

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED**  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**FILED UNDER SEAL**

(Pursuant to the Stipulated Protective Order Entered by the Court on  
June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA  
HEARD'S MOTION *IN LIMINE* NO. 4 REGARDING EVIDENCE ON SUBJECTS TO  
WHICH THE ATTORNEY-CLIENT OR WORK PRODUCT PRIVILEGE WAS  
ASSERTED**

Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby opposes Ms. Heard's Motion in Limine No. 4 ("MIL No. 4") in which Ms. Heard seeks to preclude Mr. Depp from introducing any evidence on subjects to which the attorney-client or work product privileges were asserted. *See* MIL at 11-15.

Ms. Heard's MIL No. 4 represents typical overreach and gamesmanship by Ms. Heard. The way that Ms. Heard has phrased her MIL is wildly overbroad – she seeks to preclude Mr. Depp from 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” (see Motion at 13) and “*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” (see *id.* at 15). These unreasonably overbroad requests are absurd, completely inappropriate and unworkable, and contrary to law.

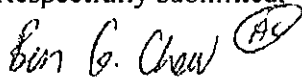
For example, Ms. Heard seeks preclude any evidence relating in any manner to the claim that certain text messages between Ms. Heard and Stephen Deuters are not authentic. See Motion at 12. But Ms. Heard was actually permitted to engage in extensive questioning on that subject, asking a number of questions about Mr. Deuters’ correspondence with various media outlets regarding the texts as well as the following: “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? THE WITNESS: I never found the text, so I can't honestly say whether they were or whether they weren't.” See Tr. 164:8-11, 14-16. Why should Mr. Depp be precluded from introducing that testimony if he desires just because Mr. Deuters was instructed not to answer one question on attorney-client privilege grounds? Ms. Heard asked multiple questions on the subject, almost all of which Mr. Deuters responded to.

Or on the topic of whether Mr. Waldman was authorized to make the three statements still at issue in the case – the burden is on Ms. Heard at trial to prove authorization. To the extent she introduces evidence on that topic, Mr. Depp obviously cannot be categorically precluded from responding, and certainly no ruling can properly be made on that at the *in limine* stage.

As Mr. Depp has consistently stated throughout this litigation, Mr. Depp has no intention of waiving attorney-client privilege. So, to the extent that Mr. Depp has asserted the attorney-client privilege, Mr. Depp obviously does not intend to elicit testimony at trial that would now disclose attorney-client communications. However, to categorically prohibit Mr. Depp from introducing

any evidence “relating in any manner” whatsoever to “*any topic*” on which Mr. Depp instructed a witness not to answer a certain question is vague, ambiguous, overbroad, and lacks a reasonable basis in law or equity. The Motion must be denied, and any objections raised in the context of trial.

Respectfully submitted,

 (AC)

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1

<p style="text-align: right;">161</p> <p>1 the page, there's a representation of a couple --</p> <p>2 of part of the text exchange between you and Amber</p> <p>3 that we looked at earlier, right?</p> <p>4 MS. VASQUEZ: Objection; assumes --</p> <p>5 THE WITNESS: Yeah.</p> <p>6 MS. VASQUEZ: -- facts, vague.</p> <p>7 BY MR. ROTTENBORN:</p> <p>8 Q And ET, you recognize that to be the logo</p> <p>9 for Entertainment Tonight, correct?</p> <p>10 MS. VASQUEZ: Calls for speculation.</p> <p>11 THE WITNESS: I don't know what their logo</p> <p>12 is, to be honest.</p> <p>13 BY MR. ROTTENBORN:</p> <p>14 Q Entertainment Tonight was the same outlet</p> <p>15 that had a journalist contact you just the day</p> <p>16 before that we just looked at, right?</p> <p>17 <b>A The one that said she had obtained my</b></p> <p>18 <b>texts?</b></p> <p>19 Q Yes.</p> <p>20 <b>A Okay.</b></p> <p>21 Q And at the top of this page it says,</p> <p>22 Johnny Depp's assistant, Stephen Deuters, tells</p>	<p style="text-align: right;">163</p> <p>1 TMZ or Entertainment Tonight or any press outlet?</p> <p>2 <b>A I'm afraid I did not.</b></p> <p>3 Q Did you make a statement that the text</p> <p>4 themselves are suspicious because they don't even</p> <p>5 show a date?</p> <p>6 MS. VASQUEZ: Objection; asked and</p> <p>7 answered for the sixth time, argumentative,</p> <p>8 harassment.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. ROTTENBORN:</p> <p>11 Q Did you make a statement to Entertainment</p> <p>12 Tonight, TMZ, or any other press outlet or</p> <p>13 journalist that you will testify under oath you</p> <p>14 never had a conversation about alleged violence</p> <p>15 with Amber?</p> <p>16 MS. VASQUEZ: Same objections, asked and</p> <p>17 answered maybe the seventh time. I've lost count.</p> <p>18 THE WITNESS: I never had any</p> <p>19 conversations with TMZ or any other press outlet,</p> <p>20 no.</p> <p>21 BY MR. ROTTENBORN:</p> <p>22 Q Did anyone on your behalf have any</p>
<p style="text-align: right;">162</p> <p>1 TMZ the texts that were posted in which he</p> <p>2 allegedly apologized to Amber Heard for Johnny's</p> <p>3 violent behavior are heavily doctored, and he</p> <p>4 never said Johnny attacked her.</p> <p>5 Is it your testimony that you never told</p> <p>6 that to TMZ?</p> <p>7 MS. VASQUEZ: Objection; asked and</p> <p>8 answered for the third time.</p> <p>9 THE WITNESS: Yeah, I never spoke to TMZ.</p> <p>10 BY MR. ROTTENBORN:</p> <p>11 Q Did you speak with any journalist or press</p> <p>12 outlet and convey that message to them that TMZ is</p> <p>13 reporting?</p> <p>14 <b>A No, I didn't speak with anyone.</b></p> <p>15 Q Below it says, Deuters says he knows of no</p> <p>16 acts of abuse toward Amber at the hands of Johnny</p> <p>17 and has never made such a claim to anyone. He</p> <p>18 adds, Johnny has never been violent toward anyone</p> <p>19 he knows.</p> <p>20 Do you see that?</p> <p>21 <b>A I see that, yes.</b></p> <p>22 Q Did you make a statement to that effect to</p>	<p style="text-align: right;">164</p> <p>1 conversation with TMZ or any other press outlet</p> <p>2 about any of the substance of this article?</p> <p>3 MS. VASQUEZ: Objection; calls for gross</p> <p>4 speculation.</p> <p>5 THE WITNESS: Not to my knowledge,</p> <p>6 certainly not.</p> <p>7 BY MR. ROTTENBORN:</p> <p>8 Q And as you sit here today, you're not</p> <p>9 claiming in any way that the text messages between</p> <p>10 you and Amber were doctored in any manner,</p> <p>11 correct?</p> <p>12 MS. VASQUEZ: Objection; calls for</p> <p>13 speculation, calls for a legal conclusion.</p> <p>14 THE WITNESS: I never found the text, so I</p> <p>15 can't honestly say whether they were or whether</p> <p>16 they weren't.</p> <p>17 BY MR. ROTTENBORN:</p> <p>18 Q You have no basis to believe that the text</p> <p>19 messages were doctored in any way, correct?</p> <p>20 MS. VASQUEZ: Objection; asked and</p> <p>21 answered, argumentative.</p> <p>22 And, Mr. Deuters, I'm going to caution</p>

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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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**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE (NO. 1) TO EXCLUDE OR REDACT HEADLINE OF OP-ED**



Ms. Heard's Motion *in Limine* (No. 1) ("Motion") to exclude or redact the headline (the "Headline") from Ms. Heard's December 18, 2018 *Washington Post* op-ed (the "Op-Ed") should be denied as devoid of any legal or factual substance. Consistent with Ms. Heard's general disregard for facts and law, she actually *misquotes* the Headline in her Motion seeking to exclude it, claiming that the Headline read "Amber Heard: I spoke up against *sexual abuse* – and faced our culture's wrath" (*see* Motion (No. 1) at 2 (emphasis added)), when, in fact, it read "Amber Heard: I spoke up against *sexual violence* – and faced our culture's wrath." *See* Pl's Trial Exs. 1 (Exhibit A to Complaint) and 3 (Exhibit C to Complaint) (emphasis added). It is, thus, not surprising that Ms. Heard's argument for excluding the Headline is erroneous as well.

As a threshold matter, Ms. Heard's Motion is not even a motion *in limine*, but rather a motion for summary judgment presented as a motion in *limine*, and can be denied on this basis alone. In the Motion, Ms. Heard does not argue that the Headline is *inadmissible* under any rules of evidence, but rather that there is "*no evidence*" that Mr. Depp could proffer demonstrating that Ms. Heard drafted or approved the Headline before it was published. *See* Motion (No. 1) at 3. Ms. Heard's characterization of the Motion as a motion *in limine* isn't just semantics; it's procedural gamesmanship, because Ms. Heard *cannot* not rely on deposition testimony, as she does in the Motion, to sustain a motion for summary judgment. Va. Sup. Ct. R. 3:20 ("No motion for summary judgment . . . will be sustained when based in whole or in part upon any discovery depositions . . . ."); Motion (No. 1) at 2-3 (citing to deposition testimony of Amber Heard and Terence Dougherty). Fortunately, the Supreme Court of Virginia already rejected the procedural gamesmanship Ms. Heard attempts here, holding that, when a motion *in limine* is functionally a motion for summary judgment, Rule 3:20 applies and the motion cannot be sustained on deposition testimony. *See Lloyd v. Kime*, 275 Va. 98, 107 (2008) (citing *Parker v. Elco Elevator Corp.*, 250

Va. 278, 281 n.2 (1995)). Ms. Heard's Motion is based on *nothing but* deposition testimony and, thus, cannot be sustained. *See* Motion (No. 1) at 2-4; Va. Sup. Ct. R. 3:20.

In any event, Ms. Heard's argument that the Headline should be excluded or redacted because "[t]here is absolutely no evidence that Amber Heard drafted, was aware of, approved of, or even communicated about [the Headline]" before it was published ignores the legal implications of one undisputed fact: Ms. Heard *published* (or *republished*) the Headline when she Tweeted the Op-Ed to her followers. *See* Pl's Trial Ex. 3 (Exhibit C to Complaint). Mr. Depp need not, as Ms. Heard contends, establish that Ms. Heard drafted or approved the Headline before it was published by the *Washington Post* in order to establish Ms. Heard's liability for the defamatory content of the Headline; he need only establish that she published the Headline (in her name no less), which she indisputably did. *See id.*; *WJLA-TV v. Levin*, 264 Va. 140, 153 (2002); *Schnupp v. Smith*, 249 Va. 353, 362-53 (1995). The Headline itself is facially attributable to "Amber Heard" and Ms. Heard published the Op-Ed, with the Headline, on her personal Twitter account, so there can be no question that she adopted and endorsed the allegedly defamatory content set forth therein. *See* Pl's Trial Ex. 3. Simply put, the fact that Ms. Heard did not write or approve the Headline before it was published is irrelevant. She republished the Headline of *her* Op-Ed on *her* Twitter account: the Headline is hers to account for at trial.

### CONCLUSION

For the foregoing reasons, Ms. Heard's Motion (No. 1) should be denied: she has not stated any evidentiary basis to exclude the Headline and the factual issue she attempts to resolve by this Motion is immaterial to the relief Mr. Depp seeks with respect to the Headline.

Respectfully submitted,



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*Counsel for Plaintiff and  
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Dated: March 28, 2022



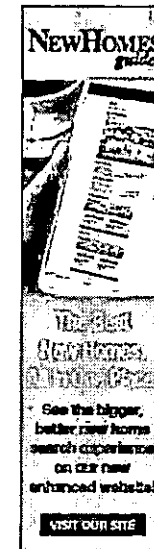
Opinions

## Amber Heard: I spoke up against sexual violence — and faced our culture's wrath. That has to change.



Amber Heard arrives at the premiere of "Aquaman" on Dec. 12 in Los Angeles. (Jordan Strauss/Jordan Strauss/Invision/AP)

By Amber Heard  
December 16, 2018



*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.








Listen to broadcast journalist Connie Chung read a letter to Christine Blasey Ford, acknowledging publicly for the first time that she was sexually abused.  
 Kate Woodsome, Danielle Kuntz/The Washington Post

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.



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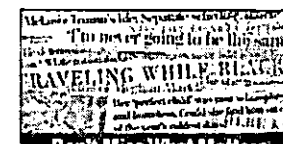


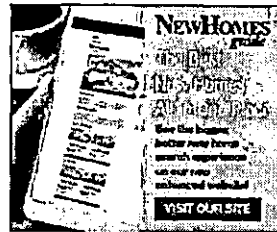
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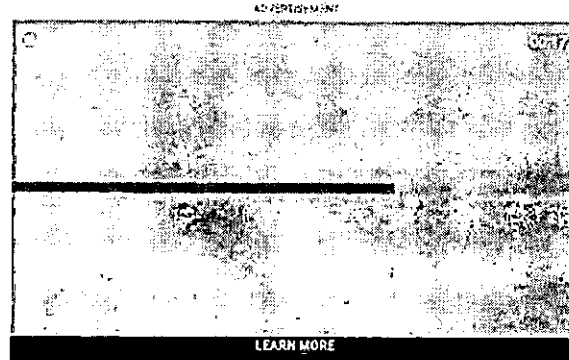




In recent years, the #MeToo movement has taught us about how power like this works, not just in Hollywood but in all kinds of institutions — workplaces, places of worship or simply in particular communities. In every walk of life, women are confronting these men who are buoyed by social, economic and 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.



**Stories from The Lily**  
The Lily, a publication of The Washington Post, elevates stories about women.

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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.

#### Read more:

The Post's View: What Betsy DeVos's new Title IX changes get right — and wrong

Betsy DeVos: It's time we balance the scales of justice in our schools

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Amber Heard on Twitter: "Today I published this op-ed in the Washington Post about the women who are channeling their rage about viole...



**Amber Heard** ✓

@realamberheard

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Today I published this op-ed in the Washington Post about the women who are channeling their rage about violence and inequality into political strength despite the price of coming forward.

From college campuses to Congress, we're balancing the scales.

**Opinion | Amber Heard: I spoke up against sexual violence — and fa...**

We have an opening now to bolster and build institutions protective of women. Let's not ignore it.

[washingtonpost.com](http://washingtonpost.com)

1:28 PM - 19 Dec 2018

1,292 Retweets 3,556 Likes



128



1.3K

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**Amber Heard** ✓ @realamberheard · 19 Dec 2018



I'm honored to announce my role as an @ACLU ambassador on women's rights. The ACLU is the organization that first inspired me to become an activist, and I

<https://twitter.com/realamberheard/status/1075503279323242496?lang=en>

1/1



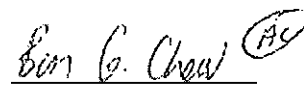
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Benjamin G. Chew

*h* **FILED**  
MAR 28 2022  
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LIMINE NO. 2 TO EXCLUDE EVIDENCE, TESTIMONY, OR ALLEGATIONS OF  
CRIMINAL CONDUCT AGAINST MS. HEARD**

Plaintiff and Counterclaim Defendant John C. Depp, II, by counsel, hereby partially opposes Ms. Heard's Motion *in Limine* No. 2 to exclude any evidence, testimony, or allegations of criminal conduct against Ms. Heard.

In a defamation case, the burden is on the plaintiff, in this case Mr. Depp, to prove the falsity of the defamatory statements. Here, Mr. Depp brings a defamation action against Ms. Heard for her Op-Ed in the *Washington Post* in which she accuses Mr. Depp of abuse. As part of his case, Mr. Depp will argue that Ms. Heard's accusations of abuse are fabricated and false. Accordingly, Ms. Heard's credibility is a critical and relevant part of this case. Ms. Heard, relying on Va. Sup. Ct. R. 2:609, seeks to prevent Mr. Depp from offering evidence regarding Ms. Heard's past criminal conduct. However, Ms. Heard has overlooked Va. Sup. Ct. R. 2:608 and the relevant case law which holds that a witness may be questioned about unadjudicated perjuries. *See Lambert v. Commonwealth*, 9 Va. App. 67, 71 (1989) ("hold[ing] that a witness's credibility may be attacked on cross-examination by inquiry into prior specific instances of unadjudicated acts of perjury."). Accordingly, Mr. Depp is entitled to question Ms. Heard about her past, unadjudicated perjuries, including lying on a customs form submitted to the Australian government in April 2015 and lying to Homeland Security about Savannah McMillen's employment status in the U.S.

Ms. Heard also seeks to exclude any testimony or evidence regarding Ms. Heard's arrest in the Seattle airport for allegedly assaulting her partner at the time, Tasya van Ree. However, Ms. Heard reported this incident to Dr. Shannon Curry, Mr. Depp's retained psychologist, during Dr. Curry's Court-ordered evaluation of Ms. Heard. Dr. Curry thus included this piece of information as something that could be relied on in forming her opinion of Ms. Heard and, therefore, Dr. Curry should not be precluded from referencing this piece of evidence during her testimony.

## **I. Questions Regarding Unadjudicated Perjuries Are Permissible**

Rule 2:608(d) provides that “[i]f the trial judge makes a threshold determination that a reasonable probability of falsity exists, any witness may be questioned about prior specific instances of unadjudicated perjury. Extrinsic proof of the unadjudicated perjury may not be shown.” Va. Sup. Ct. R. 2:608(d). As further discussed in *Lambert*, the Court of Appeals of Virginia recognized that “[p]erjury constitutes uniquely probative evidence in the rules governing impeachment of witnesses.” *Lambert*, 9 Va. App. at 71. The Court of Appeals found that an exception to the general rule prohibiting evidence of specific acts of untruthfulness is warranted for unadjudicated perjuries because “[s]uch exception would provide the fact finder with highly probative evidence regarding the witness’s credibility and at the same time would advance the policy concern of fairness.” *Id.*

Ms. Heard has at least two instances of unadjudicated perjuries. On April 18, 2016, Magistrate Judge Callaghan rendered a decision in the Magistrate Courts in the State of Queensland in Australia where “[t]he defendant [Ms. Heard]...pleaded guilty to an offence against section 137.2(1) of the Commonwealth *Criminal Code*: knowingly producing a false or misleading document.” Attachment 4 to Ms. Heard’s Motions *in Limine* (“Att. 4”) at DEPP00012423. As outlined in the transcript of the hearing, “Ms Heard has pleaded guilty to producing a document to the Australian Customs that was false.” Att. 1 at 2. On April 21, 2015, Ms. Heard arrived at the Brisbane Airport on a private plane along with her 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.” Att. 1 at 3. Further, in an email that Ms. Heard sent to her assistant, she asked: “Can you maybe help Kevin procure a slightly altered health doc that has their [Ms. Heard’s dogs] shots recorded as two days before so they can all leave

together on the 25th?? Do we have a vet we could grease? Connection?” See DEPP00015604 (Exhibit KJ1 to the UK Witness Statement of Kate James, attached hereto as Exhibit 1). Per the plain reading of Va. Sup. Ct. R. 2:608(d), Mr. Depp is entitled to question Ms. Heard about the false statements she made to the Australian government. To the extent Ms. Heard argues that this perjury was adjudicated, Mr. Depp is entitled to question Ms. Heard about it under Va. Sup. Ct. R. 2:609, which allows for evidence of convictions including perjury.

Ms. Heard has also lied in a letter sent to Homeland Security in September 2014 where she stated that Savannah McMillen had never worked unlawfully or otherwise in the United States when, in fact, Ms. McMillen worked for Ms. Heard in the U.S. and Ms. Heard paid Ms. McMillen for her services. See Ex. 1 at DEPP0015597 (UK Witness Statement of Kate James at ¶¶ 11-12); see also Ex. 1 at DEPP0015602-03 (Exhibit KJ1 to the UK Witness Statement of Kate James). Because this is another example of unadjudicated perjury, Mr. Depp is entitled to question Ms. Heard about her false statements in her letter about Ms. McMillen sent to Homeland Security.

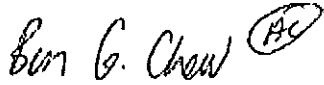
**II. Dr. Curry Should Be Able to Reference Ms. Heard’s Arrest in Seattle as Part of Her Evaluation and Opinion of Ms. Heard**

With respect to Ms. Heard’s arrest at the Seattle airport, this incident was self-reported by Ms. Heard to Dr. Curry during Dr. Curry’s evaluation of Ms. Heard. Dr. Curry thus had this piece of information when forming her opinion of and diagnosing Ms. Heard. To preclude Dr. Curry from referencing this piece of evidence would unfairly prejudice Mr. Depp. Further, Mr. Depp does not plan to offer this piece of evidence for the truth of the matter (i.e., that Ms. Heard actually assaulted Ms. Tasya van Ree), but rather to the limited extent necessary when Dr. Curry is testifying about her opinion and diagnosis of Ms. Heard.

For the foregoing reasons, Mr. Depp respectfully requests that this Court deny Ms. Heard’s Motion *in Limine* No. 2 to exclude any evidence, testimony, or allegations of criminal conduct

against Ms. Heard insofar as allowing Mr. Depp to question Ms. Heard about her past instances of perjury, including lying to the Australian government in April 2015 and lying to Homeland Security about Ms. McMillen's employment status, and in allowing Dr. Curry to testify about Ms. Heard's arrest in Seattle as this piece of evidence helped to form Dr. Curry's opinion of Ms. Heard. The first two incidents are instances of either convicted or unadjudicated perjuries and, accordingly, such questioning is permissible under Va. Sup. Ct. R. 2:609 and 2:608. The third incident is evidence that was self-reported by Ms. Heard to Dr. Curry and to preclude Dr. Curry to testify about this incident would unfairly prejudice Mr. Depp as Dr. Curry would be limited in her testimony regarding her opinion and diagnosis of Ms. Heard.

Respectfully submitted,



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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1



On behalf of: Claimant  
Witness: Kate James  
No: First  
Exhibit KJ1  
Date: 5 June 2020

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
MEDIA AND COMMUNICATIONS LIST

Claim No. QB-2018-006323

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 KATE JAMES

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I, KATE JAMES of 1138 N Poinsettia Place, W Hollywood, WILL SAY as follows:

1. I work as a personal assistant to high profile people in the entertainment industry. I have been working in that capacity in Los Angeles for approximately 20 years. I worked for Amber Heard from around March 2012 until February 2015.
2. Unless stated otherwise, the facts and matters referred to in this witness statement are within my own knowledge and true or 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 support of the Claimant's claim in these proceedings.

4. I do not know the full details of the Claimant's claims against the Defendants in these proceedings.

#### **Start of my employment by Amber Heard**

5. I had not heard of Amber at the time that I was hired. My son was 4 years old at the time, and Amber was looking for someone part-time and she lived in the same neighbourhood as me which is an important factor in LA with the traffic to consider. The terms suited me as I would be able to pick up my son from school every day. A similar part-time and flexible position is extremely difficult to find in my line of work. I recall being surprised when she chose to hire me since I am almost 20 years her senior, I briefly pondered on why she didn't choose a candidate closer in age to her. However I needed the work and accepted it.
6. Amber was already dating Johnny when I started working for her. At first, Amber didn't tell me who Johnny was, and would speak in disparaging terms about him. She would say that she was "*dating this old man*" and suchlike. She then disclosed that it was Johnny Depp, and I met him shortly after that. My first impression of him was how softly spoken and peaceful he was, almost a bit shy. He was very pleasant and courteous upon meeting me.

#### **Alcohol abuse**

7. During my time working for her, Amber would drink vast quantities of red wine each night. Meanwhile, she would ask me to buy Johnny non-alcoholic beer, as that's all that she would allow him to drink.

#### **My experience of Amber and Johnny's relationship**

8. In the three years that I worked for Amber, I would go to her house almost every day, including on weekends. I would not announce when I was going to attend the apartment to drop things off or pick things up, so it would regularly be without notice. I never saw any sign of an altercation, or even the aftermath of a serious and messy fight in the way that Amber describes in her statements.

9. I never saw any physical violence by either Amber or Johnny. I saw Amber much more frequently than Johnny, almost every day for three years apart from when she was out of town. I understand that the period of my employment overlaps with the majority of incidents in which Amber has alleged that Johnny was violent towards her. I never once saw any bruising, swelling, or any evidence of what could have resulted from violence. I would often see her naked, or semi-naked, when she was getting dressed or at fittings. I was around her a lot, often 7 days a week.
10. Johnny was calm and quite shy in all of my experiences of him. He was always thoughtful and kind, and a genuinely decent person. I remember on more than one occasion where I had to bring my son back to work with me after picking him up from school. Johnny would be there and would hang out with him, teaching him how to play the guitar. He would be patient and kind with him. I would never have left my son with Johnny while I was working if I had any concerns about him whatsoever. Johnny would come back from travelling with gifts like little skull necklaces for his children, and he would always bring an extra one back for my son. I thought this was very thoughtful and kind, particularly considering that Amber was my employer and not him.

**Letter to the Department of Homeland Security, September 2014**

11. Amber asked me to send a letter she had drafted to Homeland Security in September 2014. She had hired a girl called Savannah McMillan to work as her set assistant. Savannah, a British citizen, had been held in immigration and questioned about the frequency that she had been coming and going from the USA. Amber's letter falsely claimed that Savannah was just a friend, and not an employee, so it was correct that she only had a tourist visa.
12. In Amber's letter, she called it fraudulent that it was being alleged that Savannah was working for Amber unlawfully. She said that as Savannah's "friend" she could *"say truthfully and unequivocally that this allegation is entirely false ... I would like to go on the record saying that Savannah McMillen is a personal friend, and to my knowledge, has never worked unlawfully or otherwise in the United States. Or for me."* I knew this to be untrue, and that

Amber was therefore wilfully lying to the US immigration department. I took a photograph of the letter and one of the pay checks from Amber to Savannah. A copy of these photographs is attached at pages 1-2 of KJ1.

**Australia, 2015**

13. I am aware that shortly after Amber fired me, she got into trouble for unlawfully smuggling her dogs into Australia. We had previously used a dog transportation company who were hired to sort out the necessary paperwork and guide us through the process of preparing the dogs. This had worked well in 2014 when Amber took the dogs to England. When it became clear that Amber was intending to go to Australia, we were advised that it's a six-month process to prepare the dogs' immigration and began the process. Ultimately as the departure time approached, we became aware that there would be a discrepancy of around 10 days for the dogs to travel by private jet to Australia, the only other option being that they would have to travel in the hold on a commercial flight on the correct date.
14. I would attempt to talk to Amber about the date discrepancy frequently while we were trying to sort out the logistics, but her eyes would glaze over, and she would walk away. I discussed with Kevin Murphy about my concerns about the deadline, and Kevin in turn also then emailed Amber to explain that there would be a problem if they travelled before the correct departure date and that it would be illegal. Amber chose to ignore both of us. She deliberately smuggled the dogs into Australia. As in several circumstances which I observed, it was as if she felt that she was above the law.
15. It is my understanding that someone then took them to a local grooming parlour in Australia and started bragging that they were Johnny Depp's dogs. The owner posted about it on Facebook, and Amber got found out.
16. I remember the huge uproar at the time. I was told that Johnny had to send the dogs back to Los Angeles on a private jet, which would have cost a fortune from Australia. Ultimately, I woke up one morning many months later to find an email from my mother with an

On behalf of: Claimant  
Witness: Kate James  
No: First  
Exhibit KJ1  
Date: June 2020

attachment of a newspaper article from my home town of Brisbane. I was devastated when I found out that Amber had blamed me in court. I broke down in tears at the thought that she blatantly lied in court in my home town and blamed me. Obviously I knew that was a complete lie and yet she had no problem in apparently perjuring herself in order to avoid responsibility.

17. I have been told about the discussion that took place where Amber contemplated asking Kevin to ask me to sign a false statement to support her position that she did not know the dogs were not ready to be taken into Australia. Amber knew they weren't ready, yet chose to take them anyway. The fact that she was willing to ask me to sign such a statement under oath, especially as an Australian who cares and understands about the laws of my own country, is a reflection of her approach to me (and anyone in fact) in general. She did not care about throwing anyone under the bus, if it meant saving her own skin. Even if it meant lying in Court and to authorities. I believe it would have been obvious to Amber that I would not lie for her and so she decided not to approach me.

18. I recall a previous occasion in September 2013 when I was asked to speak with Kevin Murphy about amending the dogs' medical records so that they could travel together on 25 September 2013. Amber asked me if I knew a vet she could "grease". I attach the email at page 3 of KJ1.

**End of employment**

19. Amber fired me on 16 February 2015, pretty much right after she got back from their wedding in the Bahamas. She blindsided me.

I believe that the facts stated in this witness statement are true.

Signed: .....

Kate James

Date: 5th June 2020


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
David E. Murphy (VSB No. 90938)  
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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

*W*  
**FILED**

**MAR 28 2022**

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE (NO. 3) TO EXCLUDE OF EVIDENCE RESPECTING DONATIONS**

True to form, Ms. Heard's Motion *in limine* (No. 3) (the "Motion") to exclude evidence concerning Ms. Heard's and Mr. Depp's charitable donations addresses two relevance arguments that Ms. Heard previously raised before this Court and lost.

**I. Ms. Heard's Donations to the ACLU and CHLA Are Relevant and Non-Prejudicial**

With respect to Ms. Heard's donations, this Honorable Court *and three others* have already found that Ms. Heard's purported donations to the ACLU and CHLA are relevant to the parties' claims and defenses in this action. *First*, a California court denied Ms. Heard's petition to quash subpoenas to the CHLA, finding that, because Ms. Heard publicly discussed her charitable donations to these two charities while commenting on her claimed abuse by Mr. Depp and consequent divorce, Ms. Heard put the donations "at issue" here. *Then*, the UK Court, in rendering a judgment on Mr. Depp's other defamation claim arising from Ms. Heard's claims of abuse, rejected Mr. Depp's theory that Ms. Heard lied about the abuse as an "insurance policy," in part, because Ms. Heard's purported donation of their divorce settlement was not the conduct "one would expect of a gold-digger." *Third*, this Court granted Mr. Depp's motion to compel the production of documents related to Ms. Heard's purported donation of the divorce settlement to the CHLA and ACLU. *Finally*, a New York court granted Mr. Depp's motion to compel documents and testimony from the ACLU concerning Ms. Heard's purported donations thereto. Ms. Heard's argument that her claimed donations are irrelevant to this action, thus, borders on frivolous.

As Mr. Depp has argued to multiple courts, including this one, because Ms. Heard has injected her purported donation of the divorce settlement proceeds to charity into the same public narrative as her claims of domestic abuse by Mr. Depp, the veracity of Ms. Heard's claim concerning the donations is entwined with the veracity of the other part of the narrative – her



claims of abuse.<sup>1</sup> At its core, the issue of Ms. Heard's donation of the divorce settlement goes to her credibility. Ms. Heard claimed publicly and under oath in the UK that she had "donated" the entire divorce settlement to charity to fend off any perception that her claims of abuse were motivated by money.<sup>2</sup> If this was untrue, as the evidence demonstrates it was, Ms. Heard's credibility generally and, most importantly, with respect to the claim that Mr. Depp abused her is impacted. Such evidence of a witness's credibility, particularly on a central issue, is both relevant and admissible. *See* Va. Sup. Ct. R. 2:608. Furthermore, if it is untrue that Ms. Heard donated the entire divorce settlement, this is further evidence of a financial motive to lie about the abuse, which is highly relevant to the veracity of allegedly defamatory statements – the central issue in this case.

The admission of evidence relating to Ms. Heard's unfulfilled pledges to the CHLA and ACLU would not, as Ms. Heard contends, be unduly prejudicial. *See* Motion (No. 3) at 9-10. Even though Ms. Heard has not donated the entirety of her \$7 million divorce settlement to the CHLA and ACLU, it is undisputed that Ms. Heard has made sizable donations to both charities. Moreover, Ms. Heard has asserted both in writing and in her deposition testimony that she always intended to make the full donations, but has been unable to do so because of the costs of this litigation. While it is unclear why Ms. Heard did not just say this when she testified in the UK,

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<sup>1</sup> Ms. Heard cites to Mr. Depp's testimony at his deposition that he did not pay the \$7 million divorce settlement to Ms. Heard because of her claims of abuse in support of her argument that the settlement had nothing to do with abuse; but, this is besides the point. *See* Motion (No. 3) at 8-9 (citing 11/10/20 Depp Tr. at 70:20-71:6, 74:6-9). That Mr. Depp did not pay the \$7 million to Ms. Heard because of her claims of abuse does not change the fact that *Ms. Heard, very publicly, linked the \$7 million divorce settlement to her claims of abuse.*

<sup>2</sup> That Mr. Depp did not explicitly address this potential financial motive for Ms. Heard to lie in his Complaint is immaterial to the admissibility of evidence concerning this financial motive at trial, particularly because evidence that Ms. Heard did not, in fact, donate the entirety of the divorce settlement to charity was only revealed by subsequent discovery. *Cf.* Motion (No. 3) at 9.

she can certainly do so here; and such evidence, coupled with her pledge and sizeable donations, removes any prejudicial sting from the fact of her unfulfilled charitable pledges.

## **II. Mr. Depp's Charitable Donations**

Mr. Depp does not dispute (and the Court has already ruled) that any monetary donations he made to the CHLA, ACLU, or any other charity are not relevant to the issues in this case. Mr. Depp objects, however, to Ms. Heard's attempt to prematurely exclude evidence of his relationship with the CHLA and other charitable activities. Mr. Depp can guess, but would not presume to know, the plethora of derogatory claims Ms. Heard will make about Mr. Depp's conduct at trial and must reserve his right to respond to such claims, if necessary, with the evidence that Ms. Heard seeks to exclude. The Court has *not* ruled that Mr. Depp's charitable *activities* are irrelevant: the Court's ruling was with respect to Ms. Heard's request that Mr. Depp produce document sufficient to show his *monetary* donations to the CHLA and ACLU, to see if he was "increasing his donations after he has an incident." *See* 12/10/21 Hearing Tr. at 12-13, 17-18. Moreover, as the Court acknowledged in connection with Ms. Heard's request, an order stating that Mr. Depp cannot testify about a topic, like charitable donations, is not workable "because a lot of things happen at trial . . . [i]t's very fluid." *Id.* at 11:18-22.

Mr. Depp does not intend to adduce evidence concerning his charitable donations, monetary or otherwise, at trial, but can and does reserve his right to do so in the event that Ms. Heard makes it an issue, as she did at her deposition, where she denied any knowledge of Mr. Depp's relationship and work for the CHLA and claimed (Mr. Depp contends falsely) that she's never seen Mr. Depp do any charitable work at hospitals except for one time when he brought a camera crew. *See* 1/12/22 Heard Tr. at 116:11-118:10. As the Court has already acknowledged in connection with this very issue, trial is "fluid" – the parties must be free to respond to and rebut

the other side's evidence. It would, accordingly, be premature to rule, at this stage, that Mr. Depp is absolutely precluded from mentioning his charitable work at trial.

Respectfully submitted,

Handwritten signature of Benjamin G. Chew in black ink, with a circled 'AC' to the right.

---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

✓ FILED  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**FILED UNDER SEAL**

(Pursuant to the Stipulated Protective Order Entered by the Court on  
June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA  
HEARD'S MOTION IN LIMINE NO. 5 REGARDING DEPOSITION TRANSCRIPTS  
OF TRACEY JACOBS**

Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby opposes Ms. Heard's Motion *in Limine* No. 5 ("MIL No. 5") in which Ms. Heard seeks to designate portions of two depositions taken of Mr. Depp's former agent, Tracey Jacobs, in *unrelated litigations* that involved *different* parties and *different* issues.<sup>1</sup> At the outset, this is not even a proper motion *in limine*. Mr. Depp also notes that he has filed a competing motion *in limine* seeking to exclude

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<sup>1</sup> The two depositions at issue were taken in 2018 in cases captioned *John C. Depp, II and Edward L. White v. The Mandel Company, et al.*, Case No. BC646882, which involved allegations by Mr. Depp against his former managers, and *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, which involved allegations by Mr. Depp against his former attorney. Both cases were in the Superior Court of the State of California for the County of Los Angeles and *Ms. Heard was not a party in either case.*

these two prior depositions of Ms. Jacobs (*see* Depp MIL No. 7). In his motion, Mr. Depp correctly pointed out that Ms. Heard *cannot* satisfy the very clear requirements under Virginia law that must be met to admit deposition testimony from prior, unrelated litigations. The factors to be considered in such an inquiry were laid out by the Virginia Supreme Court in *Burns v. Gagnon*, which states that under Virginia Supreme Court Rule 4:7, a deposition taken in a prior action is admissible if: “(1) he was more than ‘100 miles from the place of [the] trial or hearing, or [was] out of this Commonwealth’; (2) it was taken in a previous ‘action *involving the same subject matter*’ as the present action; and (3) the present action is ‘*between the same parties*’ as the previous action.” *See* 283 Va. 657, 680 (2012) (emphasis added). Of course, here, Ms. Heard cannot satisfy the second and third prongs of the *Burns* factors. First, the subject matters of the prior litigations are completely different than the current action -- the prior actions involved allegations of breaches of fiduciary duty by Mr. Depp’s former manager and attorney, while the present action involves allegations of domestic abuse by his ex-spouse. Second, the parties to the prior litigations are not the same as the current action – Ms. Heard was not a party in either of the prior cases. For this reason alone, there is no basis to allow Ms. Heard to designate portions of Ms. Jacobs’ two prior depositions.

Tellingly, *Ms. Heard does not even address Rule 4:7 or the Burns v. Gagnon factors in her motion*. This seems to be the result of Ms. Heard’s fundamental misunderstanding of the applicable law. Indeed, in Ms. Heard’s view, the mere fact that Mr. Depp was represented by counsel in the two prior litigations where Ms. Jacobs was deposed is sufficient grounds to admit

the prior deposition testimony. *See* MIL at 18. That obviously is a complete misstatement of the law under Rule 4:7 and the *Burns* case.<sup>2</sup>

Simply put, Ms. Heard has no basis to utilize prior depositions of Tracey Jacobs and has not even attempted to make the required showing under Virginia law. Instead, Ms. Heard just rehashes arguments she previously made in a June 2021 motion before this Court.<sup>3</sup> The Court rejected her arguments back then and should do the same this time around in what is essentially a motion for reconsideration.

First, Ms. Heard claims that if she had possessed the prior deposition transcripts before Ms. Jacobs' deposition in this case, "she would have been able to elicit highly relevant and damaging information" such as:

- "Mr. Depp's serious and worsening drug and alcohol use, lateness, and not showing up at all in filming";

---

<sup>2</sup> Moreover, Ms. Heard's reference to Mr. Depp's 2019 motion to admit prior testimony of two LAPD police officers in an effort to support her position is totally inaccurate. *See* MIL at 18. In 2019, when Mr. Depp moved to admit in this case prior deposition testimony of two LAPD officers, Mr. Depp fully briefed the matter with the appropriate analysis under Rule 4:7 and the factors enumerated in *Burns v. Gagnon*. *See* November 22, 2019 Brief submitted by Mr. Depp in support of his Motion to Use Prior Depositions. Those depositions were properly admitted by former Chief Judge White because the prior litigation (the divorce proceeding) involved the same parties (Ms. Heard and Mr. Depp) and same subject matter (abuse allegations). And in any event, Mr. Depp did not designate any testimony from the prior depositions. That is because he was able to depose the police officers in *this case* directly, much like Ms. Heard was able to depose Ms. Jacobs in this case.

