

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ARTHUR ENGORON PART 37

Justice

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JOHN DEPP II,
Petitioner,

- v -

AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
BENJAMIN WIZNER, ANTHONY ROMERO

Respondents.

INDEX NO. 154545/2021

MOTION DATE 09/14/2021

MOTION SEQ. NO. 003

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91

were read on this motion to

REARGUE

Upon the foregoing documents, it is hereby ordered that respondents' motion to reargue is granted, and upon reargument, this Court adheres to its initial determination.

On July 22, 2021, this Court issued a Decision and Order, familiarity with which the Court will assume, which granted, in part, petitioner's motion to compel compliance with a series of subpoenas issued to respondents.

Respondents now move to reargue solely to the extent of asking this Court to reconsider ordering respondent Anthony Romero, Executive Director of respondent American Civil Liberties Union Foundation ("ACLU"), to be produced for a deposition. The ACLU asserts that Mr. Romero's testimony is not necessary on the issues this Court has held relevant. The ACLU argues that it should be allowed to produce a corporate representative of its own choosing for a deposition in place of Mr. Romero.

However, despite the ACLU's assertions, petitioner has demonstrated that Mr. Romero possesses unique knowledge that could not be obtained through a corporate representative. Petitioner has demonstrated that Mr. Romero and Ms. Heard engaged in direct conversations and emails (NYSCEF Doc. No. 17) that may be relevant to petitioner's action pending in the Circuit Court of Fairfax County in the Commonwealth of Virginia.

Thus, for the reasons stated herein, respondents' motion to reargue is granted, and upon reargument, the Court adheres to its initial determination.

10/21/2021
DATE

Handwritten signature of Arthur Engoron

ARTHUR ENGORON, J.S.C.

CHECK ONE:

[X] CASE DISPOSED
[] GRANTED [] DENIED

NON-FINAL DISPOSITION

[] GRANTED IN PART [X] OTHER

APPLICATION:

[] SETTLE ORDER

[] SUBMIT ORDER

CHECK IF APPROPRIATE:

[] INCLUDES TRANSFER/REASSIGN

[] FIDUCIARY APPOINTMENT

[] REFERENCE