

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF JOHN C. DEPP, II'S  
MOTION TO COMPEL INDEPENDENT MENTAL EXAMINATION OF DEFENDANT  
AMBER LAURA HEARD**

FILED  
MOTIONS DOCKET  
2021 SEP -3 PM 12:31  
JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Plaintiff John C. Depp, II hereby moves this Honorable Court pursuant to Virginia Supreme Court Rule 4:10 to require Defendant Amber Laura Heard to submit to an independent mental examination (IME) by a qualified health care provider of Mr. Depp's choosing. In short, Ms. Heard has placed her mental condition directly at issue in this case. Her expert disclosures include proposed testimony from a clinical and forensic psychologist, Dr. Dawn Hughes, who will apparently testify at length about Ms. Heard's purported Posttraumatic Stress Disorder (PTSD) and intimate partner violence (IPV) related behaviors. Dr. Hughes' assessment of Ms. Heard's mental condition was based on multiple psychological evaluations and interviews with Ms. Heard. While Mr. Depp had no intention of requesting such an examination in this case, Ms. Heard's expert disclosure leaves him no choice. In order to meaningfully rebut Ms. Heard's proposed expert testimony and defend against her allegations in the Counterclaim, Mr. Depp must be afforded his own opportunity to examine Ms. Heard's mental condition through an expert. Thus, the Court should either require that Ms. Heard sit for a medical examination or, alternatively, strike Ms. Heard's proposed expert designations relating to her mental condition.

### **BACKGROUND**

The Court may be aware that this is not the first time in this case that a request for a medical examination has been submitted to the Court. Back on November 1, 2019, Ms. Heard brought a motion demanding a Rule 4:10 examination of Mr. Depp. Former Chief Judge White *denied* Ms. Heard's motion in a November 15, 2019 order, finding that there was "no good cause shown for the IME in this case." See Exhibit A; see also Exhibit B at 27. In his successful opposition to Ms. Heard's motion, Mr. Depp correctly pointed out that his mental condition was *not* "in controversy," as required by Rule 4:10. While Ms. Heard attempted to unilaterally make Mr. Depp's mental condition an issue (see Exhibit C at 2, where Ms. Heard argued in her own

declaration that Mr. Depp had a “history of drug and alcohol abuse,” had a “temper,” etc.), Mr. Depp did *not* assert that he was suffering from PTSD, or any other mental condition, as a result of Ms. Heard’s defamatory statements that would call his mental condition into question.

Contrastingly, as discussed in further detail below, Ms. Heard *has* asserted that she suffers from PTSD and other mental conditions, purportedly as a result of her relationship with Mr. Depp and Mr. Waldman’s public statements. Thus, it is *Ms. Heard, not* Mr. Depp, who has made the strategic and calculated choice to put her mental condition in controversy. As a result, Mr. Depp’s counsel has spent weeks attempting to meet and confer with Ms. Heard’s counsel to set up a medical examination. See Exhibit D; Exhibit E. Those efforts have been unsuccessful. Surprisingly, rather than producing Ms. Heard for an examination, Ms. Heard’s counsel has instead renewed her demand that Mr. Depp submit to an examination. Once again, Mr. Depp’s mental condition is not at issue in this case. Nothing has changed since the Court denied Ms. Heard’s November 2019 request and her renewed demand is nothing more than a transparent attempt to harass and intimidate Mr. Depp. Faced with Ms. Heard’s irrational stonewalling, Mr. Depp is forced to bring this motion to ensure that he can fully and fairly dispute the proposed testimony of Ms. Heard’s expert.

## ARGUMENT

### **I. Ms. Heard’s Mental Condition is in Controversy and Good Cause Exists to Grant Mr. Depp’s Motion.**

Rule 4:10(a) of the Rules of the Supreme Court of Virginia provides in relevant part:

When the mental or physical condition...of a party...is in controversy, the court in which the action is pending, upon motion of an adverse party, may order the party to submit to a physical or mental examination by one or more health care providers...employed by the moving party...The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties...

See Va. S. Ct. R. 4:10. Whether to award the examination “is in the sound judicial discretion of the court on the showing made.” *Virginia Linen Serv., Inc. v. Allen*, 198 Va. 700, 703 (1957). Courts applying Federal Rule of Civil Procedure 35 (which largely mirrors the language of Rule 4:10) have held that the rule “is to be construed liberally in favor of granting discovery.” See, e.g., *Eckman v. Univ. of Rhode Island*, 160 F.R.D. 431, 433 (D.R.I. 1995). Here, Ms. Heard has placed her mental condition squarely in controversy and good cause exists to grant Mr. Depp’s motion.

According to Ms. Heard’s expert disclosures, Dr. Hughes:

was asked to conduct a forensic psychological evaluation of Ms. Heard to assess for the dynamics and consequences of intimate partner violence that may have been present in her relationship with her now ex-husband, Mr. Depp, and to assess for any psychological consequences stemming from the defamatory statements to the media made by Mr. Depp through his attorney and agent, Adam Waldman.

See **Exhibit F** at 2. Thus, Dr. Hughes’ testimony will be used both defensively (against Mr. Depp’s complaint) *and* offensively (in support of Ms. Heard’s counterclaim). Dr. Hughes also will purportedly testify, among other things, that:

- “Results from psychological testing...suggest that Ms. Heard is not malingering or feigning psychological difficulties.” *Id.* at 7.
- “The overall impression of the objective psychological testing suggests several clinically significant difficulties for Ms. Heard that likely cause notable impairments in functioning.” *Id.*
- “Ms. Heard’s responses on the PCL-5 support a DSM-5 diagnosis of Posttraumatic Stress Disorder with an etiology of the intimate partner violence.” *Id.* at 8.
- “Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the trauma, avoidance of reminders of the trauma, negative alterations in cognition and mood, and alterations in arousal and reactivity.” *Id.*

Ms. Heard's expert disclosure for Dr. Hughes goes on to discuss in much greater detail each of these purported findings. In light of this proposed expert testimony, Ms. Heard has unquestionably placed her mental condition at issue. Indeed, Mr. Depp obviously disputes these assertions – any purported PTSD or IPV related behaviors allegedly suffered by Ms. Heard cannot be caused by Mr. Depp because he did not abuse Ms. Heard. But Mr. Depp's ability to effectively dispute this expert testimony would be significantly prejudiced should he not be afforded an opportunity to conduct his own examination of Ms. Heard. Mr. Depp is entitled to explore (1) whether Ms. Heard in fact suffers from the alleged mental conditions; and (2) the possible root causes of such mental conditions. Accordingly, good cause exists to grant Mr. Depp's motion.

Good cause further exists because Dr. Hughes' purported testimony is based on **25 hours** of psychological examination (and a battery of tests),<sup>1</sup> to which Ms. Heard **willingly submitted** in a strategic effort to bolster her defenses and counterclaim. Once again, Mr. Depp did not put Ms. Heard's mental condition at issue; Ms. Heard did. It would be painfully unfair if Ms. Heard were allowed to use this proposed testimony as a sword without also affording Mr. Depp an opportunity to conduct his own IME to explore the factual underpinnings and accuracy of Dr. Hughes'

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<sup>1</sup> The length and extensiveness of Dr. Hughes' examination – 25 hours spanning 5 separate testing sessions – necessitate a similar period of testing by Dr. Curry. While 25 hours is excessive, Dr. Curry believes that 14 hours will be necessary and sufficient to perform the required examination. A preliminary investigation of Dr. Hughes' findings reveal some serious deficiencies, and to ensure that the questions regarding Ms. Heard's mental condition are adequately addressed by scientific evidence that is valid (measures what is intended with accuracy) and reliable (consistent over time and circumstance), a re-examination of Ms. Heard is warranted. Dr. Curry's re-evaluation of Ms. Heard will utilize the same tests that were administered by Dr. Hughes, with the caveat that any instruments which are identified as possessing poor retest reliability (variability in results if the test is taken again) or validity concerns will be substituted for measures with greater established validity and reliability. Another critical aspect of assessing the accuracy/scientific basis of Dr. Hughes' conclusions is examining the raw data collected by Dr. Hughes during her examinations. For that reason, we also ask the Court to require Dr. Hughes to produce the raw data underlying her conclusions. Production of raw data is standard practice anyway.

assertions. It is one of the basic pillars of discovery that parties may obtain discovery relating to another party's claims or defenses. *See* Va. S. Ct. R. 4:1(b)(1). Here, Dr. Hughes' testimony is a clearly going to be a significant part of *both* Ms. Heard's claims *and* defenses.

## II. Dr. Curry is Qualified to Conduct the IME

Rule 4:10(a) requires that the IME be conducted by a "health care provider" as defined in Virginia Code § 8.01-581.1. Rule 4:10(b) further provides that such examinations can be conducted by a health care provider "who is not licensed to practice in, is not a resident of, and does not have an office in" the Commonwealth if the Court determines that "the ends of justice will be served." Mr. Depp is not a Virginia resident and is not familiar with a clinical psychologist in the Commonwealth. Dr. Curry is duly licensed to practice in Mr. Depp's home state of California. Courts typically provide deference to a party's selected choice of health care provider. Dr. Curry is highly qualified (*see* Exhibit G, Dr. Curry's Curriculum Vitae) and the ends of justice will be served should Dr. Curry be afforded the opportunity to conduct the IME. Moreover, the Virginia Code waives license requirements for testifying psychologist experts. *See* VA Code § 54.1-3601 (stating the "requirements for licensure provided for in this chapter shall not be applicable to...(10) Any person duly licensed as a psychologist in another state...who testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness.")<sup>2</sup>

## CONCLUSION

In sum, Ms. Heard has made a strategic choice to place her mental condition in controversy and good cause exists to grant Mr. Depp's motion for an IME pursuant to Rule 10.

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<sup>2</sup> Should the Court require that the health care provider be licensed by the Commonwealth, Mr. Depp respectfully requests that he be afforded an opportunity to find a suitable replacement for Dr. Curry to conduct the IME.

Respectfully submitted,



Benjamin G. Chew (VSB #29113)  
Andrew C. Crawford (VSB #89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street NW, Suite 600  
Washington, DC 20005  
Tel.: (202) 536-1785  
Fax: (617) 289-0717  
bchew@brownrudnick.com  
acrawford@brownrudnick.com

Camille M. Vasquez (*pro hac vice*)  
BROWN RUDNICK LLP  
2211 Michelson Drive  
Irvine, CA 92612  
Tel.: (949) 752-7100  
Fax: (949) 252-1514  
cvasquez@brownrudnick.com

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

Dated: September 3, 2021

9

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II  
Plaintiff/Complainant

Vs.

Law/Fiduciary/Chancery No. CL-2019-00002911

Amber Laura Heard  
Defendant/Respondent

ORDER

This case came to be heard on the 15<sup>th</sup> day of November, 2019, on the  
Plaintiff's / Complainant's / Defendant's / Respondent's motion \_\_\_\_\_.

Upon the matters presented to the Court at the Hearing it is,  
ADJUDGED, ORDERED, and DECREED as follows:

NOB

1. Defendant's Motion for an IME  
of Mr. Depp is denied.

Entered, this 15<sup>th</sup> day of November, 2019.

WE ASK FOR THIS:

Seen and



USB #29113

Benjamin G. Chew  
Counsel for Plaintiff/Complainant

John C. Depp, II

JUDGE BRUCE D. WHITE

Seen and Objected to for the reasons:

Joshua R. Treese #79149

Counsel for Defendant/Respondent



stated in  
the Motion  
brief &  
argument  
of  
Defendant





Planet **Depos**

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# Transcript of Hearing

**Date:** November 15, 2019  
**Case:** Depp, II -v- Heard

**Planet Depos**  
**Phone:** 612-375-3768  
**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)  
**www.planetdepos.com**

Transcript of Hearing  
Conducted on November 15, 2019

1	VIRGINIA:	1	A P P E A R A N C E S
2	IN THE CIRCUIT COURT OF FAIRFAX COUNTY	2	ON BEHALF OF PLAINTIFF:
3	-----X	3	BENJAMIN G. CHEW, ESQUIRE
4	JOHNNY C. DEPP, II, )	4	BROWN RUDNICK, LLP
5	Plaintiff, )	5	601 Thirteenth Street, Northwest
6	-vs- ) NO. CL-2019-0002911	6	Suite 600
7	AMBER LAURA HEARD, )	7	Washington, D.C 20005
8	Defendant. )	8	(202) 536-1700
9	-----X	9	
10	Hearing	10	ON BEHALF OF DEFENDANT:
11	BEFORE THE HONORABLE BRUCE D. WHITE	11	JOSHUA R. TREECE, ESQUIRE
12	Fairfax, Virginia	12	J. BENJAMIN ROTTENBORN, ESQUIRE
13	Friday, November 15, 2019	13	WOODS ROGERS, PLC
14	11:19 a.m.	14	10 South Jefferson Street
15	Job No : 273271	15	Suite 1400
16	Pages: 1 - 29	16	Roanoke, Virginia 24011-1319
17	Reported by Theresa R. Hollister, CCR	17	(540) 983-7600
18		18	
19		19	
20		20	
21		21	
22		22	
1	Hearing held at:	1	P R O C E E D I N G S
2		2	(Court reporter duly sworn by the Court.)
3	Fairfax County Circuit Court	3	THE COURT: Okay, thank you all. Go
4	4110 Chain Bridge Road	4	ahead and note your appearances. Please.
5	Courtroom 5H	5	MR. TREECE: Good morning, Your Honor.
6	Fairfax, Virginia 22030	6	Joshua Treece from Woods Rogers on behalf of
7	(703) 691-7320	7	Ms. Heard. With me is Ben Rottenborn also on behalf
8		8	of Ms. Heard.
9	Pursuant to notice, before Theresa R.	9	THE COURT: Good morning.
10	Hollister, Certified Court Reporter and Notary	10	MR. ROTTENBORN: Good morning, Your
11	Public for the Commonwealth of Virginia.	11	Honor.
12		12	MR. CHEW: Good morning, Your Honor. May
13		13	it please the court. Ben Chew for Mr. Depp.
14		14	THE COURT: Good morning.
15		15	Okay, I'm ready when you all are.
16		16	MR. TREECE: Thank you.
17		17	Your Honor, we're here today on
18		18	Ms. Heard's motion for an independent medical
19		19	examination of Mr. Depp, pursuant to Virginia Rule
20		20	4:10. As the court is aware, Rule 4:10 provides
21		21	that when the mental condition of a party is in
22		22	controversy, the court, on a motion by the adverse

5  
1 party, so on a motion by Ms. Heard in this case, the  
2 court may order the party to submit to a mental  
3 examination by one or more health care providers,  
4 employed by the moving party on a motion for good  
5 cause.

6 As cited in our brief, Your Honor, good  
7 cause can be shown on the pleadings or on  
8 affidavits. Here, we have both. Good cause is  
9 demonstrated both in the complaint and in the  
10 declarations that are at issue, the 2016 declaration  
11 in particular.

12 In this case, Your Honor, Mr. Depp's  
13 mental condition is in controversy and good cause  
14 supports an order for an independent medical  
15 examination of Mr. Depp.

16 In fact, this court already found, in  
17 connection with a motion to compel, that quote, The  
18 complaint is broad enough to place Mr. Depp's mental  
19 condition in issue. The court's finding is  
20 indisputably correct and good cause supports entry  
21 of an order, Your Honor.

22 Now, as I mentioned, good cause can be

6  
1 demonstrated by the complaint and by affidavits or  
2 declarations. So let's start with the complaint.  
3 In his complaint, Mr. Depp repeatedly alleges that  
4 Ms. Heard submitted a, quote, false affidavit to  
5 obtain a restraining order against Mr. Depp in 2016.  
6 That's in paragraph 30 of the complaint, Your Honor.

7 As Your Honor is well aware, this is a  
8 defamation by implication case. There is the  
9 Washington Post op-ed. And the entire theory of  
10 plaintiff's case is that this op-ed refers, by  
11 implication, to the 2016 declaration or affidavit  
12 that was submitted in connection with a temporary  
13 restraining order in California.

14 Throughout their complaint they say that  
15 the declaration, at large, is false. That  
16 declaration details allegations of abuse that are  
17 inextricably intertwined with Mr. Depp's mental  
18 condition, substance abuse disorders, and mood  
19 disorders.

20 Your Honor, in paragraph 30 of  
21 plaintiff's complaint, plaintiff alleges that  
22 Ms. Heard published her false narrative -- so the

7  
1 entire declaration, according to them, is a false  
2 narrative -- that she is a domestic abuse victim in  
3 her false 2016 affidavit.

4 In paragraph 33, the complaint alleges  
5 that Ms. Heard used her false abuse allegations in  
6 her 2016 declaration to obtain a temporary  
7 restraining order against Mr. Depp on May 27, 2016.  
8 There is no dispute that what they're calling as  
9 false is the 2016 declaration. And they make the  
10 same allegations in each of their counts. So in  
11 paragraph 77, they make reference to the false  
12 declaration. They do that in each count. So you  
13 have got paragraph 77, paragraph 88, and paragraph  
14 99.

15 Because plaintiff's entire case is based  
16 on disputing the 2016 declaration, which  
17 inextricably intertwines Mr. Depp's mood disorders,  
18 Mr. Depp's substance abuse, with the specific  
19 instances of abuse that they take issue with, and  
20 they're calling all of that false, Mr. Depp's mental  
21 condition is facially in controversy, Your Honor.  
22 It is in controversy under Rule 4:10.

8  
1 So, with that, I'd like to turn to the  
2 specifics of the 2016 declaration, Your Honor.  
3 Again, the 2016 declaration, just to give you a high  
4 level summary of what's at issue and then I'll walk  
5 through the paragraphs, so the court can see it, it  
6 puts at issue plaintiff's mood disorders, substance  
7 use disorders, volatility, paranoia, temper,  
8 aggressive and destructive tendencies, delusional,  
9 irrational, and incoherent ideations, and, quote,  
10 his understanding of reality that oscillates,  
11 depending upon his interactions with alcohol and  
12 drugs, and his need for anger management counseling.  
13 All of those relate to his mental condition. All of  
14 those are tied to the allegations of abuse. All of  
15 those are alleged to be false by Mr. Depp in his  
16 complaint. His mental condition is in controversy  
17 and it relates to the truth of Ms. Heard's  
18 statements in her 2016 declaration.

19 And with that, let's talk about what she  
20 says specifically in the 2016 declaration. And  
21 this, of course, the declaration is attached to our  
22 motion, Your Honor.

9  
1 In paragraph 5, Ms. Heard states, "Johnny  
2 has a long-held history of drug and alcohol abuse.  
3 He has a short fuse. He is often paranoid and his  
4 temper is exceptionally scary for me as it has  
5 proven many times to be physically dangerous and/or  
6 life threatening to me."

7 She attests that "Johnny's relationship  
8 with reality oscillates, depending upon his  
9 interaction with alcohol and drugs, Johnny's  
10 paranoia, delusions, and aggression increased  
11 throughout our relationship. So has my awareness of  
12 his continued substance abuse." Because of this,  
13 she asserts she is afraid of Johnny and she says  
14 Johnny also requires enrollment in anger management  
15 counseling. All of those allegations in her 2016  
16 allegation directly relate to Mr. Depp's mental  
17 condition, put it in controversy.

18 In paragraph 7 of her declaration, Your  
19 Honor, she talks about an instance, an instance of  
20 abuse of April 21st, 2016. She says, I celebrated  
21 my birthday with friends. Johnny showed up  
22 inebriated and high. That is one of the triggers

10  
1 for his aggressive conduct. Because that, in  
2 connection with his mood disorders and his paranoia,  
3 the being drunk and high, trigger his aggressive  
4 conduct. She says, Johnny started throwing a  
5 magnum-size champagne bottle at the wall and wine  
6 glass at me and the floor, both of which shattered.  
7 Johnny then grabbed me by the shoulders, pushed me  
8 onto the bed. She says, he grabbed my hair and  
9 violently shoved me to the floor.

10 In their complaint, they allege that  
11 these allegations are false. Paragraph 30, they  
12 specifically allege that those allegations are  
13 false. And that's paragraph 30 of their complaint.

14 In paragraph 9 through 12 of her  
15 declaration, Ms. Heard states, "On May 21st Johnny  
16 showed up inebriated and high," again, the trigger  
17 for his aggressive conduct. He continued to rant in  
18 an aggressive and incoherent manner. And then he  
19 was talking about calling iO Tillett, one of their  
20 mutual friends, to prove a paranoid, irrational, and  
21 delusional idea he was having. And then the  
22 declaration says he grabbed his cell phone, he wound

11  
1 up like a baseball pitcher, he threw the cell phone  
2 at Ms. Heard, hit her in the face with great force  
3 and caused damage to her face.

4 In their complaint, Your Honor, they  
5 quote the declaration. They quote the declaration  
6 in paragraph 33 of the complaint. So there is no  
7 dispute that the complaint at large takes issue with  
8 the truth of the statements in her declaration that  
9 puts his mental condition in controversy.

10 It is inseparably intertwined with the  
11 abuse allegations and plaintiff's turbulent nature  
12 and substance use disorders are directly relevant to  
13 what's at issue in this case, to the truth of her  
14 2016 declaration, to the truth of the statements  
15 therein. That is the heart of their case, assuming  
16 they have a case that can survive a demurrer.

17 As this court is aware, in 2019,  
18 Ms. Heard submitted a declaration to this court.  
19 That declaration is consistent with her 2016  
20 declaration and, likewise, puts his mood disorders  
21 and substance use disorders in controversy.

22 In her 2019 declaration, which the court

12  
1 has in connection with the motion to dismiss that  
2 was filed, she says, About a year into our  
3 relationship, I began witnessing Johnny abusing  
4 drugs and alcohol, and would notice when he was  
5 drunk or high, he frequently went in and out of drug  
6 and alcohol dependency medical care, including  
7 24-hour, live-in medical aid in the last 3 years of  
8 the relationship.

9 So he has received treatment  
10 indisputably, as set forth in the declaration, for  
11 his mental conditions, for substance use disorders.  
12 I realize we have a protective order, so  
13 I'm going to be careful of the other evidence we  
14 have and treatment he's received for other  
15 conditions. But to the extent the court would like  
16 to hear information on those issues, we have got  
17 that and we can approach the bench to present that  
18 in a confidential manner.

