

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-000291-H

FILED
ONLINE DOCKET
2022 FEB 25 PM 1:54
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

**DEFENDANT AND COUNTERCLAIM-PLAINTIFF AMBER LAURA HEARD'S
MEMORANDUM IN SUPPORT OF MOTION TO COMPEL RESPONSES TO 6TH,
7TH, 8TH, 9TH, AND 10TH RFAs,
3RD, 4TH, AND 5TH INTERROGATORIES, AND 19TH AND 20TH RFPs
TO PLAINTIFF AND COUNTERCLAIM-DEFENDANT JOHN C. DEPP, II**

Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
Clarissa K. Pintado (VSB 86882)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
Telephone: (703) 318-6800

J. Benjamin Rottenborn (VSB #84796)
Joshua R. Treece (VSB #79149)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
(540) 983-7540

*Counsel to Defendant and Counterclaim-Plaintiff
Amber Laura Heard*

This Motion seeks: the same relief on the 6th, 7th, 8th, 9th, and 10th RFAs (**Atts. 1-5**) that the Court Ordered for the 3d, 4th, and 5th RFAs- clear and unqualified “admit or deny” responses; responses to basic, relevant interrogatories posed in the 3d, 4th, and 5th Interrogatories (**Atts. 6-8**); and production of any non-privileged documents responsive to Ms. Heard’s 19th and 20th RFPs, which seek documents supporting any denials of the RFAs and documents supporting Mr. Depp’s interrogatory responses (**Atts. 9-10**).

I. REQUESTS FOR ADMISSIONS

Ms. Heard has been attempting to obtain the same “admit or deny” responses from Mr. Depp on her 6th, 7th, 8th, 9th, and 10th RFAs that this Court previously ordered for Ms. Heard’s 4th and 5th RFAs, and again ordered when Mr. Depp further refused to sufficiently respond to Ms. Heard’s 3d RFAs. For the 4th and 5th RFAs, the Court required Mr. Depp to “admit or deny the authenticity of the documents in Ms. Heard’s 4th and 5th Requests for Admissions, and for those denied by Mr. Depp shall produce all nonprivileged documents, if any, supporting such denials.” **Att. 11**. For the 3d RFAs, the Court reconfirmed that “Mr. Depp shall admit or deny the authenticity of the photographs identified in Ms. Heard’s 3rd Requests for Admissions Requests” after “receipt of the relevant and non-privileged Extracted Data from Craig Young. For any denied by Mr. Depp, he shall produce all non-privileged documents, if any, supporting such denials.” **Att. 12** at 1.¹ The information at issue in these currently pending RFAs are photographs, articles, and emails – the exact same types of documents the Court has already ordered Mr. Depp to admit or deny their authenticity, yet Mr. Depp again refuses to properly respond and instead forces Ms. Heard to file a motion for relief the Court has now Ordered twice. With the imminent close of discovery and ongoing trial preparation, allowing the parties

¹ By the time of the hearing on this Motion, Mr. Depp should have had access to all photos for some time and should be able to admit or deny the authenticity of the photos.

to understand what documents will need to be authenticated at trial is paramount to an efficient trial, and the exact reason Rule 4:11(e)(2) imposes no limit of RFAs related to the genuineness and authenticity of documents. Ms. Heard respectfully requests that the Court enter the same “admit or deny” Order for these 6th-10th RFAs as it did for the previous RFAs.

II. INTERROGATORY RESPONSES

On January 10, 2022, as part of a Consent Order, the Court authorized Ms. Heard to serve 15 additional interrogatories. **Att. 13.** In her 3d, 4th, and 5th Interrogatories, Ms. Heard served only 10 interrogatories, but Mr. Depp has refused to provide substantive responses to any of these Interrogatories.

