

Exhibit 2

File No. 2019-0002911

☒ This SUBPOENA/SUBPOENA DUCES TECUM TO PERSON UNDER FOREIGN SUBPOENA is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

To the person authorized to serve this process: Upon execution, the return of this process shall be made to the Clerk of Court.

NAME: Corporate Designee of American Civil Liberties	
ADDRESS: Union Foundation, 125 Broad Street, New York, NY 10004, c/o Nadine Strossen, 132 W. 43 rd Street,	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. New York, NY 10036
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	_____, Sheriff
DATE	by _____, Deputy Sheriff

JOHN T. FREY, CLERK
FAIRFAX COUNTY CIRCUIT COURT
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

**SUBPOENA/SUBPOENA DUCES TECUM
TO PERSON UNDER FOREIGN SUBPOENA**

File No. 2019-0002911

Commonwealth of Virginia VA CODE §§ 8.01-412.8—8.01-412.15; Rule 4:9

FAIRFAX COUNTY

Circuit Court

4110 Chain Bridge Road, 3rd Floor, Fairfax, VA 22030

ADDRESS OF COURT

JOHN C. DEPP, II

v./In re: AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Corporate Designee of American Civil Liberties Union Foundation

NAME

125 Broad Street, New York, NY, 10004, c/o Nadine Strossen, 132 W. 43rd Street

STREET ADDRESS

New York

NY

10036

CITY

STATE

ZIP

TO THE PERSON SUMMONED: You are commanded to☒ attend and give testimony at a deposition☐ produce the books, documents, records, electronically stored information, and tangible things designated and described below

See Exhibit A

at Brown Rudnick LLP, 7 Times Square, New York, NY 10036

LOCATION

at March 5, 2021 at 10:00 a.m.

DATE AND TIME

and to permit inspection and copying by the requesting party or someone acting in his or her behalf of the designated items in your possession, custody or control

☐ permit inspection of the premises

at the following location

LOCATION

on

DATE AND TIME

This subpoena is issued upon the request of the party named below

Plaintiff John C. Depp, II

NAME OF REQUESTING PARTY

c/o Benjamin G. Chew, Brown Rudnick LLP, 601 13th Street NW, Suite 600

STREET ADDRESS

Washington

D.C.

20005

202-536-1785

CITY

STATE

ZIP

TELEPHONE NUMBER

File No. 2019-0002911

The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided [] below [X] on attached list.

February 4th, 2021

DATE ISSUED

JOHN T. FREY, CLERK

by Christine M. Dillon
CLERK
DEPUTY CLERK

Benjamin G. Chew

NAME OF ATTORNEY FOR REQUESTING PARTY

29113

BAR NUMBER

VA

LICENSING STATE

601 13th Street NW, Suite 600

OFFICE ADDRESS

202-536-1785

TELEPHONE NUMBER OF ATTORNEY

Washington, D.C. 20005

OFFICE ADDRESS

202-536-1701

FACSIMILE NUMBER OF ATTORNEY

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

RETURN OF SERVICE (see page three of this form)

A COPY TESTE:
JOHN T. FREY, CLERKBY: Christine M. Dillon
Deputy ClerkDate: February 4th, 2021
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

CL-2019-0002911

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are:

Benjamin G. Chew (VSB No. 29113)
Andrew C. Crawford (VSB No. 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701

Camille M. Vasquez (*pro hac vice*)
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2211 Michelson Drive
Seventh Floor
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514

Counsel for Plaintiff John C. Depp, II

CL-2019-0002911

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Joshua R. Treece (VSB No. 79149)
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Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
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anadelhaft@cbcbllaw.com
dmurphy@cbcbllaw.com

Counsel for Defendant Amber Laura Heard

EXHIBIT A
DEFINITIONS

1. “YOU,” “YOUR,” or “ACLU” shall mean and refer to American Civil Liberties Union Foundation, and its agents, officers, directors, employees, and/or any other PERSON acting on its behalf, including but not limited to YOUR affiliated entities or state or local branches.

2. “COMMUNICATION” and/or “COMMUNICATIONS” shall mean and refer to any written and verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange, including applicable ELECTRONICALLY STORED INFORMATION.

3. “DECLARATION” means the “Declaration of Ben Wizner,” dated January 22, 2021, that was submitted by MS. HEARD in the VIRGINIA ACTION.

4. “DIVORCE ACTION” shall mean and refer to the action entitled *In re the Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case No. BD641052.

5. “DOCUMENT” and/or “DOCUMENTS” unless otherwise indicated, are used in their customarily broad sense and shall refer to and mean all writings and other tangible things of any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof), medical records, drawings, graphs, charts, photographs, phone records, other data compilations or storage devices from which information can be obtained (even if such information must be translated into a reasonably usable form), magnetically recorded or stored information generated by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts, accounts, analytical records, minutes or records of meetings or conferences, records, reports or

summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

6. “MR. DEPP” means and refers to Plaintiff John C. Depp, II.

