:32:10
MS. VASQUEZ: Objection; vague and 18:32:11
ambiguous. 18:32:15
THE WITNESS: At this moment, no, I do not 18:32:15
recall. 18:32:18
BY MS. STEMLAND: 18:32:21
Q And according to that comment, you do not 18:32:21
recall at that time; is that your understanding? 18:32:23
MS. VASQUEZ: Objection; misstates the 18:32:26
document, improper use of the document. 18:32:29
THE WITNESS: I don't recall. 18:32:36
BY MS. STEMLAND: 18:32:37
Q And you don't know the date or the time of 18:32:37
that footage? 18:32:41
MS. VASQUEZ: Vague. 18:32:46
THE WITNESS: I don't recall. And 18:32:50
obviously I can read this, but I don't recall 18:32:52
offhand. 18:32:54
BY MS. STEMLAND: 18:32:56

CERTIFICATE OF SHORT HAND REPORTER - NOTARY PUBLIC

I, Scott D. Gregg, RPR, a Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; that reading and signing was not requested; and that I am neither counsel for or related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this day of 2022.

My commission expires July 31, 2024.

Scott D. Gregg | RPR

NOTARY PUBLIC IN AND FOR THE
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PUBLIC-REDACTS MATERIALS FROM CONDITIONALLY SEALED RECORD.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

AMBER LAURA HEARD,

Petitioner,

vs.

THE MANDEL COMPANY, INC., d/b/a THE MANAGEMENT GROUP, a California Corporation,

Respondent.

JOHN C. DEPP, II,

Plaintiff and Petitioner,

vs.

AMBER LAURA HEARD,

Defendant and Respondent.

CASE NO. 19STCP04763

ASSIGNED FOR ALL PURPOSES TO HON. STEPHANIE M. BOWICK, DEPT. 19

OPPOSITION OF JOHN C. DEPP, II TO WARNER BROS. ENTERTAINMENT INC.'S MOTION TO QUASH SUBPOENAS; REQUEST FOR SANCTIONS; AND DECLARATION OF SAMUEL A. MONIZ IN SUPPORT

DATE: July 19, 2022
TIME: 8:30 a.m.
DEPT: 19

Fairfax County Circuit Court, Virginia
Case No.: CL-2019-0002911

Hon. Penney S. Azcarate Presiding

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Plaintiff John C. Depp, II ("Mr. Depp") opposes the Motion to Quash Plaintiff's Deposition Subpoena for Personal Appearance and Production of Documents or Protective Order (the "Motion") filed by Warner Bros. Entertainment Inc. ("Warner Bros." or "WBEI") as follows:

1. INTRODUCTION

WBEI's conduct in bringing the present Motion is indefensible and warrants sanctions. The Motion was filed without any valid basis in fact or law, for the improper purpose of running out the clock on facially appropriate discovery. Moreover, the Motion is the culmination of a series of questionable tactics on the part of WBEI to pressure the parties to this action to abandon legitimate efforts to depose WBEI by, among other actions, threatening to say "bad things" about Mr. Depp and Ms. Heard, and otherwise threatening to testify about the parties in a damaging manner. When those tactics failed, WBEI filed this Motion, effectively taking the extraordinary position that it is entitled to just ignore a subpoena. The Court should send a clear signal that WBEI is not above the law and is not exempt from relevant, targeted discovery. The Motion should be denied, WBEI should be ordered to produce a representative for deposition, and sanctions should be imposed against WBEI for its abuse of the discovery process in bringing this grossly improper Motion.

This is a defamation action brought by Mr. Depp against his former wife, Amber Laura Heard ("Ms. Heard"), on the grounds that she has falsely claimed to be a victim of domestic abuse. In turn, Ms. Heard has brought a $100 million Counterclaim against Mr. Depp, contending that she has suffered damages to her career as a result of three allegedly defamatory statements by a lawyer associated with Mr. Depp, Adam Waldman (the "Counterclaim Statements").

Consequently, a major disputed issue in this case is whether Ms. Heard can credibly claim to have suffered $100 million (or any amount) in damages to her career. Ms. Heard is an actress whose roles include performing in WBEI's major superhero films *Aquaman* (which preceded the Counterclaim Statements) and its sequel, *Aquaman and the Lost Kingdom* ("*Aquaman 2*") (which postdates the Counterclaim Statements). Mr. Depp served subpoenas on WBEI which are attached to Motion, seeking documents ("Records Subpoena") and testimony ("Deposition Subpoena," and

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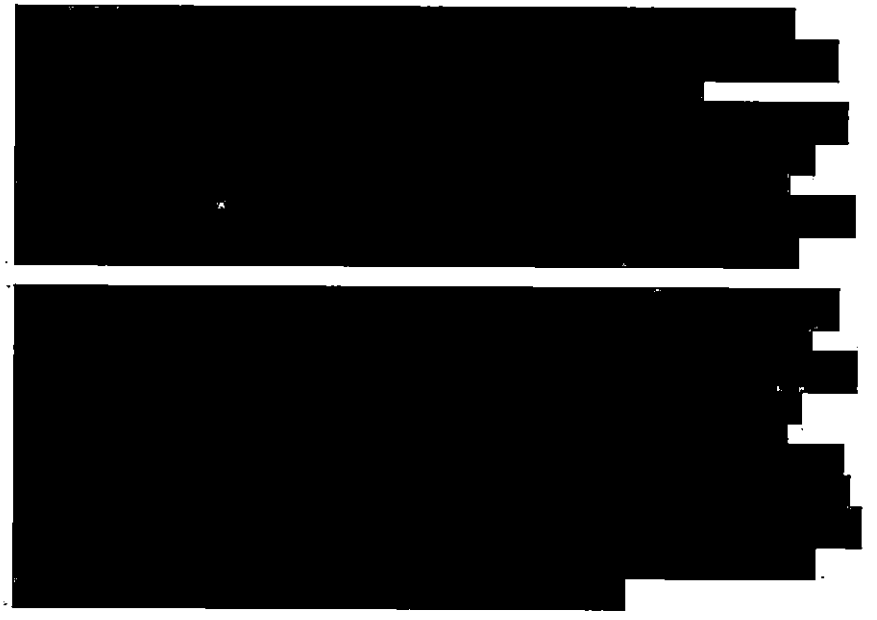
collectively, the "Subpoenas") relevant to assessing whether Ms. Heard suffered any adverse consequences from WBEI as a result of the Counterclaim Statements.

Astoundingly, WBEI's subsequent Motion seeking to quash the Subpoenas is based on ***relevance***. But the relevance of the discovery sought by Mr. Depp is beyond any legitimate dispute. [redacted]



Given that she is claiming career damage in this action, Ms. Heard's role in *Aquaman 2* is a major issue in this litigation. Of note, WBEI's counsel has represented in writing that Ms. Heard's suffered no adverse consequence as a result of any statements by Mr. Depp; that any delays in picking Ms. Heard up for a role in Aquaman 2 was either nonexistent or due to "creative issues" about Ms. Heard; and that WBEI would never have renegotiated her salary. ***WBEI has thereby conceded that WBEI is in possession of directly relevant, discoverable information about Ms. Heard's lack of damages.***

A deposition of WBEI to explore those issues is manifestly appropriate. Yet, bafflingly, WBEI has refused point blank to produce anyone for deposition, on the apparent grounds that Ms. Heard's claims are bogus and that WBEI should not have to be bothered with testifying about them. While Mr. Depp agrees that Ms. Heard's claims are bogus, ***one of the basic purposes of discovery is to develop evidence to refute and disprove meritless claims.*** WBEI is not immune from discovery, and is not entitled to simply ignore the subpoena power of the Court. The discovery sought by Mr. Depp is indisputably relevant and narrowly tailored (and has been substantially narrowed in the meet and confer process).

The Motion should be denied. And because WBEI lacked substantial (or any) justification for filing it, Mr. Depp seeks appropriate sanctions.

///

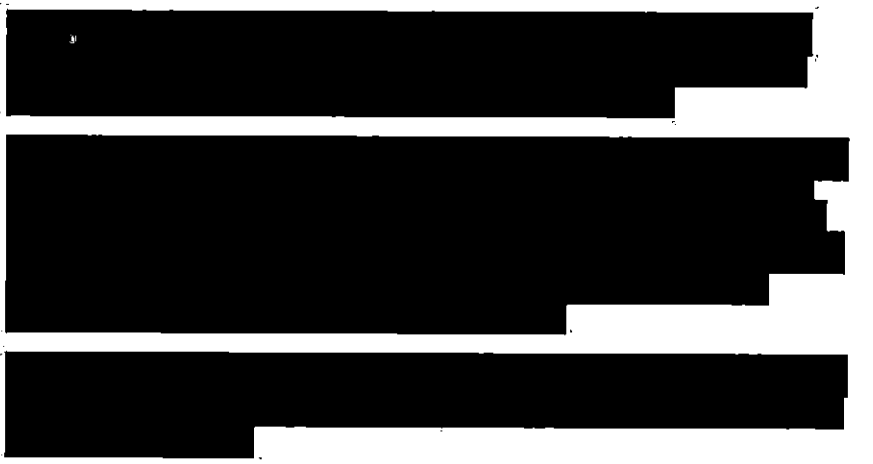
2. BACKGROUND

A. Summary Of Action And Subpoenas

This is a defamation action pending in the Commonwealth of Virginia and is currently set to commence trial on April 11, 2022. *See,* Declaration of Samuel A. Moniz in Support of Opposition to Motion to Quash ("Moniz Decl.") at ¶ 4. Mr. Depp commenced the action in March 2019, with the filing of his Complaint, which alleges, among other things, that during Mr. Depp's relationship and marriage to Ms. Heard, Ms. Heard was violent and abusive (once going so far as to cut off the tip of one of Mr. Depp's fingers), and falsely accused Mr. Depp of committing abuse, causing him significant career and reputational harm. Ms. Heard, in turn, filed a Counterclaim, asserting that she has suffered $100 million in damages from certain statements disputing her truthfulness, purportedly attributable to Mr. Depp. *Id.*

In an effort to explore Ms. Heard's damages claims, and because Ms. Heard is known to be attached to the *Aquaman* and *Aquaman 2* films, Mr. Depp issued and served the Deposition Subpoena and the Records Subpoena on WBEI. *Id.* at ¶ 5. Thereafter, Mr. Depp's counsel met and conferred with counsel for WBEI on a number of occasions in December 2021 and January and February of 2022. Because Ms. Heard is still attached to the *Aquaman* projects, Mr. Depp agreed in December 2021 to accept, initially, a minimal production of documents from WBEI (its contract with Ms. Heard), and further agreed to postpone a deposition of WBEI's person most qualified ("PMQ") until after Ms. Heard was deposed, to avoid burdening third-party WBEI with a deposition that might prove to be unnecessary. *Id.*

However, it very quickly became apparent that a deposition of WBEI is necessary. [redacted]



Id. at ¶ 6.

Shortly thereafter, Ms. Heard was deposed in this action in January 2022. Following her testimony, counsel determined that a deposition of WBEI was needed. *Id.* at ¶ 7.

B. Mr. Depp's Further Meet And Confer Efforts And Request For A Limited-Scope Deposition Of WBEI

Mr. Depp contacted counsel for WBEI by email on January 17, 2022, to request a further meet and confer. The parties subsequently met and conferred telephonically on or about January 19, 2022, and Mr. Depp's counsel explained the need for a deposition of WBEI to explore Ms. Heard's involvement in *Aquaman 2* and any damages or lack thereof, in order to prepare for trial and prepare a full damages analysis. Counsel for WBEI indicated that she would consult internally and with her client. (Moniz Decl. at ¶ 8.). Counsel subsequently met and conferred again on or about January 21, 2022. During these meet and confer calls, counsel for WBEI proposed providing a declaration that confirmed that Ms. Heard had suffered no adverse consequence as a result of any conduct by Mr. Depp, in lieu of deposition testimony; Mr. Depp's counsel responded that such a declaration would be insufficient, and likely would not be accepted as admissible by the Virginia Court. *Id.* at ¶ 9. Also on January 21, 2022, counsel for Mr. Depp provided counsel for WBEI with a modified and narrowed list of proposed deposition topics and documents by email, with an offer for further discussion. *Id.* at ¶ 10.

Counsel for Mr. Depp followed up again with counsel for WBEI on several occasions by email, and was advised that WBEI was consulting with its client. *Id.*

C. WBEI's Letter

On or about February 3, 2022, counsel for WBEI sent counsel for Mr. Depp and for Ms. Heard, by simultaneous email, a letter, stating, in part, as follows:

> To avoid the substantial burden of a WBEI deposition, whose employees are still largely working remotely because of the continuing COVID-19 pandemic, WBEI is willing to serve the parties with a sworn declaration setting forth the following facts:
>
> • Any delay in WBEI picking up Heard's option for *Aquaman 2* was due to creative issues in casting Heard in the role of Mera for *Aquaman 2*, which were communicated to Heard's agent at the time.
>
> • Any delay in WBEI picking up Heard's option for *Aquaman 2* was not due to Heard's dispute with Depp or any of the allegations in this lawsuit.
>
> • WBEI would not have paid Heard more money on *Aquaman 2*, even if Heard had had more time to attempt to negotiate.

(Moniz Decl. at ¶ 11.)

Counsel for Mr. Depp responded the same day via email, to explain that the offered declaration was not sufficient, as follows:

> We are in receipt of your letter today requesting that Warner Bros. proceed by declaration in lieu of deposition testimony. We fully appreciate your client's status as a third party, and have no wish to cause unnecessary expense or inconvenience. In light of the content of your letter, we will consider whether we can further narrow or withdraw some of our document requests, and we are open to further refinement of the deposition topics we have proposed. However, based on our understanding of Ms. Heard's contentions in this action, we believe evidence from Warner Bros. is essential to prepare our case for trial and to address Ms. Heard's anticipated contention at trial that she has suffered substantial monetary damages as a result of conduct she seeks to attribute to Mr. Depp. Moreover, we do not believe that the declaration you propose would be accepted as admissible by the Court in Virginia, particularly in the absence of any cross examination of the declarant.

Id. at ¶ 12.

D. Ms. Heard's Proposed Stipulation And Unacceptable Conditions

Presumably as a result of behind-the-scenes pressure by WBEI, Ms. Heard's Virginia counsel subsequently offered a stipulation [redacted] However, Ms. Heard's proposed stipulation included conditions that were entirely unacceptable to Mr. Depp, including an agreement that neither party

could even mention *Aquaman 2* at trial, and the further restriction that Mr. Depp could not mention at trial [redacted] Ms. Heard's proposed stipulation included the following limitations on the parties' ability to present evidence at trial and seek discovery:

> The Parties agree that neither Ms. Heard nor Mr. Depp will include at trial any reference to Aquaman II for any reason, including but not limited to, any evidence or references supporting or disputing Ms. Heard's damages as it relates to her Counterclaims.
>
> The Parties agree that neither Ms. Heard nor Mr. Depp will seek any additional discovery regarding Aquaman II for any reason, including but not limited to, agreeing not to depose Non-Party Warner Bros. Entertainment Inc. or seek any information relating to Aquaman II from WME or any of Ms. Heard's current or former agents or publicists.
>
> [redacted] and will not question Ms. Heard, any of Ms. Heard's experts, or any fact witnesses, regarding Aquaman II in either deposition or at trial.

(Moniz Decl. at ¶ 13.)

Since a major argument against the plausibility of Ms. Heard's damages is that she remains attached to *Aquaman 2* (and that fact must obviously be incorporated into any analysis of her claimed damages and presentation of evidence to a jury), [redacted] Ms. Heard's proposed stipulation was an obvious nonstarter for Mr. Depp, and Mr. Depp rejected Ms. Heard's proposed stipulation. *Id.* at ¶ 13.

E. Ms. Heard's Subsequent Interrogatory Responses Under Penalty Of Perjury

Late on February 9, 2022, mere hours after offering her stipulation, Ms. Heard served sworn interrogatory responses in which she asserted, in part, as follows:

[redacted]

(Moniz Decl. at ¶ 14.)

F. WBEI's Threat To Give Harmful Testimony Against Mr. Depp, And Mr. Depp's Final Meet And Confer Efforts

On Thursday, February 10, 2022, counsel for Mr. Depp met and conferred telephonically with counsel for WBEI. During that call, Mr. Depp's counsel explained that Ms. Heard's conditions for her stipulation were unacceptable, and that a short deposition of WBEI was necessary, largely to memorialize in the form of admissible testimony the factual assertions stated in counsel's letter. Counsel for WBEI asserted that Mr. Depp had been "given a gift" as a result of Ms. Heard's proposed stipulation, and that Mr. Depp's counsel should "be careful what you wish for," threatening that if forced to give a deposition WBEI would give testimony damaging or embarrassing to Mr. Depp. Mr. Depp's counsel responded by reiterating that a deposition was needed, but agreed to further explore a possible stipulation with Ms. Heard's counsel. Mr. Depp's counsel requested that in the meantime WBEI identify a PMQ and propose convenient dates for a short deposition. (Moniz Decl. at ¶ 15.)

Mr. Depp subsequently offered a counterproposal to Ms. Heard's stipulation, which Ms. Heard's counsel ignored. *Id.* at ¶ 16.

On or about February 16, 2022, Mr. Depp's lead Virginia counsel received an unsolicited telephone call from WBEI's chief counsel, Wayne Smith, urging Mr. Depp to abandon any deposition of WBEI, and warning that WBEI's representatives would say "bad things" about both Mr. Depp and Ms. Heard if a deposition took place. When Mr. Depp's counsel did not accept, WBEI's representatives warned that WBEI would move to quash. *Id.* at ¶ 17.

On February 17, 2022, Mr. Depp's counsel received a final communication from WBEI's outside litigation counsel threatening a motion to quash. Counsel for Mr. Depp responded the same date, rejecting WBEI's arguments, explaining once again the reasons a short deposition is needed, and urging WBEI not to waste the parties' time and money with useless motion practice. *Id.* at ¶ 18. No response was received from WBEI's counsel, and the Motion was filed the following day.