19 In her 2019 declaration, Ms. Heard also  
20 attests that when he was using, he was often  
21 delusional and violent. Johnny would not remember  
22 what he did while he was drunk and high. And so

13	15
1 what she started doing is she started documenting.	1 Your Honor, the Virginia Supreme court reversed the
2 And so she proved to Johnny what he did, because he	2 trial court for refusal to admit testimony from a
3 had an inability to remember because of his mental	3 hospital rehabilitation officer, so a medical
4 condition.	4 officer of a hospital there, that the alleged
5 Thus, Your Honor, it is facially clear	5 aggressor was a habitual drinker, with aggressive
6 that the complaint and the affidavits, which are two	6 tendencies while intoxicated. The Supreme Court of
7 of the things the court typically looks at to	7 Virginia in that case found the trial court should
8 determine good cause exists put his mental condition	8 have admitted evidence of the alleged aggressor's
9 in issue.	9 turbulent nature five years before, because the jury
10 An independent mental examination here is	10 might have determined that his aggressive tendencies
11 appropriate and important, Your Honor, because it	11 surfaced whenever he drank to excess and the jury
12 goes to the heart of the case. Ms. Heard made	12 could have used that to determine that his view of
13 allegations about his mental condition that	13 the events was credible. That's what we're dealing
14 motivated his abuse. And having an examiner look at	14 with here with the 2016 declaration.
15 that to determine whether he suffers from mental	15 Your Honor, with the next case, Gordon
16 conditions she alleges in the declaration, support	16 versus Davis -- I do want to point out, Barnes is
17 the truth of her declaration, which is directly at	17 not an IME case, so it's not an independent medical
18 issue. It goes to the central premise of this case,	18 examination case. We understand that, Your Honor,
19 Your Honor.	19 but still has the same issues.
20 Now, I would like to hand up a couple of	20 Gordon versus Davis is an IME case and it
21 cases that I have already provided to Mr. Chew, if	21 is an IME case based on slander, and based on
22 Your Honor would, but I will go through them	22 slander related to the individual's mental
14	16
1 quickly.	1 condition. And the court in that case awards -- and
2 THE COURT: Is there new cases?	2 I will note that's an appellate court decision. So
3 MR. TREECE: One of them is a new case	3 the lower court ordered an IME because the allegedly
4 that we just found that we just provided to them.	4 slanderous statements related to the mental
5 The other case is, they cite a case in their brief,	5 condition and the court of appeals affirmed that
6 Your Honor, it's the Jones case. What they must not	6 finding. So I don't need to go into that in further
7 have done is shepardized it, because that decision	7 detail.
8 was entertained on a motion for reconsideration and	8 I will save the Jones case -- well, I
9 the court awarded an IME.	9 will just point out, Your Honor, the Jones case, if
10 THE COURT: You've got 4 minutes left and	10 Your Honor wants to take a look at that, is the one
11 you can either use it now or you can save it.	11 that was a renewed motion after the case that they
12 That's up to you.	12 cite in their brief to try to claim that an IME is
13 MR. TREECE: I'll be quick, Your Honor.	13 not appropriate here, that was reconsidered and an
14 (Deputy handing to the court.)	14 IME was awarded really because it turned out there
15 MR. TREECE: Your Honor, the first case	15 was evidence that the individual had seen providers
16 that we have provided is Barnes versus Commonwealth.	16 related to his mental condition, was prescribed
17 It's a Supreme Court of Virginia case. And the	17 antidepressants. So a much lower threshold for
18 reason this case is important is because it talks	18 mental condition in that case and an IME was awarded
19 about evidence of an individual's or aggressor's	19 there. They relied on it, I guess without
20 turbulent nature and that it's relevant and	20 shepardizing to look at the subsequent history.
21 admissible when determining, in an aggressive	21 With that, Your Honor, I will save time
22 encounter, who was the aggressor. In that decision,	22 for rebuttal.

Transcript of Hearing  
Conducted on November 15, 2019

5 (17 to 20)

17	19
1 THE COURT: Without considering your	1 examined both Mr. Depp and Ms. Heard. They
2 Florida case at this time, which I guess I will take	2 interviewed them both. They traded off male and
3 the time, at some point, and look at, you agree it	3 female. They found no signs of any injury on either
4 is a discretionary decision for me today?	4 one of them. That's where we get the truth. And
5 MR. TREECE: It absolutely is, Your	5 we'll have the police officers. We've asked, we've
6 Honor.	6 asked them to stipulate to that testimony, at which
7 THE COURT: Thank you.	7 Ms. Heard's counsel was present and cross-examined.
8 Mr. Chew let me hold up. I'm going to	8 They haven't told us yet, we may have to subpoena
9 call the 11:30 docket.	9 them, but we hope to use that testimony.
10 (Pause in the proceedings.)	10 So that's what is relevant here. As the
11 MR. CHEW: Good morning, again, Your	11 court is well aware, to get the rather extraordinary
12 Honor. May it please the court. Ben Chew for	12 relief of an IME, not extraordinary in a personal
13 Mr. Depp. I would like to address a couple of the	13 injury case, that's standard operating procedure,
14 things the Mr. Treece said and then get into my	14 but to get the extraordinary relief of an IME in a
15 argument.	15 defamation case, what Ms. Heard would have to
16 With respect to defendant's position,	16 establish was, A, that Mr. Depp's mental condition
17 there's really no limiting principle on what they	17 was in controversy. And, two, and this is the most
18 would have the court do. In any case, under any	18 clear prong that they fail is that there is good
19 allegation, if the defendant accuses the plaintiff	19 cause. Here Mr. Depp's mental and physical
20 of being crazy or an alcoholic, then the court would	20 condition is not sufficiently at issue and there is
21 have to enter an IME. And that's not the law and	21 certainly no good cause to do it. As to the former,
22 that's not the laws under Rule 4:10.	22 though, Mr. Depp does allege generically emotional
18	20
1 Counsel also talked about pleadings. We	1 damages. There is no freestanding claim for either
2 don't have a pleading from the defendant yet. We	2 intentional or negligent infliction of emotional
3 have a series of serial declarations in which she	3 distress. All there are are counts for defamation.
4 gives more and more information, one of which she	4 Nor is there any specific allegation of
5 told the court she'd never been into Washington,	5 particular mental injury. In fact, there was none.
6 D.C. before. Well, that's contradicted by the	6 In these circumstances, a Colorado court has held
7 Washington Post, the same vehicle which published	7 that where this is here there is only garden variety
8 her op-ed, that said she was up on Capitol Hill	8 allegation of emotional damages, the production of
9 talking about revenge porn, which is her new, which	9 medical records is appropriate, but an IME is not.
10 is her new cause, alternative cause to this. But,	10 And that's precisely what Your Honor has already
11 Your Honor, to get to the answer, so there has been	11 ordered Mr. Depp to do. And what Mr. Depp has done.
12 no pleadings. So there's not anything that she has	12 And included in the records that will be produced
13 put at issue, other than her serial declarations.	13 today, if they haven't been already, are the records
14 Your Honor, the court should deny this	14 of Dr. Kipper. Dr. Kipper is also a fact witness.
15 motion. Mr. Depp's current mental state has no	15 We expect him to testify that he saw, he personally
16 bearing on the truth or falsity of the incident	16 witnessed violence between the couple, but the
17 Ms. Heard described back in May of 2016 --	17 violence was initiated by Ms. Heard. And Mr. Depp
18 two-and-a-half years ago. For the truth of that, we	18 did not even respond physically to that violence.
19 have the depositions of the two police officers who	19 He will testify to that as a fact witness. So this
20 came to the scene that were trained in domestic	20 is a case of be careful what you wish for.
21 abuse, who were called. And they both testified	21 But more fundamentally, Your Honor,
22 under oath in the divorce proceeding, that they	22 Virginia courts and courts outside Virginia reject

21  
1 IMEs, whereas here a party seeks them to challenge  
2 her adversary's credibility. Quoting the Richter  
3 (ph) case, which is an unreported case, so we're  
4 citing it as informative but not controlling, quote,  
5 A party's mere assertion that a discovery tool is  
6 necessary for a movant to investigate fully and  
7 prepare his case is clearly insufficient as a  
8 statement of good cause, unquote. That's Richter  
9 versus Manning at asterisk 7. But that quote, the  
10 Virginia Supreme Court, which obviously is not only  
11 precedential, but it's controlling, and that's the  
12 Rakes versus Fulcher case, 210 Va. 542 at 546. And  
13 that Jones case cited by Mr. Treece also -- and he's  
14 correct, there was subsequent, there was a  
15 subsequent development in that case. It didn't  
16 overrule the initial decision where the court  
17 rejected a request for an equivalent of an IME where  
18 it was just being used to attack the credibility.  
19 There was a motion for rehearing. But the reason  
20 the court reconsidered and granted was that there  
21 was a new -- and this was the case handed to us at  
22 10:02, which is fine, it was because the plaintiff

22  
1 in that case lied to the court. If I can just quote  
2 here very briefly, "The motion is based in part on  
3 subsequent deposition testimony indicating that  
4 Jones was less than candid in describing his prior  
5 mental health treatment."  
6 So after the court had denied the motion  
7 for an IME, saying it was no substitute for the real  
8 evidence, the plaintiff in that case lied to the  
9 court. So I would respectfully submit that that's a  
10 game changer. And this is a case out of New Mexico.  
11 It's not binding in any event. But that case was  
12 not a defamation case. And, as Mr. Treece conceded,  
13 it did not -- certainly didn't involve Rule 4:10.  
14 As best as I can tell, it was an employment case in  
15 which the plaintiff alleged he was a whistleblower.  
16 The defendant police department said he used  
17 excessive force and his mental condition was at  
18 play, especially after he lied about it. So I don't  
19 think that is -- changes anything.

20 We cited a number of cases where courts  
21 have rejected the very same proffer that Ms. Heard  
22 makes here. In Boatti (ph), for example, the

23  
1 District Court of Massachusetts denied an IME  
2 request because it was, quote, not persuaded that  
3 personal examination and testing conducted 4 years  
4 after the fact would provide a basis for relevant  
5 expert opinion concerning plaintiff's mental health  
6 impairments and capacities in April 2013.  
7 Now, here it's a little more proximate.  
8 It's two years after the event at issue in May of  
9 2016, but it's not very proximate and not relevant  
10 at all.

11 Barnes and McKinn were the cases that  
12 were included in Ms. Heard's brief, are completely  
13 inapposite, because as Mr. Treece conceded, neither  
14 of those cases involved an IME or Rule 4:10. Barnes  
15 involved an involuntary manslaughter criminal case  
16 and specific acts that occurred before the relevant  
17 crime. McKinn also involved a prior act before the  
18 incident at issue.

19 Here, what Ms. Heard is attempting to do,  
20 is assess Mr. Depp's mental condition not a specific  
21 act, to discredit him years after, not before the  
22 alleged misconduct. So what his mental condition is

24  
1 today has no bearing on, on what it was and what  
2 happened in May 2016.

3 Finally, Your Honor, the Gordon versus  
4 Davis case, again handed to me this morning, was  
5 from the Florida Court of Appeal. And as best as I  
6 can tell, plaintiff alleged that defendant slandered  
7 him because defendant claimed that the plaintiff was  
8 psychotic. So the slander case there was, you  
9 called me crazy. Well, of course, in that  
10 circumstance, that's relevant. But Mr. Depp did not  
11 say, you called me crazy. He said, you called me a  
12 wife beater. And that's a lie. And that doesn't  
13 put his medical condition at issue. Nor does her  
14 serial, false declarations, that have been proven  
15 false.

16 So, Your Honor, it is under the court's  
17 discretion, but we respectfully submit the court  
18 should exercise its discretion and deny this  
19 frivolous motion. They have the medical records  
20 that relate to the time at issue, so they can make  
21 the argument that way. Thank you. Your Honor.

22 THE COURT: You've got a couple of

25	27
1 minutes left.	1 2016 declaration, assertions in the 2016
2 MR. TREECE: Thank you, Your Honor.	2 declaration.
3 Mr. Depp is in a situation of his own	3 THE COURT: Your time is up.
4 doing here. The complaint takes at issue with her	4 MR. TREECE: Thank you, Your Honor.
5 2016 declaration at large. They contend that her	5 THE COURT: Thank you.
6 2016 declaration is false. Her 2016 declaration	6 Request for an IME is denied. In this
7 puts at issue his mental condition. It is like the	7 case, the medical records of Mr. Depp have been
8 Gordon case in that they are saying, she says that	8 ordered to be produced. I assume will be produced
9 he's got these mood disorders, these aggressive	9 if they've not already been produced. The request,
10 tendencies, substance use disorders and that conduct	10 in this case -- I don't want to characterize
11 is what caused him to abuse me. And they say that's	11 anyone's actions badly, but to some extent the
12 false. This is directly at issue in the same way	12 request seems to me to be an effort to have a
13 and this is a circumstance of their own doing,	13 medical assessment by an expert who would then be
14 because they are the ones that elected to allege	14 offered as a witness to testify as to the
15 that her 2016 declaration is false. It goes to the	15 credibility of one of the parties. And I don't find
16 heart of the case.	16 that to be appropriate or helpful. We have a jury
17 This is not -- this is somewhat of a	17 that will be in this case and they can be the
18 straw man on their side, where they say, you know,	18 factfinders as to the credibility of the witness.
19 cite all these garden variety emotional distress	19 So I find no good cause shown for the IME in this
20 cases. We don't rely on that at all, Your Honor, as	20 case and deny that request.
21 you've seen from our filings and our argument. We	21 Would you do an order and note whatever
22 don't talk about his alleging garden variety	22 exceptions you all might have to it and pass that
26	28
1 emotional distress damages to support this. What	1 up.
2 supports this is the truth of the statements in the	2 MR. CHEW: Yes, Your Honor.
3 declaration and their fundamental allegation that	3 MR. TREECE: Thank you, Your Honor.
4 those statements are false.	4 THE COURT: Hope everybody has a good
5 Then, Your Honor, they rely on a number	5 weekend.
6 of FMLA cases, Family Medical Leave Act cases in the	6 (The hearing was concluded at 11:48 a.m.)
7 employment law arena, to say, you know, 4 years	7
8 later we're not going to get helpful information	8
9 from an examiner. One of those was a circumstance	9
10 in which an individual had a headache several years	10
11 earlier when he took FMLA leave. And the court	11
12 understandably says, you know, whether or not he had	12
13 a headache two years ago, an IME is not going to	13
14 help with that.	14
15 The other one was an FMLA interference	15
16 claim, so interference with right with FMLA. And	16
17 the court says an IME is not going to help us in	17
18 that determination.	18
19 So their cases are distinguishable. We	19
20 are not relying on allegations of emotional	20
21 distress. We are relying on the elements of their	21
22 claim and proof of truth of the allegations in the	22



1 CERTIFICATE OF SHORTHAND REPORTER

2 I, Theresa R. Hollister, the court  
3 reporter before whom the foregoing hearing was  
4 taken, do hereby certify that the foregoing  
5 transcript is a true and correct record of the  
6 testimony given; that said testimony was taken by me  
7 stenographically and thereafter reduced to  
8 typewriting under my supervision; and that I am  
9 neither counsel for, related to, nor employed by any  
10 of the parties to this case and have no interest,  
11 financial or otherwise, in its outcome.

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*Theresa R. Hollister*



18 Theresa R. Hollister  
19 Court Reporter

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2019 NOV -1 AM 9:54  
JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

**DEFENDANT'S MEMORANDUM IN SUPPORT OF HER RULE 4:10 MOTION  
FOR AN INDEPENDENT MENTAL EXAMINATION OF PLAINTIFF**

Roberta A. Kaplan (admitted *pro hac vice*)  
John C. Quinn (admitted *pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, New York 10118  
(212) 763-0883

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 Amber Laura Heard*

Defendant Amber Laura Heard, by counsel, hereby files this Memorandum in Support of her Rule 4:10 Motion for an Independent Mental Examination (“IME”) of Plaintiff (“Motion”).

### **ARGUMENT & AUTHORITIES**

Rule 4:10(a) of the Rules of the Supreme Court of Virginia provides that “[w]hen the mental or physical condition ...of a party...is in controversy, the court...upon motion of an adverse party, may order the party to submit to a physical or mental examination by one or more health care providers...employed by the moving party...on a motion for good cause shown.” *See, e.g.,* 1 Bryson on Virginia Civil Procedure (“Bryson”) § 9.09[2] (2019) (“[G]ood cause for the examination may appear in the pleadings, or it may...be shown by affidavits.”). Because Ms. Heard satisfies all of the requirements under Rule 4:10 and good cause supports her Motion, this Court should enter the proposed Order attached to her Motion requiring Mr. Depp to submit to a mental examination by David R. Spiegel, M.D. (“Dr. Spiegel”), a qualified health care provider, in the manner and time set forth in her Motion and proposed Order.

### **Mr. Depp’s Mental Condition is in Controversy & Good Cause Supports the IME**

This Court has already found that Plaintiff’s “complaint is broad enough to place...[Mr. Depp’s] mental condition in issue.” Expanded Mot. to Compel Hr’g. Tr. 26:15-18, Oct. 18, 2019 (internal punctuation omitted). This finding is indisputably correct, and good cause supports Ms. Heard’s Motion for an IME.

In his Complaint, Mr. Depp repeatedly alleges that Ms. Heard submitted a “false affidavit to obtain a restraining order against Mr. Depp” in 2016 (Ms. Heard’s “2016 Declaration”). Compl. at ¶ 6; *see* Compl. at ¶¶ 2-3, 5, 30, 33, 77-78, 88-89, 99-100. Mr. Depp then alleges the *Washington Post* op-ed at issue is defamatory because it implicitly refers to Ms. Heard’s purportedly false statements in her 2016 Declaration and 2016 Request for Domestic Violence Restraining Order

which incorporated her 2016 Declaration.<sup>1</sup> *See, e.g., id.* at ¶¶ 2, 77, 88, 99; *see also id.* at ¶ 30 (alleging that Ms. Heard “push[ed] her false narrative that she is a domestic abuse victim...[i]n her false [2016] affidavit”); *see also id.* at ¶ 3 (same); *id.* at ¶ 33 (alleging Ms. Heard used her “false abuse allegations” in her 2016 Declaration “to obtain a temporary restraining order against Mr. Depp on May 27, 2016.”).

Plaintiff makes the same allegations in each of his claims for relief. *See, e.g., id.* Count I at ¶ 77, Count II at ¶ 88, Count III at ¶ 99 (alleging Ms. Heard’s 2016 Declaration “accus[ing] him of domestic abuse in May 2016” was false); *see also id.* Count I at ¶ 78(a), Count II at ¶ 89(a), Count III at 100(a). Thus, Mr. Depp’s defamation claims, to the extent they are even actionable, are grounded in and turn on the truth or falsity of Ms. Heard’s statements in her 2016 Declaration.

Throughout her 2016 Declaration, Ms. Heard attested to Mr. Depp’s mental condition that motivated his actions. For example, Ms. Heard stated:

- Johnny has a long-held ... history of drug and alcohol abuse. He has a short fuse. He is often paranoid and his temper is exceptionally scary for me as it has proven many times to be physically dangerous and/or life-threatening to me. Johnny[’s] relationship with reality oscillates, depending upon his interaction with alcohol and drugs. Johnny’s paranoia, delusions and aggression increased throughout our relationship so has my awareness of his continued substance abuse. Because of this, I am extremely afraid of Johnny and for my safety.... Johnny also requires enrollment in anger management courses and a Batterer’s intervention program. (Ex. 1 at ¶ 5).
- On April 21, 2016, I celebrated my birthday with my friends.... Johnny showed up, inebriated and high.... Johnny [started] throwing a magnum size bottle of champagne at the wall and a wine glass on me and the floor – both [of] which shattered. Johnny then grabbed me by the shoulders and pushed me onto the bed, blocking the bedroom door. He then grabbed me by the hair and violently shoved me to the floor. (Ex. 1 at ¶ 7) (the “April 21<sup>st</sup> Incident”).
- [O]n May 21, 2016...[Johnny] was inebriated and high.... He became extremely angry.... As Johnny continued to rant in an aggressive and incoherent manner, he demanded we call our friend iO Tillet Wright (“iO”) to prove his paranoid and

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<sup>1</sup> The Request for Domestic Violence Restraining Order that includes Ms. Heard’s 2016 Declaration is attached hereto as **Exhibit 1**.

irrational accusations about some delusional idea he was having.... Johnny ripped the cell phone from my hand and began screaming profanities and insults at iO. I heard iO yell at me to get out of the house. Johnny then grabbed the cell phone, wound up hi[s] arm like a baseball pitcher and threw the cell phone at me striking my cheek and eye with great force.... (Ex. 1 at ¶¶ 9-12) (the “May 21<sup>st</sup> Incident”).

Mr. Depp specifically challenges the truth or falsity of the above statements and his actions, as motivated by his mental condition and substance abuse. *See generally* Compl.; *see also* Compl. at ¶ 33 (quoting and challenging the truth of Paragraphs 9-12 in Ms. Heard’s 2016 Declaration); Compl. at ¶ 30 (challenging the truth of Paragraph 7 in Ms. Heard’s Declaration); Compl. at ¶¶ 78(a), 89(a), 100(a) (challenging the truth of Ms. Heard’s allegations relating to the May 21<sup>st</sup> Incident).<sup>2</sup>

As shown above, the 2016 Declaration and Plaintiff’s Complaint, undeniably place Mr. Depp’s mental condition in controversy. Indeed, the very statements that Mr. Depp challenges in his Complaint leave no doubt that his: (i) volatility; (ii) paranoia, (iii) temper, (iv) aggressive and destructive tendencies; (v) delusional, irrational and incoherent ideations, (v) understanding of reality that “oscillates, depending upon his interaction with alcohol and drugs,” and (vi) need for anger management counseling are central to the truth or falsity of Ms. Heard’s statements at issue and to Ms. Heard’s credibility and Mr. Depp’s lack of credibility.

Mr. Depp’s mental condition, therefore, is directly at issue, and an independent mental examination is essential to assessing the truth or falsity of Ms. Heard’s statements relating to Mr. Depp’s mental condition and turbulent nature, and is equally essential to support the credibility of Ms. Heard’s account and the lack of credibility of Mr. Depp’s account of these events. *See, e.g.,*

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<sup>2</sup> As she did in her 2016 Declaration, Ms. Heard alleged in this action that when Mr. Depp was under the influence of drugs and alcohol “[h]e would become a totally different person, often delusional and violent. We called that version of Johnny, ‘the Monster.’” Heard Decl. at ¶ 3 (April 10, 2019); *cf.* Compl. at ¶ 61 (disputing Ms. Heard’s “portrayal of Mr. Depp as a domestic violence perpetrator and ‘monster.’”).

*Barnes v. Commonwealth*, 214 Va. 24, 25-26 (1973) (reversing the trial court's refusal to admit testimony from a hospital's rehabilitation officer and others that the alleged aggressor was a "habitual excessive drinker" with "aggressive tendencies while intoxicated" to establish self-defense, and finding the trial court should have admitted "evidence of the [alleged aggressor's] turbulent nature five years before...[because the jury] might have determined that his aggressive tendencies surfaced whenever he drank to excess, and, in view of the evidence of Abbott's intoxication at the time of his death, found that Barnes's version of the slaying was credible."); *McMinn v. Rounds*, 267 Va. 277, 281 (2004) (finding the same admissibility rules apply in civil actions where a party's turbulent nature and aggressive tendencies are at issue).

Based on the Ms. Heard's Declarations and Mr. Depp's Complaint, Ms. Heard has shown good cause for an independent mental examination. Ms. Heard, therefore, satisfies the "in controversy" and "good cause" elements under Rule 4:10(a).

**Ms. Heard Satisfies All Other Elements Under Rule 4:10(a)**

Because Ms. Heard has shown that Mr. Depp's mental condition is in controversy and good cause supports an IME of Mr. Depp, Ms. Heard filed her Motion requesting an IME performed by Dr. Spiegel in the manner and time set forth in her Motion. Counsel for Ms. Heard has likewise provided notice and conferred with counsel for Mr. Depp on her Motion for an IME of Plaintiff.

**Dr. Spiegel is Qualified to Conduct the IME & His Selection Is Appropriate**

Dr. Spiegel is a board-certified psychiatrist licensed by the Virginia Board of Medicine and in good standing. Dr. Spiegel has been continuously licensed in Virginia since 1993 and has more than 25 years of experience in his field and as an active clinical practitioner. Dr. Spiegel completed his undergraduate degree at Duke University in 1985 and his medical degree at SUNY Downstate-Brooklyn in 1989. He completed his psychiatry internship at Dartmouth-Hitchcock Medical

Center and his psychiatry residency at Penn State College of Medicine. Since 2013, Dr. Spiegel has been the Vice Chairman of the Department of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School/Sentara Norfolk General Hospital and a Professor of Clinical Psychiatry there. Since 2004, Dr. Spiegel has been the Director of Consultation and Liaison Service at Eastern Virginia Medical School/Sentara Norfolk General Hospital. Dr. Spiegel has authored more than 60 publications and is a member of numerous professional organizations, including the Psychiatric Society of Virginia and the Medical Society of Virginia, and he is a Fellow of the American Psychiatric Association. Dr. Spiegel's Curriculum Vitae is attached hereto as Exhibit 2. Dr. Spiegel, therefore, is well-qualified to conduct the IME.

