

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 REQUESTS FOR PRODUCTION**

Pursuant to Rule 4:9 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 Requests for Production dated November 4, 2019 (the "Requests").

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 Requests 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 Requests 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 Requests 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 Request 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 Requests 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 Requests, and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

7. Defendant objects to the Requests to the extent they require unreasonable measures to locate and produce responsive information or documents. Defendant will construe the requests 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 requests, 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 Requests 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 Requests, 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 of the parties.

10. Defendant objects to the Requests 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 Requests 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 Requests 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

REQUEST NO. 1

All Documents and Communications between You and any person employed by You or working on your behalf pertaining to any act of violence, or attempted acts of violence by You or Mr. Depp in the past 10 years.

RESPONSE TO REQUEST NO. 1

Defendant objects to Request No. 1 to the extent 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 actions involving persons other than Plaintiff are not relevant or likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 2

All Documents and Communications between You and any person employed by You or working on your behalf pertaining to the use of narcotics by You or Mr. Depp from 2013 to present.

RESPONSE TO REQUEST NO. 2

Defendant objects to Request No. 2 to the extent that it seeks information that is not relevant to any party's claims or defenses. Defendant is not alleged to have any addiction or dependency issue that are in dispute in this action. Defendant objects to this request to the extent it relates to the use of narcotics by Defendant 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 medications for injuries or conditions Defendant suffered as a result of Mr. Depp's abuse. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 3

All Documents and Communications pertaining to any treatment for alcohol or drug use or abuse by You or Mr. Depp from 2013 to present.

RESPONSE TO REQUEST NO. 3

Defendant objects to Request No. 3 to the extent that it seeks information that is not relevant to any party's claims or defenses. Defendant is not alleged to have any alcohol, drug, addiction or dependency issue that are in dispute in this action. Defendant objects to this request to the extent it relates to the use of drugs or alcohol by Defendant 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 alcohol or drug use or abuse by Plaintiff or treatment for injuries or conditions Defendant suffered as a result of Mr. Depp's domestic abuse. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 4

Documents sufficient to show payments You or anyone acting on your behalf made to any firm or entity that provides services related to print, television, newspaper or other traditional media from 2015 to present, not including for services related to marketing films.

RESPONSE TO REQUEST NO. 4

Defendant objects to Request No. 4 on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. Defendant will not produce documents responsive to this request.

REQUEST NO. 5

All Documents and Communications by and between you and Raquel Pennington, iO Tillett Wright, Elizabeth Marz, Whitney Heard, or Josh Drew that mention Mr. Depp or any of Your other Romantic Partners from 2010 to April, 2019.

RESPONSE TO REQUEST NO. 5

Defendant objects to Request No. 5 to the extent it seeks information related to other Romantic Partners of Defendant on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. 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 Defendant. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 6

All Documents and Communications exchanged between You or anyone acting on Your behalf and Dr. David Kipper that mention Mr. Depp or any of Your other Romantic Partners from 2010 to present.

RESPONSE TO REQUEST NO. 6

Defendant objects to Request No. 6 to the extent it seeks information related to other Romantic Partners of Defendant on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. 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 Defendant. Defendant further objects to this request on the grounds that 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. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 7

Documents sufficient to show each time You were arrested and the reason(s) for the arrest.

RESPONSE TO REQUEST NO. 7

Defendant objects to Request No. 7 on the grounds that it seeks information not relevant to the claims or defenses of any party and that it seeks documents not within the custody or control of Defendant. 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 arrests are not relevant to Plaintiff's domestic abuse of Defendant.

REQUEST NO. 8

A complete copy of all medical records, charts and files from any mental and/or physical health care providers who have seen, consulted, examined or provided treatment or services to You from 2010 to the present, including but not limited to Dr. David Kipper.

RESPONSE TO REQUEST NO. 8

Defendant objects to Request No. 8 on the grounds that it is overly broad, unduly burdensome, and seeking information that is not relevant to either party's claims or defenses and 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. Subject to and without waiving the foregoing objections, Defendant will produce medical records, if any, related to relevant services and treatment she received from the medical providers identified in Defendant's Response to Interrogatory 5 of Plaintiff's Second Set of Interrogatories.