G. Mr. Depp's Proposed Narrowed Parameters Of A PMQ Deposition

Mr. Depp has repeatedly offered to narrow and refine the PMQ topics throughout the course of the meet and confer but has run into the solid wall of WBEI's outright refusal to produce anyone to testify on any topic. Nonetheless, Mr. Depp's final proposal for the PMQ topics, are set forth below, and are also reflected in an amended subpoena issued on February 22, 2022:

- Topic No. 1: Any of YOUR [i.e., WBEI's] internal discussions as to whether to release or terminate MS. HEARD from AQUAMAN 2.
- Topic No. 2: The reasons for any release or termination of MS. HEARD from AQUAMAN 2.
- Topic No. 3: Any negotiations or communications with MS. HEARD or her agents regarding her release or termination from AQUAMAN 2.
- Topic No. 4: Any negotiations or communications with MS. HEARD or her agents regarding her compensation for AQUAMAN 2.
- Topic No. 5: All information regarding the decisions to cast and keep MS. HEARD in AQUAMAN 2.
- Topic No. 6: Any reduction in MS. HEARD's role in AQUAMAN 2 as a result of negative publicity related to MR. DEPP.

- Topic No. 7: All reasons for any reduction in MS. HEARD's role in AQUAMAN 2.
- Topic No. 8: The impact (if any) of publicity related to the relationship between MR. DEPP and MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.
- Topic No. 9: The impact (if any) of publicity surrounding any statements by MR. WALDMAN regarding MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.
- Topic No. 10: To the extent not covered by the preceding topics, the casting of MS. HEARD in AQUAMAN 2.
- Topic No. 11: Any creative concerns in continuing to cast MS. HEARD in AQUAMAN 2.
- Topic No. 12: Any creative concerns regarding MS. HEARD's performance in the original AQUAMAN.
- Topic No. 13: All nonprivileged facts supporting the factual assertions contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in WBEI picking up Heard's option for Aquaman 2 was due to creative issues in casting Ms. Heard[.]"
- Topic No. 14: All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI communicated to Heard's agent at the time, there were creative concerns with continuing to cast Heard in the role of Mera for Aquaman 2, the subject of which were communicated to Heard's agent."
- Topic No. 15: All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI communicated to Heard's agent at the time, there were creative concerns with continuing to cast Heard in the role of Mera for Aquaman 2, the subject of which were communicated to Heard's agent."
- Topic No. 16: All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February

3, 2022, that "WBEI would not have paid Heard more money on Aquaman 2[.]"

- Topic No. 17: All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in picking up Heard's option for Aquaman 2 was not due to Heard's dispute with Depp or any of the allegations in this lawsuit."

It is requested that the Motion be denied in its entirety and that compliance with the Subpoenas be directed (at minimum) in conformity with the revised scope of Mr. Depp's amended subpoena on the topics listed above, all of which are clearly relevant and appropriate to exploring and establishing Ms. Heard's complete lack of damages. Though WBEI's arguments that it should not have to produce documents are frivolous, Mr. Depp is not seeking documents at this time – merely a short deposition. (Moniz Decl. at ¶ 19.)

3. ARGUMENT

A. WBEI's Arguments Based On Relevance Are Frivolous

Incredibly, WBEI's Motion is primarily based on relevance. WBEI argues that its deposition is not relevant, and that it is "harassment" for Mr. Depp to seek a deposition of WBEI "to obtain discovery pertaining to completely undisputed facts." As WBEI knows quite well, its arguments are specious and blatantly misleading. In the first place, ***as WBEI's counsel well knows***, Ms. Heard's stipulation was unacceptable, and the deposition of WBEI does ***not*** relate to "undisputed" facts. Quite the contrary, it relates to matters that are very much in dispute – whether Ms. Heard's career prospects were harmed by the Counterclaim Statements, [redacted]

Moreover, and more fundamentally, the relevance and appropriateness of a deposition of WBEI under the circumstances of this case could not be clearer. Ms. Heard is alleging $100 million in damages to her career. Her relationship with WBEI and role in the *Aquaman 2* project are directly at issue. Under these circumstances, Mr. Depp's right to take discovery from WBEI is not a close call. The scope of discovery in California is broad. As set forth in Code of Civil Procedure § 2017.010, "any party may obtain discovery regarding any matter, not privileged, that

is relevant to the subject matter involved in the pending action" or "reasonably calculated to lead to the discovery of admissible evidence." Moreover, California courts give the discovery statutes a "liberal construction," so as to uphold the right to discovery whenever possible. *See, e.g., Davies v. Superior Court* (1984) 36 Cal.3d 291, 299; *Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 357. Information will be found relevant to the subject matter if it "might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement." *Jessen v. Hartford Cas. Ins. Co.* (2003) 111 Cal. App. 4th 698, 711-712.

Here, the proposed deposition topics are all appropriately tailored to the issues in this action, and are directly relevant. For instance, [redacted] So, Mr. Depp seeks to explore at deposition whether there was any delay or other controversy in casting Ms. Heard in *Aquaman 2*, and if so, the reasons. Similarly, [redacted] Mr. Depp seeks to explore at deposition the reasons for a reduction in Ms. Heard's role, if any.

It is no answer for WBEI to argue that it should be entitled to submit a hearsay, un-cross-examined declaration instead of deposition testimony, since such a declaration would be useless at trial and would not enable Mr. Depp to fully explore the myriad issues involved through questioning a witness. Nor is it an answer for WBEI to argue that Ms. Heard has offered to eliminate *Aquaman 2* as an issue in this case—there is no agreement on that issue, and Mr. Depp is obviously entitled to explore in discovery and present evidence at trial that Ms. Heard has not suffered any adverse consequences as a result of the Counterclaim Statements. The fact that Ms. Heard has never been fired from *Aquaman 2* is directly relevant to the issue of damages. Mr. Depp is clearly entitled to explore the lack of damage to Ms. Heard's involvement in *Aquaman 2* (not to mention any of WBEI's creative concerns regarding casting her), since all of those issues are relevant to any damages analysis.

In short, the standard for discoverability is easily satisfied. Mr. Depp has no desire to unnecessarily burden a third party with discovery, and has bent over backwards to accommodate WBEI – but this deposition is vitally necessary, and WBEI's apparent argument that the information sought does not meet the test for discoverability is not merely meritless but outright frivolous.

B. WBEI's Arguments Based On Confidentiality Are Unfounded, And In Any Event The Discovery Sought Is Vitally Relevant And Outweighs Any Countervailing Considerations

As a fallback argument, WBEI argues – ***with no supporting evidence whatsoever*** – that the discovery sought implicates proprietary business information. This argument also offers no basis to refuse to produce a PMQ to testify regarding the narrowly tailored topics at issue.

First, WBEI has failed to meet its burden of establishing, as a threshold matter, that any confidential information is implicated. The initial burden falls to the party asserting a confidentiality interest in establishing the existence of that interest, which WBEI has failed to even attempt to do, beyond citing generic authorities on confidentiality in a two-paragraph argument in its brief. *See, e.g., Williams v. Superior Court* (2017) 3 Cal.5th 531, 556 (explaining that "Courts must instead place the burden on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, and against that showing must weigh the countervailing interests the opposing party identifies"). Indeed, WBEI identifies no specific confidential information that is at issue, nor does it present any evidence regarding the seriousness of any supposed invasion of privacy. And in any event, WBEI's arguments are entirely speculative, since it has not yet been deposed and no questions have been posed to it.

Second, even if WBEI had met its initial burden (which it clearly has not), the information sought is not merely relevant, but directly so. Indeed, it is difficult to imagine more relevant or appropriately targeted discovery, given the nature of Ms. Heard's allegations. Any confidentiality interest is far outweighed by Mr. Depp's need for the information sought to prepare to dispute at trial Ms. Heard's claim for $100 million in damages. Deposing WBEI is the only reasonable

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course for Mr. Depp to take. And in any case, there is a Protective Order in effect in this action, and WBEI is free to designate its testimony as "Confidential" under the Protective Order.

C. WBEI Should Be Sanctioned

This Motion should never have been filed, and WBEI's arguments are patently lacking in substantial (or any) justification. Pursuant to Code of Civil Procedure § 1987.2, "the court may in its discretion award the amount of the reasonable expenses incurred in making or opposing the motion [to quash], including reasonable attorney's fees, if the court finds the motion was made or opposed in bad faith or without substantial justification[.]" In addition, Code of Civil Procedure § 2023.010(h) provides that "misuses of the discovery process include… making or opposing, unsuccessfully and without substantial justification, a motion to compel or to limit discovery." And, to the extent that the Motion is characterized as a motion for protective order, Code of Civil Procedure § 2025.420(h) provides that "[t]he court shall impose a monetary sanction against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." The Motion is not supported by a single meritorious argument. Sanctions are appropriate and are requested in an amount no less than $7,327.50. (Moniz Decl. at ¶ 20.)

4. CONCLUSION

For all the foregoing reasons, Mr. Depp respectfully requests that the Motion be denied in its entirety; that WBEI be ordered to immediately produce its PMQ for deposition; and that WBEI be sanctioned in an amount sufficient to compensate Mr. Depp for the reasonable expense incurred in preparing this Opposition and supporting papers, in an amount no less than $7,327.50.

DATED: February 22, 2022

Respectfully submitted,

BROWN RUDNICK LLP

By: Camille M. Vasquez
CAMILLE M. VASQUEZ
Attorneys for Plaintiff, JOHN C. DEPP, II

DECLARATION OF SAMUEL A. MONIZ

I, SAMUEL A. MONIZ, declare as follows:

1. I am an attorney at law, duly licensed to practice before the above-entitled Court, and am an associate of the law firm of Brown Rudnick LLP, attorneys of record for Plaintiff John C. Depp, II ("Mr. Depp"). In addition, I am admitted *pro hac vice* to practice before the Fairfax County Circuit Court, Virginia, in the case currently pending between John C. Depp, II and Amber Laura Heard, Case No.: CL-2019-0002911, in which Brown Rudnick is also counsel of record (the "Virginia Action").

2. I have first-hand personal knowledge of the matters set forth herein, and if called upon as a witness, would and could competently testify thereto.

3. This declaration is submitted in support of Mr. Depp's attached Opposition. Except as otherwise stated herein, all capitalized terms have the same meaning as in the Opposition.

4. The Virginia Action involves crossing claims for defamation by Mr. Depp and Ms. Heard, in which both parties are seeking substantial damages. Trial in the Virginia Action is currently set to commence on April 11, 2022.

5. True and correct copies of Mr. Depp's Subpoenas to WBEI are attached as Exhibits 1 and 2. Following service of the Subpoenas on WBEI, I along with various of my colleagues, met and conferred with Sarah L. Cronin, counsel for WBEI on a number of occasions in December 2021 and January and February of 2022. In the course of those meet and confer efforts, the parties agreed in December 2021 to a limited production of documents from WBEI and further agreed to postpone a deposition of WBEI's person most qualified ("PMQ") until after Ms. Heard was deposed, to avoid burdening WBEI with a deposition that might prove to be unnecessary, while reserving rights to seek broader discovery.

6. Ms. Heard served her Disclosure of Expert Witnesses on Mr. Depp's counsel on or about January 11, 2022. A true and correct copy of excerpts of Ms. Heard's Expert Disclosures is attached as Exhibit 3.

///

7. Shortly thereafter, Ms. Heard was deposed in this action in January 2022. I was present during portions of Ms. Heard's deposition, and following Ms. Heard's testimony at deposition, and in view of other disclosures made by Ms. Heard in the case, it was determined by Mr. Depp's counsel that a deposition of WBEI was needed.

8. I contacted counsel for WBEI by email on January 17, 2022 to request a further meet and confer. I subsequently met and conferred telephonically with counsel for WBEI on or about January 19, 2022, and explained that following Ms. Heard's deposition the determination had been made that Mr. Depp needed a short deposition of WBEI to prepare his case for trial. Counsel for WBEI indicated that she would consult internally and with her client and respond.

9. I subsequently met and conferred telephonically with counsel for WBEI again on or about January 21, 2022. During either this call or the preceding call – I do not recall precisely which – counsel for WBEI proposed providing a declaration to confirm, in effect, that Ms. Heard had suffered no adverse consequences from WBEI as a result of any conduct by Mr. Depp, in lieu of deposition testimony. I responded that such a declaration would be insufficient, and likely would not be accepted as admissible by the Virginia Court.

10. Also on January 21, 2022, I provided counsel for WBEI with a modified and narrowed list of proposed deposition topics and documents by email, with an offer for further discussion. A true and correct copy of my email of January 21, 2022 is attached as Exhibit 4. I subsequently followed up again with counsel for WBEI by email and was advised that WBEI was consulting with its client.

11. On or about February 3, 2022, Ms. Cronin's colleague Michael J. O'Connor, also counsel for WBEI, sent counsel for Mr. Depp and for Ms. Heard, by simultaneous email, a letter. I was copied on the transmission email. A copy of the February 3, 2022 letter was submitted as an attachment to WBEI's moving papers, as Exhibit "E."

12. I responded the same day via email. A true and correct copy of my email response is attached as Exhibit 5.

13. Presumably as a result of behind-the-scenes pressure by WBEI, Ms. Heard's Virginia counsel subsequently offered a stipulation to eliminate *Aquaman 2* as an issue in the case.

However, Ms. Heard's proposed stipulation included conditions that were unacceptable to Mr. Depp, including a complete prohibition on mentioning *Aquaman 2* at trial. A true and correct copy of Ms. Heard's proposed stipulation is attached as Exhibit 6. Mr. Depp rejected Ms. Heard's stipulation.

14. On or about February 9, 2022, Ms. Heard served interrogatory responses. A true and correct copy of excerpts from Ms. Heard's interrogatory responses is attached as Exhibit 7.

15. On or about February 10, 2022, I met and conferred telephonically with Mr. O'Connor and Ms. Cronin. Also present from my office were my colleagues Camille M. Vasquez, and Benjamin G. Chew, lead trial counsel in the Virginia Action. During that call, I explained that Ms. Heard's conditions were unacceptable, and that a short deposition of WBEI was necessary. Counsel for WBEI stated words to the effect that Mr. Depp had been given a gift as a result of Ms. Heard's proposed stipulation, and that Mr. Depp and/or his counsel should be careful what we wished for. I interpreted counsel's statements to effectively be a threat that if forced to give a deposition WBEI would give testimony damaging or embarrassing to Mr. Depp. I responded by reiterating Mr. Depp's position that a deposition was needed and that WBEI had an obligation to respond to Mr. Depp's subpoena, but agreed to further explore a possible stipulation with Ms. Heard's counsel. I requested that in the meantime WBEI identify a PMQ and propose convenient dates for a short deposition.

16. My colleague Ms. Vasquez subsequently offered a counterproposal to Ms. Heard's stipulation. I have never seen a response from Ms. Heard's counsel to Ms. Vasquez's proposal.

17. I understand from Mr. Chew that on or about February 16, 2022, he received a telephone call from WBEI's chief counsel, Wayne Smith, urging Mr. Depp to abandon any deposition of WBEI, and warning that WBEI's representatives would say bad things about both Mr. Depp and Ms. Heard if a deposition took place. I further understand from Mr. Chew that WBEI's representatives warned that WBEI would move to quash.

18. On February 17, 2022, I received a final communication from WBEI's counsel advising me that WBEI would file a motion to quash if the Subpoenas were not withdrawn. I responded the same date, reiterating the appropriateness of Mr. Depp's discovery, and urging

counsel not to engage in motion practice. I received no response.

19. On February 22, 2022, Mr. Depp issued an amended subpoena seeking a deposition of WBEI, reflecting counsel's modified proposals for a narrowed deposition. It is requested that the Court direct WBEI to appear for deposition in conformity with the parameters of that amended subpoena, a copy of which is attached as Exhibit 8.

20. I spent no less than 6 hours preparing this Opposition and related papers. My billing rate is $815 per hour. Leo J. Presiado is a partner in my office, whose billing rate is $975 per hour. I anticipate that Mr. Presiado will spend no less than 2.5 hours preparing for and appearing at the hearing on this Petition. Accordingly, sanctions are requested in an amount no less than $7,327.50.

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

Executed February 22, 2022, at Carmichael, California.

SAMUEL A. MONIZ

EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
BROWN RUDNICK LLP
LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377
SAMUEL A. MONIZ, #313274
2211 Michelson Drive, Seventh Floor, Irvine, CA 92612
TELEPHONE NO.: (949) 752-7100 FAX NO.: (949) 252-1514
E-MAIL ADDRESS: lpresiado@brownrudnick.com /cvasquez@brownrudnick.com
ATTORNEY FOR *(Name)*: John C. Depp, II

FOR COURT USE ONLY

Court for county in which discovery is to be conducted:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS: 111 N. Hill Street
CITY, STATE, AND ZIP CODE: Los Angeles 90012
BRANCH NAME: Stanley Mosk

Court in which action is pending:
Name of Court: Circuit Court of Fairfax County
STREET ADDRESS: 4110 Chain Bridge Road
MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320
CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030
COUNTRY: United States

PLAINTIFF/PETITIONER: John C. Depp, II
DEFENDANT/RESPONDENT: Amber Laura Heard

CALIFORNIA CASE NUMBER (if any assigned by court): 19STCP04763

SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA

CASE NUMBER (of action pending outside California): CL-2019-0002911

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known):*
Warner Bros. Entertainment Inc., c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700, Glendale, CA 91203

1. **YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To *(name of deposition officer):* First Legal Records
On *(date):* January 10, 2022 At *(time):* 10:00 a.m.
Location *(address):* 1511 Beverly Blvd., Los Angeles, CA 90026

Do not release the requested records to the deposition officer prior to the date and time stated above.

a. ☒ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.

b. ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).

c. ☐ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.