<sup>3</sup> Ms. Heard has literally copied and pasted large portions of her June 9, 2021 brief into her motion in limine. In that argument, Ms. Heard requested that the Court allow her to designate portions of these two deposition transcripts, which the Court explicitly denied. *See Exhibit 2*, excerpt of June 25, 2021 Hearing Transcript at 55 (Ms. Bredehoft stating "So my understanding is, with respect to our request to designate portions of the [Jacobs] transcripts and to preclude certain objections, those are both denied..." and the Court replying "Right"); *see also* Ms. Heard's June 9, 2021 Motion (requesting "to be able to designate portions of those two [Jacobs] depositions for trial") and the Court's June 29, 2021 Order denying Ms. Heard's Motion.



- testimony about Mr. Depp's anger and that "these instances of his anger seem[ed] to intensify as time went on"; or
- testimony that "Mr. Depp's actions hurt Mr. Depp's career."

See Heard MIL at 16. The notion that Ms. Heard "would have been able to elicit" this testimony only if she had access to the prior depositions is utter nonsense and belied by the fact that *she did elicit such testimony in this case*:

- "Q When you were talking earlier about there being a change in Mr. Depp's behavior over the last ten years of your representation and him becoming more unprofessional, was part of unprofessional behavior his increased use of alcohol and drugs? A Yes." **Exhibit 1**, Tr. 47:3-8, 12.
- "Q And the additional issue was Mr. Depp not showing up on set or showing up very late on set; is that correct? A Yes." Tr. 42:9-11, 13.
- "Q And in your observation of Mr. Depp having fundamental issues with anger, did that worsen over the time of your representation or was it relatively the same? A Yes." See Tr. 59:17-21.
- "...in October 2016, did you still believe that Mr. Depp was the greatest movie star in the world? A No. Q Why not? A Because his star had dimmed due to it getting harder to get him jobs given the reputation he had acquired due to his lateness and other things." Tr. 198:4-12.

These are just a few examples of topics – anger, alcohol and drug use, career, lateness – that Ms. Heard covered *ad nauseum* in Ms. Jacobs' deposition in this case. So it is unclear to Mr. Depp what Ms. Heard believes she could have further elicited from Ms. Jacobs, because the topics identified in her MIL brief are already covered by the deposition taken in this action. There is no

reason to admit the prior depositions, which would simply be needlessly cumulative in violation of Virginia Supreme Court Rule 4:3 (among other evidentiary rules).<sup>4</sup>

Second, as she did back in June 2021, Ms. Heard blames Mr. Depp's counsel for the purported (but non-existent) prejudice she suffered, claiming that Mr. Depp's counsel was "intentionally misleading" about when the two prior deposition transcripts were produced. *See* Heard MIL at 17. This tired argument has already been briefed and the Court rejected Ms. Heard's insulting and unwarranted assertions, stating at the June 21, 2021 hearing "I don't find any bad faith here. I think, as moving forward, there's a lot of information in these cases and a lot of discovery going on, and I understand that." *See* Exhibit 2 at 51. Further undercutting Ms. Heard's prejudice argument is that Ms. Jacobs was only questioned for about four hours on the record – meaning that Ms. Heard's counsel could have kept questioning Ms. Jacobs for a further three hours, but simply chose not to do so.

Simply put – Mr. Depp's counsel did not act inappropriately or misleadingly, Ms. Heard did not suffer any prejudice, and her transparent efforts to sidestep the Virginia Supreme Court Rules should be summarily rejected. If the Court deems that Ms. Heard properly designated the two prior depositions of Ms. Jacobs, Mr. Depp requests an opportunity to object to such designations and to submit counter-designations.

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<sup>4</sup> As an aside, even if Ms. Heard had failed to elicit the testimony she now seeks, such failure would have been solely her own fault as Ms. Heard had every opportunity to ask whatever questions she wanted when she deposed Ms. Jacobs in this action. That another attorney in a separate litigation may have asked better questions than Ms. Heard's counsel is not grounds to waive longstanding and clearly established Virginia rule.

Respectfully submitted,



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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1



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# Transcript of Tracey Jacobs

**Date:** January 28, 2021  
**Case:** Depp, II -v- Heard

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1	up very, very late and you determined to fly out	12:56:40
2	to Australia to talk with him about it in March of	12:56:44
3	2015?	12:56:48
4	MR. CHEW: Objection; argumentative; lack	12:56:51
5	of foundation; assumes facts not in evidence.	12:56:55
6	A As I said, I always visited him on every	12:56:59
7	film, and there was this additional issue which I	12:57:04
8	wanted to deal with.	12:57:07
9	Q And the additional issue was Mr. Depp not	12:57:08
10	showing up on set or showing up very late on set;	12:57:10
11	is that correct?	12:57:16
12	MR. CHEW: Objection; argumentative.	12:57:17
13	A Yes.	12:57:18
14	Q When you arrived in Australia, where did	12:57:18
15	you go?	12:57:32
16	MR. MARMORSTEIN: You mean off the plane?	12:57:32
17	MS. BREDEHOFT: Yeah, that was badly	12:57:36
18	asked. Good point. Okay.	12:57:38
19	Q When you flew to Australia, were you aware	12:57:39
20	that Mr. Depp was on his way to LA?	12:57:43
21	A No, I was not.	12:57:46
22	Q When you arrived in Australia, how did you	12:57:46

1	MR. MARMORSTEIN: Join.	13:02:04
2	A I can't say. I wasn't there.	13:02:06
3	Q When you were talking earlier about there	13:02:07
4	being a change in Mr. Depp's behavior over the	13:02:11
5	last ten years of your representation and him	13:02:15
6	becoming more unprofessional, was part of	13:02:20
7	unprofessional behavior his increased use of	13:02:23
8	alcohol and drugs?	13:02:26
9	MR. CHEW: Objection; argumentative.	13:02:27
10	THE WITNESS: Should I answer?	13:02:36
11	MR. MARMORSTEIN: Go ahead.	13:02:38
12	A Yes.	13:02:38
13	Q Was part of the unprofessional behavior	13:02:38
14	that you witnessed increasing over the last ten	13:02:46
15	years of your representation of Mr. Depp his	13:02:49
16	increasing anger and tendency towards violence?	13:02:54
17	MR. CHEW: Objection; argumentative;	13:02:58
18	assumes facts definitely not in evidence; lack of	13:03:01
19	foundation.	13:03:04
20	MR. MARMORSTEIN: Join. You can answer if	13:03:05
21	you know.	13:03:07
22	A No.	13:03:07

1	A You asked me, I think, if he has	13:16:30
2	fundamental issues with anger, but is that in	13:16:32
3	respect to this or in general? I don't know.	13:16:34
4	Q I'm asking for your observations based on	13:16:37
5	your dealings with Mr. Depp, was it your	13:16:41
6	observation that Mr. Depp had fundamental issues	13:16:45
7	with anger?	13:16:48
8	MR. MARMORSTEIN: Objection; calls for	13:16:51
9	speculation; beyond the scope of witness. I don't	13:16:54
10	think she's -- she has the capacity to opine on	13:16:55
11	his condition or anger issues. She's not that	13:16:58
12	kind of professional. But you can answer if you	13:17:03
13	think you can, Tracey.	13:17:08
14	A Yeah.	13:17:10
15	MR. CHEW: Objection; lack of foundation	13:17:10
16	and lack of competency.	13:17:12
17	Q And in your observation of Mr. Depp having	13:17:16
18	fundamental issues with anger, did that worsen	13:17:19
19	over the time of your representation or was it	13:17:23
20	relatively the same?	13:17:26
21	A Yes.	13:17:31
22	MR. MARMORSTEIN: Which one, Tracey?	13:17:33



1	the biggest movie star in the world.	16:42:25
2	Q Movie star. Thank you. Forgive me. So	16:42:28
3	as of the time that you were terminated by	16:42:31
4	Mr. Depp in October 2016, did you still believe	16:42:33
5	that Mr. Depp was the greatest movie star in the	16:42:38
6	world?	16:42:43
7	A No.	16:42:44
8	Q Why not?	16:42:44
9	A Because his star had dimmed due to it	16:42:46
10	getting harder to get him jobs given the	16:42:52
11	reputation he had acquired due to his lateness and	16:42:58
12	other things.	16:43:03
13	Q And what were the other things?	16:43:03
14	A Just, you know, people were talking and	16:43:05
15	the question was out there about his behavior.	16:43:12
16	Q And that behavior included?	16:43:17
17	A I think I described it several times.	16:43:22
18	MR. CHEW: Asked and answered.	16:43:25
19	Q Would that behavior include alcohol and	16:43:26
20	drug use?	16:43:30
21	MR. CHEW: Objection; that	16:43:32
22	mischaracterizes her testimony; and it's been	16:43:33

## Exhibit 2

1 informed me, I told her produce them. That's what  
2 we do, Your Honor. We don't play games. And if  
3 you look at the record in this case, you won't see  
4 any finding by Judge White that we have done  
5 anything but be earnest and fair.

6 THE COURT: All right. And when will you  
7 have the other video, do you think?

8 MR. CHEW: As soon as it arrives. We  
9 have ordered it from the videographer. We expect  
10 it as early as today, as late as Monday or Tuesday.

11 THE COURT: Okay. All right. Well,  
12 based on that, you know, it's very important in  
13 this case that we don't go backwards. I don't want  
14 to rehash anything that's happened before. Judge  
15 White has made certain rulings, and we're keeping  
16 with those rulings, and that goes true for next  
17 Friday too. So whatever he's ruled, that's what  
18 we're going with.

19 I don't find any bad faith here. I  
20 think, as moving forward, there's a lot of  
21 information in these cases and a lot of discovery  
22 going on, and I understand that. I don't think the

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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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FILED

MAR 28 2022

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 6 TO EXCLUDE "EVIDENCE OF THE FOLLOWING IRRELEVANT  
PERSONAL MATTERS"**

Ms. Heard's Motion *in Limine* No. 6 should be at least partially denied, and the Court should reserve its decision on the remaining issues until such time as the evidence (if any) is presented (which at this stage is believed unlikely on most of the issues covered by the Motion). Mr. Depp does not currently anticipate introducing evidence of (1) nude pictures of Amber Heard (though it is possible to envision a scenario in which such photographs might become very relevant in the context of this case, for instance to show a lack of visible injuries, as a result of which the Court should not finally resolve this issue *in limine*); (2) Whitney Henriquez's past romantic relationships prior to 2011; or (3) Ms. Heard's stint as a stripper or rumors that she was an escort early in her career (and it should be noted that Ms. Heard has not cited any exhibits on Mr. Depp's exhibit list that relate to those issues). However, Mr. Depp reserves the right to use such materials to the extent that they become necessary on rebuttal, and in any event, trial is a fluid process, and these issues are all at least potentially relevant and should be reserved for final decision at trial.

Mr. Depp specifically reserves the right, moreover, to introduce evidence of (1) Ms. Henriquez's reality show video clip discussing and acknowledging Ms. Heard's physical abuse of her, and (2) Ms. Heard's past romantic relationships – after all, Ms. Heard has *three* of her former relationships on her witness list (Elon Musk, James Franco, and Tasya van Ree).

Ms. Heard attempts to dismiss the reality show video clip as unrelated to domestic violence, but it is directly related. In Virginia, the term "relevant evidence" is defined as "evidence having any tendency to make the existence of any fact in issue more probable or less probable than it would be without the evidence." Va. R. Sup. Ct. 2:401. The reality show video easily meets that standard of relevance. In the video in question, however, Ms. Henriquez's friends are gathered around her apparently inspecting bruises on her face and neck caused by Ms. Heard. This video may be relevant, for instance, to impeach Ms. Heard and Ms. Henriquez, who have denied that

Ms. Heard has ever been violent with her sister. It is also relevant to assessing their credibility, and may be relevant for other reasons also. In any case, the Court need not and should not resolve this issue at this stage, and should wait until such time (if any) that such evidence is presented in the context of the trial to make any rulings.

Mr. Depp also reserves the right to introduce evidence concerning Ms. Heard's past romantic relationships; indeed, such evidence is put directly at issue by Ms. Heard's own allegations, and, moreover, is not prejudicial so as to warrant an *in limine* ruling. For one thing, Mr. Depp cannot avoid referencing Ms. Heard's prior relationships given Ms. Heard's Witness List, which includes at least three individuals she is known to have seen romantically. For another, there is nothing inherently prejudicial about a past relationship that requires an *in limine* ruling. And notably, Ms. Heard consistently references Mr. Depp's past relationships throughout this case. For example, one of Ms. Heard's allegations is that Mr. Depp physically abused her after she made a comment about Mr. Depp's former partner, Winona Ryder. Additionally, Ms. Heard has testified to hearing about a made-up physical incident between Mr. Depp and former partner, Kate Moss. Ms. Heard's past relationships are potentially quite relevant. For instance, Ms. Heard has alleged that Mr. Depp's supposed jealousy of one or more former partners was a motivation for abuse, potentially requiring Mr. Depp to address that at trial with respect to Tasya van Ree and others.

Ms. Heard's Motion should be denied, and a decision reserved until trial.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ben G. Chew", followed by a circled "AC" monogram.

---

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*Counsel for Plaintiff and  
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Dated: March 28, 2022




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Benjamin G. Chew

 **FILED**

**MAR 28 2022**

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO AMBER LAURA HEARD'S  
MOTION *IN LIMINE* NO. 7 RE: "PRIOR IRRELEVANT LITIGATIONS/LEGAL  
MATTERS"**

## **INTRODUCTION AND SUMMARY OF ISSUES**

Ms. Heard's Motion No. 7 should be denied in its entirety.

With respect to the prior arbitration between the parties, Ms. Heard has attempted to characterize this entire lawsuit as a continuation of the "abuse" she supposedly suffered at Mr. Depp's hands, suggesting that she is an abuse victim who merely wants to "move on with her life" and is being punished and harassed for daring to speak up against Mr. Depp. That narrative is a lie. Ms. Heard was the one who first commenced legal action against Mr. Depp for defamation, merely because he denied having committed abuse. Ms. Heard's acts in firing the first shot are inconsistent with a major part of Ms. Heard's narrative, and undercuts her characterizations of the actions and motives of both parties. It is also inconsistent with her portrayal of herself as an abuse victim who just wants to move on with her life and forget about Mr. Depp. It is therefore a legitimate avenue of inquiry at trial. Furthermore, the arbitration in question was dismissed on purely procedural grounds without ever reaching the merits – and referencing it at trial is not prejudicial in the slightest, nor will it confuse the jury.

With respect to the UK Judgment, Mr. Depp's position is set forth in his Motion *in Limine* No. 1 – references to the UK Judgment should be excluded *entirely*, and at minimum during any liability phase of trial. However, to the extent it is not rendered moot by Mr. Depp's Motion, Ms. Heard's Motion *in Limine* with respect to the UK Judgment is so vague and open-ended as to be utterly meaningless and is completely inappropriately raised at the *limine* stage.

With respect to Ms. Heard's *London Fields* litigation, that litigation is potentially relevant to her damages claims, and should not be addressed *in limine*, but rather dealt with if and when it arises at trial.

### **I. Ms. Heard's Commencement Of Arbitration Proceedings Is Directly Relevant**

A central narrative of Ms. Heard's case is that she is an innocent victim, who was first abused by Mr. Depp during the parties' relationship, and then relentlessly hounded in the courts for heroically daring to stand up against abuse. See, for instance, Ms. Heard's Opposition to Mr. Depp's recent Motion for Summary Judgment, in which Ms. Heard's opening paragraph consists of an angry rant against Mr. Depp for purportedly abusing Ms. Heard "in all types of ways," and arguing that because "Mr. Depp was not satisfied to simply allow Ms. Heard to move on with her life," he filed "this frivolous lawsuit[.]" See, too, Ms. Heard's pending Counterclaim in this action, in which she similarly alleges that "Mr. Depp was not satisfied simply to allow Ms. Heard to move on with her life. Instead he continued to victimize her... [t]his frivolous lawsuit Mr. Depp has filed against Ms. Heard continues that abuse and harassment." (Counterclaim at ¶ 1.) Ms. Heard has made it very clear that she intends to characterize – implicitly or explicitly – this entire case as an extension of her alleged abuse by Mr. Depp. Indeed, Ms. Heard specifically alleges in her Counterclaim that "this lawsuit is the lynchpin in the scheme to destroy Ms. Heard's career," (Counterclaim at ¶ 24), and part of a "bitter obsession with destroying Ms. Heard" (Counterclaim at ¶ 27), and that "[b]y filing this case... Mr. Depp gives this four-year old drama new legs" as "another opportunity to remain relevant as his star wanes." (Counterclaim ¶ 26).

Mr. Depp is entitled to challenge that narrative at trial, particularly since that narrative is not supported by the evidence, and in fact is directly controverted by the very evidence that Ms. Heard seeks to exclude in this Motion. In reality, despite her efforts to portray herself as an innocent victim merely trying to "move on with her life" and being pursued by her "abuser" in the courts, it was *Ms. Heard*, not Mr. Depp, who fired the first shot in this legal battle. Indeed, Ms. Heard commenced an arbitration in 2018, seeking damages for alleged defamation by Mr. Depp, as a result of certain of Mr. Depp's alleged statements simply denying having committed abuse.

Mr. Depp successfully moved to dismiss the arbitration on purely procedural grounds – i.e., that there was no enforceable agreement between the parties to arbitrate. There was no adjudication on the merits, and Mr. Depp has no intention of arguing otherwise. But what is significant is that Ms. Heard – supposedly an innocent abuse victim who merely wanted to “move on with her life” – was the one who actually commenced legal action and renewed the parties’ dispute. Whether that is consistent with Ms. Heard’s characterization of herself and of Mr. Depp is a legitimate area of inquiry at trial.

The test for relevance is whether evidence has any tendency to make a fact more or less probable. Va. R. S. Ct. 2:401. The fact that Ms. Heard was the one that fired the first shot is directly relevant to refuting Ms. Heard’s false narrative that Mr. Depp is somehow obsessed with attacking her in the courts, and that she is merely an innocent victim trying to move on with her life. Moreover, Ms. Heard’s eagerness to go on the attack is fundamentally inconsistent with her attempt to portray herself as a victim who has spent the last years just trying to escape abuse, and being wrongfully harassed by litigation. In fact, Ms. Heard’s willingness to fire the first shot – not to mention voluntarily testifying and leaking selective documents in the UK Action – is perfectly consistent with the actual reality of the parties’ relationship, about which evidence will be presented at trial – that it was always Ms. Heard, not Mr. Depp, who picked the fights.

As for Ms. Heard’s argument that a reference to the prior arbitration is somehow prejudicial, the fact that the arbitration was dismissed on purely procedural grounds ensures that it can be raised at trial without any undue prejudice to Ms. Heard. Va. R. S. Ct. 2:403. The jury can simply be advised that the arbitrator did not decide one way or the other whether Mr. Depp abused Ms. Heard. That is not a difficult concept to grasp and is not beyond the comprehension of the jury. Indeed, given that Ms. Heard is arguing for the inclusion of the UK Judgment at trial –

which has unparalleled potential to sway and confuse the jury – it is ironic that she is prepared to argue with a straight face that a case dismissed on purely procedural grounds is somehow unfairly prejudicial.

Ms. Heard's Motion *in Limine* No. 7 should be denied as to her Arbitration Demand, and as to Mr. Depp's Trial Exhibit Nos. 219 and 220.

**II. The UK Judgment Should Be Excluded Entirely, But To The Extent Not Excluded, Ms. Heard's Motion Is Completely Inappropriate**

As for the UK Judgment, that should be excluded entirely, for the reasons stated in Mr. Depp's Motion *in Limine* No. 1. If the Court grants M. Depp's Motion, the portion of Ms. Heard's Motion No. 7 regarding the UK Judgment will be rendered moot. To the extent not rendered moot, Ms. Heard's Motion is completely untenable and inappropriate, because it amounts to nothing more than a uselessly vague comment that the parties should follow the rules of evidence. Motions *in limine*, to be workable, have to be targeted towards identifiably discrete issues about which the Court can provide useful rulings. Consequently, Ms. Heard's demands that counsel "should be admonished that if they seek to impeach through prior testimony, they need to follow the Rules of Evidence and appropriate procedures" and "must be required to follow the Rules of Evidence in referencing portions of the Judgment or any document" are just silly. Ms. Heard might as well have filed a motion *in limine* to preclude Mr. Depp's counsel from asking irrelevant questions – a ruling on such an open-ended request at this stage is meaningless. *See, e.g., U.S. v. Smith*, 452 F.3d 323, 330 (4th Cir. 2006) ("Defendant's motion in limine... failed to alert the trial judge to any improper questioning with the required specificity"). If Ms. Heard has a *specific* objection to a *specific* line of questioning or impeachment at trial, she can raise that

objection at that time, but generic arguments such as that counsel need to follow the rules of evidence are utterly improper when raised *in limine*.

III. The Nikola Six Lawsuit Is Relevant

As for the Nikola Six lawsuit, that involved a lawsuit against Ms. Heard by producers of one of her films, accusing her of sabotaging and campaigning against the release of her own film, and violating her contract. Given that Ms. Heard is claiming damages to her employability as a result of Mr. Depp's alleged conduct, public allegations that she sabotaged her own film – which could plausibly have an effect on studios' eagerness to hire her and her reputation for professionalism – are potentially relevant, and should not be the subject of an *in limine* ruling. The Court should reserve judgment unless and until the issue arises in the course of the trial.

CONCLUSION

For the foregoing reasons, Mr. Depp respectfully requests that this Court deny Ms. Heard's Motion No. 7.

Respectfully submitted,

 (AC)

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Dated: March 28, 2022



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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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FILED  
MAR 28 2022

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 8 TO EXCLUDE ALLEGATIONS OF AMBER HEARD ABUSING  
ANYONE AND CLAIMS OF MR. DEPP NOT ABUSING OTHER INDIVIDUALS**

Plaintiff and Counterclaim Defendant John C. Depp, II, by counsel, hereby opposes Ms. Heard's Motion *in Limine* (No. 8) to exclude: (1) any allegations of Ms. Heard abusing anyone else (presumably other than Mr. Depp); and (2) references to the fact that Mr. Depp has never been accused of abusing anyone else.

**I. Violence By Ms. Heard Toward Persons Other Than Mr. Depp**

Mr. Depp construes the first part of Ms. Heard's Motion to seek the exclusion of evidence of abuse by Ms. Heard of individuals *other* than Mr. Depp, since Ms. Heard's abusive and violent behavior toward Mr. Depp – such as cutting off one of his fingers – is directly at issue in this case and obviously cannot be excluded.

With respect to allegations of Ms. Heard abusing persons other than Mr. Depp, the Motion is, at best, premature, and the Court should reserve judgment until such time (if any) that evidence of Ms. Heard's abuse of other persons is sought to be introduced at trial. For instance, Mr. Depp should obviously be entitled to offer such evidence and testimony on rebuttal if Ms. Heard offers testimony or evidence that she has never abused anyone before. Similarly, such evidence may be relevant to establish Ms. Heard's ability to engage in violence, and to impeach or undermine the credibility of Ms. Heard and her supporting witnesses who claim that she has never done so. For instance, deposition testimony of Jennifer Howell in this action indicates that Ms. Heard was frequently violent toward her sister Whitney Henriquez, and that her sister has admitted that fact to her close friends such as Ms. Howell. As another example, video exists of Ms. Henriquez appearing to openly acknowledge that she suffered injuries from Ms. Heard years ago. Ms. Heard argues – bizarrely and dishonestly – that posing questions to witnesses such as Ms. Henriquez at deposition about such matters somehow constitutes “pressure” on Ms. Henriquez to “falsely state” facts. But, setting aside Ms. Heard's typical mischaracterization of straightforward and clearly

appropriate deposition questions, there should obviously be no *in limine* ruling in the context of this case that violent behavior by Ms. Heard might not be relevant.

In fact, there are at least two additional known instances in which Ms. Heard has abused other people. For example, Ms. Heard was arrested in the Seattle airport for assaulting her partner at the time, Tasya van Ree.<sup>1</sup> Also, Raquel Pennington, Ms. Heard's close friend who has testified on behalf of Ms. Heard, testified in her deposition that one altercation between her and Ms. Heard became physical. Ms. Pennington testified she "pushed [Ms. Heard]" and Ms. Heard "either pushed or hit [Ms. Pennington] back" "on [Ms. Pennington's] cheek." Exhibit 1 (Pennington Dep. (January 20, 2022) 59:17-25). Such evidence may be appropriately offered at trial in particular contexts and for a variety of purposes and should be addressed if and when it comes up at trial.

## **II. Evidence That Mr. Depp Has Never Been Accused Of Abuse By Anyone Else**

It is not surprising that Ms. Heard wants to keep out evidence harmful to her case, but she has cited no valid basis to do so. With respect to references at trial to the fact that Mr. Depp has never been accused of abusing anyone before, such testimony is obviously relevant and appropriate, and cannot be excluded. For one thing, such evidence is directly relevant to Mr. Depp's reputation; the harmful nature of Ms. Heard's allegations is particularly clear because they are directed at an individual who has never been accused of abuse before and had no such reputation prior to Ms. Heard's allegations. In addition, Mr. Depp is entitled to challenge the plausibility of Ms. Heard's claims by pointing out that in his fifty-eight years he has never been accused of abuse by a single other woman. Moreover, Ms. Heard has put this fact directly at issue. For example, in her deposition, Ms. Heard reiterated a claim previously invented in the course of

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<sup>1</sup> Mr. Depp also argues that evidence or testimony of this incident should be permitted to the extent necessary through the testimony of Dr. Shannon Curry, Mr. Depp's retained psychologist.

her UK testimony that “[she] had heard rumors about this, about his conduct with former girlfriends, former partners. [She] heard that he had an incident with Kate Moss on the stairs. There was -- you know, [Ms. Heard] was struck by hearing that Winona Ryder used the same language in talking about Johnny. She mentioned a monster when she confided in someone in a bathroom when she was dating him. [Ms. Heard] had heard rumors to this effect, you know, [Ms. Heard] had – [Ms. Heard] read in part of Ms. Barkin’s testimony that he threw a bottle in her direction and, you know, displayed the same sort of possessive emotional psychological violence that [Ms. Heard] saw in Johnny, you know, throughout [their] relationship.” Exhibit 2 (Heard Dep. (January 12, 2022) 219:8-24). If Ms. Heard plans to testify about “rumors” that Mr. Depp was physically abusive, Mr. Depp absolutely can and should be permitted to testify that he has never been physically abusive to any woman and no woman, other than Ms. Heard, has ever made a claim to the contrary. Regardless of the “rumors” Ms. Heard may testify to, it is, quite simply, critical that Mr. Depp be allowed to provide testimony that he has not previously been accused of violence by his former romantic partners in a case with allegations of intimate partner violence.

Ms. Heard’s unsupported assertion that such evidence is unfairly prejudicial is absurd on its face, and the entire Motion borders on frivolous. Ms. Heard presents no explanation or argument as to how such evidence could be unfairly prejudicial, nor can she do so. And Ms. Heard’s assertions that such evidence lacks foundation or would be hearsay are just silly – Mr. Depp can obviously testify to the absence of accusations, and the absence of accusations is, by definition, not hearsay.

For the foregoing reasons, the Motion should be denied in its entirety.

Respectfully submitted,



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Dated: March 28, 2022

# Exhibit 1

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Transcript of Raquel Rose Pennington, Volume 1

15 (57 to 60)

Conducted on January 20, 2022

<p>57</p> <p>1 A I don't know.</p> <p>2 Q Can you think of any specific instances</p> <p>3 where Mr. Drew and Ms. Heard spent time together</p> <p>4 without you or Mr. Depp present?</p> <p>5 A I -- no, I don't recall any specific times.</p> <p>6 Q Did you ever feel like Ms. Heard was</p> <p>7 flirting with Mr. Drew?</p> <p>8 A No.</p> <p>9 MR. BRENNER: Object to form.</p> <p>10 BY MS. VASQUEZ:</p> <p>11 Q Did the way Ms. Heard interacted with any</p> <p>12 of your partners ever make you feel uncomfortable?</p> <p>13 A No.</p> <p>14 Q During the course of your friendship with</p> <p>15 Ms. Amber Heard, did you ever get in a fight with</p> <p>16 each other?</p> <p>17 A Did her and I ever get into a fight with</p> <p>18 each other?</p> <p>19 Q That's the question, yes.</p> <p>20 A We argued, yes.</p> <p>21 Q Do you recall any specific instances where</p> <p>22 you and Ms. Heard argued?</p> <p>23 A Yes.</p> <p>24 Q Okay. Can you briefly list any arguments</p> <p>25 that you can recall?</p>	<p>59</p> <p>1 Ms. Heard at Holly House; is that correct?</p> <p>2 A Uh-huh.</p> <p>3 Q What was this argument about?</p> <p>4 A I think that we were setting up for</p> <p>5 Thanksgiving and we were looking for, maybe, some</p> <p>6 glasses or some dishware. We had just moved in.</p> <p>7 And we couldn't find them anywhere; and then she</p> <p>8 finally found them in a place that I thought I had</p> <p>9 looked, and we started arguing about that.</p> <p>10 She thought that I wasn't looking hard</p> <p>11 enough, I think. And I told her that I had thought</p> <p>12 that I looked there.</p> <p>13 Yeah, I think that's what the argument was</p> <p>14 about.</p> <p>15 Q Was this just a verbal altercation or did</p> <p>16 you get physical with each other?</p> <p>17 A Yeah, I believe that we -- I believe that I</p> <p>18 pushed her.</p> <p>19 Q How did Ms. Amber Heard react to that?</p> <p>20 A She -- she either pushed or hit me back.</p> <p>21 Yeah.</p> <p>22 Q Do you know where -- where she hit you?</p> <p>23 MR. BRENNER: Objection; assumes facts,</p> <p>24 lacks foundation.</p> <p>25 THE WITNESS: I think it was on my cheek.</p>
<p>58</p> <p>1 A We had an argument in London when I was</p> <p>2 traveling with her and Johnny. We had an argument</p> <p>3 at Holly House.</p> <p>4 Q Are those the only two that you can</p> <p>5 remember?</p> <p>6 A Specifically, yeah.</p> <p>7 Q Let's go through them one by one.</p> <p>8 The argument in London, when did this fight</p> <p>9 occur?</p> <p>10 A 2015.</p> <p>11 Q What was this argument about?</p> <p>12 A I think we were planning on leaving London</p> <p>13 on a certain date and I wanted to get home because I</p> <p>14 had a -- an obligation, and we were going to be</p> <p>15 extending our trip. And, yeah, I think I felt like</p> <p>16 it was -- like inconvenient, inconsiderate.</p> <p>17 I was going to have to cancel on a lot of</p> <p>18 people because we were going to be staying longer.</p> <p>19 Q Was this just a verbal altercation?</p> <p>20 A Yes.</p> <p>21 Q Did either of you get physical?</p> <p>22 A No.</p> <p>23 Q And how was this argument resolved?</p> <p>24 A We talked it out.</p> <p>25 Q And you recalled another argument with</p>	<p>60</p> <p>1 BY MS. VASQUEZ:</p> <p>2 Q Do you recall any other physical</p> <p>3 altercations that you had with Ms. Amber Heard?</p> <p>4 MR. ROTTENBORN: Object to form;</p> <p>5 mischaracterizes testimony.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. VASQUEZ:</p> <p>8 Q Do you recall any specific instances when</p> <p>9 you saw Amber Heard get into a fight with someone</p> <p>10 else?</p> <p>11 A No.</p> <p>12 Q Do you recall any specific instances when</p> <p>13 Amber Heard did something that made you feel bad,</p> <p>14 even if it didn't result in a fight, where you felt</p> <p>15 she was being callous?</p> <p>16 MR. BRENNER: Objection; vague, compound.</p> <p>17 MR. ROTTENBORN: Same.</p> <p>18 THE WITNESS: Yeah, can you clarify the</p> <p>19 meaning of the question, or rephrase?</p> <p>20 BY MS. VASQUEZ:</p> <p>21 Q So can you recall any specific instance</p> <p>22 when Ms. Heard did something that made you feel bad?</p> <p>23 MR. ROTTENBORN: Same objection.</p> <p>24 THE WITNESS: Sure. Yes.</p> <p>25 BY MS. VASQUEZ:</p>

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# Exhibit 2

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Transcript of Amber Laura Heard - Day 1

55 (217 to 220)

Conducted on January 12, 2022

<p>217</p> <p>1 BY MR. CHEW:</p> <p>2 Q That's not the question. I'm not asking</p> <p>3 about that.</p> <p>4 A -- and later asked a lawyer to help me make</p> <p>5 sure that my -- the record reflected that and I got</p> <p>6 it expunged.</p> <p>7 Q You need to -- you need to answer the</p> <p>8 question. You have to answer the question. Did the</p> <p>9 police officer make a mistake in your opinion?</p> <p>10 MS. BREDEHOFT: I'm going to object to your</p> <p>11 raising your voice and -- and speaking to my client</p> <p>12 in that manner. Asked and answered.</p> <p>13 But go ahead and -- same objections I had</p> <p>14 last time. Go ahead.</p> <p>15 THE WITNESS: All I can do is tell you the</p> <p>16 facts that I do know. I can't tell you whether a</p> <p>17 mistake was made or not. I just know that I have</p> <p>18 never been violent with any of my partners and</p> <p>19 certainly not Tasya.</p> <p>20 You know, there are many times I had to</p> <p>21 defend myself against Johnny, but Tasya and I had a</p> <p>22 very peaceful, loving relationship and this was an</p> <p>23 incident that at best was misinterpreted and -- and</p> <p>24 was dropped because of how -- how the evidence or</p> <p>25 lack thereof showed how misinterpreted it was.</p>	<p>219</p> <p>1 after no.</p> <p>2 Q Are you aware of any claim made by any</p> <p>3 woman that Mr. Depp ever physically harmed her?</p> <p>4 MS. BREDEHOFT: Objection to the form of</p> <p>5 the question; calls for hearsay, speculation,</p> <p>6 hypothetical.</p> <p>7 Go ahead.</p> <p>8 THE WITNESS: I had -- I had heard rumors.</p> <p>9 I've been told by people about his past only around</p> <p>10 the latter part of our relationship.</p> <p>11 So I -- I had heard rumors about this,</p> <p>12 about his conduct with former girlfriends, former</p> <p>13 partners. I heard that he had an incident with</p> <p>14 Kate Moss on the stairs. There was -- you know, I</p> <p>15 was struck by hearing that Winona Ryder used the</p> <p>16 same language in talking about Johnny. She</p> <p>17 mentioned a monster when she confided in someone in</p> <p>18 a bathroom when she was dating him.</p> <p>19 I had heard rumors to this effect, you</p> <p>20 know, I had -- I read in part of Ms. Barkin's</p> <p>21 testimony that he threw a bottle in her direction</p> <p>22 and, you know, displayed the same sort of possessive</p> <p>23 emotional psychological violence that I saw in</p> <p>24 Johnny, you know, throughout our relationship. But</p> <p>25 I do not know firsthand how he was because I -- I</p>
<p>218</p> <p>1 BY MR. CHEW:</p> <p>2 Q Were the police correct in handcuffing you?</p> <p>3 A I can't --</p> <p>4 MS. BREDEHOFT: Objection to the form of</p> <p>5 the question; calls for speculation, hypothetical,</p> <p>6 legal conclusions.</p> <p>7 Go ahead.</p> <p>8 THE WITNESS: I'm not an officer of the</p> <p>9 law. I'm not law enforcement. I cannot tell you</p> <p>10 what they should or should not do. I can just tell</p> <p>11 you the truth of what happened because I was there</p> <p>12 and I'm trying to answer you fully.</p> <p>13 BY MR. CHEW:</p> <p>14 Q In -- in the course of your relationship</p> <p>15 with Mr. Depp, was he ever handcuffed for allegedly</p> <p>16 assaulting you?</p> <p>17 A No.</p> <p>18 I did my best to keep this from the police.</p> <p>19 Q And in the course of your relationship with</p> <p>20 Mr. Depp, did he ever spend the night in jail for</p> <p>21 touching you inappropriately or grabbing your wrist?</p> <p>22 A No.</p> <p>23 I wanted nothing but to protect Johnny from</p> <p>24 this.</p> <p>25 MR. CHEW: Move to striking everything</p>	<p>220</p> <p>1 wasn't there, and I still have yet to -- to ever</p> <p>2 claim to have been there in his prior relationships.</p> <p>3 BY MR. CHEW:</p> <p>4 Q Did Ms. Moss ever make any kind of public</p> <p>5 claim that Mr. Depp at any time physically harmed</p> <p>6 her?</p> <p>7 MS. BREDEHOFT: Objection to the form of</p> <p>8 the question; calls for hearsay, speculation.</p> <p>9 Go ahead.</p> <p>10 THE WITNESS: I do not know of any claims</p> <p>11 public -- publicly that were made.</p> <p>12 BY MR. CHEW:</p> <p>13 Q Right. And that -- the same goes for</p> <p>14 Ms. Ryder, correct?</p> <p>15 MS. BREDEHOFT: Same objections.</p> <p>16 THE WITNESS: I -- I do not know. I have</p> <p>17 been told that they signed confidentiality</p> <p>18 agreements or something to that effect, but I don't</p> <p>19 know --</p> <p>20 BY MR. CHEW:</p> <p>21 Q Who -- who told you that?</p> <p>22 A I believe -- setting aside from what I've</p> <p>23 heard from counsel, I have been told that by at</p> <p>24 least one or two people. I can't recall, maybe</p> <p>25 one -- Amanda de Cadenet told me a few of these</p>

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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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 **FILED**

**MAR 28 2022**

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Clerk of the Circuit Court  
of Fairfax County, VA

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO AMBER LAURA HEARD'S**  
**MOTION *IN LIMINE* NO. 9 RE EWC 1-76**

Ms. Heard's Motion *in Limine* (No. 9) (the "Motion") to exclude EWC 1-76 (the "EWC Documents") is blatantly misleading, completely unjustified, and represents yet another example of the shameless gamesmanship that Ms. Heard and her attorneys have employed in this litigation. First, Ms. Heard's contention that Mr. Depp is in violation of the Court's August 2021 Order is simply wrong. Mr. Depp complied with the Order (and has produced far more documents supporting his income than Ms. Heard). Ms. Heard's apparent new contention that Mr. Depp was required by the Order to produce the entire stream of every single receipt of every payment he has received since 2009 is clearly contrary to the instructions of the Court and the interpretation *by both parties* of the Order's mandates. Indeed, bringing this Motion is a violation of Ms. Heard's counsel's own acknowledgment and agreement that they were *not* looking for production of every receipt underlying Mr. Depp's income.