Dr. Spiegel is the appropriate health care provider to perform the IME. Under Virginia law, Defendant's selection of a qualified health care provider is preferred because "[i]t is appropriate for the adverse party to have a physician of his own choice; this guarantees the equal opportunity to examine the medical condition in controversy[, and] [t]he examinee can always select his own medical expert." Bryson § 9.09[2] (2019) ("Usually the physician named by the judge in his or her order is the one nominated by the moving party, and this is the preferred procedure.") (citing cases).<sup>3</sup>

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<sup>3</sup> Dr. Spiegel's examination should be conducted without the presence of third parties or recording devices. See, e.g., *Fields v. Walke*, 1 Va. Cir. 96, 97 (Richmond Cir. Ct. 1969) (relying on federal authorities applying Fed. R. Civ. P. 35); *Morrison v. Stephenson*, 244 R.D. 405, 407 (S.D. Ohio 2007) ("[T]he normal procedure...is that the examination take place without the presence of third-party observers or recording devices."); 8B Fed. Practice & Procedure, §2236, at 292-93 ("[T]he presence of, and possible interference by, an attorney or other representative of the examined party might disrupt, or defeat the purpose of, the examination. This concern may be heightened during a psychiatric examination."); *Holland v. United States*, 182 F.R.D. 493,496 (D.S.C. 2013) (Allowing opposing party oversight of physical examination "would give Plaintiffs an evidentiary tool unavailable to Defendant, who has not been privy to physical examination made of [plaintiff] by either his treating physicians or any experts he may have retained."); See also Policy Statement on the Presence of Third Party Observers in Neuropsychological Assessments, *The Clinical Neuropsychologist* (2001), available at <https://doi.org/10.1076/clin.15.4.433.1888> (rejecting electronic or physical presence of third-parties during mental exams as a matter of policy).

CONCLUSION

WHEREFORE, Ms. Heard respectfully requests that this Court grant her Motion and enter an Order requiring Mr. Depp to submit to a mental examination by David R. Spiegel, M.D. in the manner and time set forth in her Motion.

Dated this 1st day of November, 2019

Respectfully submitted,  
Amber L. Heard

By Counsel: 

Roberta A. Kaplan (admitted *pro hac vice*)  
John C. Quinn (admitted *pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, New York 10118  
(212) 763-0883  
[rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com)  
[jquinn@kaplanhecker.com](mailto:jquinn@kaplanhecker.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  
[broddenborn@woodsrogers.com](mailto:broddenborn@woodsrogers.com)  
[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)

*Counsel to Defendant Amber Laura Heard*



June 24, 2021

**VIA EMAIL**

Elaine Charlson Bredehoft, Esq.  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
Telephone: (703) 318-6800  
Facsimile: (703) 318-6808  
ebredehoft@cbcbllaw.com

**RE: *John C. Depp, II v. Amber Laura Heard***

Dear Ms. Bredehoft:

As you know, there are a number of pending discovery issues that we wish to discuss. As you also know, we have requested on at least four occasions to meet and confer with you telephonically about some of these matters, and on at least four separate occasions, you have declined to do so.

Please allow this letter to serve as a fifth and final attempt to confer, and to schedule a telephonic conference. We continue to hope that we can reach a reasonable agreement on each of the matters discussed herein without the need for motion practice. To that end, please provide a substantive response to this letter by no later than close of business on **Tuesday, June 29, 2021**, and provide some dates and times next week when you are available to confer by telephone.

If no response is received to this correspondence, or if you continue to refuse to speak with us by telephone on these matters, we will understand that you have no interest in seriously engaging in the meet and confer process, and will proceed to bring our motions without further efforts to confer.

**Rule 4:10 Mental Examination of Ms. Heard**

The strategic choices made by Ms. Heard and her counsel in this action have left us with no alternative but to seek an independent mental examination of Ms. Heard. See Va. R. S. Ct. 4:10. We would not ordinarily seek such an examination in the context of this action, and we have been reluctant to do so even now, although we note that Ms. Heard and her counsel have showed no such restraint, bringing a motion for an examination of Mr. Depp on November 1, 2019, which motion was (very properly) denied.

However, Ms. Heard has now unmistakably tendered her own mental condition as an issue in this action, as is clearly demonstrated by her expert disclosures in this action, in which she designated Dr. Dawn Hughes. Ms. Heard's expert disclosures state that:

"Dr. Hughes was asked to conduct a forensic psychological evaluation of Ms. Heard to assess for the dynamics and consequences of intimate partner violence that may



have been present in her relationship with her now ex-husband, Mr. Depp, and to assess for any psychological consequences stemming from the defamatory statements to the media made by Mr. Depp through his attorney and agent, Adam Waldman." (See, Disclosures, p. 2.)

Ms. Heard's expert disclosures further state that Dr. Hughes' "opinions are based on her forensic psychological evaluation of Amber Heard," and that Dr. Hughes arrived at various conclusions relevant to the factual disputes in this action on the basis of this "forensic psychological evaluation of Ms. Heard," including that Ms. Heard presented "a symptom picture that is consistent with traumatic stress, particularly interpersonally related trauma," and that the tests administered by Ms. Heard's retained expert "revealed that Ms. Heard was in a very serious situation with Mr. Depp and at risk for serious, repetitive, and deadly intimate partner violence." (Disclosures, p. 8.)

As such, Ms. Heard—who is well represented by a large number of capable Virginia and California attorneys—has made an informed, strategic choice that unambiguously tenders her own mental condition as an issue in this action. Given Ms. Heard's obvious intention to present evidence of her own mental or psychological condition at trial, *including evidence based on a "forensic psychological evaluation" in which she voluntarily participated for her own strategic use in connection with this litigation*, Mr. Depp has no choice but to undertake appropriate discovery to investigate and refute this anticipated testimony at trial, which necessarily requires an independent evaluation of Ms. Heard's mental condition.

Please let us know whether you will stipulate to an independent mental examination, or whether motion practice will be required.

#### **Mr. Depp's Fourth Interrogatories**

Ms. Heard served blanket objections to Mr. Depp's Fourth Interrogatories, asserting that Mr. Depp has previously served more than 30 interrogatories. Ms. Heard's calculation is incorrect. We have reviewed the interrogatories previously served, and do not believe that any credible reading of them results in a count of more than 30. If you disagree, as you have repeatedly indicated that you do, then we believe it is incumbent on you to justify your objection by explaining how you arrived at a count higher than 30. We will be pleased to discuss this with you by telephone.

In any event, even if you were correct about the number of interrogatories served (which is not the case), it is clear that the parties may serve additional interrogatories beyond the presumptive limit of 30, with leave of the Court, for good cause, and if forced to bring a motion on these interrogatories, we would seek, as alternative relief in the unlikely event the Court agrees with your position, leave to serve additional interrogatories. See, Va. R. S. Ct. 4:8(g). Here, Ms. Heard served and filed a \$100 million Counterclaim more than a year into this litigation, thereby altering the scope of the issues and rendering additional written discovery clearly appropriate. Under these circumstances, good cause for additional interrogatories is clearly established.

In short, one way or another, we are entitled to responses to these interrogatories, even if the Court ultimately agrees with your position on the number of interrogatories that has been served (which we believe to be unlikely).



### **Mr. Depp's Seventh RFPs**

Ms. Heard served blanket objections to all but two of Mr. Depp's Seventh RFPs. Ms. Heard's objections are facially inappropriate, and should be withdrawn.

RFP No. 1: this seeks communications regarding the Depp/Heard relationship within one week of any date on which Ms. Heard claims she suffered violent abuse. This request is narrowly focused on the abuse allegations that are of central importance to this litigation, and is tailored to seek documents putting any claims of abuse in context, and to determine whether Ms. Heard's contemporaneous communications regarding her relationship with Mr. Depp support or undercut her claims of abuse. To state what should be obvious, any communications by Ms. Heard regarding her relationship to Mr. Depp in close temporal proximity to incidents of alleged abuse are reasonably calculated to lead to admissible evidence regarding the truth or falsity of her abuse claims. Ms. Heard improperly stands on boilerplate objections, none of which offer a valid basis to resist this clearly appropriate discovery.

RFP Nos. 2-3: Ms. Heard responds that she has "previously produced documents responsive to this request." However, the requests specifically require the production of photographs and videos in native, and with all associated metadata. Ms. Heard's compliance with this request is not complete.

RFP No. 4: we will withdraw this request if you withdraw all comparable requests that you have served, specifically including Request No. 24 in Ms. Heard's Tenth RFPs, which is the subject, in part, of your pending motion to compel.

RFP Nos. 5-11: These requests seek underlying data, imaging, and/or inspection of Ms. Heard's devices for the purpose of evaluating whether the photographs and other "evidence" that Ms. Heard relies on to support her abuse claims has been subject to manipulation by Ms. Heard or other persons. Evaluating the underlying data is critical to making that assessment, especially since the veracity and authenticity of these photographs forms a core part of Ms. Heard's case.

We note that counsel for Ms. Heard routinely spends time during depositions marking these photographs as exhibits (even with witnesses who repeatedly testify that they have never seen these photographs before).

We also note that Ms. Heard's counsel has repeatedly commented during depositions about the metadata or time and date stamps purportedly reflected in the pictures. See, e.g., Transcript of Deposition of Tracey Jacobs at pages 109-125 ("And just to direct your attention, the metadata is from May 21st, 2016 at 9:24 p.m. Do you recognize this as Amber Heard?"); Deposition Transcript of Alejandro Romero at pages 60-61 ("I'm going to ask you to take a look at this metadata over here, and that's dated May 21, 2016, at 9:24:52, do you see that?"); Deposition Transcript of Melissa Saenz at 180 ("Officer Saenz, I'm going to ask you to take a look at Exhibit Number 24. The metadata here reflects May 21st, 2016 at 9:22:24 p.m.").

In short, Ms. Heard clearly intends to rely on photographic "evidence" to support her claims of abuse. The veracity and authenticity of those documents is in dispute, and Mr. Depp is entitled to undertake a reasonable investigation into whether there has been any tampering or manipulation with the underlying data so as to generate images that support Ms. Heard's narrative. These requests are calculated to accomplish that, and are clearly appropriate. Ms. Heard's objections should be withdrawn.



RFP No. 12 seeks documents sufficient to show the dates and payments made by Ms. Heard to witnesses in this action. The request is further limited to payments made specifically in connection with litigation, in excess of \$5,000. As such, the request is quite narrowly tailored to explore the issue of bias – and is, moreover, a significantly *narrower* version of requests that Ms. Heard has repeatedly served on Mr. Depp, one of which is the subject of your pending motion to compel. Ms. Heard has spent a great deal of time in this action arguing that such documents are relevant to show bias. Accordingly, we trust that your objections will be withdrawn and all responsive materials will be produced.

#### **Ms. Heard's Compliance with May 12, 2021 Order**

As we have indicated on several occasions, there appear to be significant gaps in Ms. Heard's Court-ordered production in response to Mr. Depp's recent motion to compel his Fourth RFPs. Among other gaps, Ms. Heard has not produced any additional documents related to her defense of advice of counsel outside a very narrow timeframe. In addition, Ms. Heard has not provided a privilege log. We also have not seen any communications with Ms. Butti.

We wish to discuss how you are construing the scope of the Order, and what documents are still being withheld on privilege grounds. We note that the Court's Order specifically states that Ms. Heard is required to produce documents and communications relating "in any way" to the Op-Ed, and is not limited as to time. To the extent that Ms. Heard has read any limitations into the scope of that Order, we are entitled to know what those limitations are, in advance of a potential motion to compel compliance.

#### **Ms. Heard's Ongoing Privilege Objections to Eric George Deposition**

On a related note, Ms. Heard continues to assert objections to the scope of questioning at the deposition of Eric George. Since Ms. Heard is the holder of the attorney-client privilege, Mr. George has a limited ability to offer a compromise position in the face of her continuing attempts to assert the privilege. You have been copied on all communications to and from Mr. George's counsel, and we presume that you have been coordinating (or at least have been involved in) Mr. George's response to our meet and confer efforts. Accordingly, we believe it may be productive to discuss this issue with you directly. Our position is framed by our recent Petition to Compel, which is already in your possession.

We look forward to receiving a timely, substantive response, and are hopeful that the parties can move forward to complete discovery in an amicable manner without the need for motion practice.

Very truly yours,

**BROWN RUDNICK LLP**



SAMUEL A. MONIZ

cc: All counsel via email

**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-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT'S  
DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard (“Ms. Heard”) hereby identifies the following individuals who are expected to be called as expert witnesses at trial:<sup>1</sup>

**Dawn M. Hughes, Ph.D., ABPP**  
**Clinical and Forensic Psychologist**  
**274 Madison Avenue, Suite 604**  
**New York, New York 10016**  
**(212) 481-7044 Telephone**  
**(212) 481-7045 Facsimile**  
**hughes@drdawnhughes.com**

**Introduction**

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as “Johnny Depp”), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned

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<sup>1</sup> While this Expert Designation primarily addresses expert testimony and opinions relating to Ms. Heard’s Counterclaim, it also includes some testimony and opinions that relate to Ms. Heard’s defenses because of some similarities in the issues and areas of dispute.

Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he “never abused Ms. Heard.” Ms. Heard then filed a counterclaim against Mr. Depp for defamation. Dr. Hughes was asked to conduct a forensic psychological evaluation of Ms. Heard to assess for the dynamics and consequences of intimate partner violence that may have been present in her relationship with her now ex-husband, Mr. Depp, and to assess for any psychological consequences stemming from the defamatory statements to the media made by Mr. Depp through his attorney and agent, Adam Waldman.<sup>2</sup>

### **Expertise and Qualifications**

Dr. Dawn Hughes is a clinical and forensic psychologist and an expert in interpersonal violence, abuse, and traumatic stress, which includes intimate partner violence, rape and sexual assault, physical assault, childhood maltreatment and abuse, and sexual harassment. For the past

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<sup>2</sup> Specifically, Dr. Hughes will testify as to the psychological consequences on Amber Heard as a result of the following statements (“defamatory statements”) included in the Counterclaim, at Paragraphs 45-47, and at Exhibits F, G and H to the Counterclaim:

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that “Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax ‘facts’ as the sword, inflicting them on the public and Mr. Depp.”

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that “Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn’t do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911.”

47. On June, 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an “abuse hoax” against Depp.

25 years, Dr. Hughes has conducted hundreds of assessments and psychological treatments of both male and female victims of intimate partner violence, rape and sexual-assault, childhood sexual abuse, and sexual harassment in the workplace. She has significant training and experience regarding the dynamics and consequences of abuse, intimate partner violence, victimization, sexual harassment, and traumatic stress. Dr. Hughes has made numerous professional presentations, invited addresses, and conducted formal trainings (including judicial trainings) in the areas of interpersonal and intimate partner violence, abuse, and trauma. She is frequently contacted by judges and court administrations to conduct continuing legal education seminars on trauma and was selected by the Appellate Division of the State of New York to conduct their mandatory attorney trainings on intimate partner violence, traumatic stress, and how the psychological impact of exposure to violence and abuse may influence the victim's participation in the legal system. In addition, she routinely attends professional conferences and trainings, obtain continuing-education credits, read journal articles, and consult with peers as part of her general practice as a clinical and forensic psychologist to remain current with developments in her field of practice.

Dr. Hughes is a Clinical Assistant Professor of Psychology in the Department of Psychiatry of New York Presbyterian Hospital-Weill Cornell Medical Center serving on the voluntary faculty for approximately 20 years. In this capacity, she contributes to the psychology training program, teaches an ethics seminar to interns, engages in other intern didactics, and was instrumental and active in the NYP-COPE program which provided much needed psychological first aid and resources to hospital staff who struggled with emotional, psychological, and traumatic effects from being on the front lines in battling the Covid-19 pandemic in NYC.

Dr. Hughes is actively engaged in professional activities in several organizations, such as the American Psychological Association (Trauma Psychology Division and American Psychology-Law Society), International Society of Traumatic Stress Studies, the Women's Mental Health Consortium, among others. She was a founding member of the Trauma Psychology Division of the American Psychological Association and has served on the Executive Committee for a good portion of the past decade. She recently completed her three-year term as an elected member to the Council of Representatives of the American Psychological Association representing the Trauma Division. Dr. Hughes was a founding member and past-President of the Women's Mental Health Consortium, a NYC-based multidisciplinary organization providing services and resources regarding women's mental health.

Dr. Hughes is Board Certified in Forensic Psychology by the American Board of Professional Psychology representing one of approximately 350 psychologists in North America who are board certified in forensic psychology by the American Board of Forensic Psychology, a specialty board of the American Board of Professional Psychology (ABPP). This credential is intended to signify the highest levels of expertise and practice in forensic psychology. Dr. Hughes has been qualified as an expert witness by courts in the States of New York, New Jersey, Connecticut, and Pennsylvania, and in the United States District Courts for the Southern, Eastern, and Northern Districts of New York. She is licensed to practice in the States of New York, Connecticut, and North Carolina. Her curriculum vitae can be found in **Att. 1**.

### **Summary of Opinions**

Dr. Hughes' opinions are based on more than 25 years of clinical and forensic experience assessing and treating victims of intimate partner violence and the empirical and social-science data pertinent to this subject matter. Further, these opinions are based on her forensic



psychological evaluation of Amber Heard, a review of copious documents and materials that have been made available to her in this case, and collateral interviews. The documents that she reviewed and relied on are listed in **Att. 2**. This designation represents a summary of Dr. Hughes' professional analysis and opinions and does not purport to represent all the information and data that was derived from the comprehensive forensic evaluation process. Dr. Hughes' opinions are offered to a reasonable degree of psychological probability and/or certainty.

A brief summary of Dr. Hughes' professional opinions (which are discussed in greater detail below) are as follows:

1. Amber Heard's report of violence and abuse in her relationship with Mr. Depp is consistent with what is known as intimate partner violence, a pattern of manipulation, fear, and control in a relational context that is maintained through the use of multiple abusive behaviors such as physical violence, psychological aggression, coercive control, emotional abuse, and sexual violence.
2. The intimate partner violence inflicted upon Ms. Heard by Mr. Depp is categorized as severe because it consists of strangulation, punching, beating up, sexual violence, threats to kill, an increase in frequency and severity of abuse, and serious injuries such as black eye, facial bruising, nose injury, concussion, and loss of consciousness.
3. Amber Heard has identifiable psychological symptomatology and distress as a result of the defamatory statements (as set forth in ¶¶ 45-47 of the Counterclaim) made to the press and media about her. Each statement has its own properties that elevate psychological distress and emotional disequilibrium; however, importantly, the defamatory statements exacerbate Ms. Heard's Posttraumatic Stress Disorder (PTSD) by triggering painful and intrusive reminders of Mr. Depp's past physical, emotional, and sexual abuse toward her thereby greatly intensifying the psychological impact of each statement. Mr. Depp's defamatory statements are a continuation of the psychological abuse that was prominent in the relationship, such as denial, blame, avoidance of responsibility, and gaslighting.
4. Ms. Heard was assessed to be a reliable historian. Psychological testing revealed that she approached the evaluation in a forthright matter with no evidence of malingering or feigning psychological distress. Additionally, Ms. Heard did not appear to distort or exaggerate the information she provided, nor did she try to portray Mr. Depp as worse than was likely accurate and continued to profess empathy for him and his own psychological struggles. Ms. Heard demonstrated the ability to offer both positive and negative aspects of herself, her behavior, her partner, her relationship, and her life.

5. With respect to intimate partner violence, it is commonly understood that such acts often occur in private with few witnesses and with little external corroboration, however, that does not appear to be the case in this matter. Dr. Hughes' analysis revealed significant corroborating evidence that is consistent with Ms. Heard's report of intimate partner violence including text messages, photographs, video tape, audio files, medical documentation, therapy records, collateral interviews, and witnesses to the aftermath of the violence.
6. Dr. Hughes will provide expert testimony that is relevant, scientifically based information regarding the common experiences, perceptions, psychological consequences, and actions of individuals exposed to intimate partner violence as well as their participation, or lack thereof, in procedures and sanctions against their partner. In addition, Dr. Hughes' expert testimony will seek to dispel myths and misconceptions about intimate partner violence that are commonly held by lay persons about what the persons in such a relationship "should" do or "shouldn't" do, and why these are not correct assumptions.

In support of these opinions, Dr. Hughes is expected to testify to the following:

### **Methodology**

A standard forensic psychological evaluation of a particular individual contains several parts: psychological testing, comprehensive semi-structured clinical interview, review of materials relevant to the case (legal, medical, psychological), consultations, and interviews with collateral sources (if relevant and if available). Amber Heard was psychologically evaluated on five separate occasions –September 26, 2019; October 11, 2019; November 8, 2019; November 11, 2019; and January 18, 2021 – for a total of approximately 25 hours. Ms. Heard was administered several psychological tests which are detailed below. Documents and materials relevant to her case were reviewed and are listed in **Att. 2**. Additionally, collateral interviews were conducted with both her therapists that she was in treatment with during her relationship with Mr. Depp, including Dr. Bonnie Jacobs and Dr. Connell Cowan. A collateral interview was also conducted with her mother, Paige Heard, who is now deceased.<sup>3</sup>

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<sup>3</sup> Dr. Hughes is expected to testify as to her collateral interviews with Dr. Jacobs, Dr. Cowan, and Paige Heard which helped form her opinions in this case. Dr. Jacobs, Dr. Cowan, and Paige

### **Summary of Psychological Testing**

Dr. Hughes administered multiple psychological assessment measures to Ms. Heard:

1. Personality Assessment Inventory (PAI)
2. Trauma Symptom Inventory – 2 (TSI-2)
3. Miller Assessment of Symptoms Test (M-FAST)
4. Life Events Checklist (LEC)
5. Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5)
6. Beck Depression Inventory – II (BDI-II)
7. Beck Anxiety Inventory (BAI)
8. Mood Disorder Questionnaire (MDQ)
9. Abusive Behaviors Observations Checklist (ABOC)
10. Conflict Tactics Scale-2 (CTS-2)
11. Danger Assessment Scale (DA)

Some of these psychological tests have validity indices that were designed to assess the individual's response style, consistency, carelessness, confusion, defensiveness, reading difficulties, exaggeration, malingering, and other factors that could potentially distort the results of the test. In a forensic context where a motivation may exist to falsely report or distort psychological symptomatology, the issue of malingering and exaggerating psychological distress and/or mental illness was carefully considered. Results from psychological testing, when examined within the context of clinical examination, history, and corroborative data, suggest that Ms. Heard is not malingering or feigning psychological difficulties.

The overall impression of the objective psychological testing suggests several clinically significant difficulties for Ms. Heard that likely cause notable impairments in functioning. Her profile is remarkable for significant anxiety, traumatic stress, fears, affective lability, depressive experiencing, intrusive experiences, defensive avoidance, and difficulties in relationships. She

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Heard corroborated that Ms. Heard made contemporaneous reports of physical, psychological, and emotional abuse by Mr. Depp.

endorsed a symptom picture that is consistent with traumatic stress, particularly interpersonally related trauma.

Ms. Heard was administered the *Posttraumatic Stress Disorder Scale for DSM-5 (PCL-5)*. Intimate partner violence is recognized as a traumatic stressor capable of resulting in posttraumatic stress symptomatology and related difficulties. Ms. Heard's responses on the *PCL-5* support a DSM-5 diagnosis of Posttraumatic Stress Disorder with an etiology of the intimate partner violence she experienced by her former partner, Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the trauma, avoidance of reminders of the trauma, negative alterations in cognition and mood, and alterations in arousal and reactivity.

For an assessment of intimate partner violence (IPV) related behaviors, Ms. Heard was administered the *Abusive Behavior Observation Checklist (ABOC)* and the *Conflict Tactic Scale-2*, both of which measure common characteristics of intimate partner abuse. Results revealed the presence of severe IPV including physical abuse, physical injury, sexual violence and abuse, coercion and threats, intimidation, isolation, and minimization and denial of the abuse. She was also administered the *Danger Assessment Scale*, a 20-item measure that assesses for risk factors that have been associated with homicides in violent relationships. The *Danger Assessment Scale* revealed that Ms. Heard was in a very serious situation with Mr. Depp and at risk for serious, repetitive, and deadly intimate partner violence.

