

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

**ORDER**

Upon consideration of Plaintiff's Motion to Compel Defendant's Further Responses Without Objections and Production of Documents in Response to His Fourth Request for Production ("Plaintiff's Motion"), the parties' respective briefs, arguments of counsel on April 30, 2021, and being fully advised, it is, this 12 day of May, 2021 hereby ORDERED as follows:

1. Plaintiff's Motion is GRANTED in part, and DENIED in part.
2. Defendant shall produce to Plaintiff by no later than Friday, May 28, 2021, all non-privileged documents responsive to the following requests contained in Plaintiff's Fourth Set of Requests for Production ("RFP's"): 2-4, 5-9, 11-14, 16, 18, 20, 22, 24, 26, 28, and 29-33. All of Defendant's objections to these requests are OVERRULED, and the temporal scope of her production shall be from January 1, 2010 forward.
3. Defendant's objections to RFP Nos. 37, 38, and 42 are OVERRULED, and Defendant shall produce all non-privileged documents responsive to these requests by no later than May 28, 2021.
4. Defendant's objections to RFP Nos. 39-41 are SUSTAINED.

NO ENV 5/14/21

5. Defendant's objections to RFP Nos. 18 and 19 are OVERRULED. By asserting defense of counsel as an affirmative defense, Defendant waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint. Accordingly, her communications on that subject are not privileged, and Defendant shall produce all communications to or from anyone, including but not limited to any of her legal counsel and/or anyone associated with the ACLU, relating in any way to the Op-Ed, and shall produce by no later than Friday, May 28 all drafts of the Op-Ed and any and all other documents responsive to RFP Nos. 18 and 19.

6. With respect to the tax returns, Defendant shall produce all information showing gross income, but may otherwise redact.

7. Defendant represents she has produced all non-privileged documents responsive to RFP Nos. 5, 7, 8 and 37.



The Honorable Penney S. Azcarate  
CHIEF JUDGE *ELECT*

***Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.***

**WE ASK FOR THIS EXCEPT AS TO THE COURT'S RULING ON RFP Nos. 39-41:**



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**SEEN AND EXCEPTED TO FOR THE REASONS SET FORTH IN DEFENDANT AND COUNTER-PLAINTIFF'S BRIEFS AND DURING THE HEARING:**



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