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Transcript of Hearing

Date: July 10, 2020
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Hearing
Conducted on July 10, 2020

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<p>1 VIRGINIA 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 -----X 4 JOHN C. DEPP, II, : 5 Plaintiff, : 6 v. : 7 AMBER LAURA HEARD, : 8 Defendant. : 9 -----X 10 11 Before the Honorable BRUCE D. WHITE 12 Judge for the Circuit Court of Fairfax County 13 Remote via Webex 14 Fairfax, Virginia 15 Friday, July 10, 2020 16 12:12 p.m. 17 18 19 20 Job No.: 308438 21 Pages: 1 - 39 22 Reported by: Linda Marie Kia</p>	<p>1 PROCEEDINGS 2 (The Court Reporter was sworn by the 3 Court.) 4 THE COURT: Mr. Treece is also with us; is 5 that correct? 6 MR. ROTTENBORN: Yes, Your Honor. Mr. 7 Treece is joining on behalf of Ms. Heard, as well. 8 And I believe that David Murphy from Elaine 9 Bredehoff's office is planning on joining too, but I 10 don't see him on and we can go ahead and get started 11 whenever Your Honor is ready. 12 THE COURT: Okay. 13 MR. CHEW: Good afternoon, Your Honor. 14 THE COURT: I'll mute myself and I think 15 it works best, apparently, if everybody who is not 16 speaking mutes themselves. And so I'm ready when 17 you are. 18 THE COURT REPORTER: Yes. And if I can 19 ask when -- because I can't see you, if when you're 20 speaking if you identify yourself first, please. 21 THE COURT: That's an excellent 22 suggestion.</p>
<p>1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFF, JOHN C. DEPP, II: 4 BENJAMIN G. CHEW, ESQUIRE 5 BROWN RUDNICK, LLP 6 601 Thirteenth Street, N.W. 7 Washington, D.C. 20005 8 (202) 536-1700 9 10 ON BEHALF OF THE DEFENDANT, AMBER LAURA HEARD: 11 J. BENJAMIN ROTTENBORN, ESQUIRE 12 JOSHUA R. TREECE, ESQUIRE 13 WOODS ROGERS, PLC 14 10 S. Jefferson Street, Suite 1400 15 P.O. Box 14125 16 Roanoke, Virginia 24011 17 (540) 983-7540 18 19 20 21 22</p>	<p>1 THE COURT REPORTER: Okay. I'm ready. 2 MR. ROTTENBORN: Well, good afternoon, 3 Your Honor. My name is Ben Rottenborn from Woods, 4 Rogers here on behalf of the defendant, Amber Heard. 5 We have a number of issues to discuss 6 today, so I'll start by just ticking through those 7 issues. 8 But first I did want to address 9 plaintiff's suggestion that we haven't adequately 10 met and conferred about this. We have attached the 11 numerous deficiency letters that we have sent as far 12 back as October of 2019 to our memo. We've had at 13 least as many calls about this. 14 So I think that all of these issues have 15 been adequately met and conferred about in many 16 instances many times. So we certainly disagree that 17 they aren't ripe for -- for the Court hearing them 18 today. 19 And there have obviously been a number of 20 issues between the parties that we have addressed 21 without court intervention and we will certainly 22 continue to try to do that wherever possible.</p>

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<p>5</p> <p>1 I'll start with the category that we're 2 moving to compel on, which I'll refer to as the UK 3 litigation documents. 4 Your Honor, this is essentially Mr. Depp's 5 production of documents in the case that's currently 6 ongoing in the United Kingdom that is substantially 7 identical to this case. It's one in which he's 8 suing The Sun newspaper, or the parent company of 9 that -- of that newspaper, for saying that he was a 10 wife beater, referring to Ms. Heard. 11 We've raised this with Mr. Depp's side as 12 early as October. And as early as November 5th we 13 were told that while they couldn't commit to 14 producing every single document that they would 15 produce substantially all of those documents by the 16 second week in November. 17 Here we are in July. We have attempted 18 time and again to ask them to produce these 19 documents and they simply haven't. These documents 20 have been reviewed. They're ready. They are a 21 click away from being produced and there is just no 22 excuse for Mr. Depp dragging his feet on this.