REQUEST NO. 9

Copies of all of Your personal journals and/or diaries from 2010 to the present.

RESPONSE TO REQUEST NO. 9

Defendant objects to Request No. 9 on the grounds that it is overly broad and unduly burdensome because it is not reasonably limited to information relating to Plaintiff's domestic abuse of Defendant and therefore seeks information that is not relevant to any party's claims or defenses. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for responsive documents in her custody and will non-privileged materials that refer or relate to the claims and defenses in this case, should any exist.

REQUEST NO. 10

Copies of any and all correspondence or other records that You or anyone acting on Your behalf received from or sent to: (1) any mental and/or physical health care providers from 2010 to the present; and (2) any health insurer providing you coverage for any medical, psychiatric, counseling, rehabilitation or other care from 2010 to the present.

RESPONSE TO REQUEST NO. 10

Defendant objects to Request No. 10 on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party 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. Subject to and without waiving the foregoing objections, Defendant will produce medical records, if any, related to relevant services and treatment she received from the medical providers identified in Defendant's Response to Interrogatory 5 of Plaintiff's Second Set of Interrogatories.

REQUEST NO. 11

Documents sufficient to show any prescription drugs You have obtained from January 2010 to the present, including any prescription drugs that You currently take.

RESPONSE TO REQUEST NO. 11

Defendant objects to Request No. 11 on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party 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. Subject to and without waiving the foregoing objections, Defendant will produce medical records, if any, related to services and treatment she received from the medical providers identified in Defendant's Response to Interrogatory 5 of Plaintiff's Second Set of Interrogatories.

REQUEST NO. 12

Copies of any reports, written memoranda or notes prepared by each expert witness that You will or may call as a witness at the trial of this matter.

RESPONSE TO REQUEST NO. 12

Defendant objects to Request No. 12 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.

REQUEST NO. 13

Copies of all journal articles, learned treatises, periodicals, pamphlets, or any other type of publication that each of Your expert witnesses or specialists has used or relied upon in forming his or her opinion in this case, or that You otherwise will or may use at trial.

RESPONSE TO REQUEST NO. 13

Defendant objects to Request No. 13 as premature. Defendant will comply with all expert disclosure obligations under the Rules.

REQUEST NO. 14

Copies of all exhibits or demonstrative exhibits You or Your attorneys will or may use, introduce or attempt to introduce at the trial of this matter.

RESPONSE TO REQUEST NO. 14

Defendant objects to Request No. 14 as premature. Defendant has not yet determined which exhibits or demonstrative exhibits it will introduce at trial. Defendant will comply with all disclosure obligations relating to exhibits under the Rules.

REQUEST NO. 15

Copies of all written statements taken or assembled in connection with this Action or with Your investigation, formal or informal, of the matters at issue in this Action, and all drafts and redlines/blacklines or edits thereof.

RESPONSE TO REQUEST NO. 15

Defendant objects to Request No. 15 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 16

All documents viewed by, relied upon, or referred to in answering any Interrogatory propounded by Mr. Depp.

RESPONSE TO REQUEST NO. 16

Defendant objects to Request No. 16 to the extent that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Defendant objects to this request to the extent it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. Defendant will produce non-privileged responsive documents only to the extent that they are responsive to another Request or Interrogatory to which Defendant has indicated that she will respond.

REQUEST NO. 17

To the extent not provided in response to other requests, all non-privileged documents, notes, records, tape recordings, video recordings, or other written or recorded materials prepared by You or on Your behalf concerning the occurrences described in the Complaint, Your Declaration, Your Op-Ed, and Your 2016 declaration submitted in support of your request for a temporary restraining order.

RESPONSE TO REQUEST NO. 17

Defendant objects to Request No. 17 to the extent that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest

privileges. Defendant objects to this request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 18

All Documents and Communications by and between you and any person relating to the claims or defenses in this Action.

