

EXHIBIT 24

Meyers, Jessica N.

From: Schwartz, Michael (x2252) <mschwartz@pbwt.com>
Sent: Monday, March 1, 2021 1:03 PM
To: Chew, Benjamin G.; Crawford, Andrew C.; Vasquez, Camille M.; Meyers, Jessica N.
Cc: Teplin, Stephanie (x2543); ebredehoft@cbclaw.com
Subject: John C. Depp, II v. Amber Laura Heard, Originating Case No. CL-2019-23911 (V.A. Cir. Ct. Fairfax Cnty.)
Attachments: 2021.03.01 Letter regarding Wizner subpoenas.pdf; 2021.03.01 Wizner responses and objections.pdf

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

Counsel:

We represent Non-Party Benjamin Wizner in connection with the two foreign subpoenas he received in the above-captioned matter, both dated February 1, 2021. Please see attached letter and written responses & objections. These documents are also being sent via Fedex to Jessica Meyers at her New York office address.

Regards,
Mike Schwartz

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March 1, 2021

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BROWN RUDNICK LLP
7 Times Square
New York, NY 10036*Counsel for Plaintiff John C. Depp, II***Re: John C. Depp, II v. Amber Laura Heard, Originating Case No. CL-2019-23911 (V.A. Cir. Ct. Fairfax Cnty.)**

Dear Counsel:

We represent Non-Party Benjamin Wizner (“Mr. Wizner”) in connection with the foreign subpoena ad testificandum and the foreign subpoena duces tecum in the above-captioned matter (the “Litigation”), both dated February 1, 2021, and both served on Mr. Wizner on February 15, 2021, pursuant to CPLR 3119.

Enclosed with this email please find Mr. Wizner’s responses and objections to the subpoena duces tecum. In addition, Mr. Wizner objects to the subpoena ad testificandum. As an initial matter, the subpoena is procedurally defective because it was not accompanied by a witness fee as required by CPLR 2303. Mr. Wizner further objects to the subpoena as unduly burdensome on a third party, disproportionate to the needs of the litigation, and not reasonably calculated to discover relevant evidence. Mr. Wizner further objects to the date identified in the subpoena as not convenient for the witness and not providing reasonable advance notice. Accordingly, Mr. Wizner will not appear to be deposed on the date listed in the subpoena ad testificandum, and reserves all rights to seek a protective order quashing the subpoena or seeking other appropriate relief.

March 1, 2021
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Please contact me if you would like to discuss these matters further.

Sincerely,

/s/ Stephanie Teplin

Stephanie Teplin

cc:

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Counsel for Defendant Amber Laura Heard

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

JOHN C. DEPP, II,

Plaintiff

v.

AMBER LAURA HEARD,

Defendant.

(Subpoena issued pursuant to Uniform
Interstate Deposition and Discovery Act)

Originating Court:
Circuit Court of Fairfax County, Virginia

Originating Case Number:
No. CL-2019-02911

**NON-PARTY BENJAMIN WIZNER'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SUBPOENA DUCES TECUM**

Non-party Benjamin Wizner ("Mr. Wizner") responds to Plaintiff John C. Depp's ("Plaintiff") Subpoena Duces Tecum dated February 1, 2021 and served on Mr. Wizner on February 15, 2021 (the "Subpoena"), and the document requests therein (the "Requests"), as follows.

GENERAL OBJECTIONS

1. Mr. Wizner's investigation of the facts related to the Requests in the Subpoena and his review of documents and information are ongoing. Mr. Wizner reserves the right to supplement, amend, modify, or correct his responses and objections should he discover additional information or grounds for objections. The following responses and objections are based upon information known at this time.

2. Mr. Wizner's responses to the Subpoena and any documents produced in response to the Subpoena are for use in the above-captioned litigation (the "Litigation") and for no other purpose.

3. No response or objection made herein, or lack thereof, is an admission by Mr. Wizner as to the existence or non-existence of any documents responsive to the Requests, but only that Mr. Wizner has made or will make a good faith, reasonable effort to search for such documents within his possession, custody, or control.

4. In providing these responses or any documents or information, Mr. Wizner does not admit or concede the relevance, materiality, authenticity, or admissibility in evidence of any such responses, information, or documents.

5. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents and information not relevant to facts or arguments at issue in the Litigation and not reasonably calculated to lead to the discovery of relevant and admissible evidence.

6. Mr. Wizner objects to the Subpoena to the extent the burden and expense of production are not proportional to the needs of the case, and in light of Mr. Wizner's status as a non-party to the Litigation.