2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*

3. The records to be produced are described as follows *(if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):* See Attachment 3

☒ Continued on Attachment 3 *(use form MC-025).*

4. Attorneys of record in this action or parties without attorneys are *(name, address, telephone number, and name of party represented):* See Attachment 4

☒ Continued on Attachment 4 *(use form MC-025).*

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-035 [Rev. January 1, 2012]

Code of Civil Procedure, §§ 2029.100–2029.900, 2020.410–2020.440; Government Code, § 68097.1
www.courts.ca.gov

PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER (of action pending outside California): CL-2019-0002911

5. **If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 *and* a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.**
6. ☒ Other terms or provisions from out-of-state subpoena, if any *(specify)*:
   See attached Fairfax County Circuit Court Subpoena

☐ Continued on Attachment 6 *(use form MC-025)*.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: December 3, 2021

CAMILLE M. VASQUEZ
(TYPE OR PRINT NAME)

▶ Camille M. Vasquez
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for John C. Depp, II
(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Subpoena for Production of Business Records In Action Pending Outside California* by personally delivering a copy to the person served as follows:
   a. Person served *(name)*:
   b. Address where served:
   c. Date of delivery: d. Time of delivery:
   e. Witness fees and mileage both ways *(check one)*:
      (1) ☐ were paid. Amount: .....$ _____
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify)*: $ _____
   f. Fee for service: .....$ _____
2. I received this subpoena for service on *(date)*:
3. ☐ I also served a completed *Proof of Service of Notice to Consumer or Employee and Objection* (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.
4. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. ☐ Registered professional photocopier
   g. ☐ Exempt from registration under Business and Professions Code section 22451
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.
Date:

▶ _____
(SIGNATURE)

American LegalNet, Inc.
www.FormsWorkFlow.com

ATTACHMENT 3

DEFINITIONS

1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to any written and/or verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange, including applicable ELECTRONICALLY STORED INFORMATION.

3. "ELECTRONICALLY STORED INFORMATION" means data that is stored in an electronic medium and shall include, by way of example only, computer programs, electronic mail (including message contents, header information and logs of electronic mail usage), output resulting from the use of any software program, including electronic, digital, or any other recorded material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits, statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts, agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars, recordings and transcriptions of recordings, voice mail messages recorded electronically and in writing, email messages and printouts, photographs, diagrams, or any other writings, however produced or reproduced, word processing documents, spreadsheets, databases, telephone logs, contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files, batch files, ASCII files, and any and all miscellaneous files and data and shall include all active data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

4. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C. Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-2019-0002911.

5. "DIVORCE ACTION" shall mean and refer to the action entitled *In re the Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case No. BD641052.

6. "DOCUMENT" and/or "DOCUMENTS" unless otherwise indicated, are used in their customarily broad sense and shall refer to and mean all writings and other tangible things of any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof), COMMUNICATIONS, medical records, drawings, graphs, charts, photographs, phone records, other data compilations or storage devices from which information can be obtained (even if such information must be translated into a reasonably usable form), magnetically recorded or stored information generated by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts, accounts, analytical records, minutes or records of meetings or conferences, records, reports or summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

7. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

8. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

9. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the DEFAMATION ACTION.

10. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural and artificial persons.

11. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's Bench Division Media and Communications List, Claim No. QB-2018-006323.

12. "MR. WALDMAN" shall mean and refer to Adam Waldman.

INSTRUCTIONS

13. When necessary, the singular form of a word shall be interpreted as plural, and the

masculine gender shall be deemed to include the feminine, in order to bring within the scope any DOCUMENTS which might otherwise be construed to be outside the scope of these Requests. The terms, "and" and "or," have both conjunctive and disjunctive meanings, and "each," "any," and "all" mean "each and every."

14. All undefined terms shall be interpreted according to their plain and commonsense meaning.

15. DOCUMENTS should be produced as single page .tiff format files imaged at 300 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native format. Each .tiff file should have a unique name matching the Bates number labeled on the corresponding page. Color DOCUMENTS should be produced in color.

16. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production's data load file should match the total number of designated document breaks in the image load file for the production.

17. DOCUMENTS should be produced with extracted metadata for each DOCUMENT in the form of a .dat file. The metadata should include the following fields, to the extent such fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message

Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained

File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

18. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

19. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

20. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

21. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is

responsive or in a load file identifying the same.

22. A Request for a DOCUMENT shall be deemed to include a request for any and all file folders within which the DOCUMENT was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

23. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of permissible discovery (including but not limited to any claim of privilege or confidentiality), specify in detail each and every ground on which such claim rests and identify generally what the document is. If you assert any claim of privilege, then at the time of production you are to furnish a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b) author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log should contain enough specificity, but without disclosing privileged information, to allow Plaintiffs and the Court to adequately assess the privilege claimed.

24. To the extent you consider any portion of the following Requests to be objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of such Request that is not claimed to be objectionable.

25. If you believe that any Request is unclear, unintelligible, or because of its wording otherwise prevents you from responding fully to that Request, identify the ambiguity or source of confusion and explain the definition and understanding that you relied upon in responding. It shall be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

26. Unless otherwise stated, the timeframe of these requests is January 1, 2010 through and including the present.

///

///

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DOCUMENT REQUESTS

REQUEST NO. 1:

All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity from the SUN CASE and/or the DEFAMATION ACTION on any of YOUR films, specifically including "Aquaman" or any sequel.

REQUEST NO. 2:

All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity related to any public statements about MS. HEARD by MR. DEPP or MR. WALDMAN on any of YOUR films, specifically including "Aquaman" or any sequel.

REQUEST NO. 3:

All DOCUMENTS and COMMUNICATIONS regarding MR. DEPP's allegations of abuse against MS. HEARD.

REQUEST NO. 4:

All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD's allegations of abuse against MR. DEPP.

REQUEST NO. 5:

All DOCUMENTS and COMMUNICATIONS concerning the casting of MS. HEARD in any film, including without limitation Aquaman or any sequel to Aquaman.

REQUEST NO. 6:

All DOCUMENTS and COMMUNICATIONS concerning any posts on Twitter or other public statements by MR. WALDMAN.

REQUEST NO. 7:

All DOCUMENTS that evidence or reflect any assessments or analysis by YOU of the impact of casting MS. HEARD on the commercial success of any films, including without limitation Aquaman.

REQUEST NO. 8:

DOCUMENTS sufficient to show the compensation paid to MS. HEARD for appearing in any films, including without limitation Aquaman and any sequel.

REQUEST NO. 9:

All contracts with MS. HEARD or any entity acting on her behalf.

REQUEST NO. 10:

All DOCUMENTS and COMMUNICATIONS concerning any decision to cast or not cast MS. HEARD in any film, from January 1, 2010 through and including the present.

REQUEST NO. 11:

All DOCUMENTS and COMMUNICATIONS that contain, constitute, evidence, or reflect any assessment, analysis, or review of any performance given by MS. HEARD in any film, from January 1, 2010 through and including the present.

REQUEST NO. 12:

All DOCUMENTS and COMMUNICATIONS that evidence or reflect the role played by MS. HEARD in marketing, promoting, or otherwise publicizing any of YOUR films, including without limitation Aquaman and any sequel.

SHORT TITLE:	CASE NUMBER:
John C. Depp, II v. Amber Laura Heard	CL-2019-0002911

ATTACHMENT *(Number):* 4

(This Attachment may be used with any Judicial Council form.)

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sroundsburg@grsm.com

Counsel for Defendant and Counterclaim Plaintiff Amber Laura Heard

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SUBPOENA DUCES TECUM (CIVIL) – ATTORNEY ISSUED VA. CODE §§ 8.01-413, 16.1-89, 16.1-265; Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL-2019-0002911

FILED
HEARING DATE AND TIME
CIVIL PROCESSING

FAIRFAX COUNTY CIRCUIT Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030 2021 DEC 3 A 11: 01
COURT ADDRESS

JOHN T. FREY
CLERK
FAIRFAX, VA

JOHN C. DEPP, II v. AMBER LAURA HEARD
In re:

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Warner Bros. Entertainment Inc.
NAME

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700
STREET ADDRESS

Glendale	CA	91203
CITY	STATE	ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

See Attachment A

at First Legal Records, 1511 Beverly Blvd., Los Angeles, CA 90026 at January 10, 2022 at 10:00 a.m. PT
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

John C. Depp, II
PARTY NAME

Andrew C. Crawford	89093
NAME OF ATTORNEY	VIRGINIA STATE BAR NUMBER
601 Thirteenth Street, N.W., Suite 600	(202) 536-1700
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY
Washington, DC 20005	(202) 536-1701
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY
December 3, 2021	Andrew Crawford
DATE ISSUED	SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☒ **This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME:.....

ADDRESS:.....

.....

☐ PERSONAL SERVICE | Tel. No.....

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

.....

☐ Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ NOT FOUND ....., Sheriff

..... by....., Deputy Sheriff

DATE

CERTIFICATE OF COUNSEL

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena duces tecum was e-mailed

DELIVERY METHOD

to all counsel of record for Amber Laura Heard,

on the 3rd day of December, 2021.

Andrew Crawford

SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

ATTACHMENT A

DEFINITIONS

1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to any written and/or verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange, including applicable ELECTRONICALLY STORED INFORMATION.

3. "ELECTRONICALLY STORED INFORMATION" means data that is stored in an electronic medium and shall include, by way of example only, computer programs, electronic mail (including message contents, header information and logs of electronic mail usage), output resulting from the use of any software program, including electronic, digital, or any other recorded material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits, statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts, agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars, recordings and transcriptions of recordings, voice mail messages recorded electronically and in writing, email messages and printouts, photographs, diagrams, or any other writings, however produced or reproduced, word processing documents, spreadsheets, databases, telephone logs, contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files, batch files, ASCII files, and any and all miscellaneous files and data and shall include all active data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

4. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C. Depp II v. Amber Laura Heard,* Circuit Court of Fairfax County Virginia Civil Action No. CL-2019-0002911.

5. "DIVORCE ACTION" shall mean and refer to the action entitled *In re the Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case No. BD641052.

6. "DOCUMENT" and/or "DOCUMENTS" unless otherwise indicated, are used in their customarily broad sense and shall refer to and mean all writings and other tangible things of any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof), COMMUNICATIONS, medical records, drawings, graphs, charts, photographs, phone records, other data compilations or storage devices from which information can be obtained (even if such information must be translated into a reasonably usable form), magnetically recorded or stored information generated by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts, accounts, analytical records, minutes or records of meetings or conferences, records, reports or summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

7. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

8. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

9. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the DEFAMATION ACTION.

10. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural and artificial persons.

11. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's Bench Division Media and Communications List, Claim No. QB-2018-006323.

12. "MR. WALDMAN" shall mean and refer to Adam Waldman.

INSTRUCTIONS

13. When necessary, the singular form of a word shall be interpreted as plural, and the

masculine gender shall be deemed to include the feminine, in order to bring within the scope any DOCUMENTS which might otherwise be construed to be outside the scope of these Requests. The terms, "and" and "or," have both conjunctive and disjunctive meanings, and "each," "any," and "all" mean "each and every."

14. All undefined terms shall be interpreted according to their plain and commonsense meaning.

15. DOCUMENTS should be produced as single page .tiff format files imaged at 300 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native format. Each .tiff file should have a unique name matching the Bates number labeled on the corresponding page. Color DOCUMENTS should be produced in color.

16. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production's data load file should match the total number of designated document breaks in the image load file for the production.

17. DOCUMENTS should be produced with extracted metadata for each DOCUMENT in the form of a .dat file. The metadata should include the following fields, to the extent such fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message

Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained

File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

18. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

19. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

20. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

21. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is

responsive or in a load file identifying the same.

22. A Request for a DOCUMENT shall be deemed to include a request for any and all file folders within which the DOCUMENT was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

23. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of permissible discovery (including but not limited to any claim of privilege or confidentiality), specify in detail each and every ground on which such claim rests and identify generally what the document is. If you assert any claim of privilege, then at the time of production you are to furnish a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b) author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log should contain enough specificity, but without disclosing privileged information, to allow Plaintiffs and the Court to adequately assess the privilege claimed.

24. To the extent you consider any portion of the following Requests to be objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of such Request that is not claimed to be objectionable.

25. If you believe that any Request is unclear, unintelligible, or because of its wording otherwise prevents you from responding fully to that Request, identify the ambiguity or source of confusion and explain the definition and understanding that you relied upon in responding. It shall be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

26. Unless otherwise stated, the timeframe of these requests is January 1, 2010 through and including the present.

///

///

///

DOCUMENT REQUESTS

REQUEST NO. 1:

All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity from the SUN CASE and/or the DEFAMATION ACTION on any of YOUR films, specifically including "Aquaman" or any sequel.

REQUEST NO. 2:

All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity related to any public statements about MS. HEARD by MR. DEPP or MR. WALDMAN on any of YOUR films, specifically including "Aquaman" or any sequel.

REQUEST NO. 3:

All DOCUMENTS and COMMUNICATIONS regarding MR. DEPP's allegations of abuse against MS. HEARD.

REQUEST NO. 4:

All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD's allegations of abuse against MR. DEPP.

REQUEST NO. 5:

All DOCUMENTS and COMMUNICATIONS concerning the casting of MS. HEARD in any film, including without limitation Aquaman or any sequel to Aquaman.

REQUEST NO. 6:

All DOCUMENTS and COMMUNICATIONS concerning any posts on Twitter or other public statements by MR. WALDMAN.

REQUEST NO. 7:

All DOCUMENTS that evidence or reflect any assessments or analysis by YOU of the impact of casting MS. HEARD on the commercial success of any films, including without limitation Aquaman.

REQUEST NO. 8:

DOCUMENTS sufficient to show the compensation paid to MS. HEARD for appearing in any films, including without limitation Aquaman and any sequel.

REQUEST NO. 9:

All contracts with MS. HEARD or any entity acting on her behalf.

REQUEST NO. 10:

All DOCUMENTS and COMMUNICATIONS concerning any decision to cast or not cast MS. HEARD in any film, from January 1, 2010 through and including the present.

REQUEST NO. 11:

All DOCUMENTS and COMMUNICATIONS that contain, constitute, evidence, or reflect any assessment, analysis, or review of any performance given by MS. HEARD in any film, from January 1, 2010 through and including the present.

REQUEST NO. 12:

All DOCUMENTS and COMMUNICATIONS that evidence or reflect the role played by MS. HEARD in marketing, promoting, or otherwise publicizing any of YOUR films, including without limitation Aquaman and any sequel.

EXHIBIT 2

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
BROWN RUDNICK LLP
LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377
SAMUEL A. MONIZ, #313274
2211 Michelson Drive, Seventh Floor, Irvine, CA 92612
TELEPHONE NO.: (949) 752-7100 FAX NO. *(Optional)*: (949) 252-1514
E-MAIL ADDRESS *(Optional)*: lpresiado@brownrudnick.com/cvasquez@brownrudnick.com
ATTORNEY FOR *(Name)*: John C. Depp, II

FOR COURT USE ONLY

Court for county in which discovery is to be conducted:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS: 111 N. Hill Street
CITY AND ZIP CODE: Los Angeles 90012
BRANCH NAME: Stanley Mosk

Court in which action is pending:
Name of Court: Circuit Court of Fairfax County
STREET ADDRESS: 4110 Chain Bridge Road
MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320
CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030
COUNTRY: United States

PLAINTIFF/PETITIONER: John C. Depp, II
DEFENDANT/RESPONDENT: Amber Laura Heard

CALIFORNIA CASE NUMBER (if any assigned by court): 19STCP04763

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE IN ACTION PENDING OUTSIDE CALIFORNIA

CASE NUMBER (of action pending outside California): CL-2019-0002911

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known):*
Person Most Qualified at Warner Bros. Entertainment Inc., c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700, Glendale, CA 91203

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in the action specified above at the following date, time, and place:**

Date:	Time:	Address: 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference
January 28, 2022	10:00 a.m.	

a. ☒ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)

b. This deponent will be recorded stenographically ☒ through the instant visual display of testimony and by ☒ audiotape ☒ videotape.

2. ☒ If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

See Attachment 2

☐ Continued on Attachment 2 *(use form MC-025)*.

3. Attorneys of record in this action or parties without attorneys are *(name, address, telephone number, and name of party represented):*

See Attachment 3

☒ Continued on Attachment 3 *(use form MC-025)*.

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-040 [New January 1, 2010]

Code of Civil Procedure, §§ 2029.100–900, 2020 310, 2025 230, 2025.220, 2025.250, 2025 620; Government Code, § 68097.1
www.courtinfo.ca.gov
American LegalNet, Inc.
www.FormsWorkFlow.com

PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER (of action pending outside California): CL-2019-0002911

4. ☒ Other terms or provisions from out-of-state subpoena, if any *(specify):*
See attached Fairfax County Circuit Court Subpoena

☐ Continued on Attachment 4 *(use form MC-025).*

5. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 3, 2021

CAMILLE M. VASQUEZ
(TYPE OR PRINT NAME)

▶ Camille M. Vasquez
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for John C. Depp, II
(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:
   a. Person served
   b. Address where served:
   c. Date of delivery: d. Time of delivery:
   e. Witness fees and mileage both ways *(check one):*
      (1) ☐ were paid. Amount: ..... $ _____
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify):* $ _____
   f. Fee for service: ..... $ _____
2. I received this subpoena for service on *(date):*
3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

American LegalNet, Inc.
www.FormsWorkFlow.com

ATTACHMENT 2

DEFINITIONS

1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to any written and/or verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange.

3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C. Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-2019-0002911.

4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the DEFAMATION ACTION.

7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural and artificial persons.

8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's Bench Division Media and Communications List, Claim No. QB-2018-006323.

9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

PERSON MOST QUALIFIED DESCRIPTIONS

YOU hereby requested and required to designate and produce those of YOUR officers, directors, managing agents, employees, or other agents who are most qualified to testify on YOUR behalf as to the following subjects:

///

REQUEST NO. 1:

The decision to cast MS. HEARD in "Aquaman."

REQUEST NO. 2:

The decision to cast (or not cast) MS. HEARD in any sequel to "Aquaman."

REQUEST NO. 3:

The decision to cast (or not cast) MS. HEARD in any other film.

REQUEST NO. 4:

All YOUR internal and external COMMUNICATIONS regarding any posts on Twitter by MR. WALDMAN.

REQUEST NO. 5:

All YOUR internal and external COMMUNICATIONS regarding MR. WALDMAN.

REQUEST NO. 6:

Any actions YOU have taken in response to any publicity related to the SUN CASE.

REQUEST NO. 7:

Any actions YOU have taken in response to any publicity related to the DEFAMATION ACTION.