It should be noted, moreover, that the level of hypocrisy and sheer audacity on display in this Motion is mindboggling – Ms. Heard, who is herself claiming tens of millions of dollars in damages, has only ever produced redacted portions of tax returns sufficient to reflect her gross annual income. Yet, she argues in this Motion that she has somehow been prejudiced because Mr. Depp has not produced the entire stream of every single payment receipt over a thirteen-year period to her. The production of such information is neither necessary for any legitimate litigation purpose, nor required by the Court's Order, and Ms. Heard's arguments to the contrary are utterly and knowingly specious.

EWC 1-52 (the August 2021 Order did not relate to EWC 52-76) consists of profit and loss statements and a summary of Mr. Depp's income in each year from 2009.<sup>1</sup> Ms. Heard moved to

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<sup>1</sup> It is worth noting, also, that EWC 1-76 are documents produced by a third party, pursuant to a California subpoena, which Ms. Heard never moved to compel. They were not produced or generated by Mr. Depp.

compel documents from Mr. Depp supporting these documents, seeking all documents relied on in preparing EWC 1-52. The Court found Ms. Heard's request to be overbroad, and clarified that it was to be narrowed:

"All right. So for EWC 1 through 52, it is very comprehensive. As far as the financials, if we could just -- what I would like to say -- other than saying all documents relied upon Mr. White, I think that's overbroad. If you want to say financial documents relied on by Mr. White to do it, I think that would narrow it down." (August 6, 2021 Hearing Transcript, 35:9-15.)

Following that hearing, counsel for Mr. Depp discussed the Court's narrowing instruction with counsel for Ms. Heard, in an effort to get clarity and agreement on the Court's instructions. Mr. Depp's counsel pointed out that the Court clearly intended to narrow the scope of the request and the documents to be produced in response thereto and had not intended to order the production of every payment receipt or similar document over the past 13 years. Counsel for Ms. Heard *agreed* and acknowledged that they were not seeking and did not expect production of every payment receipt over the course of many years of Mr. Depp's career.

Mr. Depp therefore interpreted the Court's Order to require the production of major financial documents supporting his income during that timeframe, rather than documentation of the entire stream of every monthly or quarterly item of income he has ever received from any source over a thirteen-year period. Mr. Depp's counsel inquired of Ms. Heard's counsel whether there were any specific additional categories of documents that Ms. Heard was looking for, but Ms. Heard's counsel declined to identify a single such category. As a result, Mr. Depp produced the key categories of financial documents that underlie his basic income trajectory, consistent with his understanding of the Court's Order, including: all of his film contracts and endorsement deal contracts over many years; more than a decade's worth of completely unredacted tax returns; and financial participation

statements. Mr. Depp has produced substantially more financial income than Ms. Heard, from a broader timeframe, and with much greater detail.

Of note, EWC 1-76 is *only* relevant to show Mr. Depp's gross income over the past 13 years, and there is nothing that is actually controversial about Mr. Depp's income information. Indeed, his income is not in dispute, and is only relevant to the question of his damages. There is no question that Mr. Depp has made a very significant amount of money over the years, and Ms. Heard has never offered the slightest reason to disbelieve that fact or to question the amounts he has made, which are supported further by the additional documentation produced by Mr. Depp based on his understanding of the Order and Ms. Head's expressed expectations as to the same.

The utter preposterousness of Ms. Heard's attempt to make this an issue should be readily apparent to the Court. The purpose of the August 2021 Order was simply to provide Ms. Heard with verification of Mr. Depp's gross income information. She has that. She has his tax returns in unredacted form (though she has only ever produced redacted versions of her own tax returns). She has his contracts. She has his participation statements. If Ms. Heard believed that there were additional categories of documents that needed to be produced in response to the Order, she could and should have said so many months ago – indeed, Mr. Depp's counsel specifically *invited* Ms. Heard to identify any additional categories of documents they believed they needed to confirm Mr. Depp's income information or were called for under the Order, and Ms. Heard never bothered to do so. And during the many months since the Order, Ms. Heard has never reached out to Mr. Depp to suggest that she needs additional documentation to verify Mr. Depp's overall income information, nor has she identified any category of documents that she believes necessary, or previously reached out to the Court to seek compliance with the Order. Instead, her attorneys apparently preferred to sit silent, and then ambush Mr. Depp at the last moment, with a transparently bogus argument –

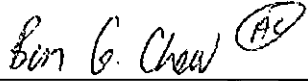
contradicted by their own prior statements about what documents they expected – that Mr. Depp should have produced “thousands if not tens of thousands of entries” from Datafaction and Quickbooks to reflect every single receipt of payment over a thirteen-year period.

The Court is well capable of seeing through this obvious, bad-faith gamesmanship. Moreover, the sanction sought by Ms. Heard is pointless and inappropriate even if the Court were to conclude that Mr. Depp’s interpretation of the requirements of the Order was erroneous – Ms. Heard has not (because she cannot) credibly argued that she has suffered the slightest prejudice; Mr. Depp has acted in good faith, has produced far more financial documentation than Ms. Heard, and has complied with the terms of the Order as he understood it (and as he believed Ms. Heard understood it as well). It is well-settled that in considering sanctions, a court must limit the sanction to that which is necessary to correct any violation, and it is an abuse of discretion to impose a sanction that is harsher than necessary. Sanctions should be calibrated to address and correct any prejudice, not impose unnecessarily harsh punishments; their function is corrective, not punitive. *See, e.g., Switzer v. Switzer*, 273 Va. 326, 332 (noting that sanctions “must be narrowly tailored to prevent the specific problem encountered”); *see also, Winters v. Winters*, 73 Va.App. 581 (2021). Here, there is no prejudice that can seriously be argued, even if Mr. Depp’s interpretation of the Order were erroneous – Ms. Heard has everything she needs to confirm Mr. Depp’s basic income information. Other than trying to take tactical advantage of an arguable ambiguity in the meaning of the Order, Ms. Heard has not offered any serious argument that she needs more information than has been provided to verify Mr. Depp’s gross income information. There simply is no basis for the imposition of *any* sanction under these circumstances, much less the draconian sanctions requested by Ms. Heard. Indeed, Ms. Heard has not presented any valid basis to exclude EWC 1-76; her request to do so makes no sense and is not tied to any legitimate claim of prejudice.



The Motion should be denied, and Ms. Heard and her counsel should be admonished for their blatant gamesmanship in bringing it in the first place.

Respectfully submitted,



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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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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FILED  
✓ MAR 28 2022  
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Clerk of the Circuit Court  
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

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(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OMNIBUS OPPOSITION TO AMBER LAURA  
HEARD'S MOTION *IN LIMINE* NO. 11 RESPECTING MR. DEPP'S WITNESS LIST**

## INTRODUCTION AND SUMMARY OF ISSUES

This is a blatantly and shamelessly misleading Motion, brought by Ms. Heard and her attorneys in a display of transparent, bad faith gamesmanship. As detailed more fully below, the Motion inexcusably mischaracterizes the record, and Ms. Heard has no valid basis to seek the exclusion of any of the witnesses on Mr. Depp's witness list. Mr. Depp has provided appropriate contact information, and, moreover, has gone above and beyond the requirements of Virginia law to attempt to obtain access for witnesses for Ms. Heard to depose.<sup>1</sup>

Ms. Heard's attempt to attack Mr. Depp for supposedly providing inadequate contact information for witnesses is unsupportable, and rings particularly hollow given Ms. Heard's own record of providing minimal contact information for her own witnesses. For instance, she provided only phone numbers for her sister Whitney Henriquez, her ex-girlfriend Tasya van Ree, her close friend/favorable witness iO Tillett Wright, and her friend Brandon McCulloch, all of whom are on her witness list (this lack of contact information required Mr. Depp to engage in extensive and very expensive efforts to track down and serve Mr. Wright over the course of more than a year; and Mr. Depp was never able to track down and serve Tasya van Ree). In addition, Ms. Heard only ever provided an email address for another key witness who is identified on Ms. Heard's witness list, Dr. Bonnie Jacobs. Moreover, Ms. Heard has listed at least one person on her own trial witness list that was not identified in her interrogatory responses (Adir Abergel). Ms. Heard has also blatantly interfered in Mr. Depp's discovery from third-party witnesses, including disrupting the deposition of Ms. Heard's sister Whitney Henriquez.

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<sup>1</sup> Because Ms. Heard's Motion *in Limine* No. 11 significantly exceeds the typical 5 pages, and seeks to exclude seven trial witnesses in their entirety (while also seeking to limit the means of presenting testimony of eight other witnesses), the number of issues necessitates the filing of a slightly longer than usual opposition to what would, under ordinary circumstances, have been at least two or three different motions *in limine*.

In short, Ms. Heard's arguments are specious. Ms. Heard's counsel should have known better than to bring this Motion, which should be denied in its entirety.

## ARGUMENT

### I. Gina Deuters

Gina Deuters is the wife of Mr. Depp's assistant, Stephen Deuters. She is a UK resident who has no connection to Virginia. Anticipating that counsel for Mr. Depp would likely represent her if she became involved in this action as a witness, Mr. Depp's interrogatory responses listed the contact information for Ms. Deuters as Mr. Depp's counsel. Ms. Deuters has been listed on Mr. Depp's list of persons with knowledge since 2019, but Ms. Heard waited until the end of 2021 to seek her deposition. Bizarrely, on November 30, 2021, Ms. Heard emailed Mr. Depp's counsel *Virginia* subpoenas for documents and personal appearance by Ms. Deuters, declaring that "this should be considered service" on Ms. Deuters. Counsel for Mr. Depp responded the same day, noting that this did not constitute effective service and that, more importantly, Ms. Deuters is "not subject to subpoena in the U.S." **Ex. 1.**

As the Court knows – and as Ms. Heard's attorneys certainly *ought* to know – the fact that Ms. Deuters is not a resident of Virginia, is not present in Virginia, and is not subject to jurisdiction in Virginia (or in the United States generally, for that matter), means that those subpoenas were legal nullities. *See, e.g., Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 289 Va. 426 (2015) ("we conclude that the circuit court was not empowered to enforce the non-party subpoena duces tecum directing Yelp to produce documents located in California"). Indeed, it is hard to imagine what Ms. Heard's attorneys could possibly have believed would be the legal effect of emailing Virginia subpoenas to counsel to obtain testimony and records *from a UK citizen residing in the UK*. Ms. Heard's attorneys are obviously aware that Virginia subpoenas are

ineffective as to persons outside Virginia, which is why the parties have relied on scores of California subpoenas for witnesses who are resident in California; Massachusetts subpoenas for witnesses in Massachusetts; Texas subpoenas for witnesses in Texas; and Illinois subpoenas for witnesses in Illinois. This is such a self-evident legal point that it is hard to believe Mr. Depp has been forced to make it in this opposition brief. Indeed, of the more than sixty third-party fact depositions that have taken place in this action, not one of them took place pursuant to a Virginia subpoena, because none of the witnesses are in Virginia.

Ms. Heard has always had the option of taking steps to take valid discovery via international processes – the UK is a party to the Hague Evidence Convention, and procedures exist to depose UK residents in connection with foreign actions, via a subpoena by Order of the High Court of London. Instead, Ms. Heard’s attorneys doubled down on the baffling position that Ms. Deuters was somehow required to respond from the UK to a Virginia subpoena that had been emailed to attorneys in California. In response to a demand by Ms. Heard’s counsel that Ms. Deuters appear in response to the subpoenas, Mr. Depp’s counsel again explained on January 21, 2022 that “Ms. Deuters is a UK resident and is not subject to subpoena power or jurisdiction in Virginia,” while also offering that “[w]e can look into whether Ms. Deuters might agree to a voluntary deposition.” On January 23, 2022, counsel for Ms. Heard, apparently determined to ignore the fact that her Virginia subpoenas were completely meaningless, responded by email that “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.” Mr. Depp’s counsel responded again that her Virginia subpoenas were nullities as to Ms. Deuters, and reiterated again that Mr. Depp’s counsel would explore whether Ms. Deuters would appear voluntarily for

deposition, but that absent such voluntary appearance, Ms. Heard's only option would be to seek discovery via international processes in the United Kingdom. **Ex. 2.**

*Ms. Heard never took any steps to take international discovery in the UK and never followed up again on deposing Ms. Deuters.* Nonetheless, in a good faith effort to go *beyond* his obligations under Virginia law, Mr. Depp sought, through counsel, to obtain Ms. Deuters' agreement to appear on a purely voluntary basis for a deposition. Ms. Deuters did not immediately agree, but eventually did so. Upon being advised that she was willing to appear voluntarily, Mr. Depp's counsel immediately notified Ms. Heard of that fact. Because several weeks had gone by at that point, it was impossible to arrange Ms. Deuters' deposition prior to the discovery cutoff, so Mr. Depp offered to allow Ms. Heard to depose Ms. Deuters the week following the discovery cutoff. Ms. Heard's counsel refused, apparently preferring to make a long-shot bid at excluding Ms. Deuters. **Ex. 3.** The choice to proceed to trial without deposing Ms. Deuters was Ms. Heard's.

Simply put, there is no valid basis to exclude Ms. Deuters as a witness, and Ms. Heard's attorneys should have known better than to bring this Motion. Mr. Depp gave valid contact information for Ms. Deuters – that she could be contacted through her anticipated attorneys. It is not Mr. Depp's fault that the only discovery mechanism Ms. Heard's counsel decided to employ was a facially invalid Virginia subpoena. Moreover, *Mr. Depp went above and beyond by working to obtain Ms. Deuters' voluntary agreement to appear voluntarily for deposition, notwithstanding the utter lack of diligence on the part of Ms. Heard's attorneys* in failing to take appropriate steps to depose her in accordance with applicable law. Ms. Heard's counsel then made an informed decision *not* to proceed with the offered deposition after counsel obtained Ms. Deuters' agreement to appear voluntarily. The Motion is grossly inappropriate gamesmanship.

## **II. Travis McGivern**

The Motion is especially preposterous as to Travis McGivern. Mr. Depp provided Mr. McGivern's known contact information (a home address) no later than February of 2021 – 13 months before the discovery cutoff. **Ex. 4.** Ms. Heard's counsel never raised any issue with the adequacy of that contact information, and never reached out to Mr. Depp to suggest that she needed more information. A year later, and less than a month before the discovery cutoff, Ms. Heard finally issued subpoenas for documents and testimony from Mr. McGivern on or about February 16, 2022, setting the production date for March 9, 2022, and the deposition date for March 11, 2022. Ms. Heard apparently had difficulty serving Mr. McGivern – *but she did not communicate that fact to Mr. Depp*. Indeed, as far as Mr. Depp knew, the deposition of Mr. McGivern was still proceeding on March 10, 2022. Accordingly, Mr. Depp served a Cross-Notice of deposition of Mr. McGivern on February 25, 2022. Even after receiving Mr. Depp's Cross-Notice, Ms. Heard did not reach out to indicate that she had had any difficulty in serving Mr. McGivern, or request any additional contact information.

Ms. Heard's counsel in the final weeks of discovery adopted the position that they would refuse to inform Mr. Depp whether depositions noticed by Ms. Heard were actually going forward. As a result of that unusual tactic by Ms. Heard's attorneys, Mr. Depp could never be certain whether a particular deposition was going forward until his counsel received a Zoom link the day before each deposition. Because Ms. Heard's attorneys refused to give the professional courtesy of providing such information, Mr. Depp's counsel reached out to third parties to obtain a current telephone number for Mr. McGivern, and were able to get in touch with him by telephone. Mr. McGivern advised counsel that he had not been served; Mr. Depp's counsel then inquired whether he was willing to appear for deposition regardless of the lack of service, and he



indicated that he was willing to do so. Counsel for Mr. Depp then promptly reached out to Ms. Heard's counsel by email, informing them that Mr. McGivern was available to appear on the deposition date noticed by Ms. Heard, and providing his email address (which he had provided to counsel in the course of the telephone call), so that Ms. Heard could forward him a Zoom link for his remote deposition. Incredibly, counsel for Ms. Heard took the position that it was somehow too short notice to depose Mr. McGivern on the date that Ms. Heard had noticed and Mr. Depp had cross-noticed, and they refused to take Mr. McGivern's deposition on that date. In a final effort to accommodate Ms. Heard, counsel for Mr. Depp offered to agree to allow Ms. Heard to conduct the deposition the following week. Ms. Heard's counsel refused, preferring to try to exclude to Mr. McGivern by this Motion. **Ex. 2.**

Ms. Heard's representation to this Court that she has somehow been denied an opportunity to depose Mr. McGivern is outright false – *Mr. McGivern was literally made available for deposition on the date noticed by Ms. Heard*, and Ms. Heard refused to proceed. Moreover, Ms. Heard was in possession of contact information for Mr. McGivern for more than a year, and never complained of any purported deficiencies in that information. If she waited until the last minute to issue a subpoena and then failed to communicate any difficulty in effecting service to Mr. Depp, that lack of diligence on the part of Ms. Heard's attorneys cannot properly be laid at Mr. Depp's door. The bottom line is this: Ms. Heard had contact information for Mr. McGivern for many months; she had an opportunity to depose him; and she refused to do so, preferring to try to exclude testimony, rather than explore it in discovery. This is gamesmanship, pure and simple.

### **III. Keenan Wyatt**

Unsurprisingly, Ms. Heard's Motion with respect to Keenan Wyatt contains yet more misrepresentations. Mr. Depp provided the known contact information for Mr. Wyatt – telephone

number and email address – no later than February 2021. **Ex. 4.** A year later, Ms. Heard’s counsel inquired whether Mr. Depp’s counsel would agree to accept service for Mr. Wyatt and requested additional contact information. Because Mr. Depp’s counsel does not represent Mr. Wyatt, it was necessary for counsel to get in touch with Mr. Wyatt directly, which counsel did by calling Mr. Wyatt’s number. Counsel obtained from Mr. Wyatt additional address information, which was then promptly provided to counsel for Ms. Heard by email once it came into the possession of counsel for Mr. Depp, on February 16, 2022. **Ex. 5.** It should be noted that Ms. Heard’s claim that such information was not provided until March of 2022, is false – that is merely the date Mr. Depp supplemented his interrogatory response to include information that had already been provided to Ms. Heard’s counsel.

Despite being provided with Mr. Wyatt’s additional contact information, *Ms. Heard’s counsel never so much as issued a subpoena to him*, much less attempted to serve it. Having waited until 2022 to even inquire about Mr. Wyatt, and having never even attempted to actually serve Mr. Wyatt with a subpoena despite being provided with additional contact information as soon as it came into the possession of Mr. Depp’s counsel, it is nothing short of astounding that Ms. Heard has the nerve to seek to exclude him on the basis that the contact information was somehow inadequate. Again, *the lack of diligence by Ms. Heard’s attorneys is not Mr. Depp’s fault*. Mr. Depp timely provided all contact information in his possession.

#### **IV. Kevin Murphy and Samantha McMillen**

Ms. Heard’s Motion with respect to Kevin Murphy and Samantha McMillen is equally nonsensical. Indeed, it is outright frivolous. Mr. Depp provided Ms. Heard with what contact information he has for both witnesses. Ms. Heard apparently failed to serve Mr. Murphy (whom Ms. Heard inaccurately claims is Mr. Depp’s employee – in fact, Mr. Murphy was once employed

by Mr. Depp, but has not been for years), but Mr. Depp provided both a telephone number and address. Ex. 3. So how is Ms. Heard's failure to serve him Mr. Depp's fault? And again, Ms. Heard never contacted Mr. Depp to complain about the contact information, request additional information, or communicate any difficulty in serving Mr. Murphy. As for Ms. McMillen, Mr. Depp provided Ms. Heard with what contact information he has for her. Like Mr. Murphy, Ms. McMillen is not an employee of Mr. Depp and is not under his control. If Ms. McMillen did not respond to counsel's telephone calls, that is not Mr. Depp's fault. And, again, Ms. Heard's counsel never once reached out to Mr. Depp's counsel to seek additional information, or to seek any assistance in obtaining Ms. McMillen's cooperation. Also of note, Ms. Heard issued a subpoena in 2019 to Ms. McMillen and listed a Santa Monica, California address for Ms. McMillen (which never appeared on Ms. Heard's own interrogatory responses). It appears, then, that Ms. Heard had access to information about Ms. McMillen's address. If Ms. Heard never followed up – and she appears to have never issued another subpoena to Ms. McMillen in the three years following – that failure is Ms. Heard's fault, not Mr. Depp's.

#### **V. Andy Milner and Leonard Damian**

As to Andy Milner and Leonard Damian, Ms. Heard's Motion should also be denied. Mr. Milner was identified in Mr. Depp's interrogatory responses, and his contact information was provided. Ms. Heard is correct that the interrogatory response omitted Mr. Milner's last name, but any suggestion that Ms. Heard was misled by that fact is belied by the fact that Mr. Milner was listed – with his full name – on *Ms. Heard's* own interrogatory responses. Similarly, Ms. Heard's complaint that Mr. Damian was omitted from Mr. Depp's interrogatory responses is belied by the fact that he was included on *Ms. Heard's* interrogatory responses, so that she was fully aware of him and that he might have relevant knowledge. Ex. 6. Moreover, Ms. Heard issued a subpoena

to Mr. Damian (though she waited until February 16, 2022, to do so), and sought his deposition in March 2022, clearly aware that he was a potential witness. Mr. Depp cross-noticed Mr. Damian's deposition on February 25, 2022. Mr. Depp's counsel then reached out to Mr. Damian at the same time that Mr. Depp reached out to Mr. McGivern (and for the same reasons discussed above), to determine whether the deposition was proceeding. Although Mr. Damian had not been served, Mr. Depp obtained his voluntary agreement to appear on the date noticed by Ms. Heard, or, alternatively, the following week, and notified Ms. Heard's counsel of that fact. Ms. Heard's counsel refused to proceed on the date they had noticed, or the following week. They should not be rewarded for such transparent gamesmanship, and they have suffered no actual prejudice from any errors in Mr. Depp's interrogatory responses.

#### **VI. Purported Issues With Mr. Depp's Witness List**

Ms. Heard's criticisms of Mr. Depp's Witness List are unwarranted and inappropriate.

Mr. Depp properly indicated in his Witness List that he intends to call Malcolm Connelly and Sam Sarkar by video link, while reserving the right to call them in-person if he is able to arrange it with the witnesses. Bafflingly, Ms. Heard suggests – without citation to anything – that that somehow should require Mr. Depp to call the witnesses in person or not at all. That is not consistent with the applicable Order, which merely requires the identification of witnesses anticipated to testify by video. *See*, Attachment 46 to Ms. Heard's Motion. The notion that identifying a witness as testifying by video while reserving rights to call him in-person somehow violates the Order is nonsense. Ms. Heard cannot complain of the slightest prejudice as a result, nor does she have a viable argument that that is not consistent with the requirements of the Order allowing video testimony. Moreover, Ms. Heard's suggestion that the Court should limit the testimony to in-person appearances makes absolutely no sense; as is clear from Mr. Depp's

Witness List, the default position for these witnesses is that both will be remote, not live. Ms. Heard's counsel is – and not for the first time – simply trying to invent requirements that do not exist, for the transparently improper purposes of limiting or inconveniencing Mr. Depp's witnesses.

For several other witnesses, Mr. Depp indicated a reservation of rights to call by video link, otherwise by deposition testimony (see, Dr. David Kipper, Isaac Baruch, Kate James, Adam Waldman, Jack Whigham, and Christian Carino). The Order authorizing testimony by video *specifically* permits this. For instance, the Order specifically states that the Order does not “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.” Mystifyingly, Ms. Heard argues that it is somehow inappropriate for Mr. Depp to have indicated that such witnesses may testify by video as well as by deposition testimony, but that is perfectly consistent with the Order, and Ms. Heard has been appropriately informed that any live testimony will be by video. Ms. Heard's request that these witnesses be limited to deposition testimony only has no valid basis in fact or law.

### CONCLUSION

The Motion should be denied in its entirety. The draconian sanctions sought by Ms. Heard are wildly disproportionate to any perceived deficiencies in Mr. Depp's responses, and Ms. Heard has not been prejudiced in the least by Mr. Depp. Indeed, the record of Ms. Heard's shameless gamesmanship is clear.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ben G. Chew". To the right of the signature is a small, circular handwritten mark that appears to be "AC".

---

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Dated: March 28, 2022

# Exhibit 1

## Boyd, Cynthia

---

**From:** Moniz, Samuel A.  
**Sent:** Tuesday, November 30, 2021 4:00 PM  
**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; brottenborn@woodsrogers.com; 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

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

## brownrudnick

**Samuel A. Moniz**  
Associate

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F: 949-486-3671  
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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)

[www.cbcblaw.com](http://www.cbcblaw.com)

## Exhibit 2

## Boyd, Cynthia

---

**From:** Moniz, Samuel A.  
**Sent:** Sunday, January 23, 2022 11:19 AM  
**To:** Elaine Bredehoft  
**Cc:** Adam Nadelhaft; David Murphy; Clarissa Pintado; Rottenborn, Ben; jtreece@woodsrogers.com; Michael Dailey; McCafferty, Elaine; Karen Stemland; 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:

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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  
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(703) 919-2735 (mobile)  
(703) 318-6808 (fax)  
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---

**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**

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[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

From: Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>

Sent: Friday, January 21, 2022 7:05 AM

To: Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; David Murphy <[dmurphy@cbcblaw.com](mailto:dmurphy@cbcblaw.com)>; Clarissa Pintado <[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)>; Rottenborn, Ben <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>; jtreece@woodsrogers.com; Michael Dailey <[mdailey@grsm.com](mailto:mdailey@grsm.com)>; McCafferty, Elaine <[emccafferty@woodsrogers.com](mailto:emccafferty@woodsrogers.com)>; Karen Stemland <[kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; Heather Colston <[hcolston@charlsonbredehoft.com](mailto:hcolston@charlsonbredehoft.com)>

Cc: Chew, Benjamin G. <[BChew@brownrudnick.com](mailto:BChew@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto:YMena@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>

Subject: RE: Depp v. Heard - next week's depositions

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

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Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.  
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(703) 318-6808 (fax)  
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---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Sent:** Thursday, January 20, 2022 11:21 AM  
**To:** Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; David Murphy <[DMurphy@cbcblaw.com](mailto:DMurphy@cbcblaw.com)>; Clarissa Pintado <[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)>; Rottenborn, Ben <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>; [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); Michael Dailey <[mdailey@grsm.com](mailto:mdailey@grsm.com)>  
**Cc:** Chew, Benjamin G. <[BChew@brownrudnick.com](mailto:BChew@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto:YMena@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto: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](mailto: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 25<sup>th</sup> (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**

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F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

\*\*\*\*\*

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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.

\*\*\*\*\*

,

## Exhibit 3

## Boyd, Cynthia

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**From:** Rottenborn, Ben <brottenborn@woodsrogers.com>  
**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

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

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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\*\***

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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**

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[www.brownrudnick.com](http://www.brownrudnick.com)

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**From:** Rottenborn, Ben <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>

**Sent:** Tuesday, March 8, 2022 9:00 AM

**To:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>; David Murphy <[dmurphy@cbcblaw.com](mailto:dmurphy@cbcblaw.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>; Treece, Joshua <[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)>; Stemland, Karen <[kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com)>; Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Clarissa Pintado <[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; cmariam@grsm.com; mdailey@grsm.com; hpangan@grsm.com; sroundsburg@grsm.com; Diane Cutting <[dxcutting@grsm.com](mailto:dxcutting@grsm.com)>

**Cc:** Chew, Benjamin G. <[BCheew@brownrudnick.com](mailto:BCheew@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto:YMena@brownrudnick.com)>

**Subject:** RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

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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**

10 S. Jefferson Street, Suite 1800 | Roanoke, VA 24011

P (540) 983-7540 | F (540) 983-7711

[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)

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**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>

**Sent:** Monday, March 07, 2022 7:38 PM

**To:** Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>; David Murphy <[dmurphy@cbcbllaw.com](mailto:dmurphy@cbcbllaw.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>; Rottenborn, Ben <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>; Treece, Joshua <[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)>; Stemland, Karen <[kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com)>; Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcbllaw.com](mailto:anadelhaft@cbcbllaw.com)>; Clarissa Pintado <[cpintado@cbcbllaw.com](mailto:cpintado@cbcbllaw.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; [cmariam@grsm.com](mailto:cmariam@grsm.com); [mdailey@grsm.com](mailto:mdailey@grsm.com); [hpangan@grsm.com](mailto:hpangan@grsm.com); [sroundsburg@grsm.com](mailto:sroundsburg@grsm.com); Diane Cutting <[dxcutting@grsm.com](mailto:dxcutting@grsm.com)>  
**Cc:** Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto:YMena@brownrudnick.com)>  
**Subject:** RE: John C. Depp, II v. Amber Laura Heard- Status of Mr. Depp's Deposition Subpoenas

**\*\*EXTERNAL EMAIL\*\***

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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](mailto:lendamian66@gmail.com) and [Mcgivern27@msn.com](mailto: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](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>

**Sent:** Monday, March 7, 2022 11:46 AM

**To:** David Murphy <[dmurphy@cbcblaw.com](mailto:dmurphy@cbcblaw.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>; [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); [kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com); Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Clarissa Pintado <[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; [cmariam@grsm.com](mailto:cmariam@grsm.com); [mdailey@grsm.com](mailto:mdailey@grsm.com); [hpangan@grsm.com](mailto:hpangan@grsm.com); [sroundsburg@grsm.com](mailto:sroundsburg@grsm.com); Diane Cutting <[dxcutting@grsm.com](mailto:dxcutting@grsm.com)>  
**Cc:** Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto: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)

Brown Rudnick LLP  
Seven Times Square  
New York, NY 10036  
T: 212-209-4938  
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[jmeyers@brownrudnick.com](mailto:jmeyers@brownrudnick.com)  
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---

**From:** David Murphy <[DMurphy@cbcblaw.com](mailto:DMurphy@cbcblaw.com)>

**Sent:** Monday, March 7, 2022 1:55 PM

**To:** Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>; Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>; [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); [kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com); Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto: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.  
11260 Roger Bacon Drive, Suite 201  
Reston, Virginia 20190  
PH: (703) 318-6800  
FX: (703) 318-6808

---

**From:** Meyers, Jessica N. <[JMeyers@brownrudnick.com](mailto:JMeyers@brownrudnick.com)>  
**Sent:** Wednesday, March 02, 2022 7:30 PM  
**To:** Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>; [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); [kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com); Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Clarissa Pintado <[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)>; David Murphy <[DMurphy@cbcblaw.com](mailto:DMurphy@cbcblaw.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; [cmariam@grsm.com](mailto:cmariam@grsm.com); [mdailey@grsm.com](mailto:mdailey@grsm.com); [hpangan@grsm.com](mailto:hpangan@grsm.com); [sroundsburg@grsm.com](mailto:sroundsburg@grsm.com); Diane Cutting <[dxcutting@grsm.com](mailto:dxcutting@grsm.com)>  
**Cc:** Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>; Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto: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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F: 212-938-2955  
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**From:** Suda, Casey <[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)>  
**Sent:** Monday, February 28, 2022 10:11 PM  
**To:** [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); [kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com); [ebredehoft@cbcblaw.com](mailto:ebredehoft@cbcblaw.com); Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; [cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com); David Murphy



<[dmurphy@cbcbllaw.com](mailto:dmurphy@cbcbllaw.com)>; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>; [cmariam@grsm.com](mailto:cmariam@grsm.com);  
[mdailey@grsm.com](mailto:mdailey@grsm.com); [hpangan@grsm.com](mailto:hpangan@grsm.com); [sroundsburg@grsm.com](mailto:sroundsburg@grsm.com); Diane Cutting <[dxcutting@grsm.com](mailto:dxcutting@grsm.com)>  
Cc: Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Crawford, Andrew C. <[ACrawford@brownrudnick.com](mailto:ACrawford@brownrudnick.com)>;  
Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Moniz, Samuel  
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<[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Mena, Yarelyn <[YMena@brownrudnick.com](mailto: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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Irvine CA 92612  
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F: 949.486.3674  
[CSuda@brownrudnick.com](mailto:CSuda@brownrudnick.com)  
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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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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.

\*\*\*\*\*

## Exhibit 4

**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 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:

<b>No.</b>	<b>Person</b>	<b>Contact Information</b>	<b>Deposed or Deposition Noticed</b>
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	Yes

No.	Person	Contact Information	Deposed or Deposition Noticed
		Floor, New York, NY 10019	
4.	Isaac Baruch	1472 N. Sweetzer Ave., West Hollywood, CA 90069; 323-445-2400 Isaacbaruch@hotmail.com	Yes
5.	Robin Baum	c/o Stalwart Law Group, 1100 Glendon Ave., Suite 2300, Los Angeles, CA 90024	Yes
6.	Lisa Beane	Pfarrergasse 2, Regensburg, German 90407	Yes
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	
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	Yes

No.	Person	Contact Information	Deposed or Deposition Noticed
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. 16 <sup>th</sup> 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	Yes
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	Yes
19.	Mick Doohan	61-418-759-945	
20.	Josh Drew	707-287-0092; 530 S. Hewitt St., Unit 436, Los Angeles, CA 90013	Yes
21.	Kelly Sue Eder	714-261-1403	
22.	Trinity Esparza	849 S. Broadway, Los Angeles, CA 90014	Yes
23.	Erin Boerum Falati	323-821-2795; 585 1/2 Washington	

No.	Person	Contact Information	Deposed or Deposition Noticed
		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	Yes
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	Yes
29.	Cornelius Harrell	849 S. Broadway, Los Angeles, CA 90014; 1420 Seward St. Apt 2, Hollywood, CA 90028-7847	Yes
30.	David Heard	512-914-4247	
31.	Paige Heard	Deceased	
32.	Whitney Henriquez	310-849-0982	
33.	Nathan Holmes	310-729-8326	
34.	Jennifer Howell	c/o Richard A. Spehr, Mayer Brown LLP, 1221 Avenue of the Americas,	Yes



No.	Person	Contact Information	Deposed or Deposition Noticed
		New York, NY 10020; 212-506-2500; rspehr@mayerbrown.com	
35.	Melanie Inglessis	917-291-1714; 344 Stowe Terrace, Los Angeles, CA 90042	Yes
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	Yes
38.	Kate James	1138 N Poinsettia Place, W Hollywood, Los Angeles, CA; 310-621-7605 K8james@mac.com K8james@earthlink.net	
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	Yes
43.	Samantha Klein	Wasser, Cooperman & Mandles, PC, 2049 Century Park East, Suite 800, Los	

No.	Person	Contact Information	Deposed or Deposition Noticed
		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	Yes
46.	Elizabeth Marz	646-620-7452; 7618 Norton Ave., Apt. 2, West Hollywood, CA 90046	Yes
47.	Joel Mandel	c/o Michael Kump and Suann MacIsaac, Kinsella Weitzman Iser Kump & Aldisert LLP, 808 Wilshire Blvd., Santa Monica, CA 90401, 310- 566-9800	Yes
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,	

No.	Person	Contact Information	Deposed or Deposition Noticed
		CA 91501	
52.	Michele Mulrooney	2049 Century Park East, Suite 2300, Los Angeles, CA 90067	Yes
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	Yes
57.	Raquel Pennington	512-426-6267; c/o Lee Brenner, Esq. 2049 Century Park East, Suite 2300, Los Angeles, CA 90067	Yes
58.	Tara Roberts	Little Halls Pond Cay, Exuma, Bahamas; Tara@lhpcay.com	
59.	Alejandro Romero	849 S. Broadway, Los Angeles, CA 90014	Yes
60.	Anthony Romero	arp@ucla.org	
61.	Melissa Saenz	c/o LAPD Central Division, 251 E. 6th St., Los Angeles, CA 90014	Yes
62.	Trudy Salven	26820 Marina Point Ln., Santa Clarita,	

No.	Person	Contact Information	Deposed or Deposition Noticed
		CA 91355 ; 661-297-3105	
63.	Kristina Sexton	626-755-4416; 30 Tiger Dr., Arundel, Queensland, Australia, 4214	Yes
64.	Robin Shulman	rshulman@aclu.org	
65.	Martin D. Singer	Lavelly & 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	
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	Yes
71.	Wasser, Cooperman & Mandles, P.C.	2049 Century Park East, Suite 800 Los Angeles, CA 90067, 310-277-7117	Yes
72.	Jessica Weitz	646-319-5363; jweitz@aclu.org	
73.	Jack Whigham	c/o Erika Schreiber, Esq., 405 Lexington Ave. 21st Floor, New York,	Yes

No.	Person	Contact Information	Deposed or Deposition Notified
		NY 10174	
74.	Edward White	21700 Oxnard Street, Suite 400, Woodland Hills, CA 91367	Yes
75.	Bruce Witkin	323-823-1986	
76.	io Tillett Wright	646-644-6847	
77.	Sean Bett	Contact through Plaintiff's counsel.	Yes
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.	Yes
81.	Todd Norman	Infinitum Nihil, 1472 N. Sweetzer Ave., Los Angeles, CA 90069	
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	
88.	Jacklyn Kelsey	Tourjet	

No.	Person	Contact Information	Deposed or Deposition Noticed
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  
 Fax: (617) 289-0717  
 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  
 Fax: (949) 252-1514  
 lpresiado@brownrudnick.com  
 cvasquez@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 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

## Exhibit 5



## Boyd, Cynthia

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**From:** Moniz, Samuel A.  
**Sent:** Thursday, February 17, 2022 12:13 AM  
**To:** Rottenborn, Ben; Chew, Benjamin G.; Vasquez, Camille M.  
**Cc:** Elaine Bredehoft; David Murphy; Adam Nadelhaft; Stemland, Karen; 'Michael Dailey'; McCafferty, Elaine; Treece, Joshua; 'Sebastian van Roundsburg'; Presiado, Leo J.; Meyers, Jessica N.; Crawford, Andrew C.; Calnan, Stephanie; Suda, Casey  
**Subject:** RE: Keenan Wyatt and Nathan Holmes

Ben,

We have been able to get in touch with Mr. Holmes and Mr. Wyatt. Mr. Holmes is based in the UK, and Mr. Wyatt is in California. As we understand it, neither of them is employed by Mr. Depp. We are looking into whether they will agree to appear for deposition, but as of now, neither of them has authorized us to accept service. We asked them for contact information, and what they provided us is below, if you wish to serve them directly. We will further update you shortly.

Keenan Wyatt  
310-748-0448  
[keenwyatt@aol.com](mailto:keenwyatt@aol.com)  
5235 Mission Oaks Blvd.  
#170  
Camarillo, CA 93012

Nathan Holmes  
US cell - 3107298326  
U.K. address -  
Highgate barn,  
Gaylands lane ,  
Earby,  
BB186JR  
+44 7939 541492

## 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](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Rottenborn, Ben <brottenborn@woodsrogers.com>  
**Sent:** Sunday, February 13, 2022 11:22 AM  
**To:** Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>  
**Cc:** Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; David Murphy <dmurphy@cbcblaw.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Stemland, Karen <kstemland@woodsrogers.com>; 'Michael Dailey' <mdayley@grsm.com>;

McCafferty, Elaine <emccafferty@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; 'Sebastian van Roundsburg' <sroundsburg@grsm.com>

**Subject:** RE: Keenan Wyatt and Nathan Holmes

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

Sam,

Please let us know promptly your position on the below. You wrote on 1/25 that you would let us know your position in "a couple days," but we've heard nothing since then, including in response to my email on February 3. If you will not accept service on behalf of Wyatt and Holmes, please let us know accurate contact information immediately (which the Court ordered you to provide over a year ago). We reserve all rights related to Depp's failure to provide this information.

