

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

**FILED**  
FEB 25 2022  
JOHN T. FREY  
Clerk of the Circuit Court  
of Fairfax County, VA

John C. Depp, II, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Amber Laura Heard, )  
 )  
 Defendant. )  
 )

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S  
OPPOSITION TO PLAINTIFF AND COUNTERCLAIM DEFENDANT'S MOTION TO  
COMPEL FURTHER FORENSIC IMAGING AND PRODUCTION OF TESTING  
DATA/EXPERT DOCUMENTS; AN EXPANSION OF ORDER RE FORENSIC  
IMAGING; MR. DEPP'S FOURTH, NINTH, AND TWELFTH REQUESTS FOR  
PRODUCTION; AND FIFTH INTERROGATORIES**

**\*\*FILED UNDER SEAL\*\***

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Clarissa K. Pintado (VSB 86882)  
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**I. MS. HEARD HAS COMPLIED WITH THIS COURT'S ORDER RE IMAGING**

Ms. Heard has complied with every step of this Court's November 8, 2021 Order, and any delays are solely the fault of Mr. Depp's team. Once the Order was issued, counsel for Ms. Heard provided the inventory list that was ordered, and on November 19 began suggesting that both sides' forensic experts schedule a call to discuss the next procedures under the Order. *Att. 1 at 8*. Depp's team ignored that email, and two follow up emails, into December. *Id. at 3-7*. Mr. Depp's counsel finally responded that their experts were not available for a call until December 6 or 7; our expert grabbed the first date, because "he is anxious to get this moving." *Id. at 1-2*. On the call, Depp's experts complained of a very heavy caseload, and scheduled the extraction - which they wanted to complete in person, rather than by Zoom - for early January. Because of COVID, Depp's team moved the extraction process back another week, into January. *Att. 2 at 1-2*. It then took Mr. Depp's team a week to respond to questions on the process. *Id. at 1*. Despite these roadblocks by Depp's team, as of the date of this filing virtually all the photographs have been provided to Mr. Young for review, and all will be produced by the time of the hearing on this matter. Mr. Young has finished reviewing over 8,680 images, and 5,292 images have been provided to Depp's team, and the process continues. *Att. 3*. No additional order is needed.

**II. MR. DEPP IS SEEKING RECONSIDERATION OF THE NOVEMBER 9 ORDER**

Mr. Depp's Motion is seeking a reconsideration of the Court's November 9 Order, not an expansion. The Court explicitly rejected what Mr. Depp now seeks - imaging of Ms. Heard's devices for emails, texts, audio, and video:

I'm going to grant it in part and deny it in part. And there's actually going to be two parts to my ruling. I do believe that it is narrowly tailored and there's a nexus for the photographs *but not for the videos, for the texts or for the emails*.

*Att. 4 at 45*. Mr. Depp has added nothing to justify reconsideration of this Court's Order, instead arguing unsupported skepticism. But "mere skepticism...and a mere desire to check that the

opposition has been forthright in its discovery responses are not sufficient reasons to warrant drastic discovery measures like an exhaustive computer forensic examination.” See *e.g.*, *Tingle v. Hebert*, 2018 U.S. Dist. LEXIS 60301, at \*18 (M.D. La. Apr. 10, 2018). Also, as to the Deuters’ texts, Mr. Depp attempted to pull the same stunt during the divorce proceedings, alleging skepticism. Yet a forensic expert has already authenticated those texts. Att. 5. The Court was correct in its earlier ruling, and there is no basis for the Court to reconsider.

**III. MS. HEARD HAS PRODUCED DOCUMENTS DR. HUGHES RELIED ON FOR HER OPINION; IRONICALLY MR. DEPP DID NOT FOR DR. CURRY**

There was no basis for Mr. Depp to move to compel on this issue. Mr. Depp previously sought documents from Dr. Hughes well beyond the scope for expert discovery under Virginia rules. The Court therefore limited those requests to: “All documents relied on by Dr. Dawn Hughes in providing any opinions in this case, including anything supporting the bases for such opinions.” Att. 6 at 1. Ms. Heard’s responses were due on February 24 – yesterday.

It was Mr. Depp who has not complied with a Court Order. On August 6, 2021, the Court Ordered Mr. Depp to produce all documents relied upon by his experts. Att. 7. Yet, on February 23, 2022, Mr. Depp’s counsel admitted he had not produced the documents relied upon by Dr. Curry – the same documents he seeks for Dr. Hughes, yet were not due from Ms. Heard. Att. 8. The parties agreed that Ms. Heard would produce the documents Dr. Hughes relied upon after Ms. Heard received the documents Dr. Curry relied upon. *Id.* Mr. Depp produced those late yesterday and Ms. Heard produced Dr. Hughes’ documents today. This issue is moot.

**IV. MR. DEPP’S 9<sup>TH</sup> and 4<sup>TH</sup> REQUESTS FOR PRODUCTION**

**Op-Ed Communications (RFPs 1-3, 11):** Mr. Depp seeks “all communications” with anybody about the Op-Ed. Ms. Heard has already produced all her communications with her counsel and the ACLU regarding the drafting, content, purpose, or meaning of the Op-Ed. Counsel for Mr. Depp had also previously informed this Court that he was not seeking “all communications

between Ms. Heard and Mr. George while he was acting as her counsel after Mr. Depp filed this complaint,” and that “the temporal period of that is going to be the time before she published the op-ed,” therefore admitting that communications following the publication of the Op-Ed are not relevant. **Att. 9.** Nothing else that could fall under these requests are relevant, and these requests are overly broad, unduly burdensome, and harassing, and should be denied.

**Documents Relied on by Experts for Their Opinions (RFP 4):** There was no reason for Mr. Depp to move to compel on this RFP. Ms. Heard stated in her response that she “has produced or will produce non-privileged and non-work product documents responsive to this Request”

**Copies of all publications evidencing or otherwise reflecting your reputation (RFP 6):** This request is wildly overbroad regarding anything about Ms. Heard’s reputation, with no time limitation, even though Ms. Heard’s counterclaims are based on statements from April 2020.

**RFPs 7-9** seek discovery regarding loss of roles and reputation, but request that information starting in 2018, when again, Ms. Heard’s counterclaims are based on statements from 2020.

**RFP 10** requests all communications related to the divorce. The Court has already held “We’re not going to retry that divorce in this case, and that’s what I deem this to be aimed at.”

**Att. 10.** This holding was confirmed by Mr. Depp’s counsel at the last hearing, where he argued “we would not be relitigating the divorce case, as much fun as that might be in this case.” **Att. 11**

For **RFP 14**, relating to witness payments, Ms. Heard is simply seeking to respond the same the Court already Ordered for Mr. Depp – identify any witnesses identified by the parties who Ms. Heard has made payments to over \$5,000 from May 21, 2016 to the present. *See Att. 12* at 3. As Court held, “when it comes to any salary, commissions, bonuses, advances, that can just be answered in the affirmative.” **Att. \_\_**

**RFPs 21 and 22** seek all communications with anyone identified in the UK matter or this

**case about Ms. Heard's testimony in the UK and all allegations in this case.** Such RFPs have already been rejected. On December 18, 2020 the Court ruled that requests seeking all documents and communications between Ms. Heard and The Sun/NGN was overbroad, and that all documents and communications relating to the UK Action was also overbroad (which would necessarily include all allegations in this case). **Att. 14.**<sup>1</sup> Moreover, Ms. Heard has already produced communications about the abuse she endured at the hands of Mr. Depp, and Mr. Depp's allegations of abuse by Ms. Heard have been unclear and undefined (as they did not occur), and since these requests fails to identify the specific persons they purportedly seek communications from, they are overbroad and vague. Finally, **RFP 24** does not seek documents reflecting to any drug or alcohol use or abuse by Ms. Heard within one week before or after any alleged incident of violence or abuse (which would be irrelevant), but rather seeks "[a]ll Documents or Communications evidencing or reflecting any drug or alcohol use or abuse by You, from January 1, 2010 through and including the present," which is not only irrelevant but wildly overbroad.

**V. MR. DEPP'S 5<sup>TH</sup> INTERROGATORIES**

Ms. Heard has agreed that subject to her objections, substantive response will be produced.

There are currently motions in the California court that impact these Interrogatories, as well as depositions scheduled for next week, which are the reasons for the delay in responding.

**VI. MR. DEPP'S 12<sup>TH</sup> RFPs**

**RFPs 1-8.** Mr. Depp complains that Ms. Heard has not agreed to produce documents supporting her interrogatory responses. But Mr. Depp has refused the same type of requests. **Att. 15** at 16-20. The parties should be under the same obligations.

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<sup>1</sup> Mr. Depp previously moved to compel RFP 36 from the 4<sup>th</sup> RFPs. **Att. 16.** While the Court did not specifically rule either way on this RFP, given the previous decision, the Court made clear that all communications with anyone at any time about allegations of abuse would also be considered overbroad.

RFPs 14, 15, and 16 request all communications between Ms. Heard, or anyone on her behalf, and her employers regarding negative publicity surrounding this case, the UK case, and the Counterclaims. These requests have already been denied. On January 7, 2022, the Court sustained Ms. Heard's objections to and denied Requests 29 and 31 of Mr. Depp's 10<sup>th</sup> Requests for Production of Documents which sought all communications between Ms. Heard (or anyone acting on her behalf) and any actual or potential source of income "regarding any of the eight statements that form the basis of Your Counterclaim for defamation" and "regarding Mr. Depp's Complaint and allegations in the U.K. Action." Att. 17. Also, on November 20, 2020, the Court ruled that discovery seeking documents "sufficient to reflect the impact" of the UK litigation "on Mr. Depp's reputation and career" was overly broad, unduly burdensome, and unreasonably vague, and therefore held that those Requests are beyond the scope of discovery. Att. 18. RFPs 18 and 19 seek all documents, including treatment records, related to Mr. Depp's allegations that Ms. Heard abused Mr. Depp. First, no documents exist. Second, this another attempt by Mr. Depp to try to expand the scope of discovery related to Ms. Heard's treatment. On January 7, 2022, the Court revised Request No. 16 of Mr. Depp's 10th Requests for Production of Documents by only requiring the production of documents "referring to or reflecting Ms. Heard's medical and psychological treatment stemming from any alleged abuse by Mr. Depp," and nothing more. Att. 6 at 1. There is no basis for reconsideration of that Order.<sup>2</sup>

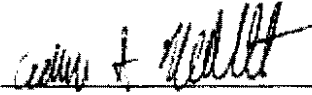
#### CONCLUSION

For the foregoing reasons, Ms. Heard requests that Mr. Depp's Motion to Compel be denied.