</p>	<p>7</p> <p>1 the record, Your Honor. They are about as awful as 2 one could possibly imagine, detailing Mr. Depp's 3 substance abuse and his treatment of Ms. Heard on 4 the flight and a text with Paul Bettany, the actor, 5 about things that he would like to do to Ms. Heard 6 that are just vile and disgusting. And those are -- 7 could not be more relevant in this case. 8 This case has been pending since March, I 9 believe -- March or April of 2019. It's way past 10 time for these things to be produced. And what 11 you're seeing is it appears to be Mr. Depp's 12 strategy to just delay producing these texts and 13 this information that not only hurts his case, but 14 anyway ends this case, as long as possible. 15 And that's just -- we have tried to deal 16 with this without court intervention, but we're 17 asking the Court to put a stop to that game playing. 18 They say that they will produce it. They should 19 have done so months ago. And so that's the UK 20 production, and not just the documents that are 21 being used in open court. 22 The next category of documents are</p>
<p>6</p> <p>1 To clarify something, we're not asking for 2 -- apparently there is a -- terminology in the UK 3 called trial bundles, which, as I understand it, and 4 I'm a novice in UK practice and procedure. 5 But as I understand it, those are 6 essentially the -- like the exhibit lists that a 7 party would use at trial. And so those would be the 8 documents that Mr. Depp believes are helpful to him 9 and to his case. 10 We're not asking just for those. We're 11 asking for the entire production of documents that 12 he has made in that case. And, undoubtedly, there 13 are things that he has produced in that case that he 14 has probably already produced here. But we know, 15 and we detailed in our memo, that there are many 16 things that he has produced in that case that he has 17 not produced here that go really to the heart of 18 this case. 19 We have included in our brief a few text 20 messages that haven't been produced here. These are 21 just ones that have been reported publicly by the 22 press in England. And I'm not going to read them on</p>	<p>8</p> <p>1 documents that have been leaked by -- I believe by 2 Mr. Waldman. I don't believe Mr. Chew has done this 3 or would do this. 4 But Mr. Waldman, pro hac vice counsel in 5 this case, has consistently leaked documents to the 6 press without having produced them in this case. 7 These include six declarations that have this case's 8 captioned on them that we know about. There could 9 be others. 10 I believe one of those from Mr. Killackey 11 was produced only after it was leaked to the press 12 and then we requested that it be produced. 13 It includes audio recordings of 911 calls. 14 They claim in their brief that this is part of a 15 divorce file that they will produce by today, but 16 say that we should have it and we don't. We don't 17 have the full divorce file. And nor is it a proper 18 basis not to produce documents because you think the 19 other side already had them. 20 Surveillance footage that they claim to 21 have had. And these aren't all documents that -- we 22 don't believe any of them prove the falsity of -- of</p>

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<p style="text-align: right;">9</p> <p>1 what Ms. Heard claims Mr. Depp did to her or even 2 come close to doing that. 3 But these are things that -- that help our 4 case, as well. There have been Twitter users that 5 have posted as recently as April of this year claims 6 of, quote, new evidence. 7 One of these, and we'll get to these in 8 the context of the Court's order in October, but 9 emergency room records from Australia. You'll 10 remember that one of the key allegations in the 11 complaint is that when Mr. Depp cut off part of his 12 finger in Australia that it was actually Ms. Heard 13 who had done that. That is not the case and the 14 emergency room records, the medical records, that 15 were leaked in April claim that the injury was 16 consistent with a crushing injury, which is exactly 17 what Ms. Heard claims what happened when Mr. Depp 18 inflicted this injury upon himself. So these 19 documents should be produced. They shouldn't be 20 leaked to the press. 