Ben

**Ben Rottenborn**

**Woods Rogers PLC**

10 S. Jefferson Street, Suite 1800 | Roanoke, VA 24011

P (540) 983-7540 | F (540) 983-7711

**brotenborn@woodsrogers.com**

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 **Please consider the environment before printing this email**

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**From:** Rottenborn, Ben

**Sent:** Thursday, February 03, 2022 10:21 AM

**To:** 'Chew, Benjamin G.' <BChew@brownrudnick.com>; 'Vasquez, Camille M.' <CVasquez@brownrudnick.com>; 'Moniz, Samuel A.' <SMoniz@brownrudnick.com>

**Cc:** 'Elaine Bredehoft' <ebredehoft@charlsonbredehoft.com>; 'David Murphy' <DMurphy@cbcblaw.com>; 'Adam Nadelhaft' <anadelhaft@cbcblaw.com>; Stemland, Karen <kstemland@woodsrogers.com>; 'Michael Dailey' <mdailey@grsm.com>; McCafferty, Elaine <emccafferty@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; 'Sebastian van Roundsburg' <sroundsburg@grsm.com>

**Subject:** RE: Keenan Wyatt and Nathan Holmes

Following up on this as well. Please let us know if you will accept service and, if not, the appropriate contact information for service (which should have been provided over a year ago per the Court's order).

Thanks,

Ben

---

**From:** Rottenborn, Ben

**Sent:** Monday, January 24, 2022 1:26 PM

**To:** 'Chew, Benjamin G.' <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; 'Vasquez, Camille M.' <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; 'Moniz, Samuel A.' <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>

**Cc:** Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; David Murphy <[DMurphy@cbcblaw.com](mailto:DMurphy@cbcblaw.com)>; 'Adam Nadelhaft' <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Stemland, Karen <[kstemland@woodsrogers.com](mailto:kstemland@woodsrogers.com)>; Michael Dailey <[mdailey@grsm.com](mailto:mdailey@grsm.com)>; McCafferty, Elaine <[emccafferty@woodsrogers.com](mailto:emccafferty@woodsrogers.com)>; Treece, Joshua <[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)>; Sebastian van Roundsburg <[sroundsburg@grsm.com](mailto:sroundsburg@grsm.com)>

**Subject:** Keenan Wyatt and Nathan Holmes

Ben/Camille/Sam,

Are you willing to accept service of subpoenas on Keenan Wyatt and Nathan Homes? You provided only phone and/or email for them, but they are both employed by Infinitum Nihil. We're willing to work with you to schedule mutually agreeable dates for their depositions.

Thanks,

Ben

## Exhibit 6

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

**DEFENDANT AMBER LAURA HEARD'S RESPONSES AND OBJECTIONS TO  
PLAINTIFF'S SECOND SET OF INTERROGATORIES**

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia ("Rules"), Defendant Amber Laura Heard, by and through her attorneys, submits these responses and objections (the "Responses") to Plaintiff John C. Depp's Second Set of Interrogatories dated November 4, 2019 (the "Interrogatories").

**GENERAL OBJECTIONS**

The following general objections and responses (the "General Objections") are incorporated into each specific objection and response (the "Specific Objections") as if fully set forth therein:

1. Defendant objects to the Interrogatories to the extent they are duplicative, cumulative, or seek information that has been or will be provided through other means of discovery.
2. Defendant objects to the Interrogatories to the extent they are vague, ambiguous, overly broad, unduly burdensome, seek information not relevant to the claims or defenses of any party, or are not proportional to the needs of the case.

3. Defendant objects to the Interrogatories to the extent they impose any obligations or requirements beyond the scope of the Rules or any case law interpreting them.

4. Defendant's Responses are not intended to be and shall not be construed as an agreement or concurrence that all information provided is admissible with respect to Plaintiff's claims.

5. Defendant objects to each Interrogatory to the extent that it calls for information that: (a) may be derived or ascertained from documents that have been or will be produced in this action; (b) is already in Plaintiff's possession, custody, or control; (c) is publicly available; or (d) is otherwise independently available to Plaintiff or his counsel.

6. Defendant objects to the Interrogatories to the extent they purport to call for documents or information that: (a) are subject to the attorney-client privilege; (b) constitute attorney work product; (c) are protected from disclosure based on common interest or a similar privilege; or (d) are otherwise protected from disclosure under applicable privilege, law, or rule. Defendant will not produce such information in response to the Interrogatories, and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

7. Defendant objects to the Interrogatories to the extent they require unreasonable measures to locate and produce responsive information or documents. Defendant will construe the Interrogatories to require a reasonable and diligent search of its reasonably-accessible files where it would reasonably expect to find information, documents, or things related to the Interrogatories, and specifically states that it will limit its search for ESI by use of the agreed and identified search terms and ESI protocol proposed by Defendant.

8. Defendant objects to the Interrogatories to the extent they seek information that is not within Defendant's possession, custody, or control. Subject to this General Objection, in responding to the Interrogatories, Defendant will provide only responsive information within Defendant's possession, custody, or control.

9. Defendant objects to the Definitions and Instructions to the extent they seek to impose obligations greater than those imposed by the Rules or any other applicable law, rule or agreement by the parties.

10. Defendant objects to the Interrogatories to the extent they are based on a false premise and contain express or implied assumptions of fact or law with respect to matters at issue in this case. Defendant's Responses to the Interrogatories are not intended to be and shall not be construed as an agreement or concurrence with Plaintiff's characterization of any facts, circumstances, or legal obligations. Defendant reserves the right to contest any such characterization as inaccurate.

11. Defendant expressly reserves all rights and privileges under the Rules and any other applicable law or rule. The failure to assert such rights and privileges or the inadvertent disclosure by Defendant of information or documents protected by such rights or privileges shall not constitute a waiver thereof, either with respect to these Responses or with respect to any future discovery objections or responses.

12. Defendant's Responses to the Interrogatories are made to the best of her present knowledge, information, and belief. These Responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Defendant's knowledge and investigation, are subject to such additional knowledge of facts as may result from Defendant's further discovery or investigation.

## **SPECIFIC OBJECTIONS AND RESPONSES**

### **INTERROGATORY NO. 1**

Identify all persons with knowledge, documents, or information concerning any of the claims or defenses in this case, including but not limited to Your or Mr. Depp's alleged: (a) substance abuse; (b) damage of property; (c) acts of violence; (d) abuse in any form of any Romantic Partner; and (e) relationship with each other.

### **RESPONSE TO INTERROGATORY NO. 1**

Defendant objects to Interrogatory No. 1 on the grounds that it is overly broad, unduly burdensome, and seeks information related to Defendant that is not relevant to any party's claims or defenses and is disproportionate to the needs of this case. Defendant further objects to the extent that Interrogatory No. 1 calls for Defendant to speculate as to the scope of someone else's knowledge. Subject to and without waiving the foregoing objections, Defendant identifies the following persons who Defendant believes have non-privileged knowledge or information relevant to the claims and defenses in this case.

Alejandro Romero
Amanda de Cadenet
Andy Milner
Anthony Romero
Ben King
Bobby de Leon
Brandon McCulloch
Brandon Patterson
Bruce Witkin
C.J. Roberts
Christian Carino
Connell Cowan
Cornelius Harrell
David Heard
David Kipper
Debbie Depp



Debbie Lloyd
Doug Stanhope
Elisa "Christi" Dembrowski
Elizabeth Marz
Ellen Barkin
Elon Musk
Erin Boerum
Eugene Arreola
iO Tillett Wright
Isaac Baruch
Jack Whigham
Jacob Bloom
Jerry Judge
Jessica Weitz
Jodi Gottlieb
Joel Mandel
Josh Drew
Keenan Wyatt
Kevin Murphy
Kristina Sexton
Laura Divenere
Lauren Shapiro
Leonard Damian
Lisa Beane
Malcolm Connolly
Melanie Inglessis
Melissa Saenz
Miguel Sanchez
Monroe Tinker
Nathan Holmes
Norman Todd
Paige Heard
Paul Bettany
Rami Sarabi
Raquel Pennington
Robin Baum
Robin Shulman
Sam Sarkar
Samantha McMillen
Savannah McMillan
Sean Bett
Sepher Daghighian
Starling Jenkins
Stephen Deuters
Susan Wiesner

Tara Roberts
Tasya van Ree
Tracey Jacobs
Travis McGivern
Trinity Esparza
Trudy Salven
Tyler Hadden
Whitney Henriquez (formerly Heard)

## **INTERROGATORY NO. 2**

State whether You or anyone acting on Your behalf, including Your attorneys or investigator(s), have ever taken, received, or assisted in drafting or preparing any declaration, affidavit, or other written statement of any person relating to this lawsuit and/or the factual allegations that are the substance of this suit. If so, please provide the names, current addresses, telephone numbers and occupation of each such person giving such a statement, and the date of each such statement.

## **RESPONSE TO INTERROGATORY NO. 2**

Defendant objects to Interrogatory No. 2 on the grounds that it seeks information that is subject to one or more privileges, including attorney-client, work product, or common interest privileges. Subject to and without waiving the foregoing objections, Defendant states that she has received the following declarations filed in connection with Plaintiff's and Defendant's divorce proceedings: Raquel Rose Pennington (executed May 27, 2016), iO Tillett Wright (executed June 13, 2016); Samantha Spector (executed May 27, 2016); and Kevin Cohen (executed June 2016). Additional information responsive to this Interrogatory may be contained in Defendant's document productions.

## **INTERROGATORY NO. 3**

Identify all devices in Your possession, custody, or control in which ESI that relates to the claims or defenses in this case, or is reasonably likely to lead to the discovery of admissible evidence, is or is reasonably likely to be stored. For the avoidance of doubt, include in your response all devices in your possession, custody, or control that are or were owned or used by Mr. Depp.

### **RESPONSE TO INTERROGATORY NO. 3**

Subject to and without waiving the foregoing objections, Defendant states that ESI that relates to the claims or defenses in this case may reside on the following devices: one cell phone, one iPad, two laptops, and two iCloud accounts. Additional information responsive to this Interrogatory may be contained in Defendant's document productions.

### **INTERROGATORY NO. 4**

**Identify all email addresses, social media accounts, and Chat Applications that You have used to communicate in relation to this Action or the claims and defenses therein.**

### **RESPONSE TO INTERROGATORY NO. 4**

Subject to and without waiving the foregoing objections, Defendant states that she may have used the email addresses [arrowsarc@gmail.com](mailto:arrowsarc@gmail.com) and [readypistol@gmail.com](mailto:readypistol@gmail.com) to communicate in related to this Action or the claims and defenses therein.

### **INTERROGATORY NO. 5**

**Identify each mental and/or physical health care provider (including drug and/or alcohol addiction/dependency care or treatment providers, counselors or therapists) that You saw from January 1, 2010 to the present and state the reason and duration You saw or consulted or received treatment or services from each identified provider. The answer to this Interrogatory should include visits to emergency rooms; and addiction, drug or alcohol treatment or therapy session(s); and visits with or physical or mental health treatment from any doctor, surgeon, psychiatrist, nurse, psychologist, therapist, counselor, medical advisor, specialist, or other provider.**

### **RESPONSE TO INTERROGATORY NO. 5**

Defendant objects to Interrogatory No. 5 on the grounds that Defendant is not alleged to have any alcohol, addiction or dependency issue or treatment that are in dispute in this action, and therefore, Plaintiff's request for information related thereto is wholly irrelevant and not likely to lead to the discovery of admissible evidence. Defendant objects to this interrogatory on the

grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to either party's claims or defenses and is disproportionate to the needs of this case because it is not reasonably limited to treatment for physical and/or mental injuries or conditions Defendant suffered as a result of Mr. Depp's abuse. Defendant further objects to this interrogatory to the extent it calls for disclosure of expert witnesses or testimony prior to Defendant's expert disclosure deadline. Subject to and without waiving the foregoing objections, Defendant identifies the following mental and/or physical health care providers who provided treatment or services relevant to the claims or defenses in this action:

Provider	Treatment Type
Dr. David Kipper	General medicine
Dr. Connell Cowan	Psychotherapy
Dr. Bonnie Jacobs	Psychology
Dr. Laurel Anderson	Psychology
Dr. Amy Banks	Psychology
Dr. Joseph Sugerman	Ears, Nose, and Throat medicine

#### **INTERROGATORY NO. 6**

For each prescription drug You have been prescribed to take since 2010 or that you currently take: (a) identify the physician and/or health care provider who wrote the prescription; (b) state the name of the drug and the dosage to be taken; and (c) identify each pharmacist who filled the prescription and such pharmacist's pharmacy and/or place of employment.

#### **RESPONSE TO INTERROGATORY NO. 6**

Defendant objects to Interrogatory No. 6 on the grounds that Defendant is not alleged to have any addictions or dependency issues that are in dispute in this action, and therefore, Plaintiff's request for information related thereto is wholly irrelevant and not likely to lead to the discovery

of admissible evidence. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to either party's claims or defenses and is disproportionate to the needs of this case because it is not reasonably limited to treatment for injuries or conditions Defendant suffered as a result of Mr. Depp's abuse. Defendant further objects to this interrogatory to the extent it calls for disclosure of expert witnesses or testimony prior to Defendant's expert disclosure deadline. Defendant further objects to Interrogatory No. 6 as requesting information that can be derived or ascertained from documents that have been or will be produced in this action. Subject to and without waiving the foregoing objections, Defendant has and/or will identify and produce medical records relating to relevant treatment or services obtained from the relevant medical providers listed in response to Interrogatory 5. Defendant refers Plaintiff to those productions.

#### **INTERROGATORY NO. 7**

**Identify each Romantic Partner, other than Mr. Depp, that You have had in the past 10 years.**

#### **RESPONSE TO INTERROGATORY NO. 7**

Defendant objects to Interrogatory No. 7 on the grounds that it seeks information that is not relevant to any party's claims or defenses. The issue in dispute is whether or not statements in the Op-ed are defamatory and whether there is an implication therein that Defendant was subject to domestic abuse *by Plaintiff*. Defendant's relationships with others are not relevant to Plaintiff's domestic abuse of Plaintiff. In light of the foregoing objection, Defendant will not respond to this Interrogatory.

#### **INTERROGATORY NO. 8**

**Describe in detail any separation agreements, settlements, releases, tolling agreements, confidentiality and/or non-disclosure agreements, forbearance agreements, Mary Carter agreements, or any other agreements of any kind which You have negotiated with any**

**Romantic Partner. Your answer should include any such agreements that have been negotiated in order to gain the assistance or compliance of another person and/or entity with regard to this or any other matter.**

**RESPONSE TO INTERROGATORY NO. 8**

Defendant objects to Interrogatory No. 8 to the extent it seeks information related to agreements with any person other than Plaintiff on the grounds that is not relevant to any party's claims or defenses. The issue in dispute is whether or not statements in the Op-ed are defamatory and whether there is an implication therein that Defendant was subject to domestic abuse *by Plaintiff*. Defendant's relationships and agreements with others are not relevant to Plaintiff's domestic abuse of Defendant. Subject to and without waiving the foregoing objections, Defendant identifies her settlement agreement with Plaintiff. Because Mr. Depp was a party to this settlement, Ms. Heard will not further describe it.

**INTERROGATORY NO. 9**

**Identify and describe facts relating to each instance where any person, other than Mr. Depp, alleged (publicly or privately) that You engaged in any act of physical violence, abuse, or destruction of property at any point in the past 15 years, including (1) the identity of the person(s) that accused You of such conduct; (ii) the person and/or property toward which Your alleged conduct was directed; (iii) whether You were, or were alleged to have been, under the influence of alcohol, medication or illegal drugs at the time of Your alleged conduct; (iv) the date, time and location(s) of each such instance; and (v) the identity of all persons present at the time of the alleged incident.**

**RESPONSE TO INTERROGATORY NO. 9**

Defendant objects to Interrogatory No. 9 on the grounds that it seeks information that is not relevant to any party's claims or defenses. The issue in dispute is whether or not statements in the Op-ed are defamatory and whether there is an implication therein that Defendant was subject to domestic abuse *by Plaintiff*. Allegations of others related to Defendant, if any, are not relevant to Plaintiff's abuse of Defendant. Defendant further objects on the grounds that Defendant is not alleged to have any alcohol, addiction or dependency issue that are in dispute in this action, and

therefore, Plaintiff's request for information related thereto is wholly irrelevant and not likely to lead to the discovery of admissible evidence. In light of the foregoing objection, Defendant will not respond to this Interrogatory.

#### **INTERROGATORY NO. 10**

Provide the name address, profession, and qualifications of each expert witness who You intend to call to testify at the trial of this case, including any rebuttal experts and/or experts to address any alleged new matters raised in Plaintiff's designation of experts. For each such expert, state the subject matter in which the expert is expected to testify; the substance of the facts as to which the expert is expected to testify; the substance of the opinions which the expert is expected to give; a summary of the grounds for each such opinion; the terms of the expert's compensation, and attach to Your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's finding and opinions in this matter.

#### **RESPONSE TO INTERROGATORY NO. 10**

Defendant objects to Interrogatory No. 13 as premature. Defendant is working to identify experts and prepare expert disclosures that will be disclosed to Plaintiff on or before Defendant's expert disclosure deadline.

#### **INTERROGATORY NO. 11**

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 non party) 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.

#### **RESPONSE TO INTERROGATORY NO. 11**

Defendant objects to Interrogatory No. 11 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving the foregoing objections, Defendant identifies her divorce proceeding and subsequent, related litigation with Plaintiff. Because Mr. Depp was a party to these proceedings, Ms. Heard will not provide further description. Defendant further identifies the court proceeding

in Australia relating to Plaintiff's and Defendant's dogs. Because Plaintiff is aware of this proceeding and because it bears no relevance to this matter, Ms. Heard will not further describe it. In addition, Defendant identifies *Nicola Six v. Heard*, a breach of contract suit filed against Ms. Heard in California Superior Court, which was settled, and *Heard v. Stanhope*, a defamation suit filed in Cochise County Superior Court in Arizona, which was dismissed by stipulation.

#### **INTERROGATORY NO. 12**

**Identify all persons You or anyone working on Your behalf has spoken to or communicated with regarding the claims or defenses in this Action, Your Op-Ed, and Your Declaration, including all persons spoken to or communicated with at the Washington Post, ACLU, and Virginia Press Association.**

#### **RESPONSE TO INTERROGATORY NO. 12**

Defendant objects to Interrogatory No. 12 to the extent it is overly broad, unduly burdensome, and seeks information that is not relevant to any party's claims or defenses. Defendant further objects to Interrogatory No. 12 on the grounds that it seeks information that is subject to one or more privileges, including attorney-client, work product, or common interest privileges. Subject to and without waiving the foregoing objections, Defendant incorporates her answer to Interrogatory No. 2 and will conduct a reasonable search for any additional responsive information in her custody and will produce relevant, non-privileged materials, should any exist.

#### **INTERROGATORY NO. 13**

**Identify all persons and entities that are providing You with financial assistance with this Action and/or paying Your legal fees and costs related to this Action.**


#### **RESPONSE TO INTERROGATORY NO. 13**

Defendant objects to Interrogatory No. 13 on the grounds that it seeks information that is not relevant to any party's claims or defenses. In light of the foregoing objection, Defendant will not respond to this Interrogatory at this time.



### CERTIFICATION

I, Amber Laura Heard, certify under penalty of perjury that the foregoing answers to Plaintiff John C. Depp's Second Set of Interrogatories are true and correct to the best of my knowledge, information and belief. I reserve the right to make any changes in these answers if it should appear at any time that omissions or errors have been made or that additional or more accurate information has been obtained.



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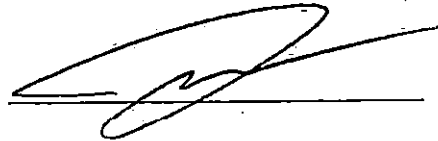
AMBER LAURA HEARD

Dated this 25th day of November, 2019

Respectfully submitted,

Amber L. Heard.

By Counsel:



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John C. Quinn (admitted *pro hac vice*)

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*Counsel to Defendant Amber Laura Heard*

## CERTIFICATE OF SERVICE


I certify that on this 25<sup>th</sup> day of November 2019, a copy of the foregoing was served by email, upon:

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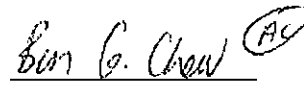
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Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

FILED

MAR 28 2022

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Protective Order Entered by the Court on  
June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA  
HEARD'S MOTION IN LIMINE NO. 12 REGARDING DR. CURRY'S MEDICAL  
EXAM**

Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby opposes Ms. Heard's Motion in Limine No. 12 ("MIL No. 12") in which Ms. Heard seeks to preclude Mr. Depp from referring to Dr. Curry's Rule 4:10 examination of Ms. Heard as an IME or Independent Medical Examination, as well as to preclude any references that the IME was conducted pursuant to Court order. *See* Heard Motion at 48-50.

Ms. Heard has already made this argument and it has already been rejected by the Court. At the October 1, 2021 hearing on Mr. Depp's request for the Rule 4:10 IME, Ms. Heard argued: "But just -- just going off the proposed order that -- that we've submitted today, number one, let's not kid ourselves. This is not an independent examination. This -- again, this will be an examination by a paid expert on both sides. *So the first request would be that it does not be*

*permitted to be called an independent examination.” See Exhibit 1, Tr. 18:3-9 (emphasis added).*

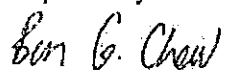

The Court rejected that argument, and in granting Mr. Depp’s request for an IME held:

As far as this -- the plaintiff’s IME request in this motion does fall within the scope of 4:10 because the defendant has placed her mental condition in issue here and as Dr. Hughes is also designated as an expert alleging PTSD from the relationship with the plaintiff and also alleging intimate partnership -- partner violence as well. So it does fall -- the IME does fall under 4:10. *An IME is an IME. I’m not changing the name. It’s a legal -- it’s what it is known as. So it is an IME. So that’s what it stays known as.*

*See id.* at Tr. 28:4-16 (emphasis added).

Nothing has changed since the October 1, 2021 hearing and the parties should continue to refer to Dr. Curry’s examination by its proper name: a court-ordered Independent Medical Examination or IME.

Respectfully submitted,

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1



1 of Johnny or Amber but an identical set of  
2 conditions for the IME to be conducted.

3 But just -- just going off the proposed  
4 order that -- that we've submitted today, number  
5 one, let's not kid ourselves. This is not an  
6 independent examination. This -- again, this will  
7 be an examination by a paid expert on both sides.  
8 So the first request would be that it does not be  
9 permitted to be called an independent examination.

10 The second one is identical to what  
11 Mr. Chew has -- has suggested which is the length,  
12 the duration, the number of breaks. The third one  
13 is the circumstances.

14 Now -- now, Dr. Hughes, our expert, has  
15 confirmed that literally everyone has been doing  
16 these things by Zoom; that there's very little to  
17 nothing that's lost by doing these over Zoom. And  
18 in particular we believe Zoom is appropriate for a  
19 few reasons here.

20 Number one, Ms. Heard has a newborn baby  
21 who is not and cannot be vaccinated. I understand  
22 Mr. Chew's position that -- that the pandemic

1 THE COURT: All right. I -- I  
2 understand that.

3 MR. ROTTENBORN: All right. Thank you.

4 THE COURT: All right. As far as  
5 this -- the plaintiff's IME request in this motion  
6 does fall within the scope of 4:10 because the  
7 defendant has placed her mental condition in issue  
8 here and as Dr. Hughes is also designated as an  
9 expert alleging PTSD from the relationship with  
10 the plaintiff and also alleging intimate  
11 partnership -- partner violence as well. So it  
12 does fall -- the IME does fall under 4:10.

13 An IME is an IME. I'm not changing the  
14 name. It's a legal -- it's what it is known as.  
15 So it is an IME. So that's what it stays known  
16 as.

17 As far as the particulars of the IME,  
18 I'm -- I'm not going to authorize it over Zoom. I  
19 do believe it -- it should be in person. And it  
20 should be -- let's put it in Dr. Curry's office  
21 and whatever dates in December that both parties  
22 agree to. Nobody is going to observe the

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

FILED  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 13 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**

Mr. Depp, largely, does not oppose Ms. Heard's Motion *in Limine* (No. 13) to instruct the jury with respect to the redactions in medical and mental health records. Mr. Depp agrees that the jury can be instructed not to afford any significance to the redactions or speculate as to what information has been redacted. The jury, however, should also be instructed that no information concerning physical abuse between Mr. Depp and Ms. Heard has been redacted, so it can be presumed that any redacted information does not concern physical abuse between Mr. Depp and Ms. Heard.

Respectfully submitted,



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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S RESPONSE TO AMBER LAURA HEARD'S MOTION**  
**IN LIMINE NOS. 14 AND 27**

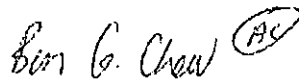
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of Fairfax County, VA

Mr. Depp generally does not oppose either Motion in Limine No. 14 or 27, but notes some caveats below:

Motion in Limine No. 27: Mr. Depp agrees in principle with Ms. Heard's Motion in Limine No. 27, that settlement communications should not be introduced at trial. That Motion is only problematic because it is lacking in specificity, and fails to identify any particular communications that should be excluded. That lack of specificity also renders the Motion ambiguous as to what Ms. Heard's counsel might construe as settlement communications. With that caveat, Mr. Depp has no intention of introducing evidence of settlement communications by either party in their mediation in this litigation, and similarly has no intention of introducing any other settlement communications made in the course of this litigation. Mr. Depp trusts that Ms. Heard will do the same.

Motion in Limine No. 14: Mr. Depp agrees with Ms. Heard that the two Trial Exhibits at issue (378 and 379) appear to be redundant of a full recording that is also on the Exhibit List (392), and therefore were not necessary to include on the Exhibit List and are redundant. Mr. Depp rejects Ms. Heard's conclusory and incoherent arguments about hearsay and prejudice, but will address any such issues at trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben G. Chew" with a circled "AC" to the right.

---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022



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*Counsel for Defendant Amber Laura Heard*

  
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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO**  
**DEFENDANT'S MOTIONS IN LIMINE (NOS. 15 & 23) TO PRECLUDE**  
**COUNSEL FROM REFERENCING OR CHARACTERIZING: PLEADINGS,**  
**MOTIONS PRACTICE, DISCOVERY MATTERS & RULINGS; DEPOSITION**  
**ISSUES, DISPUTES, OR CONDUCT; OR MS. HEARD'S COUNSEL**  
**OR PRIOR MOTIONS AND COURT RULINGS**

**FILED**  
**MAR 28 2022**  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

Ms. Heard's Motions *in Limine* (Nos. 15 & 23) (the "Motions") are yet another example of Ms. Heard improperly seeking vague, sweeping, and patently overbroad relief prematurely. As this Court has acknowledged previously, trial is a "fluid" process and it can be very difficult to absolutely bar categories of potential evidence in the abstract. *See* 12/10/21 Hearing Tr. at 11:18-22. Thus, while Mr. Depp agrees that, for the most part, the categories of potential evidence Ms. Heard identifies in her Motions are unlikely to be offered and admitted at trial, there are obvious exceptions and it is impossible to state with confidence, at this stage, that none of the broad categories of information Ms. Heard seeks to exclude can be properly introduced at trial. *See* Motion (No. 15) at 52-53 (seeking to preclude references to, *inter alia*, pleadings, timing of discovery, the Court's rulings on discovery motions, a party not producing responsive documents); Motion (No. 23) at 66 (seeking to preclude references to Ms. Heard's prior litigation counsel and "outcomes of pretrial motions").

Because Ms. Heard has sought to exclude multiple, broad categories of potential evidence in her Motions (Nos. 15 and 23), it is not clear what, precisely Ms. Heard is seeking to exclude and why. Nonetheless, there are obvious examples of where the evidence Ms. Heard seeks to exclude could come into play at trial:

*First*, part of Mr. Depp's theory is that Ms. Heard is making up and embellishing her allegations of abuse to suit her evolving position in this case. Thus, the timing of certain Court rulings or discovery vis-à-vis Ms. Heard's disclosure of alleged incidents of abuse (and the circumstances attendant thereto) is evidence that Mr. Depp intends and should be permitted to adduce at trial. Such evidence is relevant and would not be offered as hearsay, *i.e.*, for the truth of the matter asserted therein; quite to the contrary, it would be offered to demonstrate bias or motive to lie and/or for impeachment purposes. *See Winston v. Commonwealth*, 268 Va. 564, 591 (2004).

*Second*, as the Court is well aware, Mr. Depp and Ms. Heard both intend to present expert testimony, the scope and parameters of which were subject to Court order (or lack thereof) and, in many instances, vehement opposition by Ms. Heard. Thus, the parties' respective positions on some of these discovery disputes and the Court's attendant orders may be appropriately introduced in the context of the direct or cross examination of the expert witnesses whose task and, in the case of the forensic imaging experts, data set was defined by Court order.

In sum, given the lack of specificity in Ms. Heard's Motions (Nos. 15 & 23), Mr. Depp cannot agree to the limitations on references and characterizations of the parties' pleadings, discovery, court orders, and litigation conduct that Ms. Heard is requested. Mr. Depp, respectfully, requests that this Court reserve ruling on the admissibility of the categories of evidence Ms. Heard seeks to exclude until such evidence is offered in context at trial.

Respectfully submitted,

Handwritten signature of Benjamin G. Chew in black ink, with a circled 'AC' to the right.

---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

✓ FILED

MAR 28 2022

JOHN T. FREY  
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VIRGINIA:

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Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 17 TO EXCLUDE ANY REFERENCE OF A "PRETEND PUNCH" BY AN  
UNKNOWN PERSON ON AN ALLEGED VIDEO WHICH DOES NOT EXIST SHOULD  
BE EXCLUDED**

Ms. Heard's Motion *in limine* (No. 17) (the "Motion") seeks to exclude evidence concerning any references of a "Pretend Punch" by Whitney Henriquez that was witnessed by Brandon Patterson. Ms. Heard claims that on May 21, 2016, Mr. Depp engaged in physical abuse against her. Brandon Patterson testified that, shortly after that date, he watched a video recording of Ms. Heard's sister "pretend punching" Ms. Heard in a comedic fashion. Ms. Heard now seeks to exclude this testimony, but her Motion should be denied in its entirety because (1) the testimony is highly relevant to Ms. Heard's claims of abuse, and significantly, Mr. Depp's argument that such claims are fabricated; (2) the testimony is not hearsay, despite Ms. Heard's feeble arguments to the contrary; and (3) although Ms. Heard might not like the testimony, it is probative and not unfairly prejudicial.

**I. Mr. Patterson's Testimony is Relevant and Non-Prejudicial**

Mr. Patterson's testimony that he observed Ms. Henriquez pretend to punch Ms. Heard in the wake of her allegations of abuse by Mr. Depp is highly relevant to Mr. Depp's argument that Ms. Heard's claims are fabricated. There is a close temporal nexus between Ms. Heard's allegations of abuse by Mr. Depp and the "pretend punch," and the subject matter is near identical. There can be no reasonable argument that the testimony is irrelevant to Mr. Depp's claims. Further, although Ms. Heard might not like the evidence, it is not *unfairly* prejudicial. It is in fact highly probative of the central issue in this case—whether or not Mr. Depp physically abused Ms. Heard, or whether her allegations were actually fabricated. In truth, Ms. Heard is concerned that the jury will draw appropriate inferences from the testimony—that it is highly unlikely that a sister would "pretend punch" a woman who had been horrifically battered and beaten by her spouse mere days previous. The testimony is directly relevant, non-prejudicial, and will aid the jury in deciding the central issues in this case.

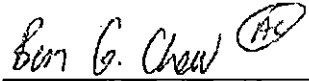
## **II. Mr. Patterson's Testimony is Not Hearsay, and The Present Existence of the Video is Irrelevant**

Ms. Heard's conclusory allegations that Mr. Patterson's testimony regarding what he personally witnessed in the video recording is "hearsay within hearsay" are as nonsensical as they are conclusory. Ms. Heard does not explain how this testimony is hearsay because in fact, it is not. Mr. Patterson is testifying regarding events that he personally witnessed on a video recording. It is self-evident that testimony regarding events observed on a video feed from a surveillance camera are not statements, and therefore not hearsay. *Stevenson v. Commonwealth*, 218 Va. 462, 465, 237 S.E.2d 779, 781 (1977) ("Hearsay evidence is testimony in court, or written evidence, of a statement made out of court, the statement being offered as an assertion to show the truth of the matters asserted therein, and *thus resting for its value on the credibility of an out-of-court asserter.*" (quoting McCormick on Evidence § 246, at 584 (2d ed.1972) (emphasis added))). Here, Mr. Patterson is testifying to what he observed take place. Ms. Heard had ample opportunity to examine Mr. Patterson's knowledge and to explore his claims regarding what he perceived at deposition.

Ms. Heard makes much of the fact that neither side ever found the actual video recording Mr. Patterson watched, but that is much ado about nothing. Again, Mr. Depp is entitled to present Mr. Patterson's testimony regarding an event that he testified that he *observed* with or without the existence of the video recording. Any argument regarding the existence of the video is a sideshow that has no bearing on the evidentiary value or admissibility of Mr. Patterson's testimony.



Respectfully submitted,



---

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Dated: March 28, 2022

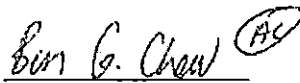
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S LIMITED OPPOSITION  
TO DEFENDANT'S MOTION IN LIMINE (NO. 18) TO LIMIT USE OF  
DECLARATIONS, UK WITNESS STATEMENTS, & PRIOR TESTIMONY**

Mr. Depp is a bit perplexed by Ms. Heard's Motion *in Limine* (No. 18) (the "Motion") to limit the use of witnesses' declarations, U.K. Witness Statements, and prior testimony to impeachment (or as used without objection in depositions). Mr. Depp is, of course, limited by Virginia evidentiary law in how he can use any witness's prior statements, but Ms. Heard's Motion seems to request more. To the extent Ms. Heard is requesting that this Court impose limitations on Mr. Depp's use of witnesses' declarations, U.K. Witness Statements, and prior testimony that go beyond those imposed by the Virginia Rules of Evidence, Mr. Depp objects.

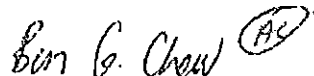
In her Motion (No. 18), Ms. Heard seems to request limitations on the use of sworn statements and testimony that apply with equal force to *her own* prior statements and testimony. This flies in the face of the well-recognized hearsay exception for a statement of a party-opponent. It is blackletter law that Mr. Depp may offer *any* of Ms. Heard's prior statements, including her sworn declarations, witness statements, and trial testimony, for the truth of the matters asserted therein. *See* Va. Sup. Ct. R. 2:803(0); *Davenport v. Utility Trailer Mfg. Co.*, 867 S.E.2d 484, 499-500, 74 Va. App. 181 (2022). While Mr. Depp obviously disputes the truth of much of what Ms. Heard has previously testified to, Mr. Depp should be limited only by the Virginia Rules of Evidence in how he presents Ms. Heard's prior sworn testimony to the jury.

Additionally, Ms. Heard's Motion (No. 18) seems to request that the Court limit Mr. Depp's use of declarations, witness statements, and prior testimony, even if offered for a *non-hearsay purpose*. Again, such request flies in the face of Virginia evidentiary law and should be rejected. The rule against hearsay excludes out-of-court declarations only when they are offered to establish the truth of the matter asserted therein. *See* Va. Sup. Ct. R. 2:801(c); *Manetta v. Commonwealth*, 231 Va. 123, 127 (1986). "If the court can determine, from the context and from the other evidence in the case that the evidence is offered for a different purpose, the hearsay rule

is no barrier to its admission.” *Manetta*, 231 Va. at 127. Mr. Depp should be permitted to offer a witness’s declaration, witness statement, or prior testimony at trial for non-hearsay purposes, such as to establish a witness’s knowledge at a particular time. *See Winston v. Commonwealth*, 268 Va. 564, 591 (2004). To impose a blanket prohibition on the use of declarations, witness statements, and prior testimony (except for impeachment) on the basis of the rule against hearsay would be premature and improper: not until Mr. Depp attempts to use the prior statements and testimony of a witness at trial will the purpose for which the evidence is offered, and thus its admissibility, be clear. *See Manetta*, 231 Va. at 127.

In short, Mr. Depp’s use of the witnesses’ declarations, witness statements, and prior testimony should be limited only by Virginia evidentiary law, not the intentionally vague and legally dubious restrictions Ms. Heard requests in her Motion (No. 18).

Respectfully submitted,

Handwritten signature of Benjamin G. Chew in black ink, with a circled 'AC' to the right.

---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022


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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

✓ FILED

MAR 28 2022

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

Civil Action No.: CL-2019-0002911

PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE (NO. 19) TO EXCLUDE JENNIFER HOWELL'S TESTIMONY IN ITS  
ENTIRETY



Ms. Heard's Motion *in Limine* (No. 19) to exclude Jennifer Howell's testimony in its entirety should be denied. Contrary to Ms. Heard's assertion, Ms. Howell's deposition testimony does in fact meet several of the exceptions to the rule against hearsay.

**I. Ms. Henriquez's Statements Are Admissible Under the Excited Utterance Exception to the Hearsay Rule**

Ms. Depp properly designated portions of Ms. Howell's testimony that should be admissible under the excited utterance exception to the hearsay rule. "Excited utterances prompted by a startling event, and not the product of premeditation, reflection, or design, are admissible, but the declaration must be made at such time and under such circumstances as to preclude the presumption that it was made as a result of deliberation." *Goins v. Commonwealth*, 218 Va. 285, 287 (1977). Ms. Howell's account regarding how Ms. Henriquez found out that Ms. Heard had cut off Mr. Depp's finger falls squarely within this definition. Ms. Howell was at her office when Ms. Henriquez, only a few feet away, exclaimed in reaction to a message she just received on her phone that Ms. Heard had "done it now" and had cut off Mr. Depp's finger. Ms. Howell testifies that: "[S]he 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? And she goes, She cut off his finger. She cut off his finger. And then she bolted out the door and was, like, I got to call somebody. I got to call somebody." Howell Dep. Tr. Vol. II, 273:19-274:5. It is clear that Ms. Henriquez was startled by the news she had just received and reacted with her statement in real time without time to deliberate. When Ms. Henriquez comes back into the office from the call she said she was going to make about the very incident that startled her, she continues to talk about it and tells Ms. Howell that Ms. Heard had thrown a bottle at Mr. Depp, cutting off his finger. Howell Dep. Tr. Vol. II, 276:11-12, 17-18. A jury could reasonably infer from Ms. Henriquez's immediate exclamation after receiving a message; rush to leave the office and call someone about what she just learned;

and continued retelling of the narrative when she returns while still under the stress of the event that this was a spontaneous utterance. *See Goins*, 218 Va. at 288; *see also Esser v. Commonwealth*, 38 Va. App. 520, 526 (2002). This is an unbroken chain of circumstances that all revolve around the circumstances that triggered Ms. Henriquez's utterance and thus, meets the elements for an excited utterance. *See Goins*, 218 Va. at 288.