Third Interrogatories: Interrogatory 1 seeks basic discovery information that is requested and produced without objection in virtually every parties’ Interrogatories in Fairfax— for the individuals Mr. Depp identified as having relevant knowledge in this case, describe the relevant knowledge these individuals possess. **Att. 6, Int. 1.** Virginia Courts have sanctioned parties for failing to respond to this type of interrogatory. *See e.g., Skibinski v. Lunger*, 74 Va. Cir. 428 (Arlington Cir. 2008) (Alper, J.) (ordering the party to answer an interrogatory “seeking the identification and knowledge of all witnesses who have knowledge of the facts of the case” and ordering attorneys’ fees to the party who was forced to compel this response). Yet Mr. Depp refuses to respond at all, asserting two pages of objections to this standard discovery. Ms. Heard has a right to understand what relevant information Mr. Depp is aware each of the witnesses he identified possesses, particularly where there are witnesses outside the subpoena reach of Ms. Heard for various reasons, but who may still potentially testify at trial. This is basic discovery in Virginia Courts and Plaintiff should be ordered to be produced without objection.

Interrogatories 2-4 seek clearly relevant information. Mr. Depp has represented that he will provide substantive responses, but has failed to do so and refused to even commit to a date

certain when he would do so. **Att. 6**, Int. 2-4. Interrogatory 2 requests Mr. Depp to describe supposed injuries he received at the hands of Ms. Heard. Mr. Depp not only alleges that he did not abuse Ms. Heard, but he has made repeated allegations in his own Complaint that Ms. Heard “violently abused Mr. Depp,” along with Mr. Depp’s counsel claiming this at every Court hearing for two years regardless of its relevancy to the issue(s) before the Court on those occasions. Compl. ¶¶ 3, 6, 24-31, 63, 78(b), 89(b), 100(b)). Mr. Depp also repeated these false allegations in a Declaration that he submitted to this Court. **Att. 14**, ¶¶ 5, 7-13, 16-17, 39. Interrogatories 3 and 4 request facts supporting Mr. Depp’s Fourth, Fifth, Ninth, and Twelfth Defenses to Ms. Heard’s Counterclaim. But Mr. Depp refused to respond and claimed the Interrogatories were somehow “improper,” despite Mr. Depp’s own 6th ROGs containing mirror-image Interrogatories seeking facts supporting Ms. Heard’s Defenses. **Att. 15**, Int. 1-3.

Fourth Interrogatories: Ms. Heard’s 4th Interrogatories contain only one interrogatory, asking for Mr. Depp to describe “each and every incident during which You contend that Ms. Heard inflicted any type of physical or emotional violence or abuse upon you.” **Att. 7**, Int. 1. As already discussed, Mr. Depp has agreed to answer what injuries he supposedly received from Ms. Heard (but he has not done so yet), so there is no logical reason Mr. Depp should not describe the supposed incidents that caused these injuries. Ms. Heard has a right to know the details and facts of the supposed abuse Mr. Depp will be testifying about at trial, especially when Mr. Depp has made these allegations in his Complaint and in his own Declaration submitted to this Court.

Fifth Interrogatories: Ms. Heard’s final set of Interrogatories request information that relates to Mr. Depp’s supposed damages, affirmative defenses, his destruction of property, and his abuse of illegal drugs. Interrogatory 1 requests Mr. Depp to identify the “recent events” from Mr. Depp’s written statement immediately following the UK Judgment regarding his resigning from

the role of Grindelwald, an issue indisputably relevant to causation of any alleged damages when Mr. Depp published this statement *years* after the publication of the Op-Ed, as any damages Mr. Depp could possibly obtain in this case must relate to Ms. Heard's Op-Ed. **Att. 8, Int. 1.** There is no basis for Mr. Depp to refuse to identify those "recent events" two years after Ms. Heard's Op-Ed, he simply does not want to. The Court also recently Ordered Mr. Depp to respond to discovery seeking information supporting Mr. Depp's own statements regarding causation of damages in this case. **Att. 12** at 4. These are not valid bases to refuse to respond.

Interrogatory 2 requests facts supporting Mr. Depp's Sixth Defenses to Ms. Heard's Counterclaim. **Att. 8, Int. 2.** For the same reasons as previously discussed, Mr. Depp should respond to this interrogatory.