REQUEST NO. 8:

Any actions YOU have taken in response to any publicity related to the OP-ED.

REQUEST NO. 9:

Any actions YOU have taken in response to any publicity related to any public statements by MR. DEPP and/or MR. WALDMAN concerning MS. HEARD.

REQUEST NO. 10:

MS. HEARD's compensation from "Aquaman."

REQUEST NO. 11:

MS. HEARD's anticipated compensation from any sequel to "Aquaman."

///

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///

REQUEST NO. 12:

All negotiations or other COMMUNICATIONS between YOU, on the one hand, and MS. HEARD, her agents, attorneys, or other representatives, on the other hand, related to MR. DEPP or MR. WALDMAN.

REQUEST NO. 13:

Any assessments or analysis by YOU of the impact of casting MS. HEARD on the commercial success of any films, including without limitation Aquaman.

REQUEST NO. 14:

Any assessments, analysis, or review of the quality of any performance(s) given by MS. HEARD in any films, including without limitation Aquaman.

REQUEST NO. 15:

YOUR efforts to market, promote, or publicize Aquaman or any sequel to Aquaman, specifically including the role played or to be played by MS. HEARD.

SHORT TITLE:	CASE NUMBER:
John C. Depp, II v. Amber Laura Heard	CL-2019-0002911

ATTACHMENT *(Number):* 3

(This Attachment may be used with any Judicial Council form.)

Benjamin G. Chew
Andrew C. Crawford
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
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Samuel A. Moniz
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Counsel for Plaintiff and Counterclaim Defendant John C. Depp, II

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Joshua R. Treece
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Roanoke, VA 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Elaine Charlson Bredehoft
Adam S. Nadelhaft
Clarissa K. Pintado
David E. Murphy
Charlson Bredehoft Cohen & Brown, P.C.
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ebredehoft@cbcblaw.com
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cpintado@cbcblaw.com
dmurphy@cbcblaw.com

Craig J. Mariam
Michael J. Dailey
Hazel Mae Pangan
Sebastian van Roundsburg
Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071
Telephone: (213) 576-5000
Facsimile: (877) 306-0043
cmariam@grsm.com
mdailey@grsm.com
hpangan@grsm.com
sroundsburg@grsm.com

Counsel for Defendant and Counterclaim Plaintiff Amber Laura Heard

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SUBPOENA FOR WITNESS (CIVIL) – ATTORNEY ISSUED

Commonwealth of Virginia

VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. CL-2019-0002911

FILED
CIVIL DIVISION

HEARING DATE AND TIME

2021 NOV -3 P 12:02

FAIRFAX COUNTY CIRCUIT Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030
ADDRESS OF COURT

CLERK, CIRCUIT COURT
FAIRFAX, VA

JOHN C. DEPP, II v./*In re:* AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Person Most Qualified at Warner Bros. Entertainment Inc.
NAME

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700
STREET ADDRESS

Glendale	CA	91203
CITY	STATE	ZIP

TO the person summoned: You are commanded to appear

[ ] in the ____ Court

[X] at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference
ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on January 28, 2022 at 10:00 a.m. PT to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

John C. Depp, II
PARTY NAME

Andrew C. Crawford	89093
NAME OF ATTORNEY	VIRGINIA STATE BAR NUMBER
601 Thirteenth Street, N.W., Suite 600	(202) 536-1700
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY
Washington, DC 20005	(202) 536-1701
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY
November 3, 2021	Andrew Crawford
DATE ISSUED	SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:
If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

[X] This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

.....

[ ] PERSONAL SERVICE — Tel. No. .....

Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

.....

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] not found

..... , Sheriff

..... By ....., Deputy Sheriff
DATE

CERTIFICATE OF COUNSEL

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena for witness was e-mailed
DELIVERY METHOD
to all counsel of record for Amber Laura Heard,
on the 3rd day of November, 2021.

Andrew Crawford
SIGNATURE OF ATTORNEY

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

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Plaintiff and Counterclaim Defendant, by and through his counsel, pursuant to the Rules of the Supreme Court of Virginia, will take the deposition upon oral examination of Person Most Qualified at Warner Bros. Entertainment Inc., beginning at 10:00 a.m. on January 28, 2022, to be continued further from day to day, if necessary, until completed. The deposition will be held at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference, before a court reporter or other person authorized to administer oaths within the State of California. The examination, taken by stenographic and audio-visual means, will be for the purposes of discovery, trial, and/or any other purpose permitted by law.

Dated: November 3, 2021

Respectfully submitted,

Ben G. Chew (AC)

Benjamin G. Chew (VSB No. 29113)
Andrew C. Crawford (VSB No. 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005

Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Leo J. Presiado (*pro hac vice*)
Camille M. Vasquez (*pro hac vice*)
Samuel A. Moniz (*pro hac vice*)
BROWN RUDNICK, LLP
2211 Michelson Drive, Seventh Floor
Irvine, CA 92612
Phone: (949) 752-7100
Fax: (949) 252-1514
lpresiado@brownrudnick.com
cvasquez@brownrudnick.com
smoniz@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
Phone: (212) 209-4938
Fax: (212) 209-4801
jmeyers@brownrudnick.com

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

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn
Joshua R. Treece
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Elaine Charlson Bredehoft
Adam S. Nadelhaft
Clarissa K. Pintado
David E. Murphy
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, VA 20190
Telephone: (703) 318-6800
Facsimile: (703) 318-6808
ebredehoft@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant and Counterclaim Plaintiff Amber Laura Heard

Andrew C. Crawford (VSB No. 89093)

64294340 v1

ATTACHMENT A

DEFINITIONS

1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to any written and/or verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange.

3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C. Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-2019-0002911.

4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the DEFAMATION ACTION.

7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural and artificial persons.

8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's Bench Division Media and Communications List, Claim No. QB-2018-006323.

9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

PERSON MOST QUALIFIED DESCRIPTIONS

YOU hereby requested and required to designate and produce those of YOUR officers, directors, managing agents, employees, or other agents who are most qualified to testify on YOUR behalf as to the following subjects:

///

REQUEST NO. 1:

The decision to cast MS. HEARD in "Aquaman."

REQUEST NO. 2:

The decision to cast (or not cast) MS. HEARD in any sequel to "Aquaman."

REQUEST NO. 3:

The decision to cast (or not cast) MS. HEARD in any other film.

REQUEST NO. 4:

All YOUR internal and external COMMUNICATIONS regarding any posts on Twitter by MR. WALDMAN.

REQUEST NO. 5:

All YOUR internal and external COMMUNICATIONS regarding MR. WALDMAN.

REQUEST NO. 6:

Any actions YOU have taken in response to any publicity related to the SUN CASE.

REQUEST NO. 7:

Any actions YOU have taken in response to any publicity related to the DEFAMATION ACTION.

REQUEST NO. 8:

Any actions YOU have taken in response to any publicity related to the OP-ED.

REQUEST NO. 9:

Any actions YOU have taken in response to any publicity related to any public statements by MR. DEPP and/or MR. WALDMAN concerning MS. HEARD.

REQUEST NO. 10:

MS. HEARD's compensation from "Aquaman."

REQUEST NO. 11:

MS. HEARD's anticipated compensation from any sequel to "Aquaman."

///

///

///

REQUEST NO. 12:

All negotiations or other COMMUNICATIONS between YOU, on the one hand, and MS. HEARD, her agents, attorneys, or other representatives, on the other hand, related to MR. DEPP or MR. WALDMAN.

REQUEST NO. 13:

Any assessments or analysis by YOU of the impact of casting MS. HEARD on the commercial success of any films, including without limitation Aquaman.

REQUEST NO. 14:

Any assessments, analysis, or review of the quality of any performance(s) given by MS. HEARD in any films, including without limitation Aquaman.

REQUEST NO. 15:

YOUR efforts to market, promote, or publicize Aquaman or any sequel to Aquaman, specifically including the role played or to be played by MS. HEARD.

EXHIBIT 3

CONDITIONALLY UNDER SEAL

EXHIBIT 4

From:	Moniz, Samuel A.
To:	Cronin, Sarah L.
Cc:	Vasquez, Camille M.; Calnan, Stephanie; Udenka, Honieh; O"Connor, Michael J.; Diamond, Sarah E.
Subject:	RE: Depp v. Heard - subpoenas to Warner Bros.
Date:	Friday, January 21, 2022 11:49:05 AM

Thanks, Sarah.

As discussed, I'm setting forth below the basic parameters of what I think we're looking for from a Warner Bros. PMK (subject to further revision/discussion):

- Any internal discussions at Warner Bros. as to whether to release or terminate Ms. Heard from Aquaman 2;
- The reasons for any release or termination of Ms. Heard from Aquaman 2;
- Any negotiations or communications with Ms. Heard or her agents regarding her release or termination from Aquaman 2;
- Any negotiations or communications with Ms. Heard or her agents regarding her compensation for Aquaman 2;
- The decision to keep Ms. Heard in Aquaman 2;
- Any reduction in Ms. Heard's role in Aquaman 2 as a result of negative publicity related to Mr. Depp;
- The impact (if any) of publicity surrounding the Depp/Heard relationship and litigations on whether to cast or release Ms. Heard from Aquaman 2; and
- The impact (if any) of publicity surrounding any statements by Adam Waldman regarding Ms. Heard on whether to cast or release Ms. Heard from Aquaman 2.

Of course, we're happy to further discuss.

Thanks,
Sam

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Friday, January 21, 2022 8:30 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor,

Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

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

Your call-in number works, I will call-in at 3 p.m. today

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

SLCronin@Venable.com | www.Venable.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Thursday, January 20, 2022 9:53 PM
To: Cronin, Sarah L. <SLCronin@Venable.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: Re: Depp v. Heard - subpoenas to Warner Bros.

Caution: External Email

Thanks, Sarah. We can use my call in number, but feel free to send a zoom link if you prefer.

> On Jan 20, 2022, at 9:54 AM, Cronin, Sarah L. <SLCronin@venable.com> wrote:
>
> CAUTION: External E-mail. Use caution accessing links or attachments.
>
> ---
>
> 3 p.m. tomorrow works for me. I can circulate a Zoom link, or happy to use your conference line.
>
> Sarah L. Cronin, Esq. | Partner | Venable LLP
> t 310.229.0391 | f 310.229.9901 | m 415.302.0611
> 2049 Century Park East, Suite 2300, Los Angeles, CA 90067
>
> SLCronin@Venable.com | www.Venable.com
>
> ---
>
> **From:** Moniz, Samuel A. <SMoniz@brownrudnick.com>
> **Sent:** Thursday, January 20, 2022 9:47 AM
> **To:** Cronin, Sarah L. <SLCronin@Venable.com>
> **Cc:** Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>;

O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

Caution: External Email

Sarah, how about tomorrow afternoon, maybe around 3? I'll send you a summary of what we're focused on today or tomorrow morning.

<image001.jpg>

Samuel A. Moniz
Associate

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2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Thursday, January 20, 2022 9:46 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

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

Sam, we had two quick follow up questions after yesterday's call. Are you available today or tomorrow for a quick call? Also, please send those categories of testimony and documents regarding Aquaman II that you referred to yesterday.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

SLCronin@Venable.com | www.Venable.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Tuesday, January 18, 2022 10:46 AM
To: Cronin, Sarah L. <SLCronin@Venable.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

Caution: External Email

That works. Thanks. I'll send around a call invite.

<image001.jpg>

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Tuesday, January 18, 2022 10:45 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

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

I could do 1:30 p.m. tomorrow. Does that work for you?

Sarah L. Cronin, Esq. | Partner | Venable LLP
t 310.229.0391 | f 310.229.9901 | m 415.302.0611
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

SLCronin@Venable.com | www.Venable.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Tuesday, January 18, 2022 9:40 AM
To: Cronin, Sarah L. <SLCronin@Venable.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

Caution: External Email

Thanks, Sarah. How about tomorrow afternoon around 1?

<image001.jpg>

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Cronin, Sarah L. <SLCronin@Venable.com>
Sent: Tuesday, January 18, 2022 8:50 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: RE: Depp v. Heard - subpoenas to Warner Bros.

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

Sam, I can do a call this afternoon or tomorrow afternoon. I am also generally free on Thursday.

Sent with BlackBerry Work
(www.blackberry.com)

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Date: Monday, Jan 17, 2022, 11:24 AM
To: Cronin, Sarah L. <SLCronin@Venable.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>, Calnan, Stephanie <SCalnan@brownrudnick.com>, Udenka, Honieh <HUdenka@brownrudnick.com>
Subject: Depp v. Heard - subpoenas to Warner Bros.

Caution: External Email

Sarah,

I hope you're doing well. Please let me know a convenient time this week for a call to discuss our position on the subpoenas to Warner Bros. following Ms. Heard's deposition last week.

Thank you,
Sam

<image001.jpg>

Samuel A. Moniz
Associate

Brown Rudnick LLP
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Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

****

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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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you believe you have received this message in error, please notify the sender by reply
transmission and delete the message without copying or disclosing it.
****
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****

****
**
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****

****
**

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

****
**

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The information contained in this electronic message may 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.

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**

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****
**

****

The information contained in this electronic message may 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 proh bited. 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 distr bution.

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.

****

****
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.
****

EXHIBIT 5

From:	Moniz, Samuel A.
To:	O"Connor, Michael J.; Cronin, Sarah L.; Diamond, Sarah E.
Cc:	Presiado, Leo J.; Vasquez, Camille M.; Udenka, Honieh; Messiha, Tess M.; Suda, Casey; Chew, Benjamin G.
Subject:	FW: Depp v. Heard - Warner Bros. Deposition
Date:	Thursday, February 3, 2022 12:55:53 PM

Mr. O'Connor,

We are in receipt of your letter today requesting that Warner Bros. proceed by declaration in lieu of deposition testimony. We fully appreciate your client's status as a third party, and have no wish to cause unnecessary expense or inconvenience. In light of the content of your letter, we will consider whether we can further narrow or withdraw some of our document requests, and we are open to further refinement of the deposition topics we have proposed. However, based on our understanding of Ms. Heard's contentions in this action, we believe evidence from Warner Bros. is essential to prepare our case for trial and to address Ms. Heard's anticipated contention at trial that she has suffered substantial monetary damages as a result of conduct she seeks to attribute to Mr. Depp. Moreover, we do not believe that the declaration you propose would be accepted as admissible by the Court in Virginia, particularly in the absence of any cross examination of the declarant. Under the circumstances, and absent a withdrawal by Ms. Heard of her damages claims and her stipulation to the facts stated in your letter – which I do not anticipate will be forthcoming – we unfortunately see no alternative but to proceed with the deposition.

With that said, we will do whatever we can to accommodate your client, including setting the deposition by Zoom on a mutually convenient date. Given the content of your letter, I would expect it to be a short, straightforward deposition.

Please propose some dates in the next few weeks when you can make someone available for a short deposition. Should you wish to further discuss this matter, please feel free to contact me by telephone.

Best regards,
Sam

brownrudnick

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Tjaden, Karen M. <KMTjaden@Venable.com>
Sent: Thursday, February 3, 2022 11:05 AM
To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M.

<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; cpintado@cbcblaw.com; cmariam@grsm.com; mdailey@grsm.com
Cc: O'Connor, Michael J. <MJO'Connor@Venable.com>; Cronin, Sarah L. <SLCronin@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>
Subject: Depp v. Heard

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

Counsel:

Attached is Michael O'Connor's February 3rd letter with regard to the above matter.

Karen M. Tjaden | Legal Administrative Assistant | Venable LLP
t 310.229.0367 | f 310.229.9901
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

KMTjaden@Venable.com | www.Venable.com

****
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.
****

EXHIBIT 6

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

STIPULATION

Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard") and Plaintiff and Counterclaim-Defendant John C. Depp ("Mr. Depp") (collectively, the "Parties") hereby stipulate and agree to the following as it relates to discovery and trial in this matter:

1. The Parties agree that neither Ms. Heard nor Mr. Depp will include at trial any reference to Aquaman II for any reason, including but not limited to, any evidence or references supporting or disputing Ms. Heard's damages as it relates to her Counterclaims.

2. The Parties agree that neither Ms. Heard nor Mr. Depp will seek any additional discovery regarding Aquaman II for any reason, including but not limited to, agreeing not to depose Non-Party Warner Bros. Entertainment Inc. or seek any information relating to Aquaman II from WME or any of Ms. Heard's current or former agents or publicists.

3. [redacted]

AGREED, STIPULATED, AND ACCEPTED:

_____

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.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
Telephone: (703) 318-6800
ebredehoft@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

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

Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

AGREED, STIPULATED, AND ACCEPTED:

Benjamin G. Chew (VSB 29113)
Andrew C. Crawford (VSB 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez (admitted *pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
cvasquez@brownrudnick.com

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

EXHIBIT 7

CONDITIONALLY UNDER SEAL

EXHIBIT 8

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
BROWN RUDNICK LLP
LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377
SAMUEL A. MONIZ, #313274
2211 Michelson Drive, Seventh Floor, Irvine, CA 92612
TELEPHONE NO.: (949) 752-7100 FAX NO. *(Optional)*: (949) 252-1514
E-MAIL ADDRESS *(Optional)*: lpresiado@brownrudnick.com/cvasquez@brownrudnick.com
ATTORNEY FOR *(Name)*: John C. Depp, II

FOR COURT USE ONLY

Court for county in which discovery is to be conducted:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS: 111 N. Hill Street
CITY AND ZIP CODE: Los Angeles 90012
BRANCH NAME: Stanley Mosk

Court in which action is pending:
Name of Court: Circuit Court of Fairfax County
STREET ADDRESS: 4110 Chain Bridge Road
MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320
CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030
COUNTRY: United States

PLAINTIFF/PETITIONER: John C. Depp, II
DEFENDANT/RESPONDENT: Amber Laura Heard

CALIFORNIA CASE NUMBER (if any assigned by court): 19STCP04763

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE IN ACTION PENDING OUTSIDE CALIFORNIA

CASE NUMBER (of action pending outside California): CL-2019-0002911

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known):*
Person Most Qualified at Warner Bros. Entertainment Inc., c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700, Glendale, CA 91203

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in the action specified above at the following date, time, and place:**

Date:	Time:	Address:
March 7, 2022	10:00 a.m.	1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference

a. ☒ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)

b. This deponent will be recorded stenographically ☒ through the instant visual display of testimony and by ☒ audiotape ☒ videotape.