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<sup>2</sup> Mr. Depp apparently does not understand his own requests. His brief says that RFP 19 related to treatment Ms. Heard received for abuse by Mr. Depp. Br. at 5. Ms. Heard has produced those documents. RFP 19, however, actually seeks treatment records related to alleged abuse by Ms. Heard of Mr. Depp. Depp. Ex. 7 at 32.

February 25, 2022



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

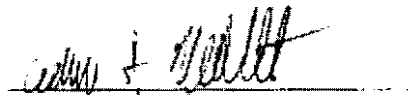
**CERTIFICATE OF SERVICE**

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

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Adam S. Nadelhaft



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**Subject:** RE: Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on both, or dates for hearing if do not agree  
**Date:** Thursday, December 02, 2021 6:22:05 PM

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Camille: Our expert will make Monday work (he is anxious to get this moving) at 1:00 p.m. ET/11 a.m. MT. Can you please send (and you can send just to me) the contact information for me to forward to Julian Ackert so they can connect on their own to set this up?

Steve: Requesting again for your consent to file our Motion to Compel in light of having already met and conferred, conciliated and had motions practice on this, we are coming back at the Court's direction, and time is very much of the essence. Thank you! Elaine

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**Subject:** RE: Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on

both, or dates for hearing if do not agree

Elaine,

Our experts, Bryan and Matt are available Monday and Tuesday next week between 9 a.m. and 1 p.m. (Mountain Standard Time – 2 hours behind the East Coast) for a call with Mr. Ackert.

Admittedly, I was surprised by your email this morning attaching a Consent Order for the imaging of Mr. Depp's devices. We disagree with your conclusion the Court *invited* Ms. Heard to seek the forensic imaging of Mr. Depp's devices. In fact, the Court stated the following on the record in denying Ms. Heard's motion:

in this matter as far as mutuality goes, because it's ordered in one case for one side, I'm -- I'm going to deny that request at this time. There still has to be a **nexus** shown when -- when you're asking for those types of items in discovery. And -- and, again, I do find that the ask is overbroad and there is no specificity to that. (Emphasis added).

As you are well aware, there is a procedure outlined in the Consent Order for Appointment of a Conciliator which the parties must follow. The burden is on Ms. Heard first to meet and confer with counsel, and then to seek Steve's guidance and permission to file a motion. From our perspective, any potential motion to compel by Ms. Heard as to her 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> or 17<sup>th</sup> RFPs is not entitled to priority just because it relates to an Order granting Mr. Depp's motion for forensic imaging. However, in the spirit of cooperation, we are amenable to folding this discussion into the meet and confer Mr. Depp has been repeatedly requesting relating to his 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> RFPs.

I suggest we get something on our calendars for this Friday or Monday. Please let us know when you are available and we'll circulate a dial-in.

Thanks,  
Camille

**From:** Elaine Bredehoft <[ebredehoft@charlisonbredehoft.com](mailto:ebredehoft@charlisonbredehoft.com)>

**Sent:** Wednesday, December 1, 2021 10:55 AM

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**Subject:** Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on both, or dates for hearing if do not agree

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Camille and Ben:

I am once again following up on my earlier emails attempting to obtain dates and times for your experts to speak with ours to carry out the terms of the November 8, 2021 Order. We would appreciate your providing us some dates and times so we can connect our expert with yours to talk and schedule everything.

Given that your forensics experts appear to have a busy schedule and have been unable to find time to schedule time to talk and work with our expert for weeks now, and since these are the same experts both sides will be using for Mr. Depp's devices, I suggest we combine forces, and have them work on both in tandem, so we can complete this process as quickly as possible.

With this in mind, we have drafted a Consent Order that tracks the Order you prepared and Chief Judge Azcarate entered on November 8, 2021. I am attaching for your review. I urge you to work with us to avoid having to file more motions, and also move this process along so the experts can work together and complete this process for both sides.

As a reminder, at the October 29 hearing the Court denied Ms. Heard's Motion to Compel forensic imaging of Mr. Depp's Devices "at this time" due to a lack of specificity. Also during a meet and confer with Mr. Young, Mr. Young stated that once Mr. Depp's preferred forensic imaging protocol was in place, Mr. Young would not accept Mr. Depp complaining about a mirror-image of his protocol once Ms. Heard narrowed her forensic discovery RFPs to the level of specificity required by the Court.

As reflected in the 14<sup>th</sup>-15<sup>th</sup> RFPs and the attached Consent Order, Ms. Heard has done exactly that, and these Requests cannot be any more specific:

1. In RFPs 4-12 of Ms. Heard's 14<sup>th</sup> Requests for Production of Documents, Ms. Heard requested an Inventory (as defined in those Requests) of only Mr. Depp's Devices that Mr. Depp identified in Int. No. 3 are in his possession, custody, and control and contain ESI relevant to the claims

and defenses in this case.

While Mr. Depp has asserted the same boilerplate objections as in the past, given the Court's ruling with respect to Mr. Depp's Motion to Compel Ms. Heard's devices, these objections have already been overruled by the Court.

2. In the 15<sup>th</sup> Requests, Ms. Heard seeks: **1)** all photographs, video recordings, and audio recordings (and deleted) of Ms. Heard, Mr. Depp, and any damage to property during the Depp Abuse of Heard Dates, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices; **2)** all photographs, video recordings, and audio recordings (and deleted) of both Ms. Heard, Mr. Depp, and any damage to property during the Depp Alleged Abuse by Heard Dates, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices; and **3)** all photographs, video recordings, and audio recordings (and deleted) of specifically identified properties during specific relevant date ranges, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices.

Once again, Ms. Heard adopted the guidance of the Court at the October 29 hearing respecting the required level of specificity, and these Requests could not be more specific in what they seek. These again mirror what Mr. Depp sought from Ms. Heard, and the Court ruled in Mr. Depp's favor.

And, despite Mr. Depp's objections, Ben Chew argued to the Court that "if these are real photographs, she should want to be able to prove them." Therefore, Ben agrees that if Mr. Depp contends his photographs, video recordings, and audio recordings are authentic, he "should want to be able to prove them." That is all Ms. Heard is seeking here, exactly as Mr. Depp.

For all these reasons, Ms. Heard requests that the parties work together with their experts to accomplish these forensic discovery tasks, including Mr.

Depp's agreement to the attached Consent Order. We are happy to discuss any aspect of the draft Consent Order; however, you will note this is essentially your chosen language from the November 8, 2021 Order, so it would be difficult for you to claim something is unfair.

If Mr. Depp will not agree to this Consent Order, Ms. Heard will need to file a Motion ASAP to obtain this forensic discovery, since your experts have a busy schedule and we need to get these devices captured in a forensically sound manner.

Given the Court's invitation to re-bring the Motion with the required specificity, the ripeness for this motion earlier, and Mr. Young's comments regarding mutuality, Ms. Heard is requesting permission from Steve Cochran to notice a hearing on this Motion on the first Friday in January that counsel for Mr. Depp is available. The Court has the following Fridays available: January 7, January 14, or January 28. Anticipating that you may require us to re-file our Motion to Compel, rather than agreeing on a Consent Order, please let us know if you will be available on January 7. If you are not available on January 7, please let us know if you are available on January 14. Finally, if you are not available on January 7 or 14, please let us know if you are available on January 28. We really need to move this along as quickly as possible to obtain this information.

I look forward to hearing from you on your experts' available dates and times, on your willingness to enter into a Consent Order and work on scheduling of the experts for both sets of devices, and if not, your availability on January 7, if not, January 14, if not, January 28.

Thank you for your consideration and anticipated cooperation.

Elaine

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**From:** Elaine Bredehoft

**Sent:** Monday, November 29, 2021 11:11 AM

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**Subject:** RE: Electronics issues and Court Order - logistics and schedule

Good morning Camille! I am following up on my earlier emails respecting obtaining dates and times for your experts to speak with ours. As you may recall, the Court Order requires a number of the exercises to be undertaken with both sets of experts, so it is important to connect them so they can work out their schedules. The Court Order says by November 30, 2021, but I am thinking since you have not been able to obtain dates thus far from your experts for them to connect and schedule with our expert, we will be pushing beyond that because of the experts' schedules. Please let me know when you have a chance a few dates and times your experts can be available to connect with Mr. Ackert.

Also, to try to save more time and give your experts an opportunity to consider before the call, Mr. Ackert is proposing for the collection of Amber Heard's iCloud data, including any device backups stored in iCloud, using the collection tool Elcomsoft Phone Breaker (version 9.71).

Since your responses to the RFPs are due today, and the Court indicated she will be requiring the same for Mr. Depp as for Ms. Heard once we targeted more specifically with these RFPs, it may also make sense for your experts to create an inventory like the one prepared by Mr. Ackert – Ms. Heard's expert - and they can discuss the collection and imaging of Mr. Depp's devices as well. It will save us all time and expense to try to move these forward simultaneously. We will be happy to prepare a Consent Order to move that along.

Thank you for your cooperation. Elaine

Elaine Charlson Bredehoft

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(703) 919-2735 (mobile)  
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[www.cbcblaw.com](http://www.cbcblaw.com)

**From:** Elaine Bredehoft  
**Sent:** Wednesday, November 24, 2021 1:39 PM  
**To:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>  
**Cc:** [bchew@brownrudnick.com](mailto:bchew@brownrudnick.com); Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com); [mdailey@grsm.com](mailto:mdailey@grsm.com); Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>  
**Subject:** RE: Electronics issues and Court Order - logistics and schedule

Camille: This follows our telephone call last week and my subsequent email last Friday. I am assuming since you have not responded to the below email your experts were not available for a call with Julian Ackert this week. I would appreciate your reaching out to them again to obtain some dates and times for them to speak with Julian to schedule the work set forth in the Court Order.

As promised, we are attaching the Inventory to be provided to your experts, per the Court Order.

If we do not connect further today on the scheduling of the expert connection/dates, have a great Thanksgiving! Elaine

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**From:** Elaine Bredehoft  
**Sent:** Friday, November 19, 2021 2:42 PM

**To:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>  
**Cc:** Ben G. Chew <[bchew@brownrudnick.com](mailto:bchew@brownrudnick.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoft <[mbredehoft@charlsonbredehoft.com](mailto:mbredehoft@charlsonbredehoft.com)>  
**Subject:** Electronics issues and Court Order - logistics and schedule

Camille: This follows our discussion earlier today in connection with the electronic issues and the Court's Order:

We expect to be able to provide an inventory list early next week. Our expert, Julian Ackert, suggests that he and your experts schedule a call and discuss the best way to schedule the next procedures under the Court Order. Since Thanksgiving is next week, we recognize it may be more difficult to schedule that call, so you are going to check with your experts to try to determine their availability next week and the following week for a call. The experts can then agree on a schedule for their review.