#### **Analysis of Intimate Partner Violence**

This evaluation and review of the evidence revealed that Ms. Heard's report of her relationship with Mr. Depp is consistent with a pattern of chronic and severe intimate partner

abuse, including physical violence, psychological abuse, sexual violence, and controlling behaviors.

The Center for Disease Control (CDC) has determined that intimate partner violence (IPV) remains a serious public health problem that affects millions of Americans. Intimate partner violence is described by the CDC as physical violence, sexual violence, stalking, and psychological aggression (including coercive acts) that are utilized by a current or former intimate partner. Intimate partner abuse is often part of a larger coercive relational dynamic that is characterized by a pattern of manipulation, fear, and coercive control that is maintained through the use of multiple abusive behaviors, such as (1) physical abuse; (2) psychological abuse (i.e., a pattern of behavior that functions to instill fear, intimidate, threaten future harm, and maintain power and control over another individual); (3) emotional abuse (i.e., behaviors that serve to denigrate a person's self-worth through offensive put-downs, slurs, name-calling, insults, constant criticism, humiliation and subjugation); (4) economic abuse (i.e., withholding or making all financial decisions); and (5) sexual abuse (i.e., when one is forced, either by threats, coercion, or physical force, to submit to sexual activity against their will).

The alternating cycle of violence and abuse in the relationship is often interspersed with neutral and/or positive moments and times without violence. These good times keep the victim psychologically attached to their partner and instill false hope for positive change. However, the overarching dynamic of these relationships is the perpetrator's unchecked power, manipulation, and control over the battered victim, and his relentless use of violence and abuse, which deteriorates the psychological functioning of the victim, diminishing her coping resources and strategies, and ultimately rendering it difficult for her to extricate herself from the abusive relationship.

### ***Physical Violence***

Ms. Heard described a significant amount of physical abuse perpetrated by Mr. Depp throughout the course of their relationship. It is severe based on types of abuse, the duration of the abuse, and the frequency of the violent acts. Specific physically abusive behaviors that were reported in this case include: grabbed, pushed, and shoved her; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, body; slapped her with the front and back of his hand which was adorned with heavy metal rings; kicked her; headbutted her; slammed her against the wall and floor; dragged her across the floor; threw her into a glass table; threw objects at her; flicked a cigarette at her; pulled her by the hair; and beat her up.

### ***Physical Injury***

Ms. Heard reported sustaining significant pain and numerous injuries as a result of Mr. Depp's physical and sexual assaults. She often did not seek medical evaluation or treatment for assault-related injuries as is common for abuse victims. Notwithstanding, there were several times when she did seek medical treatment from Dr. Kipper's practice and his nurses. In addition, photos were taken of her injuries on multiple occasions by herself and her friends.

Specific injuries that were reported in this case include: excruciating pain; bruises on her face and body; black eyes; busted lip; loss of consciousness; vaginal pain; cuts; concussion; nose injury and pain; lost hair; and cuts on her feet and arms from broken glass.

### ***Psychological Aggression and Abuse***

Ms. Heard reported that Mr. Depp engaged in repeated psychological aggression and abuse which is a pattern of behavior that functions to instill fear, to intimidate, to denigrate a partner's self-worth, to threaten future violence, and to maintain power and control over an intimate partner. Mr. Depp repeatedly demonstrated not only his ability, but his willingness, to

use multiple and serious forms of physical assaults and sexual violence against Ms. Heard which decreased her psychological functioning and increased her fear and helplessness.

Mr. Depp's abuse of Ms. Heard was punctuated and exacerbated by his chronic addiction to drugs and alcohol. Whereas alcohol and substance abuse can be present in relationships characterized by intimate partner violence, it does not cause the violence and abuse. What it does do is increase the risk to the victim because one's level of internal controls are markedly reduced when one is intoxicated. This substance-fueled rage also pulled for Ms. Heard to adopt a caretaking role with Mr. Depp and offer herself and others repeated excuses for his behavior thereby obfuscating the abuse and the harm caused to her.

Psychologically abusive behaviors that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, and erratic behavior; antagonistic behaviors about her career; criticized her ambition; constant unreliability then blamed her for not waiting for him or for addressing it; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, easy, ugly, fat ass); constant accusations of flirting and infidelity; controlling her clothing choices ("no woman of mine if going to dress like a whore"); surveillance and tracking efforts (calling directors and male co-stars to check on her; showing up on set; insisting on using his security detail; having to "prove" things to him; searching her phone); threats to kill her; criticized her body; and emotional manipulation (threats of suicide; threats and actual engagement of self-harm), among others.

Mr. Depp's psychological instability, as evidenced by his chronic substance abuse, erratic violent outbursts, deranged writing on walls, tables, mirrors, etc., repeated property damage, frequent throwing of objects, acts of violence toward himself and self-harm, and withdrawal from the relationships for long periods of time where he was unreachable, among others, are not

only highly dysfunctional, but forms of psychological abuse, intimidation, and emotional manipulation. These acts continued to keep Ms. Heard psychologically unstable, hypervigilant, anxious, emotionally dependent, and often left her walking on eggshells as to what Mr. Depp was going to do next. The illusion of safety and calm was always short lived. Mr. Depp's instability required Ms. Heard to continue to deal with days of chaos and trauma, always trying to calm Mr. Depp first, and then seek safety for herself second. The unpredictability, volatility, and severity of Mr. Depp's behavior increased Ms. Heard's fear of him and his ability to maintain power and control in the relationship. This dynamic created formidable psychological obstacles for Ms. Heard to identify the abuse and extricate herself from the relationship.

### ***Sexual Violence***

This evaluation revealed significant sexual violence perpetrated by Mr. Depp toward Ms. Heard. Sexual violence is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not want to or cannot consent. Intimate partner sexual abuse is any form of sexual violence that takes place within a current or former intimate relationship and it often co-occurs with other forms of abuse.

Ms. Heard reported that there were multiple instances when Mr. Depp forcibly and aggressively grabbed Ms. Heard's head coercing her to engage in fellatio, and times when he forcibly performed cunnilingus on her. Whereas she did not say no, Ms. Heard was desperate to make him feel loved, be less mad at her, and make him feel that they were "okay." Thus, she tolerated these aggressive violations, always hoping that such acts would turn "romantic," yet they rarely did. She often made excuses for Mr. Depp in order to psychologically shield herself from the reality and psychic pain of these violations.



Mr. Depp also engaged in serious sexual violence during instances of rage and violence in which he forcibly penetrated Ms. Heard's vagina with the neck of a liquor bottle during one of the most violent episodes in their relationship. Other times, he forcibly and violently thrust his fingers up her vagina, moved her body by holding onto her vagina, and yelled obscenities at her. None of these acts were to initiate sex and none of them consensual. Quite the contrary, they were acts of sexual violence reflecting an abuse of Mr. Depp's power and control over her, and specifically perpetrated to humiliate and subjugate Ms. Heard. These repeated sexual violations were often accompanied by vulgar and degrading verbal assaults toward her. These sexual violations were psychologically devastating to Ms. Heard and physically painful. The research has suggested that women who are exposed to both physical and sexual violence in an intimate relationship are at risk for more severe psychological and traumatic symptomatology.

#### ***Danger Assessment***

The *Danger Assessment Scale* is an empirically validated measure specifically designed to assess for risk factors that have been associated with severe and lethal intimate partner violence. In examining the factors present in this case, there is statistical support to suggest that the intimate partner violence perpetrated by Mr. Depp toward Ms. Heard was serious, severe, and dangerous. When someone scores in that range and is still in the relationship, assertive safety planning and risk reduction strategies are recommended.

Specific lethality risk factors that were identified over the course of the relationship include:

- an increase in violence and abuse
- threats to kill
- forced sexual violence
- strangulation
- use of illegal drugs and problematic drinking
- controlling behaviors

- persistent jealousy
- destruction of property
- surveillance behaviors
- threats to commit suicide.

There were two very serious abusive incidents worth noting in which Ms. Heard thought Mr. Depp could kill her. The first time was in Australia in March 2015 when Mr. Depp engaged in an all-out assault upon her whereby he hit her, slapped her, threw her around, pinned her on her back on a counter, squeezed her neck strangling her, ripped off her nightgown, and raped her with a Jack Daniels bottle while screaming over and over again, “You ruined my life. I hate you. I’m going to fucking kill you.” As noted above, strangulation, sexual violence, destruction of property, substance abuse, and threats to kill are significant risk factors for severe and lethal intimate partner violence.

Then, in December 2015 in Los Angeles, Mr. Depp perpetrated another severe assault against Ms. Heard wherein he repeatedly punched and slapped her with his ring-adorned hands, dragged her by the hair across the apartment, headbutted her, and strangled her while yelling “I fucking hate you. I hate you. I’m going to fucking kill you.” Making a threat to kill increases the likelihood of an act of serious harm and when combined with a perpetrator’s use of violence, psychological instability, and substance abuse represents a very high-risk and dangerous situation.

### ***Coping Responses to Violence and Abuse***

The research has demonstrated that women who are involved in abusive relationships employ a variety of formal, informal, and personal strategies to cope with the abuse, avoid the abuse, protect themselves from the abuse, and escape from the abuse. They do many things - it just does not stop their partner’s abuse and victimization. Some strategies represent formal help-seeking behaviors such as calling the police, obtaining protection orders, seeking medical

assistance, going to a shelter, obtaining counseling, and terminating the relationship.

Commonly, women in abusive relationships attempt to stop and deal with the abuse from within the relationship. Examples of these informal strategies include talking with their partner to try to get him to change, complying with his demands, acquiescing, talking to family members and friends, passive and active forms of self-defense, and physically fighting back. Importantly, the research also demonstrates that it ultimately remains the perpetrator's choice to cease his use of violence and abuse regardless of the strategies employed by the victim.

A woman's difficulty in extricating herself from an abusive relationship does not in any way indicate that she is unconcerned about the abuse or wants it to occur. Rather, the victim *is* absolutely concerned about the abuse but engages in psychological avoidance, minimization, denial, and suppression efforts herself in order to maintain the relational status quo, because she is emotionally attached, and in order to stay safe. An abused woman's decisional analysis to stay or leave is mediated by multiple and complex factors such as personal resources, tangible resources, ongoing abuse, psychological functioning, emotional attachment, love and hope for change, vulnerability factors, and threats of retaliation.

This evaluation revealed that Ms. Heard utilized many formal and informal strategies to cope with the violence and abuse inflicted upon her by Mr. Depp. Informal strategies included efforts to work with and negotiate with Mr. Depp on ways to stop the violence and abuse. She attempted to please Mr. Depp, appease him, avoid angering him, and comply with his eccentric ways to prevent further abuse and degradation. She hid her scripts and refrained from practicing lines to obviate an altercation. She altered her choice of clothing to satisfy him and prevent being told she dressed like a whore. She avoided going to cast parties, rap parties, and talking with her male co-workers because this made Mr. Depp irrationally jealous, often resulting in

verbal and physical fights. She repeatedly tried to talk with Mr. Depp to persuade him to stop his abusive behaviors, stop his significant drug addiction and excessive alcohol abuse, and engage with her in positive ways. She pleaded with him and constantly encouraged him to get treatment for his own abusive childhood which she saw as a contributing factor to his self-loathing, self-destructive tendencies, and his polysubstance abuse. She repeatedly requested that Mr. Depp engage with her in couples therapy which they did on a few occasions of limited duration and minimal success. She repeatedly encouraged and assisted him in obtaining professional treatment and support for his substance abuse.

Other informal and personal coping strategies involve obtaining support from others. Ms. Heard disclosed the abuse to her mother, her sister, and multiple friends, all in an attempt to receive emotional support in the aftermath of an explosive incident. At times, in her conversations with others, Ms. Heard also engaged in minimization, suppression, and denial of the true extent of Mr. Depp's violent and abusive behavior and this is because Ms. Heard knew that others would tell her to leave Mr. Depp. She did not want to be criticized for staying and did not want Mr. Depp to be negatively judged as she still loved him and was committed to working on the relationship despite the abuse, thus she maintained the secret. In addition, Mr. Depp actively sabotaged Ms. Heard's efforts at self-care and external support, vilifying and sometimes excommunicating those individuals with whom she relied on. Engaging in deliberate behavior that isolates victims from social support is a common tactic of abusers.

Another informal coping strategy utilized by Ms. Heard in response to the violence and abuse by Mr. Depp was her own use of passive and active forms of physical and defensive actions during an abusive incident. This is not uncommon. A high percentage of women in abusive relationships use some form of responsive violence against their partner. Importantly,

Ms. Heard's use of defensive physical actions did not prove to be an effective strategy as it did not stop the assault, but rather increased Mr. Depp's anger and violence toward her. It is important to recognize that there is a distinction between relationship "fights" and "assaults." Partner assaults differ from fights because of the motive, dynamics, and consequences. Assaults function to hurt, denigrate, punish, subjugate, exploit, dominate, and control an intimate partner and, importantly, they are not attempts to resolve conflict. Partner assaults are repeated over time, tend to escalate, and have marked asymmetry in the amount of injury sustained. Intimate partner violence has long been understood as comprising more than just hitting, but rather a wide array of abusive tactics, such as psychological degradation, coercion, abuse of power and control, threats, manipulation, the instillation of fear, sexual violence, and surveillance controls. Importantly, when taking Ms. Heard's reactive violence into account, this evaluation revealed that there was a significantly differential impact of the violence and abuse utilized by Mr. Depp. There was a serious imbalance of power and control, a disparity of size and strength, differential perpetration of severe violence, differential threat and risk of serious injury, sexual violence, differential impact of actual physical injury and psychological harm, and an imbalance of fear and danger.

Ms. Heard also engaged in formal strategies to cope with the intimate partner violence including engaging in psychological treatment with multiple providers and engaging with Mr. Depp's providers. She actively spoke with Mr. Depp's medical team, conceptualizing his drug and alcohol addiction as a core dysfunctional aspect of their relationship and a functional cause of the abuse. She attended Al-Anon meetings and actively participated in efforts to help Mr. Depp achieve sobriety. She read countless books about substance abuse, and dysfunctional and abusive relationships. Ms. Heard's efforts to help Mr. Depp get safe and sober were repeated

over and over again throughout the course of the relationship thereby funneling her psychological resources to caring for him and away from her own needs and the full realization of the severity of the abuse inflicted upon her.

Another formal strategy was Ms. Heard's own psychological treatment. Ms. Heard engaged in psychotherapy with multiple treatment providers, including Dr. Connell Cowan and Dr. Bonnie Jacobs, over the course of the relationships to try and figure out what *she* could do to stop Mr. Depp's abuse upon her. This is a common misattribution error in cases of intimate partner violence where the abused victim eventually comes to believe her partner's claims that she is the cause of his aberrant behavior. She constantly felt responsible for his abuse, apologized often, and contemplated what she could do "better" to not have him hurt her. Notwithstanding, Ms. Heard spoke to Mr. Depp on countless occasions that she could no longer sustain any further abuse. Sometimes he indicated he understood and promised to do better, and yet other times he denied the abusive incidents even occurred, denied hurting her, minimized the extent of the abuse, and blamed her for his use of violence. Despite desperately wanting him to change, Mr. Depp's alcohol and drug addiction remained chronic and his controlling and violent tendencies persisted. Mr. Depp did not change. In fact, the abuse toward Ms. Heard worsened over time, increasing in frequency and severity. In the end, she obtained a temporarily restraining order against him.

Importantly, Ms. Heard was embroiled in the profound paradox that is the hallmark of intimate partner violence where love and violence are intertwined. Women can be in love and afraid at the same time and this phenomenon is clinically understood as a tolerance for cognitive inconsistency. It is a myth that women just leave at the first sign of trouble or "should leave" if it is truly that bad. It is normal to give one's abusive partner second, third, and sometimes

unlimited chances to redeem themselves. But, over time, the violent acts become normalized as a central feature of the relationship that needs to be tolerated – not accepted but tolerated. Ms. Heard was no exception. She was caught in a web of love, emotional attachment, genuine loyalty and concern for Mr. Depp, and the illusion that he would finally come to his senses and change for the better. As such, she often concealed and minimized his violence and abuse (to family, friends, and even treatment providers) to protect him, and herself at some point, from public condemnation. She assumed the best and denied the worst in order to hold on to the positive aspects of the relationship and the love she had for Mr. Depp. However, eventually, those psychological defenses broke down and were no longer effective as the physical and psychological injury became too great to bear and the positive aspects became all too infrequent resulting in the decisional analysis for Ms. Heard to finally terminate the relationship.

#### **Psychological Impact of Defamation**

In cases of intimate partner violence, leaving the relationship does not always end the violence and abuse. In fact, ending an abusive relationship is statistically a very dangerous point in time for the abused victim. Whereas Ms. Heard left Mr. Depp, filed for a restraining order due to domestic violence, and eventually divorced him, she was not free. Mr. Depp's psychological and emotional abuse continued. Mr. Depp's defamation suit and false statements to the media halted her healing from the traumatic effects of victimization and introduced new levels of psychological abuse, intimidation, degradation, and gaslighting which continued that cycle of abuse that she thought she escaped from, this time abusing Ms. Heard through the legal system and through media attacks. The overarching theme of Mr. Depp's attacks are that Ms. Heard is a liar. For a victim of intimate partner violence, fear that they would not be believed ranks among the highest reasons why they do not speak out about their abuse and why violence against

women is the most underreported crime. This has had devastating consequences for Ms. Heard.

The psychological impact of three of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent) were specifically assessed (April 8, 2020; April 27, 2020; and June 4, 2020). Whereas it was determined that these comments had notable psychological impact, they represent a continuation and exacerbation of the totality of Mr. Depp's abusive behaviors. Ms. Heard suffered repeated attacks on her credibility with Mr. Depp's frequent lies to the media, a particularly significant problem when one is in the public sphere. The problem with every lie is that one must refute that lie, and that requires intense psychological resources. As such, with each unpredictable media comment made by Mr. Depp, havoc and chaos were again thrust into her life to no fault of her own, forcing her to deal with the negative consequences of having to explain and "prove" the lie. These lies resulted in numerous losses, such as the loss of time and energy; loss of friendships; loss of jobs; and financial loss, all of which greatly impacted her daily functioning and her capacity to cope.

As a result of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent), Ms. Heard suffered notable psychological distress and an exacerbation of posttraumatic stress disorder that stems from the initial pattern of violence and abuse. Each time Mr. Depp released a defamatory statement to the media calling her a liar or that her account of violence and abuse in the relationship was a "hoax," Ms. Heard suffered (and continues to suffer) from stress, anxiety, nightmares, crying, flashbacks, feeling afraid, emotional numbing, dissociation, struggles with trusting others, significant sleep disruption, relationship and intimacy problems, interpersonal disconnection, hypervigilance, and intense psychological pain.

In addition, Mr. Depp's defamatory statements activated long held feelings of shame and humiliation about the abuse and the relationship in general, common consequences of



victimization. This was particularly true with Mr. Depp's April 8, 2020 remarks about "fake sexual violence" and a "sexual violence hoax." Rape and sexual violence are one of the most humiliating, violating, and shame inducing experiences that an individual could endure, and it is one of the most powerful predictors of PTSD in both men and women. The sexual violence that Ms. Heard experienced by Mr. Depp is one of the most private, vulnerable, and painful aspects of her life. For Mr. Depp to call her account "fake" and for her to have to refute it, has resulted in significant psychological distress, emotional pain, humiliation, and an exacerbation of PTSD.

While in the abusive relationship, Mr. Depp repeatedly utilized abusive tactics whereby he minimized his abuse and violence, blamed her for the abuse, denied that the abuse even occurred, and reversed the attack on her claiming that he was the victim, and she was the abuser. But Ms. Heard successfully extricated herself from that awful dynamic of violence and abuse and yet Mr. Depp's abuse continued through his false media comments. This forced her to confront the whole cycle of abuse, violence, blame, gaslighting, and condemnation all over again.

The psychological consequences and harm to women because of partner violence have been well documented, and include decline in general mental health, depression, anxiety, posttraumatic stress disorder, substance abuse, suicidality, shame, humiliation, self-blame, and diminished self-worth and self-efficacy, among others. This evaluation revealed that Ms. Heard meets DSM-5 criteria for Posttraumatic Stress Disorder (PTSD) with an etiology of the violence and abuse perpetrated by Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the victimization, violence, and abuse (flashbacks, memories, nightmares); conscious avoidance efforts to detract her from reliving the violence and abuse; negative effects on her thinking and mood; and an increase in hyperarousal and physiological reactivity.

Importantly, PTSD is a cue-related disorder and environment stimuli serve to trigger the disorder with accompanying psychological reactivity. Each time Mr. Depp released a media statement branding her a liar, that served as a trauma trigger activating memories of the horror and truth of the abusive relationship. Mr. Depp'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 Ms. Heard experiences greater concern for her personal safety, resulting in anxiety, an acute awareness of her surroundings, and continual scanning for danger.

### **Prognosis**

Ms. Heard's prognosis is guarded and her treatment is likely to be long term. Psychological recovery from the traumatic effects of intimate partner victimization is more than just the physical healing of cuts and bruises because the psychological damage from the relational betrayal and emotional abuse runs deep. Ms. Heard has continually availed herself of professional treatment and has been motivated for healing to occur, but her treatment is currently in the infancy stage because it has necessitated a focus on crisis management and psychological stabilization resulting from the defamatory statements by Mr. Depp. Her physical and emotional safety continues to be threatened, thereby exacerbating her PTSD. Interpersonal violence-related PTSD can be a chronic condition, often waxing and waning throughout a person's life, being triggered by environmental and life stressors. Ms. Heard will require treatment to address and ameliorate these trauma triggers as they arise. In addition, she will require treatment for victimization-associated traumatic sequelae, such as shame, self-blame, humiliation, intimacy problems, interpersonal disconnection, and trust difficulties. Her psychological care will be palliative and function to remedy the psychological impact of the trauma arising during her life.