7. Mr. Wizner objects to the Subpoena to the extent that it is overbroad, unreasonable and oppressive in the scope of subject matter covered and fails to take reasonable steps to avoid imposing undue burden and expense on Mr. Wizner. Mr. Wizner reserves his right to seek an order protecting him, as a non-party, from significant cost or expense related to compliance with the Subpoena, including but not limited to requiring Plaintiff to pay the costs of collection, review, and production of documents responsive to the Subpoena and related motion practice. *See* CPLR 3112.

8. Mr. Wizner objects to the Subpoena to the extent it seeks the production of "all" documents or "all" communications of a particular category. Such requests are unduly

burdensome, particularly in light of Mr. Wizner's status as a non-party to the Litigation. *See Matter of Souza*, 80 A.D.3d 446, 446 (1st Dep't 2011) (affirming order quashing document requests "to produce 'all' documents" on certain topics because the requests were "overbroad and burdensome"); *Brand New Sch., LLC v. Mill Grp., Inc.*, 2017 U.S. Dist. LEXIS 14909, at *37 (S.D.N.Y. Jan. 17, 2017) (request that "seeks 'all' documents without regard for whether such documents relate to or are proportional to the needs of this case . . . are vague, overly broad and unduly burdensome").

9. Mr. Wizner objects to the Subpoena to the extent it does not allow a reasonable time for compliance.

10. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information that are not in Mr. Wizner's possession, custody, or control, or under the control of any other entity or individual, including his employer.

11. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information that Mr. Wizner does not store, maintain, or preserve in the normal course of business.

12. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or doctrine.

13. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information already in Plaintiff's possession or reasonably accessible to Plaintiff from other sources.

14. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information that have been or can be obtained from parties to the

Litigation. Mr. Wizner further objects to the Subpoena as improperly attempting to obtain documents or information from a third party without first attempting to obtain such documents or information from a named defendant.

15. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information that can be obtained from publicly available sources, as such documents or information are equally accessible to Plaintiff. Mr. Wizner will construe the Requests not to call for the production of publicly available documents or information.

16. Mr. Wizner objects to the Subpoena to the extent the Requests seek the production of documents or information that is duplicative of documents or information available from, requested from, or produced by other parties or non-parties to the Litigation.

17. Mr. Wizner objects to the Subpoena to the extent the Requests seek confidential or proprietary business information or other private, personal, or sensitive information. To the extent Mr. Wizner agrees to produce documents containing confidential or proprietary business information in response to the Subpoena, he will only do so pursuant to a court-ordered protective order that reasonably protects the confidential or sensitive information contained therein.

18. Mr. Wizner objects to the Subpoena to the extent that the Requests are vague and ambiguous, including as a result of their use of undefined terms susceptible to more than one potential interpretation.

19. Mr. Wizner objects to any Request to the extent that it is duplicative of other Requests, including those in other subpoenas that Plaintiff may serve in the future on the American Civil Liberties Union, the American Civil Liberties Union Foundation, and/or either organization's employees.

20. Mr. Wizner will use reasonable diligence to obtain responsive documents based on examination of those files reasonably expected to yield responsive documents without imposing undue burden on a non-party, including by selecting search terms and date parameters that are reasonably targeted to locate responsive documents without undue burden. Mr. Wizner objects to each Request to the extent that it seeks production of documents that cannot be located through a reasonable search.

21. Mr. Wizner objects to the Subpoena's definitions and instructions to the extent they are vague, overly broad, unduly burdensome, and/or not reasonably tailored to lead to the discovery of admissible evidence.

22. Mr. Wizner objects to the Subpoena's definition of "COMMUNICATION" to the extent to calls for production of "verbal exchanges" or "verbal conversations" that are not memorialized or otherwise stored in written form.

23. Mr. Wizner objects to the Subpoena's instructions regarding the format of production of documents as unduly burdensome, particularly given Mr. Wizner's status as a non-party to the Litigation. To the extent Mr. Wizner agrees to produce documents or information in response to the Subpoena, he will do so in a format that is least burdensome to him.

24. Mr. Wizner objects to the Subpoena's eighth instruction to the extent it calls for the production of information regarding documents that have been "destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control." To the extent Mr. Wizner agrees to produce documents or information in response to the Requests, he will conduct a reasonable search of documents that are presently within his physical possession, custody, or control or are readily accessible to him.

25. Mr. Wizner objects to the Subpoena's eleventh instruction to the extent it calls for the production of a privilege log, which is unduly burdensome given his status as a non-party to the Litigation. To the extent Mr. Wizner agrees to produce documents or information in response to the Requests, he will produce only non-privileged documents or information located after a reasonable search.

26. Mr. Wizner is willing to meet and confer regarding his objections and responses to the Subpoena.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Subject to and without waiving the foregoing objections, Mr. Wizner responds to the specific Requests as follows.

Request No. 1

All DOCUMENTS and COMMUNICATIONS concerning the approval, preparation, drafting, and submission YOUR DECLARATION.

