

# **EXHIBIT 28**

**Meyers, Jessica N.**

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**From:** Schwartz, Michael (x2252) <mschwartz@pbwt.com>  
**Sent:** Wednesday, March 24, 2021 5:34 PM  
**To:** Meyers, Jessica N.; Crawford, Andrew C.; Chew, Benjamin G.; Vasquez, Camille M.  
**Cc:** Teplin, Stephanie (x2543)  
**Subject:** John C. Depp, II v. Amber Laura Heard, Originating Case No. CL-2019-23911 (V.A. Cir. Ct. Fairfax Cnty.)  
**Attachments:** 2021.03.24 ACLU Foundation responses to document subpoena.pdf; 2021.03.24 ACLU Foundation responses to deposition subpoena.pdf

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

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Counsel,

Attached please find non-party American Civil Liberties Union Foundation's responses and objections to the Subpoena Duces Tecum and the Subpoena Ad Testificandum, both dated February 1, 2021.

Regards,  
Mike

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**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 AMERICAN CIVIL LIBERTIES UNION FOUNDATION'S RESPONSES  
AND OBJECTIONS TO PLAINTIFFS' SUBPOENA DUCES TECUM**

Non-party American Civil Liberties Union Foundation ("ACLU) responds to Plaintiff John C. Depp's ("Plaintiff") Subpoena Duces Tecum dated February 1, 2021 and served on ACLU on March 10, 2021 (the "Subpoena"), and the document requests therein (the "Requests"), as follows.

**GENERAL OBJECTIONS**

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

2. ACLU'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 ACLU as to the existence or non-existence of any documents responsive to the Requests, but only that ACLU has made or will make a good faith, reasonable effort to search for such documents within its possession, custody, or control.

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

5. ACLU 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. ACLU 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 ACLU's status as a non-party to the Litigation.

7. ACLU 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 ACLU. ACLU reserves its right to seek an order protecting it, 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. ACLU 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 ACLU'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. ACLU objects to the Subpoena to the extent it does not allow a reasonable time for compliance.

10. ACLU objects to the Subpoena to the extent the Requests seek the production of documents or information that are not in ACLU’s possession, custody, or control.

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

12. ACLU 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. ACLU 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. ACLU 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.

ACLU 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. ACLU 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. ACLU will construe the Requests not to call for the production of publicly available documents or information.

16. ACLU 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. ACLU 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 ACLU agrees to produce documents containing confidential or proprietary business information in response to the Subpoena, it will only do so pursuant to a court-ordered protective order that reasonably protects the confidential or sensitive information contained therein.

18. ACLU 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. ACLU objects to any Request to the extent that it is duplicative of other Requests, including those in other subpoenas that Plaintiff has served or may serve in the future on the American Civil Liberties Union, American Civil Liberties Union employees, and/or ACLU employees.

20. ACLU 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. ACLU objects to each Request to the extent that it seeks production of documents that cannot be located through a reasonable search.

21. ACLU 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. ACLU objects to the Subpoena's definition of "YOU" to the extent it is defined to include ACLU's "affiliated entities or state or local branches." To the extent ACLU agrees to produce documents or information in response to the Requests, it will only produce documents or information that are presently in its own custody, possession, or control.

23. ACLU 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.

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

25. ACLU 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 ACLU agrees to produce documents or information in response to the Requests, it will conduct a

reasonable search of documents that are presently within its physical possession, custody, or control or are readily accessible to the ACLU.

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

27. ACLU is willing to meet and confer regarding its objections and responses to the Subpoena.

### **RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS**

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

#### **Request No. 1**

All DOCUMENTS that refer, reflect, or relate to any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

#### **Response to Request No. 1**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 1. ACLU objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU's donors that the ACLU does not share publicly. ACLU further objects to this Request because documents sufficient to show donations made to the ACLU or for the ACLU's benefit by Ms. Heard or any person on her behalf, from January 1, 2016 through the present are available from and have been produced

by other parties to the Litigation. Accordingly, a Request for the ACLU to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

ACLU further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents. ACLU 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. ACLU further objects to this Request because documents related to donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. ACLU further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). ACLU will not produce documents in response to this Request.

### **Request No. 2**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD’s behalf regarding any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD’s behalf, from January 1, 2016 through and including the present.

### **Response to Request No. 2**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 2. ACLU objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU’s donors that the ACLU does not share publicly. ACLU further objects to this Request because documents sufficient to show donations made to the ACLU or for the ACLU’s benefit by Ms. Heard or any person on her behalf, from January 1, 2016 through the present are available from and have been produced

by other parties to the Litigation. Accordingly, a Request for the ACLU to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

ACLU further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents. ACLU 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. ACLU further objects to this Request because documents related to donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. ACLU further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). ACLU will not produce documents in response to this Request.