## **II. Ms. Howell's Testimony Regarding Ms. Henriquez's Statements Are Admissible Under the Present Sense Impression Exception to The Hearsay Rule**

Ms. Howell's deposition testimony also meets the present sense impression exception to the hearsay rule. Virginia recognizes the present sense impression as "a statement accompanying and characterizing an act." *Clark v. Commonwealth*, 14 Va. App. 1068, 1070 (1992). In order for this exception to apply, three requirements must be satisfied: (1) the declaration must have been contemporaneous with the act; (2) it must explain the act; and (3) it must be spontaneous. *Murray v. Commonwealth*, No. 1167-09-2, 2010 WL 4720388, at \*3 (Va. Ct. App. Nov. 23, 2010). Ms. Howell's testimony meets all 3 of the elements here.

First, Ms. Henriquez's declaration was made contemporaneously with the act. In the moment that Ms. Henriquez perceived a message on her phone, she immediately made an exclamation retelling what she had just learned.

Second, Ms. Henriquez explained to Ms. Howell what was occurring using present tense further reflecting that she was explaining an event as it was unfolding in real time. Ms. Howell testifies that Ms. Henriquez screamed "She's done it now. She's cut off his God damn finger," followed by, "She cut off his finger. She cut off his finger. I got to call somebody. I got to call somebody." Howell Dep. Tr. Vol. II, 273:19-274:5. Ms. Henriquez's description of what was occurring satisfies the timing requirement of the present sense exception. *See Murray v. Commonwealth*, No. 1167-09-2, 2010 WL 4720388, at \*3 (Va. Ct. App. Nov. 23, 2010).

Finally, Ms. Henriquez's declarations were spontaneous because they were relayed in real time and made without time to fabricate the narrative. *See Wilder v. Commonwealth*, 55 Va.App. 579, 589 (2010). This is evidenced by the fact that Ms. Henriquez "bolted out the door" saying that she had to call someone about the information she had just learned. The circumstances here reflect that Ms. Henriquez was startled by the news she learned as she proclaimed it loudly while at work in an office and bolted out the door to call someone upon hearing the news.


### **III. Ms. Howell's Testimony Concerning Her Personal Observations Is Admissible**

Ms. Howell's testimony that she witnessed Ms. Heard intoxicated is admissible testimony. The rule against hearsay is not triggered here as Ms. Howell testifies to personally observing Ms. Heard intoxicated. Howell Depo. Tr. Vol. II, 252:1-11 (through "intoxicated").

### **CONCLUSION**

For the foregoing reasons, Ms. Heard's Motion (No. 19) should be denied: Jennifer Howell's deposition testimony should not be excluded in its entirety because portions of it either satisfy hearsay exceptions or are based on Ms. Howell's personal observations.

Respectfully submitted,

  
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Dated: March 28, 2022

64651325 v1-WorkSiteUS-034692/0001

# Exhibit 1



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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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1 VIRGINIA:

2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY

3 -----x

4 JOHN C. DEPP, II, :

5 Plaintiff, :

6 v. : Case No.: CL-2019-0002911

7 AMBER LAURA HEARD, :

8 Defendant. :

9 -----x

10  
11  
12 Videotaped Deposition of

13 JENNIFER HOWELL

14 Volume II

15 Conducted Virtually

16 Thursday, March 3, 2022

17 10:04 a.m. PST

18  
19  
20 Job No.: 436313

21 Pages: 219 - 363

22 Reported by: Cassidy Western, RPR

1 facts not in evidence, leading. 10:33:57

2 A 2018 Heaven, she showed up incredibly 10:34:02

3 intoxicated. There was an issue on the red carpet 10:34:09

4 with the people who were dealing with the red 10:34:12

5 carpet. And it kind of spread throughout the 10:34:14

6 event on headset how to kind of handle her and get 10:34:16

7 her in because she was very intoxicated when she 10:34:20

8 showed up for the event. And there was some issue 10:34:23

9 on the red carpet. 10:34:25

10 I was not -- I did see her later and 10:34:27

11 definitely can say she was intoxicated, but I was 10:34:29

12 only hearing through the production team that they 10:34:32

13 were having a problem holding her up to get her 10:34:36

14 down the red carpet. 10:34:39

15 Q And when -- 10:34:40

16 MS. PINTADO: And I'll -- 10:34:41

17 Q -- you saw -- 10:34:42

18 MR. CHEW: -- move to strike that. 10:34:42

19 A That would have been at John Legend's 10:34:45

20 Heaven. She came with Whitney. 10:34:46

21 MS. PINTADO: And I'll move to strike 10:34:50

22 that as nonresponsive, and also calls for expert 10:34:50



1	So you were in the office that -- that	10:55:51
2	day when Ms. Henriquez said something about a	10:55:53
3	finger being cut off?	10:55:57
4	A Yeah. I mean, to be --	10:55:58
5	MS. PINTADO: Objection --	10:56:00
6	A -- honest --	10:56:01
7	MR. CHEW: Objection; calls for hearsay,	10:56:01
8	misstates the testimony, assumes facts not in	10:56:02
9	evidence.	10:56:05
10	A To be honest with you, Camille, I was	10:56:06
11	sitting exactly where I'm sitting right now	10:56:09
12	because I'm sitting at my desk in the office. So	10:56:11
13	I was sitting right here on my computer, working,	10:56:14
14	in my zone, responding, doing whatever I was	10:56:17
15	doing. And right over there, there were two	10:56:20
16	black-and-white chairs at the time with a table in	10:56:24
17	between it. Whitney was sitting in one of the	10:56:25
18	black-and-white chairs. There's a door that goes	10:56:28
19	out right over there as well, and she just	10:56:30
20	screamed, She's done it now. She's cut off his	10:56:32
21	God damn finger, and made this huge proclamation.	10:56:36
22	And I pushed my chair back. I was, like, What?	10:56:41

1	And she goes, She cut off his finger. She cut off	10:56:45
2	his finger.	10:56:45
3	And then she bolted out the door and	10:56:45
4	was, like, I got to call somebody. I got to call	10:56:47
5	somebody. And she went out the door and she	10:56:50
6	called someone. I don't know who she called.	10:56:52
7	That's what was said.	10:56:55
8	Q Did Ms. Henriquez say to you who the	10:56:56
9	"she" was and who the "he" was?	10:56:59
10	A It was Amber --	10:57:01
11	MS. PINTADO: Objection. Objection;	10:57:02
12	hearsay, assumes facts not in evidence, lack of	10:57:03
13	foundation, leading.	10:57:05
14	A It was Amber and Johnny, and she	10:57:08
15	apparently had thrown a bottle and cut off his	10:57:11
16	finger, is what she reported when she came back in	10:57:14
17	from whoever she talked to outside.	10:57:17
18	MS. PINTADO: And I'll move to strike	10:57:20
19	that on the basis of, it's unresponsive and based	10:57:21
20	on hearsay.	10:57:26
21	Q So what you heard Ms. Henriquez say in	10:57:30
22	the office was -- she screamed and she said	10:57:32

1	Q	Did Ms. Henriquez ever show you the	10:58:43
2		message she received?	10:58:45
3	A	No. She didn't.	10:58:46
4		And, I mean, again, just taking my own	10:58:53
5		accountability here where I have failed at certain	10:58:57
6		things, I was trying my best to keep an office	10:58:59
7		together with this chaos that was coming in on a	10:59:02
8		daily basis. And I should have done a much better	10:59:07
9		job at it, looking back on it now. I should have	10:59:10
10		not had this happening in the office.	10:59:13
11	Q	When Ms. Henriquez came back into the	10:59:19
12		office, what specifically did she say to you?	10:59:21
13		MS. PINTADO: Objection; hearsay,	10:59:25
14		assumes facts not in evidence.	10:59:25
15	A	She --	10:59:28
16		MS. PINTADO: Leading.	10:59:30
17	A	She -- she said that she had thrown a	10:59:30
18		bottle and his finger was cut off.	10:59:33
19	Q	And the "she" there was who?	10:59:36
20	A	Amber.	10:59:38
21		MS. PINTADO: Objection; hearsay,	10:59:38
22		assumes facts not in evidence.	10:59:39

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Civil Action No.: CL-2019-0002911

FILED  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
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**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO AMBER LAURA HEARD'S  
MOTION *IN LIMINE* NO. 20 RE: "ALL CORRESPONDENCE (LETTERS OR  
EMAILS) RE ANY WARNER BROS. STIPULATION OR DECLARATION AND THEIR  
CONTENTS SHOULD BE EXCLUDED FROM EVIDENCE"**

Ms. Heard falsely claimed in sworn interrogatory responses, sworn deposition testimony, and her expert disclosures, that she was released by Warner Bros. from *Aquaman 2* in February 2021, as a result of the Counterclaim Statements by Adam Waldman in April-June 2020, and that as a result, she suffered monetary damages including the inability to renegotiate for a higher salary. That was a lie. When Mr. Depp sought to depose Warner Bros. on those issues, Warner Bros. responded by sending a letter to counsel for Mr. Depp and Ms. Heard making clear that Ms. Heard's claims were completely fictitious, that she had not been released, that any delay in picking up her option had nothing to do with Mr. Depp, and that Warner Bros. would not have renegotiated her salary. After California motion practice, the corporate designee of Warner Bros. was deposed, and confirmed all of those points at deposition.

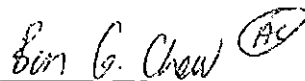
Prior to the deposition and in response to Warner Bros.' original correspondence, Ms. Heard's attorneys offered to eliminate her damages claims related to *Aquaman 2*, if Mr. Depp would agree not to mention *Aquaman 2* at all at trial, and would refrain from deposing Warner Bros. That was an obvious nonstarter for Mr. Depp, since the fact that Ms. Heard still has her *Aquaman 2* is directly relevant to refute her damages claims (not to mention the fact that she appears to have blatantly lied about her claimed damages). Ms. Heard now seeks to exclude any reference to any of this back-and-forth at trial. The Motion is meritless and should be denied.

The Motion is premised on the notion that Ms. Heard's proposal to eliminate *Aquaman 2* as an issue to avoid a deposition of Warner Bros. constitutes an offer to compromise within the scope of Rule 2:408. Ms. Heard is wrong. Rule 2:408 is analogous to Rule 408 of the Federal Rules of Evidence, the purpose of which is to facilitate and encourage settlement of claims by preventing negative consequences from offers to compromise a claim. *See, e.g., In re A.H. Robins Co., Inc.*, 197 B.R. 568 (E.D. Va. 1994) ("Rule 408 aims to foster settlement discussions in an

individual lawsuit, and therefore insulates the particular parties to a settlement discussion from possible adverse consequences of their frank and open statements”); *Perzinski v. Chevron Chemical Co.*, 503 F.2d 654, 658 (7th Cir. 1974) (“[t]he policy rationale which excludes an offer of settlement arises from the fact that the law favors settlements of controversies and if an offer of a dollar amount by way of compromise were to be taken as an admission of liability, voluntary efforts at settlement would be chilled”). Here, Ms. Heard was not offering to compromise her claim, but rather was merely offering to withdraw one portion of her damages allegations, to prevent the taking of discovery on a topic by Mr. Depp. Moreover, her proposal was not settlement, but merely a stipulation around certain issues at trial. Her proposals are certainly relevant to her credibility, and are not made inadmissible by Rule 2:408.

In any event, even if the Court were to conclude that Ms. Heard’s particular proposed stipulation were covered by the Rule (which it should not do), then regardless, the communications by Warner Bros. would still be admissible, as would the relevant deposition testimony confirming the accuracy of Warner Bros.’ letter and proposed declaration, and any in limine Order would need to be carefully narrow in scope to address only the specific proposals made by Ms. Heard – but again, those proposals do not constitute offers to compromise Ms. Heard’s claim within the meaning of the Rule, and are not inadmissible settlement communications.

Respectfully submitted,



---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
David E. Murphy (VSB No. 90938)  
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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

*h* **FILED**  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 21 TO PRECLUDE MR. DEPP FROM OFFERING TESTIMONY OF  
CHRISTIAN CARINO'S FIRST DAY OF DEPOSITION**

Plaintiff and Counterclaim Defendant John C. Depp, II, by counsel, hereby opposes Ms. Heard's Motion *in Limine* No. 21 to preclude Mr. Depp from offering testimony of Christian Carino's first day of deposition.

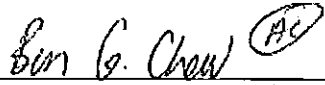
Ms. Heard argues that Mr. Depp "violated the express Scheduling Order set by this Court," Ms. Heard's Motion *in Limine* No. 21 at 61, when he submitted designations of Mr. Carino's first day of deposition at the same time he submitted designations of Mr. Carino's second day of deposition. On this basis, Ms. Heard seeks to preclude Mr. Depp from offering any testimony from Mr. Carino's first day of deposition.

Ms. Heard is wrong. The Scheduling Order expressly provides that: "***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." *See* Scheduling Order, attached hereto as Exhibit I, at Part XI (emphasis added). Mr. Carino was deposed on two days because Ms. Heard's counsel improperly refused to allow questioning from Mr. Depp's counsel even though Ms. Heard's counsel had already used all of her time – i.e., she had questioned Mr. Carino for three and a half hours on the record – forcing Mr. Depp to seek the court's direction. The California Court handling the California discovery disputes in this case ruled in favor of Mr. Depp and clarified that each party was entitled to question a third-party witness for half the deposition. Mr. Carino's deposition resumed on March 11, 2022 and, after ordering the transcript on an expedited basis, the transcript became available on March 12, 2022, a day after the completion of discovery.

Further, pursuant to the pre-trial conference held on February 9, 2022, upon agreement by the parties, the designations for depositions taken the week of March 7, 2022 were due on March

15, 2022. Feb. 9, 2022 Hr'g Tr., 15:1-16, attached hereto as Exhibit 2. Concurrent with that agreement, Mr. Depp designated Mr. Carino's deposition on March 15, 2022. Accordingly, Mr. Depp did not fail to follow the Scheduling Order but, rather, Ms. Heard is misinterpreting it in an effort to preclude Mr. Depp from offering testimony elicited by her counsel and also ignoring the agreement by the parties reached on this exact issue at the pre-trial conference on February 9, 2022. But for her counsel's improper refusal to allow questioning from Mr. Depp's counsel, Mr. Carino's deposition would have been completed on one day, on January 19, 2021, and this would not be an issue. Ms. Heard cannot impose obligations on Mr. Depp beyond what the Court ordered. Accordingly, Ms. Heard's Motion *in Limine* to preclude Mr. Depp from offering testimony from Mr. Carino's first day of deposition should be denied in its entirety.

Respectfully submitted,

 AC

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1

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 SCHEDULING 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) (1) 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 <sup>22</sup> <sup>APR</sup> April, day of March, 2021.

Reyda Chaves USB# 29113  
Counsel for Plaintiff

PSA  
JUDGE

Sen (Bul) Penney S. Azcarate  
Counsel for Defendant

## Exhibit 2



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# Transcript of Hearing

**Date:** February 9, 2022

**Case:** Depp, II -v- Heard

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1 (1 to 4)

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Transcript of Hearing  
February 9, 2022

4 (13 to 16)

<p>13</p> <p>1 MS. BREDEHOFT: What we're thinking of</p> <p>2 doing is we exchange -- we built into the last</p> <p>3 scheduling order exchanging our deposition</p> <p>4 designations and then our oppositions to them and</p> <p>5 our rebuttals and objections. And our thinking</p> <p>6 process was we would submit to Your Honor the whole</p> <p>7 color-coded -- for those of us who -- so for the</p> <p>8 ones we have designated, they would be completely</p> <p>9 color-coded, who is designated, who is cross, who</p> <p>10 is rebuttal, and then a little key in there for the</p> <p>11 objections. That's what I found, in the past, is</p> <p>12 very helpful to be able to just get through those a</p> <p>13 lot faster.</p> <p>14 THE COURT: Okay.</p> <p>15 MS. BREDEHOFT: And if Mr. Chew wants to</p> <p>16 do that for the ones they designate, I think that</p> <p>17 would make Your Honor's life much easier. And then</p> <p>18 we would get them to you as quickly as possible.</p> <p>19 THE COURT: Right. Anything I can review</p> <p>20 ahead of those three days, I would appreciate.</p> <p>21 MS. BREDEHOFT: And then the other -- and</p> <p>22 I think the last of the rebuttals, Your Honor --</p>	<p>15</p> <p>1 MS. BREDEHOFT: And then -- the issue</p> <p>2 then there, because we are exchanging our</p> <p>3 deposition designations on March 9, so anything</p> <p>4 that's really taken that last week, March 7 through</p> <p>5 the 11, we would have to bump out, but my</p> <p>6 suggestion to that is that we produce those -- any</p> <p>7 of those in that week, we have to get them</p> <p>8 expedited, obviously, but we do the designations,</p> <p>9 my suggestion was, by the 15th, and then we just</p> <p>10 catch up and still do the oppositions by the 18th</p> <p>11 and the rebuttal. It's just, for that week, we'd</p> <p>12 have to expedite those a little bit faster, but it</p> <p>13 would still keep the schedule so Your Honor would</p> <p>14 get everything by the 23rd when we complete.</p> <p>15 Would that work for you?</p> <p>16 MR. CHEW: Yes. If I may explain to the</p> <p>17 judge --</p> <p>18 MS. BREDEHOFT: Sure. Oh, oh, oh, okay.</p> <p>19 MR. CHEW: Thank you. I will happily</p> <p>20 yield back to Ms. Bredehoff --</p> <p>21 THE COURT: Okay.</p> <p>22 MR. CHEW: -- but, first, I wanted to</p>
<p>14</p> <p>1 rebuttal designations is that -- it's the 23rd,</p> <p>2 which would give Your Honor some time to be able to</p> <p>3 see them, and we can just get them in to the Court.</p> <p>4 THE COURT: All right.</p> <p>5 MS. BREDEHOFT: We have one logistical</p> <p>6 issue on the scheduling order related to that, and</p> <p>7 that is that our scheduling order right now says</p> <p>8 that the live testimony -- depositions in lieu of</p> <p>9 live testimony will be permitted until February 25,</p> <p>10 2022. The problem is, we still have a lot of</p> <p>11 depositions to take, and a number of them are now</p> <p>12 later into February and earlier in March.</p> <p>13 Mr. Chew and I discussed that, and we</p> <p>14 were going to suggest that we're able -- we were</p> <p>15 going to request that we could amend that to be</p> <p>16 able to -- and I think -- Mr. Chew, correct me if</p> <p>17 I'm wrong -- you wanted to allow them all the way</p> <p>18 through the discovery cut-off of March 11; correct?</p> <p>19 MR. CHEW: That's correct.</p> <p>20 THE COURT: If you're in agreement to</p> <p>21 March 11th, then I have no objection to amending</p> <p>22 it.</p>	<p>16</p> <p>1 introduce --</p> <p>2 THE COURT: Sure, please do.</p> <p>3 MR. CHEW: -- our team, some of whom are</p> <p>4 known to you. You have met Jessica Meyers and</p> <p>5 Camille Vasquez --</p> <p>6 THE COURT: Yes.</p> <p>7 MR. CHEW: -- who were here at the res</p> <p>8 judicata hearing; my partner, Leo Presiado from our</p> <p>9 Orange County office --</p> <p>10 MR. PRESIADO: Glad to be here.</p> <p>11 THE COURT: Thank you, sir.</p> <p>12 MR. CHEW: Andrew Crawford, you know;</p> <p>13 Virginia lawyer.</p> <p>14 THE COURT: Great.</p> <p>15 MR. CHEW: And Sam Moniz from our Orange</p> <p>16 County office.</p> <p>17 THE COURT: Okay.</p> <p>18 MR. CHEW: They wanted to be here since</p> <p>19 they will be here at trial.</p> <p>20 THE COURT: Okay.</p> <p>21 MR. CHEW: Also, very briefly, just to</p> <p>22 close the loop, I silently agree with most of what</p>

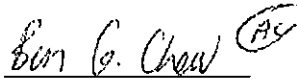
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th 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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Adam S. Nadelhaft (VSB No. 91717)  
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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,


Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

 **FILED**  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

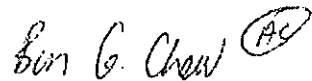
**PLAINTIFF JOHN C. DEPP, II'S RESPONSE AND CROSS-MOTION RE AMBER  
LAURA HEARD'S MOTION *IN LIMINE* NO. 22 RE: "INTRODUCING OR  
REFERENCING DEPOSITION QUESTIONS ERIC GEORGE DID NOT ANSWER  
BASED ON ATTORNEY CLIENT PRIVILEGE OBJECTIONS"**



Mr. Depp agrees and does not oppose Ms. Heard's request that Mr. Depp refrain from referencing her former attorney Eric George's refusal to respond to particular questions at deposition based on the attorney-client privilege. After all, a *lack* of response at deposition is not, in and of itself, evidence. Nor can any inference properly be drawn by the trier of fact from the mere fact that a privilege was asserted in discovery. Moreover, the potential for the jury to be confused by the impact of the attorney-client privilege is obvious, and any such references could easily be unfairly prejudicial to either party.

Mr. Depp submits this response to Ms. Heard's Motion No. 22 merely to note that any Order on this Motion ought to be made reciprocal, particularly with respect to Mr. Depp's former attorneys Laura Wasser and Adam Waldman. The same logic applies to Mr. Depp's lawyers as to Ms. Heard's lawyer, and Ms. Heard should be precluded from attempting to mislead the jury by suggesting that the jury can draw any inference from the fact that a particular assertion of the attorney-client privilege was made at any deposition, including (but not limited to) the depositions of Mr. Depp's attorneys.

Respectfully submitted,



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*Counsel for Plaintiff and  
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Dated: March 28, 2022

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*Counsel for Defendant Amber Laura Heard*

  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

FILED

MAR 28 2022

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 24 TO EXCLUDE ALL REFERENCES TO THE LEGAL PROCESS  
UTILIZED BY MS. HEARD TO OBTAIN THE CALIFORNIA DV TRO**

Ms. Heard's Motion No. 24 should be denied in its entirety—it is nonsensical. In 2016, Ms. Heard sought and obtained an *Ex Parte* Domestic Violence Temporary Restraining Order. In her Motion, she asks the Court to allow her to mislead the jury by characterizing the *Ex Parte* application as one that was fully adjudicated. Without any cogent explanation or reason, Ms. Heard seeks to prevent Mr. Depp from characterizing the legal process she utilized as "*ex parte*." As set forth in the deposition transcript of Mr. Depp's divorce attorney, Ms. Laura Wasser, the parties were in communication with one another in relation to Ms. Heard's financial demands of Mr. Depp in relation to the parties' divorce when—abruptly and without notice—Ms. Heard sought and obtained the DV TRO. *See* Wasser Dep. at 97:5-9 ("All I recall is that without any notice to us, at 8:30 in the morning on the 27<sup>th</sup>, Samantha Spector and her client went into court and obtained a no notice *ex parte* restraining order."); *see also* Wasser Dep. at 99:19-100:3 ("I recall that we had communications between the 24<sup>th</sup> and probably the 26<sup>th</sup>. I doubt we spoke on the morning of the 27<sup>th</sup> before she went into court. I do not know the content of those communications, and I do not know how many communications were had.").

Ms. Heard argues that to be able to properly refer to Ms. Heard's use of the *ex parte* process, Mr. Depp ought to have hired an "expert witness to testify on the correct procedure for obtaining a DV TRO." Nonsense. There is no need for expert testimony on the issue; indeed, legal issues are not even appropriately subject to expert testimony. Ms. Heard got an *ex parte* TRO – it should be referred to by its correct name. That is not unfairly prejudicial, and it is absurd to suggest otherwise. As set forth above, Ms. Heard's conduct in abruptly ending discussions relating to her financial demands of Mr. Depp in the context of the parties' divorce, rushing into court without notice to Mr. Depp, and obtaining an *ex parte* DV TRO is directly relevant to Mr. Depp's ability to challenge Ms. Heard's central narrative that she is an innocent victim and that her abuse claims

were wholly unrelated to any financial or reputational incentive. Further, to be precluded from referring to the proceedings as *ex parte* is unduly prejudicial to Mr. Depp because such a characterization, in addition to being false, would suggest that the proceedings were more fully adjudicated than they actually were.

Ms. Heard's Motion amounts to a request to mislead the jury about reality. It should be denied.

Respectfully submitted,

Handwritten signature of Benjamin G. Chew in black ink, with a circled 'AC' to the right.

---

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1



1	MS. RICE: Relevance, vague	13:26:38
2	as to time, overbroad.	13:26:40
3	MR. PRESIADO: Same	13:26:42
4	objections plus calls for hearsay.	13:26:42
5	A. I don't recall our specific	13:26:47
6	communications regarding her requests.	13:26:49
7	Q. Do you recall making any	13:26:52
8	kind of counter to any of these items?	13:26:56
9	MS. RICE: Vague as to time.	13:26:59
10	Irrelevant.	13:27:02
11	MR. PRESIADO: Objection,	13:27:05
12	relevance.	13:27:06
13	MS. RICE: Also to the	13:27:10
14	extent you're asking for	13:27:11
15	settlement communications, it	13:27:12
16	violates evidence code	13:27:14
17	Section 1152 in the mediation	13:27:16
18	privilege. The witness is	13:27:17
19	instructed not to answer any	13:27:18
20	questions that would require her	13:27:20
21	to divulge communications that	13:27:23
22	were done in the course and scope	13:27:25

1	of the mediations in the divorce	13:27:27
2	case, as well as settlement offers	13:27:29
3	that were exchanged between	13:27:32
4	counsel.	13:27:34
5	A. All I recall is that without	13:27:45
6	any notice to us, at 8:30 in the morning	13:27:47
7	on the 27th, Samantha Spector and her	13:27:49
8	client went into court and obtained a no	13:27:54
9	notice ex parte restraining order.	13:27:56
10	Q. Had you had any	13:28:00
11	communications with Samantha Spector	13:28:05
12	prior to her going into court on that	13:28:09
13	Friday, May 27?	13:28:13
14	MR. PRESIADO: Objection.	13:28:17
15	To the extent it calls for hearsay	13:28:17
16	what Ms. Spector may or may have	13:28:18
17	not said.	13:28:22
18	MS. RICE: Relevance.	13:28:24
19	MR. PRESIADO: Relevant as	13:28:25
20	well.	13:28:26
21	A. Yes.	
22	Q. How many communications had	13:28:31

1	you had with Ms. Spector prior --	13:28:33
2	following getting this letter and prior	13:28:36
3	to her going into court at 8:30 on May	13:28:38
4	27, 2016?	13:28:43
5	MS. RICE: Relevance.	13:28:43
6	MR. PRESIADO: Same	13:28:46
7	objection.	13:28:47
8	A. I do not recall.	13:28:48
9	Q. Do you have a recollection	13:28:49
10	of whether any of the communications that	13:28:54
11	you had with Ms. Spector between the	13:28:56
12	receipt of this letter that's dated May	13:29:00
13	24, 2016 and going -- and Ms. Spector	13:29:04
14	going into court on Friday, May 27, 2016,	13:29:06
15	related in any way to request on your	13:29:12
16	behalf -- on behalf of your client that	13:29:15
17	you made?	13:29:18
18	MS. RICE: Relevance.	13:29:19
19	MR. PRESIADO: Same	13:29:21
20	objection. Compound.	13:29:22
21	A. No.	13:29:25
22	Q. I just -- so that I close	13:29:25

1	the book before we go onto something	13:29:32
2	else.	13:29:34
3	You recall having	13:29:34
4	communications with Samantha Spector	13:29:35
5	between May 24 and May 27. You can't	13:29:38
6	recall how many, and you can't recall the	13:29:43
7	specifics of those communications; is	13:29:46
8	that accurate?	13:29:52
9	MR. PRESIADO: Objection,	13:29:52
10	compound.	13:29:54
11	MS. RICE: Misstates the	13:29:54
12	witness' prior testimony.	13:29:55
13	A. It's not accurate.	13:29:58
14	Q. And in what way? Please	13:30:02
15	tell me.	13:30:05
16	MS. RICE: Relevance.	13:30:06
17	MR. PRESIADO: Same	13:30:08
18	objection.	13:30:09
19	A. I recall that we had	13:30:11
20	communications between the 24th and	13:30:12
21	probably the 26th. I doubt we spoke on	13:30:16
22	the morning of the 27th before she went	13:30:18

1 into court. I do not know the content of 13:30:20  
2 those communications, and I do not know 13:30:23  
3 how many communications were had. 13:30:25  
4 Q. Now, on the next paragraph, 13:30:28  
5 it has a proposal for private retired 13:30:37  
6 judicial officers. 13:30:42  
7 Ultimately, did you and 13:30:44  
8 Ms. Spector talk about using private 13:30:47  
9 retired judicial officers, whether it was 13:30:50  
10 the list she provided or any others? 13:30:55  
11 A. I believe so, yes. 13:30:56  
12 Q. And what do you recall? 13:31:00  
13 MS. RICE: Relevance. 13:31:03  
14 MR. PRESIADO: Same 13:31:06  
15 objection plus hearsay. 13:31:06  
16 A. My recollection is that is 13:31:14  
17 in almost all of our cases, certainly 13:31:17  
18 those with high profile clients, we would 13:31:19  
19 have liked to take it out of the system. 13:31:23  
20 Ms. Spector was not willing to do that 13:31:27  
21 with this case. 13:31:29  
22 Q. What do you recall 13:31:30

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
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**FILED**

**MAR 28 2022**

JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, Virginia

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

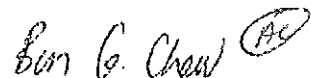
Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S LIMITED OPPOSITION TO DEFENDANT'S  
MOTION IN LIMINE (NO. 25) TO LIMIT LIABILITY AND DAMAGES TO OP-ED**

Mr. Depp, largely, does not oppose Ms. Heard's Motion *in Limine* (No. 25) to limit liability and damages to those arising from the publication of the December 18, 2018 op-ed in the Washington Post (the "Op-Ed"). However, because Mr. Depp's theory is that the Op-Ed constituted a republication of Ms. Heard's false claims of abuse from May 2016 and these false claims of abuse from May 2016 are the context which gave the statements in the Op-Ed defamatory meaning concerning Mr. Depp, Ms. Heard's conduct and statements prior to the publication cannot simply be extricated from the trial.

As Mr. Depp successfully argued in opposition to Ms. Heard's demurrer, Ms. Heard authored the Op-Ed against the backdrop of her false allegations that Mr. Depp physically abused her during their marriage, which she leveraged as the centerpiece of their subsequent divorce proceeding, all of which received extensive media coverage and public attention; and it is with this context that Ms. Heard's statements in the Op-Ed were imbued with the defamatory meaning (that Mr. Depp physically abused Ms. Heard), the veracity of which will be adjudicated at trial. *See* Opinion Letter, dated Mar. 27, 2020, at 5-8. Thus, for the avoidance of doubt, while Mr. Depp has no objection to refraining from claiming or arguing that he can hold Ms. Heard liable or seek damages for statements other than those in the Op-Ed, to the extent Ms. Heard seeks to preclude Mr. Depp from (i) introducing evidence of Ms. Heard's other conduct and statements surrounding the end of her relationship with Mr. Depp and/or (ii) arguing that such statements inform the defamatory meaning of statements in the Op-Ed, Mr. Depp strenuously objects.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ben G. Chew", followed by a circled "BC" monogram.

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*Counsel for Plaintiff and  
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Dated: March 28, 2022

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**FILED UNDER SEAL**

(Pursuant to the Stipulated Amended Protective Order Entered by the  
Court on June 21, 2021)

**PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT'S MOTION IN  
LIMINE NO. 10 TO EXCLUDE MR. DEPP'S EXPERT WITNESSES AND THEIR  
TESTIMONY**

**FILED**  
MAR 28 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

Plaintiff and Counterclaim Defendant John C. Depp, II, by counsel, hereby opposes Ms. Heard's Motion *in Limine* No. 10 to exclude Mr. Depp's expert witnesses and their testimony.<sup>1</sup>

**I. Mr. Depp's Expert Designations Comply with Va. Sup. Ct. R. 4:1(b)(4)(A)(i)**

Ms. Heard cannot seriously contend that Mr. Depp's designations of expert witnesses fail to comply with Va. Sup. Ct. R. 4:1(b)(4)(A)(i) or the related *Crane* doctrine. Rather than being "rife with speculation" or "conclusory generalization," Mr. Depp's designations of experts include clear sections with sufficient detail for the subject matter, substance, and summary of the grounds for each expert opinion. Mr. Depp's expert designations, which he submitted on January 11, 2022 – and subsequently supplemented on January 18, 2022 to include Dr. Shannon Curry's report – February 10, 2022, and February 25, 2022, relevant excerpts of which are attached hereto as Exhibit 1 – comply with Va. Sup. Ct. R. 4:1(b)(4)(A)(i) and Ms. Heard's argument otherwise is an unnecessary distraction.

**II. Dr. Shaw Should Be Permitted to Provide Expert Testimony**

Ms. Heard's motion to exclude Dr. Shaw amounts to nothing more than an effort to oppose Mr. Depp's motion to exclude Dr. Spiegel. The fact that Ms. Heard's expert violated his ethical and professional obligations as stated in the Goldwater Rule has everything to do with his appropriateness as an expert in this litigation.

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<sup>1</sup> Because Ms. Heard's Motion *in Limine* No. 10 significantly exceeds the typical 5 pages, the number of issues necessitates the filing of a slightly longer than usual opposition to what would, under ordinary circumstances, have been at least two or three different motions *in limine*.

### *The Goldwater Rule Is Applicable to Litigations*

For the reasons enumerated in Mr. Depp's Motion in *Limine* No. 14, the Court should exclude Dr. Spiegel.<sup>2</sup> To the extent Dr. Spiegel is not excluded, Dr. Shaw is critical and will assist the jury understand the deficiencies of Dr. Spiegel's opinions and evaluate them accordingly.

In support of her baseless argument to exclude Dr. Shaw, Ms. Heard highlights two distinguishable, non-binding cases. In *State Farm Fire & Casualty Co. v. Wicks*, the court permitted psychiatric testimony in a criminal case about the competency of a *deceased* defendant without examination. 474 N.W.2d 324, 333, n.6 (Minn. 1991). As Dr. Shaw noted in his designation, there are exceptions to the Goldwater Rule--one being a psychiatrist's opinion about a deceased individual. *See* Ex. 1 at Designation of Dr. Shaw's Opinion at 37-38. In *Simmons v. City of Chicago*, the court prohibited the non-examining psychiatrist from rendering a diagnosis but permitted his testimony regarding an analysis of the examining psychiatrist's report. 2018 WL 11391877, at \*2 (N.D. Ill. Feb. 18, 2018). This was not considered a violation of the Goldwater Rule because, unlike Dr. Spiegel, the psychiatrist in that case did *not* provide a diagnosis of the individual since the psychiatrist had not examined the individual. Further, the court found that "allowing [the non-examining psychiatrist] to render an opinion premised to such a significant degree on an express credibility finding involving contradictory testimony would be inappropriate because it would usurp the role of the jury." *Id.* Here, Dr. Spiegel testified in his deposition that it was his professional opinion to a medical degree of certainty that Mr. Depp has committed intimate partner violence against Ms. Heard. *See* Exhibit 2 (Spiegel Dep. 184:4-6). The very cases cited by

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<sup>2</sup> If the Court grants Mr. Depp's Motion in *Limine* No. 14 to exclude Dr. Spiegel, then Mr. Depp intends to withdraw Dr. Shaw.

Ms. Heard support Dr. Shaw's opinions that it is ethically and professionally improper to diagnose an individual without having evaluated him/her.<sup>3</sup>

Ms. Heard's contention that the Goldwater Rule only applies to public figures is not only incorrect but inapplicable here. Mr. Depp *is* a public figure and this trial will be televised. For these very reasons, Dr. Spiegel's proposed opinions about Mr. Depp's mental status are dangerous and ethically unsound.

**a. *Dr. Shaw May Comment on the Quality of Medical Records in This Case***

Dr. Shaw disclosed that he was reviewing all the documents that Dr. Spiegel relied on to form his opinions, which include the medical records and videotaped deposition of Mr. Depp. *See* Ex. 1 at Designation of Dr. Shaw's Opinion at 49 ("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.*") (emphasis). During his deposition, Dr. Shaw listed the exact documents he reviewed and relied on to form his opinions. *See* Exhibit 3 (Shaw Dep. 31:5-18). Dr. Shaw also testified that "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." Ex. 3 (Shaw Dep. 32:16-21). Dr. Shaw also testified that it was his opinion that Dr. Blaustein's records were insufficient for purposes of diagnosing Mr. Depp. Ex. 3 (Shaw Dep. 103:8-104:14).

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<sup>3</sup> Ms. Heard's argument that Dr. Spiegel's opinion complies with the Goldwater Rule because it is court authorized is incorrect. Indeed, this Court has twice denied Ms. Heard's request to compel Mr. Depp to undergo a psychological evaluation. Ms. Heard's disclosure of Dr. Spiegel is an effort to circumvent the Court's clear ruling on this issue. Further, Dr. Spiegel himself *admitted* that his opinion disclosed in this case violated the Goldwater Rule. *See* Ex. 2 (Spiegel Dep. 302:5-7).

Interestingly, Dr. Spiegel does not cite Dr. Blaustein's records in his initial expert disclosure, instead choosing to focus his analysis on Mr. Depp's deposition video, Mr. Depp's testimony in the U.K., and text messages that Mr. Depp exchanged with friends and family.

### **III. Mr. Depp Is Not Calling Dr. Kipper as An Expert Witness**

As Ms. Heard already knows, Mr. Depp is not calling Dr. Kipper as an expert witness in this case. Not only did Mr. Depp make this representation to the Court, but none of Mr. Depp's current designations of expert witnesses name Dr. Kipper as an expert witness.<sup>4</sup> Tellingly, Ms. Heard did not ask for the deposition of Dr. Kipper as an expert witness when she requested the scheduling of depositions of Mr. Depp's expert witnesses. Ms. Heard is well-aware that Mr. Depp is not calling Dr. Kipper as an expert witness. There is absolutely no need for this part of Ms. Heard's Motion.

Ms. Heard also argues that "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.'" Ms. Heard's Motion *in Limine* No. 10 at 36. However, the Order authorizing testimony by video *specifically* permits this. For instance, the Order specifically states that the Order does not "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." Attachment 46 to Ms. Heard's Motions *in Limine* at 2. Mystifyingly, Ms. Heard argues that it is somehow inappropriate for Mr. Depp to have indicated that Dr. Kipper may testify by video as well as by deposition testimony, but that is perfectly consistent with the Order, and Ms. Heard has been

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<sup>4</sup> Mr. Depp is similarly not calling Jack Whigham, Christian Carino, Edward White, or Robin Baum as expert witnesses in this case. As outlined above, Ms. Heard is well-aware of this but is nonetheless needlessly raising these non-issues.

appropriately informed that any live testimony will be by video. Ms. Heard's request that Dr. Kipper be limited to deposition testimony only has no valid basis in fact or law.

Ms. Heard also argues that "none of Mr. Depp's fact or expert witness [sic] should be permitted to testify on the subjects that Dr. Kipper refused to respond to at deposition." Ms. Heard's Motion *in Limine* No. 10 at 36. Ms. Heard's argument crosses the line into the outright frivolous. No valid basis exists in fact or law that a third party's refusal to answer questions at a deposition – which was never the subject of a motion to compel – justify any evidentiary sanctions. This is an inexcusable argument and should be withdrawn.