Response to Request No. 1

Mr. Wizner hereby incorporates each and every one of his General Objections into his response to Request No. 1. Mr. Wizner objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. Mr. Wizner further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Wizner further objects to this Request because it seeks irrelevant information insofar as it seeks information pertaining to Mr. Wizner's Declaration, which was submitted in support of a fully-submitted motion that is *sub judice*. Mr. Wizner will not produce documents or communications in response to this Request.

Request No. 2

All DOCUMENTS YOU relied upon and/or considered in connection with the preparation of YOUR DECLARATION.

Response to Request No. 2

Mr. Wizner hereby incorporates each and every one of his General Objections into his response to Request No. 2. Mr. Wizner objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents. Mr. Wizner further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Wizner further objects to this Request because it seeks irrelevant information insofar as it seeks information pertaining to Mr. Wizner’s Declaration, which was submitted in support of a fully-submitted motion that is *sub judice*. Mr. Wizner will not produce documents in response to this Request.

Request No. 3

All DOCUMENTS and COMMUNICATIONS concerning MS. HEARD’s role as an “ambassador” for the ACLU referenced in Paragraph 4 of YOUR DECLARATION.

Response to Request No. 3

Mr. Wizner hereby incorporates each and every one of his General Objections into his response to Request No. 3. Mr. Wizner objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents and “all” communications. Mr. Wizner further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Wizner further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant

and admissible evidence insofar as it seeks documents and communications concerning Ms. Heard's role as an ACLU "ambassador" beyond her role in submitting the OP-ED (as defined in the Subpoena). Mr. Wizner further objects to this Request because documents in Mr. Wizner's possession are not relevant to the Litigation, which concerns whether Ms. Heard defamed Plaintiff.

Subject to and without waiving the foregoing objections, Mr. Wizner will produce non-privileged documents and communications concerning Ms. Heard's role as an ACLU ambassador in connection with preparation, drafting, and publication of the OP-ED, which are in Mr. Wizner's custody, possession, or control, and which are located after a reasonable search using reasonable search parameters determined by Mr. Wizner.

Request No. 4

All DOCUMENTS and COMMUNICATIONS concerning the preparation, drafting, and publication of the OP-ED.

Response to Request No. 4

Mr. Wizner hereby incorporates each and every one of his General Objections into his response to Request No. 4. Mr. Wizner objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. Mr. Wizner further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Wizner further objects to this Request to the extent it is duplicative of other Requests. Mr. Wizner further objects to this Request to the extent it seeks documents or communications that are available from other parties to the Litigation. Mr. Wizner further objects to this Request because documents in Mr. Wizner's possession are not relevant to the Litigation, which concerns whether Ms. Heard defamed Plaintiff.

Subject to and without waiving the foregoing objections, Mr. Wizner will produce non-privileged documents and communications concerning the preparation, drafting, and publication of the OP-ED, which are in Mr. Wizner's custody, possession, or control and are located after a reasonable search using reasonable search parameters determined by Mr. Wizner.

Request No. 5

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and MS. HEARD or other PERSONS acting on her behalf concerning: (i) the DIVORCE ACTION; (ii) the OP-ED; (iii) the VIRGINIA ACTION; (iv) YOUR DECLARATION; and/or (v) the relationship between MR. DEPP and MS. HEARD.

Response to Request No. 5

Mr. Wizner hereby incorporates each and every one of his General Objections into his response to Request No. 5. Mr. Wizner objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. Mr. Wizner further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Wizner further objects to this Request to the extent it is duplicative of other Requests. Mr. Wizner further objects to this Request to the extent it seeks documents or communications that are available from other parties to the Litigation. Mr. Wizner further objects to subpart (i) of this Request because documents and communications related to the "DIVORCE ACTION" are irrelevant to the Litigation, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Mr. Wizner further objects to sub-part (iii) of this Request because documents and communications about the Litigation itself are not reasonably relevant to the claims and issues in dispute in the Litigation. Mr. Wizner further objects to sub-part (iv) of this Request as seeking irrelevant information because Mr. Wizner's Declaration was submitted in support of a fully-submitted motion that is

sub judice. Mr. Wizner further objects to sub-part (v) of this Request because documents related to the “relationship between MR. DEPP and MS. HEARD” are irrelevant, except to the extent they relate to the preparation, drafting, and publication of the OP-ED.

Subject to and without waiving the foregoing objections, Mr. Wizner will produce non-privileged documents and communications exchanged between himself and Ms. Heard or persons acting on her behalf, which concern the preparation, drafting, and publication of the OP-ED, are in Mr. Wizner’s custody, possession, or control, and are located after a reasonable search using reasonable search parameters determined by Mr. Wizner.

March 1, 2021
New York, New York

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