With respect to Paragraph 1 of the Court's Order, you were going to check with your experts on whether they would be involved in your providing all native files with metadata of photographs reflecting injuries and audio and video recordings of Mr. Depp and Ms. Heard that are in Mr. Depp's possession and have previously been produced in discovery without meta data.

Thank you for your cooperation. Elaine

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\*\*\*\*\*  
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\*\*\*\*\*

**From:** [Elaine Bredehoft](#)  
**To:** [Calnan, Stephanie](#); [Julian Ackert](#); [Arnold Garcia](#); [mdailey@grsm.com](mailto:mdailey@grsm.com); [Adam Nadelhaft](#); [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [David Murphy](#)  
**Cc:** [Presiado, Leo J.](#); [Vasquez, Camille M.](#); [Moniz, Samuel A.](#); [Bryan Neumeister](#); [Matt Erickson](#); [Susan Sorg](#); [Craig.Young@KutakRock.com](mailto:Craig.Young@KutakRock.com)  
**Subject:** RE: Forensic Imaging  
**Date:** Monday, January 24, 2022 7:13:52 AM

---

Stephanie: In follow up to my email responding to you yesterday, I have checked with Julian Ackert, our IT expert. He is still awaiting a response from your IT experts to an email he sent last Wednesday with substantive and procedural issues for the next steps. Perhaps you can check in with them and see if they have time to respond? Thanks. Elaine

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**From:** Elaine Bredehoft  
**Sent:** Sunday, January 23, 2022 4:24 PM  
**To:** Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Julian Ackert <[jackert@idsinc.com](mailto:jackert@idsinc.com)>; Arnold Garcia <[AGarcia@idsinc.com](mailto:AGarcia@idsinc.com)>; [mdailey@grsm.com](mailto:mdailey@grsm.com); Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); David Murphy <[DMurphy@cbcblaw.com](mailto:DMurphy@cbcblaw.com)>  
**Cc:** Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Bryan Neumeister <[bryan@usaforensic.com](mailto:bryan@usaforensic.com)>; Matt Erickson <[matt@usaforensic.com](mailto:matt@usaforensic.com)>; Susan Sorg <[susan@usaforensic.com](mailto:susan@usaforensic.com)>; [Craig.Young@KutakRock.com](mailto:Craig.Young@KutakRock.com)  
**Subject:** RE: Forensic Imaging

Stephanie: I understand our IT expert Julian Ackert has been working proactively with your IT experts to try to work through this process, and your IT experts have had a number of scheduling problems, including a heavy workload on other matters and COVID, but we have continued to cooperate and try to move this along.

Julian was waiting to hear back from your experts as of the end of this past week. I will reach out to him on Monday to see where they are in the process.

I also reached out to Craig Young to let him know we anticipate we are close to being able to turn over data for his review. We will continue to cooperate in moving this process along for the benefit of all the parties. Elaine

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**From:** Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>  
**Sent:** Sunday, January 23, 2022 3:07 PM  
**To:** Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>; Julian Ackert <[jackert@idsinc.com](mailto:jackert@idsinc.com)>; Arnold Garcia <[AGarcia@idsinc.com](mailto:AGarcia@idsinc.com)>  
**Cc:** Presiado, Leo J. <[LPresiado@brownrudnick.com](mailto:LPresiado@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>; Bryan Neumeister <[bryan@usaforensic.com](mailto:bryan@usaforensic.com)>; Matt Erickson <[matt@usaforensic.com](mailto:matt@usaforensic.com)>; Susan Sorg <[susan@usaforensic.com](mailto:susan@usaforensic.com)>; [Craig.Young@KutakRock.com](mailto:Craig.Young@KutakRock.com)  
**Subject:** Forensic Imaging

All,

It is our understanding that Arnold and Matt extracted all photographs that hit on the date ranges as identified in the Order as well as any undated photographs from two of Ms. Heard's devices (the iPhone 11 and the iPhone 11 Pro). For next steps, we propose that your team coordinate with Craig Young, the Court-appointed limited discovery issues conciliator (copied here), and send him all photographs that fall within the relevant date ranges by encrypted drive. At this point, we do not think it makes sense to include the undated photographs. To the extent that Ms. Heard will be relying on an undated photograph, we propose that Ms. Heard identify such photograph and then the parties' experts can coordinate on authenticating that particular photograph.

As for the other devices, it is our understanding that the extraction of images within the date range for the iCloud backups still needs to be done. We request that this be done via Zoom between Matt and someone from your team as soon as possible. It is also our understanding that extractions still need to be done for all prior collected devices. We again request that this happens as soon as possible with Matt observing via Zoom. We also request that all data that Ms. Heard intends to rely on is sent to Craig by February 4, 2022 at the latest so that way we can ensure there is enough time for our experts to review and analyze.

We look forward to hearing from you.

Best,  
Stephanie

**brownrudnick**

**Stephanie Calnan**

Counselor at Law

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One Financial Center  
Boston, MA 02111  
T: 617-856-8149  
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She/her/hers

\*\*\*\*\*

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**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

<b>John C. Depp, II,</b>	)	
	)	
<b>Plaintiff and</b>	)	
<b>Counterclaim Defendant,</b>	)	
v.	)	<b>Civil Action No.: CL-2019-0002911</b>
	)	
<b>Amber Laura Heard,</b>	)	
	)	
<b>Defendant and</b>	)	
<b>Counterclaim Plaintiff.</b>	)	

---

**DECLARATION OF JULIAN ACKERT**

1. I am a Managing Director at iDiscovery Solutions, Inc. (“iDS”), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community.

2. I have over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. I have a Bachelor of Science degree in Computer Science from the University of Virginia.

3. I am in charge of the extraction process for Ms. Heard of images from Ms. Heard’s devices that was ordered by this Court on November 8, 2021.

4. The extractions per the November 8, 2021 Order are complete, and virtually all the images have been delivered to Craig B. Young (“Mr. Young”), the Court-appointed limited discovery issue Conciliator. My team is working on the final deliveries to Mr. Young.

5. Forensic imaging of Ms. Heard’s current devices (per Paragraph 4 of the November 8, 2021 Order) was completed late in the evening of December 17, 2021. This was the date that worked best for everyone, and was agreed to by everyone from Ms. Heard’s team

and Mr. Depp's team.

6. The extraction of images from Ms. Heard's current devices was scheduled for the first week of January, and then delayed to January 10, 2022 due to Matt Erickson's (a member of Mr. Depp's team) schedule delay.

7. The extraction of images from Ms. Heard's current devices took about two weeks to complete, and the extraction of images from Ms. Heard's previously imaged devices identified on the Inventory took about four weeks, as the process of image identification and extraction takes time, given the amount of devices in scope. Not all of the devices have images that fall into the dates of alleged abuse, but each of them had to be examined, using screen share with Mr. Depp's team watching, as part of the protocol.

8. Mr. Depp's team has been entirely aware of each step of the process.

9. Coordination with all counsel and Mr. Young to arrange delivery to Mr. Young started on January 23, 2021.

10. The next two weeks were spent coordinating the delivery format and how Mr. Young was going to review the materials. I cooperated with Mr. Depp's team and Mr. Young throughout this entire process. The first delivery to Mr. Young was made on Friday, February 4, 2022.

11. When Mr. Young completed his review of the first batch of images, my team provided them to Mr. Depp's team. That will continue to be the process.

12. Mr. Depp's team should now be reviewing images, which should continue as Mr. Young reviews the tens of thousands of images that have been provided to him.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25<sup>th</sup> day of February, 2022.

A handwritten signature in black ink, appearing to read "Julian Ackert". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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Julian Ackert

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

-----x

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, October 29, 2021

11:35 a.m.

Job No.: 409115

Pages: 1 - 71

Reported by: Carol A. Lowe, RPR



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Hearing held at:  
  
CIRCUIT COURT OF FAIRFAX COUNTY  
4110 Chain Bridge Road  
Courtroom 5J  
Fairfax, Virginia 22030  
(703) 691-7320

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

BENJAMIN G. CHEW, ESQUIRE

BROWN RUDNICK

601 Thirteenth Street, Northwest

Suite 600

Washington, D.C. 20005

(202) 536-1700

1 A P P E A R A N C E S C O N T I N U E D

2 O N B E H A L F O F T H E D E F E N D A N T :

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4 WOODS ROGERS

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6 Suite 1400

7 Roanoke, Virginia 24038

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P R O C E E D I N G S

(The court reporter was sworn.)

THE COURT: All right. This is the matter of Depp versus Heard. This comes on the motion to compel -- motion to compel for the mobile devices, production of original devices and operating system drives, cloud backups and also metadata. So, yes, sir, go ahead, Mr. Chew.

MR. CHEW: Yes, Your Honor. Thank you, Your Honor. May it please the Court, Ben Chew for plaintiff Johnny Depp.

As the Court is aware and just stated, we're here on Mr. Depp's motion to compel Ms. Heard's devices, drives, cloud backups and defendant's cross-motion for same.

With the Court's leave -- with Your Honor's leave, I would like to address Mr. Depp's motion --

THE COURT: Okay.

MR. CHEW: -- use most of my time for that --

THE COURT: Okay.

1 I'm going to grant it in part and deny it in part.  
2 And there's actually going to be two parts to my  
3 ruling. I do believe that it is narrowly tailored  
4 and there's a nexus for the photographs but not  
5 for the videos, for the texts or for the emails.

6 So, therefore, I'm going to grant the  
7 motion as to the time periods related in paragraph  
8 5-A for the photographs of Ms. Heard and also the  
9 deleted photographs as well but not to 5-C, D, E,  
10 F or G. So I'm only granting it to 5-A and B. So  
11 that's the first part of the order.

12 The second part of the order is I will  
13 require Ms. Heard's attorneys to provide Mr.  
14 Depp's attorneys with an inventory about what they  
15 have imaged whether that is photographs, text  
16 messages, emails, videos; provide them a list so  
17 they can also have those at their disposal to be  
18 forensically analyzed in a manner as -- as  
19 outlined in the proposed order from Mr. Depp.

