

Exhibit 1

- filed under seal -

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II

Plaintiff/Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant/Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**UNDER SEAL**

**EXHIBIT 1, PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF UNDISPUTED  
FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT RE:  
COUNTERCLAIM OF AMBER HEARD**

Pursuant to Va. R. S. Ct. 2:201, Plaintiff and Counterclaim Defendant John C. Depp, II (“Mr. Depp”) respectfully requests that the Court take judicial notice of the existence of the following facts and documents, which are not subject to reasonable dispute and are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, in support of Mr. Depp’s concurrently submitted Motion for Summary Judgment as to the Counterclaim filed by Defendant and Counterclaim Plaintiff Amber Laura Heard (“Ms. Heard”):

1. Ms. Heard’s status as a public figure, support for which includes the following facts, all of which are subject to judicial notice:

a. The existence of Ms. Heard’s sworn Responses to Mr. Depp’s Fourth Interrogatories, a copy of excerpts of which is attached as **Attachment A** hereto, which includes an assertion by Ms. Heard that “I have been a working actress in film and television for over 15 years with over 50 productions to my credit, including movies such as THE DANISH GIRL, JUSTICE LEAGUE and AQUAMAN. Throughout this period, I was able to power through and overcome the negative publicity I received surrounding my divorce from Johnny in 2016. During this time, I had press opportunities that created tremendous awareness and momentum throughout the world, and I traveled around the world for press events and was on the cover of a variety of global magazines.” *See* Ms. Heard’s Responses and Objections to Mr. Depp’s Fourth Interrogatories, at p. 72.

- b. The existence of Ms. Heard's substantial social media presence, including the fact that her public Instagram account reflects that Ms. Heard has in excess of 4 million followers. See, <https://www.instagram.com/amberheard/>.
  - c. Ms. Heard's admitted description of herself as a "public figure representing abuse" in the *Washington Post* Op-Ed at issue on Mr. Depp's Complaint.
  - d. The existence of widespread news coverage of Ms. Heard, as well as coverage of the disputes between Ms. Heard and Mr. Depp.
  - e. The fact that a standard Google search for "Amber Heard" yields millions of results.
2. The existence of extensive press coverage of the case entitled *Depp v. NGN News Group Newspapers Ltd.*, brought by Mr. Depp against the British tabloid *The Sun*, which involved allegations and conflicting testimony about Ms. Heard's abuse allegations by multiple witnesses, and which went to trial in the United Kingdom in July of 2020 ("Sun Case").
  3. The existence and content of Ms. Heard's Responses to Mr. Depp's Fifth Interrogatories, a copy of which is attached as **Attachment B** hereto.

Respectfully submitted,



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Dated: February 25, 2022

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# Attachment A

the relationship in general. Each time Johnny released a media statement branding me a liar, that served as a trauma trigger activating memories of the horror and truth of the abusive relationship. Johnny's comments are so inextricably connected to the original trauma that they result in additive psychological and traumatic effects. His statements also activate the PTSD dimension of hyperarousal and hypervigilance as I experience greater concern for my personal safety, resulting in anxiety, an acute awareness of my surroundings, and continual scanning for danger.

Johnny's defamatory statements also caused me reputational damages and economic losses that over a 5-year period range from \$47 million to \$50 million. I have been a working actress in film and television for over 15 years with over 50 productions to my credit, including movies such as THE DANISH GIRL, JUSTICE LEAGUE and AQUAMAN. Throughout this period, I was able to power through and overcome the negative publicity I received surrounding my divorce from Johnny in 2016. During this time, I had press opportunities that created tremendous awareness and momentum throughout the world, and I traveled around the world for press events and was on the cover of a variety of global magazines. But my career gains were severely damaged, beginning in April 2020 and continuing through the present. Outside of the AQUAMAN franchise, I have obtained only one role since the release of AQUAMAN in 2018, and it was obtained prior to the defamatory statements.