### **Request No. 3**

All DOCUMENTS and COMMUNICATIONS that refer, reflect, or relate to any press releases, public statements, or other publicity related to any donations made by MS. HEARD or other PERSONS on MS. HEARD’s behalf to YOU or for YOUR benefit, from January 1, 2016 through and including the present.

### **Response to Request No. 3**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 2. ACLU objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU’s donors that the ACLU does not share publicly. ACLU further objects to this Request because documents sufficient to show donations made to the ACLU or for the ACLU’s benefit by Ms. Heard or any person on her behalf, from January 1, 2016 through the present are available from and have been produced

by other parties to the Litigation. Accordingly, a Request for the ACLU to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

ACLU further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents. ACLU 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. ACLU further objects to this Request because documents related to press releases, public statements, or other publicity related to any donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. ACLU further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). ACLU will not produce documents in response to this Request.

#### **Request No. 4**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD’s behalf regarding the relationship between Mr. DEPP and MS. HEARD.

#### **Response to Request No. 4**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 4. ACLU objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” communications. ACLU further objects to this Request to the extent it is duplicative of other Requests. ACLU further objects to this Request to the extent it seeks documents or communications that are available from other parties to the Litigation. ACLU further objects 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, ACLU will produce non-privileged documents and communications exchanged between ACLU and Ms. Heard or persons acting on her behalf, which concern the preparation, drafting, and publication of the OP-ED, are in ACLU’s custody, possession, or control, and are located after a reasonable search using reasonable search parameters determined by ACLU.

### **Request No. 5**

All DOCUMENTS or COMMUNICATIONS, concerning MS. HEARD’s work as an “ambassador” for the ACLU on women’s rights.

### **Response to Request No. 5**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 5. ACLU objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents and “all” communications. ACLU 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. ACLU 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). ACLU further objects to this Request because documents in ACLU’s possession are not relevant to the Litigation, which concerns whether Ms. Heard defamed Plaintiff.

Subject to and without waiving the foregoing objections, ACLU 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 ACLU's custody, possession, or control, and which are located after a reasonable search using reasonable search parameters determined by ACLU.

### **Request No. 6**

All DOCUMENTS or COMMUNICATIONS concerning the approval, conception, preparation, drafting, and/or publication of the OP-ED.

### **Response to Request No. 6**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 6. ACLU objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. ACLU 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. ACLU further objects to this Request to the extent it is duplicative of other Requests. ACLU further objects to this Request to the extent it seeks documents or communications that are available from other parties to the Litigation. ACLU further objects to this Request because documents in ACLU's possession are not relevant to the Litigation, which concerns whether Ms. Heard defamed Plaintiff.

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

**Request No. 7**

All DOCUMENTS or COMMUNICATIONS concerning the approval, conception, preparation, drafting, and/or executions of the DECLARATION.

**Response to Request No. 7**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 7. ACLU objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents and “all” communications. ACLU 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. ACLU 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*. ACLU will not produce documents or communications in response to this Request.

**Request No. 8**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD’s behalf concerning: (i) the DIVORCE ACTION; (ii) the OP-ED; (iii) the VIRGINIA ACTION; and/or (iv) the DECLARATION.

**Response to Request No. 8**

ACLU hereby incorporates each and every one of its General Objections into its response to Request No. 8. ACLU objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of “all” documents and “all” communications. ACLU 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. ACLU further objects to this Request to the extent it is duplicative of other Requests. ACLU further objects to this Request to the extent it seeks documents or

communications that are available from other parties to the Litigation. ACLU 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. ACLU 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. ACLU 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*.

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

March 24, 2021  
New York, New York

PATTERSON BELKNAP WEBB & TYLER LLP

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*Attorneys for Non-Party American Civil Liberties  
Union Foundation*

**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 AMERICAN CIVIL LIBERTIES UNION FOUNDATION'S RESPONSES  
AND OBJECTIONS TO PLAINTIFFS' SUBPOENA AD TESTIFICANDUM**

Non-party American Civil Liberties Union Foundation ("ACLU") responds to Plaintiff John C. Depp's ("Plaintiff") Subpoena Ad Testificandum dated February 1, 2021 and served on ACLU on March 10, 2021 (the "Subpoena"), and the deposition topics therein (the "Topics"), as follows.