20 In addition, I don't want -- as far as  
21 paragraph four of the order, that is fine that  
22 Mr. Cochran will deal with any disputes arising

## STATEMENT OF KEVIN COHEN

I, Kevin Cohen, am employed by Data Triage Technologies, LLC, a consulting company for computer forensics and electronic discovery where I have been President since 2001. I have been a Computer Forensic Consultant since 1998.

I have obtained certifications of Certified Information Systems Security Professional ("CISSP") in 2001, EnCase Certified Examiner ("EnCE") in 2003, GIAC Certified Intrusion Analyst ("GCIA") in 2005, GIAC Certified Forensic Analyst ("GCFA") in 2006, and Certified Information Systems Auditor ("CISA") in 2006. SysAdmin Audit Network Security ("SANS") Institute authorizes the GIAC certifications and Guidance Software authorizes the EnCE certifications. Of these certifications the highest regarded in the Industry is CISSP, which is given by the International Information Systems Security Certification Consortium. To maintain the CISSP certification one must complete an average of 40 continuing education credits per year.

I graduated with a Bachelor of Arts degree in Economics from the University of Colorado in 1994. I continue to take advanced training on an ongoing basis in the field of Computer Forensics. I have worked as a court-appointed neutral on computer forensics issues for the Superior Court of California. I have been qualified as an expert witness and have given testimony on computer forensics issues. A true and correct copy of my curriculum vitae is attached hereto as **Exhibit A**.

On Sunday, June 5, 2016, I was asked to examine iPhone backups of Amber Heard. It was her normal routine to sync her iPhone to her computer which created backups of her iPhone on her computer. I forensically imaged and examined the device containing Ms. Heard's iPhone backups, and I conclude that the backups are authentic.

Attached hereto as **Exhibit B** is a true and correct printout of an excel spreadsheet that contains the text messages between Ms. Heard and Stephen Dueters that came from her iPhone backup created on August 20, 2014. The timestamps of the text messages are in Universal Time Code ("UTC"), also known as London Time. Pacific Time would be 7 hours earlier from the timestamps in UTC.

  
\_\_\_\_\_  
KEVIN COHEN

# **EXHIBIT A**

**Kevin H. Cohen**  
12021 Wilshire Blvd Suite 636  
Los Angeles, CA 90025  
(310) 478-2113  
kcohen@datatriage.com

## **Executive Summary**

President of Data Triage Technologies, Mr. Cohen has more than ten years experience with computer forensics and electronic discovery. He works closely with in-house counsel, law firms, and mediators to identify, preserve, produce, store, and present electronic documents in litigation proceedings, both civil and criminal. Cohen's work has helped establish the basis for complaints and to identify individual perpetrators and conspirators. By means of declarations and expert testimony, he has disqualified Opposing Computer Experts' accusations. In many instances his investigations have established evidence leading to dismissals of pending cases or achieving settlements prior to trial. In addition Cohen manages the electronic discovery process from start to finish, that process turning raw electronic data into text searchable applications for review and production.

## **Special Qualifications**

**Court Appointed Neutral Computer Forensic Expert**  
**Qualified Expert Witness**  
**Expert Witness**

## **Professional Certifications**

**CISA** – *Certified Information Systems Auditor (Current)*  
**CISSP** – *Certified Information Systems Security Professional (Current)*  
**EnCE** – *EnCase Certified Examiner*  
**GCFA** – *Global Information Assurance Certification - Certified Forensic Analyst*  
**GCIA** – *Global Information Assurance Certification - Certified Intrusion Analyst*

## **Publications**

**Small Scale Digital Device Forensics Journal ("SSDDFJ") – "Digital Still Camera Forensics."** SSDDFJ is an online journal supported by the Cyber Forensics Lab at Purdue University <http://www.ssddfj.org>.

## **Education**

**University of Colorado Boulder, BA – Economics 1994**

## **Professional Experience (1998 – present)**

### **Court Appointed Neutral Computer Forensics Expert**

Neutral forensics expert in cases where neither side has had a computer forensics expert, where both sides have had their own computer forensics experts, and where only one side has had a computer forensics expert. Cohen has the ability to identify relevant key issues relating to computer data in an unbiased manner, as well as communicate these issues in layman's terms. Assistance that Cohen has provided in the past to clients includes, but is not limited to, the following:

- Developing a preservation order to prevent spoliation of relevant data
- Ensuring that all relevant electronic documents including email and text messages are produced;



- Working closely with a discovery referee.

### **Computer Forensics Consultant-Expert on behalf of either Defendant or Plaintiff**

Cohen is able to bring technical expertise related to electronically stored information on behalf of clients who are parties in legal proceedings. Services that Cohen has provided in the past to clients includes, but is not limited to, the following:

- Ensuring that all relevant electronic documents including email and text messages are produced;
- Locating and presenting electronic evidence that helped to assert claims;
- Locating and presenting electronic evidence that helped to defend against claims;
- Giving expert opinions on spoliation-related issues.

### **Case Types Experience**

Misappropriation of Trade Secrets, Patent Infringement, Copyright Infringement, Computer Fraud, Embezzlement, Conversion of Property, Interference of Business Practices, Breach of Contract, Unfair Competition, Employment Liability, Sexual Harassment, Workers Compensation, Slander, Dissolution of Marriage, etc.

### **Featured Speaker**

Cohen is frequently asked to speak on topics relating to Electronic Discovery, Computer Forensics, and Computer Security.

- Featured speaker at computer security conventions, including High Tech Crime Investigation Association, The Computer Forensics Show, and the American Society for Industrial Security.
- Guest lecturer at Pepperdine Law School.
- Accredited instructor for Continuing Education Programs for professional groups, including CLEs for CPAs and attorneys. CLE presentations include Gibson Dunn & Crutcher; Alshuler Grossman Stein & Kahan; Lewis Bribois & Smith LLP; Eastern Bar Association of LA County; Paul Hastings; Selman Breitman; and California Society of CPAs.
- Presenter at local professional groups such as Linux User Groups, and Chambers of Commerce.

### **Professional Organizations**

**Member of HTCIA** – The High Technology Crime Investigation Association (HTCIA) is designed to encourage, promote, aid, and bring about the voluntary interchange of data, information, experience, ideas, and knowledge among its membership about methods, processes, and techniques relating to investigations and security in advanced technologies.

**Member of InfraGard** - A cooperative undertaking led by the FBI and the NIPC between the U.S. Government, and an association of businesses, academic institutions, state and local law enforcement agencies, and other participants dedicated to increasing the security of United States critical infrastructures.

**Member of ISACA** - Information Systems Audit and Control Association is a centralized source of information and guidance that has become a pace-setting global organization for information governance, control, security, and audit professionals. Practitioners worldwide follow ISACA's Information Systems Auditing and Information Systems Control Standards.

**Former Board of Directors Member & Mentor - LULA** (Linux Users of Los Angeles) Aspires to promote the use, availability, and enjoyment of the Linux operating system through advocacy, education, support, and socializing.

# **EXHIBIT B**

From	Body	Date/Timestamp
Stephen Dueters	He's up. In the bathroom. Moving slowly. Will let you know when en route and how he is in the car.	5/25/2014 4:13:19 AM(UTC+0)
Stephen Dueters	He's in some pain, as you might guess	5/25/2014 4:13:50 AM(UTC+0)
Stephen Dueters	He's been sick. We're gonna get him straight to bed	5/25/2014 4:22:24 AM(UTC+0)
Stephen Dueters	We're on our way to 80.	5/25/2014 4:22:24 AM(UTC+0)
Stephen Dueters	Hey. He's sound asleep. We're here looking out for him.	5/25/2014 7:38:40 AM(UTC+0)
Amber H	Thanks. Please let me know when you speak to him. Or if there's any major change - or if anything goes wrong	5/25/2014 12:16:43 PM(UTC+0)
Stephen Dueters	Hey. He's up. He's much better. Clearer. He doesn't remember much, but we took him thru all that happened. He's sorry. Very sorry. And just wants to get better. Which allows us to make him follow up on that promise.	5/25/2014 3:45:04 PM(UTC+0)
Stephen Dueters	He's teary. He doesn't want to be a fuck-up anymore - his words. He's got bad indigestion this morning but otherwise alright. He's gone back to sleep for a bit.	5/25/2014 4:08:24 PM(UTC+0)
	Spoken to C. We're going to set him up with Dr Kipper on weds hopefully. He won't be skipping it this time.	
Amber H	if he was, he'd tell me himself I reckon	5/25/2014 4:42:03 PM(UTC+0)
	Will that dr be in Boston?	
	Have you told him about charlie??	
Stephen Dueters	That Doc will fly to Boston. He's a much bigger deal than Charlie. I'm not worried about bringing Charlie up - I'll do that later when he's awake again	5/25/2014 4:44:48 PM(UTC+0)
Amber H	Ok. I've not heard from him. Which I expected. I still want to fly back to NYC today on the red eye though. I can't keep doing this.	5/25/2014 5:23:58 PM(UTC+0)
Stephen Dueters	His phone is fucking up. I'm restarting it. You will hear from him, I'm sure. There feels like a sea change in him this morning. He just spoke about how bad he feels and he wasn't talking physically	5/25/2014 5:25:20 PM(UTC+0)
Stephen Dueters	Think he's just texted you. He's incredibly apologetic and knows that he has done wrong. He wants to get better now. He's been very explicit about that this morning.	5/25/2014 5:59:28 PM(UTC+0)
Stephen Dueters	Feel like we're at a critical juncture.	5/25/2014 6:00:25 PM(UTC+0)
Amber H	Yes but I don't know how to be around him after what he did to me yesterday.	5/25/2014 6:13:56 PM(UTC+0)
Amber H	I don't know if I can stay with him. I need time	5/25/2014 6:14:19 PM(UTC+0)
Stephen Dueters	He wants to see you so much. He's distraught.	5/25/2014 8:30:56 PM(UTC+0)
Amber H	Don't worry about the flights. I'll be taking care of them myself. Thank you.	5/25/2014 8:33:14 PM(UTC+0)

{00067764;1}

ALH\_00003783

Amber H Look, He thinks 'he doesn't deserve this'. Obviously he has no idea what he did or to the extent that he did it. If someone was truly honest with him about how bad it really was, he'd be appalled. The man johnny is would be humiliated. And definitely wouldn't say to me that he doesn't deserve it. I'm sad that he doesn't have a better way to really know the severity of his actions yesterday. Unfortunately for me, I remember in full detail everything that happened. 5/25/2014 8:47:17 PM(UTC+0)

Stephen Dueters It was disgusting. And he knows it. 5/25/2014 8:48:00 PM(UTC+0)

Stephen Dueters He was appalled. When I told him he kicked you, he cried. 5/25/2014 8:48:00 PM(UTC+0)

Stephen Dueters I wasn't with him when he sent u the 2nd txt. He read it to me and I said it was the wrong text to send. He then sent the 3rd one and sat and cried again after on the bed. He's a little lost boy. And needs all the help he can get. He is so very sorry, as he should be. 5/25/2014 8:50:08 PM(UTC+0)

Amber H He's done this many times before. Tokyo, the island, London (remember that!), and I always stay. Always believe he's going to get better... And then every 3 or so month, I'm in the exact same position . 5/25/2014 9:19:58 PM(UTC+0)

Stephen Dueters I know. It's hideous. But that is one side of the man that you fell in love with. And one side of the man that fell in love with you. I know you're hurting. And you've every right too. And he knows that. 5/25/2014 10:15:28 PM(UTC+0)

## STATEMENT OF KEVIN COHEN

I, Kevin Cohen, am employed by Data Triage Technologies, LLC, a consulting company for computer forensics and electronic discovery where I have been President since 2001. I have been a Computer Forensic Consultant since 1998.