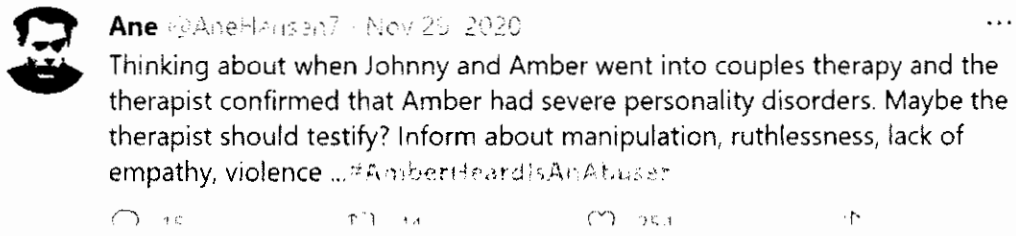
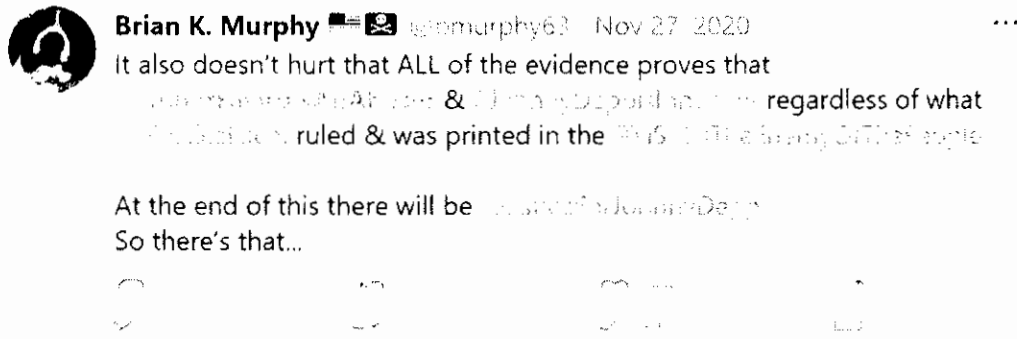
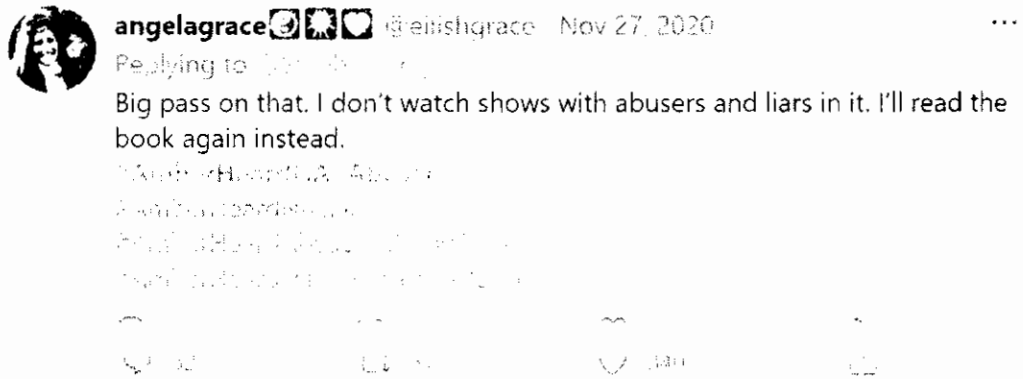
**Ronald S. Schnell**  
**Director**  
**Berkeley Research Group**  
**1111 Brickell Ave**  
**Suite 2050**  
**Miami, Florida 33131**  
**(305) 548-8546**  
**rschnell@thinkbrg.com**

Mr. Schnell's C.V. is attached as **Att. 3**. Mr. Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages, and is an adjunct professor at Nova Southeastern University, teaching computer security and operating systems in the computer science department.

Mr. Schnell is expected to testify as an expert in the field of statistical and forensic analysis of social media. As an expert in this field, Mr. Schnell and his firm, Berkeley Research Group, conducted an investigation relating to posts on social media, primarily Twitter, that contained and/or expressed negative comments and negativity ("negative posts" or "posts") about Amber Heard, from April 8, 2020 through the present. Mr. Schnell located and collected, and is expected to testify, that there are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Specifically, from the beginning of April 2020, until the end of January 2021, there were 1,243,705 negative posts relating to Amber Heard, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or #WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell has collected these on a hard drive,

which has been provided to counsel for Mr. Depp. Mr. Schnell is expected to testify to these negative posts, including providing examples from the hard drive of collected data.

Some examples of posts that Mr. Schnell has collected and provided to counsel for Mr. Depp, and is expected to testify to, include:





**Max\_Gordatio** @Max80094578 · Nov 27, 2020

...

Replying to @Liz

I read the book and liked it. I'd love to watch this show, but I won't support anything that liar and abuser Amber Heard is involved in. This woman mocks victims of domestic violence and uses them to make a career. So no thanks.

[#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#) [#AmberHeard](#)



**CheeryRosie Wald-mignon** #JusticeForJohnnyDepp 🇺🇸 · Jul 28, 2020

...

Well its took 4 years but everyone knows the truth now, she can hold as many press conferences as she likes its out there [#AmberHeardIsAnAbuser](#) and the world knows it!!!



♥ **Melissa** ♥ @Quirly\_Alone88 · Jul 28, 2020

...

We don't want anything from you. You are a vile excuse of a human being, a money grabbing, fame hungry tramp, who stood on the backs of genuine survivors and trampled all over what it means to be feminine.

[#JohnnyDepp](#) [#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#) [#AmberHeard](#)



👄 **Beth** 👄 @Pinka84 · Jul 29, 2020

...

Replying to @Liz

[#AmberHeard](#) is the abuser not johnny. Of course it was painful, to have to recount all the fvcked up stuff she did to him. She needs to just go away and rot! [#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#) [#AmberHeard](#)



**WriterEmmaBombeah** · Action Writer 18 · Jul 28, 2020

...

Amber Heard lied at every point. It's clearly mapped out here today. Her lies are so bad it is embarrassing to read. And yes as stated she has many mental issues.

[#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#) [#AmberHeard](#)

[#AmberHeardIsAnAbuser](#) [#AmberHeard](#)



Mr. Schnell is expected to testify about his statistical analysis of the Twitter posts, including the number of such posts per user, the number of users creating such posts, the commonality of the wording and formatting of such posts, the timing of such posts, and the frequency of such posts. This is all supported by the materials in the hard drive provided to counsel for Mr. Depp.

To conduct his search, Mr. Schnell and his team utilized the official Twitter “API” and conducted the following searches, starting from April 1, 2020: #JusticeforJohnnyDepp; #AmberheardIsAnAbuser; #AmberTurd; and #WeJustDontLikeYouAmber. The results of these searches were then pulled directly from Twitter using the API’s functionality. Because of the nature of those searches, Mr. Schnell is expected to testify that it is possible to show that the vast majority of the results contain negative statements about Ms. Heard. Mr. Schnell will also testify that based on the number of negative posts about Ms. Heard during this time on Twitter, a similar magnitude of negative comments would also be published on Instagram and Reddit, and Mr. Schnell is expected to provide examples of such negative posts and the relationship among the three social media sources.

Mr. Schnell is also expected to testify that there is no way to remove other people’s posts from these social media platforms, and therefore, the negative posts’ impact will always remain and be accessible to the public.

Mr. Schnell’s opinions are to within a reasonable degree of scientific probability and/or certainty, and are based on his expertise, educational and technical background, his work experience, consultation with leading works and peer consultations, his knowledge based on all of the above, and his examination and review of data from the three social media platforms described.

It is expected that Mr. Schnell will review additional materials as they become available, including in discovery, including in response to discovery served in California that is being objected

to and challenged in the California courts, and may supplement his opinions based on additional information and materials he locates and is otherwise made available to him.

**Kathryn Arnold**  
**1155 N. La Cienega Bl., PH 8,**  
**Los Angeles, CA 90069**  
**(323) 610-2029**  
**kathryna2z@gmail.com**

**Expertise and Qualifications**

Ms. Arnold's C.V. is attached as **Att. 4**. She is an award-winning film producer and executive with over twenty years of experience in film production, acquisition, distribution, international sales, and film financing. Ms. Arnold has extensive experience in script development, screenwriting, casting, packaging, contract negotiation, production, sales, distribution and chain of title. She has worked with talent agents, producers, studio and distribution executives, investors, and lawyers in the development, production, financing and distribution of feature film projects, television, and online programming. Ms. Arnold has produced and/or executive produced six feature films, been involved in the development and production of dozens of feature film and television projects, produced a live streaming web series, and directed a documentary film.

Since 2008, Ms. Arnold has provided consultant services to attorneys, financiers, investors, production companies, international sales organizations, and film commissions in all areas related to entertainment industry standards and practices, including providing expert testimony. In addition, based on Ms. Arnold's experience in the entertainment industry, Ms. Arnold has served as an expert witness and consultant on cases involving a broad array of matters including, but not limited to, economic and reputational damage analysis, intellectual property rights, copyright issues, chain of title, licensing, contracts, and business practices.

### **Summary of Engagement**

Ms. Arnold has been asked to offer her expert opinion and assess the reputational harm and economic opportunities lost by Ms. Heard as a result of the defamatory statements described in Paragraphs 45-47 of Ms. Heard's Counterclaim, and Exhibits F-H attached to the Counterclaims ("the defamation" or "the defamatory statements"). Specifically, Ms. Arnold will testify as to the economic consequences on Amber Heard as a result of the following statements ("defamatory statements") included in the Counterclaim, at Paragraphs 45-47 (with the Exhibits F, G and H):

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that "Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp."

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that "Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911."

47. On June 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an "abuse hoax" against Depp.

### **Sources Consulted**

In conjunction with the rendering of her opinion in this litigation, Ms. Arnold has reviewed pleadings, discovery, documents provided in discovery by both parties, trial and deposition testimony, has spoken with Ms. Heard and her publicist and management team, has conducted research, and has relied on these sources as well as her extensive experience and resources in the entertainment industry.



Ms. Arnold has also consulted with Ron Schnell, a forensic expert in computer and social media data, also identified in this Designation. Mr. Schnell has reported to Ms. Arnold that Ms. Heard has been the subject of over 1,243,705 negative tweets and posts arising after the defamation, from the beginning of April until the end of January, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or #WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell also reported to Ms. Arnold that a similar magnitude of negative comments would also be published on Instagram and Reddit,

This is significant because the entertainment industry relies heavily on the reputation of actors in social media and frequently will run searches of social media sites on any actors being considered for any role. Likewise, entities considering actors for commercial opportunities place substantial importance on the actor's reputation in social media in determining the actor to best promote their products and services.

#### **Summary of Ms. Arnold's Opinions**

Ms. Arnold is expected to testify that film studios and production companies evaluate the reputation of an actor in the public sphere when determining whether to offer an actor a role, and on what terms to hire an actor. Similarly, Ms. Arnold is expected to testify that companies looking to market products evaluate an actor's reputation in the public sphere to determine whether, and on what terms, to hire an actor to promote such products in advertising. Ms. Arnold is expected to testify to the importance of actor's reputation in the entertainment industry, and the negative impact on Ms. Heard's reputation and the opportunities she may receive when she is accused of the conduct described in Paragraphs 45-47 of the Counterclaim and Exhibits F-H to the Counterclaim.

Because of the defamatory statements and ensuing negative public reaction, Ms. Arnold is expected to testify that Ms. Heard incurred significant reputational damages and economic loss. Ms. Arnold is expected to testify that a reasonable way in the entertainment and commercial industry to calculate the reputational and economic damages suffered by Ms. Heard is to measure against reasonable comparators in the industry. Based on such comparisons, Ms. Arnold is expected to testify that Ms. Heard's economic losses as a result of the defamatory statements over a 3-5-year period range from \$47 million to \$50 million. Ms. Arnold is also expected to testify that, based on her experience in the entertainment industry, it is difficult to repair an actor's reputation, especially where there has been so much negative reaction in the social media since the defamatory statements, they are not erasable, and it may take many years to repair and/or restore Ms. Heard's reputation.

**Ms. Heard's Career was Flourishing Before the Defamation**

Ms. Arnold's bases for her opinions includes her review of Ms. Heard's career as a working actress. Ms. Heard has been a working actress in film and television for over 15 years with over 50 productions to her credit. Ms. Heard received critical and box office acclaim in movies such as THE DANISH GIRL released in 2015 and most notably her starring roles in JUSTICE LEAGUE (2017) and AQUAMAN (2018) alongside Jason Momoa. Throughout this period, Ms. Heard was able to power through and overcome the negative publicity she received surrounding her divorce from Mr. Depp in 2016.

Ms. Arnold is also expected to testify as to Ms. Heard's press opportunities before the defamation. Ms. Heard's performances in DANISH GIRL and AQUAMAN created tremendous awareness and momentum throughout the world. Ms. Heard was traveling around the world for press events and was on the cover of a variety of global magazines. Examples include:

After the DANISH GIRL:

- November 2015 – California Style cover story
- December 2015 – Marie Claire cover story
- December 2015 – Elle cover story

After JUSTICE LEAGUE

- December 2017 GQ Australia Collector's EditiStory as "Woman of the year"

After AQUAMAN

- December 2018 – Marie Claire UK cover story
- December 2018 – Shape cover story
- December 2018 – Glamour Mexico cover story (Considered a "role model of the world")
- December 2018 – In Style Russia cover story
- December 2018 – Porter The Edit
- January 2019 – Glamour US cover story

**Ms. Heard's Reputation and Career Suffered Significant Negative Impact After the Defamation**

Ms. Arnold is expected to testify that Ms. Heard's career gains were severely damaged if not destroyed by the defamatory statements, beginning in April 2020 and continuing through the present. After the release of AQUAMAN in 2018, Ms. Heard starred in the TV series "The Stand."

However, in contrast to before the defamatory statement, Ms. Heard has not been involved in any press activity surrounding The Stand even though it is based on a Stephen King novel, which Ms. Arnold is expected to testify should have garnered tremendous interest for Ms. Heard. LA Style magazine, who wrote a piece on the series, was planning to place Ms. Heard on the cover. After the defamatory statements came out, Ms. Heard's cover story was pulled. In fact, since the defamatory statements have been released, Ms. Heard's world has been virtually

silent — she has received virtually no press requests.

Ms. Heard's endorsements have also stopped. In April of 2018, between the release of JUSTICE LEAGUE and AQUAMAN, Ms. Heard signed an endorsement deal with L'Oreal for \$1.5 million for a period of two years, with the option to renew for an additional year. Although L'Oreal had the right to utilize Ms. Heard's services for 20 days, it has only utilized Ms. Heard for a few days since the contract was signed. Since the defamatory statements, Ms. Heard has not been hired for any other endorsement deals.

**Comparable Actors to Ms. Heard Have Received Many More Projects than Ms. Heard**

Ms. Arnold reviewed Ms. Heard's career trajectory to that of comparable actors during similar time frames. Actors in similar age ranges and acting styles, who broke out around the same time as Ms. Heard, have watched their careers sky-rocket, while the damage to Ms. Heard's reputation has effectively stalled her career. Ms. Arnold is expected to testify to the following comparators:

**Jason Momoa**, Ms. Heard's co-star in AQUAMAN, has worked outside of the franchise and earned significant dollars:

- SEE / Apple+ TV series
- DUNE / feature film with \$165M budget
- SWEET GIRL (Netflix for which he is acting and producing)
- SATURDAY NIGHT LIVE (excellent publicity event)
- THE SIMPSONS (a relevant social marker in today's zeitgeist)

**Gal Gadot**, starred in WONDER WOMAN, a female superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- DEATH ON THE NILE / (\$55M budget for Fox)
- RED NOTICE / (\$160M budget for Netflix)
- HEDY LAMARR / Limited series for Apple+, Gadot also Ex. Prod.
- THE SIMPSONS / Voiceover for hit TV show

**Zendaya**, SPIDERMAN, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- EUPHORIA on HBO Emmy — Best Actress in a Drama
- THE GREATEST SHOWMAN w/Hugh Jackman (\$84M budget for Fox)
- DUNE – (\$165M Budget) alongside Jason Momoa
- MALCOM & MARIE –\$30M sale to Netflix, owns a piece of the film
- Several animated films

**Ana De Amas**, BLADE RUNNER 2049, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- KNIVES OUT (\$40M budget for Lionsgate)
- DEEP WATER (Adriane Lynne directing with a \$49M budget)
- NO TIME TO DIE (the new James Bond film with a budget of \$250M)
- BLONDE (\$41M budget)
- THE GRAY MAN (\$250M budget for Netflix)

**Chris Pine**, STAR TREK BEYOND and WONDER WOMAN:

- WRINKLE IN TIME (\$103M budget for Disney)
- OUTLAW KING (\$120M budget for Netflix)
- SPIDERMAN INTO THE SPIDER VERSE (\$90M budget for Sony)
- WONDER WOMAN 1984 (\$200M budget for WB)

- VIOLENCE OF ACTION
- DON'T WORRY DARLING (\$20M for New Line)
- ALL THE OLD KNIVES (Amazon)

In contrast to these comparables, Ms. Heard has been in only one project since AQUAMAN, and Ms. Arnold will testify that it would be expected that without the defamatory statements and subsequent harm to her reputation, Ms. Heard would have been as active as any one of these actors.

In addition, Ms. Arnold examined these comparables to Ms. Heard in terms of endorsements. Ms. Heard only has had the limited endorsement with L'Oreal. By contrast, the actors listed in the "comparables" section above have entered into multiple endorsement contracts since their break-out hits:

**Jason Momoa, Heard's co-star in AQUAMAN:**

- Rocket Mortgage – Super bowl campaign
- Harley Davidson
- Mananalu Water
- So Ill climbing gear
- + several offers that have been passed on.
- 3-5 appearance engagements at \$250,000 each

**Gal Gadot, WONDER WOMAN:**

- Revlon
- Smart Water
- Huawei
- Reebok
- Tiffanys
- ASUS
- Wix
- Boss Zhphin (China only)

- Bolan (China only)
- Hot TV provider (Israel only)
- + offers that have been passed on

**Zendaya, SPIDERMAN:**

- Lancôme beauty and fragrance
- Tommy Hilfiger fashion collaboration
- Bvlgari jewelry
- Dolce & Gabbana Spring / Summer fashion campaign
- Covergirl<sup>4</sup>

**Calculation of Ms. Heard's Damages**

In order to assess the economic damages the defamation caused to Ms. Heard, Ms. Arnold calculated the money ranges Ms. Heard's comparables have been receiving over the same or similar time period. Based on her review of the materials described above and her knowledge, experience and sources within the industry, Ms. Arnold is expected to testify it is reasonable that but for the defamation, Ms. Heard would have realized as part of her career, over the next three to five years, the following:

- A streaming TV series, earning her at least \$1 million per episode for at least 8 episodes;
- Starring in several feature films, earning at least \$5 million plus residuals and back end;

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<sup>4</sup> This endorsement came out the year before SPIDER-MAN's release, but after the studio announced she was part of the film. Ms. Arnold is expected to testify that many brands will lock in talent upon hearing they have been cast as part of a large film franchise, so the brand can take advantage and piggy-back off the marketing and publicity of the film. In fact, L'Oreal did this with Ms. Heard – they signed her May 2018 and AQUAMAN was released December 2018.

- Landing several endorsement deals, earning her several million dollars;
- Producing and starring in a movie, earning approximately \$12 million.

Ms. Arnold is also expected to testify that as Ms. Heard performed in more projects, her earning power would have grown exponentially, allowing her to negotiate for even more money per film. In total, Ms. Arnold estimates, based on the above, and specifically considering the comparables, Ms. Heard's economic damages for lost career opportunities range between \$47 and \$50 million over the next 3-5 years.

All of Ms. Arnold's opinions are within a reasonable degree of professional probability and/or certainty. Ms. Arnold may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider and supplement her opinions based on further discovery and documentation or facts which become available to her.

**David R. Spiegel, MD**  
**825 Fairfax Ave Ste. 710**  
**Norfolk VA 23507**  
**(757) 446-5888**  
**(757) 446-5918**  
**spiegedr@evms.edu**

**Expertise and Qualifications**

Dr. Spiegel's C.V. is attached as **Att. 5**. Dr. Spiegel is a Professor of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School, which he joined in 2001 after almost a decade in private practice. Dr. Spiegel obtained his medical degree from SUNY-Health Science Center at Brooklyn, and then completed his psychiatry residency at Dartmouth-Hitchcock and Hershey-Penn State. Dr. Spiegel is a clinical supervisor for psychiatry residents and psychology interns and presents to community mental health professionals. Dr. Spiegel's inpatient and outpatient practices involve new and follow-up comprehensive evaluations, which include history, mental status examination, diagnoses, and treatment planning, and encompasses about



85-90% of Dr. Spiegel's daily workload. Throughout his career, Dr. Spiegel has diagnosed, treated and provided therapy to patients suffering from varying degrees of alcohol and substance abuse, as well as to both victims and perpetrators of intimate partner violence ("IPV").

Dr. Spiegel has testified as expert in the Commonwealth of Virginia, as well as Maryland and South Carolina on a range of topics in psychiatry and behavioral sciences. He has written and lectured extensively on the effects of alcohol and drugs (both legal and illegal) on the human brain and the person's interactions with others (both short-term and long-term), the causes and effects of intimate partner abuse, and other psychiatric issues.

In conjunction with the rendering of his opinion in this litigation, Dr. Spiegel reviewed and relied upon the relevant pleadings, videos, audios, pictures, text messages, emails, medical records, and other documents produced in discovery, testimony from the UK, depositions, see **Att. 6** ("data reviewed" or the "record evidence"), and an interview with Ms. Heard. Dr. Spiegel requested an assessment of Mr. Depp, but Mr. Depp declined.

Dr. Spiegel will testify as an expert in the fields of Psychiatry and Behavioral Sciences. Dr. Spiegel bases his opinions, to within a reasonable degree of medical and professional probability and/or certainty in the fields of psychiatry and behavioral sciences, upon his background, experience, knowledge, a review of the materials provided to him, and other information available to him, including the sources cited in this Designation.

Dr. Spiegel has been engaged to analyze and opine on the impact of alcohol and substance abuse, including the combination of drugs taken by Mr. Depp, and the potential impact of sustained use of these substances on memory, cognition, and how this may impact Mr. Depp. Dr. Spiegel has also been asked to analyze the risk factors associated with perpetrators of

Intimate Partner Violence (“IPV”), and in his evaluation of the record evidence, whether Mr. Depp has exhibited conduct or behaviors indicative or consistent with any of these risk factors.

**I. The Impact of Alcohol and Drug Use/Abuse Over a Prolonged Period of Time.**

Dr. Spiegel is expected to testify about the medical and psychological impact on Mr. Depp based on the evidence of Mr. Depp’s alcohol and drug use since the 1980s. Dr. Spiegel is expected to testify that the record evidence demonstrates that Mr. Depp has a history of using or overusing alcohol and controlled drugs, including cocaine, ecstasy (MDMA), magic mushrooms and cannabis as well as certain prescribed drugs (notably Oxycodone, Roxicodone or Roxies, Xanax and Adderall). Dr. Spiegel is also expected to testify that regularly associating with others who extoll the virtues of drugs is an indicator of a drug problem, and in this case, Mr. Depp regularly associated with such people, including Hunter S. Thompson, Keith Richards, and Marilyn Manson, who extolled the virtues of drugs and alcohol. Dr. Spiegel will also testify about record evidence, including but not limited to, Dr. Kipper attempting to treat Mr. Depp for years for “polysubstance abuse” (the abuse or dependence to many substances), text messages where Mr. Depp is seeking cocaine and ecstasy, articles where Mr. Depp admits that he spends much more than \$30,000 a month on wine, deposition and trial testimony of Mr. Depp’s drug and alcohol abuse, and notes from Mr. Depp’s own doctors, including Dr. Kipper’s analysis that Mr. Depp “is uncomfortable, is pessimistic that he will ever be able to stop doing drugs, actually romanticizes the entire drug culture and has no accountability for his behaviors.” Based on this evidence, Dr. Spiegel is expected to testify that Mr. Depp’s conduct is indicative of and consistent with displaying a long-term alcohol and drug addiction and has abused drugs and alcohol, which is considered a significant risk factor of IPV, as further discussed below.

Dr. Spiegel is also expected to testify that hundreds of studies show a significant link between substance abuse and memory loss, which, as a result, affects cognitive functions such as learning, language and comprehension. When a person experiences a blackout during alcohol or drug use, for example, it prevents the brain from completing the process of forming memories. Persistent drug use can cause not only issues with recalling recent events but also long-term memory loss. Drug and alcohol use affects the hippocampus which is essentially the brain's memory-storage system. Someone who becomes heavily dependent on drugs, including alcohol, will start to see long-lasting effects to their memory and brain function. They may begin to struggle with learning new things and have trouble recalling details such as birthdays and other important dates. Dr. Spiegel is also expected to testify that there is a high correlation between domestic abuse, heavy alcohol abuse, and cognitive disorders. *See Differential Cognitive Profiles of Intimate Partner Violence Perpetrators Based on Alcohol Consumption, Alcohol Volume 70, August 2018, Pages 61-71, SaraVitoria-Estruch; AngelRomero-Martínez; MarisolLila; LuisMoya-Albiol.*

Dr. Spiegel is expected to testify that based on his review of Mr. Depp during the video deposition taken of Mr. Depp on November 10, 11 and 12, 2020, Dr. Spiegel was able to review and assess Mr. Depp's appearance, behavior and thought process, thought content, cognitive symptoms, insight and judgment. Dr. Spiegel is expected to testify that Mr. Depp demonstrated impaired attention, difficulty with word-finding retrieval, demonstrated impaired cognitive memory and processing speed, and difficulty in his ability to focus on the topic at hand. Dr. Spiegel is expected to testify that based on Mr. Depp's age of 57, these impairments cannot be attributable to age, but are consistent with Mr. Depp's use and abuse of alcohol and drugs. This is also consistent with the record evidence, which has demonstrated Mr. Depp having cognitive

impairments not in line with his age, such as failing to recall his lines for his movies, and having them read to him while wearing an ear piece.