2. ☒ If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

See Attachment 2

☒ Continued on Attachment 2 *(use form MC-025).*

3. Attorneys of record in this action or parties without attorneys are *(name, address, telephone number, and name of party represented):*

See Attachment 3

☒ Continued on Attachment 3 *(use form MC-025).*

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-040 [New January 1, 2010]

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE IN ACTION PENDING OUTSIDE CALIFORNIA

Code of Civil Procedure, §§ 2029.100–900, 2020.310, 2025.230, 2025.220, 2025.250, 2025.620; Government Code, § 68097.1
www.courtinfo.ca.gov

American LegalNet, Inc.
www.FormsWorkFlow.com

PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER (of action pending outside California): CL-2019-0002911

4. ☒ Other terms or provisions from out-of-state subpoena, if any *(specify):*
See attached Fairfax County Circuit Court Subpoena

☐ Continued on Attachment 4 *(use form MC-025).*

5. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: February 22, 2022

CAMILLE M. VASQUEZ
(TYPE OR PRINT NAME)

▶ Camille M. Vasquez
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for John C. Depp, II
(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:
   a. Person served
   b. Address where served:
   c. Date of delivery: d. Time of delivery:
   e. Witness fees and mileage both ways *(check one):*
      (1) ☐ were paid. Amount: ..... $ _____
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify):* $ _____
   f. Fee for service: ..... $ _____
2. I received this subpoena for service on *(date):*
3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

American LegalNet, Inc.
www.FormsWorkFlow.com

ATTACHMENT 2

DEFINITIONS

1. "YOU," "YOUR," "WARNER BROS." and/or "WBEI" shall mean and refer to Warner Bros. Entertainment Inc., and its subsidiaries and affiliates.

2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to any written and/or verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange.

3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C. Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-2019-0002911.

4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the DEFAMATION ACTION.

7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural and artificial persons.

8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's Bench Division Media and Communications List, Claim No. QB-2018-006323.

9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

10. "AQUAMAN" shall mean and refer to the film "Aquaman."

11. "AQUAMAN 2" shall mean and refer to the sequel to AQUAMAN, "Aquaman and the Lost Kingdom."

///

///

PERSON MOST QUALIFIED DESCRIPTIONS

YOU hereby requested and required to designate and produce those of YOUR officers, directors, managing agents, employees, or other agents who are most qualified to testify on YOUR behalf as to the following subjects:

REQUEST NO. 1:

Any of YOUR internal discussions as to whether to release or terminate MS. HEARD from AQUAMAN 2.

REQUEST NO. 2:

The reasons for any release or termination of MS. HEARD from AQUAMAN 2.

REQUEST NO. 3:

Any negotiations or communications with MS. HEARD or her agents regarding her release or termination from AQUAMAN 2.

REQUEST NO. 4:

Any negotiations or communications with MS. HEARD or her agents regarding her compensation for AQUAMAN 2.

REQUEST NO. 5:

All information regarding the decisions to cast and keep MS. HEARD in AQUAMAN 2.

REQUEST NO. 6:

Any reduction in MS. HEARD's role in AQUAMAN 2 as a result of negative publicity related to MR. DEPP.

REQUEST NO. 7:

All reasons for any reduction in MS. HEARD's role in AQUAMAN 2.

REQUEST NO. 8:

The impact (if any) of publicity related to the relationship between MR. DEPP and MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

REQUEST NO. 9:

The impact (if any) of publicity surrounding any statements by MR. WALDMAN regarding MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

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To the extent not covered by the preceding topics, the casting of MS. HEARD in AQUAMAN 2.

REQUEST NO. 11:

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REQUEST NO. 12:

Any creative concerns regarding MS. HEARD's performance in the original AQUAMAN.

REQUEST NO. 13:

All nonprivileged facts supporting the factual assertions contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in WBEI picking up Heard's option for Aquaman 2 was due to creative issues in casting Ms. Heard[.]"

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All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI communicated to Heard's agent at the time, there were creative concerns with continuing to cast Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's agent."

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All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI communicated to Heard's agent at the time, there were creative concerns with continuing to cast

Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's agent."

REQUEST NO. 17:

All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "WBEI would not have paid Heard more money on *Aquaman 2*[.]"

REQUEST NO. 18:

All nonprivileged facts supporting the factual representations contained in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in [icking up Heard's option for *Aquaman 2* was not due to Heard's dispute with Depp or any of the allegations in this lawsuit."

SHORT TITLE:	CASE NUMBER:
John C. Depp, II v. Amber Laura Heard	CL-2019-0002911

ATTACHMENT *(Number):* 3

(This Attachment may be used with any Judicial Council form.)

Benjamin G. Chew
Andrew C. Crawford
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Facsimile: (202) 536-1701
bchew@brownrudnick.com
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Leo J. Presiado
Camille M. Vasquez
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cvasquez@brownrudnick.com
smoniz@brownrudnick.com

Jessica N. Meyers
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New York, New York 10036
Telephone: (212) 209-4938
Facsimile: (212) 209-4801
jmeyers@brownrudnick.com

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

J. Benjamin Rottenborn
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10 S. Jefferson Street, Suite 1400
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Roanoke, VA 24011
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kstemland@woodrogers.com

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anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

Craig J. Mariam
Michael J. Dailey
Hazel Mae Pangan
Sebastian van Roundsburg
Gordon Rees Scully Mansukhani, LLP
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Facsimile: (877) 306-0043
cmariam@grsm.com
mdailey@grsm.com
hpangan@grsm.com
sroundsburg@grsm.com

Counsel for Defendant and Counterclaim Plaintiff Amber Laura Heard

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SUBPOENA FOR WITNESS (CIVIL) – ATTORNEY ISSUED

Case No. CL-2019-0002911

Commonwealth of Virginia

VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

FILED
CIVIL ENGROSSING
2022 FEB 22 P 3:04
JOHN T. FREY
CLERK, CIRCUIT COURT

HEARING DATE AND TIME

FAIRFAX COUNTY CIRCUIT Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030

ADDRESS OF COURT

JOHN C. DEPP, II v./*In re:* AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Person Most Qualified at Warner Bros. Entertainment Inc.

NAME

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700

STREET ADDRESS

Glendale	CA	91203
CITY	STATE	ZIP

TO the person summoned: You are commanded to appear

[ ] in the ____ Court

[x] at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference

ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on March 7, 2022 at 10:00 a.m. PT to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

John C. Depp, II

PARTY NAME

Andrew C. Crawford	89093
NAME OF ATTORNEY	VIRGINIA STATE BAR NUMBER
601 Thirteenth Street, N.W., Suite 600	(202) 536-1700
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY
Washington, DC 20005	(202) 536-1701
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY
February 22, 2022	Andrew Crawford
DATE ISSUED	SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:
If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

[X] This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

.....

[ ] PERSONAL SERVICE | Tel. No. .....

Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

.....

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] not found ..... , Sheriff

..... By ..... , Deputy Sheriff
DATE

CERTIFICATE OF COUNSEL

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena for witness was e-mailed
DELIVERY METHOD
to all counsel of record for Amber Laura Heard, on the 22nd day of February, 2022.

Andrew Crawford
SIGNATURE OF ATTORNEY

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

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Plaintiff and Counterclaim Defendant, by and through his counsel, pursuant to the Rules of the Supreme Court of Virginia, will take the deposition upon oral examination of Person Most Qualified at Warner Bros. Entertainment Inc., beginning at 10:00 a.m. on March 7, 2022, to be continued further from day to day, if necessary, until completed. The deposition will be held at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference, before a court reporter or other person authorized to administer oaths within the State of California. The examination, taken by stenographic and audio-visual means, will be for the purposes of discovery, trial, and/or any other purpose permitted by law.

Dated: February 22, 2022

Respectfully submitted,

Andrew Crawford

Benjamin G. Chew (VSB No. 29113)
Andrew C. Crawford (VSB No. 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005

Telephone: (202) 536-1700
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Leo J. Presiado (*pro hac vice*)
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Phone: (949) 752-7100
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lpresiado@brownrudnick.com
cvasquez@brownrudnick.com
smoniz@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
Phone: (212) 209-4938
Fax: (212) 209-4801
jmeyers@brownrudnick.com

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

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn
Joshua R. Treece
Karen Stemland
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
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anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant and Counterclaim Plaintiff Amber Laura Heard

Andrew Crawford

Andrew C. Crawford (VSB No. 89093)

ATTACHMENT A

DEFINITIONS

1. "YOU," "YOUR," "WARNER BROS." and/or "WBEI" shall mean and refer to Warner Bros. Entertainment Inc., and its subsidiaries and affiliates.

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///

///

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PROOF OF SERVICE

STATE OF CALIFORNIA,

COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action.** I am employed in the County of Orange, State of California. My business address is 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612.

On February 22, 2022, I served true copies of the following document(s) described as **PUBLIC REDACTED OPPOSITION OF JOHN C. DEPP, II TO WARNER BROS. ENTERTAINMENT INC.'S MOTION TO QUASH SUBPOENAS; REQUEST FOR SANCTIONS; AND DECLARATION OF SAMUEL A. MONIZ IN SUPPORT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address csuda@brownrudnick.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 22, 2022, at Fullerton, California.

CASEY SUDA

SERVICE LIST
AMBER LAURA HEARD V. THE MANDEL COMPANY, INC.
CASE NO. 19STCP04763

J. Benjamin Rottenborn Joshua R. Treece Karen Stemland WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, VA 24011 Telephone: (540) 983-7540 Facsimile: (540) 983-7711 brottenborn@woodsrogers.com jtreece@woodsrogers.com kstemland@woodrogers.com	Attorneys for Petitioner/Defendant Amber Laura Heard
Elaine Charlson Bredehoft Adam S. Nadelhaft Clarissa K. Pintado David E. Murphy Charlson Bredehoft Cohen & Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, VA 20190 Telephone: (703) 318-6800 Facsimile: (703) 318-6808 ebredehoft@cbcblaw.com anadelhaft@cbcblaw.com cpintado@cbcblaw.com dmurphy@cbcblaw.com	Attorneys for Petitioner/Defendant Amber Laura Heard
Craig J. Mariam Michael J. Dailey Hazel Mae Pangan Sebastian van Roundsburg Gordon Rees Scully Mansukhani, LLP 633 West Fifth Street, 52nd floor Los Angeles, CA 90071 Telephone: (213) 576-5000 Facsimile: (877) 306-0043 cmariam@grsm.com mdailey@grsm.com hpangan@grsm.com sroundsburg@grsm.com	Attorneys for Petitioner/Defendant Amber Laura Heard
Benjamin G. Chew Andrew C. Crawford BROWN RUDNICK LLP 601 Thirteenth Street, N. W. Washington, DC 20005 Telephone: (202) 536-1700 Facsimile: (202) 536-1701 bchew@brownrudnick.com acrawford@brownrudnick.com	Attorneys for Plaintiff John C. Depp, II

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7 Times Square
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Attorney for Plaintiff John C. Depp, II

Sarah L. Cronin
Michael J. O'Connor
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Los Angeles, CA 90067
SLCronin@venable.com
MJO'Connor@venable.com
SEDiamond@venable.com

Attorneys for Non-Party Warner Bros. Entertainment Inc.

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Sunday, January 23, 2022 11:19 AM
To: Elaine Bredehoft
Cc: Adam Nadelhaft; David Murphy; Clarissa Pintado; Rottenborn, Ben; Treece, Joshua; Michael Dailey; McCafferty, Elaine; Stemland, Karen; Michelle Bredehoft; Heather Colston; Chew, Benjamin G.; Presiado, Leo J.; Vasquez, Camille M.; Meyers, Jessica N.; Crawford, Andrew C.; Calnan, Stephanie; Mena, Yarelyn; Udenka, Honieh; Suda, Casey
Subject: Re: Depp v. Heard - next week's depositions

Elaine, if you have authority for the proposition that emailing subpoenas to counsel for a party has the effect of compelling a nonparty to do anything, by all means send that authority to us so that we can review it.

As you know, we have never agreed to accept service on Ms. Deuters' behalf and, incidentally, have never been authorized to do so. You have been fully on notice of that fact for months.

And setting aside the question of service, if you have authority for the proposition that Virginia law authorizes the use of Virginia subpoenas as to nonresidents of Virginia who are not present in Virginia, we would appreciate seeing that authority also. I have no idea why you would take the facially incorrect position that a Virginia subpoena has any effect as to someone outside Virginia. After all, you have issued dozens of California subpoenas to California residents, thereby conceding that a VA subpoena alone is not effective as to persons in California. The same principle obviously applies with even greater force as to persons outside the United States.

And finally, if you have any authority for the proposition that a UK resident who is not a party and is not a VA resident or present in VA is subject to jurisdiction in Virginia, you can send that authority to us as well.

In the absence of such authority, your demands and threats have no valid basis in law or fact, and are not a productive use of your time or ours.

As indicated in my email below we can explore whether Ms. Deuters is willing to appear voluntarily, but I very much doubt that even if she is, she would be willing to do so this week.

I don't know that we have an address for Ms. Deuters, but if you intend to attempt to seek discovery via international processes in the UK—which is the only option open to you unless she agrees to appear voluntarily—we can see if we are able to obtain that information for you.

Sent from my iPhone

> On Jan 23, 2022, at 7:35 AM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:
>
> CAUTION: External E-mail. Use caution accessing links or attachments.
>
> Sam:

Thank you for confirming my list of which depositions are on and off for this coming week is correct. We will proceed accordingly, except as to Gina Deuters.

For Ms. Deuters, we served both Subpoenas on Brown Rudnick as Ms. Deuters' retained counsel and the designated party to receive any communications on her behalf on November 30, 2021. Mr. Depp's Interrogatory responses identified and supplemental Interrogatory responses maintained that Gina Deuters can only be "contact[ed] through Plaintiff's counsel." Mr. Depp never supplemented by providing any different contact information since October 2019- over 2 years ago. Therefore, Ms. Heard served the Subpoenas on Ms. Deuters' counsel based on Mr. Depp's sworn Interrogatory responses. Neither Ms. Deuters nor Mr. Depp served any timely objections to either Subpoena or challenged service. Yet no documents were produced on December 19. We raised all these issue some time ago and you said you would "look into it," and never responded with a follow up. Even after that, Mr. Depp did not supplement by providing any different contact information for Ms. Deuters, and is now estopped from doing so after the service of the subpoenas, no objections being served, and nearly two months have passed as we rapidly approach the close of discovery.

Ms. Heard obtained valid service of these Subpoenas on Ms. Deuters, intends to proceed with the deposition as noticed on January 27, and we will send you the Zoom link. If Ms. Deuters or Brown Rudnick (as counsel for either or both Ms. Deuters and Mr. Depp) fail to appear as noticed, they do so at their own risk and we will address the issue with the Court.

Thank you for your consideration.

Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, VA 20190
(703) 318-6800
(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcblaw.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Friday, January 21, 2022 6:39 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; jtreece@woodsrogers.com; Michael Dailey <mdailey@grsm.com>; McCafferty, Elaine

<emccafferty@woodsrogers.com>; Karen Stemland <kstemland@woodsrogers.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Heather Colston <hcolston@charlsonbredehoft.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>
Subject: RE: Depp v. Heard - next week's depositions

Elaine,

Thanks for the response.

With respect to Gina Deuters, I don't believe you're correct that that deposition is going forward next week. Ms. Deuters is a UK resident and is not subject to subpoena power or jurisdiction in Virginia. We have not agreed to accept service and, even if we had, the Virginia subpoena you emailed our office would be wholly meaningless as to a nonresident of Virginia. We can look into whether Ms. Deuters might agree to a voluntary deposition, but are not in a position to commit one way or the other on that today.

Sam

<image001.jpg>

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Friday, January 21, 2022 7:05 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; jtreece@woodsrogers.com; Michael Dailey <mdailey@grsm.com>; McCafferty, Elaine <emccafferty@woodsrogers.com>; Karen Stemland <kstemland@woodsrogers.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Heather Colston <hcolston@charlsonbredehoft.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>
Subject: RE: Depp v. Heard - next week's depositions

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

Sam: We understand the following depositions are on for next week (this includes yours):

PMK of Action Property Management

Erin Boerum

Joel Mandel

Gina Deuters

Sean Bett

We understand the following are NOT on for next week:

Elon Musk

Stephen Deuters (being rescheduled to need week or following)

James Franco

Corporate Designee of WME

Corporate Designee of Warner Bros.

Hector Galindo

Please confirm if these lists are accurate on your end. Thank you. Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
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Reston, VA 20190
(703) 318-6800

(703) 919-2735 (mobile)
(703) 318-6808 (fax)
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From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Thursday, January 20, 2022 11:21 AM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; jtreece@woodsrogers.com; Michael Dailey <mdailey@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>
Subject: Re: Depp v. Heard - next week's depositions

Counsel, we'd appreciate a response on this today, thanks

> On Jan 19, 2022, at 8:25 AM, Moniz, Samuel A. <SMoniz@brownrudnick.com> wrote:
>
> Elaine and all,
>
> Can you please let us know at your earliest convenience which of next week's depositions you expect to go forward? In addition to Sean Bett on the 25th (which I think is already confirmed), and Stephen Deuters (who is not going forward next week, but will be available the following week), I show the following as tentatively calendared by your office:
>
> 1. PMK of Action Property Management

2. Marilyn Manson
3. Erin Boerum
4. Joel Mandel

Thanks much.

Sam

<image001.jpg>

Samuel A. Moniz
Associate

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****

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****

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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.

