

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

FILED
MAR 22 2022
JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA

DEFENDANT AND COUNTERCLAIM-PLAINTIFF
AMBER LAURA HEARD'S MOTIONS *IN LIMINE*
(CONFIDENTIAL UNDER SEAL**)**

COMES NOW Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard"), by counsel, and moves this Court for an Order excluding certain matters from the trial of this case. The grounds for this Motion are set forth in the accompanying Memorandum, and summarized below:

- 1. The Statement from the Headline from Washington Post Should be Excluded and Redacted**
- 2. Any Evidence, Testimony, or Allegations of Criminal Conduct Against Ms. Heard Should be Excluded Based on Virginia's Rules of Evidence and Relevance**
- 3. Evidence Respecting Either Amber Heard's or Mr. Depp's Pledges or Donations to Charities Should Be Excluded**
 - a. Evidence of Amber Heard's Pledges and Donations to Charity Should be Excluded
 - b. Evidence of Mr. Depp's Charity Donations of Money or Time Should be Excluded
- 4. Mr. Depp Should be Precluded from Introducing Any Evidence on Subjects to Which the Attorney-Client or Work Product Privilege was Asserted**
- 5. Ms. Heard Should be Permitted to Designate Testimony from Tracey Jacobs in**

two Other Litigations Filed by Mr. Depp where Mr. Depp was Represented by Counsel and Where the Depositions were produced too Late for Ms. Heard to Elicit from Ms. Jacobs

- a. Background
- b. Mr. Depp's Counsel's Conduct Respecting This Prejudicially Late Document Production
- c. Relief Sought by Ms. Heard

6. Evidence of the Following Irrelevant Personal Matters Should be Excluded

- a. Plaintiff Should Not be Allowed to Introduce Evidence of Irrelevant Personal Matters Because Such Matters Are Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard
- b. Plaintiffs Should Not Be Allowed to Introduce Evidence Relating to the Irrelevant Personal Matters Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice and the Likelihood of Confusing or Misleading the Jury

7. Prior Irrelevant Litigations/Legal Matters

- a. References to and Characterizations of the October 2018 Arbitration and Decision Should be Excluded
- b. Counsel's Characterizations of the UK Judgment Should be Precluded

8. Allegations of Amber Heard Abusing Anyone and Claims of Mr. Depp Not Abusing Other Individuals Should be Excluded

- a. Mr. Depp's Claims Amber Heard Abused Anyone
- b. Claims Mr. Depp Did Not Abuse Anyone Besides Ms. Heard

9. The Documents Produced by Mr. Depp as EWC1-76 Should be Struck from and Inadmissible at Trial

10. Mr. Depp's Expert Witnesses and Their Testimony Should be Excluded Pursuant to the Crane Doctrine

- a. Dr. Shaw Should be Excluded from Providing Any Expert Testimony
 - i. The Goldwater Rule is Not Applicable to Litigations

- ii. Dr. Shaw is Prohibited from Commenting on the Medical Records in this Case
- b. Dr. Kipper Should be Excluded from Providing Any Expert Testimony
- c. Plaintiff's So-Called "Non-retained Experts" Should be Precluded from Presenting Testimony as Experts and Plaintiffs Should Not Be Permitted to Refer to Them as "Experts" at Any Time During the Trial
- d. Mr. Neumeister Should be Excluded
- e. Dr. Curry Testimony Should be Limited
- f. Mr. Neumeister's Testimony on the Impact of a Jury Verdict in Mr. Depp's Favor on his Career and Reputation Should be Excluded

11. Motions *in Limine* Respecting Mr. Depp's Witness List

- a. Mr. Depp Improperly Included Witnesses in his Witness List for Whom He Provided Inadequate Contact Information or No Contact Information
 - i. Procedural History
 - ii. Legal Standard
 - iii. Gina Deuters
 - iv. Leonard Damian and Travis McGivern
 - v. Keenan Wyatt
 - vi. Kevin Murphy
 - vii. Samantha McMillen
 - viii. Andy Milner
- b. Mr. Depp Improperly Identified Witnesses to Testify By Multiple Means at Trial in Violation of the Audio-Visual Consent Order

12. Dr. Curry's Medical Exam of Ms. Heard Should Not Be Referred to as an IME or Independent Medical Examination or as Administered Pursuant to Court Order

13. The Jury Should be Instructed to Ignore Any Redactions in Medical and Mental Health Records and Not Give the Redactions any Significance or Speculate as to What has Been Deleted

- 14. Mr. Depp's Trial Exhibits Containing Partial Audio Recordings Created by Counsel Should be Excluded**
- 15. Counsel Should be Precluded from Referencing or Characterizing Pleadings, Motions Practice, Discovery Matters and Rulings, or Deposition Issues, Disputes, or Conduct in the Presence of the Jury**
- 16. Evidence Regarding Paul Berese and any Investigation Should be Excluded**
- 17. Any References of a "Pretend Punch" by an Unknown Person on An Alleged Video Which Does Not Exist Should be Excluded**
 - a. The Alleged Video Does Not Exist
 - b. Plaintiff Should Not Be Allowed to Introduce Testimony Respecting a Nonexistent "Pretend Punch" Video Because it Involves a Nonparty and Is Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard
 - c. Testimony about the Nonexistent Pretend-Punch Video Is Inadmissible Hearsay Within Hearsay
 - d. Plaintiffs Should Not Be Allowed to Introduce Evidence of the Nonexistent "Pretend Punch" Video Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice or the Likelihood of Confusing or Misleading the Jury
 - e. Conclusion
- 18. Use of Declarations, U.K. Witness Statements or Prior Testimony Should be Excluded Unless Properly Used as Impeachment Evidence or Were Not Objected to in Depositions as Part of Deposition Designations**
- 19. The Testimony and Prior Statements and Declarations of Jennifer Howell Should be Excluded in their Entirety**
- 20. All Correspondence (Letters and Emails) re Any Warner Bros. Stipulation or Declaration and their Contents Should be Excluded from Evidence**
- 21. Mr. Depp Should be Precluded from Offering Testimony of Christian Carino's First Day of Deposition**
- 22. Mr. Depp Should be Precluded from Introducing or Referencing Deposition Questions Eric George did not Answer based on Attorney Client Privilege Objections**

- 23. Mr. Depp Should be Precluded from References to and Characterizations of Ms. Heard's Counsel or Prior Motions and Court Rulings in This Case**
- 24. All References to the Legal Process Utilized by Ms. Heard to Obtain the California DV TRO Should be Excluded**
- 25. Mr. Depp Should be Limited to the Op-Ed in Asserting any Liability or Damages Against Ms. Heard Under the Complaint**
- 26. Evidence of Who is Paying Attorney's Fees Should be Excluded and Any References to or Suggestions that Ms. Heard having "an army" or many Attorneys on the Case**
 - a. Plaintiff Should Not Be Allowed to Introduce of Evidence of Who is Paying for Legal Fees Because Such Evidence Is Not Probative of Any Material Fact, Including Whether Mr. Depp Ever Assaulted Amber Heard
 - b. Plaintiffs Should Not Be Allowed to Introduce Evidence Relating to Who is Paying Each Side's Legal Bills Because Any Probative Value Is Substantially Outweighed by the Danger of Unfair Prejudice or the Likelihood of Confusing or Misleading the Jury
- 27. All Evidence of Settlement Communications or Documents Related to the Mediation Should be Excluded**

March 22, 2022



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 22nd day of March, 2022, by email, by agreement of the parties, addressed as follows:

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