## **II. Intimate Partner Violence**

### **A. Analysis of IPV**

Dr. Spiegel is expected to testify as to the definition of IPV, which is a pattern of assaultive and coercive behaviors that may include inflicted physical injury, psychological abuse, sexual assault, progressive social isolation, stalking, deprivation, intimidation and threats.

IPV is common. It affects millions of people in the United States each year. Data from CDC's National Intimate Partner and Sexual Violence Survey indicate about one in four women have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact. About 35% of female IPV survivors experience some form of physical injury related to IPV. There are also many other negative health outcomes associated with IPV. These include a range of conditions affecting the heart, digestive, reproduction, muscle and bones, and nervous systems, many of which are chronic. Survivors can experience mental health problems such as depression and posttraumatic stress disorder (PTSD) symptoms.

Dr. Spiegel is expected to testify that, based on his work with perpetrators and victims of IPV, as well as significant research in the field, there are identified risk factors, or characteristics of a person that increase risk of that person being an IPV perpetrator. Those risk factors include heavy alcohol and drug use, poor behavioral control/impulsiveness, a narcissistic personality, and attitudes accepting or justifying IPV. Dr. Spiegel is expected to testify that, based on the evidence he reviewed, including text messages, photographs, video tapes, audio files, medical

documentation, therapy records, witnesses, depositions, trial testimony and other exhibits, Mr. Depp has engaged in conduct indicative of or consistent with these risk factors.

Dr. Spiegel is expected to testify that this case includes allegations of all forms of IPV, including physical violence, sexual abuse, and psychological aggression, and is further expected to testify as follows:

**i. Physical violence.** Physical violence involves forceful physical contact that may vary from light pushes and slaps to severe beatings and lethal violence. A review of the evidence in this case shows a significant amount of physical abuse perpetrated against Ms. Heard throughout the course of their relationship, and that Ms. Heard was physically assaulted several times per week, sometimes daily. There are numerous witnesses who reported seeing cuts, bruises, and injuries for years, and it was reported that Mr. Depp grabbed, pushed, and shoved Ms. Heard; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, and body; slapped her with the front and back of his hand; kicked her; slammed her against the wall and floor; threw objects at her; suffocated her, flicked a cigarette at her; pulled her by the hair; and beat her up.

**ii. Sexual abuse.** Sexual abuse includes coercive and physical behaviors varying from trying to persuade someone to perform a sexual act against their will, ignoring “no” responses, to physically forced sex acts. There is record evidence of Mr. Depp sexually assaulting Ms. Heard on a number of occasions.

**iii. Psychological aggression.** Psychological aggression (or emotional abuse) refers to acting in an offensive or degrading manner toward another, usually verbally, and may include threats, ridicule, withholding affection, and restrictions (*e.g.*, social isolation, financial control). These behaviors are perpetuated by someone who is, was, or wishes to be involved in

an intimate or dating relationship with an adult or adolescent, and one aimed at establishing control by one partner over the other. (Capaldi DM, Knoble NB, Shortt JW, Kim HK. A Systematic Review of Risk Factors for Intimate Partner Violence. *Partner Abuse*. 2012;3(2):231-280.doi:10.1891/1946-6560.3.2.231.)

Psychologically abusive behaviors by Mr. Depp that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, writing on surfaces, such as countertops, lamp shades, mirrors and walls, erratic behavior; antagonistic behaviors about Ms. Heard's career; criticizing her ambition; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, ugly, fat); constant accusations of flirting and infidelity; controlling her clothing choices and movie parts; insisting on using his security detail and vehicles, not permitting her to have a password on her devices, showing up on set, insisting she spend his money and being upset when she resisted; criticizing her body; and emotional manipulation (threats of suicide; threats and actual infliction of self-harm).

**B. Substance Abuse is a Risk Factor of IPV**

Substance abuse has been found to occur in 40-60% of IPV incidents across various studies. Several lines of evidence suggest that substance use/abuse plays a facilitative role in IPV by precipitating or exacerbating violence. This includes IPV perpetration in the contexts of intoxication, and withdrawal and addiction. Likewise, drug-induced paranoia and fears of infidelity were used by perpetrators to justify IPV in ways that extended men's more everyday invocations of sexual jealousy and distrust as reasons for checking up on partners. Dr. Spiegel is expected to testify that intoxication related to alcohol and stimulant drugs (methamphetamines and cocaine) was linked to IPV perpetration in all studies. Several studies have also shown that both survivors of IPV and perpetrators talk about how partners under the influence of alcohol

and/or drugs turn from a “good husband to a bad husband” (Boonzaier & Rey, 2003); from “Dr. Jekyll to Mr. Hyde” (Gilbert et al., 2001)] ; from “a warrior to a beater” (Matamonasa-Bennett, 2015)]; turn into “dictators,” and “converts you into a monster” (Gilchrist et al., 2015) (Boonzaier & Rey, 2003).

Studies have also shown an increased risk of IPV perpetration when dependent perpetrators were in withdrawal or craving alcohol, heroin and stimulant drugs due to irritability and frustration (Satyanarayana et al., 2015; Wilson et al., 2017) (Gilbert et al., 2001) (Abdul-Khabir et al., 2014; Ludwig-Barron et al., 2015) (Watt, 2012).

As discussed above, the record evidence reflects that Mr. Depp had a history of alcohol and drug abuse, including during the relationship with Ms. Heard.

**C. Lack of Behavioral Control and Impulsiveness is a Risk Factor of IPV**

Dr. Spiegel is expected to testify that the lack of behavioral control and impulsiveness is also a strong risk factor for IPV. Research indicates a robust association between impulsivity, or the inability to regulate certain behaviors, and various forms of aggressive behavior (*e.g.*, Abbey et al., 2002; Hynan & Grush, 1986; Netter et al., 1998), including IPV (*e.g.*, Cohen et al., 2003; Shorey, Brasfield, Febres, & Stuart, 2010; Schafer et al., 2004). Cross-sectional research indicates that men who report IPV perpetration are higher in impulsivity compared to men who do not report IPV (Cohen et al., 2003).

Dr. Spiegel is expected to testify that the record evidence reflects that Mr. Depp lacks behavioral control and impulsiveness. This evidence includes, but is not limited to, notes from Mr. Depp’s doctor (Dr. Kipper) referring to Mr. Depp: “[t]here is also an issue of patience. He’s driven almost reflexively by his id - has no patience for not getting his needs met, has no understanding of delayed gratification and is quite childlike in his reactions when he does not get

immediate satisfaction.” This lack behavioral control and impulsiveness is another significant risk factor for IPV.

**D. Narcissism is a Risk Factor of IPV**

A narcissist is a person who has an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others.

Dr. Spiegel will testify that according to the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, symptoms of Narcissistic Personality Disorder include (1) requiring excessive admiration; (2) possessing a sense of entitlement, such as an unreasonable expectation of favorable treatment or compliance with his or her expectations; (3) is exploitative and takes advantage of others to achieve his or her own ends; (4) lacks empathy and is unwilling to identify with the needs of others; (5) is often envious of others or believes that others are envious of him or her; and shows arrogant, haughty behaviors and attitudes. Dr. Spiegel will testify that narcissists have a fragile self-esteem that is vulnerable to the slightest criticism.

Dr. Spiegel is expected to testify that in his review of the record evidence, Mr. Depp has engaged in behavior and conduct indicative of and consistent with all these symptoms of Narcissistic Personality Disorder which is another risk factor for IPV. These behaviors and characteristics are documented by Mr. Depp’s own treating physician, Dr. Kipper, as well as reflected by other record evidence.

Studies have shown that narcissistic men are more likely to commit domestic violence. For example, the findings of Kent State University researchers (2010) suggest that “the anger, hostility, and short fuse that accompany a man’s narcissism tend to be directed toward ... women,” and that “narcissistic men can become enraged when they are denied gratification... including when people reject them.” In fact, some of the more common traits that overlap both



narcissists and abusers include lack of empathy, controlling behavior, self-absorption, displays of physical violence when told “no,” and displays of anger when they perceive rejection from their partner. Dr. Spiegel is also expected to testify when there is an association of substance abuse disorder with Narcissistic Personality Disorder, there is a significantly increased likelihood of more hostility and aggression from the perpetrator.

**E. Attitudes Accepting or Justifying IPV is a Risk Factor of IPV**

Attitudes toward IPV are known predictors of IPV victimization and perpetration. Dr. Spiegel is expected to testify that there is record evidence demonstrating that Mr. Depp would “joke” about IPV, even in public articles. This includes, but is not limited to, a GQ article in which Mr. Depp admitted telling Hunter S. Thompson about Kate Moss, “she gets a severe beating.” Mr. Depp was also involved in a particularly striking text exchange, dated June 11, 2013, where Mr. Depp wrote “Let’s burn Amber!!!” and “Let’s drown her before we burn her!!! I will fuck her burnt corpse afterwards to make sure she’s dead.” Dr. Spiegel is expected to testify that such cavalier attitudes toward IPV are a significant risk factor of IPV actually occurring in intimate relationships.

**F. Being a Previous Victim of Physical or Psychological Abusive is a Risk Factor of IPV**

Studies have also demonstrated that previously being a victim of physical or psychological abuse and witnessing IPV between parents as a child can also be a risk factor that leads to a person being an IPV perpetrator in his intimate relationships.<sup>5</sup> Dr. Spiegel is expected

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<sup>5</sup> See e.g., Storvestre GB, Jensen A, Bjerke E, Tesli N, Rosaeg C, Friestad C, Andreassen OA, Melle I, Haukvik UK. Childhood Trauma in Persons With Schizophrenia and a History of Interpersonal Violence, *Front Psychiatry*. 2020 May 5;11:383. doi: 10.3389/fpsy.2020.00383. PMID: 32431632; PMCID: PMC7214725; Ernst AA, Weiss SJ, Hall J, Clark R, Coffman B, Goldstein L, Holey K, Dettmer T, Lehrman C, Merhege M, Corum B, Rihani T, Valdez M, Adult intimate partner violence perpetrators are significantly more likely to have witnessed

to testify that his review of the evidence demonstrates that Mr. Depp was a previous victim of physical violence from his mother, and saw his parents engage in IPV. This includes Mr. Depp's testimony that his "[b]rains [were] beaten out by my mom" as far back as he could remember, through the age of 17. Mr. Depp also testified that his mother would punch his father, knocking teeth out of his father's mouth, and that his father, in response, punched holes in the wall. This witnessing of violence at a young age is a high-risk factor of IPV.

**G. Warning Signs of IPV**

In addition to risk factors of IPV, Dr. Spiegel is expected to testify based on studies and his work with perpetrators and victims of IPV, that there are certain warning signs to help recognize if someone is an IPV perpetrator. These warning signs include:

- **Use of physical aggression.** They often slap, hit, shove, or push their partner. Dr. Spiegel is expected to testify that based on the record evidence, including but not limited to, audio recordings, pictures of Ms. Heard's injuries, text messages, video recordings, and deposition and trial testimony, the record reflects that Mr. Depp has slapped, hit, shoved Ms. Heard on a regular basis, and has also head-butted her, grabbed her hair and punched her, dragged her across the room, kicked her, thrown objects at her, strangled her, and suffocated her.
- **They are unpredictable. Their moods tend to change rapidly and radically.** Dr. Spiegel is expected to testify to the record evidence, including but not limited to deposition and trial testimony, emails, texts, video, audio, and journal entries,

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intimate partner violence as a child than nonperpetrators. *Am J Emerg Med.* 2009 Jul;27(6):641-50; Flynn A, Graham K. "Why did it happen?" A review and conceptual framework for research on perpetrators' and victims' explanations for intimate partner violence. *Aggress Violent Behav.* 2010;15(3):239-251. doi:10.1016/j.avb.2010.01.002; <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html>

that demonstrate Mr. Depp's change from a loving husband to what even Mr. Depp called "the Monster."

- **They are often jealous, suspicious, and/or angry – even if they have no reason to be.** Dr. Spiegel is expected to testify about the record evidence, which reflects Mr. Depp's jealousy of virtually any man who worked with Ms. Heard, and his fear that she was having affairs with multiple partners.
- **They control their partner's time. They monitor and control their partner's activities, including whether they go to work or school, and how much they see their family and friends.** Dr. Spiegel is expected to testify that Mr. Depp reflected this conduct as well. Based on the record evidence, including deposition and trial testimony, he would call directors and male costars to check on her, insist she use his vehicles and security detail, not have passwords on her devices so he could easily access them, interfere with filming and roles, and regulate and manipulate who she could see and spend time with.
- **They control their partner's money. They make important financial decisions with shared money by themselves, or they take their partner's money without permission.** Dr. Spiegel is expected to testify to the record evidence that reflects that Mr. Depp exerted his financial control over Ms. Heard and attempted to exert even more control.
- **They use verbal threats. They are not afraid to name-call, swear, and yell at their partner.** Dr. Spiegel is expected to testify to the degrading comments Mr. Depp made toward Ms. Heard (whore, cunt, bitch, ugly, fat).

- **They isolate their partner. They may limit their partner's use of the phone or other sources of communication, or may force their partner to stay at home.**

Dr. Spiegel is expected to testify that the evidence of Mr. Depp controlling where Ms. Heard stayed, regulating who she can see and when, and requiring that she not have any passwords on devices so he had unfettered access to her devices and communications is a warning sign of IPV.

- **They blame. They often try to blame their partner or others for their problems.** Dr. Spiegel is expected to testify that the record evidence reflecting Mr. Depp constantly blaming Ms. Heard for the problems in their relationship.
- **They threaten to hurt themselves, their partner, or their partner's loved ones if their partner tries to leave.** Dr. Spiegel is expected to testify as to the warning signs of IPV, where Mr. Depp regularly told Ms. Heard during or after an altercation that he was thinking of suicide or threats of (and actual) self-harm if she did not do as he pleased, and audio recordings relating to using a knife and inflicting a cigarette burn.

Dr. Spiegel is expected to testify that in his review of the record materials and in speaking with Ms. Heard, Mr. Depp exhibited all these warning signs in his relationship with Ms. Heard.

All of Dr. Spiegel's opinions are within a reasonable degree of psychiatry and behavioral sciences and professional probability and/or certainty. Dr. Spiegel may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider any further discovery and documentation or facts which become available to him.

February 16, 2021



Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, Virginia 20190  
Telephone: (703) 318-6800  
[cbredehoft@cbcblaw.com](mailto:cbredehoft@cbcblaw.com)  
[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)  
[dmurphy@cbcblaw.com](mailto:dmurphy@cbcblaw.com)

J. Benjamin Rottenborn (VSB No. 84796)  
Joshua R. Treece (VSB No. 79149)  
WOODS ROGERS PLC  
10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, Virginia 24011  
Telephone: (540) 983-7540  
[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)  
[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)

*Counsel to Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 16<sup>th</sup> day of February, 2021, 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](mailto:bchew@brownrudnick.com)  
[acrawford@brownrudnick.com](mailto: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](mailto:cvasquez@brownrudnick.com)

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



Elaine Charlson Bredehoft (VSB No. 23766)

# ATTACHMENT 1

Curriculum Vitae  
DAWN M. HUGHES, PH.D. ABPP  
2021

PROFESSIONAL ADDRESS

274 Madison Avenue - Suite 604  
New York, New York 10016  
Tel: (212) 481-7044  
Fax: (212) 481-7045  
Web: [www.drdownhughes.com](http://www.drdownhughes.com)  
Email: [hughes@drdownhughes.com](mailto:hughes@drdownhughes.com)

EDUCATION

- 1996 Doctor of Philosophy in Clinical Psychology  
Nova Southeastern University, Fort Lauderdale, FL
- 1992 Master of Science in Clinical Psychology  
Nova Southeastern University, Fort Lauderdale, FL
- 1988 Bachelor of Arts in Psychology  
Hamilton College, Clinton, NY

PROFESSIONAL TRAINING

- 9/96 - 9/97 *Postdoctoral Fellow - Research Associate in Psychiatry*  
Weill Cornell Medical College - New York Presbyterian Hospital  
Anxiety and Traumatic Stress Program - Payne Whitney Clinic  
New York, NY
- 6/94 - 6/95 *Predoctoral Intern*  
Yale University School of Medicine - Department of Psychiatry  
Substance Abuse Treatment Unit and West Haven Mental Health Clinic New  
Haven, CT

CURRENT POSITIONS

- 1998 - Present *Independent Practice in Clinical and Forensic Psychology*  
Specialization in Traumatic Stress, Interpersonal Violence and  
Anxiety Disorders
- 2010 - Present *Clinical Assistant Professor of Psychology in Psychiatry*  
Weill Cornell Medical College - New York Presbyterian Hospital  
New York, NY

LICENSURE & BOARD CERTIFICATION

- 1997 New York Licensed Psychologist  
2005 Board Certification in Forensic Psychology - American Board of Professional Psychology  
2015 Connecticut Licensed Psychologist  
2015 North Carolina Licensed Psychologist

**CONFIDENTIAL**



## PROFESSIONAL AFFILIATIONS

American Psychological Association (APA)  
American Psychology and Law Society  
Division of Trauma Psychology  
Psychologists in Independent Practice  
Society for the Psychology of Women  
New York State Psychological Association (NYSPA)  
American Board of Professional Psychology (ABPP)  
Fellow – American Academy of Forensic Psychology (AAFP)  
International Society for Traumatic Stress Studies (ISTSS)  
Anxiety Disorders Association of America (ADAA)  
Women's Mental Health Consortium (WMHC)  
International Society for the Study of Trauma and Dissociation (ISSTD)

## PROFESSIONAL ACTIVITIES

### American Psychological Association (APA)

*Council of Representatives* – Division of Trauma Psychology – 2018-2020  
*Member-at-Large* – Division of Trauma Psychology – 2013-2014  
*Leadership Institute for Women in Psychology* – 2011-2012  
*Awards Chair* - Division of Trauma Psychology – 2010-2012  
*Convention Program Co-Chair* – Division of Trauma Psychology 2008-2010

### Women's Mental Health Consortium

President 2009-2017  
Membership Chair 2007-2009

### International Society for Traumatic Stress Studies (ISTSS)

Program Committee 2001

## CLINICAL EXPERIENCE

1/97 - 9/97      *Clinical Diagnostic Interviewer*  
Rockefeller University-Laboratory of Human Neurogenetics, NY, NY

9/92 - 8/93      *Psychology Extern*  
Veterans' Administration Outpatient Clinic, Oakland Park, FL

9/91 - 8/92      *Psychology Extern*  
Family Violence Program, Nova University, Fort Lauderdale, FL

9/90 - 6/91      *Psychology Trainee*  
Nova University Community Mental Health Center, Lauderhill, FL

5/91 - 11/91      *Crisis Clinician*  
Nova University Crisis Services, Fort Lauderdale, FL

5/89 - 7/90      *Legal Services Assistant*  
The Legal Aid Society - Federal Defenders Services Unit, New York, NY

- 5/88 - 5/89      *Substance Abuse Counselor*  
Narco Freedom, Bronx, NY
- 10/87 - 5/88      *Field Study Intern*  
Central New York Psychiatric Center, Marcy, NY

#### TEACHING EXPERIENCE

- 2002 - 2010      *Clinical Instructor of Psychology in Psychiatry*  
Weill Cornell Medical College, New York, NY  
New York Presbyterian Hospital - Payne Whitney Clinic
- 1998 - 2000      *Consultant: Professional Development, Education and Training*  
Victim Services, New York, NY
- 9/92 - 12/92      *Teaching Assistant*  
9/93 - 12/93      Nova Southeastern University, Fort Lauderdale, FL  
Courses: Advanced Research Design and Intermediate Statistics

#### RESEARCH EXPERIENCE

- 5/92 - 5/94      *Research Coordinator*  
Sexual Abuse Survivors Program  
Nova University Community Mental Health Center, Fort Lauderdale, FL
- 9/91 - 5/94      *Research and Statistical Consultant*  
Nova University - Fort Lauderdale, FL

#### PUBLICATIONS

- Tardiff K. and Hughes, D.M. (2011). Structured and clinical assessment of risk of violence. In Drogin et al. (Eds.) *Handbook of Forensic Assessment: Psychiatric and Psychological Perspectives*, John Wiley & Sons, Inc., New Jersey
- Hughes, D.M. & Cloitre, M. (1999). Rape and sexual assault among adult women. In K. Tardiff (Ed.). *Medical Management of the Violent Patient*, Marcel Dekker, Inc., New York
- Gold, S.N., Hughes, D.M. & Swingle, J. (1999). Degrees of memory of childhood sexual abuse among women survivors in therapy. *Journal of Family Violence, 14*, 35-46.
- Gold, S.N., Elhai, J., Lucenko, B.A., Swingle, J.M., & Hughes, D.M. (1998). Abuse characteristics among childhood sexual abuse survivors in therapy: A gender comparison. *Child Abuse and Neglect, 22*, 1005-1012.
- Hughes, D.M. (1996). Memory for childhood sexual abuse: Prevalence and relationship to abuse characteristics and psychological effects. Doctoral dissertation.
- Gold, S.N., Hughes, D.M. & Swingle, J. (1996). Characteristics of childhood sexual abuse among female survivors in therapy. *Child Abuse and Neglect, 20*, 323-335.

Gold, S.N., Hughes, D.M. & Hohnacker, L. (1994). Degrees of repression of sexual abuse memories. *American Psychologist*, 49, 441-442.

#### PROFESSIONAL PRESENTATIONS

Hughes, D.M. and Rocchio, L.M. (August 2014). *Essentials of Forensic Assessment of Trauma in Criminal and Civil Matters*. Presentation at the 122<sup>nd</sup> Annual Convention of the American Psychological Association, Washington, D.C.

Hughes, D.M. (November 2013). *It Matters: The Developmental Lifespan of the Trauma Therapist*. Symposium presentation at the 30<sup>th</sup> Annual Meeting of the International Society for the Study of Trauma and Dissociation, Baltimore, MD

Hughes, D.M. (November 2011). *Conceptualization of Complex Trauma and PTSD in Forensic Matters*. Panel presentation at the 27<sup>th</sup> Annual Meeting of the International Society of Traumatic Stress Studies, Baltimore, MD

Hughes, D.M. (August 2011). *Assessment of Complex Trauma in a Forensic Setting*. Presentation at the 119<sup>th</sup> Annual Convention of the American Psychological Association, Washington, D.C.

Hughes, D.M. (June 2011). *What Every Psychologist Needs to Know About Trauma*. Workshop presentation at the New York State Psychological Association Annual Conference, New York, NY

Hughes, D.M. (March 2011). *Vicarious Traumatization in Forensic Practice: Why Does It Matter?* Presentation at the American Psychology and Law Annual Conference, Miami, FL

Hughes, D.M. and Rocchio, L.M. (November 2010). *Forensic Assessment of Psychological Trauma and PTSD*. Workshop presented at the 26<sup>th</sup> Annual Meeting of the International Society of Traumatic Stress Studies, Montreal, Canada

Hughes, D.M. (August 2010). *Ethical Dilemmas and Professional Considerations for Working with the Adult Survivor of Sexual Abuse: Forensic Psychology*. Presentation at the 118<sup>th</sup> Annual Convention of the American Psychological Association, San Diego, CA

Hughes, D.M., Courtois, C., Walker, L.E., and Vasquez, M. (August 2009). *Trauma treatment in independent practice: Principles and resources*. Workshop presented at the 117<sup>th</sup> Annual Convention of the American Psychological Association, Toronto, Canada

Hughes, D.M. (August 2008). *Difficulties and dilemmas when dissociation is present in forensic cases*. Presentation at the 116<sup>th</sup> Annual Convention of the American Psychological Association, Boston, MA

Hughes, D.M. (November 2007). *Forensic issues in the assessment of trauma*. International Society for Trauma and Dissociation 24<sup>th</sup> Annual Conference, Philadelphia, PA

Hughes, D.M. (November 2000). Multi-method approach to assessment in forensic evaluations. In A. Pratt (Chair) *Forensic assessment and testimony: Psychological trauma*. A workshop presentation at the 16<sup>th</sup> Annual Meeting of the International Society for Traumatic Stress Studies, San Antonio, TX.