RESPONSE TO REQUEST NO. 18

Defendant objects to Request No. 18 to the extent that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Defendant further objects to this request to the extent that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 19

All Documents and Communications by and between You and any person working or purporting to work on behalf of the American Civil Liberties Union ("ACLU") related to the Op-Ed, Your Declaration, and any claims or defenses in this Action.

RESPONSE TO REQUEST NO. 19

Defendant objects to Request No. 19 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest

privileges. Defendant further objects to this request to the extent it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 20

All Documents and Communications by and between You and any person working or purporting to work on behalf of the Washington Post related to the Op-Ed, Your Declaration, and any claims or defenses in this Action.

RESPONSE TO REQUEST NO. 20

Defendant objects to Request No. 20 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 21

All Documents and Communications by and between You and any person working or purporting to work on behalf of the Virginia Press Association related to the Op-Ed, Your Declaration, and any claims or defenses in this Action, including the Virginia Press Association's motion for leave to file an amicus brief in this Action.

RESPONSE TO REQUEST NO. 21

Defendant objects to Request No. 21 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest

privileges. Defendant further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. Subject to and without waiving the foregoing objections, Defendant will conduct a reasonable search for documents responsive to this Request, including by applying the search terms agreed to in Defendant's October 29, 2019 Letter. Defendant will thereafter produce any non-privileged documents that are responsive to this Request and that refer or relate to the claims and defenses in this case.

REQUEST NO. 22

All Documents and Communications by and between You and any person related to the ACLU's email to Plaintiff's counsel on September 13, 2019 containing a request to file an amicus brief in this Action.

RESPONSE TO REQUEST NO. 22

Defendant objects to Request No. 22 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Defendant further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party. Defendant will not produce documents responsive to this request, if any exist.

REQUEST NO. 23

All Documents and Communications by and between You and any person working or purporting to work on behalf of The Sun related to the Op-Ed, Your Declaration, and any claims or defenses in this Action, and any claims or defenses in the action currently pending in London between Mr. Depp and The Sun.

RESPONSE TO REQUEST NO. 23

Defendant objects to Request No. 23 on the grounds that it calls for information protected by one or more privileges, including the attorney-client, work product, and/or common interest privileges. Defendant further objects to this request on the grounds that it is overly broad, unduly

burdensome, and seeks information not relevant to the claims or defenses of any party. Defendant will not produce documents responsive to this request, if any exist.

REQUEST NO. 24

All Documents and Communications that You produced either voluntarily or pursuant to subpoena or Court order in the action pending in London between Mr. Depp and The Sun.

RESPONSE TO REQUEST NO. 24

Defendant agrees to produce such documents at such time as Plaintiff produces all documents he has produced in the action pending in London between Plaintiff and The Sun.

REQUEST NO. 25

All Documents and Communications by and between You and any person working or purporting to work on Your behalf and any third party regarding providing You with financial assistance with this Action and/or paying Your legal fees and costs related to this Action.

RESPONSE TO REQUEST NO. 25

Defendant objects to Request No. 25 on the grounds that it seeks information not relevant to the claims or defenses of any party. In light of the foregoing objection, Defendant will not produce responsive materials, if any exist.

REQUEST NO. 26

All Documents obtained by way of subpoena, threat of subpoena, and/or voluntarily in relation to this Action.

RESPONSE TO REQUEST NO. 26

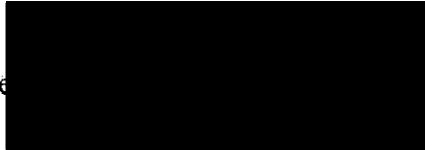
Defendant objects to Request No. 26 on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seek information not relevant to the claims or defenses of any party. Subject to and without waiving the foregoing objections, Defendant will re-produce to Plaintiff documents produced to it by third-parties in connection with this case.

Dated this 25th day of November, 2019

Respectfully submitted,

Amber L. Heard

By Counsel


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CERTIFICATE OF SERVICE

I certify that on this 25th day of November 2019, a copy of the foregoing was served by

email upon:

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