21 There is a video of a deposition that was 22 taken in the divorce proceedings that we have not</p>	<p style="text-align: right;">11</p> <p>1 The next category are interrogatory 2 responses, Your Honor. Interrogatories 9 and 10 ask 3 Mr. Depp to identify and provide information 4 relating to medical services, mental and physical 5 health providers. Similar documents were ordered to 6 be produced by the Court back in October. 7 We've gotten some information, but we have 8 not gotten the full list. And it's relevant to this 9 matter, Your Honor, because as Ms. Heard alleges in 10 the declaration that she filed earlier in this case, 11 Mr. Depp's abuse primarily happened when he was 12 having -- under the influence of drugs and alcohol, 13 when he was having mental issues. 14 And so his ability to recall things, his 15 mental state, what drugs he was prescribed, those 16 are all highly relevant to one of the ultimate 17 questions in this case. 18 Interrogatory 11, this is asking whether 19 Mr. Depp was under the influence of alcohol or drugs 20 during each of the instances of abuse that's 21 detailed in Ms. Heard's declaration. Mr. Depp 22 refused to answer because he said, well, I didn't</p>
<p style="text-align: right;">10</p> <p>1 been produced. 2 And so what we would ask for here, Your 3 Honor, is an order that things that have or -- well, 4 basically that everything that is relevant be 5 produced, but certainly the things that have been 6 leaked to the press be produced immediately. 7 And troubling, Your Honor, while -- but 8 it's not at issue here, I mentioned it briefly at 9 the last hearing, Mr. Waldman has in recent weeks 10 leaked at least two things, deposition transcripts 11 and text messages that were designated confidential 12 under the protective order. 13 I would urge the Court to ask Mr. Chew 14 about that because I don't think you're going to 15 hear any denial of that from him. 16 And while there is a procedure for 17 challenging protective order designations or 18 confidentiality designations under the protective 19 order, vigilante justice by Mr. Waldman is not part 20 of that procedure and it's very troubling that that 21 continues to happen in this case, especially for 22 documents that we have not yet been given.</p>	<p style="text-align: right;">12</p> <p>1 commit that abuse. But that's not the point. We 2 weren't asking him to admit whether or not he 3 committed the abuse in each of these instances that 4 Ms. Heard detailed. We're asking whether he was 5 under the influence of alcohol or drugs during those 6 times, during those nights. 7 And the importance of this is highlighted 8 by what happened in the UK case just two or three 9 days ago, Your Honor, in which Mr. Depp initially 10 said that he wasn't under the influence of drugs or 11 alcohol on the plane flight in which he abused Ms. 12 Heard. 13 And upon being presented with text 14 messages and recordings in Court, Your Honor, he 15 ended the day by apologizing to the Court for 16 misrepresenting and said that he hadn't recalled 17 that he was that much under the influence. So those 18 should be produced right away. 19 Interrogatory number 14 is one that they 20 say that they will supplement. This is information 21 on the people other than Johnny who have accused 22 plaintiff -- or other than Ms. Heard who have</p>

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<p style="text-align: right;">13</p> <p>1 accused plaintiff of acts of physical violence, 2 destruction of property, et cetera. 3 They say they will supplement. We believe 4 them, but we ask for a Court order memorializing 5 that. 6 And then finally interrogatory 16. Your 7 Honor, this was the information on damages. They 8 have refused to provide information on damages 9 saying that it's all the purview of their experts 10 and it will be produced later. 11 As Your Honor is no doubt aware, there is 12 an ad damnum clause of \$50 million in this lawsuit. 13 Presumably they had some basis to allege that. It's 14 not -- it's not appropriate for them to put all of 15 that off on expert discovery. Our ability to depose 16 witnesses, to prepare our own defenses, to prepare 17 our own expert testimony is hampered by their 18 refusal to produce literally a single document 19 relating to damages, Your Honor. 20 When they produce expert testimony that's 21 going to be things that they want their expert to 22 rely upon, that they want their expert to opine on.