7. “MS. HEARD” means and refers to Defendant Amber Laura Heard.

8. “OP-ED” means and refers to the op-ed MS. HEARD published in the *Washington Post* on December 18, 2018 with the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.”

9. The term “PERSON” and/or “PERSONS” shall be broadly construed to include all natural and artificial persons.

10. “VIRGINIA ACTION” means and refers to the action entitled *John C. Depp, II v. Amber Laura Heard*, Circuit Court of Fairfax County, Virginia, CL-2019-02911.

TOPICS

In response to this subpoena, you are required to produce a designee or designees to testify to the following:

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.

TOPIC NO. 2

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

TOPIC NO. 3

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

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.

TOPIC NO. 5

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

TOPIC NO. 6:

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

TOPIC NO. 7:

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

TOPIC NO. 8:

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

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

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

ORIGINATING STATE:
THE COMMONWEALTH OF VIRGINIAORIGINATING COURT:
CIRCUIT COURT OF FAIRFAX COUNTYORIGINATING CASE NUMBER:
Case No. CL-2019-02911**SUBPOENA AD TESTIFICANDUM
PURSUANT TO CPLR 3119**

To: American Civil Liberties Union Foundation, 125 Broad Street, New York, New York 10004,
c/o Nadine Strossen, 132 W. 43rd Street, New York, New York 10036

YOU ARE HEREBY COMMANDED, pursuant to Section 3119 of the New York Civil Practice Law and Rules, all business and excuses being laid aside, to appear and attend, before a duly commissioned notary public of the State of New York, or some other person duly qualified under the laws of the State of New York to administer oaths, at the law offices of Brown Rudnick LLP, 7 Times Square, New York, New York 10036, on March 5, 2021, at 10:00 a.m., and at any recessed or adjourned date, to give testimony. This deposition will be recorded by stenographic means. Plaintiff reserves the right to record the testimony by audio or visual means.

PLEASE TAKE NOTICE THAT the American Civil Liberties Union Foundation, Inc. is required to designate one or more officers, directors, managing agents, or other persons to testify on its behalf with regard to the topics set forth in **Exhibit A** (the "Topics") attached hereto.

The discovery herein sought and required is in connection with the claims and defenses in the above-captioned action. A copy of the Complaint in this action is attached hereto as **Exhibit B**.

FAILURE TO COMPLY with this **SUBPOENA** is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed one hundred and fifty dollars and all damages sustained by reason of your failure to comply.

COUNSEL OF RECORD FOR ALL PARTIES

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Andrew Crawford (VSB No. 89093)
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Counsel for John C. Depp, II

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Carla D. Brown (VSB #44803)
Adam S. Nadelhaft (VSB #91717)
David E. Murphy (VSB #90938)
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J. Benjamin Rottenborn (VBS #84796)
Joshua R. Treece (VSB #79149)
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P.O. Box 14125

Counsel for Amber Laura Heard

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(540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Dated: February 1, 2021
New York, New York

BROWN RUDNICK LLP

By: /s/ Jessica N. Meyers
Jessica N. Meyers
7 Times Square
New York, New York 10036
(212) 209-4938
jmeyers@brownrudnick.com

Counsel for John C. Depp, II

EXHIBIT A
DEFINITIONS

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summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

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

EXHIBIT B

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED
CIVIL INTAKEMAR -1 PM12:48
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Civil Action No. 2019 02911COMPLAINT

Plaintiff John C. Depp, II, a/k/a Johnny Depp, in support of his Complaint against Defendant Amber Laura Heard hereby states the following:

NATURE OF THE ACTION

1. This defamation action arises from an op-ed published in the *Washington Post* by actress Amber Heard ("Ms. Heard"). In the op-ed, Ms. Heard purported to write from the perspective of "a public figure representing domestic abuse" and claimed that she "felt the full force of our culture's wrath for women who speak out" when she "spoke up against sexual violence."

2. Although she never identified him by name, the op-ed plainly was about (and other media consistently characterized it as being about) Ms. Heard's purported victimization after she publicly accused her former husband, Johnny Depp ("Mr. Depp"), of domestic abuse in 2016, when she appeared in court with an apparently battered face and obtained a temporary restraining order against Mr. Depp on May 27, 2016. The op-ed depended on the central premise that Ms. Heard was a domestic abuse victim and that Mr. Depp perpetrated domestic violence against her.