#### **IV. Mr. Neumeister Should Be Permitted**

Ms. Heard's efforts to exclude Mr. Neumeister is untethered to reality. She is seeking to exclude Mr. Neumeister for failing to provide a supplemental designation *on data that he has not yet received*. As Ms. Heard is well-aware, there have been significant delays in the forensic imaging process and Ms. Heard's forensic "experts'" use of unlicensed, outdated software has severely compromised the quality of data Mr. Neumeister has received, representing a serious violation of this Court's November 8, 2021 Order. *See* Attachment 16 to Ms. Heard's Motions *in Limine* at 2.<sup>5</sup> Incredibly, as of the date of this Opposition, Mr. Neumeister is *still* not in receipt of all the data from the Court-Order imaging of Ms. Heard's devices.

Mr. Neumeister will submit a supplemental designation by April 1, 2022 on the data that he has been able to review and analyze, and will be deposed on April 6, 2022. Ms. Heard's premature attempts to exclude Mr. Neumeister's testimony are accordingly improper.

#### **V. Dr. Curry's Testimony Should Not Be Limited**

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<sup>5</sup> Mr. Depp further outlines these issues in the forensic imaging process and Ms. Heard's failure to comply with the Court's November 8, 2021 Order in his Motion for Sanctions filed on March 22, 2022.



Ms. Heard argues that Dr. Curry should be excluded from testifying about: (i) whether Mr. Depp abused or did not abuse Ms. Heard; (ii) whether Ms. Heard abused or did not abuse Mr. Depp; and (iii) whether Ms. Heard suffered any emotional distress as the result of the three purportedly defamatory statements made by Mr. Waldman that are subject of the Counterclaims. Ms. Heard argues that Dr. Curry should be excluded from testifying on these subjects because “Dr. Curry admitted that she did not evaluate and was unable to provide an opinion” on these subjects. Ms. Heard’s Motion *in Limine* No. 10 at 38. With respect to the first two subjects, Dr. Curry did not form such opinions because such opinions are *improper* for any psychologist to render. As outlined in Dr. Curry’s rebuttal report of Dr. Hughes’ opinion, *it is never the psychologist’s task to determine that IPV occurred*. Accordingly, Dr. Curry will not testify that, for example, Ms. Heard abused Mr. Depp. However, Dr. Curry should be permitted to testify on these subjects to the extent that Dr. Hughes does. For example, if the Court allows Dr. Hughes to opine that, for example, Mr. Depp abused Ms. Heard, Dr. Curry should be permitted to testify that such an opinion is improper under the relevant professional and ethical standards.

Ms. Heard objects to Dr. Curry referring to her evaluation of Ms. Heard as an “IME” or “Court-ordered.” As the Court noted “[a]n IME is an IME. I’m not changing the name. It’s a legal -- it’s what it is known as. So it is an IME. So that’s what it stays known as.” Exhibit 4 (October 1, 2021 Hr’g Tr. 28:13-16).<sup>6</sup> While Dr. Curry’s evaluation and opinion of Ms. Heard was ordered by the Court, Dr. Spiegel’s “evaluation” of Mr. Depp was *not* ordered or authorized by this Court. This is relevant only insofar as it demonstrates that Dr. Curry is following the ethical and professional rules and standards while, Ms. Heard’s retained expert, Dr. Spiegel, is not. Further,

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<sup>6</sup> This issue of whether Dr. Curry can refer to her evaluation of Ms. Heard as an “IME” is further explained in Mr. Depp’s Opposition to Ms. Heard’s Motion *in Limine* No. 12.

Ms. Heard argues that Dr. Curry “is far from independent” because “[s]he was hired by Mr. Depp’s counsel and she even had dinner and drinks at Mr. Depp’s home.” Ms. Heard’s Motion *in Limine* No. 10 at 38-39. There are no depths to which Ms. Heard and her counsel will not sink. These statements are inflammatory and irrelevant and should be disregarded by the Court.

Finally, Dr. Curry should be entitled to testify that the Court prevented her from conducting collateral interviews. As is clear from the Order, the Court drew a line in Paragraph 6(a), striking collateral interviews (*See* Attachment 87 to Ms. Heard’s Motions *in Limine*). The Court struck this language from the Order after Ms. Heard’s counsel argued that “Plaintiff added significant substantive language that the Court did not order and that was not contained in Plaintiff’s prior proposed order, including the right of Dr. Curry to interview third parties, which is *wholly inappropriate for a Rule 4:10 examination of Defendant.*” Exhibit 5 (Emphasis Added). Ms. Heard’s argument that Dr. Curry’s opinions should be limited because she abided by this Court’s Order to not conduct collateral interviews, is frankly ridiculous.

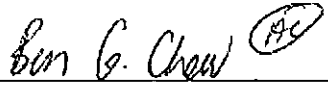
Normally, Dr. Curry would conduct collateral interviews as part of her forensic psychological evaluation. In this case, Dr. Curry was precluded from doing so in the face of Ms. Heard and her counsel’s strenuous objections. Therefore, it is only fair and equitable that Dr. Curry be permitted to explain the limitations of her psychological evaluation of Ms. Heard, especially since Ms. Heard’s retained expert, Dr. Hughes, *did conduct* collateral interviews as part of her forensic psychological evaluation. Dr. Curry abided by this Court’s Order and should not be penalized for doing so.

Ms. Heard’s suggestion that Dr. Curry could have *simply* contacted Ms. Heard’s past medical and mental health providers overlooks a critical detail—these providers would not have

been able to speak with Dr. Curry without a HIPPA waiver or a Court Order (neither of which were provided to Dr. Curry).

For the foregoing reasons, Mr. Depp opposes Ms. Heard's Motion *in Limine* No. 10.

Respectfully submitted,

 (AC)

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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*

Dated: March 28, 2022

# Exhibit 1

Filed Under Seal

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA**

**JOHN C. DEPP, II**

*Plaintiff,*

**v.**

**AMBER LAURA HEARD,**

*Defendant.*

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**Civil Action No.: CL-2019-0002911**

**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.

**CONFIDENTIAL**

## **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 Production 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. Depp'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<sup>1</sup>, 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

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<sup>1</sup> Licenses from the States of New York, California, Nevada, Arizona, Utah, and Hawaii.

Service, and the Office of Thrift Supervision. His clients include law firms, corporations, individuals, government agencies, and non-profit organizations.

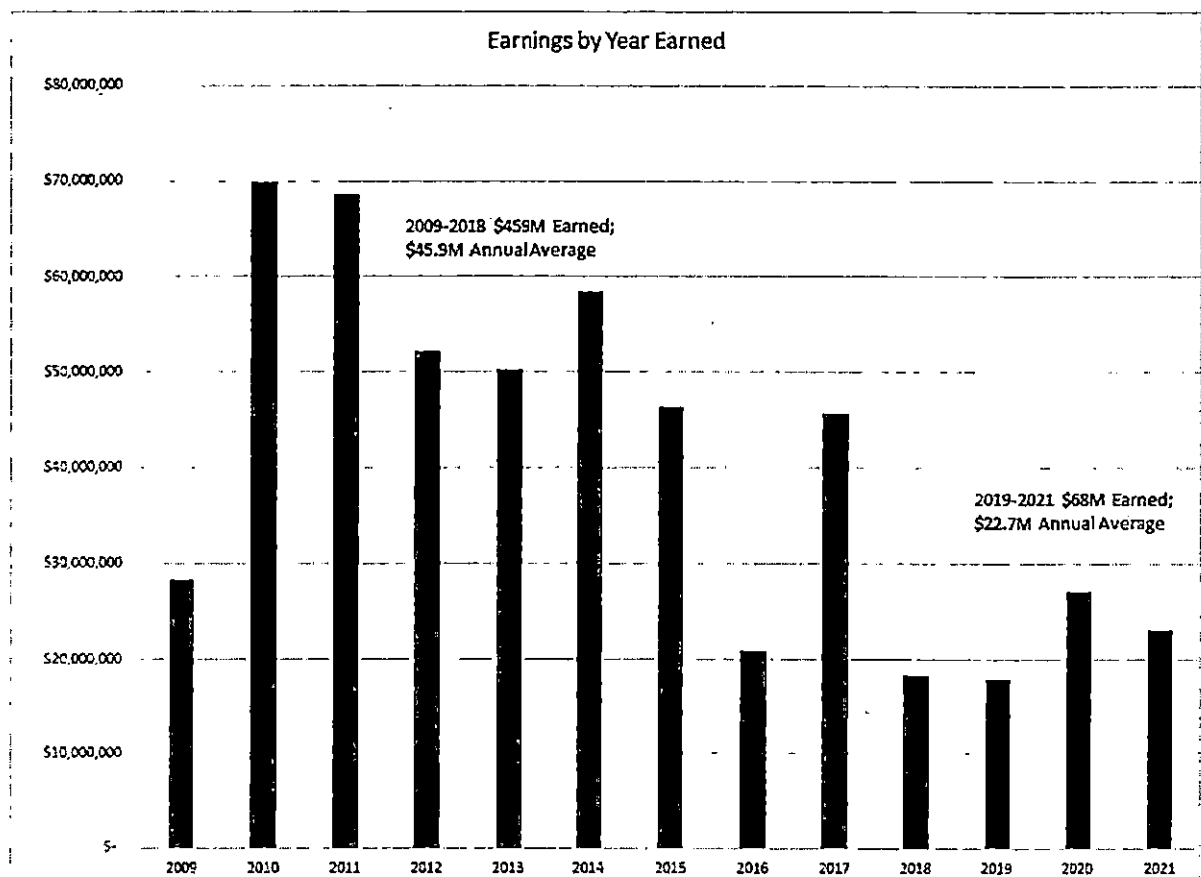
Prior to joining B. Riley Advisory Services, Mr. Spindler held senior leadership positions with several forensic accounting firms and was a partner at two national public accounting firms. An experienced public speaker, Mr. Spindler has authored or co-authored a number of publications on fraud-related topics and developed and presented seminars and courses on forensic accounting and litigation support issues. He is a past President of the Los Angeles Chapter of CALCPA and of the Los Angeles Chapter of the Association of Certified Fraud Examiners. He is also a past member of the Board of Trustees of the CALCPA Education Foundation and of CALCPA Council. Mr. Spindler is a Certified Public Accountant (licensed in California, New York, Nevada, Arizona, Utah and Hawaii), is certified in Financial Forensics and accredited in Business Valuation (both issued by the AICPA), is a Certified Fraud Examiner (issued by the Association of Certified Fraud Examiners), and is a Certified Anti-Money Laundering Specialist ("CAMS"). Mr. Spindler graduated from the State University of New York at Albany with a Bachelor of Science degree in accounting and a minor degree in economics.

*Subject Matter of Mr. Spindler's Opinion:* Mr. Spindler is expected to testify as to the economic damages Mr. Depp has suffered as a result of Ms. Heard's December 2018 Op-Ed in *The Washington Post*.

*Substance of Mr. Spindler's Opinion:* Specifically, Mr. Spindler is expected to draw upon his experience and expertise as a CPA and financial forensics professional to testify that Mr. Depp has suffered damages of approximately \$83 million in the wake of Ms. Heard's Op-Ed.

*Summary of the Grounds for Mr. Spindler's Opinion:* Mr. Spindler's opinion will be based on the following grounds:

- a. Mr. Depp's earnings from his film career and product endorsements were substantially higher prior to Ms. Heard's December 2018 Op-Ed in *The Washington Post*. As reflected in the below chart, based on information produced by Mr. Depp's accountants, including documents produced by Edward White & Co., LLP (EWC000001-EWC000052), during the period from 2009 through 2018, Mr. Depp earned approximately \$459 million, or \$45 million per year. During the period of 2019 through 2021, Mr. Depp has earned approximately \$68 million or \$22.7 million per year;



- b. Based on deposition testimony of Mr. Jack Whigham, Mr. Depp's current agent, Mr. Depp has lost at least \$22.5 million as a result of Disney's decision to not cast Mr. Depp in a future installment of the *Pirates of the Caribbean* franchise in the wake of Ms. Heard's December 2018 Op-Ed in *The Washington Post* (Whigham Dep. 36:10-37:21);
- c. Based on deposition testimony of Tracey Jacobs, Mr. Depp's former agent, as a result of Warner Brothers' decision to recast Mr. Depp's role in the *Fantastic Beasts* franchise, Mr. Depp has lost at least \$20 million of compensation for *Fantastic Beasts 4* and \$22 million for *Fantastic Beasts 5* in the wake of Ms. Heard's December 2018 Op-Ed in *The Washington Post* (Jacobs Dep. 153:2-15);
- d. Based on information provided by Mr. Whigham, Mr. Depp has lost between \$3 and 5 million as a result of the loss of an anticipated role for Mr. Depp as Harry Houdini in the wake of Ms. Heard's December 2018 Op-Ed in *The Washington Post*;
- e. As reflected in the below chart, Mr. Depp has suffered additional damages of approximately \$23.8 million as a result of other lost business opportunities, including other opportunities to work on films, television projects, and brand or advertising campaigns, in the wake of Ms. Heard's Op-Ed based on historical bookings from 2017 as a reasonable "base year" compared to the significantly curtailed bookings subsequent to the publication of Ms. Heard's Op-Ed, calculated conservatively through November 2020;

<i>Analysis of Lost Bookings - Other Lost Earnings - Non-Franchise Films</i>			
Base Annual Earnings Capacity	a	\$	17,538,719
Months in Effected Period	b		23.5
Earnings Capacity over Effected Period	$c = a * (b/12)$	\$	34,346,657
Less: Actual Bookings Over Effected Period	d	\$	10,586,298
<b>Total Lost Bookings - Other Lost Earnings Total</b>	<b><math>e = c - d</math></b>	<b>\$</b>	<b>23,760,359</b>

f. As reflected in the below chart, after considering agent fees at a conservative 10%,

Mr. Depp has lost potential earnings of approximately \$83 million.

<i>Analysis of Lost Bookings - Franchise Films</i>			
Fantastic Beasts 4	a	\$	20,000,000
Fantastic Beasts 5	b	\$	22,000,000
Pirates 6	c	\$	22,500,000
Less : 10% Agent Commission	$d = 10\% * (a+b+c)$	\$	6,450,000
<b>Total Lost Bookings - Other Lost Earnings</b>	<b><math>e = (a+b+c) - d</math></b>	<b>\$</b>	<b>58,050,000</b>
<i>Analysis of Lost Bookings - Non-Franchise Films</i>			
Earnings Capacity - Nonfranchise Films and other	f	\$	34,346,657
Houdini	g	\$	4,000,000
Less : Bookings during period	h	\$	10,586,298
<b>Lost Bookings - Non-Franchise</b>	<b><math>i = f + g - h</math></b>	<b>\$</b>	<b>27,760,359</b>
Less : 10% Agent Commission	$j = 10\% * i$	\$	2,776,036
<b>Total Lost Bookings - Non-Franchise</b>	<b><math>k = i - j</math></b>	<b>\$</b>	<b>24,984,323</b>
<b>TOTAL DAMAGES</b>	<b><math>m = e + k + l</math></b>	<b>\$</b>	<b>83,034,323</b>

Mr. Spindler's 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, specifically tax documents from 2010 to present from Mr. Depp and Mr. Depp's business,

Infinitum Nihil (DEPP00018328-DEPP00018404; DEPP00018508-DEPP00018594), Jack Whigham (JW000001-000149), Christian Carino (CC000001-252), Edward White & Co., LLP (EWC000001-EWC000052), and Disney (DISNEY000001-383), as 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. 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, Mr. Christian Carino, and Ms. Heard.

Mr. Spindler's CV is attached hereto as **Exhibit B**. He is being compensated for his work at the rate of \$550 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

**3. Doug Bania, Analyst, Nevium Intellectual Property Consultants, 415 Laurel Street, Suite 341, San Diego, California 92101.** Mr. Bania is a Certified Licensing Professional ("CLP") and intellectual property ("IP") expert with more than fifteen years of experience in IP valuation, IP management, brand strategy, and internet and social media evaluation. As a founding principal of Nevium Intellectual Property Consultants, Mr. Bania has extensive experience analyzing the reach of website content and social media posts and providing valuation and damages calculations for intellectual property and defamation cases related to celebrities and other public figures. He has been named an expert for over ninety-five cases and



has provided expert analysis, consulting, and testimony concerning social media analysis, defamation damages, internet impressions and visits, Google search results analysis, website traffic, and social media damages. Mr. Bania received his Bachelor of Arts in Cinema from San Francisco State University and a Master of Arts in Television, Film, and New Media Production from San Diego State University. Mr. Bania is a Google Analytics Certified Individual (“GAIQ”) and is a current member of the International Trademark Association (“INTA”) Right of Publicity Committee and the American Bar Association (“ABA”) Copyright & Social Media Committee.

***Subject Matter of Mr. Bania’s Opinion:*** Mr. Bania will testify concerning the impact of Ms. Heard’s allegations of domestic abuse against Mr. Depp as made in her 2016 Domestic Violence Restraining Order and her December 2018 Op-Ed in *The Washington Post* on Mr. Depp’s career, reputation, and public image.

***Substance of Mr. Bania’s Opinion:*** Specifically, Mr. Bania will testify as to the following opinions: (1) there is no indication of Mr. Depp being portrayed in a negative connotation during the seventeen largest Google Trends Spikes before Ms. Heard’s allegations of abuse in May 2016; (2) Mr. Depp is portrayed in a negative connotation during the eight largest Google Trends Spikes after Ms. Heard’s allegations of abuse in May 2016, including after the Op-Ed was published in December 2018; and (3) Mr. Depp’s Q Scores indicate the public’s perspective of Mr. Depp was damaged after the date of Ms. Heard’s allegations of abuse and even more so after the date these allegations were re-published in the Op-Ed. Based on Mr. Bania’s analysis, Mr. Bania will opine that Mr. Depp’s reputation was negatively impacted after the date of Ms. Heard’s allegations of abuse, including when they were re-published in the Op-Ed.

*Summary of the Grounds for Mr. Bania's Opinion:* Mr. Bania will base his opinions on his research-based analysis which will include a Google search and trend analysis of Mr. Depp and a review of Mr. Depp's Q Scores, which measures consumer appeal of celebrity or public figures.

- a. *Mr. Depp Related Topics Trending Online Before and After Ms. Heard's Allegations of Abuse, Including When These Were Re-Published in the Op-Ed:* Mr. Bania investigated the timeframes before and after Ms. Heard's allegations of abuse in 2016 and in the Op-Ed to understand what Mr. Depp related topics were trending online. To perform this investigation, Mr. Bania utilized both Google Trends and Google Search. Mr. Bania's analysis includes the following steps: (i) Gathered data from Google Trends to understand the date ranges where search interest for the term "Johnny Depp" was peaking in Google Search over time.<sup>2</sup> "Google Trends Spikes" indicate specific time periods in which a term or topic was searched on Google Search. The higher the Google Trends Spikes, the higher number of searches for the term relative to all searches for all topics.<sup>3</sup> The steps used to generate the Google Trends data related to "Johnny Depp" for Mr. Bania's investigation is presented at **Exhibit G**; (ii) Searched for the term "Johnny Depp" in Google Search during the periods related to the highest Google Trends Spikes. By using the "Custom Date Range" tool in Google Search Mr. Bania was able to narrow down the search results relative only to the month of the selected Google Trends Spike periods. This allowed

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<sup>2</sup> Document 3c: How to Use Google Trends to Measure Popular Search Terms. Google Trends is a website which allows a user to search, track, and compare terms and topics that were searched the most frequently in Google Search during a specific period.

<sup>3</sup> Documents 3c: How to Use Google Trends to Measure Popular Search Terms and Document 3d: FAQ about Google Trends data. Google Trends displays monthly historical online interest for a given subject since 2004. A data point of 100 represents the month with the highest interest and all other months are compared as a percentage. Both documents provide explanation for Google Trends 0 to 100 normalization reporting scale.

Mr. Bania to understand what webpages appeared when searching for “Johnny Depp” during the selected time periods. An example of the steps used to generate the Google Search results related to “Johnny Depp” for Mr. Bania’s investigation is presented at **Exhibit F**; (iii) Analyzed the top three organic webpages for each time period associated with the selected Google Trends Spikes to understand if the webpages were related to Ms. Heard’s allegations of abuse (including as republished in the Op-Ed), Mr. Depp’s drug and alcohol use, Mr. Depp’s work ethic, or other topics. Mr. Bania only analyzed the top three organic webpages as research shows the top three results of the first-page search results receive a 56% to 75% click through rate (meaning the ratio of users who click on a specific link to the number of total users who view the page)<sup>4</sup>. In other words, the top three webpages listed in the search engine results page (“SERP”) receive the majority of the clicks for a specific Google search. As presented at **Exhibit D**, Schedule 1, the Google Trends Spikes represent higher volumes of searches for the term “Johnny Depp.” To understand the top three organic webpages during the periods related to the Google Trends Spikes, Mr. Bania utilized Google Search’s “Custom Date Range” tool to research what webpages were displayed during these specific periods. For this analysis, Mr. Bania researched twenty-five Google Trends Spikes. Of the twenty-five Google Trends Spikes analyzed: seventeen of the largest Google Trends Spikes, all of which have a value of fifty or more, were before Ms. Heard’s allegations; four of the largest Google Trends Spikes, all of which have a value of fifty or more, were after Ms. Heard’s allegations; and four Google Trends Spikes, all of which have a value below fifty, were after Ms.

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<sup>4</sup> <https://backlinko.com/google-ctr-stats>

Heard's allegations.<sup>5</sup> As presented at Exhibit D, Schedule 1, Mr. Bania analyzed the top three webpages (the "Key Webpages") displayed when searching for "Johnny Depp" during the periods related to the twenty-five Google Trends Spikes mentioned above.

- i. *News Trending Regarding Mr. Depp Before Ms. Heard's Allegations of Abuse:* The research of Key Webpages for periods during the seventeen selected Google Trends Spikes before Ms. Heard's allegations of abuse indicates: (i) 0 out of 51 Key Webpages were related to Ms. Heard's allegations of abuse or the Op-Ed; (ii) 0 out of 51 Key Webpages were related to Mr. Depp's drug and alcohol use; and (iii) 0 out of 51 Key Webpages were related to Mr. Depp's work ethic. The Key Webpages during the Google Trends Spikes were related to Mr. Depp's movies, awards, fan pages, biography, and movie characters. As a result, there is no indication of Mr. Depp being portrayed in a negative connotation during the seventeen largest Google Trends Spikes before the allegations of abuse by Ms. Heard in May 2016.
- ii. *News Trending Regarding Mr. Depp After Ms. Heard's Allegations of Abuse:* As presented at Exhibit D, Schedule 1, the research of Key Webpages for periods during the eight selected Google Trends Spikes after Ms. Heard's allegations of abuse indicate: (i) 18 out of 24 Key Webpages were related to the allegations of abuse by Ms. Heard or the

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<sup>5</sup> Twenty-One of the highest Google Trends Spikes were above a value of fifty. Since only four of the twenty-one Google Trends Spikes were after Ms. Heard's allegations, an additional four Google Trend Spikes were analyzed but had a value lower than fifty. These additional four Google Trend Spikes were analyzed to gain a larger understanding of the trending topics found when searching for "Johnny Depp" after Ms. Heard's allegations.

Op-Ed; (ii) of the 18 Key Webpages regarding the allegations of abuse by Ms. Heard and/or Op-Ed, 13 mention Depp's past drug and alcohol use; (iii) excluding the 13 Heard related webpages which mention Mr. Depp's past drug and alcohol use, no other Key Webpages mentioned Depp's drug and alcohol abuse; and (iv) 0 out of 24 Key Webpages were related to Mr. Depp's work ethic. As a result, Ms. Heard's allegations of abuse and the Op-Ed are the topics of the Key Webpages for searches of the term "Johnny Depp" in the Google Trends Spikes after May 2016. In addition, Key Webpages regarding Mr. Depp's drug and alcohol use were only mentioned as part of Ms. Heard's allegations of abuse and/or the Op-Ed and not on a standalone basis. Therefore, Mr. Bania's analysis indicates Mr. Depp is portrayed in a negative connotation during the eight Google Trends Spikes after Ms. Heard's allegations of abuse in May 2016.

- b. *Based on Mr. Depp's Q Scores, the Public's Perspective of Mr. Depp was Damaged after the date of Ms. Heard's Allegations of Abuse with Additional Damage after the date these Allegations were Re-Published in the Op-Ed.* In addition to Mr. Bania's Google Trends and Google Search investigation, Mr. Bania analyzed Mr. Depp's Q Scores before and after the allegations of abuse against Ms. Heard and Op-Ed to understand the potential changes in Mr. Depp's recognition and reputation. Q Scores are "the recognized industry standard for measuring consumer appeal of performers, brand ambassadors, influencers, characters, licensed properties and brands."<sup>6</sup> Q Scores are ratings based on surveys which determine the strength of people's

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<sup>6</sup> Document 5c: Q Score Homepage

emotional connection, whether positive or negative, to a specific personality.<sup>7</sup> In other words, Q Scores determine how well a celebrity is known, liked, and disliked. As presented in Exhibit D, Schedule 2, Mr. Bania analyzed Q Scores over three key periods<sup>8</sup>: (i) February 9, 2016 – Q Scores before Ms. Heard’s initial allegations of abuse; (ii) August 4, 2018 – Q Scores after Ms. Heard’s initial allegations of abuse but before the Op-Ed; and (iii) February 7, 2019 – Q Scores after the Op-Ed. As presented in Exhibit D, Schedule 2, Mr. Depp’s Q Scores indicate: (i) positive Q Score of 35 and a negative Q Score of 11 before the allegations of abuse by Ms. Heard; (ii) positive Q Score of 31 and a negative Q Score of 16 after the initial allegations of abuse by Ms. Heard but before the Op-Ed; and (iii) positive Q Score of 29 and a negative Q Score of 15 after the Op-Ed. The range of Q Scores indicate less people considered Depp as “One of My Favorites” and more people rated Mr. Depp in the “Fair” or “Poor” categories over the three time periods. As a result, Mr. Depp’s Q Scores indicate the public’s perspective of Mr. Depp was damaged after the date Ms. Heard’s allegations of abuse with additional damage after the date these allegations were re-published in the Op-Ed.

Mr. Bania’s opinions will be based on the documents listed in **Exhibit E**. Mr. Bania 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

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<sup>7</sup> Document 5b: Performer Q Online Background & Definitions provides information regarding how Q Scores are developed and what they mean.

<sup>8</sup> These Q Scores were the closest available scores to the key dates in this Case. Q Scores are based on studies done in the Winter and Summer of each year and not created for specific date requests. See Document 5b: Performer Q Score Online Background & Definitions for more details.

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. Bania's CV is attached hereto as **Exhibit C**. He is being compensated for his work at the rate of \$660 per hour for consultation and deposition/trial preparation time and \$760 per hour for deposition and trial testimony time; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

**4. Bryan Neumeister, Technical Forensics Expert, USA Forensic LLC, 30 Lee Gate Lane, Grosse Pointe Farms, Michigan 48236.** Mr. Neumeister is a court certified video, audio, and digital photographic forensics and technical expert with extensive experience analyzing digital evidence and data in law enforcement and legal proceedings. As CEO of USA Forensic LLC in Phoenix and Detroit, Mr. Neumeister has over twenty years of experience testifying and consulting for federal and state governments, prosecutors, Fortune 500 companies, and individuals, in a variety of aspects concerning analysis of video, photographs, audio and visual recordings, phone and text messages, and other digital data. He has worked on almost 600 cases in just the past four years alone. He has worked as an Audio and Video Forensic Consultant for the U.S. Department of Defense and has worked with the U.S. Department of Justice and numerous other governmental agencies as an independent expert.

Mr. Neumeister has spent forty years working specifically with audio, video, and photography in 23 countries, some of which was spent in broadcasting and film, with dozens of awards honoring his work. He has seen how the technological aspect of sound, film, video, and photography has grown exponentially. There are few, if any, forensic experts who have worked through all these changes, both on the creative end and the scientific end of this field. Mr.

Neumeister has testified in federal, military, state, and local courts. Currently he is working on international cases and on a case pending review before the U.S. Supreme Court.

***Subject Matter of Mr. Neumeister's Opinion:*** Mr. Neumeister is expected to testify as to the characteristics of digital data, in particular video, audio recordings, photographs, text messages, and emails, produced by Ms. Heard and/or non-parties during discovery in this case, on which Ms. Heard relies for her allegations that Mr. Depp purportedly engaged in physical abuse or violence towards her.

***Substance of Mr. Neumeister's Opinion:*** Specifically, based on the information so far produced, Mr. Neumeister will testify that many of the reviewed photographs, text messages, video, and audio recordings on which Ms. Heard purports to rely for her allegations that Mr. Depp engaged in physical abuse or violence towards her are not original or authentic and, therefore, not reliable. For example, Mr. Neumeister will testify as to how easy it is to alter the metadata as well as the physical appearance of photographs produced by Ms. Heard purporting to depict injuries she suffered. Mr. Neumeister will also testify that some of these photographs have been processed through a photograph editing application called "Photo 3." Further, Mr. Neumeister will testify as to how the audio recordings produced by Ms. Heard can easily be altered to add in certain sounds.

***Summary of the Grounds for Mr. Neumeister's Opinion:*** Mr. Neumeister's opinions will be based on a review of the digital data and evidence produced in this case, including photographs of alleged physical injuries and destruction of property, recordings of Mr. Depp and Ms. Heard, Ms. Heard's text messages, Mr. Depp's text messages, and relevant surveillance videos from the Eastern Columbia Building. Mr. Neumeister's opinions will also be based on a review of a forensic imaging of Ms. Heard's devices, including mobile devices and relevant



Cloud accounts, which, as of the date of this Expert Designation, is still in progress. Mr. Neumeister's opinion will be based on an analysis of all photographs and deleted photographs provided to Mr. Depp's counsel of Ms. Heard taken during the following time periods, which all correspond to dates in which Ms. Heard alleges that Mr. Depp abused her:

<b>Date of Alleged Abuse</b>	<b>Time Period To Be Searched</b>
Late 2012/Early 2013	December 15, 2012 – January 15, 2013
March 8 and 22, 2013	March 6, 2013 – April 5, 2013
June 2013	June 1 – June 30, 2013
May 24, 2014	May 22, 2014 – June 7, 2014
August 17, 2014	August 15, 2014 – August 31, 2014
December 17, 2014	December 15, 2014 – December 31, 2014
January 25, 2015	January 23, 2015 – February 8, 2015
March 3-5, 2015	March 1, 2015 – March 19, 2015
March 22-23, 2015	March 20, 2015 – April 6, 2015
August 2015	August 1, 2015 – August 31, 2015
November 26, 2015	November 24, 2015 – December 10, 2015
December 15, 2015	December 13, 2015 – December 29, 2015
December 29, 2015	December 29, 2015 – January 12, 2016
April 21, 2016	April 19, 2016 – May 5, 2016
May 21, 2016	May 19, 2016 – June 4, 2016
July 22, 2016	July 15, 2016 – July 29, 2016

Mr. Neumeister 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 extraction of the relevant data as outlined in paragraph 6 of the Court's Order dated November 8, 2021 has not been completed.<sup>9</sup> Once this is completed, Mr. Neumeister will promptly supplement this designation by including his analysis and review of the relevant data mentioned above.

Mr. Neumeister's CV is attached hereto as **Exhibit H**. Mr. Neumeister's colleague's, Matt Erickson's, CV is attached hereto as **Exhibit I**. 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 and forensic psychologist with extensive clinical and research experience and 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

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<sup>9</sup> Ms. Heard failed to comply with the Court's Order dated November 8, 2021 because she did not grant access to her original devices for purposes of performing a physical imaging of relevant data by November 30, 2021 as explicitly required in the Order. *See* Order at ¶ 4. The forensic imaging of Ms. Heard's devices did not occur until December 17, 2021, when Ms. Heard underwent an Independent Medical Examination (IME) by Dr. Curry as ordered by this Court.

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.

As of the date of this Supplemental Expert Designation, Dr. Curry has completed her IME report based on her evaluation of Ms. Heard conducted on December 10, 2021 and December 17, 2021, and, consistent with the Court-ordered deadlines for completing her report and analysis of her evaluation of Ms. Heard, is now in a position to express opinions based on

that evaluation. This Supplemental Expert Designation reflects Dr. Curry's finding and opinions as more fully set out in her report, incorporated herein by this reference as though set forth in full.

***Subject Matter of Dr. Curry's Opinion:*** Dr. Curry will testify concerning (i) psychological trauma, including its causes (e.g., interpersonal violence) and how the development and severity of trauma symptoms are influenced by individual factors (e.g., age, gender, psychological and intellectual functioning), the environment (e.g., social support, stressors), and characteristics of the index trauma event(s) (e.g., acute, chronic or complex; interpersonal or accidental), (ii) best practices for assessing psychological trauma in forensic contexts, including determining its relatedness to an alleged harm (e.g., intimate partner violence [IPV]), and (iii) and the relation of these topics to Ms. Heard's psychological status including whether she presents for any personality disorders or other psychological symptoms or impairments.

***Substance of Dr. Curry's Opinion:*** Specifically, Dr. Curry is expected to draw upon her experience and expertise as a clinical and forensic psychologist, the results of her comprehensive, multi-method evaluation of Ms. Heard, and her review of current and relevant peer-reviewed scientific literature to testify as to the following: (i) Ms. Heard does not meet criteria for a diagnosis of PTSD; (ii) Ms. Heard demonstrates psychological symptoms of a combined borderline and histrionic personality disorder (BHPD); (iii) Ms. Heard's personality disorder represents pervasive patterns of personality functioning that is commonly associated with overlearned childhood responses to interpersonal complex trauma; and (iv) Because there was no indication of functional decline following Ms. Heard's relationship with Mr. Depp, no

causal relationship was identified between Ms. Heard's symptoms of BHPD and the alleged trauma of IPV by Mr. Depp.

*Summary of Grounds of Dr. Curry's Opinion:* Dr. Curry's opinions will be based on a multi-method evaluation including (1) a semi-structured interview of the defendant, Ms. Heard; (2) administration of psychological testing; (3) review of prior psychological testing by Dr. Dawn Hughes; (4) review of Ms. Heard's available legal, medical, and psychiatric records; and (5) review of relevant scientific literature.

Mental injury evaluations are comprehensive, requiring multiple sources of data by which to compare the person's overall functioning<sup>10</sup> before and after the alleged harm (Denney, 2012; Kane & Dvoskin, 2011; Weiner & Otto, 2013). By comparing the individual's pre- and post-trauma functioning, several inferences can be made: First, if there is an identifiable change, the amount of change and the scope of the impairments will represent the severity of the injury. If the change occurred after the alleged trauma and enough data exists to reliably rule-out the influence of other current mental conditions or traumatic life events (e.g., childhood abuse, serious accidents, natural disasters, sudden losses, violent crimes) then causation can be reasonably implied. (Foote et al., 2020; Kane & Dvoskin, 2011; Melton et al., 2017). The current evaluation will present the data according to this framework, with an emphasis on Ms. Heard's symptoms and level of functional impairment.

Besides Dr. Curry's evaluation of Ms. Heard, 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,

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<sup>10</sup> The term "functioning" refers to an individual's ability to engage in and carry out tasks across multiple life areas (e.g., employment, relationships, financial management, self-care, household duties, and recreation/hobbies).

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 J**. The full list of records that Dr. Curry reviewed and relied on to form her opinions are also set out in Appendix I and II of her report.

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: Ms. Debbie Lloyd, Ms. Erin Falati (Boreum), Ms. Heard's treating psychologists, and Ms. Tasya van Ree.

Dr. Curry's CV is attached hereto as **Exhibit K**. She is being compensated for her work at the rate of \$400 per hour for time spent preparing and \$450 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.

***Subject Matter of Dr. Collins' Opinion:*** Dr. Collins will testify concerning Ms. Heard's injuries purportedly sustained as a result of Mr. Depp's alleged physical abuse as well as Mr. Depp's finger injury sustained in March 2018 in Australia.

***Substance of Dr. Collins' Opinion:*** Specifically, Dr. Collins will draw upon her experience and expertise as a forensic pathologist to testify that Ms. Heard's purported injuries

as depicted in photographs that Ms. Heard produced in this case are not consistent with Ms. Heard's description and history of the alleged violence and abuse that caused those injuries. Dr. Collins will also testify that the injuries to Mr. Depp's finger that he sustained on March 8, 2015 in Australia, specifically a severed fingertip and bone fracture, is consistent with Mr. Depp's description of the violence that caused the injuries as testified to in his deposition on November 11, 2020, and, conversely, is not consistent with Ms. Heard's description of Mr. Depp's alleged behavior that caused the injuries.

*Summary of Grounds for Dr. Collins' Opinion:* Dr. Collins will base her opinions on the following grounds:

a. *Relevant Definitions:*

- i. Blunt force trauma is the injury due to impact with a firm surface or object. The injury may be patterned, implementing the object or surface that impacted the body. Sometimes the tissue is broken or split. Often swelling results. Swelling is the result of increased movement of fluid and cellular components into an injured area. The release of chemicals and compression of tissue and nerves can cause pain. Often swelling is accompanied by redness and heat to the area due to increased blood flow.
- ii. A contusion is another name for a bruise. It is an area of injured skin or tissue in which capillaries or venules have ruptured, and blood has collected. One usually sees contusion with blunt force trauma. Contusions vary in appearance according to the area of the body injured and the length of time since injury. The contusion color usually begins acutely as red, then purple,



later as hemoglobin breaks down it turns green-yellow, yellow, and then yellow-brown.