I have obtained certifications of Certified Information Systems Security Professional ("CISSP") in 2001, EnCase Certified Examiner ("EnCE") in 2003, GIAC Certified Intrusion Analyst ("GCIA") in 2005, GIAC Certified Forensic Analyst ("GCFA") in 2006, and Certified Information Systems Auditor ("CISA") in 2006. SysAdmin Audit Network Security ("SANS") Institute authorizes the GIAC certifications and Guidance Software authorizes the EnCE certifications. Of these certifications the highest regarded in the Industry is CISSP, which is given by the International Information Systems Security Certification Consortium. To maintain the CISSP certification one must complete an average of 40 continuing education credits per year.

I graduated with a Bachelor of Arts degree in Economics from the University of Colorado in 1994. I continue to take advanced training on an ongoing basis in the field of Computer Forensics. I have worked as a court-appointed neutral on computer forensics issues for the Superior Court of California. I have been qualified as an expert witness and have given testimony on computer forensics issues. A true and correct copy of my curriculum vitae is attached hereto as **Exhibit A**.

On Sunday, June 5, 2016, I was asked to examine iPhone backups of Amber Heard. It was her normal routine to sync her iPhone to her computer which created backups of her iPhone on her computer. I forensically imaged and examined the device containing Ms. Heard's iPhone backups, and I conclude that the backups are authentic.

Attached hereto as **Exhibit B** is a true and correct printout of an excel spreadsheet that contains the text messages between Ms. Heard and Stephen Dueters that came from her iPhone backup created on August 20, 2014. The timestamps of the text messages are in Universal Time Code ("UTC"), also known as London Time. Pacific Time would be 7 hours earlier from the timestamps in UTC.

  
\_\_\_\_\_  
KEVIN COHEN

**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

**ORDER**

**(\*\*CONFIDENTIAL UNDER SEAL\*\*)**

THIS MATTER CAME TO BE HEARD upon Plaintiff and Counterclaim-Defendant John C. Depp, II's ("Mr. Depp") Motion ("Motion") to Compel Responses to Tenth Set of Requests for Production ("Tenth RFPs") and Eleventh Set of Requests for Production ("Eleventh RFPs") to Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard"); and upon consideration of the briefs and argument of counsel, it is hereby:

**ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as to Mr. Depp's Tenth Set of Requests for Production of Documents, as follows:

The Motion is **GRANTED** in part as to Requests 1-3 and 5-6 in Mr. Depp's Tenth RFPs, except that the scope of these Requests is revised to the following: All documents relied on by Dr. Dawn Hughes in providing any opinions in this case, including anything supporting the bases for such opinions;

The Motion is **GRANTED** in part as to Request 16 in Mr. Depp's Tenth RFPs, modified to read as follows: All Documents and Communications that refer, reflect, or evidence any treatment of You by Dr. Bonnie Jacobs and Dr. Connell Cowan related to Ms. Heard's medical and psychological treatment stemming from any alleged abuse by Mr. Depp;

The Motion is GRANTED in part as to Requests 23-24 in Mr. Depp's Tenth RFPs, modified to read as follows: Documents sufficient to show Your compensation from any endorsement deals from January 1, 2015 through and including the present, including without limitation any agreements with L'Oreal;

The Motion is DENIED as to Requests 4, 7-15, 17, 18, 19, 20, and 26-32 of Mr. Depp's Tenth RFPs;

And it is further ORDERED that the Motion is GRANTED in part and DENIED in part as to Mr. Depp's Eleventh Set of Requests for Production of Documents, as follows:

The Motion is GRANTED in part with respect to Requests 1, 2, 5, 7, 10, 13, 14, 18, 22, 24, 26, 32, and 35 of Mr. Depp's Eleventh RFPs, except that the phrase "relate to" is stricken from each of the requests;

The Motion is GRANTED in part with respect to Requests 3, 6, 11, 15, 20, 23, 27, and 36 except that the phrase "relate in any way to" is stricken from the requests;

The Motion is GRANTED in part with respect to Requests 16, 21, 25, and 28, except that the phrase "relate in any way" is stricken from the requests;

The Motion is GRANTED in part with respect to Request 17, and Ms. Heard shall produce any non-privileged photographs of the following subjects: herself, Mr. Depp, or the house (including the inside, outside, or any portions) in Australia during Ms. Heard's and Mr. Depp's stay in Australia in March 2015;

The Motion is GRANTED in part as to Requests 12, 29, and 33, modified to read as follows:

Revised Request 12: All Communications between or among You, Whitney Henriquez, iO Tillett Wright, Amanda de Cadenet, Kristina Sexton, Joshua Drew, Paige Heard, or David Heard regarding any reactions to the news of the wedding, any advice or concerns

expressed to You regarding whether or not You should marry Mr. Depp, or the use or abuse of illegal drugs and/or alcohol at Your wedding to Mr. Depp;

Revised Request 29: Any Documents and Communications that refer to, reflect, or mention the following regarding Your appearance on the "Late Show" hosted by James Corden on or about December 16, 2015: Your physical appearance or mental condition during Your appearance; any comments made by You to any other Person regarding Your physical appearance or mental condition; and any reactions from other Persons to Your physical appearance or mental condition on the show. It is not intended to require the production of documents that merely reflect the original booking of Your appearance.

Revised Request 31: All Communications between You, Raquel Pennington, iO Tillett Wright and/or Melanie Inglessis on December 15, 2015; December 16, 2015; and December 17, 2015 that refer to Mr. Depp;

Revised Request 34: Any Communications from April 21, 2016 through and including the date on which You filed a request for a Domestic Violence Restraining Order on May 27, 2016, between You, on the one hand, and any of the "friends and family" that You describe in paragraph 153 of Your Witness Statement that refer to any "friends and family" being "increasingly worried" for Your safety and advising You that You "should leave," including without limitation: iO Tillett Wright, Raquel Pennington, Whitney Henriquez, and Amanda de Cadenet;

And it is further **ORDERED** that the Motion to Compel Requests 4 and 33 of Mr.

Depp's Eleventh Set of Requests for Production of Documents is denied; and it is further

**ORDERED** that Ms. Heard shall produce all documents responsive to the above Orders

within 30 days of entry of this Order.

**SO ORDERED.**

January 25, 2022



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.***

**SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:**

*Ben G. Chew* (BC)

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Andrew C. Crawford (VSB 89093)  
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Camille M. Vasquez (admitted *pro hac vice*)  
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*Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II*

**SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN  
BRIEFING AND AT ORAL ARGUMENT:**

*David Murphy* <sup>(A)</sup>

Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
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*Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard*

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

**CONSENT ORDER RESPECTING PLAINTIFF'S RESPONSES TO  
DEFENDANT'S TENTH REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff and Counterclaim Defendant John C. Depp, II, and Defendant and Counterclaim Plaintiff Amber Laura Heard, by counsel, having engaged in extensive meet and confers respecting Defendant's Tenth Request for Production of Documents, and Plaintiff having consented to an Order respecting certain of these discovery requests, as evidenced by their signatures below, it is hereby:

ORDERED Mr. Depp shall produce to counsel for Ms. Heard all non-privileged documents responsive to the Requests from Defendant and Counterclaim Plaintiff's Tenth Request for Production of Documents, no later than 5:00 P.M. EST on September 3, 2021, as follows:

- 1) RFP No. 7 - as modified to delete the words "consulted and/or" and RFP No. 9, both to the extent already in existence, and subject to the right of supplementation;
- 2) RFP No. 11 - to the extent in Plaintiff's possession, custody and control;
- 3) RFP Nos. 13, 16 and 18;

8-9-21 NO ENCL

- 4) RFP Nos. 12, 14, 15, 17 and 21 – Plaintiff represents he has already produced documents responsive to these requests, but agrees to produce any additional responsive documents in his custody, control and possession;
- 5) RFP No. 19 - Plaintiff represents he has already produced documents responsive to these requests, but agrees to produce any additional responsive documents in his custody, control and possession

**SO ORDERED.**

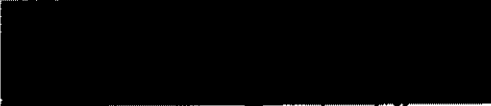
August 6, 2021



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.***



**WE ASK FOR THIS:**

  
Elaine Charlson Bredehoff (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
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*Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard*

**SEEN AND CONSENTED TO:**

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

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

-----X

JOHN C. DEPP, II, :  
Plaintiff, : Civil Action No.:  
v. : CL-2019-0002911  
AMBER LAURA HEARD, :  
Defendant. :

-----X

HEARING

Conducted Virtually

Friday, April 30, 2021

11:30 a.m.

Job No.: 370834

Pages: 1 - 79

Transcribed by: Jerome E. Harris, CDLT-204

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Hearing before HONORABLE PENNEY AZCARATE,  
conducted virtually.

Pursuant to agreement, before Merinda Evans,  
Notary Public in and for the State of Maryland.



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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

BENJAMIN G. CHEW, ESQUIRE  
BROWN RUDNICK LLP  
601 Thirteenth Street NW  
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(202) 536-1700

ON BEHALF OF THE DEFENDANT:

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Suite 201  
Reston, VA 20190  
(703) 318-6800

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C O N T E N T S

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P R O C E E D I N G S

THE COURT REPORTER: Yes, I do.

THE COURT: All right. Thank you, ma'am.