</p>	<p style="text-align: right;">15</p> <p>1 protective order allows to be redacted, actual 2 substantive medical discussion. Obviously, we can't 3 verify that, but we would ask for a Court order 4 ordering them to produce fully unredacted versions 5 of all material medical records. 6 Finally -- and those -- there is no 7 provision in the protective order for the redaction 8 between the parties. Obviously, we can't, you know, 9 produce a document that has Mr. Depp's Social 10 Security Number on it, et cetera, but there is 11 provisions for that. 12 The second are documents relating to 13 arrests. We know that he was arrested in Vancouver. 14 They say they don't have the record, but they won't 15 provide us a release to get it and they won't get it 16 themselves. 17 And then agreements with former partners. 18 That was ordered to be produced, as well. 19 We don't know what we don't have. They 20 claim in their brief that they don't have anything 21 else. And maybe that's the case, but we would ask 22 for the Court to reiterate that any agreements that</p>
<p style="text-align: right;">14</p> <p>1 But they owe us documents relating to damages. The 2 fact that they haven't is fairly telling about what 3 -- what Mr. Depp's actual damages are. But we -- we 4 believe that they should not be simply able to hide 5 under the guise of expert discovery throughout this 6 process. 7 The next category, Your Honor, is the 8 Court's prior order compelling production. There's 9 just a few things that the Court ordered produced in 10 October that they haven't yet produced, including 11 the ER trip to Australia. I covered that earlier. 12 But these are medical records that should 13 have been produced in November. And, again we're in 14 July. They haven't been produced. And they've told 15 us that they have them and they haven't produced 16 them, but that they will. But we deserve to have 17 them now. And some of these, if not all of them, 18 have been leaked. And again they should be 19 produced. 20 They are medical records from Dr. Kipper, 21 one of Mr. Depp's doctors, that do appear to contain 22 redactions of information that goes beyond what the</p>	<p style="text-align: right;">16</p> <p>1 they have should be produced, because the only 2 things that we've received are unexecuted agreements 3 from his first wife from 2005 and then a former 4 partner. 5 And then the final category, Your Honor, 6 is production errors. There are just hundreds of 7 documents that say the empty file. They don't have 8 a document in them and the file names indicate that 9 they're things like CT scans, x-rays, pathology 10 reports, and the like, that are very relevant here. 11 And then there's almost no metadata for 12 most, if not all, of the documents. Again, we have 13 -- consistent with the Fairfax Practice Manual, we 14 proposed an ESI protocol numerous times, tried to 15 get Mr. Depp's side to engage in that process and 16 enter into one. They didn't, which is okay as long 17 as the productions are consistent with basic 18 practices. But documents that -- you know, when 19 most of your documents have no metadata and you 20 can't tell when they were produced and there are 21 hundreds of documents that say empty file. 22 We don't believe that the obligation is on</p>

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<p style="text-align: right;">17</p> <p>1 us to identify each of those documents and to the 2 make a proper production. And I understand issues 3 arise from time to time that, you know, parties 4 didn't anticipate. And we can certainly work 5 together on that. 6 But just to put your head in the sand and 7 say, you know, you haven't told us exactly which of 8 the documents of the hundreds of documents, if not 9 thousands of documents, that we produced have these 10 issues, so we're not going to do anything about it, 11 is -- we don't believe is the way that discovery 12 should work. 13 So, with that, I would like to save one or 14 two minutes for rebuttal. But that's all I have 15 subject to any questions from the Court. 16 THE COURT: I don't have any. Please go 17 ahead. 