****

From:	Rottenborn, Ben
Sent:	Tuesday, March 8, 2022 2:56 PM
To:	Moniz, Samuel A.; Meyers, Jessica N.; David Murphy; Suda, Casey; Treece, Joshua; Stemland, Karen; Elaine Bredehoft; Adam Nadelhaft; Clarissa Pintado; Michelle Bredehoft; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting
Cc:	Chew, Benjamin G.; Crawford, Andrew C.; Presiado, Leo J.; Vasquez, Camille M.; Calnan, Stephanie; Mena, Yarelyn
Subject:	RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

Sam,

Depp has been under Court order to provide proper contact information for over a year and should have done it before that as part of his obligation under Virginia's discovery rules. He has violated both the order and the rules. We're not playing these games with you during the last week of discovery, when the parties have multiple fact discovery, expert discovery, and trial deadlines outstanding. We are not agreeing to continue depositions outside the discovery period when, but for your failure to provide contact information, these witnesses could have been deposed long ago. And we will object to any attempt by Mr. Depp to have these witnesses testify at trial.

Ben

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Tuesday, March 08, 2022 1:20 PM
To: Rottenborn, Ben <brottenborn@woodsrogers.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; David Murphy <dmurphy@cbcblaw.com>; Suda, Casey <CSuda@brownrudnick.com>; Treece, Joshua <jtreece@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

****EXTERNAL EMAIL****

Ben:

Your email below is both surprising and disappointing, and suggests that Ms. Heard is engaged in yet more improper gamesmanship, rather than a serious effort to obtain discovery. True to form, your office provided no indication one way or the other whether these witnesses had been served or if their depositions were going forward. We had no idea whether you were proceeding, and we have learned to expect you and your colleagues to simply ignore our inquiries on those matters. We therefore sought out contact information for these individuals (which, incidentally, we had to obtain from a third party), and contacted them directly. They advised that they are willing to appear for deposition, and we notified you of that fact the same day. I note that we have cross-noticed these depositions, which you never informed us

were off calendar. For you to claim that somehow you are being given inadequate notice of the date your own office noticed is an unusual position, to say the least. Nonetheless, we are open to an agreement to take these depositions next week, if you genuinely believe Thursday is not workable. As for documents, you can take that up with the witnesses; I have no information one way or the other on whether any documents even exist. The bottom line is this: if you want to depose these witnesses, you have the option of doing so. The choice to proceed or not is yours. Please let us know by COB today.

On another note, as you know, Gina Deuters is a UK resident and is beyond either party's subpoena power. You never followed up on our inquiries whether you intended to seek any sort of international discovery, and you have made no effort to do so. We have nonetheless been in contact with her for several weeks to see if she will agree to appear voluntarily for a deposition, recognizing that neither party has the ability to compel her testimony. She has now indicated that she is available to appear next week, on a purely voluntary basis by Zoom, and without agreeing to accept service of a US subpoena which, as you know, is a nullity as to a UK resident. If you wish to take her deposition next week, we will not object to your doing so after the discovery cutoff. Again, the choice to proceed or not is entirely yours, but you have the option of doing so. Either way, please let us know by COB tomorrow.

Thank you.

brownrudnick

Samuel A. Moniz
Associate

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T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Rottenborn, Ben <brottenborn@woodsrogers.com>
Sent: Tuesday, March 8, 2022 9:00 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; David Murphy <dmurphy@cbcblaw.com>; Suda, Casey <CSuda@brownrudnick.com>; Treece, Joshua <jtreece@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

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

Sam,

The Court ordered you to produce accurate contact information for these two witnesses over a year ago. You did not do that, and despite repeated attempts, we have not been able to serve either Mr. Damien or Mr. McGivern. It's improper for your side now apparently to make them available for deposition (presumably with you serving as their counsel) with two days' notice during the last week of discovery. To the extent this is an attempt to avoid having the witnesses excluded at trial, it is inappropriate and we reserve all rights to object to their appearance at trial. Moreover, our subpoenas included requests for documents, which you do not indicate they will be providing in advance of any

deposition. If I'm wrong on that, and they plan to make a full and complete production of documents, please let me know. Otherwise, we will not be moving forward with their depositions this week.

Ben

Ben Rottenborn
Woods Rogers PLC
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From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Monday, March 07, 2022 7:38 PM
To: Meyers, Jessica N. <JMeyers@brownrudnick.com>; David Murphy <dmurphy@cbcblaw.com>; Suda, Casey <CSuda@brownrudnick.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

****EXTERNAL EMAIL****

Elaine, David, etc.:

Since your office has declined in recent weeks to respond to our inquiries about depositions, we were able to get in touch with Leonard Damian and Travis McGivern directly. They confirmed that they are available to appear for the depositions you noticed for this week, although Mr. McGivern requested a 12 p.m. PT start time, instead of the 9:30 a.m. noticed by your office.

Please circulate Zoom information to us and to the witnesses. The emails they provided to us are: lendamian66@gmail.com and Mcgivern27@msn.com.

Thank you,
Sam

brownrudnick

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: Meyers, Jessica N. <JMeyers@brownrudnick.com>
Sent: Monday, March 7, 2022 11:46 AM
To: David Murphy <dmurphy@cbcblaw.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

David,

You ask for a courtesy that Ms. Heard's counsel has not extended to us on multiple occasions. Many of our requests to confirm the forthcoming deposition schedule have gone unanswered until the eleventh hour.

We can confirm that Christian Carino's deposition is going forward and Tasya Van Ree's, Adir Abergel's, and David Heard's are not.

Regards,
Jess

brownrudnick

Jessica N. Meyers
Counselor at Law
(she / her / hers)

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New York, NY 10036
T: 212-209-4938
F: 212-938-2955
jmeyers@brownrudnick.com
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Please consider the environment before printing this e-mail

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Monday, March 7, 2022 1:55 PM
To: Meyers, Jessica N. <JMeyers@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel

A. <SMoniz@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

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

Jessica,

I have not received even the courtesy of a response to this email, despite me providing the information requested by Mr. Depp. Please provide this information immediately.

Thank you for your prompt attention to this matter.

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: David Murphy
Sent: Thursday, March 03, 2022 8:12 AM
To: Meyers, Jessica N. <JMeyers@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

Jessica,

Lauren Shapiro's deposition is not proceeding today. **Please confirm by COB today** whether the following deposition subpoenas Mr. Depp served on counsel are proceeding on the dates in those subpoenas: Tasya van Ree, Adir Abergel, David Heard, and Christian Carino.

Thank you for your anticipated timely cooperation.

David E. Murphy

Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
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From: Meyers, Jessica N. <JMeyers@brownrudnick.com>
Sent: Wednesday, March 02, 2022 7:30 PM
To: Suda, Casey <CSuda@brownrudnick.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard- Cross-Notices of Deposition

Counsel,

Can you please confirm whether Lauren Shapiro's deposition is going forward tomorrow? We have not yet received the Zoom link for her deposition so, if it is going forward, please circulate the link to our team.

Thank you,
Jess

brownrudnick

Jessica N. Meyers
Counselor at Law
(she / her / hers)

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Please consider the environment before printing this e-mail

From: Suda, Casey <CSuda@brownrudnick.com>
Sent: Monday, February 28, 2022 10:11 PM
To: brottenborn@woodsrogers.com; jtreece@woodsrogers.com; kstemland@woodsrogers.com; ebredehoft@cbcblaw.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; cpintado@cbcblaw.com; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <dxcutting@grsm.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>;

Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>
Subject: John C. Depp, II v. Amber Laura Heard- Cross-Notices of Deposition

Counsel,

Please find attached for service the following documents:

- Cross-Notice of Deposition of Rami Sarabi; and
- Cross-Notice of Deposition of Lauren Shapiro.

Thank you,

brownrudnick

Casey Suda
Legal Executive Assistant

Brown Rudnick LLP
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Transcript of Laura Divenere

Date: January 15, 2021
Case: Depp, II -v- Heard

Planet Depos
Phone: 888.433.3767
Email:: transcripts@planetdepos.com
www.planetdepos.com

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BY MR. ROTTENBORN:
Q. Without disclosing anything to me about what you and Mr. Sherman talked about, what did you do to prepare for your deposition today?
A. I did –
MR. SHERMAN: Well, I'm going to object that it does call for attorney/client privilege generally, but you can answer the question.
THE WITNESS: I didn't prepare.
BY MR. ROTTENBORN:
Q. Okay. Did you speak to anyone who wasn't your attorney in preparation for today's deposition?
A. No.
Q. Okay. When did you -- and I know that your attendance today is -- is reluctant. That's fair to say; right?
A. It is. It's not my comfort zone.
Q. Right. Right. I get it.
And your involvement in this case generally has been reluctant and out of your comfort zone too; right?

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A. True.
Q. When did you first become involved in -- and when I say, "this case," you understand that I'm referring to the lawsuit pending between Mr. Depp and Ms. Heard in Virginia; correct?
A. Correct.
Q. When did you first become involved in this case?
A. When I received a text from Mr. Waldman.
Q. And Mr. Waldman is Mr. Depp's -- one of Mr. Depp's attorneys?
A. Correct.
Q. I'm going to ask Alex to pull up the exhibit that's been uploaded that's called, "Waldman Text to Laura D."
And, Ms. Divenere, the way this is going to work is you're going to -- I'm going to show you a few documents today. It won't be many, but a few. And I'm going to put them up, or the Planet Depos tech person is going to put them up on the screen like this.
MR. ROTTENBORN: And if you can enlarge

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that, particularly the -- the large yellow text at the top. Yep, just scroll down a little bit.
(Deposition Exhibit Number 1 was marked for identification)
BY MR. ROTTENBORN:
Q. And if you ever need anything enlarged or if you need --
A. I'm good.
Q. All right. Just let us know. Okay?
A. Uh-huh. Thank you.
Q. Is this --
MR. ROTTENBORN: Can you shrink that a little bit, Alex, so we can see a little more of it? Thanks.
BY MR. ROTTENBORN:
Q. Is this the text that you were just referring to, Ms. Divenere?
A. Yes.
Q. What was your reaction to receiving this text?
A. You know, I was a little horrified. I was, you know, I was concerned, just because I

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felt like I really – you know, it was a couple years later. I didn't really, you know, I didn't know why I was involved with it. And I – I felt a little threatened by it, to be honest.
Q. Did this text make you feel uncomfortable?
A. Yes.
Q. And did it -- did it make you feel like you were being put under pressure by Mr. Waldman to make a Declaration in Mr. Depp's favor?
MS. VASQUEZ: Objection. Leading the witness.
MR. ROTTENBORN: You can answer.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. Did you feel pressured by Mr. Waldman to say things that were unfavorable about Ms. Heard?
MS. VASQUEZ: Objection, leading.
BY MR. ROTTENBORN:
Q. You can answer.
A. Yes.
Q. And I believe you testified to this, but

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did you feel that Mr. Waldman was threatening you with some negative consequences personally if you didn't cooperate with him?
MS. VASQUEZ: Objection, leading.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. Did you feel that Mr. Waldman's conduct in sending you this text and in getting you to sign a Declaration was appropriate?
MS. VASQUEZ: Objection, leading. Vague and ambiguous as to "appropriate."
MR. SHERMAN: Yeah, I'm going to object to that as well. It also calls for a legal conclusion in terms of whether -- I don't know whether you mean by "appropriate," appropriate conduct for a lawyer or not, but she wouldn't be able to opine on that.
MR. ROTTENBORN: Okay. Well, she can answer the question, so I'll ask it again with your objections noted.
BY MR. ROTTENBORN:
Q. To you, as you understand the word

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"appropriate," Ms. Divenere, did you feel that Mr. Waldman's conduct in sending you this text and getting a Declaration from you was appropriate?
MS. VASQUEZ: Same objections.
THE WITNESS: No.
BY MR. ROTTENBORN:
Q. And at any point when you received this text, or since then, have -- have you believed that Ms. Heard somehow concocted a hoax that she was abused by Mr. Depp?
MS. VASQUEZ: Objection, leading. Assumes facts not in evidence. It's vague and ambiguous.
MR. SHERMAN: Also overbroad.
THE WITNESS: I'm -- I'm sorry. Am I supposed to answer this?
MR. SHERMAN: Yeah, you can --
THE WITNESS: Okay.
MR. SHERMAN: Laura, you answer the questions. When the objections come, just wait and let them get made --

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THE WITNESS: Okay.
MR. SHERMAN: -- and then you answer the question afterwards, unless I instruct you not to. Okay?
THE WITNESS: Okay.
MR. SHERMAN: So go ahead and answer that question. And if you need it read back or you need to hear it again --
THE WITNESS: Yes.
MR. SHERMAN: -- they can do that for you, because it's been a minute.
THE WITNESS: Thank you. Can you repeat the question?
BY MR. ROTTENBORN:
Q. Sure, yeah. At any point -- at any time have -- have you believed that Ms. Heard somehow concocted a hoax that she was abused by Mr. Depp?
MS. VASQUEZ: Same objections.
MR. SHERMAN: Same objections.
THE WITNESS: No.
BY MR. ROTTENBORN:
Q. Now, in this text from Mr. Waldman, he

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says that he has you, quote, "all over the surveillance video." Do you see that?
A. Yes.
Q. Did he ever show you any surveillance videos from this building?
A. I don't recall. I believe I might have seen one photo that he had -- that he had shown me. In fact, he did show me one photo of myself in an elevator.
Q. Was anyone else in that elevator with you?
A. I don't remember.
Q. And Ms. Heard wasn't; correct?
A. I don't remember.
Q. And this building that is being referred to in this text is the Eastern Columbia building in which you resided at that time; correct?
A. Correct.
Q. Did you -- is it fair to say that this text left you with the impression that if you didn't cooperate, that you were going to have to spend a significant amount on your own attorney?

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Q. And do you have any personal knowledge of any fact that suggests that Ms. Heard's statements regarding abuse at the hands of Johnny Depp are false?
A. I have --
MR. SHERMAN: Object -- hold on. Objection. It's overbroad and lacks foundation as to this witness.
You can answer the question, Laura.
MS. VASQUEZ: I join in those objections.
THE WITNESS: I'm sorry. Can you repeat the question?
BY MR. ROTTENBORN:
Q. Sure. Do you have any personal knowledge of any fact that suggests that Ms. Heard's statements regarding abuse at the hands of Johnny Depp are false?
A. No.
MS. VASQUEZ: Same objection.
MR. SHERMAN: Laura, did you answer? I didn't hear you.

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THE WITNESS: Yes. I'm sorry. I said, no.
MR. ROTTENBORN: Alex, can you please pull up the document entitled, "Declaration of Laura Divenere Signed," and slowly scroll through it, just so she can see all the pages and her signature at the end, please.
(Deposition Exhibit Number 3 was marked for identification)
BY MR. ROTTENBORN:
Q. Ms. Divenere, is this the Declaration that Mr. Waldman had you sign?
A. Yes.
Q. And did --
MR. ROTTENBORN: You can scroll back up to the top, please, Alex.
BY MR. ROTTENBORN:
Q. In your conversations with Mr. Waldman, both in the text that we saw earlier and leading up to signing this Declaration, did Mr. Waldman leave you with the impression that you could be charged with perjury if you didn't sign the

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Declaration he wanted?
MS. VASQUEZ: Objection, leading. Assumes facts not in evidence. Calls for hearsay.
MR. SHERMAN: Also vague the way it's phrased.
You can answer, Laura.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. And did you feel coerced to sign this Declaration by Mr. Waldman?
MS. VASQUEZ: Objection, asked and answered. Assumes facts not in evidence.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. I'd like to go to paragraph 5, please. And paragraph 4 as well.
Do you see in paragraph 4 there's a reference to an accusation that Amber Heard made against Mr. Depp regarding an incident that happened on Saturday, May 21st, 2016?
A. Yes.
Q. And then in paragraph 5, you talk about

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seeing Ms. Heard in some of the days following that alleged incident; correct?
A. Yes.
Q. You didn't see her -- to the best of your knowledge, you didn't see her on May 21st after the incident, did you?
A. I honestly -- I don't recall.
Q. Okay. And you didn't see her on May 22nd after the incident; right?
A. I don't recall. I -- again, I don't -- these are just dates. And it's been so long, I have no concept of that time.
Q. And when -- when you say that you saw her at least on May 23rd, 24th, and 25th, are those -- is that your recollection that you saw her on those days, or did Mr. Waldman tell you that you saw her on those days?
MS. VASQUEZ: Objection, calls for hearsay. Lack of foundation. Assumes facts not in evidence. It's also vague and ambiguous as to time. Her recollection when?
THE WITNESS: Those would have been

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dates that Mr. Waldman gave me. Because, again, I don't have any correlation or idea of what those dates were, especially after so many years.
BY MR. ROTTENBORN:
Q. And when it came to seeing signs of abuse on Ms. Heard's face, Mr. Waldman told you that if there had been abuse, that you would have been able to see signs; right? That was something he said to you?
MS. VASQUEZ: Objection, hearsay. Assumes facts not in evidence, misstates the record.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. And he told you that any signs of abuse would have been very visible to you; right?
MS. VASQUEZ: Object -- same objections.
THE WITNESS: Yes.
BY MR. ROTTENBORN:
Q. But he never explained to you how or why he would have any personal knowledge or any basis to make such a statement; right?