Hughes, D.M. (August 1999). *Training in interpersonal violence: The next generation*. Presentation at the American Psychological Association Annual Convention, Boston, MA.

Gold, S.N., Hughes, D.M. & Swingle, J. (November 2000). *Memory for childhood sexual abuse: A matter of semantics*. Panel presentation at the 16<sup>th</sup> Annual Meeting of the International Society for Traumatic Stress Studies, San Antonio, TX.

Hughes, D.M. & Gold, S.N. (November 1997). *Memory for childhood sexual abuse and adult symptomatology*. Poster session presented at the 13<sup>th</sup> Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Hughes, D.M., Cloitre, M., Hand, R., Klein, C., Herwitz, J., Bleiberg, K. & Pessier, J. (November 1997). Role functioning impairment in CSA-related PTSD. In D.M. Hughes (Chair), *Role functioning impairment among women with childhood sexual abuse related PTSD*. Symposium presentation at the 13<sup>th</sup> Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Cloitre, M., Hughes, D.M. & Hand, R. (November 1997). A two-phase treatment for CSA-related PTSD: Rationale and preliminary results. In D.M. Hughes (Chair), *Role functioning impairment among women with childhood sexual abuse related PTSD*. Symposium presentation at the 13<sup>th</sup> Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Klein, C., Hughes, D.M. & Cloitre, M. *Ethnocultural considerations in the assessment of PTSD in survivors of sexual assault*. (November 1997). Poster presentation at the Annual Meeting of the Association for the Advancement of Behavioral Therapy, Miami, FL.

Gold, S.N., Hughes, D.M. & Swingle, J. (July 1995). *Degrees of memory of childhood sexual abuse among female survivors in therapy*. Paper presented at the 4th International Family Violence Research Conference, Durham, NH.

Stear, C.A., Gold, S.N., & Hughes, D.M. (November 1994). *Family of origin atmosphere of sexual abuse survivors, distressed, and non-clinical families*. Paper presented at the Illinois Psychological Association Annual Convention, Chicago, IL.

Gold, S.N., Williamson, C. & Hughes, D.M. (March 1994). *Male sexual abuse survivors: Integrating empirical and clinical findings*. Paper presented at the Mid-Winter Convention of APA Divisions 29, 42, & 43.

Hughes, D.M., Bramson, J., Galper, L., Gelpi, H., Rubenstein, F & Dutton, M.A. (June 1992). *Training in the context of relationships: A model for the family violence clinician*. Paper presented at the First World Congress of the International Society for Traumatic Stress Studies, Amsterdam, The Netherlands.

INVITED ADDRESSES

Hughes, D.M. (October 29, 2020). *Intimate Partner Violence: Understanding Women's Use of Force*. In CLE program, 2020 Judicial Symposium on Domestic Violence – Keynote Webinar Series. New York States Courts Office of Policy and Planning. New York, NY

Hughes, D.M. (September 17, 2019). *Mental Health Issues and the Workplace*. In CLE program, The Interplay of Mental Health Disabilities and Workplace Accommodations. New York City Bar Association, New York, NY

Hughes, D.M. (April 3, 2019). *Psychological Issues in the Workplace 2019*. Practicing Law Institute, New York, NY

Hughes D.M. (June 8, 2018). *Trauma and the Courtroom*. Alumni College Speaker. Hamilton College, Clinton, NY

Hughes, D.M. (February 2, 2018). *Domestic Violence 2018: Survivors as Defendants, Respondents, and Parole or Clemency Applicants*. Practicing Law Institute, New York, NY

Hughes, D.M., & Rocchio, L.M. (August 6, 2016). *Forensic work with trauma populations*. APA Division 56 – Trauma Psychology suite presentation at the American Psychological Association Annual Convention. Denver, CO

Hughes, D.M., Courtois, C., & Brown, L. (August 5, 2016). *Establishing a clinical practice in trauma psychology*. APA Division 56 – Trauma Psychology suite presentation at the American Psychological Association Annual Convention. Denver, CO

Hughes, D.M. (September 16, 2015 and October 7, 2015). *Interpersonal Violence, Trauma, and the Courtroom in Understanding the Ties that Bind: Judicial Responses to Domestic and Sexual Violence*. Judicial Training -New York Unified Court System - Domestic Violence Task Force. White Plains and Rochester, New York.

Dutton, M.A. and Hughes, D.M. (April 13, 2015). *Expert Witness Testimony in Cases Involving Domestic Violence*. Webinar conducted for the National Clearinghouse for the Defense of Battered Women.

Hughes, D.M. (September 2012). *The Relationship Matters: Maximizing Success*. Presentation to attorneys at Outten and Golden, LLP. New York, NY

Hughes, D.M. (June and August 2012). *Promoting Healthy Relationships: Living Without Violence and Abuse*. Professional training presented to the United States Army National Guard. Fort Hamilton, NY

Hughes, D.M. (July 2011). *Remaining Civil with the Uncivil*. College of Labor and Employment Lawyers. EEOC. New York, NY

Hughes, D.M. (March 2011). *The Victim of Interpersonal Violence and the Courtroom*. Judicial Commission on Women in the Courts invited Continuing Legal Education seminar. Brooklyn, NY

Hughes, D.M. (November 2010). *The Use of Psychological Experts in Cases of Domestic Violence*. Invited Continuing Legal Education seminar presented at the Kings County Criminal Bar Association, Brooklyn, NY

Hughes, D.M. (July 2010). *Ethics and Risk Management in the Practice of Psychotherapy*. Invited presentation at the Women's Mental Health Consortium Quarterly Meeting, New York, NY

Hughes, D.M. (January 21 and 22, 2010). *Understanding Domestic Violence*. Professional training in Advocating for Children in Cases of Domestic Violence by the New York Appellate Divisions and the New York State Office of Court Administration. New York City and White Plains.

Hughes, D.M. (2009). *The victim of interpersonal violence and the courtroom: Strategies for understanding*. Manhattan Integrated Domestic Violence Courts Continuing Legal Education Seminar (February 2009); Appellate Division Fundamental Training Series (May 2009 and January 2010); Queens County Family Court Continuing Legal Education Seminar (June 2009).

Hughes, D.M. (March 2008). *Collision course of children's wishes, best interests, and domestic violence*. Invited presentation and the Twelfth Annual Conference on Domestic Violence. Fordham Law School, New York, NY

Hughes, D.M. (March 2007). *The inconvenient truths of domestic violence*. Invited address at the Eleventh Annual Conference on Domestic Violence. Fordham Law School, New York, NY

Hughes, D.M. (June 2006). *Issues and dilemmas in interpersonal violence*. Invited presentation at STEPS to End Family Violence. New York, NY.

Hughes, D.M. (December 2001). *Relevance of domestic violence in the courtroom: Expert testimony in a duress case*. Chairperson of a mock trial continuing education seminar at the 17<sup>th</sup> Annual Meeting of the International Society of Traumatic Stress Studies, New Orleans, LA.

Hughes, D.M. (September 2001). *Psychological assessment in the aftermath of the World Trade Center disaster*. Emergency meeting of the New York Chapter of the International Society of Traumatic Stress Studies. New York, NY.

Hughes, D.M. (April 2001). *Moving beyond domestic violence 101: Challenges and solutions*. Invited presentation in J. Pearl and S. Herman (Chairs), *Violence and the Family: Current legal and mental health perspectives*. Association of the Bar of the City of New York, New York, NY.

Hughes, D.M. (June 2000). *Psychological testing in forensic evaluations*. Invited presentation in symposium, M. Dowd (Chair) *Psychological evidence in pleas negotiations and sentencing*. Association of the Bar of the City of New York, New York, NY.

# ATTACHMENT 2

Testimony and Depositions

Amber Heard - UK testimony  
John C. Depp – UK testimony  
John C. Depp – Deposition – November 10, 11, and 12 2020  
Amber Heard – Divorce Deposition – August 13, 2016

iO Tiller Wright – UK testimony  
Whitney Henriquez – UK testimony  
Melanie Inglessis – UK testimony  
Josh Drew – UK testimony  
Raquel Pennington – UK testimony  
Laura Divenere – UK testimony

Raquel Pennington – Deposition – June 16, 2016  
Josh Drew – Deposition – November 19, 2019  
Isaac Baruch – Deposition – November 20, 2019  
Ellen Barkin – Deposition – November 22, 2019  
Liz Marz – Deposition – November 26, 2019  
Lisa Beane – Deposition – December 13, 2019  
Kristina Sexton – Deposition – December 18, 2019  
Cornelius Harrell – Deposition – January 13, 2021  
Laura Divenere – Deposition – January 15, 2021  
Melanie Inglessis – Deposition – February 2, 2021

Legal Documents

Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019  
Declaration of John C. Depp (with exhibits) – May 2019  
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020  
Complaint – Depp v Heard – March 1, 2019  
Answer and Grounds of Defense – Depp v Heard – August 10, 2020  
Counterclaim (with exhibits) - Depp v Heard – August 10, 2020  
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021

Medical Records

Medical Records Amber Heard  
Dr. David Kipper (including nurse's notes)  
Dr. Connell Cowan  
Dr. Laurel Anderson – Treatment Summary



Medical Records Johnny Depp  
Dr. David Kipper (including nurse's notes)  
Australia Medical Records

Audio

Boston Plane Incident – May 24, 2014  
Knife – July 22, 2016 - CTRL00058195  
Australia damage - March 2015  
Headbutting - 20160722 144803

Video

JD in Kitchen Slamming Cabinets - Feb 10 2016  
Columbia Building Surveillance Cameras

Photos

Contained in Exhibits to AH and JD Declarations  
Property Damage -May 21, 2016  
Various pictures of Amber Heard cuts and bruises

Text Messages

Contained in Exhibits to AH and JD Declarations  
AH Texts with Paige Heard 3-22-13  
Paul Bettany - Texts with JD  
Australia Texts – JD asking for illicit substances

Documents

Diary entry – Amber Heard – July 27, 2015  
Draft Emails - Amber to Herself - May 25, 2014  
GQ – *Johnny Depp Will Not Get Burned* – November 2018  
Rolling Stone - *Inside Trials of Johnny Depp*  
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# ATTACHMENT 3

## Curriculum Vitae



**Ron Schnell**  
BERKELEY RESEARCH GROUP, LLC  
1111 Brickell Ave, Suite 2050, Miami, FL 33131

Direct: 786.338.9143  
[rschnell@thinkbrg.com](mailto:rschnell@thinkbrg.com)

### SUMMARY

Ron Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. He recently specialized in auditing and enforcing Microsoft's compliance with the consent decree in United States v. Microsoft Corporation.

Mr. Schnell ran the day-to-day operations of the Technical Committee, a private corporation ordered to be formed by the US courts for the sole purpose of monitoring Microsoft for its compliance with the antitrust final judgments of 2002. The organization and its success were publicly praised by the US Attorney General, attorneys general for several states, and the federal court judge presiding over the largest antitrust case in US history.

Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages. He is an adjunct professor at Nova Southeastern University.

### SKILL HIGHLIGHTS

- Highly successful manager of technical people, with a proven track record of increasing output and quality
- 40+ years of experience in technology
- 20+ years of executive experience
- Highly skilled in reverse engineering and source code analysis
- Knowledge and coding experience of most computer languages including most assembly languages
- Lectures regularly at several Universities as well as Fortune 50 companies on a variety of technology topics
- 25+ years of management experience
- Founder of 3 startups, one with buyout by public company
- Early architect of UNIX Operating Systems and matters of data and system security and privacy
- Thought leader in artificial intelligence and quality of computer source code

### EDUCATION

M.S. Computer Science    Syracuse University, 2008

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**PRESENT ACADEMIC POSITIONS**

Adjunct Professor of Computer Science, Nova Southeastern University, 2014–present

**HIGHLIGHTS OF PREVIOUS POSITIONS**

Technical Committee (Monitorship of US v. Microsoft and NY et al v. Microsoft)  
General Manager/Chief Executive  
2005-2011

Equifax Corp.  
Vice President  
2002-2005

Driver Aces, Inc.  
Founder and president  
1994-2003

Sun Microsystems  
Consultant – Solaris Kernel  
1992-1995

IBM Corp.  
Consultant – Development manager and kernel programmer  
1988-1990

Bell Laboratories  
Consultant – UNIX Kernel  
1987-1988

Massachusetts Institute of Technology – Artificial Intelligence Lab  
Staff Programmer/Architect  
1982-1984

**Community/Civic Activities**

Better Business Bureau  
Arbitrator

Angel Flight Southeast  
Volunteer pilot

# ATTACHMENT 4

**CONFIDENTIAL**

# **Kathryn Arnold**

## **Entertainment Consultant and Expert Witness**

### **Professional Experience**

Kathryn Arnold has over 20 years of hands on experience in the film development, production, finance and distribution arenas. Having produced and/or directed over 6 feature films, Live streaming television, dozens of commercials, corporate videos and events, as well as working in both the studio and independent film environment in film and television, Ms. Arnold understands the inner workings of the entertainment industry, its hiring practices, business development, financing/distribution and the economic complexities and nuances involved in a world that very few understand. Working closely with each client, she brings the full benefit of this valuable experience to bear on the client's unique case.

### **Legal Experience & Services**

Ms. Arnold has been retained as an expert witness and consultant on over 6 dozen cases, with plaintiffs and defendants, such as producers, production companies, studios, media companies, investors, actors, writers, directors, on-air personalities, spokespersons, production crew, and other entertainment related personnel.

She has provided expert testimony, reporting, consultation, financial forecasting and referrals for clients on cases regarding economic damage and lost wages from copyright infringement, breach of contract, film and television financing, sales and distribution, disfigurement, personal injury, wrongful death, and economic downturn. Ms. Arnold has prepared expert reports and provided deposition and trial testimony in matters before state and federal courts and in arbitration. Clients include Gibson, Dunn & Crutcher; Jackson Walker; Jenner & Block, Haynes & Boone; Shook, Hardy & Bacon, Dummit, Buchholz & Trapp; Hosp, Gilbert, Bergsten & Hough among others.

### **BIO**

Kathryn Arnold's career has straddled the Studio system and Independent Film worlds, as well as Corporate Sponsorship Programs. Starting out as an assistant at ICM Talent Partners and then as a script reader for the William Morris Agency, Arnold learned the inner workings of the talent agency system and the processes of managing and packaging talent and scripted material for motion pictures and television. She then became an executive at The Maltese Companies, where she developed and produced television and feature projects financed by Wall Street ad agencies. She oversaw the production of "Pound Puppies", an animated feature produced with Kushner Locke, and was an Associate Producer on "Manhunt Live", a reality-based crime show for ABC.

At The Guber-Peters Entertainment Co. Ms. Arnold was involved in the development of feature films and television shows, with the company that produced "Rain Man" and "Batman". She was the Assoc. Producer on "Pizza Man", written and directed by Jonathan Lawton of "Pretty Woman" fame, and procured the financing and co-produced "The Webers' Fifteen Minutes" with Jennifer Tilly and David Arquette.

2711 N. Sepulveda Bl., #544, Manhattan Beach, CA 90266  
[www.theentertainmentexpert.com](http://www.theentertainmentexpert.com)

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# **Kathryn Arnold**

## **Entertainment Consultant and Expert Witness**

Arnold then began her partnership with Louis Venosta. Venosta wrote and co-produced the Mel Gibson romantic comedy, "Bird on a Wire", as well as the Tri-Star release, "The Last Dragon". Their company Secondary Modern Motion Pictures was based at Universal studios where they developed projects for Venosta to write and produce. Arnold was directly involved in the writing of both studio and independent feature scripts with Venosta. They launched Venosta's directing career, with the highly acclaimed featurette "The Coriolis Effect" which won the 1994 Venice Film Festival in its category.

Arnold went on to produce "Nevada", starring Amy Brenneman, Gabrielle Anwar, Kirstie Alley and Angus Macfadyen, and as head of Production at Cineville Films, Inc, was the Executive Producer on "Façade", starring Eric Roberts and Angus Macfadyen, and "The Velocity of Gary" with Vincent D'Onofrio, Salma Hayek, Thomas Jane, and Ethan Hawke among many others.

She was instrumental in launching Cineville International's foreign sales division in Cannes of 1997, and handled financing, foreign and domestic sales, and acquisitions, in addition to packaging, development and production responsibilities for Cineville's slate of pictures. Her relationships with the banks included Union Bank, Imperial, Lou Horwitz Organization, Banque Paribas, Co-America among others.

Arnold then produced "Cowboys and Angels", starring Adam Trese, Mia Kirshner and Radha Mitchell, which won the Crystal Heart Award. The highlight of 2000 was writing and directing "Shining Stars": "The Official Story of Earth", "Wind & Fire", a documentary film based on the electric and legendary band, released on DVD and Television Internationally in 2001. Arnold went on to be a consultant and then Head of Production at Monte Cristo Entertainment, an international sales and production company, which has a library of over 50 films. At Monte Cristo, Arnold oversaw script development, talent packaging, co-production/financing agreements, and US and international distribution deals in conjunction with the Directors of the Company.

Interwoven throughout her film production career, Arnold has a history in corporate relations and licensing. Starting with the Corporate Relations Department with the Los Angeles Olympic Organizing Committee, Arnold and her department were responsible for the licensing and usage of the LAOOC logo on product, advertising and promotional materials. Their team worked with major sponsors such as Adidas, Coco Cola, and Southland Corporation among others overseeing image usage, product approval, product placement and promotional campaigns. Their department oversaw the licensing of over 300 products during her two-year tenure.

Arnold worked with Internet Studios, an online film sales company, and raised close to US \$500,000 in a 6-week period for the Sundance Online Film Festival. She then went on to work with Infinity, Inc, producing infomercials, corporate videos and marketing events for National Corporations. And woven in through that period, Arnold produced and production managed commercials for well-known brands such as Certs.

Arnold produced the live streaming show Secrets of the Red Carpet: Style From the Inside Out, on [www.empowerme.tv/secrets](http://www.empowerme.tv/secrets), which reached the top of the iTunes charts and nominated for 2 Streamy Awards in its first season and maintained its top 5 status in Fashion and Arts during its tenure.

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[www.theentertainmentexpert.com](http://www.theentertainmentexpert.com)



## **Kathryn Arnold**

### **Entertainment Consultant and Expert Witness**

Currently Arnold consults with several investment/production companies on international sales, financing and packaging film and television projects. She has written a series of entertainment industry-related articles and have served as an entertainment media consultant to Bloomberg News, MSNBC, CCTV, NPR, and Associated Press International, NPR, The Market on the topics of entertainment standard and practices and business development.

Arnold graduated from UCLA with a BA in Economics, speaks French, and has lived in France, Italy and Mexico.

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[www.theentertainmentexpert.com](http://www.theentertainmentexpert.com)

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# ATTACHMENT 6

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**Documents Reviewed by David R. Spiegel, MD**

**Depositions**

John C. Depp – November 10, 11, and 12 2020  
Amber Heard – August 13, 2016  
Raquel Pennington – June 16, 2016  
Josh Drew – November 19, 2019  
Isaac Baruch – November 20, 2019  
Ellen Barkin – November 22, 2019  
Liz Marz – November 26, 2019  
Lisa Beane – December 13, 2019  
Kristina Sexton – December 18, 2019  
Cornelius Harrell – January 13, 2021  
Laura Divenere – January 15, 2021  
Melanie Inglessis – February 2, 2021

**UK Trial Testimony**

Amber Heard  
John C. Depp  
iO Tillet Wright  
Whitney Henriquez  
Melanie Inglessis  
Josh Drew  
Raquel Pennington  
Laura Divenere

**Medical Records**

Medical Records Johnny Depp  
    Dr. David Kipper (including nurse's notes)  
    Australia Medical Records

Medical Records Amber Heard  
    Dr. David Kipper (including nurse's notes)  
    Dr. Connell Cowan  
    Dr. Laurel Anderson – Treatment Summary

**Audio**

Boston Plane Incident – May 24, 2014  
Knife – July 22, 2016 - CTRL00058195  
Australia damage - March 2015

Headbutting - 20160722 144803

### **Video**

JD in Kitchen Slamming Cabinets - Feb 10 2016  
Columbia Building Surveillance Cameras

### **Photos**

Contained in Exhibits to AH and JD Declarations  
Property Damage -May 21, 2016  
Various pictures of Amber Heard cuts and bruises  
Various pictures of John C. Depp drug use and behavior

### **Legal Documents**

Complaint – Depp v Heard – March 1, 2019  
Answer and Grounds of Defense – Depp v Heard – August 10, 2020  
Counterclaim (with exhibits) - Depp v Heard – August 10, 2020  
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021  
Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019  
Declaration of John C. Depp (with exhibits) – May 2019  
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020

### **Text Messages**

Contained in Exhibits to AH and JD Declarations  
AH Texts with Paige Heard 3-22-13  
Paul Bettany - Texts with JD  
Australia Texts – JD asking for illicit substances

### **Documents**

Diary entry – Amber Heard – July 27, 2015  
Draft Emails - Amber to Herself - May 25, 2014  
GQ – *Johnny Depp Will Not Get Burned* – November 2018  
Rolling Stone - *Inside Trials of Johnny Depp*



# SHANNON J. CURRY, PSYD, MSCP

CLINICAL + FORENSIC PSYCHOLOGIST

4601 W. 17TH AVE. SUITE 200  
NEWPORT BEACH, CA 92660  
949.253.9774 (OFFICE)  
949.253.9774 (CELL)  
DR.CURRY@CURRYPSYCHGROUP.ORG  
WWW.CURRYPSYCHGROUP.ORG

## EDUCATION

Ph.D. Psychology, University of Hawaii  
Honolulu, HI  
2007

M.S. Psychology, University of Hawaii  
Honolulu, HI  
2004

MASTER OF ARTS IN PSYCHOLOGY (M.A.)  
University of Hawaii, 2002

B.S. PSYCHOLOGY, UNIVERSITY OF CALIFORNIA  
DURHAM, DURHAM, NC  
Major: Psychology, Minor: Spanish  
Summa Cum Laude, 1997

## LICENSE & CERTIFICATION

Psychologist, State of Hawaii  
2012 - Present

CHARTERED FACULTY, UNIVERSITY OF HAWAII  
EXAMINER  
Newport Beach Division, 2012

BOITMAN 7 PRINCIPLES OF RELATIONSHIPS  
WORKSHOP LEADER  
Group Relations Institute, 2009

COURT REPORTER, CHAIR, CALIFORNIA JURY  
RESEARCH, 2012 - Present

## PROFESSIONAL ASSOCIATIONS

Member, American Psychological  
Association

Member, HAWAIIAN HAWAIIAN  
PSYCHOLOGY ASSOCIATION

Executive Member, CENTER FOR  
UNCONVENTIONAL SECURITY STUDIES  
United States of America, 2013 - Present  
Royal Academy

Member, American Psychological  
Association  
Member, American Psychological  
Association

## PROFILE

Dr. Shannon Curry, PsyD, MSCP, is a published clinical psychologist of over 10 years, licensured in both Hawaii and California. She owns the Curry Psychology Group, a leading multi-specialty counseling center in Orange County, CA. Dr. Curry holds a Ph.D. in psychology and is an expert in a broad range of applied approaches to help professionals, especially in military and justice, applied and for family and workplace psychologists, expertise to provide court, arbitration, mediation, testimony and analysis in legal proceedings. She is a certified forensic psychologist, a member of the American Bar Association and serves as a consultant to the State of California and the California State Police, enforcement of the law, and the local police department. She regularly and separately retained by the courts to provide detailed hundreds of psychological evaluations, case management, and influential expert testimony in civil and criminal matters. Her professional accolades combined with her commitment to quality and empiricism, have made her sought after as an expert and a clinician.