All right. So in this matter, Depp v. Heard, we are here for the Motion to Compel.

Mr. Chew, and -- and I got the table, which is more of -- more of a cut-and-paste of the argument, but I was just -- it's 65 pages. But I appreciate the efforts. My law clerk did a different table for me, so I'm going to work off that one a little bit.

But I just wanted to know, because there was information in the motions that maybe some of the -- there's been some supplemental areas, so if you want to narrow it down for me, that would be perfect.

MR. CHEW: Thank you, Your Honor.

Good morning, Your Honor. May it please the Court. Ben Chew for Plaintiff, Johnny Depp. It is a great honor to make this our first appearance before you in this matter.

As the Court is -- as the Court is aware, we are here on Mr. Depp's Motion to Compel documents responsive to his 4th Request for Production. With Your

1 saying oh, Mr. Chew says he wants all the communications  
2 between Ms. Heard and Mr. George while he was acting as  
3 her counsel after Mr. Depp filed this complaint. Not  
4 so. But we're asking for all the communications that  
5 relate to the defense of counsel affirmative defense.

6 Now, the temporal period of that is going to be  
7 the time before she published the op-ed, which would  
8 include all drafts of the op-ed. Any communications  
9 between Mr. George and Ms. Heard going to the issue of  
10 gee, gee, Amber, is any of this true?

11 I would like to know whether he -- and more  
12 importantly, Mr. Depp would like to know what, if any,  
13 due diligence Mr. George did. We know the ACLU did no  
14 due diligence before they had gotten bad with Ms. Heard.  
15 We know the Virginia Press Association which moved to  
16 intervene earlier in this case and filed an amicus  
17 brief, which Chief Judge White denied. They admitted  
18 that they didn't take -- do any due diligence of Ms.  
19 Heard before -- before jumping onto her Me Too cause.

20 I mean, remember there's Jussie Smollett.  
21 There are people, you know, Mr. -- Ms. -- anyway, Your  
22 Honor, what we're asking the Court is that the Court

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - -x

JOHNNY C. DEPP, II, :

Plaintiff, :

v. : Case No. CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

- - - - -x

HEARING

BEFORE THE HONORABLE BRUCE D. WHITE

Conducted Virtually

Friday, September 18, 2020

10:15 a.m. ET

Job No.: 319581

Pages: 1 - 38

Reported By: Victoria Lynn Wilson, RMR, CRR

1 HEARING BEFORE THE HONORABLE BRUCE D. WHITE,  
2 conducted virtually.

3

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9 Pursuant to docketing, before Victoria Lynn  
10 Wilson, Registered Merit Reporter, Certified  
11 Realtime Reporter, E-Notary Public in and for the  
12 Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

BENJAMIN G. CHEW, ESQUIRE

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Roanoke, VA 24011-1319

(540) 983-7600

1     A P P E A R A N C E S     C O N T I N U E D

2     O N B E H A L F O F T H E D E F E N D A N T :

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4             C H A R L S O N B R E D E H O F T C O H E N & B R O W N , P C

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P R O C E E D I N G S

(The court reporter was sworn.)

THE COURT: All right. Apparently there's some matters resolved but many still remaining to be resolved. Is that pretty much it.

MR. ROTTENBORN: Yes, your Honor.

Ben Rottenborn on behalf of Ms. Heard. With me this morning is Elaine Bredehoft.

And I think, if there's one thing that Mr. Chew and I can agree on today, it's that the parties have met and conferred very extensively over the past month or so about the issues. And as your Honor knows, we've submitted some consent orders to the Court that I think have clarified a number of issues, and that these are just a few issues that remain outstanding that I'll try to take -- without repeating the brief, I'll try to take just category by category.

THE COURT: All right.

MR. ROTTENBORN: I'll start, your Honor, with -- and I'll try to reserve a minute or two for rebuttal.

1 be required to provide all this information is  
2 denied. Mr. Waldman is still currently counsel  
3 for a party in the case.

4 As to the documents that I guess I've got  
5 sort of categorized here as fourth RFP 14; sixth  
6 RFPs 1 through 6 and 8; and seventh RFPs 1, 3, 5,  
7 and 7, those are, basically, the information  
8 related to the divorce case. Request is denied as  
9 to those documents. It is denied under the  
10 doctrine of it's enough is enough. You all have  
11 been through the divorce already. We're not going  
12 to retry that divorce in this case, and that's  
13 what I deem this to be aimed at.

14 The fourth RFP 1 and 2, that is to be  
15 produced by September 30th.

16 As to the tax documents, it's granted in  
17 part and denied in part. The documents which show  
18 the gross income are to be produced. The  
19 supporting documents are not to be produced. You  
20 all have got a lot of information on income, and  
21 this is just one more area where I envision a  
22 rehashing of previous other issues.

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V I R G I N I A:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

-----x

JOHNNY C. DEPP, II,

Plaintiff,

v.

Case No. CL2019-0002911

AMBER LAURA HEARD,

Defendant.

-----x

MOTION TO COMPEL HEARING

Before the HONORABLE PENNEY S. AZCARATE, Judge

Fairfax, Virginia

Friday, February 11, 2022

12:00 p.m. EST

Job No.: 432553

Pages: 1 - 70

Transcribed by: Bobbi J. Fisher, RPR

1 Hearing on Motions held at:

2

3 Fairfax County Circuit Court

4 4110 Chain Bridge Road

5 Fairfax, Virginia 22030

6

7

8 Pursuant to Docketing, before Diamante Parrish,

9 Digital Court Reporter and Notary Public in the

10 Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF, MR. DEPP:

BENJAMIN G. CHEW, ESQ.

BROWN RUDNICK, LLP

601 Thirteenth Street, NW, Suite 600

Washington, DC 20005

(202) 536-1700

ON BEHALF OF THE DEFENDANT, MS. HEARD:

ADAM S. NADELHAFT, ESQUIRE

CHARLSON BREDEHOFT COHEN & BROWN, PC

11260 Roger Bacon Drive, Suite 201

Reston, VA 20190

(703) 318-6800

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5

E X H I B I T S

(None.)

1 relating to a statement Mr. Depp made back in 2016  
2 in the immediate aftermath of the divorce," whereas  
3 the op-ed at issue was published in December 2018.

4 We have already produced all documents  
5 relating to Mr. Depp's damages claim. The Court  
6 had previously ruled that Chief Judge White made  
7 very clear to Defendant's counsel that we would not  
8 be relitigating the divorce case, as much fun as  
9 that might be in this case.

10 So we're dealing with the request as it  
11 was propounded, and as propounded, it is vague,  
12 ambiguous, and wildly overly broad, supporting,  
13 relating, or otherwise relating to the statement  
14 Mr. Depp made years ago in the throes of the  
15 divorce. We just respectfully submit that that's  
16 wildly overly broad.

17 THE COURT: Okay. Yes, sir?

18 MR. NADELHAFT: A few points. First, we  
19 want -- the purpose of the meet-and-confer and the  
20 conciliation process is to work together on the --  
21 is to work together to see if we can come to a  
22 common ground. We did. This is not a case where

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

THIS MATTER CAME TO BE HEARD upon Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Ms. Heard") Motion to Compel Responses to Tenth Requests for Production of Documents to Plaintiff and Counterclaim Defendant John C. Depp II, pursuant to Rule 4:12 of the Rules of the Virginia Supreme Court; and upon consideration of the briefs, exhibits, and argument of counsel on August 6, 2021, it is hereby:

ORDERED that Ms. Heard's Motion is GRANTED in part and DENIED in part; and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 5 of Ms. Heard's Tenth Requests for Production of Documents:

Portions of non-privileged deposition transcripts, written discovery responses (including responses to interrogatories, requests for production, and requests for admission), pleadings, exhibits to pleadings, and deposition exhibits referenced in responsive portions of deposition testimony provided in any of the "Other Litigation" [as defined in the 10<sup>th</sup> Requests for Production] relating to:

- a. Ms. Heard's relationship with Mr. Depp;
- b. To the extent not covered by the preceding category, Mr. Depp's and Ms. Heard's respective allegations of physical or emotional domestic abuse/violence;

no enr 8/23/21



- c. Any alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, as a result of alleged tardiness or behavior on set;
- d. Any allegations of reputational harm, alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, caused by the defendants in the Other Litigation;
- e. Any allegations by the defendants in the Other Litigation of damage to Mr. Depp's career prospects, damage to his career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity;
- f. Any allegations by anyone of drug and alcohol use or abuse by Mr. Depp or Ms. Heard;
- g. Anything related to Mr. Depp committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial remuneration as a result of the property damage committed;
- h. Anything related to Ms. Heard committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial enumeration as a result of the property damage committed;
- i. Anything related to Mr. Depp's injury to his finger in March 2015; and
- j. Anything related to Mr. Depp's efforts to obtain a pre-nuptial or post-nuptial agreement from Ms. Heard and any communications in connection therewith.

and it is further

**ORDERED** that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 6 of Ms. Heard's Tenth Requests for Production of Documents:

All financial documents relied upon by Mr. White, or anyone else who may have been involved or participated (collectively, "Mr. White"), in preparing the documents bates numbered EWC 1-52. For purposes of clarity, this request is only seeking all underlying financial documents relied upon or referred to by Mr. White to prepare the numbers and calculations included in EWC 1-52.

and it is further

**ORDERED** that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 20 of Ms. Heard's Tenth Requests for Production of Documents:

Please provide documents sufficient to reflect all loans, benefits, perks, expenses, or payments for any other reason in excess of \$5,000 in either cash or value made by You from May 21, 2016 through the present, to the following (for each person the request includes if paid to an entity or someone on their behalf): Debbie Lloyd, Christi Dembrowski, Trinity Esparza, Brandon Patterson, Cornelius Harrell, Alejandro Romero, Robin Baum, Laura Divenere, Christian Carino, Jack Whigham, Tracy Jacob, Melanie Inglessis, Stephen Deuters, Sean Bett, Malcolm Connolly, Nathan Holmes, Raquel Pennington, Kate James, Jennifer Howell, Michele Mulrooney, Edward White, Melissa Saenz, Tyler Hadden, Isaac Baruch, Lisa Beane, Erin Boerum, Connell Cowan, Bobby de Leon, Gina Deuters, Josh Drew, Ben King, David Kipper, Joel Mandel, Samantha McMillen, Kevin Murphy, Todd Norman, C.J. Roberts, Tara Roberts, Anthony Romero, Trudy Salven, Sam Sarkar, Robin Schulman, Doug Stanhope, Jessica Weitz, Bruce Witkin, Keenan Wyatt, and Blair Berk.