Also, as a result of Johnny's defamatory statements, on February 22, 2021, I was "released" from my AQUAMAN 2 contract. I was ultimately "re-hired" on the movie, but I was unable to re-negotiate my deal to include a salary increase and bonuses because the effort was focused, necessarily, on keeping me in the film. Pay increases of as much as 50% to 100% are customary in the industry when a film is as successful as AQUAMAN, and I lost \$2-4 million on this one film alone. In addition, but for Johnny's statements, my role in the AQUAMAN 2 would have been far more prominent. As written in the original script, which I read early on, my role in the sequel was quite extensive. As in the first AQUAMAN, the sequel was to portray me as the co-lead with Jason Momoa, which included a strong romantic arc, as well as an extensive action sequence in Act III,

# Attachment B



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Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S  
OBJECTIONS AND RESPONSES TO PLAINTIFF AND COUNTERCLAIM  
DEFENDANT'S FIFTH SET OF INTERROGATORIES**

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia ("Rules"), Defendant and Counterclaim Plaintiff Amber Laura Heard, by and through her attorneys, submits these objections and responses (the "Responses") to Plaintiff and Counterclaim Defendant John C. Depp, II's Fifth Set of Interrogatories dated January 27, 2022 (the "Interrogatories").

**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 and Counterclaim Plaintiff objects that Plaintiff and Counterclaim Defendant has exceeded the permissible number of Interrogatories, including all parts and subparts, in violation of Rule 4:8(g). Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they would require Defendant and Counterclaim Plaintiff to provide or reveal the contents of any document or information privileged from disclosure pursuant to the attorney-client privilege, the qualified immunity provided to litigation work product, or any other

applicable privilege. Defendant and Counterclaim Plaintiff will not provide such information. Defendant and Counterclaim Plaintiff has withheld certain documents and information from production in response to these Interrogatories. Defendant and Counterclaim Plaintiff has withheld correspondence between Defendant and Counterclaim Plaintiff and counsel relating to this litigation. Materials withheld under this classification include letters from counsel to Defendant and Counterclaim Plaintiff; letters from Defendant and Counterclaim Plaintiff to counsel; draft materials provided to Defendant and Counterclaim Plaintiff by counsel for review and comment; draft materials provided to counsel by Defendant and Counterclaim Plaintiff for review and comment; and documents given to counsel which were prepared by Defendant and Counterclaim Plaintiff at the express request of counsel, in anticipation of litigation, in order to set forth facts and/or other matters relating to this litigation. These materials are protected by the attorney-client privilege and by the qualified immunity from disclosure afforded to litigation work product by Rule 4:1(b)(3) of the Rules of the Virginia Supreme Court.

No index has been prepared with respect to correspondence between Defendant and Counterclaim Plaintiff and counsel related to this litigation. The fact that the documents which have been withheld constitute correspondence between a party and that party's counsel relating to the pending litigation describes the withheld documents with a degree of particularity sufficient to permit other parties to assess the applicability of the privilege or protection.

2. Defendant and Counterclaim Plaintiff objects to these Interrogatories the extent they are vague, ambiguous, overly broad, unduly burdensome, seek information and documents not relevant to the claims or defenses of any party, or are not proportional to the needs of the case.

3. Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they require unreasonable measures to locate and produce responsive documents and information. Defendant and Counterclaim Plaintiff will construe the Interrogatories to require a reasonable and diligent search of reasonably accessible files where she would reasonably expect to find information, documents, or things related to the Interrogatories.

4. Defendant and Counterclaim Plaintiff objects to these Interrogatories to the extent that they purport to call for a legal conclusion.

5. Defendant and Counterclaim Plaintiff objects to these Interrogatories to the extent that they are compound, overlapping, duplicative and/or redundant of other Interrogatories or Requests for Production served by Plaintiff and Counterclaim Defendant.

6. Defendant and Counterclaim Plaintiff objects to each Interrogatory to the extent that it calls for documents and information that: (a) may be derived or ascertained from documents and information that have been or will be produced in this action; (b) is already in Plaintiff and Counterclaim Defendant's possession, custody, or control; (c) is publicly available; or (d) is otherwise independently available to Plaintiff and Counterclaim Defendant or his counsel.

7. Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they seek documents and information that are not within Defendant and Counterclaim Plaintiff's possession, custody, or control. Subject to this General Objection, in responding to the Interrogatories, Defendant and Counterclaim Plaintiff will provide only responsive documents and information within Defendant and Counterclaim Plaintiff's possession, custody, or control.

8. Defendant and Counterclaim Plaintiff objects to the Interrogatories 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 and Counterclaim Plaintiff's Responses to the Interrogatories are not intended to be and shall not be construed as an agreement or concurrence with Plaintiff and Counterclaim Defendant's characterization of any facts, circumstances, or legal obligations. Defendant and Counterclaim Plaintiff reserves the right to contest any such characterization as inaccurate.

9. Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they seek information in excess of that required to be provided by Rules 4:1(b)(6) and 4:8 of the Rules of the Virginia Supreme Court, or are otherwise outside the scope of permissible Interrogatories.

10. Defendant and Counterclaim Plaintiff 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, ruling of this court, or agreement of the parties.

11. Defendant and Counterclaim Plaintiff 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 and Counterclaim Plaintiff 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.

#### **OBJECTIONS TO DEFINITIONS**

1. Defendant and Counterclaim Plaintiff objects to Definition No. 1's inclusion of "entity type" on the grounds that it is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues

at stake in the litigation, and because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8.

2. Defendant and Counterclaim Plaintiff objects to Definition No. 2(b), (c), and (d)'s inclusion of business information, business affiliation, business contact information, and employment information on the grounds that they are overly broad, unduly burdensome, and seek information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in the litigation, and because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8.

3. Defendant and Counterclaim Plaintiff objects to Definition No. 4 on the grounds that the phrase "similar activities" is vague, ambiguous, and fails to define with particularity the information that it seeks, so is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in this litigation.

4. Defendant and Counterclaim Plaintiff objects to Definition No. 8 on the grounds that it is vague, ambiguous, and fails to define with particularity the information that it seeks, is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in this litigation.

5. Defendant and Counterclaim Plaintiff objects to Definition No. 9 the grounds that it is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in the litigation, and because it seeks information beyond the scope of Va. Sup. Ct. Rs. 4:8 and 4:1. Defendant and Counterclaim Plaintiff further objects to this Definition to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Definition invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

6. Defendant and Counterclaim Plaintiff objects to Definition No. 10 as vague, ambiguous, and failing to define with particularity the information that it seeks, as it defines words in a circular, confusing, and non-specific manner, and is therefore unduly burdensome.

7. Defendant and Counterclaim Plaintiff objects to Definition No. 11 as vague, ambiguous, and failing to define with particularity the information that it seeks.

### **OBJECTIONS TO INSTRUCTIONS**

1. Defendant and Counterclaim Plaintiff objects to Instruction No. 1 on the grounds that it is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in the litigation,

and because it seeks information beyond the scope of Va. Sup. Ct. Rs. 4:8 and 4:1(b).

Defendant and Counterclaim Plaintiff further objects to this Instruction to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Instruction invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court, and because the Instruction incorrectly defines the scope of the work product doctrine in Virginia. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

2. Defendant and Counterclaim Plaintiff objects to Instruction No. 2 on the grounds that it is overly broad and unduly burdensome because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8, and because it exceeds the requirements of Va. Sup. Ct. R. 4:1(e).

3. Defendant and Counterclaim Plaintiff objects to Instruction No. 3 on the grounds that it is overly broad and unduly burdensome because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8, because it exceeds the requirements of Va. Sup. Ct. R. 4:1(e).

4. Defendant and Counterclaim Plaintiff objects to Instruction No. 4 on the grounds that it is overly broad and unduly burdensome because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8, and because it exceeds the requirements of Va. Sup. Ct. R. 4:1(e).

5. Defendant and Counterclaim Plaintiff objects to Instruction No. 5 on the grounds that it is overly broad and unduly burdensome because it seeks information beyond the scope of Va. Sup. Ct. R. 4:8, and because it exceeds the requirements of Va. Sup. Ct. R. 4:1(e).