## EXPERIENCE

### Executive Director + Clinical & Forensic Psychologist / CURRY PSYCHOLOGY GROUP, Newport Beach, CA

2015 - Present

- Executive and executive director of a leading multi-specialty counseling center, offering psychological evaluations and therapy services to adults, children, couples, and families with emphasis on military personnel.

### Owner + Clinical & Forensic Psychologist / CURRY PSYCHOLOGY, Wahiawa, HI

2012 - 2015

- Executive and executive director of a leading multi-specialty counseling center, offering psychological evaluations and therapy services to adults, children, couples, and families with emphasis on military personnel.
- Executive and executive director of a leading multi-specialty counseling center, offering psychological evaluations and therapy services to adults, children, couples, and families with emphasis on military personnel.

**Clinical Psychologist / HAWAII STATE HOSPITAL, Kaneohe, HI**

2012 - 2017

- Clinical Psychology and Health Administration
- Forensic and Legal Practice (assessment, assessment of risk for violence/sexual violence/child neglect, adjudicative fitness, competency, and competency to stand trial), legal consultation, and forensic/psychiatric-forensic assessment, neuropsychological assessment, and court testimony (1987-1993) via the Hawaii State Hospital / State Forensic Center, Clinical Psychology (DEI) and Forensic Psychology Department.

**Doctoral Intern / TRIPLER ARMY MEDICAL CENTER, Honolulu, HI**

2013 - 2014

- Active National Doctoral Internship Training Program
- Focus on treatment of PTSD (in OIF/OEF) and Posttraumatic Stress Disorder
- Clinical Psychology and Health Administration (DEI) via the Tripler Army Medical Center, Forensic Psychology (child and adolescent forensic assessment, competency to stand trial, court testimony, legal consultation, and Family Law and Family Therapy) and Forensic Psychology Department.

**Doctoral Extern / WAIANAE COAST COMPREHENSIVE HEALTH CENTER, Waianae, HI**

2014 - 2015

- Clinical Psychology and Health Administration (DEI) via the Waianae Coast Comprehensive Health Center
- Clinical Psychology and Health Administration (DEI) via the Waianae Coast Comprehensive Health Center
- Forensic Psychology (adult, child, and adolescent interviewing, court work, and treatment, and substance use counseling)

**Evaluator & Therapist (Practicum) / METROPOLITAN STATE HOSPITAL, Norwalk, CA**

2015 - 2016

- Clinical Psychology and Health Administration (DEI) via the Metropolitan State Hospital
- Forensic Psychology (adult, child, and adolescent interviewing, court work, and treatment, and substance use counseling)

**Registered Psychological Assistant / SOUTH COUNTY BEHAVIORAL HEALTH, Mission Viejo, CA**

2016 - 2017

- Clinical Psychology and Health Administration (DEI) via the South County Behavioral Health
- Forensic Psychology (adult, child, and adolescent interviewing, court work, and treatment, and substance use counseling)

**Diversion Therapist (Practicum) / ORANGE COUNTY SHERIFF-CORONER DEPARTMENT, Aliso Viejo, CA**

2017 - 2018

- Clinical Psychology and Health Administration (DEI) via the Orange County Sheriff-Coroner Department
- Forensic Psychology (adult, child, and adolescent interviewing, court work, and treatment, and substance use counseling)

**Therapist Extern / LA COMISIÓN DE SALUD MENTAL DE AYACUCHO, Ayacucho, Peru**

2018 - 2019

- In partnership with the Peruvian American Medical Corps, Medical Mission
- Forensic Psychology (adult, child, and adolescent interviewing, court work, and treatment, and substance use counseling)

**Therapist (Practicum) / PEPPERDINE UNIVERSITY COMMUNITY COUNSELING CENTER, Irvine, CA**

2019 - 2019

- Clinical Psychology and Health Administration (DEI) via the Pepperdine University Community Counseling Center

- Educator of individual, couples, and family therapy.

**Educational Therapist / THE READING & LANGUAGE CENTER, Irvine, CA**

2004 - 2008

- Educator of the individual, couples, and family therapy, and reading, writing, and mathematics to students with reading and language difficulties.

**PROFESSIONAL ACTIVITIES**

**Advisory Board Member / UC IRVINE CENTER FOR UNCONVENTIONAL SECURITY AFFAIRS, Irvine, CA**

2011 - 2013

- Advisor and researcher for interdisciplinary projects addressing global issues of poverty, warfare, violence, terrorism, and disability and cognitive disease.

**Psychologist Volunteer / PATHWAYS TO HEALING, Huntington Beach, CA**

2011 - 2013

- Provided therapy services to military veterans who served in Iraq and Afghanistan.

**Featured Expert / INFERTILITY UNFILTERED, Newport Beach, CA**

2015 - 2017

- Featured expert on an organization's website and podcasting women with infertility. Speaking topics include: how to handle and understand the complex emotions and feelings of jealousy and anger, body acceptance, and how to succeed.

**Program Director & Featured Clinician / THE NEW DAD SCHOOL, Newport Beach, CA**

2015 - 2017

- Created a program to support new fathers and the children, designed to reduce the likelihood of post-baby blues, improve father-child relationships, and increase father engagement. This program is offered through the *New Dad School*, owned and operated by Alexander Shatz.

**Featured Expert / SECOND SATURDAY, Huntington Beach, CA**

2019 - 2021

- Featured expert for national non-profit organization holding educational forums for women considering divorce. A resource for women who would otherwise be reluctant to leave an unhealthy relationship by providing them with the necessary expert advice from mental health and medical health professionals.

**Board Officer / HAWAII CANINE ASSISTANCE NETWORK, Honolulu, HI**

2013 - 2017

- Assisted in the operations of a non-profit organization which raised, trained, and placed service dogs for individuals with physical and psychiatric disabilities. Designed volunteer program, to involve the local community and military veterans.

**Director / WARRIOR TRANSITION BATTALION ANIMAL ASSISTED THERAPY PROGRAM, Wahiawa, HI**

2013 - 2017

- Directed the program through the *Warrior Transition Battalion Animal Assisted Therapy Program*, which enabled *Wounded Warriors* to train and receive therapy from service animals in a structured environment.

**Co-Director / HAWAII YOUTH CORRECTIONAL FACILITY PROJECT P-RAISE, Kaneohe, HI**

2016 - 2019

Directed the implementation of a community-based, evidence-based, trauma-informed care program. Over the course of three years, the program has been implemented in all of the state's youth correctional facilities, including the Kaneohe Correctional Facility.

**Chair / HAWAII STATE HOSPITAL TRAUMA INFORMED CARE DEPARTMENT, Kaneohe, HI**

2017 - 2019

Developed a trauma-informed, evidence-based, culturally-responsive model of care to guide patient services at the Hawaii State Hospital. Initiatives included receipt of the SAMHSA Trauma Informed Care training grant and implementation of SAMHSA and hospital-sponsored training.

**Board Member / HAWAII STATE HOSPITAL ANIMAL ASSISTED THERAPY PROGRAM, Kaneohe, HI**

2017 - 2019

**Board Member / CALIFORNIA LATINO PSYCHOLOGICAL ASSOCIATION, Los Angeles, CA**

2017

**Chair / LATINO STUDENT PSYCHOLOGICAL ASSOCIATION, Los Angeles, CA**

2017 - 2018

**Board Member / CALIFORNIA PSYCHOLOGICAL ASSOCIATION, Irvine, CA**

2000 - 2009

**CERTIFICATION TRAININGS**

**Gottman Seven Principles of Relationships Leader / THE GOTTMAN INSTITUTE, Seattle, WA**

2010

**Gottman Bring Baby Home Educator / THE GOTTMAN INSTITUTE, Seattle, WA**

2017

**Gottman Method Couples' Therapy Level 3 / THE GOTTMAN INSTITUTE, Seattle, WA**

2013

**Gottman Method Couples' Therapy Level 2 / THE GOTTMAN INSTITUTE, Seattle, WA**

2017

**Gottman Method Couples' Therapy Level 1 / THE GOTTMAN INSTITUTE, Seattle, WA**

2016

**Cognitive Processing Therapy for PTSD / THE CENTER FOR DEPLOYMENT PSYCHOLOGY, Bethesda, MD**

2011

**Forensic Psychologist Examiner Certification / HAWAII DEPT OF COURTS & CORRECTIONS, Honolulu, HI**

2012

**Dialectical Behavior Therapy / THE LINEHAN INSTITUTE, Honolulu, HI**

2011



## PEER-REVIEWED PUBLICATIONS & POSTER SESSIONS

- Curry, S. & Billimek, J. (2021). Linguistic markers of psychological change during a written expression exercise for high school students in post-war Ayacucho, Peru. Manuscript in preparation.
- Carbiener, K., Curry, S., Vu, H., Billimek, J. (2019 April). Gender-Moderated Effects of Expressive Writing on Traumatic Stress Among Adolescents in the Peruvian Andes. Poster session presented at the Western Psychological Association Annual Convention, Pasadena, CA.
- Curry, S. & Matthew, R. (2015). Fostering resilience and empathy among children in La Paz, Mexico: Effects of a culturally-relevant social-emotional learning program. Unpublished manuscript.
- Curry, S. (2011). *The journal project: Written expression of trauma as intervention for high school students in Ayacucho, Peru* (Doctoral dissertation). Retrieved from Pepperdine University Digital Collections Database. (p15093coll2/id/181).
- Curry, S. (2009, September). Future clinicians for multicultural competency and social justice: The Latino Student Psychological Association. *Pepperdine University Psychology Quarterly*, 1-2.
- Gallardo, M. & Curry, S. (2009). Shifting perspectives: Culturally responsive interventions with Latino substance abusers. *Journal of Ethnicity in Substance Abuse*, 8(3) 314-329.
- Gallardo, M. & Curry, S. (2009). Machismo. In Constantine, M. (Series Ed.), & Leong, F. T. (Vol. Ed.) *The Encyclopedia of Counseling: Vol 4. Cross-Cultural Counseling*. Thousand Oaks: Sage Publishing.
- Curry, S. (2008). *The Journal Project: Written Expression of Trauma as Intervention for High School Students in Ayacucho, Peru*. PowerPoint lecture presented at the Biennial Multicultural Research & Training Conference, Los Angeles, CA.
- Curry, S. (2005). *Violence in Peru: Effects of poverty, segregation, and corrupted power*. Poster session presented at University of California, Irvine Annual Research Symposium. Irvine, CA.

## PRESS INTERVIEWS & PUBLICATIONS

- American Psychological Association (2021, August 24). Six Things Psychologists are Talking About... 1. Supporting Afghanistan War Veterans. *APA Bi-Weekly Newsletter*.
- Hanson, K. (2021, August 19). How to help Afghanistan war veterans and Afghan refugees right now. *Today*. <https://www.today.com/news/how-help-afghan-refugees-afghanistan-war-veterans-right-now-t228492>
- Hanson, K. (2021, August 17). Amid Afghanistan collapse, US veterans grapple with conflicting emotions. *Today*. <https://www.today.com/news/amid-afghanistan-collapse-us-veterans-grapple-conflicting-emotions-t228402>
- Cowles, C. (2021, June 9). I just found out about my wife's big trust fund! *New York Magazine: The Cut*. <https://www.thecut.com/2021/06/i-just-found-out-about-my-wifes-big-trust-fund.html>
- Hanson, K. (2021, March 2). How to support women struggling with infertility on Mother's Day. *Today*. <https://www.today.com/parents/how-support-women-struggling-infertility-mother-s-day-t216794>

- Hanson, K. (2021, April 9). What is toxic positivity, and why is it dangerous for kids (and parents)? *Today*. <https://www.today.com/parents/toxic-positivity-why-being-too-positive-can-be-bad-kids-t214124>
- Hanson, K. (2021, March 2). Child-free by choice: Why many women are intentionally opting out of parenthood. *Today*. <https://www.today.com/parents/child-free-choice-why-women-intentionally-opt-out-parenthood-t210203>
- Cowles, C. (2021, February 11). I'm Moving In With My Girlfriend. How Should We Split Rent? *New York Magazine: The Cut*. <https://www.thecut.com/2021/02/im-moving-in-with-my-girlfriend-how-should-we-split-rent.html>
- Hanson, K. (2021, February 2). 7 books to teach kids about body autonomy and consent: Here's how to help children understand that boundaries matter and no means no. *Today*. <https://www.today.com/parents/7-best-kids-books-teach-about-consent-body-autonomy-t206517>
- Hanson, K. (2021, January 29). Michael Phelps shares the breathing technique that helps his kids ease their anxiety. *Today*. <https://www.msn.com/en-us/sports/more-sports/michael-pheips-shares-the-breathing-technique-that-helps-his-kids-ease-their-anxiety/a1-BB1dcW1s?li=BBnba9O&srcref=rss&ocid=iehrs>
- Hanson, K. (2021, January 27). How to talk to kids about losing a loved one to COVID-19: A psychologist shares 4 tips to make this difficult conversation easier for parents. *Today*. <https://www.today.com/parents/how-talk-kids-about-losing-loved-one-covid-19-t207175>
- Cowles, C. (2020, December 21). The Pandemic Is Allowing Economic Abuse To Flourish. *New York Magazine: The Cut*. <https://www.thecut.com/2020/11/the-pandemic-is-letting-economic-abuse-flourish.html>
- Hanson, K. (2020, November 10.). Why veterans struggle to share their stories with their kids. *Today*. <https://www.today.com/series/veterans/veterans-day-why-vets-struggle-talk-their-kids-t198476>
- Hanson, K. (2020, November 3). Texas teacher goes viral on TikTok for never assigning homework: But is a "no homework" philosophy really so off base? *Today*. <https://www.today.com/parents/texas-teacher-goes-viral-tik-tok-never-assigning-homework-t197103>
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- Hales, A. (2020, January 13). 'Fight or Flight' Are Not the Only Ways People Respond to Sexual Assault: As the Harvey Weinstein trial continues, some experts stress that "freezing" and "fawning" are valid responses to assault—especially when there's a power imbalance between the victim and the attacker. *Vice News*. <https://www.vice.com/en/article/v74eqj/fight-or-flight-and-harvey-weinstein-sexual-assault-trial-defense>
- Spector, N. (2020, January 10). Mental health: How we've improved and where we need to do better in 2020: Some of the most significant advancements in the last 10 years reveal just how far we have to go. *NBC News*. <https://www.nbcnews.com/better/lifestyle/mental-health-how-we-ve-improved-where-we-need-do-ncna1108721>
- Lloyd, S. L. (2020, January 7). Here's Why You Should Date Someone Who Isn't Your Type. *My Domaine*. <https://www.mydomaine.com/what-does-it-mean-when-he-says-hes-not-my-type-1021694>
- Iovine, A. (2019, December 26). Your resolution for 2020 should be to leave your f\*ckboi behind. *Mashable*. <https://mashable.com/article/how-to-get-over-someone-new-years-resolution-2020/>

- Spector, N. (2019, December 23). The procrastinator's guide to cheap, thoughtful gifts you can DIY. *NBC News*. <https://www.nbcnews.com/better/lifestyle/procrastinator-s-guide-cheap-thoughtful-gifts-you-can-diy-ncna1106601>
- Friedlander, J. (2019, December 24). The mood-boosting power of nostalgia. *Success*. <https://www.success.com/the-mood-boosting-power-of-nostalgia/>
- Kresta, A. (2019, September 17). How to co-parent with your ex and their new partner, according to experts. *Romper*. <https://currypsych.wpengine.com/wp-content/uploads/2019/09/2019-08-Romper-Article-on-Co-Parenting.pdf>
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- Curry, S. (2014) Man's Best Counselor. *Pepperdine Colleague*, 1(2), 21-22. [https://issuu.com/pepperdine/docs/colleague\\_-\\_vol.\\_1\\_\\_iss.\\_2\\_\\_fall\\_20](https://issuu.com/pepperdine/docs/colleague_-_vol._1__iss._2__fall_20)
- Tsai, M. (2013, September 24). Dogs and veterans of war make friends with her help. *Honolulu Star Newspaper*. <https://www.staradvertiser.com/2013/09/24/hawaii-news/incidental-lives/dogs-and-veterans-of-war-make-friends-with-her-help/>

## AWARDS & HONORS

Featured Psychologist / ORANGE COUNTY PSYCHOLOGICAL ASSOCIATION, Irvine, CA

2019

Distinguished Alumni, Induction to Alumni Hall of Honor / HYDE PREPARATORY ACADEMY, Bath, ME

2018

SAMHSA Trauma Informed Care Hospital Grant, Honolulu, HI

2012

APA Diversity Dissertation Award / AMERICAN PSYCHOLOGICAL ASSOCIATION, Washington, D.C.

2010

Golden Key Community Service Award / GOLDEN KEY INTERNATIONAL HONOR SOCIETY

2010

Mission Research Award / PSYCHOLOGY BEYOND BORDERS, Austin, TX

2009

Magna Cum Laude / UNIVERSITY OF CALIFORNIA IRVINE, Irvine, CA

2005

## REFERENCES

**Andrew Beshai, Esq**

**Assistant United States Attorney, Central District of California**

1110 AVENUE OF THE STARS, SUITE 1700, IRVINE, CALIFORNIA 92614  
949.453.1100

**John Billimek, PhD**

**Director for Community Engagement and Administration / UC IRVINE PROGRAM IN MEDICAL EDUCATION FOR THE LATINO COMMUNITY (PRIME-LC), Irvine**

610 UNIVERSITY OF CALIFORNIA, IRVINE, CA 92697  
949.261.7000

**Shelly Harrell, PhD**

**Professor of Psychology / PEPPERDINE UNIVERSITY GRADUATE SCHOOL OF PSYCHOLOGY, Los Angeles**

1325 UNIVERSITY AVENUE, PEPPERDINE UNIVERSITY, CALIFORNIA 90230  
818.251.2000

**Richard Matthew, PhD**

**Associate Dean / UNIVERSITY OF CALIFORNIA IRVINE, SCHOOL OF SOCIAL ECOLOGY, Irvine**

640 UNIVERSITY OF CALIFORNIA, IRVINE, CA 92697  
949.261.7000

**Efi Rubinstein, PhD, JD**

**Forensic Psychologist & Director of Clinical Training / METROPOLITAN STATE HOSPITAL**

1001 UNIVERSITY AVENUE, PEPPERDINE UNIVERSITY, CALIFORNIA 90230  
818.251.2000

**Louis J. Shapiro, Esq**

**Attorney / LAW OFFICES OF LOUIS J. SHAPIRO, ESQ.**

5000 CENTRAL EXPRESSWAY, SUITE 100, COSTA MESA, CALIFORNIA 92626  
949.261.7000

**Nancy Young, PhD**

**Clinical Psychologist, Director, Gottman Institute Workshop Leader / PATHWAYS TO WELLNESS, Costa Mesa**

11401 UNIVERSITY AVENUE, PEPPERDINE UNIVERSITY, CALIFORNIA 90230  
818.251.2000


**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of September 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn (VSB No. 84796)  
Joshua R. Treece (VSB No. 79149)  
WOODS ROGERS PLC  
10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, Virginia 24011  
Telephone: (540) 983-7540  
brottenborn@woodsrogers.com  
jtreece@woodsrogers.com

Elaine Charlson Bredehoft (VSB No. 23766)  
Carla D. Brown (VSB No. 44803)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
CHARLSON BREDEHOFT COHEN &  
BROWN, P.C.  
11260 Roger Bacon Dr., Suite 201  
Reston, VA 20190  
Phone: 703-318-6800  
Fax: 703-318-6808  
ebredehoft@cbcblaw.com  
cbrown@cbcblaw.com  
anadelhaft@cbcblaw.com  
dmurphy@cbcblaw.com

*Counsel for Defendant Amber Laura Heard*

  
\_\_\_\_\_  
Benjamin G. Chew

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**ORDER**

Upon consideration of Plaintiff's Motion to Compel Independent Mental Examination ("IME") of Defendant Amber Heard ("Plaintiff's Motion"), Defendant's opposition thereto, arguments of counsel, and being fully advised, it is, this \_\_\_ day of October, 2021, hereby ORDERED as follows:

1. Plaintiff's Motion is GRANTED.
2. Defendant Amber Heard shall submit to an IME conducted by Dr. Shannon J. Curry, PsyD, MSCP.
3. The IME shall take place on November 1, 2021 and November 5, 2021 at Brown Rudnick's California office, located at 2211 Michelson Drive 7th Floor Irvine, CA 92612. Each day shall begin at 9:00 a.m. and continue for a period of seven (7) hours to include a one (1) hour lunch break, two (2) fifteen minute (15 min.) breaks in the morning, two (2) fifteen minute (15 min.) breaks in the afternoon, and any other breaks as needed and agreed to by Ms. Heard and Dr. Curry.

4. The IME shall consist of an one-on-one examination and clinical interview between Dr. Curry and Ms. Heard, to include appropriate testing as determined by Dr. Curry based on her training, experience, expertise, and review of relevant materials.

5. The scope of Dr. Curry's IME shall be Ms. Heard's current mental condition and her mental condition during and preceding relevant events and time frames at issue in Mr. Depp's Complaint and Ms. Heard's Answer and Counterclaim. Dr. Curry's evaluation of Ms. Heard will utilize the same tests that were administered by Ms. Heard's expert, Dr. Hughes, with the caveat that any instruments which are identified as possessing poor retest reliability (variability in results if the test is taken again) or validity concerns will be substituted for measures with greater established validity and reliability.

6. Dr. Curry's evaluation shall assess all domains that were a focus of the prior examination by Dr. Hughes, including:

- a. Personality profile;
- b. post-traumatic stress and Posttraumatic Stress Disorder (PTSD);
- c. characteristics of intimate partner violence (IPV);
- d. coping and adjustment;
- e. psychopathology (including, but not limited to, assessment of mood and anxiety disorder symptoms);
- f. response validity/malingering; and
- g. any other mental condition identified by Dr. Curry during her review of relevant records and/or examination of Ms. Heard

7. Dr. Curry's Rule 4:10 report shall be filed within thirty (30) days of completion of the IME.

8. Defendant shall produce the raw data collected by Dr. Hughes during her examination of Ms. Heard by October 11, 2021.

October \_\_\_\_, 2021

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The Honorable Penney S. Azcarate  
Chief Judge, Fairfax County Circuit Court



***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.***

**FILED UNDER SEAL-  
SUBJECT TO PROTECTIVE ORDER**

**WE ASK FOR THIS:**

Benjamin G. Chew (VSB 29113)  
Andrew C. Crawford (VSB 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 536-1700  
Facsimile: (202) 536-1701  
[bchew@brownrudnick.com](mailto:bchew@brownrudnick.com)  
[acrawford@brownrudnick.com](mailto:acrawford@brownrudnick.com)

Camille M. Vasquez (admitted *pro hac vice*)  
BROWN RUDNICK LLP  
2211 Michelson Drive  
Irvine, CA 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
[cvasquez@brownrudnick.com](mailto:cvasquez@brownrudnick.com)

*Counsel for Plaintiff John C. Depp, II*

SEEN AND EXCEPTED TO:

---

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

J. Benjamin Rottenborn (VSB No. 84796)  
Joshua R. Treece (VSB No. 79149)  
WOODS ROGERS PLC  
10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, Virginia 24011  
Telephone: (540) 983-7540  
[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)  
[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)

*Counsel to Defendant Amber Laura Heard*