Interrogatory 3 seeks "facts supporting Your Supplemental Response to Request No. 11 of Ms. Heard's 1st Requests for Admissions that 'Plaintiff may have destroyed or damaged some type of property in the presence of Ms. Heard at some point.'" **Att. 8, Int. 3.** By answering this response and then supplementing, Mr. Depp has acknowledged the information is relevant. Ms. Heard has a right to know what property Mr. Depp admits he destroyed in her presence, which is relevant for a jury to consider when determining if Mr. Depp was a violent and volatile individual and the specific time periods he engaged in this conduct, which is all related to whether Mr. Depp assaulted and abused Ms. Heard. Similarly, Mr. Depp should respond to Interrogatory 5, which requests Mr. Depp to identify the damage he did to his rental house in Australia in March 2015, during which Ms. Heard alleged that Mr. Depp brutally abused her. **Att. 8, Int. 5.**

Finally, Interrogatory 4 requests Mr. Depp to "identify all drugs and narcotics You have consumed or ingested at any point from January 1, 2012 to the present" not including those drugs

prescribed by a doctor. **Att. 8, Int. 4.** The jury should understand all facts as to whether Mr. Depp was intoxicated during the incidents at issue, which relate to issues of credibility and recall as to what actually occurred.

III. REQUESTS FOR PRODUCTION

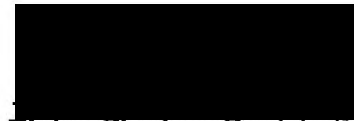
19th RFPs: These RFPs seek two types of documents. RFPs 1-5 seek documents supporting Mr. Depp's Responses to Ms. Heard's 3d Set of Interrogatories. Mr. Depp asserted his typical boilerplate objections and refused to produce any documents, despite serving identical RFPs to Ms. Heard. **Att. 9, RFPs 1-5.** RFPs 6-36 seek documents supporting any of Mr. Depp's denials of Ms. Heard's 6th RFAs. **Att. 9, RFPs 6-36.** As described above, the Court has already ordered that Mr. Depp should produce any documents supporting his denials of any RFAs. Mr. Depp should be ordered to respond to these RFAs in the same manner as previously ordered.

20th RFPs: These RFPs seek the same types of documents as the 19th RFPs. RFPs 3-4 seek documents supporting Mr. Depp's Responses to Ms. Heard's 4th and 5th Set of Interrogatories, and RFPs 5-8 seek documents supporting any of Mr. Depp's denials of any Requests in Ms. Heard's 7th-9th RFAs. **Att. 10.** For the same reasons already discussed, these documents should be ordered. Finally, RFP 1 seeks documents supporting the statement Mr. Depp issued when he lost the role of Grindelwald in *Fantastic Beasts*. Just as Mr. Depp should fully respond to the corresponding Interrogatory supporting this statement for the reasons argued above, he should produce any documents supporting this statement.

CONCLUSION

For these reasons, Ms. Heard respectfully requests the Court grant her Motion to Compel.

February 25, 2022



Elaine Charlson Bredehoft (VSB #23766)

Adam S. Nadelhaft (VSB #91717)

Clarissa K. Pintado (VSB 86882)

David E. Murphy (VSB #90938)

Charlson Bredehoft Cohen Brown & Nadelhaft,
P.C.

11260 Roger Bacon Drive, Suite 201

Reston, VA 20190

(703) 318-6800

ebredehoft@cbcblaw.com

anadelhaft@cbcblaw.com

cpintado@cbcblaw.com

dmurphy@cbcblaw.com

J. Benjamin Rottenborn (VSB #84796)

Joshua R. Treece (VSB #79149)

WOODS ROGERS PLC

10 S. Jefferson Street, Suite 1400

P.O. Box 14125

Roanoke, Virginia 24011

(540) 983-7540

brottenborn@woodsrogers.com

jtreece@woodsrogers.com

*Counsel to Defendant and Counterclaim-Plaintiff,
Amber Laura Heard*

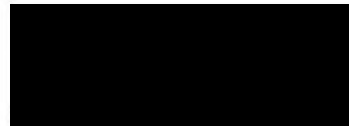
CERTIFICATE OF SERVICE

I certify that on this 25th day February 2022, a copy of the foregoing was served by email, by agreement of the parties, addressed as follows:

Benjamin G. Chew, Esq.
Andrew C. Crawford, Esq.
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez, Esq.
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
cvasquez@brownrudnick.com

*Counsel for Plaintiff and Counterclaim-Defendant,
John C. Depp, II*



Adam S. Nadelhaft