**GENERAL OBJECTIONS**

1. ACLU objects to the Subpoena to the extent it purports to impose obligations on the ACLU that exceed the requirements of applicable New York law or any other relevant laws or rules of practice, including N.Y.C.R.R. 202.20-d.
2. ACLU objects to the Subpoena to the extent it is vague, ambiguous, indefinite, overbroad, unduly burdensome, oppressive, and/or unreasonable, particular in light of ACLU's status as a non-party to the above-captioned litigation (the "Litigation").
3. To the extent ACLU agrees to produce a witness to testify regarding certain Topics, such testimony is for use in the Litigation and for no other purpose.
4. ACLU objects to the Subpoena to the extent it is directed to matters which are not

relevant to the subject matter at issue in the Litigation, and/or seeks information not reasonably calculated to lead to the discovery of admissible evidence.

5. ACLU objects to the Subpoena to the extent it calls for an interpretation on the part of ACLU. In order to provide a response in good faith, ACLU has made interpretations where necessary and has responded accordingly.

6. ACLU objects to the Subpoena to the extent it seeks confidential or proprietary business information or other private, personal, or sensitive information. To the extent ACLU agrees to produce a witness to testify on such topics, it will only do so pursuant to a court-ordered protective order that reasonably protects the confidential or sensitive information.

7. ACLU objects to the Subpoena to the extent it seeks information that is obtainable from publicly available sources or other sources that are equally available to Plaintiff.

8. ACLU objects to the Subpoena to the extent the it seeks information that has been or can be obtained from parties to the Litigation. ACLU further objects to the Subpoena as improperly attempting to obtain information from a third party without first attempting to obtain such information from a named defendant.

9. ACLU objects to the Subpoena to the extent it seeks information or testimony protected by the attorney-client privilege, work-product immunity, or any other applicable privilege or immunity.

10. ACLU objects to the Subpoena to the extent it seeks information or testimony outside of ACLU's possession, custody, or control. Except as specified herein, ACLU will only produce a witness or witnesses to testify regarding information within ACLU's possession, custody, or control.

11. ACLU objects to the Subpoena to the extent that it implies the existence of facts

or circumstances that do not (or did not) exist, and to the extent that it states or assumes legal conclusions. To the extent ACLU responds to the Subpoena, it does not admit the factual or legal premise of any part of the Subpoena. ACLU's response to the Subpoena should not be construed as admissions by ACLU that any fact or circumstance alleged in the Subpoena occurred or existed, or that any particular information exists. ACLU's responses are not intended to be, and should not be construed to be, an agreement or admission by ACLU that Plaintiff's characterization of any fact or circumstance is correct.

12. ACLU objects to the Subpoena to the extent it seeks information or testimony as to "all" or "any" category of information on a particular subject. Requests of this nature are overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. ACLU objects to the Subpoena to the extent it seeks information that could be obtained through other discovery devices, including, *inter alia*, document requests.

14. ACLU objects to the Subpoena to the extent it does not allow a reasonable time for compliance.

15. ACLU objects to the Subpoena because it unilaterally identified a deposition date. The ACLU will provide a witness to testify only a date and time that is mutually agreed-to by the ACLU and all parties to the Action.

16. ACLU objects to the Subpoena to the extent Plaintiff has not agreed to a reasonable limitation on the length of the deposition, considering the burden on a non-party and limited scope of relevant information in the ACLU's possession, custody, or control.

17. ACLU objects to the Topics to the extent they are unreasonably duplicative and cumulative of other Topics.

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

19. ACLU objects to the Subpoena's definition of "YOU" to the extent it is defined to include ACLU's "affiliated entities or state or local branches." To the extent ACLU agrees to produce a witness to testify on certain Topics, such witness will only testify as to information that is in ACLU's own custody, possession, or control.

20. ACLU is willing to meet and confer regarding its objections and responses to the Subpoena.

### **RESPONSES AND OBJECTIONS TO SPECIFIC TOPICS**

Subject to and without waiving the foregoing objections, ACLU responds to the specific Topics as follows.

#### **Topic No. 1**

Any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

#### **Response to Topic No. 1**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 1. ACLU objects to this Topic because it seeks internal, proprietary information about the ACLU's donors that the ACLU does not share publicly. ACLU further objects to this Topic because documents sufficient to show donations made to the ACLU or for the ACLU's benefit by Ms. Heard or any person on her behalf, from January 1, 2016 through the present are available from and have been produced by other parties to the Litigation, and information regarding such donations may likewise be obtained from other parties to the

Litigation. Accordingly, this Topic is unnecessary, duplicative, and unduly burdensome considering ACLU's status as a non-party.

ACLU further objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. ACLU further objects this Topic because information related to donations by Ms. Heard or a person acting on her behalf is not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. ACLU further objects to this Topic to the extent it seeks information that burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). ACLU will not produce a witness to testify regarding this Topic.