- iii. A black eye is the appearance of a contusion, or a bruise, around the eye usually secondary to blunt force trauma to the head or face. Small blood vessels break and blood leaks into the surrounding tissues. A blackeye can also occur if trauma is to the forehead or nose and the blood settles by gravity. Depending on the amount of blood, a blackeye can take days to weeks to resolve.
- iv. An abrasion is a wound caused by the scraping or rubbing off of the superficial skin layers. This type of injury is often seen with blunt force trauma. Usually, the underlying deeper dermis remains intact, and a scar does not form.
- v. Sharp force trauma, as opposed to blunt force trauma, is an injury caused by an object with a sharp edge or end such as a knife or glass. The skin and underlying tissue are severed and, depending on the depth, can heal in a scar. A cutaneous scar is formed when the dermis is damaged and the body forms new collagen to mend the damage.
- vi. Defensive wounds are wounds acquired while defending oneself from an assailant. Usually, the wounds are on the hands and forearms, but also on the feet if the victim is lying down and kicking.
- vii. Traumatic alopecia results from traction or pulling on the hair. Bald patches result and pinpoint hemorrhages, or petechiae, are seen where the roots are

pulled out. Bleeding can also occur under the scalp. Swelling can be associated with traumatic alopecia.

viii. Manual strangulation is compression of the neck by the hand. Depending on the position of the hand, the victim's neck vessels and/or airway are compressed. Often fingertip bruises on the skin result. Fractures of the larynx can also occur. Much more pressure to the neck is required to constrict the airway than the vessels.

b. *Ms. Heard's Purported Injuries*: Physical trauma caused by domestic violence can take many forms. While the head can be the area of injury, many times the perpetrator inflicts trauma to the body in areas not easily seen by the public, i.e., chest, abdomen, back, proximal extremities, especially if the victim is out in public and easily seen by others. Ms. Heard describes several incidents of extreme violence that would have certainly resulted in severe bodily physical trauma. The pictures do not depict such severe trauma. Dr. Collins will also provide opinion in the alleged incident in which photographs were not produced. She will further supplement this Expert Designation after a forensic imaging is conducted of Ms. Heard's devices to the extent there are additional photographs discovered for other incidents. To the extent there are no additional photographs, Dr. Collins will opine as to the types of injuries she would expect to result based on Ms. Heard's description of the alleged abuse.

i. March 8, 2013:

i. **Ms. Heard's Description of the Abuse**: Ms. Heard reported she was violently struck in the face by Mr. Depp. Specifically, Ms. Heard alleged that Mr. Depp struck her with the back of his hands with rings

on his fingers. This allegedly resulted in blood on the wall. Ms. Heard stated “[Mr. Depp] hit me in the face with the back of his hand and drew blood, some of which ended up on the wall. He had silver rings on – he always wore rings – and [Ms. Heard] think[s] those might have been what drew the blood.” Ms. Heard’s First Statement dated December 15, 2019, ¶ 55.

ii. **Photographs of Purported Injuries:** Provided were pictures (AHA\_00000001 and AHA\_00000024) of the lateral upper arm of Ms. Heard showing a non-patterned contusion.

iii. **Analysis:** Based on Ms. Heard’s description of the violence, Dr. Collins would expect to see swelling and contusion(s) of the face as well as lacerations and incised wounds to the face secondary to the strike which allegedly resulted in blood on the wall. The skin would have been broken. Facial scarring could have resulted from such a strike due to the blunt force trauma combined with sharp force injuries from the rings. Dr. Collins is not aware of any facial scarring to Ms. Heard.

ii. August 2014 in the Bahamas:

i. **Ms. Heard’s Description of the Abuse:** Ms. Heard claimed that Mr. Depp “kicked and pushed [her] so that [she] fell on the ground and grabbed [her] hair and slapped [her].” Ms. Heard’s First Statement dated December 15, 2019, ¶ 88.

- ii. **Photographs of Purported Injuries:** The photographs provided (ALH\_00000012 – 22) depict a linear, nonspecific abrasion to the cheek without associated swelling.
- iii. **Analysis:** The facial injury as depicted in the photographs provided are not consistent with Ms. Heard's description of the alleged abuse. Dr. Collins would expect such facial trauma to have resulted in a contused (black) eye with swelling. With such abuse, Dr. Collins would expect bruising to the area struck/kicked and bruising and/or abrasions to the face. By pulling the hair, traumatic alopecia could result. Kicking could cause broken ribs and contusions over the body. None of these were depicted in photographs provided.

iii. March 2015, Australia:

- i. **Ms. Heard's Description of the Abuse:** Ms. Heard stated: "[o]ver the course of those three days, there were extreme acts of psychological, physical, emotional and other forms of violence." Ms. Heard's First Statement dated December 15, 2019, ¶ 102. Specifically, Ms. Heard "was left with an injured lip and nose and cuts on [her] arms." *Id.* Ms. Heard further described the events as "[t]here was broken glass everywhere and [her] feet were getting cut," *id.* at ¶ 109, "[her] feet and arms were very bloody," *id.* at ¶ 118, "he was pressing so hard on my neck [she] couldn't breathe," *id.* at ¶ 112. Ms. Heard alleges that she sustained the injuries to her forearm "using [her] forearms to try to raise [herself] up and cutting [herself] on the broken glass on the

counter.” *Id.* at ¶ 112. Ms. Heard also alleged that “[her] arms and feet kept slipping and sliding on to the spilled alcohol and were dragged against the broken glass on the countertop and floor, which repeatedly slashed my feet and arms.” Ms. Heard’s Decl. dated April 10, 2019 at ¶ 15.

- ii. **Photographs of Purported Injuries:** A picture provided depicts three linear scars on Ms. Heard’s forearm which are consistent with sharp force injury or deep linear abrasion.
- iii. **Analysis:** From such sharp force injury, Dr. Collins would expect incisions on the feet and arms. No pictures are provided of the alleged “fresh” cuts to Ms. Heard’s body. However, pictures of scars are provided. It is difficult to ascertain from the pictures of these scars when the injuries occurred. These scars could also be caused by self-inflicted wounds. After three days of extreme acts of physical violence as described by Ms. Heard, Dr. Collins would expect to see severe injuries to various parts of the body. Dr. Collins would expect injury to the lips and nose, and possibly a broken nose. Dr. Collins would expect neck contusions from manual strangulation. None of these are depicted in the photographs provided.

iv. December 15, 2015:

- i. **Ms. Heard’s Description of the Abuse:** Ms. Heard claimed that Mr. Depp “slapped [her] and grabbed [her] by [her] hair, dragging [her] by [her] hair through the apartment, all around between different rooms,”

and “pulled clumps of [her] hair out.” Ms. Heard’s First Statement dated December 15, 2019, ¶ 138. Ms. Heard also alleged that Mr. Depp “headbutted [her], hitting [her] right in the nose with his forehead” such that she “instantly felt a searing pain, [her] eyes teared up and [her] nose started bleeding.” *Id.* at ¶ 139. Ms. Heard also alleged that Mr. Depp “grabbed [her] by the throat, pushed [her] to the floor, and hit [her] in the back of the head.” *Id.* at ¶ 140. Ms. Heard claimed she was “on the floor surrounded by chunks of my own hair and blood.” Ms. Heard’s Third Witness Statement dated February 26, 2020 at ¶ 13. Ms. Heard alleged that she had a “busted lip,” “swelling and bleeding from [her] lip,” Ms. Heard’s Third Witness Statement dated February 26, 2020 at ¶ 15, and “[her] face was all bruised,” Ms. Heard’s First Witness Statement dated December 15, 2019 at ¶ 144. Ms. Heard also alleged that she was “dragged by the hair” by Mr. Depp, who was also “smothering [her], pulling out more hair.” Ms. Heard’s First Witness Statement dated December 15, 2019 at ¶ 141. She claimed that she had “one or two black eyes,” *id.* at ¶ 144, and a “bleeding lip,” *id.* at 145. Ms. Heard claimed that when she saw Erin Boreum, RN, Ms. Heard had “two black eyes,” “a broken nose,” “a broken lip,” “bruised ribs, bruises all over [her] body, bruises on [her] forearms from trying to defend the blows,” Ms. Heard’s Day 12 UK Testimony dated July 22, 2020, 1912:5-12, and “chunks of hair

missing, there was pus in those wounds, in [her] hairline, dark red bruises” *id.* at 1912:16-19.

**ii. Photographs of and Material Relevant to Purported Injuries:**

Pictures provided (AHA\_00000002-16, 27-28; ALH\_00000238-45, 273-79) depict a slight contusion to the right eye with no associated swelling. This contusion appears red and yellow. The lip is abraded with blood and dried lip tissue underneath shows the abrasion. A contusion is to the left forehead at the hairline without swelling. A picture of the scalp shows redness with intact hair follicles. No traumatic alopecia. Dr. Collins did not see pus and, furthermore, would not expect to see any this early after an alleged injury. Some shadow or dark discoloration is to the left eye that, if trauma, looks remote. No swelling is associated with this area. A picture of hair on the floor shows blonde hair; however, root detail (if any roots are even present) cannot be assessed. The only documentation by Erin Boreum, RN in the medical records was bleeding from the lip (AH\_TPD\_00016955). Ms. Boreum noted that Ms. Heard reported that her hair was pulled out but Ms. Boreum “was unable to visualize the hematomas [Ms. Heard] had described.” *Id.*

**iii. Analysis:** Based on Ms. Heard’s description of the violence, Dr. Collins would expect to see bilateral periorbital contusions (black eyes), a damaged nose secondary to it being broken, a split, contused, and swollen lip secondary to blunt force trauma, and contusions over

the body. Dr. Collins would expect to see forearm bruising secondary to defense wounds. Dr. Collins would expect to see signs of traumatic alopecia and documentation of all of these findings in the medical record. However, pictures and such descriptions are absent. Further, Dr. Collins has reviewed the footage and relevant photographs of Ms. Heard on *The Late Late Show with James Corden* filmed on December 16, 2015. Of note, there is a photograph where Ms. Heard opened her mouth very widely, which is inconsistent with her description of the injuries to her face, including a split lip and a broken nose. Indeed, had Ms. Heard sustained the injuries as she described them, opening her mouth that widely would have been painful and would likely have restarted active bleeding of the purported split lip.

v. May 21, 2016:

- i. **Ms. Heard's Description of the Abuse:** According to Ms. Heard, on May 21, 2016, Mr. Depp "wound up his arm back like he was a baseball pitcher and threw the phone at [her] face as hard as he could. The phone hit [her] in the right cheek and eye." Ms. Heard's First Statement dated December 15, 2019, ¶ 157.
- ii. **Pictures of Purported Injuries:** The pictures provided (AHA\_00000018-26, 29; ALH\_00000028-49; 54-66, 73-84) depict abrasions to the bony prominences of her face consistent with blunt force trauma from a fall or being struck by an object. No swelling or contusion is to the area. Photographs of the thighs show a yellow-



brown contusion to the anterior right thigh which is roughly rectangular and a similar contusion on the left lateral upper thigh. These appear remote.

- iii. **Analysis:** Based on Ms. Heard's allegations of abuse, Dr. Collins would have expected to see swelling, a black eye, and potentially a broken nose. However, the photographs submitted do not reflect these injuries. Photographs of Ms. Heard (ALH\_00000078-84) depict non-specific redness and what appears to be acne. Based on Ms. Heard's description of the abuse, Dr. Collins would expect more swelling and contusions in the areas of Ms. Heard's eye and nose, which are not reflected in these photographs taken six days after Ms. Heard alleged she was abused.

- c. *Mr. Depp's Finger Injury:* In March 2015, Mr. Depp sustained a finger injury in Australia. According to Mr. Depp, Ms. Heard threw a glass bottle of alcohol and threw it at Mr. Depp. Mr. Depp's hand was resting on the marble top of the bar, the bottle smashed against his finger, severing the top of his finger and fracturing multiple bones in it. (Ms. Heard claims that Mr. finger was injured when Mr. Depp smashed a phone with his hand. Ms. Heard's First Witness Statement ¶ 123. Dr. Collins does not believe that smashing a phone could result in the distal finger being amputated. The medical records, radiograph, and photographs support the finger trauma as being from a crush injury with sharp force trauma as described by Mr. Depp. (DEPP00011506-11; ALH\_00000004, 6, 8, 10).

Dr. Collins' opinions will be based on a review of documentary evidence and deposition and trial testimony, including: including the Complaint and related exhibits and Counterclaims and related exhibits filed in this action; the deposition testimony of Ms. Heard in the 2016 divorce proceeding dated August 13, 2016, the witness statements of Ms. Heard submitted in the U.K. Action, the trial testimony of Ms. Heard given in the U.K. Action from July 20, 2020 through July 23, 2020; the deposition testimony of Mr. Depp taken in this action dated November 10-12, 2020, the witness statements of Mr. Depp submitted in the U.K. Action, the trial testimony of Mr. Depp given in the U.K. Action from July 7, 2020 through July 11, 2020; photographs produced in this action (as noted above); documents produced in this action including relevant medical records such as Erin Boreum (RN)'s notes (AH\_TPD\_00016929-AH\_TPD\_00016959), Dr. Kipper's records (DEPP00001628-1927), and other medical records related to the finger injury as mentioned above.

Dr. Collins 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 following depositions have yet to occur: Ms. Debbie Lloyd, Ms. Erin Falati (Boreum), and Ms. Heard.

Dr. Collins' CV is attached hereto as **Exhibit G**. She is being compensated for her work at the rate of \$700 per hour; none of her compensation is contingent on the opinions she renders or the outcome of the litigation.

7. **Rachael Frost, Policing – Policy and Procedures Expert, Frost ICED, 39252 Winchester Road, Suite 107-169, Murrieta, California 92563.** Ms. Frost is twenty-year law enforcement veteran and nationally recognized trainer with extensive experience in domestic violence, sexual assault, and threat management. In 2019, Ms. Frost retired from the Riverside County Sheriff's department, where she spent fifteen years as a detective and was the first female to reach the rank of Master Investigator. While at the Riverside County Sheriff's department, Ms. Frost helped start the department's first domestic violence team and twice received the Distinguished Service Medal for her work in domestic violence and threat assessment. Currently, as CEO of Frost ICED (Investigation, Consulting, Education, and Development), Ms. Frost specializes in training, case evaluation and investigation, and expert witness services for clients such as the United States Air Force, schools, corporations, and law enforcement organizations. Ms. Frost has worked on over 100 cases and has provided expert testimony in civil and criminal cases. Ms. Frost serves as a sexual assault expert for the Cadre of Experts for End Violence Against Women International, participates as a member on the Communications Committee for the Association of Threat Assessment Professionals, and is the CEO of the physical and mental wellness non-profit Survivor of the Fittest, Inc.

***Subject Matter of Ms. Frost's Opinion:*** Ms. Frost will testify regarding whether the two set of LAPD officers followed policy, procedure, and best practices based on California state law regarding their dispatch and arrival to 849 S. Broadway, Los Angeles on May 21, 2016.

***Substance of Ms. Frost's Opinion:*** Specifically, Ms. Frost is expected to draw upon her experience and expertise as a twenty-year law enforcement veteran specializing in domestic violence to testify that: (1) Officers Saenz and Hadden followed best practices regarding their dispatch and arrival to 849 S. Broadway, Los Angeles, with minor exceptions that did not impact

Ms. Frost's ultimate opinion; (2) Officers Diener and Gatlin followed best practices regarding their dispatch and arrival to 849 S. Broadway, Los Angeles; and (3) step-by-step procedure on the best practices of dealing with a call for domestic violence and assessment of whether a crime had been committed under California law.

***Summary of the Grounds for Ms. Frost's Opinion:*** Ms. Frost will base her opinions on the following grounds:

- a. ***Officer Saenz and Hadden's Initial Response Prior to Arrival on Scene:*** Officers accepted and responded to the call for service at approximately 20:30 hours on May 21, 2016 in a timely manner. The only issue with Officers Saenz and Hadden's initial response is that, based on the available documents, it does not appear that the officers ran the location (849 South Broadway) for contacts, which would be an opportunity to exercise officer safety and build history on potential involved parties prior to arrival at the location.
- b. ***No Contact Information for Reporting Party:*** Officers Saenz and Hadden did not have an identifiable complainant to contact. In the initial call for service assigned to Officers Saenz and Hadden, the reporting party listed at the top of the call requested to remain "Anonymous" and refused to provide additional information which would preclude officers from contacting that party. Dispatch included this information on the top of the Incident Recall: "Contact Complainant: N." The duplicate call for service generated at 20:37:55 and included in the same incident text is noted within the text as coming in "2<sup>nd</sup> HAND FM NYPD" (second hand from the New York Police Department) and that the female reporting party "declined further." Following,

the notation states, "CONTACT COMP: N," to indicate the complainant is not requesting contact.

- c. *Officers Properly Handled the Call Once They Arrived on Scene:* Upon arrival, Officers Saenz and Hadden met with Joshua Drew at the elevator, and he attempted, by his own deposition testimony, to get the officers to leave because Ms. Heard did not want to file a report. *See* Drew Dep. (November 19, 2019); 218:4-8. Officers Saenz and Hadden followed best practice and asked to speak directly with Ms. Heard who was on scene. Officers Saenz and Hadden followed Mr. Drew to Penthouse #1 so they could speak to Ms. Heard. Mr. Drew entered the apartment, closing the door behind him. This was an officer safety issue. When Officers Saenz and Hadden continued to hear voices, they stated they needed Mr. Drew to open the door. Mr. Drew complied and he, Ms. Heard, and Ms. Pennington stepped out. *See* Saenz Dep. (July 18, 2016) at 17:21-18:20. The officers inquired what occurred. By Ms. Heard's own statement, she did not want to "give a statement on advice of counsel." Heard Dep. (August 13, 2016) at 351:5-6. Ms. Heard repeatedly refused to provide any information to Officer Saenz and said that nothing happened. Officer Saenz asked Ms. Heard if she was hurt in any way or if she needed an ambulance. Ms. Heard declined medical attention and did not indicate in any way that she had an injury. Officer Hadden recalled asking those on scene for names, but none of the parties appeared inclined to cooperate and they did not provide contact information.
- d. *Officer Saenz Questioned Ms. Heard Alone:* Officer Saenz provided a trauma-informed attempt to develop further information from Ms. Heard by speaking with her away from others. Speaking to an emotional subject and alleged domestic abuse

victim away from others present is a trauma-informed practice designed to create a confidence between an officer and that subject. Ms. Heard asked if her friend could join them (Ms. Pennington) and Officer Saenz did not refuse. They stepped into Penthouse #3 and Officer Saenz stepped away with Ms. Heard, attempting to gain further information by providing Ms. Heard some privacy. Per Officer Saenz, Ms. Heard continued to assert nothing happened and refused to provide further information, agreeing when Officer Saenz asked if she and her husband had a verbal argument. Ms. Heard (as stated in her deposition) repeated that she declined to make a statement. *See* Heard Dep. (August 13, 2016) at 351:5-6. Officer Saenz did not speak separately with Ms. Pennington. Officer Saenz erred by not separately speaking with Ms. Pennington, but Ms. Pennington did not provide any statements on scene or at any point after this alleged incident to the LAPD.

- e. ***Providing Business Cards:*** Officers provided their business card, advising Ms. Heard to call if she wanted to provide any further statement about the evening or if she needed anything. *See* Hadden Dep. (March 11, 2021) at 139:15-19; *see also* Hadden Ex. 19. Los Angeles Police Department Domestic Violence Coordinator Detective Melissa Sadanaga advised during her March 2021 deposition that providing a business card on all calls for service is required/standard practice for all Los Angeles Police Department law enforcement officers. Sadanaga Dep. (March 12, 2021) at 54:20-55:2; *see also* Hadden Dep. (March 11, 2021) at 93:8-10.
- f. ***Safety Sweep Conducted by Officers:*** Officers Saenz and Hadden checked the residences in a safety sweep and did not identify any damage or destruction.

- g. ***Officer Hadden Attempted to Gain Information from Separate Witness:*** Officer Hadden attempted to gain information from a separate witness (Mr. Drew) regarding what occurred and requested identifying information about Ms. Heard's husband and was only advised that Ms. Heard's husband was gone from the location and would not be back.
- h. ***A Crime Had Not Occurred:*** Officers Saenz and Hadden were unable to develop any information that a crime occurred because:
- i. None of the parties provided statements to the officers indicating any crime had occurred;
  - ii. Ms. Heard did not show signs of injury or state she had an injury, and declined a request by Officer Saenz for medical aid;
  - iii. Officers did not see any signs of a struggle or obvious signs of vandalism in the residences after conducting a safety sweep;
  - iv. None of the parties present, specifically Ms. Heard, stated they were in fear, nor did they exhibit any signs of fear or provide any information that should have alerted the officers to the presence of fear; and,
  - v. Ms. Heard denied any physical assault, and repeatedly stated that nothing happened, it was only a verbal argument, and she did not want to discuss anything further with the officers.
- i. ***Officers' Determination that Ms. Heard was not a Victim of a Crime was Proper:*** Since Officers Saenz and Hadden stated they were advised by Ms. Heard that no crime had been committed, other parties present offered nothing to contradict that information, and the officers did not have any independent, articulable belief that Ms.

Heard was a victim of domestic violence, the Officers did not consider Ms. Heard a victim of crime or domestic abuse and therefore did not:

- i. Take photographs or secure any additional items (such as documents, messages, etc.);
  - ii. Write a Domestic Violence Report or an Incident Report, to include filling out a Domestic Violence Supplemental Report; and,
  - iii. Provide supplemental information to Ms. Heard such as a Domestic Violence Resource Pamphlet which satisfies the requirements listed in 13701(c)(9) (AMS03/1/21, Sadanaga Exhibit 10) or a Marsy's Card (679.026 PC since she was not identified by the officers as a victim of crime).
- j. ***Officers Diener and Gatlin Properly Determined That A Second Incident Had Not Occurred:*** Officers Diener and Gatlin did not have a responsibility to re-investigate the incident already handled by Officers Saenz and Hadden unless a second incident had occurred, or a victim/witness/suspect contacted law enforcement requesting additional investigation or to provide additional information. In that event, it would be preferred to have the original patrol officers handle a follow-up call as they were the officers most knowledgeable about the incident and so the initial investigation is not duplicated. During their call, Officers Diener and Gatlin determined the initial investigation already occurred and was closed, indicating the call transferred from NYPD was a previous call. Since Officers Diener and Gatlin determined a second incident had not occurred and that call was from the initial incident, they treated the incident as they should have: a confirmed duplicate call for service. Officers Diener and Gatlin confirmed the call for service was handled already and there was not an



additional need of law enforcement by entering the apartment and speaking directly with Ms. Heard. They asked if everyone was okay, if they needed anything, and even inquired after “Johnny.”

- k. ***Footage from Body Worn Cameras:*** As evidenced from the footage of these officers’ body worn cameras, Officers Diener or Gatlin are told nothing about any physical altercation, injuries, property damage, any expressions of fear or concern about “Johnny” or anyone else, no one asks about an Emergency Protective Order or how to obtain a restraining order, no negative comments or frustrations expressed regarding how the original officers handled the call for service, comments by Mr. Drew or anyone about they wished there was something that could be done, how to make a report regarding injuries or damage, or how to make a complaint against the officers for failure to perform their duties. Officers Diener and Gatlin state they did not see any injury on Ms. Heard, but it was also dim lighting.

- l. ***Explanation of the Delayed Closing Out of Call:*** All officers of the Los Angeles Police Department “complete” a Daily Field Activity Report (DFAR) each day they are on patrol. To say they “complete” the document is a misnomer, however, as the DFAR is digital and is automatically generated to indicate activity related to the officer(s)’ shift which can include calls assigned, actions taken, notes entered by the officer, dispatch, a supervisor/watch commander, and more. It is not uncommon for officers to mistakenly miss closing out a call for service and then complete that task at end of shift. It is preferred that officers close each call for service in a timely manner. But it is not uncommon for an officer to forget to close a call for service because they get busy or respond to a high priority call or believe they already closed

the call. The call for service remains open until end of shift when the officer cannot log out of his patrol unit before closing the call (or when dispatch notices and brings it to the attention of the officer). This is a simple, basic, common issue with patrol officers and does not have any bearing on the officers' conduct in this case.

m. *Step-by-by Procedure to Respond to a Call For Potential Domestic Violence:* Best practices for a general domestic violence call for service are as follows (this is a basic outline and due to the content of this case does not include every step available to officers, such as in strangulation cases, further interviews, etc.):

- i. Acknowledge and review the call for service as received.
- ii. Arrive on scene in a timely manner, as expeditiously as possible.
- iii. If a third-party report and indicated and available prior to arriving in scene, contact the reporting party.
- iv. If available, record the encounter on Body Worn Video or audio recording.
- v. Run the location for contacts to possibly determine previous incidents at the location, presence of potential weapons, warrants for arrest, etc.
- vi. Arrive on scene in a safe manner, aware of potential hazards such as someone lying in wait or injured parties.
- vii. Assess the scene upon arrival and determine if any immediate threats to life are present (to officers of parties on scene).
- viii. Address any immediate safety issues as needed (outstanding suspects, weapons, etc.)
- ix. Conduct a safety sweep of the location as needed for outstanding suspects or additional parties on scene.

- x. Address any immediate medical need, if needed.
- xi. Note any spontaneous statements made upon arrival on scene.
- xii. Once the scene is secure, contact the reporting party, or if a third-party report, attempt to contact any alleged victims.
- xiii. If both parties of the assault are on scene and the scene is safe, separate the parties to obtain statements from each involved individual.
- xiv. Allow the alleged victim access to a support companion or domestic violence advocate per 679.05 California Penal Code, as requested.
- xv. Conduct a trauma-informed interview of the victim on scene.
- xvi. Have a second officer conduct an interview with the alleged suspect.
- xvii. If the alleged suspect has left the building and you have probable cause to believe a crime has occurred, put out a BOLO for the suspect with their description through dispatch.
- xviii. Inquire if anyone needs medical attention in the event anyone is injured, and any injury is not readily apparent.
- xix. If medical attention is indicated at any point, contact Dispatch and request an ambulance.
- xx. During the statement from the parties on scene, determine if any weapons were involved, or if there are any weapons present in the home (specifically firearms), and secure those weapons, as needed.
- xxi. Separate and obtain witness statements from all parties present to corroborate or refute statements from involved parties.

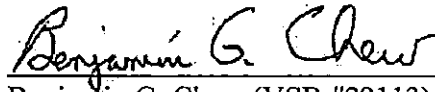
- xxii. If children are present, follow guidelines for interviewing children based on age and department policy guidelines.
- xxiii. If children are present and a crime of domestic violence has been identified, follow guidelines for reporting to Department of Children and Family Services.
- xxiv. Document available evidence as observed such as injuries to any party, damage to property, etc.
- xxv. Based upon witness statements, if you are able to determine a possible crime has been committed, follow further investigation protocols for response to a domestic violence call for service which would include evidence gathering, documentation, search warrants, arrest, etc. Provide contact information to all parties.
- xxvi. Based upon witness statements, if you are unable to determine a crime has occurred, but due to victim statements, information available on scene, etc., may be a victim of domestic violence, provide the party with information regarding domestic violence shelters and information. Consider writing an Incident report to document the call for service. Provide contact information to all parties.
- xxvii. Based upon witness statements, if you are unable to determine a crime has occurred and you do not obtain enough information to believe any party on scene is a victim of domestic violence, close the call by providing contact information to all parties.

Ms. Frost's opinions will be based on a review of documentary evidence and deposition and trial testimony, as outlined in **Exhibit M**. Ms. Frost's opinions will also be based on: relevant 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 and more, including but not limited to the following California Penal Codes 243(e)(1), 243(d), 273.5, 273.6, 422, 679.026, 836(b) and (c)(1), 13700(a) and (b), 13701, 13702, 13730, and California Family Code 6275, standard patrol practices, evidence identification and collection, and mandatory arrest or pro-arrest policies; 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, Ms. Pennington, and Mr. iO Tillet Wright have yet to occur.

Ms. Frost's CV is attached hereto as **Exhibit M**. 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.

Respectfully submitted,



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Dated: January 18, 2022

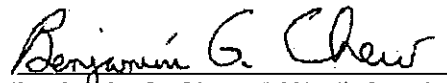
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of January 2022, I caused copies of the foregoing to be served by email (per written agreement between Parties) on the following:

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# EXHIBIT D

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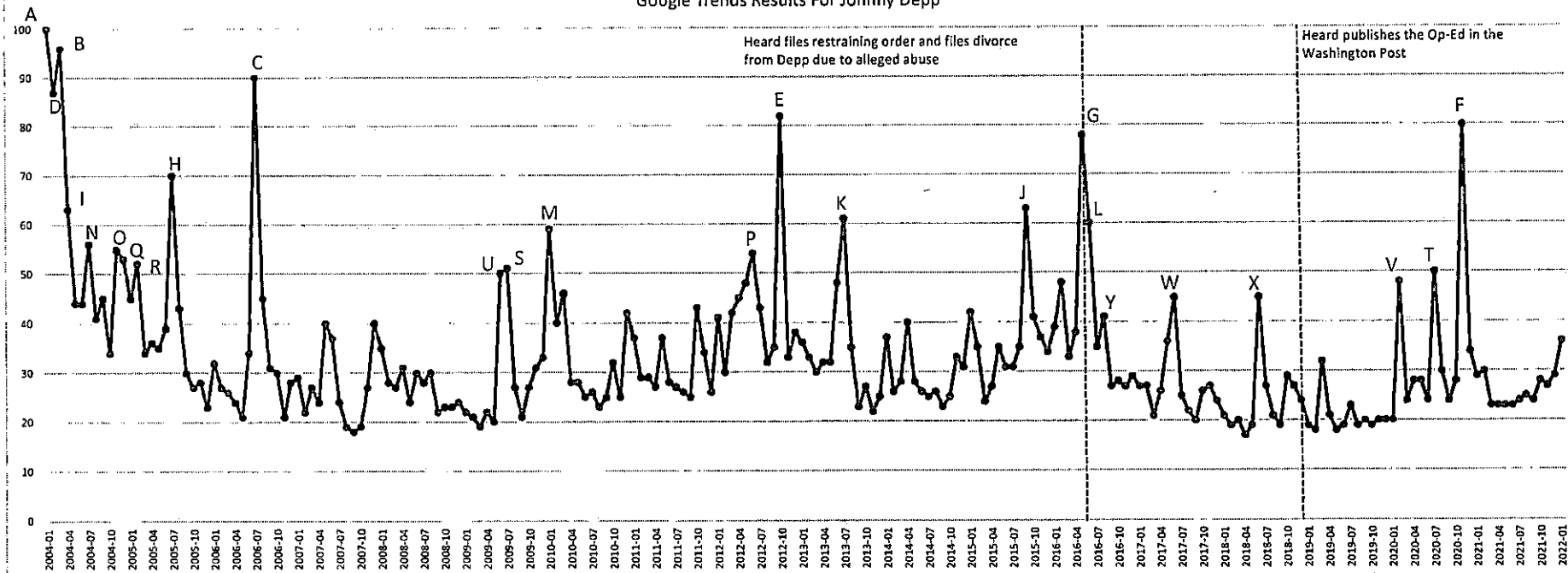


# Google Trends Timeline for the Term "Johnny Depp"

Source: Document 3a (Johnny Depp and Amber Heard Google Trends All Time.xls)

Exhibit D, Schedule 1

## Google Trends Results For Johnny Depp



Google Trend Analysis - Before the Heard Allegations: See Notes in Chart Above				Related to			SERP	Website
Note	Date	Article Title	Topic	Heard/Op-Ed	Drug/Alcohol	Related to Work Ethic	Source	Source
A	25-Jan-04	Johnny Depp and Vanessa Paradis - Hurriyet Daily News	Relationship Pictures	No	No	No	4a	8a
A	12-Jan-04	Pirates of the Caribbean: The Curse of the Black Pearl (2003)	Movie Review	No	No	No	4a	8b
A	10-Jan-04	Actors Johnny Depp and Sean Penn Pose Together...	Picture	No	No	No	4a	8c
B	4-Mar-04	Secret Window (2004) - Trivia - IMDb	Movie Facts/Trivia	No	No	No	4b	8d
B	11-Mar-04	'Secret Window' is another perfect fir for Johnny Depp	NA - Article unavailable	NA	NA	NA	4b	8e
B	12-Mar-04	Johnny Depp Secret Window (2004 Stock Photo - Alamy)	Picture	No	No	No	4b	8f
C	27-Jul-06	460 Johnny Depp Ideas - Pinterest	Pictures - Fan page	No	No	No	4c	8g
C	5-Jul-06	Johnny Depp - CBS News	Pirates of the Caribbean Picture	No	No	No	4c	8h
C	3-Jul-06	'I felt weirdness for many years' [Movies] The Guardian	Depp's personal life	No	No	No	4c	8i
D	28-Feb-04	Secret Window press Conference February 28, 2004, Johnny...	Movie details and pictures	No	No	No	4d	8j
D	23-Feb-04	In a Surprise, SAG Chooses Johnny Depp as Best Actor	Movie award review	No	No	No	4d	8k
D	29-Feb-04	Johnny Depp Oscars 2004 Stock Photo - Alamy	Picture	No	No	No	4d	8l
E	12-Oct-12	Five User Experience Lessons From Johnny Depp	UX Programming Comparison	No	No	No	4e	8m
E	16-Oct-12	Johnny Depp: Publisher   Fine Books & Collections	Book publishing company	No	No	No	4e	8n
E	22-Oct-12	Johnny Depp Stickers   Redbubbles	Depp Stickers/merchandise	No	No	No	4e	8o
E	17-Jul-05	Charlie and the Chocolate Factory (2005) - IMDb	Movie details	No	No	No	4h	8p
H	31-Jul-05	The day I met Johnny Depp!!! - LA Youth	Fan blog post	No	No	No	4h	8q
H	20-Jul-05	Tim Burton + Johnny Depp = Movie Magic - Arizona Daily	Movie review	No	No	No	4h	8r

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Continued: Google Trend Analysis - Before the Heard Allegations				(See fit. 3 Notes in Chart Above)			Related to	Related to	Related to Work	SERP	Website
Note	Date	Article Title	Topic	Heard/Op-Ed	Drug/Alcohol	Ethic	Source	Source			
I	13-Apr-04	Film Career of Johnny Depp timeline - Timetoast	Depp film career	No	No	No	4i	8s			
I	6-Apr-04	The Johnny Depp Archive: Once Upon A Time in Mexico	Movie Review	No	No	No	4l	8t			
I	15-Apr-04	The Libertine - Behind the Senses - Johnny Depp-Zone	Movie Review and Pictures	No	No	No	4l	8u			
J	16-Sep-15	15 Best and Worst Johnny Depp Roles - Rolling Stone	Review of roles	No	No	No	4j	8v			
J	18-Sep-15	Johnny Depp's Weirdest Movie Looks - Variety	Review of roles	No	No	No	4j	8w			
J	18-Sep-15	Johnny Depp is Hollywood's Essential Weirdo   Wired	Depp career review	No	No	No	4j	8x			
K	3-Jul-13	Johnny Depp as Tonto: Is "the Lone Ranger" Racist?   Time.com	Race of character played by Depp	No	No	No	4k	8y			
K	7-Jul-13	The Lone Ranger (2013) IMDb	Movie details	No	No	No	4k	8z			
K	3-Jul-13	The Politics of Johnny Depp as Tonto   The Takeaway - WNYC	Race of character played by Depp	No	No	No	4k	8aa			
M	25-Jan-10	Johnny Depp in internet death hoax - Independent.le	Fake death report	No	No	No	4m	8bb			
M	14-Jan-10	Johnny Depp tattoos, celebrity dads, Johnny Depp - Pinterest	Fan Pinterest posts	No	No	No	4m	8cc			
M	15-Jan-10	Johnny Depp Impersonator Ronnie Rodriguez	Bio of film double/impersonator	No	No	No	4m	8dd			
N	31-Jul-04	Johnny Depp - Johnny Depp-Zone	Depp biography	No	No	No	4n	8ee			
N	29-Jul-04	Secret Window [DVD] - Amazon.com	Amazon movie for sale	No	No	No	4n	8ff			
N	1-Jul-04	Pin on the Hollywood vampires - Pinterest	Alice Cooper Pinterest page with Depp	No	No	No	4n	8gg			
O	10-Nov-04	Biography Johnny Depp: Under His Skin (TV Episode 2004)	Movie details	No	No	No	4o	8hh			
O	12-Nov-04	Johnny Depp: Finding Neverland - NPR	Film character discussions	No	No	No	4o	8ii			
O	5-Nov-04	The Brave - Rotten Tomatoes	Movie ratings and details	No	No	No	4o	8jj			
P	3-Jun-12	Johnny Depp (Creator) - TV Tropes	Depp career history	No	No	No	4p	8kk			
P	21-Jun-12	Johnny Depp's Newly Single Life - ABC News	Depp's alleged breakup with Vanessa	No	No	No	4p	8ll			
P	15-Jun-12	Johnny Depp's girl on Twitter - Pinterest	Depp picture on fan website	No	No	No	4p	8mm			
Q	10-Dec-04	Johnny Depp: A kind of illusion by Denis Melkie (2004-12-10)	Amazon book for sale	No	No	No	4q	8nn			
Q	15-Dec-04	by Jim Merrett Everything Franc December, 2004 - Johnny...	Movie roles and relationships	No	No	No	4q	8oo			
Q	16-Dec-04	The less dialogue you give him, the happier he feels: Marc...	Depp's ease to work with	No	No	No	4q	8pp			
R	5-Feb-05	Johnny Depp - Pinterest	Depp picture on fan website	No	No	No	4r	8qq			
R	10-Feb-05	Johnny Depp: Johnny Darko - Rolling Stone	Depp's career and history	No	No	No	4r	8rr			
R	5-Feb-05	Supporting Johnny Depp Minamata out December 15	Depp pictures and movie history	No	No	No	4r	8ss			
S	15-Jul-09	Photos: The Johnny Depp Retrospective   Vanity Fair	Magazine photos	No	No	No	4s	8tt			
S	15-Jul-09	Johnny Depp's Movie characters photo: John Dillinger - Pinterest	Depp picture on fan website	No	No	No	4s	8uu			
S	2-Jul-09	Faces of Depp - Today Show	Depp pictures	No	No	No	4s	8vv			
U	16-Jun-09	Johnny Depp's Great Escape   Vanity Fair	Depp's movie career and history	No	No	No	4u	8ww			
U	18-Jun-09	Johnny Depp, Marion Cotillard arrive for "Public Enemies..."	Depp picture on fan website	No	No	No	4u	8xx			
U	20-Jun-09	Johnny Depp - Wikipedia	Wikipedia page in a different language	No	No	No	4u	8yy			

Analysis Summary		Notes
Total Webpages Reviewed	51	
Related to Heard/Op-Ed	0	None of the articles were related to Heard or the Op-Ed
Related to Depp's Drug/Alcohol Use	0	None of the articles were related to Depp's use of drugs or alcohol
Related to Both Heard/Op-Ed and Drug/Alcohol	0	
Related to Depp's Bad Work Ethic	0	

# Google Trends Timeline for the Term "Johnny Depp"

Source: Document 3a (Johnny Depp and Amber Heard Google Trends All Time.xls)