3. The op-ed's clear implication that Mr. Depp is a domestic abuser is categorically and demonstrably false. Mr. Depp never abused Ms. Heard. Her allegations against him were false when they were made in 2016. They were part of an elaborate hoax to generate positive publicity for Ms. Heard and advance her career. Ms. Heard's false allegations against Mr. Depp have been conclusively refuted by two separate responding police officers, a litany of neutral third-party witnesses, and 87 newly obtained surveillance camera videos. With a prior arrest for violent domestic abuse and having confessed under oath to a series of violent attacks on Mr. Depp, Ms. Heard is not a victim of domestic abuse; she is a perpetrator. Ms. Heard violently abused Mr. Depp, just as she was caught and arrested for violently abusing her former domestic partner.

4. Ms. Heard's implication in her op-ed that Mr. Depp is a domestic abuser is not only demonstrably false, it is defamatory *per se*. Ms. Heard falsely implied that Mr. Depp was guilty of domestic violence, which is a crime involving moral turpitude. Moreover, Ms. Heard's false implication prejudiced Mr. Depp in his career as a film actor and incalculably (and immediately) damaged his reputation as a public figure.

5. Unsurprisingly, Mr. Depp's reputation and career were devastated when Ms. Heard first accused him of domestic violence on May 27, 2016. Ms. Heard's hoax allegations were timed to coincide with the day that Mr. Depp's film, *Alice Through the Looking Glass*, was released in theatres. Her op-ed, with its false implication that she was a victim of domestic violence at the hands of Mr. Depp, brought new damage to Mr. Depp's reputation and career. Mr. Depp lost movie roles and faced public scorn. Ms. Heard, an actress herself, knew precisely the effect that her op-ed would have on Mr. Depp. And indeed, just four days after Ms. Heard's op-ed was first published on December 18, 2018, Disney announced on December 22, 2018 that

it was dropping Mr. Depp from his leading role as Captain Jack Sparrow—a role that he created—in the multi-billion-dollar-earning *Pirates of the Caribbean* franchise.

6. Ms. Heard published her op-ed with actual malice. She knew that Mr. Depp did not abuse her and that the domestic abuse allegations that she made against him in 2016 were false. She knew that the testimony and photographic “evidence” that she presented to the court and the supporting sworn testimony provided by her two friends were false and perjurious. Ms. Heard knew that the truth was that she violently abused Mr. Depp—just as she violently abused her prior domestic partner, which led to her arrest and booking for domestic violence, as well as a night in jail and a mug shot. Ms. Heard revived her false allegations against Mr. Depp in the op-ed to generate positive publicity for herself and to promote her new movie *Aquaman*, which premiered across the United States and in Virginia only three days after the op-ed was first published.

7. Mr. Depp brings this defamation action to clear his name. By this civil lawsuit, Mr. Depp seeks to restore his reputation and establish Ms. Heard’s legal liability for continuing her campaign to push a false narrative that he committed domestic violence against her. Mr. Depp seeks an award of compensatory damages for the reputational harm that he suffered as a result of Ms. Heard’s op-ed, with its false and defamatory implication that Mr. Depp was a domestic abuser. Further, given the willfulness and maliciousness that Ms. Heard demonstrated when she knowingly published the op-ed with the false implication that Mr. Depp violently abused her, Mr. Depp also seeks an award of punitive damages.

PARTIES

8. Plaintiff John C. Depp is an individual and a resident of the State of California. For decades, he has been one of the most prominent actors in Hollywood. Mr. Depp was married

to Ms. Heard for approximately 15 months between February 1, 2015 and May 23, 2016. They had no children together. Mr. Depp was the target of Ms. Heard's false and defamatory op-ed in the *Washington Post*.

9. Defendant Amber Laura Heard is an individual and a resident of the State of California. Ms. Heard is an actress and Mr. Depp's former wife. Ms. Heard authored and published the defamatory op-ed in the *Washington Post* that falsely implied that Mr. Depp abused her during their marriage.

JURISDICTION AND VENUE

10. This Court has specific personal jurisdiction over Defendant under Virginia's long-arm statute, Va. Code § 8.01-328.1, as well as under the Due Process Clause of the U.S. Constitution, because, among other things, the causes of action in this Complaint arise from Defendant transacting business in this Commonwealth and causing tortious injury by an act or omission in this Commonwealth. Moreover, exercising jurisdiction would not offend traditional notions of fair play and substantial justice because Defendant could have — indeed should have — reasonably foreseen being haled into a Virginia court to account for her false and defamatory op-ed which was published: in a newspaper that is printed in Springfield, Virginia; in an online edition of the newspaper that is created on a digital platform in Virginia and routed through servers in Virginia; in a newspaper that has wide circulation in Virginia and even publishes a Virginia local edition in which the false and defamatory op-ed appeared; and in a newspaper that maintains two physical offices in Virginia. Further, Defendant published the false and defamatory op-ed to promote her new movie which was in Virginia theatres for viewing by Virginia audiences.