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MS. VASQUEZ: Same objections.
THE WITNESS: Correct.
BY MR. ROTTENBORN:
Q. Mr. Waldman wasn't there on May 21st, 2016, to your knowledge; right?
A. To my knowledge --
MR. SHERMAN: Objection. It lacks foundation. Calls for speculation.
MS. VASQUEZ: Join.
MR. SHERMAN: You can answer, Laura.
THE WITNESS: Oh. Correct.
BY MR. ROTTENBORN:
Q. He never told you that he was there on May 21st, 2016; right?
A. Correct.
MS. VASQUEZ: Objection. Calls for hearsay.
Apologize, Ms. Divenere. I was a bit delayed.
THE WITNESS: It's fine.
BY MR. ROTTENBORN:
Q. To your knowledge, Mr. Waldman --

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thanks. It's always -- always interesting with Zoom with the little time delay; right?
To your knowledge, Mr. Waldman isn't an expert on spousal abuse or domestic violence; correct?
MS. VASQUEZ: Objection.
MR. SHERMAN: Objection. Lacks foundation. Calls for speculation. Calls for a legal conclusion as to the word, "expert," depending on if you use it as a term of art.
MS. VASQUEZ: I'll join in those objections.
BY MR. ROTTENBORN:
Q. You can answer.
A. Correct.
Q. And to your knowledge, Mr. Waldman isn't an expert on what cuts and bruises and swelling and other signs of abuse look like; right?
MS. VASQUEZ: Same objections.
THE WITNESS: Correct.
BY MR. ROTTENBORN:
Q. But nonetheless, Mr. Waldman led you to

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believe that if you didn't notice signs of abuse on Ms. Heard's face, that she hadn't been abused; right?
MS. VASQUEZ: Objection. Assumes facts not in evidence. Misstates the record. Calls for hearsay.
THE WITNESS: Correct.
BY MR. ROTTENBORN:
Q. Now, you did -- you mentioned this in your conversation with Ms. Heard. You did see Ms. Heard's face red and swollen on those days in late May 2016 when you saw her; right?
MS. VASQUEZ: Objection. Assumes facts not in evidence. It's compound.
THE WITNESS: To my recall, yes.
BY MR. ROTTENBORN:
Q. And you have no personal knowledge or reason to believe that if you hadn't seen bruises or cuts on Ms. Heard's face, that somehow she wasn't abused and was making up the allegations of abuse; right?
MR. SHERMAN: Objection. It's vague as

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

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2022 MAR 14 P 3:11
FAIRFAX COUNTY
CIRCUIT COURT
VA

JOHN C. DEPP, II,	)	
	)	
Plaintiff and Counterclaim Defendant,	)	
	)	
v.	)	Case No.: CL-2019-0002911
	)	
AMBER LAURA HEARD,	)	
	)	
Defendant and Counterclaim Plaintiff.	)	
	)	

*** UNDER SEAL ***

PLAINTIFF/COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S LIST OF EXHIBITS

COMES NOW Plaintiff and Counterclaim Defendant John C. Depp, II, by counsel, to submit the following list of exhibits that they may be used and/or introduced during the trial of the above-captioned scheduled to begin on April 11, 2022. Plaintiff reserves the right to amend, supplement, and/or withdraw portions of this list as appropriate.

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
1.	Op-Ed (on-line) (Exhibit A to Complaint, Heard Exhibit 7, Dougherty Exhibit 73)				
2.	Op-Ed (paper) (Exhibit B to Complaint)				
3.	Heard Post of Op-Ed (Exhibit C to Complaint)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
4.	8/18/16 Email re Heard Donation Announcement (ACLU_00005066-67) (Dougherty Exhibit 2)				
5.	8/19/16 Email re Heard publicity (ACLU_00005091-92) (Dougherty Exhibit 9)				
6.	8/25/16 Email re $100K Donation (ACLU_00002592-94) (Dougherty Exhibit 10, Romero Exhibit 4)				
7.	10/17/16 Heard Email re $100K from Depp (ACLU_00002601) (Dougherty Exhibit 12)				
8.	12/15/16 Email re Press Inquiry (ACLU_00004350) (Dougherty Exhibit 20)				
9.	7/6/17 Email re Press Release on $500K donation (ACLU_00005110-11) (Dougherty Exhibit 22)				
10.	7/6/17 Email re Press Release on $500K donation (ACLU_00002586) (Dougherty Exhibit 23)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
11.	7/6/17 Email re Statement re Donation (ACLU_00006673-74) (Dougherty Exhibit 24)				
12.	11/15/18 Email re Van Ree Article (ACLU_00000156-161) (Dougherty Exhibit 33)				
13.	11/29/18 Email re Op-Ed (ACLU_00000185-88) (Dougherty Exhibit 35)				
14.	12/10/18 Email re Op-Ed placement (ACLU_00001414) (Dougherty Exhibit 38)				
15.	Donation Ledger (ACLU_00003037-39) (Dougherty Exhibit 39)				
16.	12/13/18 Email re Edits to Op-Ed (ACLU_00000255-59) (Dougherty Exhibit 41)				
17.	12/17/18 Email re Op-Ed placement (ACLU_00001180-85) (Dougherty Exhibit 42)				
18.	ACLU_00006479				
19.	12/14/18 Email re Op-Ed (ACLU_00000324-32) (Dougherty Exhibit 43)				
20.	ACLU_00000449				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
21.	12/19/18 Email re USA Today Coverage (ACLU_00000623) (Dougherty Exhibit 45)				
22.	12/19/18 Email re USA Today Coverage (ACLU_00001287-88) (Dougherty Exhibit 46)				
23.	ACLU Pledge Form (ACLU_00003032-35) (Heard Exhibit 4, Dougherty Exhibit 11)				
24.	7/2/20 Email re Heard Donations (ACLU_00002614-16) (Dougherty Exhibit 59)				
25.	7/30/20 Email re Reuters Inquiry (ACLU_00001685-87) (Dougherty Exhibit 62)				
26.	7/31/20 Email re Reuters Inquiry (ACLU_00001700-04) (Dougherty Exhibit 63)				
27.	Documents re Heard Donations (ACLU_00004673-82) (Dougherty Exhibit 67)				
28.	7/6/17 Email re Press inquiries (ACLU_00005105-07) (Heard Exhibit 5, Romero Exhibit 11)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
29.	7/6/17 Email re Announcement re $500K (ACLU_00006662-63) (Romero Exhibit 12)				
30.	1/8/21 Email re Media Inquiry (ACLU_00001725-28) (Romero Exhibit 34)				
31.	9/16/19 Email re Funding (ACLU_00007101-02) (Romero Exhibit 28)				
32.	7/2/20 Email re Donations (ACLU_00002617) (Romero Exhibit 31)				
33.	1/8/21 Email from Howell (ACLU_00002234-37) (Romero Exhibit 35, Howell Exhibit 9)				
34.	Guardian Article (Heard Exhibit 2)				
35.	James Cordon Interview Clip (DEPP00008258)				
36.	8/24/16 Email re Donation (ACLU_00002580-83) (Romero Exhibit L, Heard Exhibit 3)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
109.	ECB Floor Plan (DEPP00012483) (Heard Exhibit 49)				
110.	May 21, 2016 Pictures (DEPP00011842-11866) (Heard Exhibit 51)				
111.	5/24/16 Spector Letter (ALH_00003786-87) (Heard Exhibit 53)				
112.	Heard Arrest Records (DEPP00012355-63)				
113.	Australia Order (DEPP00012364-447)				
114.	Transcript of Australia Proceedings (DEPP00012451-56)				
115.	Diagram of Penthouse (DEPP00012481-82)				
116.	Diagram of Penthouse (DEPP00012484)				
117.	CHLA Honor Role of Donors (DEPP00012491-550)				
118.	Plane Diagram (DEPP00012485)				
119.	Heard Plane Diagram (Heard Exhibit 19-A)				
120.	Depp Text Messages (DEPP00008476-8675)				
121.	Depp Text Messages (DEPP00012632)				

EX.#	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
199.	Photograph of Wall (Diener – Plaintiff's Exhibit 7)				
200.	Body Camera Footage (Gatlin Exhibit 4)				
201.	Body Camera Footage (Gatlin Exhibit 5)				
202.	Deposition Notice (Davidson-Goldbronn Exhibit 1)				
203.	Letter from Edward White (Davidson-Goldbronn Exhibit 3)				
204.	CHLA 2017 Honor Roll (Davidson-Goldbronn Exhibit 8)				
205.	CHLA Honor Roll of Donors (Davidson-Goldbronn Exhibit 9)				
206.	Letter from Candie Davidson-Goldbronn to Edward White (Davidson-Goldbronn Exhibit 10)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
222.	Text messages between Depp and Kevin Murphy (DEPPP00007668-720)				
223.	2/2/15 Email exchange between Michele Mulrooney and Dana Lowy (Mulrooney Exhibit 3)				
224.	2/3/15 Email exchange between Michele Mulrooney and Dana Lowy (Mulrooney Exhibit 4)				
225.	2/17/15 Email exchange between Dana Lowy and Michele Mulrooney (Mulrooney Exhibit 5)				
226.	Combinatorial Pharmacogenomic Test (AH_TPD_00017277-AH_TPD_00017301)				
227.	Financial documents (EWC000001-EWC000052)				
228.	Financial documents (EWC000053-EWC000054)				
229.	Financial documents (EWC000055-EWC000056)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
230.	Financial documents (EWC000057-EWC000058)				
231.	Financial documents (EWC000059-EWC000060)				
232.	Financial documents (EWC000061-EWC000068)				
233.	Financial documents (EWC000069-EWC000076)				
234.	July 19, 2016 Transcript of Deposition (Romero Exhibit 1)				
235.	3/10/16 Email re "a & jd" (DEPP00003202) (Anderson Exhibit 7)				
236.	Notes (Confidential 000001-17) (Anderson – Plaintiff's Exhibit 2)				
237.	12/19/15 Email from Heard to Laurel Anderson (Anderson – Plaintiff's Exhibit 3)				
238.	11/18/19 Treatment Summary (Anderson – Plaintiff's Exhibit 6)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
935.	2021-12-17 LEC Interview Questionnaire (DEPP00048590-DEPP00048599)				
936.	Depp Tax Returns 2009-2019 (DEPP00018328-DEPP00018404)				
937.	Into the Woods (ALH_00017624-57)				
938.	Notes (HUGHES0001-119)				
939.	8/24/16 Letter from Edward White to ACLU with check (ACLU_00003026-ACLU_00003025)				
940.	8/24/16 Letter from Edward White to CHLA with check (CHLA000002-CHLA000003)				
941.	Heard IMDB (ALH_00010482 ALH_00010485)				
942.	Notes (JACOBS-0001-JACOBS-0065)				
943.	Photo of Amber Heard (AHA_00000001)				
944.	Photo of Amber Heard (AHA_00000024)				
945.	Photo of Amber Heard (ALH_00000520)				

EX. #	DESCRIPTION	OBJECTIONS	STIPS	IDENTIFIED	ADMITTED
1232.	Kitchen video (Howell 08)				
1233.	AH Transcripts (ALH_00019023)				
1234.	AH Transcripts (ALH_00019045)				
1235.	AH Transcripts (ALH_00019064)				

Dated: March 14, 2022

Respectfully submitted,

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Counterclaim Defendant John C. Depp, II

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I hereby certify that on this 14th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Benjamin G. Chew (VSB #29113)

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, hereby designates and identifies his expert witnesses.

Given the preliminary state of discovery—in particular, that the parties have barely begun their document productions, non-parties have yet to make significant document productions, and no depositions have been taken—Plaintiff reserves the right to supplement these Expert Witness Designations, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, The Point Media, 150 S. Rodeo Drive, Suite 220, Beverly Hills, California 90212.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry.

Mr. Marks has served as a business and legal affairs executive at Universal, Disney and Paramount, in addition to working as a business attorney in private practice at Greenberg Traurig

well as his extensive experience as a CPA and financial forensics professional. Mr. Spindler may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Spindler's CV is attached hereto as **Exhibit C.** He is being compensated for his work at the rate of $525 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

Non-Retained Experts

1. and 2. Jack Whigham and Christian Carino, Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067. Mr. Whigham and Mr. Carino have served as Mr. Depp's agent since October 2016. Messrs. Whigham and Carino are regarded as two of the leading talent agents in Hollywood, with extensive experience in the film industry. Mr. Whigham and Mr. Carino are expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Whigham and Mr. Carino may rely on their expertise in the entertainment industry and their experience as an agent and film industry executive.

3. Edward White, C.P.A., Edward White & Co., LLP, Warner Center Towers, 21700 Oxnard Street, Suite 400, Woodland Hills, California 91367. Mr. White has served as Mr. Depp's business manager and accountant since March 14, 2016. Mr. White is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that

Ms. Heard's Op-Ed referred to Mr. Depp - and economic circumstances as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. White may rely on his expertise in business and accounting and his experience as a business manager in the entertainment industry.

4. **Robin Baum, Partner, SLATE PR, LLC, 901 North Highland Avenue, Los Angeles, California 90038.** Ms. Baum is regarded as one of the leading publicists in Hollywood, with extensive experience in the film industry. She has served as Mr. Depp's publicist for over a decade. Ms. Baum is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Ms. Baum may rely on her expertise in the entertainment industry and her experience as a publicist in that industry.

Respectfully submitted,

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Dated: November 4, 2019

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby designates and identifies his expert witnesses.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses, specifically Ms. Heard, have yet to occur—Plaintiff reserves the right to supplement this Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, Richard Marks & Associates, 10573 W. Pico Blvd., Suite 221, Los Angeles, California 90064.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry. Mr. Marks

California state law in effect on May 21, 2016 related to policy and procedure development regarding general crimes and domestic violence response for law enforcement agencies; the LAPD's policies and procedures in effect on May 21, 2016 related to general crimes and domestic violence investigations; and standard patrol practices related to general crimes, domestic violence investigations, officer safety, and evidence identification and collection.

Ms. Frost may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Designation, the depositions of Ms. Heard, Officer Melissa Saenz, Officer Tyler Hadden, and the LAPD have yet to occur and the documents from the LAPD that were requested by Ms. Heard have yet to be produced.

Ms. Frost's CV is attached hereto as **Exhibit H.** She is being compensated for her work at the rate of $485 per hour for consultation time and $535 per hour for deposition and trial testimony time; none of her compensation is contingent on the opinions she renders or the outcome of the litigation.

Non-Retained Experts

1. **Christian Carino, Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067.** Mr. Carino served as Mr. Depp's agent since October 2016. Mr. Carino is regarded as a leading talent agent in Hollywood, with extensive experience in the film, commercial, fashion and entertainment industries. Mr. Carino is expected to testify on the

negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career, as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Carino may rely on his expertise in the entertainment industry and his experience as an agent and industry executive.

2. Jack Whigham **Range Media Partners.** Mr. Whigham has served as Mr. Depp's agent since October 2016 and is regarded as a leading talent agent in Hollywood, with extensive experience in the film, commercial, fashion, and entertainment industries. Mr. Whigham is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career, as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Whigham may rely on his expertise in the entertainment industry and his experience as an agent and film industry executive.

3. Edward White **C.P.A., Edward White & Co., LLP, Warner Center Towers, 21700 Oxnard Street, Suite 400, Woodland Hills, California 91367.** Mr. White has served as Mr. Depp's business manager and accountant since March 14, 2016. Mr. White is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career and economic circumstances as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. White may rely on his expertise in business and accounting and his experience as a business manager in the entertainment industry.

4. Robin Baum **Partner, SLATE PR, LLC, 901 North Highland Avenue, Los Angeles, California 90038.** Ms. Baum is regarded as one of the leading publicists in Hollywood, with extensive experience in the film industry. She has served as Mr. Depp's publicist for over a decade. Ms. Baum is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career as well as the impact of a jury verdict in Mr.

Depp's favor on his career going forward. In so doing, Ms. Baum may rely on her expertise in the entertainment industry and her experience as a publicist in that industry.

5. **Dr. David Kipper MD, 153 South Lasky Drive, Beverly Hills, California 90210.** Dr. Kipper has been practicing internal medicine for decades and has served as Mr. Depp's treating physician for more than six years. Dr. Kipper also served as Ms. Heard's treating physician while Ms. Heard was in a relationship with Mr. Depp. Dr. Kipper is expected to testify as to the pharmacological effects of the medications prescribed on Mr. Depp, as well as medical opinions reached during the course of Mr. Depp and Ms. Heard's treatment. In so doing, Dr. Kipper may rely on his expertise and experience as a medical doctor practicing internal medicine.

Respectfully submitted,

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Dated: February 16, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February 2021, I caused copies of the foregoing to be served by email (per written agreement between Parties) on the following:

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Transcript of Christian Carino, Volume 2

Date: March 11, 2022
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

- - - - - - - - - - - - - - - - x

JOHN C. DEPP, II, :

Plaintiff, : Case No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

- - - - - - - - - - - - - - - - x

CONFIDENTIAL

DEPOSITION OF

CHRISTIAN CARINO

FRIDAY, MARCH 11, 2022

REMOTE VIDEO TELECONFERENCE

1:04 p.m. PST

to

5:09 p.m. PST

Stenographically Reported by:
Burgundy B. Ryan, RPR,
CSR No. 11373
Job No. 436324
Pages 184-359

A P P E A R A N C E S

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MR. PRESIADO: Hang on, hang on, hang on. I object -- I object to you asking any questions. 05:03:21 05:03:22

Mr. Derin -- 05:03:25

MS. PINTADO: Okay. You stated your objections, Leo. 05:03:26 05:03:28

MR. PRESIADO: -- it's up to you. I think you're fully within your rights and Mr. Carino's rights to end this deposition now. 05:03:28 05:03:30 05:03:33

MR. DERIN: Yeah, I think you -- you folks can take it up with the judge. I think we'll put a stipulation on the record with regard to, you know, the signing the transcript and you folks can fight it out with -- fight it out with your judge. You did it last time, and we were forced to come back for a second session of the deposition. And we were happy to accommodate you to do that and, you know, we'll live with whatever the resolution is with your judge. All right? 05:03:36 05:03:38 05:03:41 05:03:44 05:03:48 05:03:51 05:03:54 05:03:57 05:04:02 05:04:06

MS. PINTADO: Mr. Derin, perhaps you can at least answer one question for me, which is Mr. Depp had originally in February 2021 designated Mr. Carino as an unretained expert. Are you aware of that? 05:04:06 05:04:09 05:04:13 05:04:18

MR. DERIN: I'm not aware of it and as far as I understand, Mr. Carino -- you're talking about at trial? 05:04:22 05:04:25 05:04:29

MS. PINTADO: He has -- he had designated him as an unretained expert. Is it your understanding that Mr. Carino is not going to be an expert in this case? 05:04:31 05:04:33 05:04:36 05:04:39

MR. DERIN: That's -- that's my understanding. And, Mr. Carino, you can confirm that if you'd like, not -- not as a sworn witness, but I -- I don't believe Mr. Carino is going to testify as an expert. 05:04:39 05:04:41 05:04:44 05:04:48 05:04:51

MS. PINTADO: Leo, is that -- and, Leo, you can confirm that as well. 05:04:53 05:04:56

MR. PRESIADO: Well, let's go off the record. We're done with this deposition. 05:04:57 05:04:58

MS. PINTADO: I would like this to be on the record. 05:05:00 05:05:02

MR. PRESIADO: No. It's not part of the deposition. It's meet and confer. It's a totally completely different subject. 05:05:02 05:05:03 05:05:06

THE WITNESS: Is it okay if I go take Bowie 05:05:07

out? 05:05:08

MR. PRESIADO: Yes, you can. 05:05:09

MR. DERIN: What -- what I can confirm for you on the record is that Mr. Carino is not here to testify as an expert witness today, so -- all right? And in -- in any event, he's not here to give any kind of expert testimony here today. You would certainly, if he were to testify as an expert, have the right to depose him as an expert witness, right? So he didn't give any expert testimony. He doesn't -- he's not here to testify as an expert. 05:05:10 05:05:12 05:05:15 05:05:20 05:05:25 05:05:29 05:05:32 05:05:37 05:05:42

MS. PINTADO: Thank you, Mr. Derin. 05:05:46

MR. DERIN: All right. 05:05:47

MR. PRESIADO: Thanks, everybody. I appreciate your time. 05:05:48 05:05:49

MR. DERIN: Well, let me -- let me -- I don't know that we have a stipulation for executing the deposition transcript as a California -- 05:05:50 05:05:52 05:05:53

MR. PRESIADO: Mr. Derin, we've just been -- we've just been going by the California code section. 05:05:57 05:05:58 05:06:01

MR. DERIN: Well, the California code 05:06:02

1

1 NOTICE

2 This transcript is an UNCERTIFIED ROUGH DRAFT

3 TRANSCRIPT ONLY. It contains raw output from the

4 court reporter's stenotype machine translated into

5 English by the court reporter's computer software,

6 without the benefit of proofreading. It may

7 contain untranslated steno outlines,

8 mistranslations (wrong words), and misspellings.