Exhibit D, Schedule 1

Google Trend Analysis - After the Heard Allegations		See Green Notes in Chart Above			Related to Heard/Op-Ed	Related to Drug/Alcohol	Related to Work, Ethic	SERP Source	Website Source
Note	Date	Article Title	Topic						
F	3-Nov-20	The Fall of Johnny Depp: How the world's most beautiful movie...	Newspaper/Sun lawsuit		Yes	Yes	No	4f	9a
F	6-Nov-20	Johnny Depp Loses Court Case Against Newspaper That...	Newspaper/Sun lawsuit		Yes	Yes	No	4f	9b
F	6-Nov-20	Johnny Depp to depart the "Fantastic Beasts" Franchise - CNN	Loss of movie due to lawsuit		Yes	No	No	4f	9c
G	27-May-16	Amber Heard granted restraining order against husband...	Heard divorce		Yes	No	No	4g	9d
G	30-May-16	Johnny Depp   Golden Globes	Movie background		No	No	No	4g	9e
G	26-May-16	Amber Heard files for divorce from Johnny Depp   CNN	Heard divorce		Yes	No	No	4g	9f
L	27-Jun-16	90s Icon Winona Ryder is Making Her Comeback	Winona's career and states no abuse		No	No	No	4l	9g
L	22-Jun-16	Johnny Depp Height, Weight, Age, Biography, Wife & More	Depp information		No	No	No	4l	9h
L	5-Jun-16	Depp's fall from heartthrob to 'hobo'	Heard allegations and drug use		Yes	Yes	No	4l	9i
T	19-Jul-20	Hollywood nervously awaits fallout from explosive Johnny...	Heard allegations and trial		Yes	Yes	No	4t	9j
T	19-Jul-20	Johnny Depp vs Amber heard: All the nasty bits of the UK trial	Heard allegations and trial		Yes	Yes	No	4t	9k
T	7-Jul-20	Johnny Depp: Claims in the Sun he beat ex-wife 'complete lies...	Heard allegations and trial		Yes	Yes	No	4t	9l
V	27-Feb-20	Let's burn Amber': Text allegedly sent by Johnny Depp about ex	Heard allegations and texts		Yes	Yes	No	4v	9m
V	9-Feb-20	Petition - Justice for Johnny Depp - Change.org	Petition		Yes	No	No	4v	9n
V	26-Feb-20	Johnny Depp's Disturbing Alleged text messages read aloud...	Heard allegations and texts		Yes	Yes	No	4v	9o
W	2-Jun-17	Johnny Depp jokes about killing Donald Trump in Glastonbury	Killing Trump joke		No	No	No	4w	9p
W	23-Jun-17	Johnny Depp's domestic abuse allegations deserve as much	Killing Trump joke and Heard Allegations		Yes	Yes	No	4w	9q
W	23-Jun-17	Johnny Depp Raises 'Last Time an Actor Assassinated a...	Killing Trump joke		No	No	No	4w	9r
X	21-Jun-18	The Trouble with Johnny Depp - Rolling Stone	Interview with Depp		Yes	Yes	No	4x	9s
X	21-Jun-18	Johnny Depp's Rolling Stone Interview: Most Shocking	Interview with Depp		Yes	Yes	No	4x	9t
X	21-Jun-18	Johnny Depp's \$650M Film Fortune "Almost All Gone", Says...	Interview with Depp		Yes	No	No	4x	9u
Y	16-Aug-16	Amber Heard settles domestic abuse case against Johnny Depp	Heard allegations and trial		Yes	Yes	No	4y	9v
Y	NA	Johnny Depp Filmography and Movies   Fandango	Depp movie roles		No	No	No	4y	9w
Y	19-Aug-16	Johnny Depp, Amber Heard: A Timeline of Their... - Variety	Heard allegations and timeline		Yes	Yes	No	4y	9x

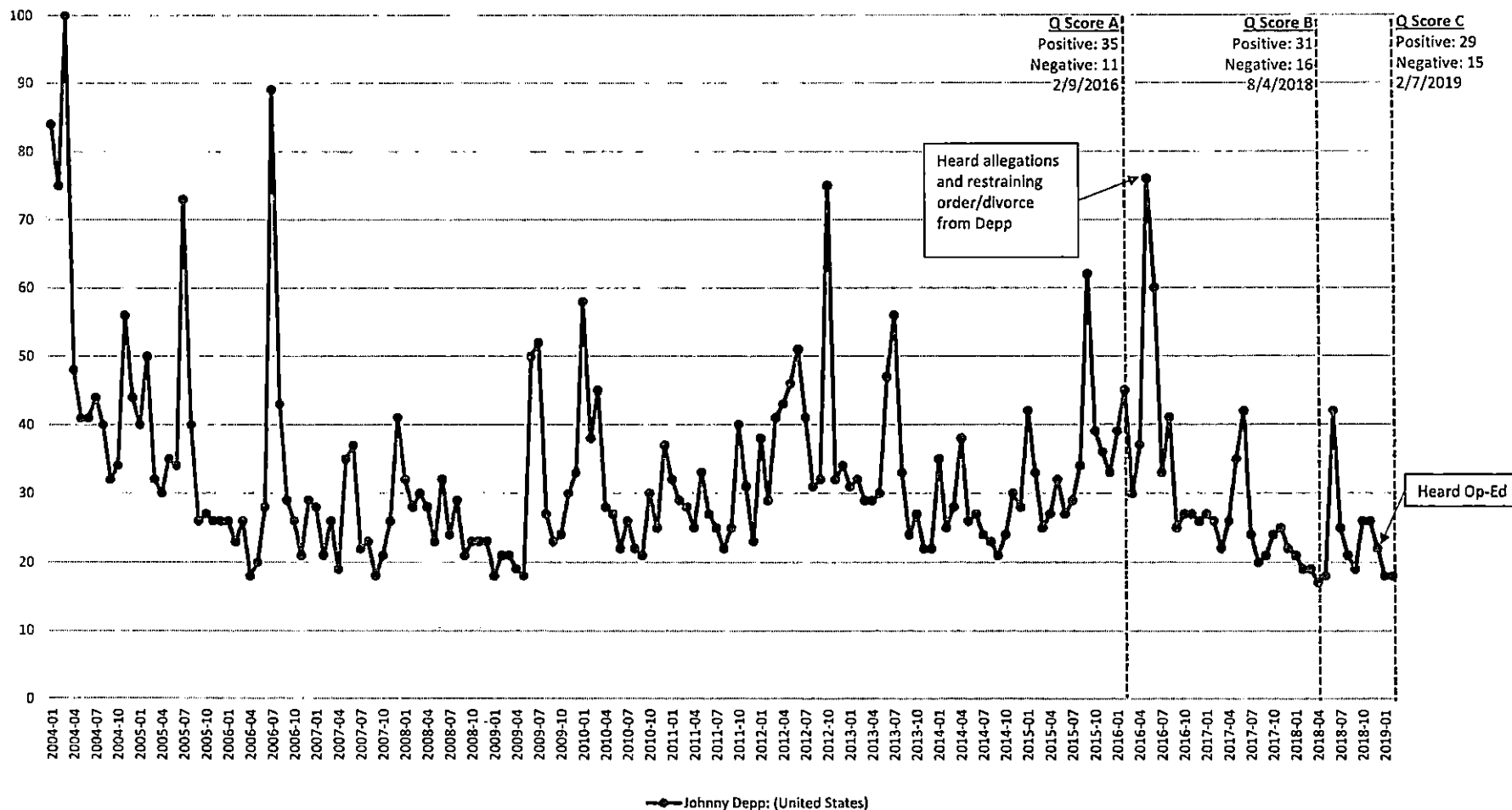
Analysis Summary:	Notes
Total Webpages Reviewed	24
Related to Heard/Op-Ed	18
Related to Depp's Drug/Alcohol Use	13
Related to Both Heard/Op-Ed and Drug/Alcohol	13
Related to Depp's Bad Work Ethic	0

# Q Score Timeline

Source: Document 3b (Johnny Depp and Amber Heard Google Trends Q Score Ending 2-7-19.xls)

Exhibit D, Schedule 2

Google Trends in Comparison to Johnny Depp Q Scores



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**Q Score Timeline**

Source: Document 3b (Johnny Depp and Amber Heard Google Trends Q Score Ending 2-7-19.xls)

Q Score Summary		See Chart Above and Document 5a For Details			
Q Score	Q Score Date	Positive Rating	Negative Rating	Relevant Time Period	Notes
A	2/9/2016	35	11	Before Heard allegations and filing restraining order/divorce with Depp	As presented at Schedule 3, spikes in Google Trends during this time period were related to Depp's acting career, awards, fan pages, his characters, and his uniqueness/weirdness.
B	8/4/2018	31	16	After Heard allegations and filing restraining order/divorce with Depp but before the Op-Ed	Depp's Positive Q Score decreased and Negative Q Score Increased compared to Q Score A. As presented at Schedule 3, spikes in Google Trends during this time period were related to Heard's allegations, trial, restraining order, and divorce.
C	2/7/2019	29	15	After Heard allegations, divorce from Depp, and the Op-Ed	Depp's Positive Q Score decreased and Negative Q Score Increased compared to Q Score A and Q Score B. As presented at Schedule 3, spikes in Google Trends during this time period were related to Heard's allegations, trial, restraining order, and divorce.

**Q Score Definitions** Found at Document 5b

Total Familiar - The percent of people who are familiar with the personality

Positive Q Score - The percent who rated personality "One of My Favorites" divided by only those who are familiar with the personality

Negative Q Score - The percent who rated personality "Fair" or "Poor" divided by only those who are familiar with the personality

# EXHIBIT E

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## Exhibit E – Document Relied Upon

DOC #	Document Title
1a	2019-03-01 Depp v. Heard Complaint with Exhibits
1b	2020-08-10 Heards Counterclaims with Exhibits
3a	Johnny Depp and Amber Heard Google Trends All Time
3b	Johnny Depp and Amber Heard Google Trends Q Score Ending 2-7-19
3c	How to Use Google Trends to Measure Popular Search Terms
3d	FAQ About Google Trends Data - Trends Help
4a	Johnny Depp - Google Search Jan 2004
4b	Johnny Depp - Google Search Mar 2004
4c	Johnny Depp - Google Search Jul 2006
4d	Johnny Depp - Google Search Feb 2004
4e	Johnny Depp - Google Search Oct 2012
4f	Johnny Depp - Google Search Nov 2020
4g	Johnny Depp - Google Search May 2016
4h	Johnny Depp - Google Search Jul 2005
4i	Johnny Depp - Google Search Apr 2004
4j	Johnny Depp - Google Search Sep 2015
4k	Johnny Depp - Google Search Jul 2013
4l	Johnny Depp - Google Search Jun 2016
4m	Johnny Depp - Google Search Jan 2010
4n	Johnny Depp - Google Search Jul 2004
4o	Johnny Depp - Google Search Nov 2004
4p	Johnny Depp - Google Search Jun 2012
4q	Johnny Depp - Google Search Dec 2004
4r	Johnny Depp - Google Search Feb 2005
4s	Johnny Depp - Google Search Jul 2009
4t	Johnny Depp - Google Search Jul 2020
4u	Johnny Depp - Google Search Jun 2009
4v	Johnny Depp - Google Search Feb 2020
4w	Johnny Depp - Google Search Jun 2017
4x	Johnny Depp - Google Search Jun 2018
4y	Johnny Depp - Google Search Aug 2016
5a	Nevium - Performer Q Profiles - 2.5.21
5b	Performer Q Online Background & Definitions
5c	Q Score Homepage
8a	Johnny Depp and Vanessa Paradis - Hurriyet Daily News
8b	Pirates of the Caribbean: The Curse of the Black Pearl (2003)
8c	Actors Johnny Depp and Sean Penn Pose Together...
8d	Secret Window (2004) - Trivia - IMDb
8e	'Secret Window' is another perfect fit for Johnny Depp

DOC #	Document Title
8f	Johnny Depp Secret Window (2004 Stock Photo - Alamy)
8g	460 Johnny Depp Ideas - Pinterest
8h	Johnny Depp - CBS News
8i	'I felt weirdness for many years'   Movies   The Guardian
8j	Secret Window press Conference February 28, 2004, Johnny...
8k	In a Surprise, SAG Chooses Johnny Depp as Best Actor
8l	Johnny Depp Oscars 2004 Stock Photo - Alamy
8m	Five User Experience Lessons From Johnny Depp
8n	Johnny Depp: Publisher   Fine Books & Collections
8o	Johnny Depp Stickers   Redbubbles
8p	Charlie and the Chocolate Factory (2005) - IMDB
8q	The day I met Johnny Depp!!! - LA Youth
8r	Tim Burton + Johnny Depp = Movie Magic - Arizona Daily
8s	Film Career of Johnny Depp timeline - Timetoast
8t	The Johnny Depp Archive: Once Upon A Time in Mexico
8u	The Libertine - Behind the Senses - Johnny Depp-Zone
8v	15 Best and Worst Johnny Depp Roles - Rolling Stone
8w	Johnny Depp's Weirdest Movie Looks - Variety
8x	Johnny Depp is Hollywood's Essential Weirdo   Wired
8y	Johnny Depp as Tonto: Is "the Lone Ranger" Racist?   Time.com
8z	The Lone Ranger (2013) IMDb
8aa	The Politics of Johnny Depp as Tonto   The Takeaway - WNYC
8bb	Johnny Depp in internet death hoax - Independent.ie
8cc	Johnny Depp tattoos, celebrity dads, Johnny Depp - Pinterest
8dd	Johnny Depp Impersonator Ronnie Rodriguez
8ee	Johnny Depp - Johnny Depp-Zone
8ff	Secret Window [DVD] - Amazon.com
8gg	Pin on the Hollywood vampires - Pinterest
8hh	Biography Johnny Depp: Under His Skin (TV Episode 2004)
8ii	Johnny Depp: Finding Neverland - NPR
8jj	The Brave - Rotten Tomatoes
8kk	Johnny Depp (Creator) - TV Tropes
8ll	Johnny Depp's Newly Single Life - ABC News
8mm	Johnny Depp's girl on Twitter - Pinterest
8nn	Johnny Depp: A kind of illusion by Denis Meikle (2004-12-10)
8oo	by Jim Merrett Everything Franc December, 2004 - Johnny...
8pp	The less dialogue you give him, the happier he feels: Marc...
8qq	Johnny Depp - Pinterest
8rr	Johnny Depp: Johnny Darko - Rolling Stone
8ss	Supporting Johnny Depp Minamata out December 15
8tt	Photos: The Johnny Depp Retrospective   Vanity Fair
8uu	Johnny Depp's Movie characters photo: John Dilinger - Pinterest



DOC #	Document Title
8vv	Faces of Depp - Today Show
8ww	Johnny Depp's Great Escape   Vanity Fair
8xx	Johnny Depp, Marion Cotillard arrive for "Public Enemies..."
8yy	Johnny Depp - Wikipedia
9a	The Fall of Johnny Depp: How the world's most beautiful movie...
9b	Johnny Depp Loses Court Case Against Newspaper That...
9c	Johnny Depp to depart the "Fantastic Beasts" Franchise - CNN
9d	Amber Heard granted restraining order against husband...
9e	Johnny Depp   Golden Globes
9f	Amber Heard files for divorce from Johnny Depp   CNN
9g	90s Icon Winona Ryder is Making Her Comeback
9h	Johnny Depp Height, Weight, Age, Biography, Wife & More
9i	Depp's fall from heartthrob to 'hobo'
9j	Hollywood nervously awaits fallout from explosive Johnny...
9k	Johnny Depp vs Amber heard: All the nasty bits of the UK trial
9l	Johnny Depp: Claims in the Sun he beat ex-wife 'complete lies...
9m	Let's burn Amber': Text allegedly sent by Johnny Depp about ex
9n	Petition - Justice for Johnny Depp - Change.org
9o	Johnny Depp's Disturbing Alleged text messages read aloud...
9p	Johnny Depp jokes about killing Donald Trump in Glastonbury
9q	Johnny Depp's domestic abuse allegations deserve as much
9r	Johnny Depp Raises 'Last Time an Actor Assassinated a...
9s	The Trouble with Johnny Depp - Rolling Stone
9t	Johnny Depp's Rolling Stone Interview: Most Shocking
9u	Johnny Depp's \$650M Film Fortune "Almost All Gone", Says...
9v	Amber Heard settles domestic abuse case against Johnny Depp
9w	Johnny Depp Filmography and Movies   Fandango
9x	Johnny Depp, Amber Heard: A Timeline of Their... - Variety

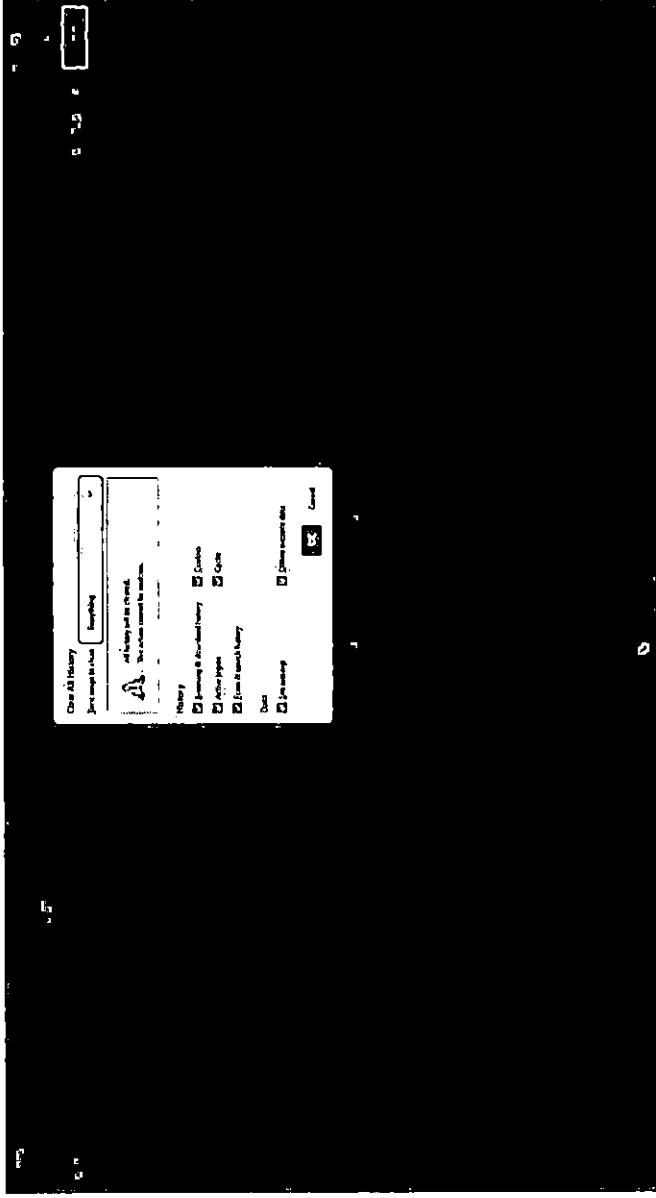
# EXHIBIT F

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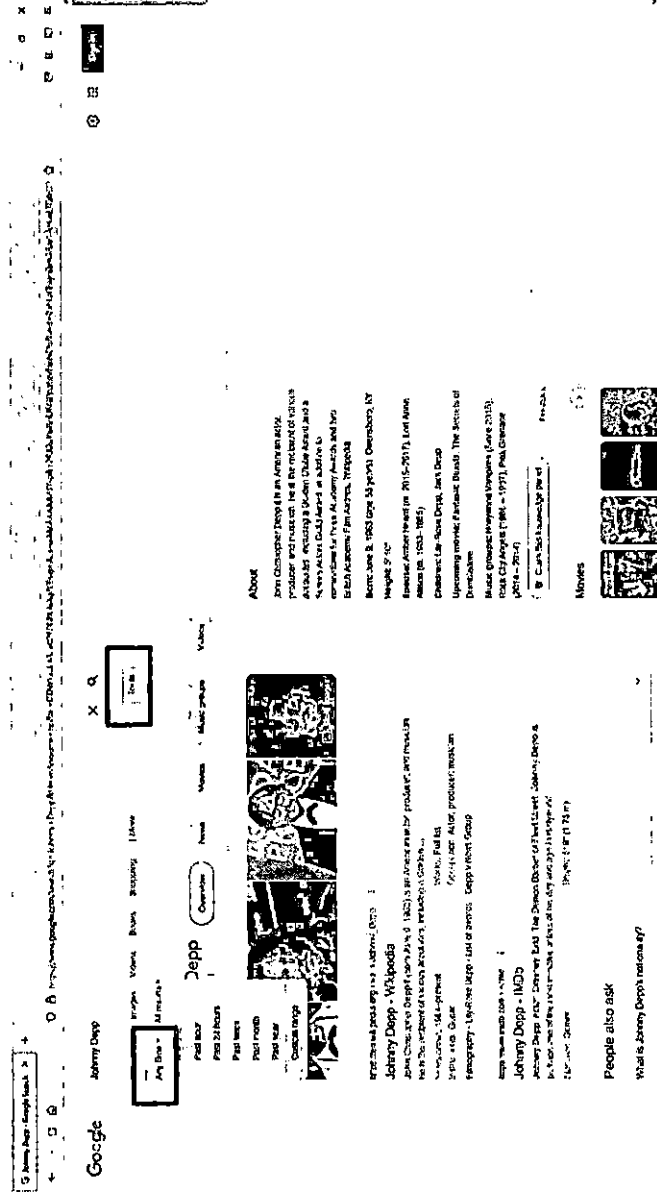
- 
- The screenshot shows a Google search results page. The search bar at the top contains the text "Google Analytics". Below the search bar, the first result is "Google Analytics" by Google, with a link to "https://www.google.com/analytics/". The page is in English and shows the standard Google search interface.



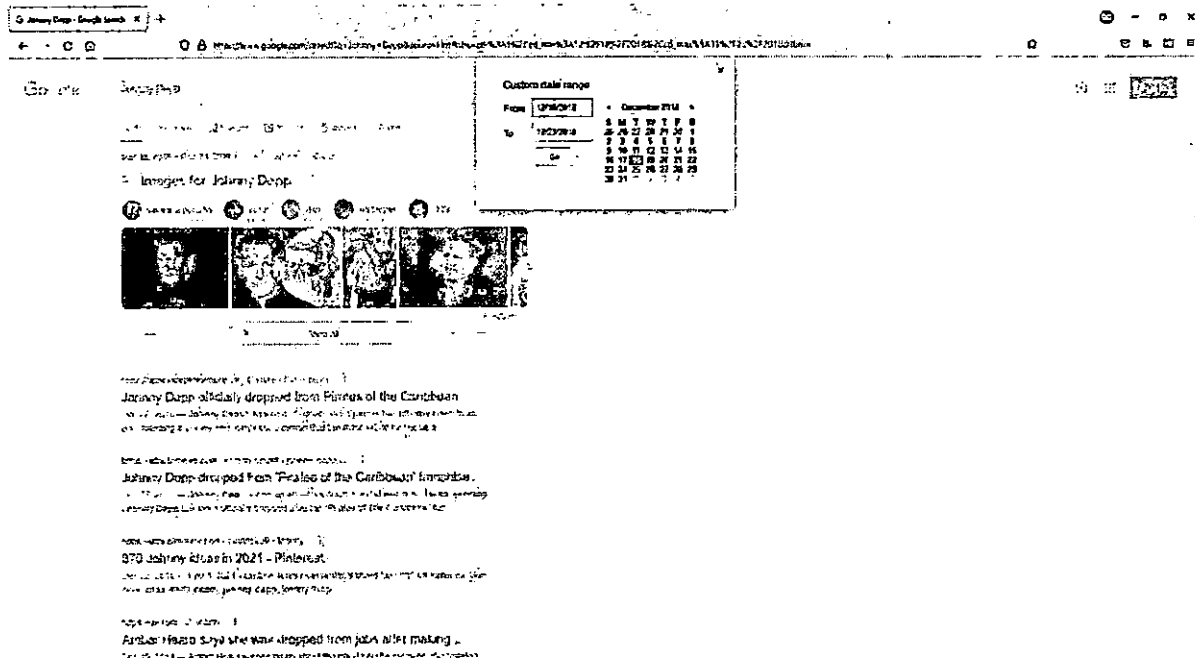
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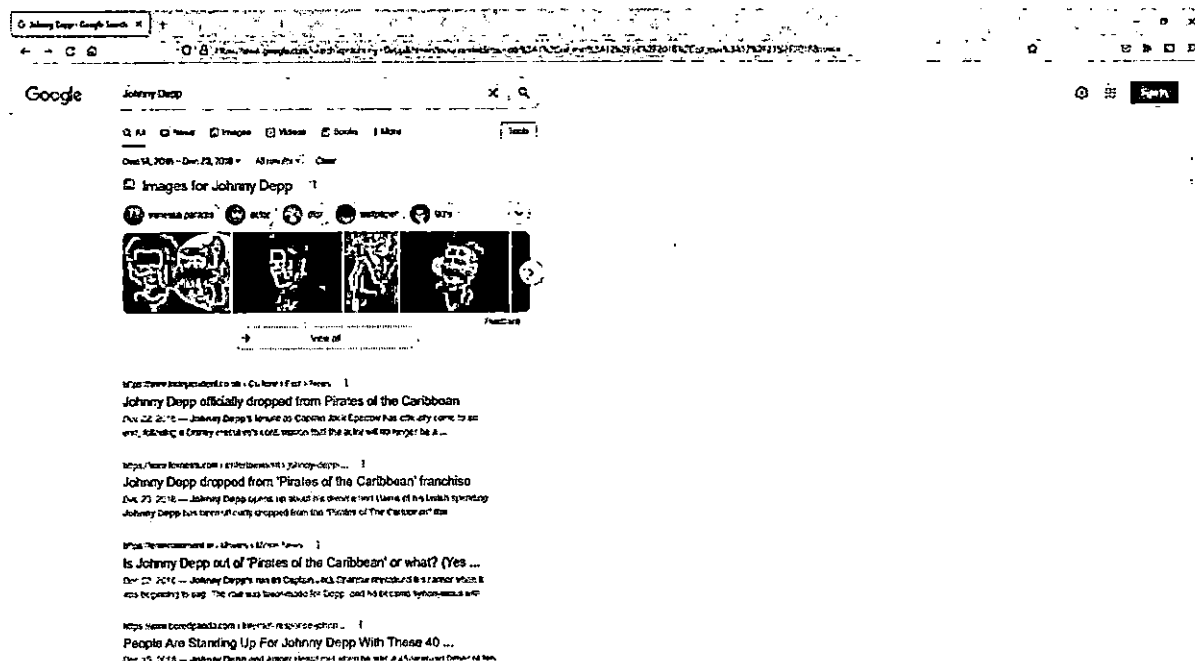
4. Search for the term "Johnny Depp" then select "Tools" then "Custom Range" under the "Any Time" dropdown



5. Select the relevant date range in the "Custom date range" popup box.



## 6. Relevant search results for the date range selected are shown.



# EXHIBIT G

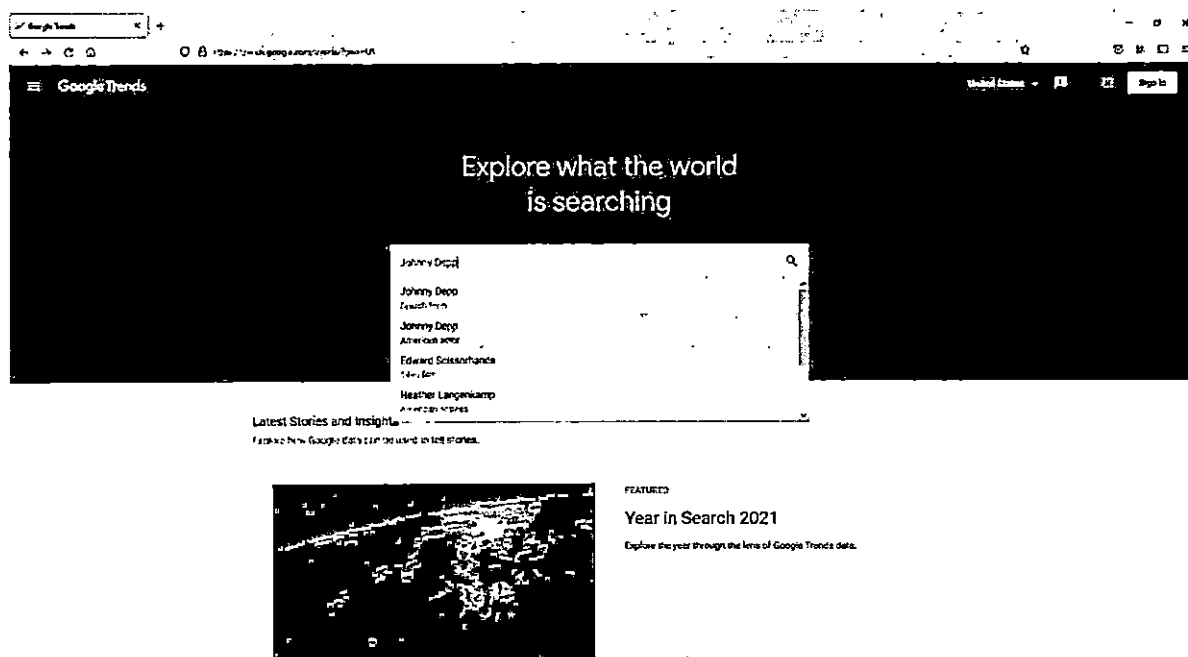
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## Exhibit G – Google Trends Search

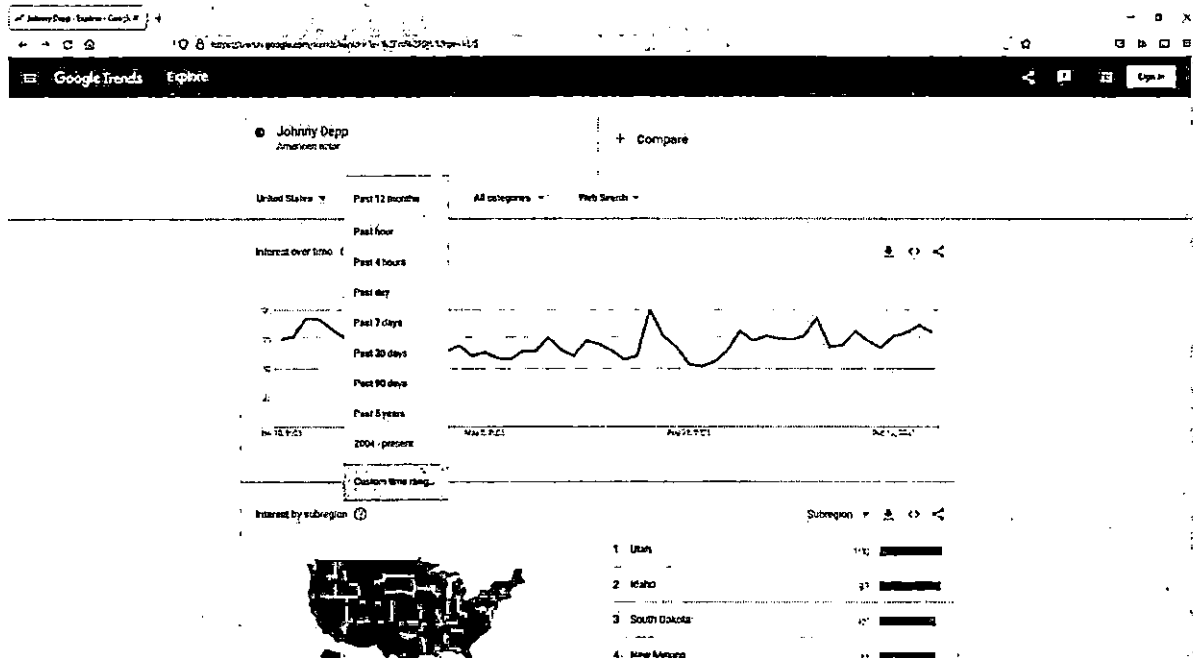
1. Go to trends.google.com



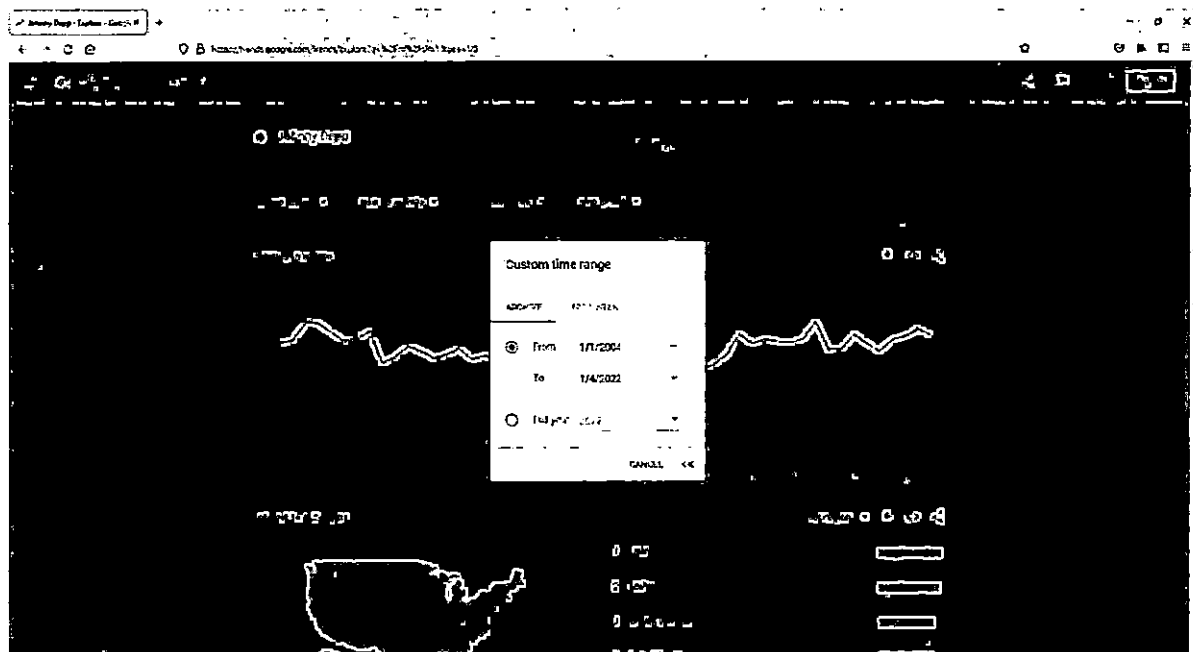
2. At Google Trends, search “Johnny Depp” and make sure to select the Johnny Depp option with “American actor” as a subtitle.



3. To adjust the data to reflect a different time period, select the default period labeled “Past 12 months” then select “Custom time rang...”.

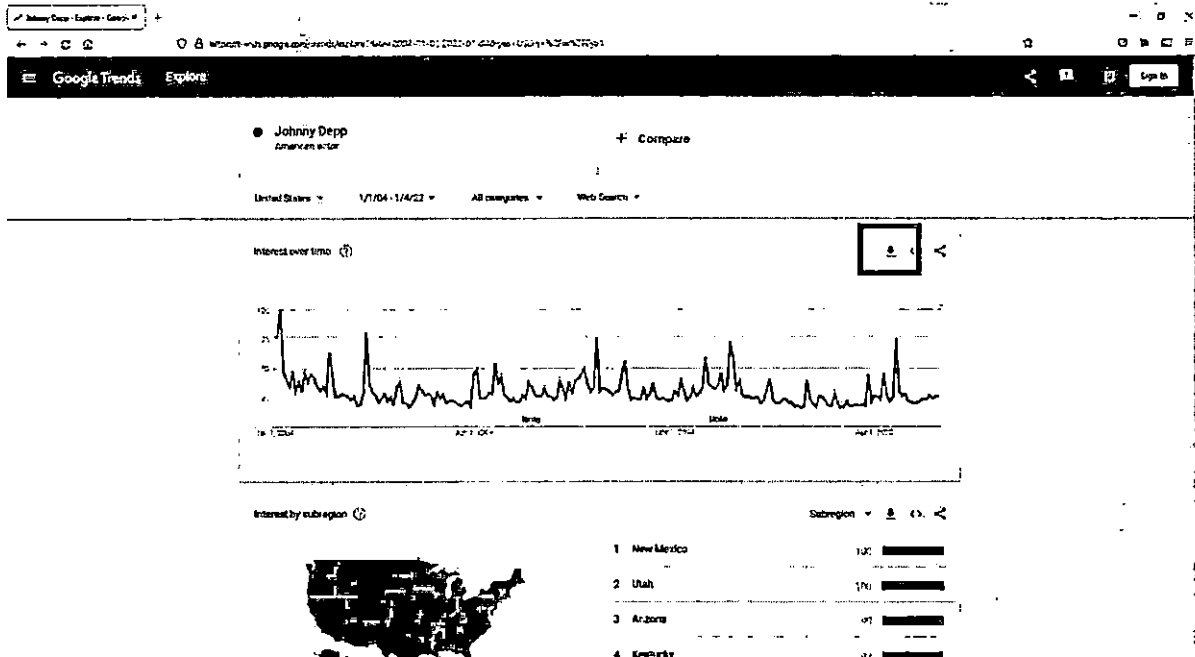


- In the "Custom time range" pop-up box, select 1/1/2004 as the "From" date and 1/4/2022 as the "To" date then select "OK". The earliest data Google Trends has available is 1/1/2004. I selected 1/4/2022 as the "To" date because this is the data I performed this analysis.



- To export the Google Trends data into excel, select the arrow button at the top right-hand corner of the chart.





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# EXHIBIT J

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D R.

# SHANNON J. CURRY

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# EXHIBIT M

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## **Documents and Evidence Reviewed for Expert Opinion: Rachael Frost**

### **State of California, County of Los Angeles Domestic Violence Restraining Order L.A.S.C CASE NO BD641 052**

1. Amber Heard declaration (05/26/2016), deposition transcript, deposition recordings (in part) (08/13/2016)
2. Elizabeth Marz, two declarations, deposition transcripts (07/15/2016)
3. Joshua Drew written statement (2016)
4. Jerry Judge, written declaration (possibly June 2016)
5. Sean Bett, written declaration (possibly June 2016)
6. Raquel Pennington written declaration, deposition transcripts (two days) (06/16/2016 and 07/16/2016)
7. iO Tillet Wright written declaration (06/13/2016)
8. Restraining Order DV100 – Heard Declaration
9. Restraining Order DV 100 - Amendments regarding *pendente lite*
10. Officer Melissa Saenz deposition transcript (07/18/2016)
11. Officer Tyler Hadden, deposition transcript (07/18/2016)

### ***Depp v. NGN and Wooton (2020) LtdEWHC 2911(QB)***

1. Johnny Depp, testimony (07/13/2020)
2. Amber Heard, testimony transcripts
3. Elizabeth Marz, written declarations (unsigned), testimony (12/10/2019)
4. Raquel Pennington, written declaration, testimony (12/10/2019)
5. Joshua Drew, written declaration, testimony (7/22/2020)
6. Alejandro Romero, testimony (07/17/2020)
7. Trinity Esparza, witness statement (12/12/2019), testimony (07/13/2020)
8. Sean Bett, testimony (07/16/2020)
9. Sean Bett, testimony (12/12/2019)
10. Mr. Justice Nichol, Approved Judgement
11. Melanie Ingelssis, witness statement (12/10/2019), testimony (7/22/2020)
12. Officer Melissa Saenz, testimony (6/10/2020)

### ***Depp v. Heard, CL-2019-2911 (Va. Cir. Ct. Jul. 25, 2019)***

1. Los Angeles Police Department production of policies and procedures
2. 911 call recordings/May 21, 2016
3. Incident Recall documents/May 21, 2016
4. CAD Log/Dispatch documents/May 21, 2016
5. Axon body worn camera video for Officer Christopher Diener (05/21/2016)
6. Axon body worn camera video for Officer William Gatlin (05/21/2016)
7. PMK Sergeant Armand Lemoyne deposition transcript (03/09/2021)
8. PMK Police Services Officer Roberto Lopez deposition transcript (03/08/2021)
9. PMK Detective Marie Sadanaga deposition transcript (03/12/2021)
10. Officer Melissa Saenz deposition transcript (03/31/2021)
11. Officer Tyler Haydon deposition transcript (03/11/2021)
12. Officer Christopher Diener deposition transcript (11/23/2021)
13. Officer William Gatlin deposition transcript (11/23/2021)
14. Johnny Depp deposition transcript and recordings (11/12/2020)
15. Joshua Drew deposition transcript (11/19/2019)
16. Elizabeth Marz deposition transcript (11/26/2019)
17. Los Angeles Police Department Administrative Order #3 (not part of LAPD production)