6. Defendant and Counterclaim Plaintiff objects to Instruction No. 6 on the grounds that it is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case,

taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in the litigation, and because it exceeds the scope of Va. Sup. Ct. R. 4:8(f).

7. Defendant and Counterclaim Plaintiff objects to Instruction No. 7 on the grounds that it is overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the discovery in resolving the issues at stake in the litigation, and because it seeks information beyond the scope of Va. Sup. Ct. Rs. 4:8 and 4:1(b).

Defendant and Counterclaim Plaintiff further objects to this Instruction to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Instruction invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

8. Defendant and Counterclaim Plaintiff objects to Instruction No. 8 to the extent it seeks to preserve or otherwise "pre-object" for objections that must be contemporaneously made at the time of trial or other hearing.

9. Defendant and Counterclaim Plaintiff objects to Instruction No. 9 on the grounds that it exceeds the requirements of Va. Sup. Ct. R 4:9 and 4:1(b)(6), and is therefore overly broad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources,



and the importance of the discovery in resolving the issues at stake in the litigation.

10. Defendant and Counterclaim Plaintiff objects to Instruction No. 10 because it exceeds the requirements of Va. Sup. Ct. R 4:8, and is therefore overly broad and unduly burdensome. This Instruction is particularly inappropriate and harassing as grossly beyond the requirements of Va. Sup. Ct. Rs. 4:1 and 4:8, and improperly attempts to create an artificial deadline for Defendant and Counterclaim Plaintiff to file early objections to Interrogatories, and/or to shift the burden of resolving or clarifying vague, ambiguous, or otherwise unclear Interrogatories issued by Plaintiff and Counterclaim Defendant onto Defendant and Counterclaim Plaintiff.

### **INTERROGATORIES**

**1. Describe in detail all Career Opportunities that You contend You have lost as a result of any of the Counterclaim Statements.**

**OBJECTION:** Defendant and Counterclaim Plaintiff objects to the word “all” of this Interrogatory on the grounds that it is overly broad and unduly burdensome as supported by recent discovery rulings from the Court. Defendant and Counterclaim Plaintiff further objects to the words “Career Opportunities” and its definition as stated by Plaintiff and Counterclaim Defendant on the grounds that it is vague, ambiguous, and otherwise unclear. Defendant and Counterclaim Plaintiff further objects to the form of the Interrogatory as including Interrogatories in compound, such that later Interrogatories exceed the number of Interrogatories permitted under Va. Sup. Ct. R. 4:8(g) and the Consent Order entered by the Court on January 10, 2022, when counting parts and sub-parts. Defendant and Counterclaim Plaintiff further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Request invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which

is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

**RESPONSE:** Subject to and without waiving the Objections, Ms. Heard will provide a substantive response.

**2. State all facts that support Your contention that Mr. Depp is responsible for any damages You contend You have suffered as a result of the Counterclaim Statements.**

**OBJECTION:** Defendant and Counterclaim Plaintiff objects to the word “all” of this Interrogatory on the grounds that it is overly broad and unduly burdensome as supported by recent discovery rulings from the Court. Defendant and Counterclaim Plaintiff further objects to this Interrogatory because it seeks a legal conclusion. Defendant and Counterclaim Plaintiff further objects to the form of the Interrogatory as including Interrogatories in compound, such that later Interrogatories exceed the number of Interrogatories permitted under Va. Sup. Ct. R. 4:8(g) and the Consent Order entered by the Court on January 10, 2022, when counting parts and sub-parts. Defendant and Counterclaim Plaintiff further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Request invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

**RESPONSE:** Subject to and without waiving the Objections, Ms. Heard will provide a substantive response.

February 17, 2022

**AS TO OBJECTIONS:**



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*Counsel to Defendant and Counterclaim  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 17<sup>th</sup> day of February, 2022, by email, by agreement of the parties, addressed as follows:

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