The foregoing shall not require the production of documents reflecting payments to Mr. Depp's attorneys. Mr. Depp shall also identify, in the affirmative and without stating any amounts, whether any of the above identified individuals received any salary, commissions, bonuses, or advances ("Salary") from him.

and it is further

**ORDERED** that Mr. Depp shall produce all documents responsive to the above Requests no later than September 17, 2021; and it is further

**ORDERED** that Ms. Heard's Motion to Compel Requests 10, 24 and 25 of the Tenth Requests for Production of Documents is **DENIED** as overbroad.

**SO ORDERED.**

August 19, 2021



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.*

**SEEN AND PARTIALLY OBJECTED TO FOR THE  
REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:**



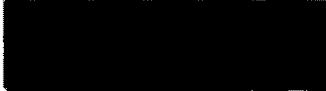
*(by permission)*

Elaine Charlson Bredehoff (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
David E. Murphy (VSB No. 90938)  
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REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:**



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

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V I R G I N I A:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

-----x

JOHN C. DEPP, II, :

Plaintiff,:

v. : Case No. CL2019-0002911

AMBER LAURA HEARD, :

Defendant.:

-----x

Hearing on Motions

Before the HONORABLE PENNEY AZCARATE, Judge

Fairfax, Virginia

Friday, August 6, 2021

11:59 a.m.

Job No.: 391237

Pages: 1 - 54

Transcribed by: Bobbi J. Fisher, RPR

1 Hearing on Motions before the HONORABLE PENNEY

2 AZCARATE, Judge, held at:

3

4 Fairfax County Circuit Court

5 4110 Chain Bridge Road

6 Fairfax, Virginia 22030

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9 Pursuant to Docketing, before Adam Schuman, Digital  
10 Court Reporter.

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A P P E A R A N C E S

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I N D E X

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Hearing on Motion	5

E X H I B I T S

(None.)



1 MR. ROTTENBORN: Thank you, Your Honor.

2 THE COURT: Okay. So for 20, let's limit  
3 the threshold to 5,000.

4 And then as far as employee -- when it  
5 comes to any salary, commissions, bonuses,  
6 advances, that can just be answered in the  
7 affirmative. I don't want -- I don't want any  
8 monetary amount being given to those because I  
9 think they have a right to their privacy in their  
10 salary, commissions, and bonuses. On  
11 cross-examination, you can ask the questions, but  
12 if they aren't on payroll with commissions,  
13 bonuses, advances, then you can at least know who  
14 those people are.

15 As far as loans, benefits, perks, and  
16 expenses, those can be monetary. It's a big  
17 difference if you loan somebody 5,000 or loan  
18 somebody 100,000, and I agree with that. So those  
19 have to be disclosed. All right?

20 MR. ROTTENBORN: Thank you, Your Honor.

21 THE COURT: All right. Now are we going  
22 to 10?

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----x

JOHNNY C. DEPP, II, :

Plaintiff, :

v. : Case No. CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

-----x

HEARING

BEFORE THE HONORABLE BRUCE D. WHITE

Conducted Virtually

Friday, December 18, 2020

11:29 a.m. ET

Job No.: 342428

Pages: 1 - 32

Reported By: Victoria Lynn Wilson, RMR, CRR

14

1 HEARING BEFORE THE HONORABLE BRUCE D. WHITE,  
2 conducted virtually.

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9 Pursuant to docketing, before Victoria Lynn  
10 Wilson, Registered Merit Reporter, Certified  
11 Realtime Reporter, E-Notary Public in and for the  
12 Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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P R O C E E D I N G S

THE COURT: Good morning to everybody.

(The court reporter was sworn.)

THE COURT: Thank you.

MR. CHEW: Thanks very much, your Honor.

Good morning, your Honor. May it please the Court. Ben Chew and Andrew Crawford for Plaintiff Johnny Depp.

As the Court is aware, we're here on Mr. Depp's motion to compel. First, the Court should grant the motion to compel as to request for production number 7 of the second RFPs which call for Ms. Heard's arrest records. This request is reasonably calculated to lead to the discovery of admissible evidence because they are crucial to key allegations in Mr. Depp's complaint, for example, paragraph 6, quote, "Ms. Heard knew the truth was that she violently abused Mr. Depp, just as she violently abused her prior domestic partner, which led to her arrest and booking for domestic violence, as well as a night in jail and a mug shot, unquote." See also paragraph 15 at

1           And I want to be very clear because this  
2 is kind of a theme through most of these today, is  
3 that Mr. Depp and Ms. Heard are not similarly  
4 situated here. And what they have tried to do is  
5 turn some of our requests to them back on  
6 Ms. Heard, some of the requests that your Honor  
7 has denied motions on, and we understand that and  
8 respect that, but they are not similarly situated  
9 here. What's on trial here is Mr. Depp's conduct  
10 toward Ms. Heard. So none of those things involve  
11 whether Ms. Heard was ever arrested, not even  
12 remotely.

13           The second category of information is --  
14 that they seek are in second RFP 23, third RFP 50  
15 and 51, are extremely overbroad requests relating  
16 to every communication and document relating to  
17 anything that Ms. Heard's side may have had with  
18 The Sun or NGN, the Sun's parent company in  
19 London.

20           And, first of all, your Honor, these  
21 couldn't be broader. Not only do they encompass  
22 lots of totally irrelevant things like travel

1           Second category, that is second RFP number  
2 23 and the third RFPs 50 and 51, the motion to  
3 compel there is denied. I find that is overbroad.

4           And as to number three, the third RFP, I  
5 think it's number 42, 43, and 52, that is also  
6 overruled as being overbroad -- I'm sorry -- and  
7 not compelled. Denied.

8           As to number four, which is RFP 44, 45,  
9 46, and 47, I agree we're not going to relitigate  
10 the divorce, but the issue of the \$7 million  
11 donation or pledge or whatever it actually is, I  
12 think that is now subject to discovery, so the  
13 motion is granted as to that. It's denied as to  
14 how she spent her money and those type of things,  
15 but as to that specific donation, that's  
16 compelled.

17           With regards to the fifth category, second  
18 interrogatory number 1, 7, 8, and 9,  
19 supplementation is required by the Rules of Court.  
20 The Court doesn't generally set a date for that  
21 supplementation because the Rules of Court compel  
22 the parties to do it. So that's denied as to

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff and Counterclaim  
Defendant,*

v.

AMBER LAURA HEARD,

*Defendant and  
Counterclaim Plaintiff.*

Civil Action No.: CL-2019-0002911

**PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S RESPONSES  
AND OBJECTIONS TO DEFENDANT AND COUNTERCLAIM PLAINTIFF  
AMBER LAURA HEARD'S NINETEENTH REQUEST FOR PRODUCTION**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Defendant" and/or "Ms. Heard") Nineteenth Set of Requests for Production of Documents (each, a "Request" and collectively, the "Requests"), dated January 10, 2022 and served in the above captioned action ("Action") as follows:

**GENERAL OBJECTIONS**

1. These General Objections are incorporated into each specific response to the numbered Requests below as if fully repeated therein and are intended, and shall be deemed, to be in addition to any specific objection included in any response below. The assertion of the same, similar, or additional objections or partial responses to the individual Requests does not



## **REQUESTS**

1. Please produce all documents supporting Your Responses to Ms. Heard's 3rd Set of Interrogatories.

### **RESPONSE:**

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instruction above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome taking into account the needs of the case. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that it seeks documents that belong to or are in possession of third parties, and/or are not within Plaintiff's possession, custody, or control. Plaintiff further objects to this Request on the grounds that it implicates the work-product of counsel with respect to what documents relate or support to particular allegations. Plaintiff further objects to this Request on the grounds and to

the extent that it purports to require Plaintiff to prove a negative or otherwise speculate as to documents that relate to Defendant's own allegations.

2. Please produce all documents supporting Your Response to Interrogatory No. 1 of Ms. Heard's 3rd Set of Interrogatories.

**RESPONSE:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome taking into account the needs of the case. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that it seeks documents that belong to or are in possession of third parties, and/or are not within Plaintiff's possession, custody, or control. Plaintiff further objects to this Request on the grounds and to the extent that it purports to require Plaintiff to prove a negative or otherwise speculate as to the existence of documents. Plaintiff

further objects to the Request on the grounds that it is grossly overbroad, unduly burdensome, harassing, and calls for speculation.

Plaintiff will not produce documents responsive to the Request.

3. Please produce all documents supporting Your Response to Interrogatory No. 2 of Ms. Heard's 3rd Set of Interrogatories.

**RESPONSE:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome taking into account the needs of the case. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that it seeks documents that belong to or are in possession of third parties, and/or are not within Plaintiff's possession, custody, or control. Plaintiff further objects to this Request on the grounds and to the extent that it purports to require Plaintiff to prove a negative or otherwise speculate as to the existence of documents.

Plaintiff has produced and/or will produce documents that reflect his injuries.

4. Please produce all documents supporting Your Response to Interrogatory No. 3 of Ms. Heard's 3rd Set of Interrogatories.

**RESPONSE:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome taking into account the needs of the case. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable. Plaintiff further objects that the request is lacking in particularity and relates to entire affirmative defenses.

Plaintiff will not produce documents responsive to the Request as currently posed.

5. Please produce all documents supporting Your Response to Interrogatory No. 4 of Ms. Heard's 3rd Set of Interrogatories.

**RESPONSE:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome taking into account the needs of the case. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that it proceeds from the defective premise that all documents that could be construed as supporting an interrogatory response are relevant and/or discoverable.

Plaintiff will not produce documents responsive to the Request as currently posed.

6. If You deny any of the Requests in Ms. Heard's 6th Set of Requests for Admissions, please produce all non-privileged documents, if any, supporting such denial.

**RESPONSE:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff further objects to this Request on the grounds that it fails to reasonably particularize the categories of documents sought. Plaintiff further objects to this Request on the grounds that it is vague, ambiguous, and overbroad. Plaintiff further objects to this Request on

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Civil Action No.: CL-2019-0002911

---

**PLAINTIFF JOHN C. DEPP, II'S MEMORANDUM IN SUPPORT OF MOTION TO  
COMPEL DEFENDANT AMBER LAURA HEARD'S FURTHER RESPONSES  
WITHOUT OBJECTIONS AND PRODUCTION OF DOCUMENTS IN RESPONSE TO  
FOURTH REQUESTS FOR PRODUCTION**

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*Counsel for Plaintiff John C. Depp, II*

RFP No. 34 seeks documents and communications between Ms. Heard and film studios or similar entities regarding the alleged defamatory statements by Mr. Depp and Mr. Waldman in her Counterclaim, as well as the publicity surrounding this action and related litigation involving Mr. Depp. This, again, is relevant to Ms. Heard's alleged damages. Mr. Depp is entitled to explore whether these matters have had any actual impact on Ms. Heard's career, and whether any film studios have raised the drama in her personal life as a problem for her professionally, or cited any statements by Mr. Waldman (or cited this litigation) as a reason not to employ her.

