

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-000295

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

2021 SEP -3 PM 12:31

FILED
MOTIONS DOCKET

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

Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby moves this Honorable Court pursuant to Supreme Court of Virginia Rule 4:10 to compel Defendant Amber Laura Heard to submit to an Independent Mental Examination (IME) and states as follows:

1. Counsel for Plaintiff hereby certifies that they have in good faith attempted to confer with counsel for Ms. Heard in an effort to resolve this dispute without court action but counsel for Ms. Heard has consistently refused to meet and confer.

2. As set forth in the attached Memorandum in Support, Ms. Heard's mental condition is very much in controversy in this case, and good cause exists to grant Mr. Depp's motion in accordance with Rule 4:10.

3. Dr. Shannon J. Curry, PsyD, MSCP is a clinical and forensic psychologist licensed in California and Hawaii. While Dr. Curry is not licensed in Virginia, she is otherwise a qualified health care provider as defined in Virginia Code § 8.01-581.1.

4. Dr. Curry is prepared to conduct the IME in a period not to exceed fourteen (14) hours of examination over the course of two days. Each day would 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. Two days of examination are necessary for the reasons stated in the supporting Memorandum accompanying this Motion.

5. Dr. Curry is prepared to conduct the IME of Ms. Heard on November 1, 2021 and November 5, 2021 at or around 9:00 a.m. Pacific Time at Brown Rudnick's California office, 2211 Michelson Drive 7th Floor Irvine, CA 92612, or other dates, times, and locations mutually agreed to by Dr. Curry and Ms. Heard.

6. The IME would 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, including the raw data obtained by Ms. Heard's expert, Dr. Dawn Hughes, during her twenty-five hours of examination of Ms. Heard.

7. Pursuant to Rule 4:10, the scope of Dr. Curry's IME would 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.

8. 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.

9. Dr. Curry's evaluation will 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.

10. Pursuant to Rule 4:10(a), Dr. Curry will prepare and file a report of the IME within thirty (30) days of completion of the IME.

WHEREFORE, Plaintiff John C. Depp, II hereby respectfully moves the Court for entry of an order for a Rule 4:10 Independent Mental Examination of Defendant Amber Laura Heard by Dr. Curry, and compelling production of the underlying raw data gathered and relied upon by Ms. Heard's expert Dr. Hughes, and such further and other relief as the Court deems proper.

Respectfully submitted,



Benjamin G. Chew (VSB #29113)
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