## **Topic No. 2**

COMMUNICATIONS between YOU and MS. HEARD regarding the DIVORCE ACTION, and/or the VIRGINIA ACTION.

## **Response to Topic No. 2**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 2. ACLU objects to this Topic to the extent it seeks information that is available from other parties to the Litigation. ACLU further objects to this Topic because information related to the "DIVORCE ACTION" is irrelevant to the Litigation, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. ACLU further objects this Topic because information about the Litigation itself is not reasonably relevant to the claims and issues in dispute in the Litigation. ACLU will not produce a witness to testify on this Topic.

**Topic No. 3**

COMMUNICATIONS between YOU and MS. HEARD regarding the relationship between MR. DEPP and MS. HEARD.

**Response to Topic No. 3**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 3. ACLU objects to this Topic to the extent it seeks information that is available from other parties to the Litigation. ACLU further objects to this Topic because information related to the “relationship between MR. DEPP and MS. HEARD” is irrelevant, except to the extent it relates to the preparation, drafting, and publication of the OP-ED.

Subject to and without waiving the foregoing objections, ACLU will produce a witness to testify regarding communications between ACLU and Ms. Heard or persons acting on her behalf, which concern the preparation, drafting, and publication of the OP-ED.

**Topic No. 4**

Any press releases, public statements, or other publicity related to any donations made by MS. HEARD or other PERSONS on MS. HEARD’s behalf to YOU or for YOUR benefit, from January 1, 2016 through and including the present.

**Response to Topic No. 4**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 4. ACLU objects to this Topic because it seeks internal, proprietary information about the ACLU’s donors that the ACLU does not share publicly. ACLU further objects to this Topic because documents sufficient to show donations made to the ACLU or for the ACLU’s benefit by Ms. Heard or any person on her behalf, from January 1, 2016 through the present are available from and have been produced by other parties to the Litigation, and information regarding such donations may likewise be obtained from other parties to the

Litigation. Accordingly, this Topic is unnecessary, duplicative, and unduly burdensome considering ACLU's status as a non-party.

ACLU further objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. ACLU further objects to this Topic because information related to press releases, public statements, or other publicity related to any donations by Ms. Heard or a person acting on her behalf is not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. ACLU further objects to this Topic to the extent it seeks information that burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). ACLU will not produce a witness to testify regarding this Topic.

#### **Topic No. 5**

MS. HEARD's work as an "ambassador" for the ACLU on women's rights.

#### **Response to Topic No. 5**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 5. ACLU objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. ACLU further objects to this Topic as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence insofar as it seeks information concerning Ms. Heard's role as an ACLU "ambassador" beyond her role in submitting the OP-ED.

Subject to and without waiving the foregoing objections, ACLU will produce a

witness to testify regarding non-privileged information concerning the preparation, drafting, and publication of the OP-ED.

**Topic No. 6**

YOUR role in conception, preparation, drafting, and/or publication of the OP-ED.

**Response to Topic No. 6**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 6. ACLU objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege.

ACLU further objects to this Topic to the extent it is duplicative of other Topics. ACLU further objects to this Topic to the extent it seeks information that is available from other parties to the Litigation.

Subject to and without waiving the foregoing objections, ACLU will produce a witness to testify regarding non-privileged information concerning the conception, preparation, drafting, and/or publication of the OP-ED.

**Topic No. 7**

The approval, preparation, drafting and/or execution of the DECLARATION.

**Response to Topic No. 7**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 7. ACLU objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege.

ACLU further objects to this Topic because it seeks irrelevant information insofar as it seeks information pertaining to the DECLARATION, which was submitted in support of a fully-submitted motion that is *sub judice*. ACLU will not produce a witness to testify on this Topic.

**Topic No. 8**

Issues raised by any DOCUMENTS YOU produce in response to MR. DEPP's subpoena *duces tecum* to the ACLU served herewith.

**Response to Topic No. 8**

ACLU hereby incorporates each and every one of its General Objections into its response to Topic No. 8. ACLU objects to this Topic because the term "issues raised" is undefined, vague, overbroad, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. In ACLU's view, no "issues" are raised by the documents it intends to produce in response to Plaintiff's subpoena *duces tecum*. ACLU further objects to this Topic to the extent it seeks information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. ACLU further objects to this Topic to the extent it is duplicative of other Topics. ACLU further objects to this Topic to the extent it seeks information that is available from other parties to the Litigation. ACLU will not produce a witness to testify on this Topic; however, the ACLU is willing to meet and confer regarding a reasonable and non-burdensome method of authenticating documents produced in response to Plaintiff's subpoena *duces tecum*.

March 24, 2021  
New York, New York

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