9 These and any other errors will be corrected in

10 the final transcript. Since this rough draft

11 transcript has not been proofread, the court

12 reporter cannot assume responsibility for any

13 errors therein.

14 This rough draft transcript is intended to

15 assist attorneys in their case preparation and is

16 not to be construed as the final transcript. It

17 is not to be read by the witness or quoted in any

18 pleading or for any other purpose and may not be

19 filed with any court.

20

21

22

PROCEEDINGS

THE VIDEOGRAPHER: We're now on the record. Here begins tape number 1 in the Videotaped Deposition of Richard Marks. It's taken in the matter of Depp versus Heard. Today's date, March 21st, 2022. The time on the video monitor is 12:04 p.m. Eastern Standard Time.

My name is Armando Forte, I'm the videographer representing Planet Depos.

All parties are attending this deposition remotely.

Will counsel please identify themselves and who they represent.

Ms. Pintado.

MS. PINTADO: Clarissa Pintado for Amber Laura Heard.

MR. CHEW: Ben Chew and Stephanie Calnan for plaintiff, John C. Depp II.

THE VIDEOGRAPHER: Thank you, Counsel.

Our court reporter for today is April Reid, representing Planet Depos. She will

now swear in the witness and we will proceed.

THE COURT REPORTER: Mr. Marks, will you please raise your right hand.

THEREUPON:

RICHARD E. MARKS, ESQ.

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE COURT REPORTER: Thank you.

EXAMINATION

BY MS. PINTADO:

Q. Mr. Marks, I represent Ms. Heard. My name is Clarissa Pintado.

Can you please provide your full name, for the record.

A. My full legal name is Richard Edward Marks, M-A-R-K-S.

Q. Thank you.

And what is your business address?

A. My business address right now is at my home and -- but I -- the business address I'm

using is a post office box down the block, 10573 West Pico, P-I-C-O, Boulevard, Suite 221, Los Angeles, California 90064-2333.

Q. And you understand that you're here to testify about the opinions that you provided in this case; correct?

A. I -- I think my opinions were included in documents called designations and, yes, I do understand that.

Q. And do you have any notes or any documents, either, you know, on your desk or on the screen, that you're going to be referring to during this deposition?

A. I don't have anything on the screen. I did pull out copies of the designations which I have right here.

Q. Okay.

A. Because they include my opinions, if you will.

Q. And you've been deposed; correct -- deposed before; correct?

A. Yes.

Q. Did you review any testimony from the ACLU?

A. Not that I recall right now.

Q. Do you know who drafted the title of this op-ed?

A. I don't. It's -- it's an opinion. It says that it's written by Amber Heard. From my little knowledge of the newspaper business, they usually have someone on staff write the -- the headline, if you will. But the opinion is by Amber Heard.

Q. Would you agree that Aquaman was a breakthrough role for Amber?

MR. CHEW: Objection, argumentative, lack of foundation, assumes facts not in evidence.

A. From what I've read, Amber Heard auditioned with many, many other actors and then tested and then was chosen to play this role -- I believe it's Mera -- and she entered into an option -- test option agreement. And this was definitely a breakthrough role for her.

of it, but -- but again, my -- my clientele is normally producers, and they are -- I think, even though they -- they produce advertising, they're engaging me in terms of production and development.

Q. All right. And looking at G, paragraph G, it says, "The positive and significant impact of a jury verdict in Mr. Depp's favor on his career and reputation in the film industry going forward."

Is that still your opinion today?

A. Yes, I have an opinion on that. Yes, absolutely.

Q. What is your --

A. That's still my opinion.

Q. What is your opinion on that?

A. That if there is a -- if -- if Mr. Depp can obtain repudiation of these statements, in effect, prove defamation, that it will have a positive and significant impact on his career and reputation on a go-forward basis. In effect, he'll be reclaiming his -- his good name from

MS. PINTADO: Let's take another break. Just five minutes, if that's -- unless you need longer.

THE WITNESS: No. Five -- again, I -- I don't know what Mr. Chew needs, but if you say five minutes, I'll be back in five minutes.

MR. CHEW: Yeah, that -- that -- that's fine with me.

MS. PINTADO: Okay.

MR. CHEW: That way we can move it along.

MS. PINTADO: Okay. Fine with me. 2:10.

THE WITNESS: Okay. Great. Going off the record at 2:04.

(Recess in proceedings.)

THE VIDEOGRAPHER: We're back on the record, 2:14. Please continue.

BY MS. PINTADO:

Q. Mr. Marks, are you aware of any actors accused of abuse who have had a jury verdict on the issue?

A. As I sit here right now, I can't think of a jury verdict, no.

Q. What about any verdict -- or any judgment, I should say, other than Mr. Depp?

A. When you say jury -- "verdict," what are you talking about?

Q. Let me rephrase.

Are you aware of any actors accused of domestic abuse who have had a judgment issued by a court on the issue?

A. As I sit here now, I can't recall a judgment on domestic abuse.

Q. Are any of your opinions in this case based on statistical analyses?

A. My -- my opinions -- I'm not a statistician. I know there are other experts in this case that are. But I'm not basing my opinions on statistics. I'm basing them on my

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No.: CL-2019-0002911**
	:	
AMBER LAURA HEARD,	:	
	:	
Defendant.	:	

PLAINTIFF'S SUPPLEMENTAL DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order dated March 26, 2021, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby supplements his Expert Designations dated January 11, 2022 to reflect the findings of Dr. Shannon Curry's IME report dated January 18, 2022.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses have yet to occur—Plaintiff reserves the right to further supplement this Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, Richard Marks & Associates, 10573 W. Pico Blvd., Suite 221, Los Angeles, California 90064.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry. Mr. Marks has served as a business and legal affairs executive at Universal, Disney, and Paramount among other high profile entertainment companies, in addition to working as an entertainment transactional attorney in private practice with firms such as Greenberg Traurig, The Point Media, and, most recently, at Richard Marks & Associates, an entertainment law firm that Mr. Marks founded in April 2020. Mr. Marks has represented clients such as ITV, Village Roadshow, MRC, New Regency, Legendary, Electus, DirecTV, Relativity and Ovation in connection with their development and production of programming for exploitation in all media and on all platforms. Early in his career, he was responsible for business and legal affairs relating to the development, production, post-production, marketing, and advertising for feature films such as "Beverly Hills Cop II," "Aladdin," and "Beauty and the Beast," and television series such as "Cheers," "Harts of the West," and "Family Ties." Most recently, he has done similar work for streaming series such as "Bosch" and feature films including "All the Money in the World." While working on "All the Money in the World," Mr. Marks gained first-hand experience with how a production company navigates and handles accusations of sexual assault and abuse alleged against an actor starring in its film. In that case, the studio removed the star of its movie even though his services had already been performed and accepted by the studio and the studio had already paid him because it felt so strongly that these sorts of claims alleged against a star in its film would irreparably damage the success of the movie.

Mr. Marks also has a reputation in the entertainment industry for his expertise in its customs and practices and has been engaged as an expert witness by companies as varied as Warner Bros., CAA, and Celador and individuals including Jillian Michaels, Frank Darabont, and Helen Bowers. He earned both his bachelor's degree and his Juris Doctor from University of California, Los Angeles ("UCLA"), graduating respectively as the Valedictory Speaker and the Chief Justice of the Moot Court, and has been a member of the California Bar since 1973.

Subject Matter of Mr. Marks' Opinion: Mr. Marks will testify concerning the impact of Ms. Heard's December 2018 Op-Ed in *The Washington Post* on Mr. Depp's career.

Substance of Mr. Marks' Opinion: Specifically, Mr. Marks will draw on his experience and knowledge as a business and legal affairs executive with entertainment companies as well as his experience as an entertainment lawyer to testify as to the following facts and opinions: (1) Disney's decision to not cast Mr. Depp in future installments of the *Pirates of the Caribbean* film franchise was a result of Ms. Heard's December 2018 Op-Ed in *The Washington Post* in which she portrayed herself as a victim of domestic abuse by Mr. Depp; and (2) the severe damage and negative impact that Ms. Heard's December 2018 Op-Ed in *The Washington Post* had on Mr. Depp's career and marketability, including the decreased interest and demand from studios and brands to work with Mr. Depp on a project or otherwise have Mr. Depp attached to a certain project, film, or brand, in an industry that is especially sensitive to abuse and violence allegations made by women in light of the #MeToo Movement.

Summary of the Grounds for Mr. Marks' Opinion: Mr. Marks will base his opinions on the following grounds:

a. Film studios, production companies, and distributors, especially companies specializing in family-friendly content such as Disney, are particular in their

evaluation of whether, and on what terms, to hire an actor for film roles, and seriously consider allegations of violence or abuse when determining whether to retain an actor, particularly claims from women of abuse by men in light of the #MeToo Movement;

b. Ms. Heard's December 2018 Op-Ed in *The Washington Post*, a nationally recognized publication, was directed towards the entertainment industry and its alleged mistreatment of Ms. Heard which, because it was an Op-Ed authored by Ms. Heard herself and published just three days prior to the U.S. release of *Aquaman*, a movie starring Ms. Heard, carried more significance and had a greater impact on the entertainment industry;

c. It is normal entertainment business and industry custom and practice for Disney to not make a statement or otherwise announce why it had decided to not continue to work with a particular actor, especially where the contract at issue is an option contract instead of a pay-or-play guaranteed contract;

d. Companies looking to market products are particular in their evaluation of whether, and on what terms, to engage an actor to promote such products in advertising and seriously consider allegations of violence or abuse when determining whether to retain an actor, particularly claims from women of abuse by men in light of the #MeToo Movement;

e. An actor's reputation is an important and critical factor that film studios, production companies, distributors, and luxury brands consider when selecting an actor for film roles and advertising campaigns;

f. Mr. Depp's tardiness while working on films did not seem to impact whether film companies or production companies decided to work with Mr. Depp again; and

g. The positive and significant impact of a jury verdict in Mr. Depp's favor on his career and reputation in the film industry going forward.

Mr. Marks' opinions will be based on a review of documentary evidence and deposition and trial testimony, including the Complaint and related exhibits and Counterclaims and related exhibits filed in this action, the deposition testimony taken in this action including of Jack Whigham dated January 20, 2021, Christian Carino dated January 19, 2021, Tracey Jacobs dated January 28, 2021, Johnny Depp dated November 10-12, 2020, documents produced by Mr. Depp (DEPP00018328-DEPP00018404; DEPP00018508-DEPP00018594), Jack Whigham (JW000001-000149), Christian Carino (CC000001-252), Edward White & Co., LLP (EWC000001-EWC000052), and Disney (DISNEY000001-383), relevant articles and publicly available web pages such as The Hollywood Reporter's *Disney's Film Prodution Chief Talks 'Mary Poppins' and His Big Bet on 'The Lion King': "It's a New Form of Filmmaking"* dated December 20, 2018 (https://www.hollywoodreporter.com/news/general-news/disneys-film-production-chief-is-placing-big-bets-lion-king-1169170/), Variety's *Johnny Depp, Amber Heard's Divorce Settled, Domestic Violence Case Dismissed* dated August 16, 2016 (https://variety.com/2016/film/news/amber-heard-johnny-depp-domestic-violence-settlement-1201838239/), and Mr. Deppp's IMBD web page (https://www.imdb.com/name/nm0000136/), as well as his extensive experience as an entertainment industry executive and attorney. Mr. Marks may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by non-parties. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further

reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Witness Designation, the following depositions have yet to occur and/or be completed: Ms. Robin Baum, Mr. Edward White, Edward White & Co., LLP, Disney, and Mr. Christian Carino.

Mr. Marks' CV is attached hereto as **Exhibit A.** He is being compensated for his work at the rate of $975 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

2. Michael Spindler, CPA, CFE, CFF, ABV, CAMS, Economic Damages Expert, GlassRatner Advisory & Capital Group, LLC dba B. Riley Advisory Services ("B. Riley Advisory Services"), 555 W. Fifth Street, Suite 3725, Los Angeles, California 90013. Mr. Spindler, CPA[1], Certified Fraud Examiner, Certified in Financial Forensics, Accredited in Business Valuation and Certified Anti-Money Laundering Specialist, brings over forty years of experience to complex disputes including matters related to forensic accounting and business fraud investigations across a wide range of industries, including media & entertainment. He has provided expert testimony on dozens of occasions in bench trials, jury trials, and arbitration proceedings. He has provided Foreign Corrupt Practices Act investigations and training services in various countries around the world, including China, Russia, India, and Saudi Arabia. Having conducted numerous high-profile investigations of public company financial statement fraud and other matters, Mr. Spindler has presented his findings to special committees and various government agencies on behalf of clients, including the Department of Justice, Federal Bureau of Investigation, Internal Revenue

[1] Licenses from the States of New York, California, Nevada, Arizona, Utah, and Hawaii.

Filed Under Seal-
Subject to Protective Order

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II, Plaintiff, v. AMBER LAURA HEARD, Defendant.	Civil Action No.: CL-2019-0002911

ORDER

Upon consideration of Plaintiff's Motion to Compel Independent Mental Examination ("IME") of Defendant Amber Heard ("Plaintiff's Motion"), Defendant's opposition thereto, arguments of counsel, and being fully advised, it is, this 1st day of October, 2021, hereby ORDERED as follows:

1. Plaintiff's Motion is GRANTED.

2. Defendant Amber Heard shall submit to an IME conducted by Dr. Shannon J. Curry, PsyD, MSCP.

3. The IME shall take place on December 10, 2021 and December 17, 2021 at the offices of Curry Psychology Group, 200 Newport Center Drive, Suite 204, Newport Beach, California 92660. Each day shall begin at 9:00 a.m. and continue for a period of seven (7) hours to include a one (1) hour lunch break, two (2) fifteen minute (15 min.) breaks in the morning, two (2) fifteen minute (15 min.) breaks in the afternoon, and any other breaks as needed and agreed to by Ms. Heard and Dr. Curry. No one is allowed to observe the IME. If all or any portion of the examination is recorded, Ms. Heard is entitled to informed consent and shall be

notified of such recording. Such recording shall be reviewed only by Dr. Curry, and no one else is permitted access to it without leave of Court.

4. The IME shall consist of a one-on-one examination and clinical interview between Dr. Curry and Ms. Heard, to include appropriate testing as determined by Dr. Curry based on her training, experience, expertise, and review of relevant materials.

5. The scope of Dr. Curry's IME is not limited to Dr. Hughes' report and shall be Ms. Heard's current mental condition and her mental condition during and preceding relevant events and time frames at issue in Mr. Depp's Complaint and Ms. Heard's Answer and Counterclaim. Dr. Curry's evaluation of Ms. Heard will utilize the same tests that were administered by Ms. Heard's expert, Dr. Hughes, with the caveat that any instruments which are identified as possessing poor retest reliability (variability in results if the test is taken again) or validity concerns will be substituted for measures with greater established validity and reliability.

6. Dr. Curry's evaluation may assess all domains that were a focus of the prior examination by Dr. Hughes, including:

a. Personality profile, ~~including but not limited to completion of an intake form; collateral interviews with individuals who observed Ms. Heard prior to, during and/or after the alleged trauma;~~

b. Review of relevant records including but not limited to medical records (including ER/urgent care visits); mental health records (therapy, psychiatric medication, treatment in an outpatient or residential facility, former psychological evaluations and all the raw data); school records (grades, enrollment, suspensions/expulsions/truancy, special education services, etc.); arrest records; legal records; employment records; military records; and diaries. Relevant records

must be obtained as far back as necessary for Dr. Curry to determine with a "reasonable degree of certainty" how Ms. Heard was functioning prior to the alleged traumatic event, but not fewer than three to five years prior to the alleged trauma;

c. post-traumatic stress and Posttraumatic Stress Disorder (PTSD);

d. characteristics of intimate partner violence (IPV);

e. coping and adjustment;

f. psychopathology (including, but not limited to, assessment of mood and anxiety disorder symptoms);

g. response validity/malingering; and

h. any other mental condition identified by Dr. Curry during her review of relevant records and/or examination of Ms. Heard

7. Dr. Curry's Rule 4:10 report (the "Report") shall be served on counsel within thirty (30) days of completion of the IME. Counsel for Parties and Dr. Hughes shall have access to the Report.

8. Defendant shall produce to Dr. Curry the raw data collected by Dr. Hughes during her examination of Ms. Heard by November 15, 2021, which shall be treated confidential under the Amended Protective Order. Only Dr. Curry, not counsel for the Parties shall have access to the raw data. Similarly, Dr. Curry shall subsequently produce to only Dr. Hughes her raw data within thirty (30) days completion of the IME and it shall also be treated confidential under the Amended Protective Order.

October 7, 2021

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.

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