RFP No. 35 seeks communications between Ms. Heard and her girlfriend, Bianca Butti regarding her claims of violent abuse by Mr. Depp. Such communications are relevant *to the central issue in this case*, and not privileged. Ms. Heard's objections are invalid on their face.

RFP No. 36 similarly seeks non-privileged communications between Ms. Heard and other persons regarding her claims of violent abuse against Mr. Depp. Once again, the relevance and appropriateness of this request could not be clearer. *Ms. Heard's claims of violent abuse are the central issue in this case*—any communications regarding her claims of abuse are relevant and discoverable. Quite frankly, any such documents should have been produced years ago. Astoundingly, Ms. Heard served blanket, boilerplate objections and refused to produce anything.

RFP Nos. 37-42 seek documents related to publicity Ms. Heard received from her (false) promise to donate the entirety of her divorce settlement from Mr. Depp to charity; documents sufficient to confirm the dates and amounts of any donations from the settlement proceeds that were actually made; and documents reflecting an anonymous donor who appears to have made donations on Ms. Heard's behalf. Ms. Heard has put these matters at issue, including by testifying that she could not have been financially motivated in accusing Mr. Depp of abuse, because she supposedly had kept none of the settlement proceeds.

Respectfully submitted,

*Ben G. Chew* 

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*Counsel for Plaintiff John C. Depp, II*

Dated: February 12, 2021



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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN C. DEPP, II,	:	
Plaintiff,	:	
v.	:	Case No.
AMBER LAURA HEARD,	:	CL-2019-0002911
Defendant.	:	

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CONFIDENTIAL - UNDER SEAL

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, January 7, 2022

12:14 p.m.

Job No.: 423027  
 Pages: 1 - 70  
 Reported by: Carol A. Lowe, RPR

1 Hearing held at:

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4 CIRCUIT COURT OF FAIRFAX COUNTY

5 4110 Chain Bridge Road

6 Courtroom 5J

7 Fairfax, Virginia 22030

8 (703) 691-7320

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A P P E A R A N C E S

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P R O C E E D I N G S

(The court reporter was sworn.)

THE COURT: All right. In the matter of Depp versus Heard, this case comes today -- we do have the courtroom cleared since it's under the protective order -- dealing with a motion to compel.

I understand there was an agreement. At least I signed an order for the interrogatories. But we're still on the RFPs; correct?

MR. CHEW: Yes, Your Honor.

THE COURT: All right.

MR. MURPHY: Yes, Your Honor.

THE COURT: Thank you for at least working through some of it. I appreciate that. Okay. All right. Yes, sir. Mr. Chew.

MR. CHEW: Good morning, Your Honor. May it please the Court, Ben Chew for plaintiff, Johnny Depp. May I please have leave to remove my mask?

THE COURT: Yes. That's fine.

MR. CHEW: Thank you. I'll put it back

1 both Your Honor and, I believe, former Chief Judge  
2 White denied RFPs asking about essentially entire  
3 litigations, entire statements. It's so  
4 overbroad.

5           You know, the next one, 29, all  
6 communications with -- and -- and we don't have a  
7 problem with the custodian, the income source.  
8 The problem is the scope of what they're asking  
9 for, eight statements that form the basis of your  
10 counterclaim for defamation; the same issue I just  
11 raised.

12           And then 30 and 31; even more  
13 egregiously overbroad and unduly burdensome.  
14 Anything regarding the -- Mr. Depp's complaint and  
15 all allegations in this action. That's what's  
16 been called in case law a blockbuster request for  
17 anything relating to the case; incredibly  
18 overbroad scope.

19           Same thing. Anything regarding any of  
20 Mr. Depp's allegations in the UK action. You  
21 know, what does that refer to? Overbroad. Unduly  
22 burdensome. How do you search for things relating

1 In all of our meet and confers on Ms. Heard's RFPs  
2 since then we have applied that, that ruling, and  
3 not sought anything beyond that. So we just are  
4 requesting the same scope be applied to Mr. Depp.

5 As to 23 and 24 the only dispute, as  
6 Your Honor can see from the chart, is that it's  
7 unlimited in time; literally no -- no time  
8 limitation in Depp's RFP. Ms. Heard proposes  
9 January 1st, 2017, up through the present is -- is  
10 the appropriate time limitation. And that will  
11 cover 23 and 24 because they're duplicative.

12 I believe I've covered -- yeah. The  
13 next one is 33.

14 THE COURT: Right.

15 MR. MURPHY: So I've covered all of  
16 those.

17 THE COURT: All right. Yes, sir.  
18 Mr. Chew.

19 MR. CHEW: I have nothing further on  
20 that, Your Honor.

21 THE COURT: All right. As to then 26  
22 and 27 I will sustain the objection. They are

1 overbroad; the same with 28, 29, 30 and 31 and 32  
2 in which you asked for all communications with no  
3 time limit. I do find them overbroad. So I will  
4 sustain those as well.

5 As to 19 and 20 -- as to 19, all  
6 communications, again, if -- if there was a time  
7 limit, that might be something there; but as it's  
8 written it's overbroad. So I'll sustain the  
9 objection.

10 23 and 24, there is a proposed -- to  
11 have a time set. So I'd rather make it two years.  
12 So let's make it compensation from any endorsement  
13 deals from January 1st, 2015, through and  
14 including the present for 23 and 24. Okay?

15 MR. MURPHY: And just if I may briefly,  
16 Your Honor.

17 THE COURT: Yes.

18 MR. MURPHY: I believe RFP 33, that was  
19 withdrawn by Mr. Depp. So we can probably move  
20 onto the 11th.

21 THE COURT: Okay.

22 MR. MURPHY: Maybe Mr. Chew wants to

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHNNY C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : C1-2019-0002911

Defendant. :

----- x

HEARING

BEFORE THE HONORABLE BRUCE D. WHITE

Conducted Virtually

Fairfax County, Virginia

Friday, November 20, 2020

10:32 a.m.

Job No.: 336300

Pages: 1 - 33

Reported By: Carla L. Andrews, RPR



1 Pursuant to Docketing, before Carla L.  
2 Andrews, Registered Professional Reporter and Notary  
3 Public of the Commonwealth of Virginia.

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1     A P P E A R A N C E S

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P-R-O-C-E-E-D-I-N-G-S

(Reporter sworn.)

THE COURT: All right.

MS. BREDEHOFT: Thank you, Your Honor.

Good morning. Elaine Bredehoft and Joshua Treece on behalf of the defendant Ms. Heard. This is here on our Motion to Compel and for sanctions. Your Honor, I would like to start with the tax returns in this case. Request number 14 asked for all tax returns for Mr. Depp for 2010 through the present. Your Honor granted the request. It included the portions exacting the gross income paper on September 30. That's attachment three. Depp produced the information for his loan documents, according to his opposition, but he did not produce his personal tax returns.

When I was taking Mr. Depp's deposition last week, at one point he said, "I will give you those." And I said, "Are you aware the Court had requested you to produce those?" And he said, "No, I am not aware of that." So, obviously, this conveyance was made by someone else. Now --

1 that category of documents just as Judge Bowick in  
2 California has twice denied Ms. Heard's motions to  
3 seek documents from TMG. To the extent the Court is  
4 inclined to grant any portion of Ms. Heard's motion  
5 with respect to that category -- the other  
6 litigation -- we would respectfully request that the  
7 Court order Ms. Heard to pay Mr. Depp's counsel for  
8 their time, which would be substantial, and for the  
9 massive costs that would be entailed in reproducing  
10 more than two million documents, none of which have  
11 anything to do with this case or Ms. Heard and would  
12 require Mr. Bloom's counsel and TMG's counsel again  
13 to refight the issues of confidentiality.

14 Finally, Your Honor, as to the last  
15 category, these are categories of document requests  
16 six through nine, Ms. Bredehoft is frankly mistaken.  
17 There is no impasse as to these documents --  
18 document requests. But they are still, despite  
19 Mr. Treece's effort, overly broad. I will go  
20 through them very quickly.

21 Requests six and seven call for documents  
22 sufficient to show the impact of the other

1 litigation on Mr. Depp's career. So that's an  
2 extremely vague and ambiguous request. There is no  
3 file of documents which, you know, impact litigation  
4 on Mr. Depp's career. We have agreed in principle  
5 to produce documents, if any, that relate to the  
6 impact of the litigation on his career. But it is a  
7 very vague request.

8 Request number eight. Mr. Depp testified  
9 last week that Disney never wrote or otherwise  
10 informed him that it had cut him loose from the  
11 Pirates of the Caribbean series only days after  
12 Ms. Heard published her op-ed in the Washington  
13 Post. Mr. Depp had to read about it in the  
14 newspaper.

15 We agreed to produce documents relating  
16 to career -- lost career opportunities from Disney,  
17 if any. But this request is hopelessly, again,  
18 overbroad. It calls for materials relating to any  
19 complaints Disney may have had over the period,  
20 decisions in timing as to the filming, career  
21 decisions, anything related to other litigation,  
22 financial compensation.

1 THE COURT: All right. Thank you all.  
2 The objections to request for production one through  
3 five are sustained. I find them to be overly broad,  
4 burdensome. As to six and seven, they are sustained  
5 on that grounds as well and additionally on the  
6 grounds of vagueness. As to six and seven, the  
7 request to produce the documents requested in  
8 paragraph -- in number eight is granted. The  
9 request as to paragraph number nine is denied. The  
10 request with regards to the personal income tax  
11 returns is granted as to the return pages, not all  
12 the supplementary documents that are attached to  
13 them.

14 And, Ms. Bredehoft, I am going to make a  
15 comment to you. And maybe I shouldn't, but I am  
16 going to, anyway. But you risk losing credibility  
17 with the Court when you come before the Court and  
18 accuse the other side of not following the rules.  
19 Yet, you repeatedly have tried to add matters to the  
20 argument docket that were not on the docket. That  
21 would be a violation of the rules.

22 You also send vastly overbroad requests