18 MR. CHEW: Good morning, Your Honor. May 19 it please the Court, Ben Chew for plaintiff, Johnny 20 Depp. 21 I have a very high for -- and admiration 22 for Mr. Rottenborn and we get along very well. But</p>	<p style="text-align: right;">19</p> <p>1 even a party to that case. So she has access to all 2 the trial bundles. But we are happy to produce 3 them. 4 There is an embargo in effect until July 5 24th, Your Honor. July 24th is the last day of the 6 Sun trial. So, as I understand it, the Court in 7 London, Mr. Justice Nicol, will not allow production 8 of the trial bundles until July 24th. 9 We will -- because they are voluminous, we 10 believe we can make production of both The Sun's 11 trial bundles and Mr. Depp's trial bundles to Ms. 12 Heard, even though she has them, by August 14th. 13 But we certainly can't even begin to copy them until 14 July 24. We're happy to make production of that and 15 the documents that Mr. Depp has produced. 16 I would just note, and I'm not here to get 17 into a contest, it's a matter of record in the 18 London case that Ms. Heard's US counsel disclosed to 19 The Sun's counsel numerous confidential documents, 20 that is, documents that were stamped confidential in 21 this case. Ms. Heard's US counsel provided them to 22 The Sun's counsel without going to this Court to</p>
<p style="text-align: right;">18</p> <p>1 his argument makes very clear that there was no meet 2 and confer prior to his filing the motion. He has 3 just referred to communications back in October and 4 November which were communications, you know, before 5 the COVID crisis struck and before we had the 6 continuance. 7 For the most part, Your Honor, he is 8 pushing an open door. He makes reference to the 9 trial bundles. And I believe as George Bernard Shaw 10 might say, we are two legal systems separated by a 11 common language. But I think that the trial bundle 12 is something like our exhibit list here in the 13 United States. 14 We have no problem whatsoever with 15 producing all the trial bundles both for Mr. Depp 16 and for The Sun. We would note that we will make 17 that production, that Ms. Bredehoft has been over -- 18 this is Ms. Heard's third lead counsel, and she is a 19 very able counsel. I've worked with her on many 20 occasions and have high regard for her, as well. 21 But she is working with The Sun in London 22 and with Ms. Heard, even though Ms. Heard is not</p>	<p style="text-align: right;">20</p> <p>1 seek permission. 2 So I think claims of leaking are ironic, 3 but they're besides the point because they're 4 pushing an open door. We are happy to produce the 5 documents Mr. Rottenborn has asked for. 6 And it would have been impossible for us 7 to have had a meet and confer back in October or 8 November because the trial bundles themselves were 9 not produced in London until June 15th. That is, 10 Your Honor, three weeks ago these documents were 11 produced to the Court in London. So they could not 12 have possibly been the subject of a meet and confer. 13 Moreover, Ms. Heard has twice altered her 14 trial statement, that's her direct testimony. She 15 produced a brand-new statement to the Court in 16 London on July 3rd amending her original trial 17 statement and then she turned around and did another 18 one on July 6. 19 So it would have been impossible for us to 20 submit Ms. Heard's ever shifting trial testimony 21 until it was produced. In fact, that was so unusual 22 that Mr. Justice Nicol allowed Mr. Depp to speak</p>

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<p style="text-align: right;">21</p> <p>1 with his counsel after the beginning of trial. And 2 under their rule Mr. Depp would not have been 3 allowed to do that, but for this extraordinary 4 behavior by Ms. Heard. 5 But, in any event, we agreed to produce 6 those materials by August 14. 7 Similarly, as Mr. Rottenborn mentioned, 8 Your Honor, we will be happy to produce the divorce 9 files. Now, by definition, Ms. Heard was a party to 10 the divorce, as well, so she has equal access to the 11 divorce files as Mr. Depp. 12 Neither Mr. Rottenborn's firm nor ours was 13 involved in the divorce, so we have to go to the 14 divorce lawyers. But, in any event, we're happy to 15 take on that burden. 16 Mr. Rottenborn is right, in our papers we 17 said we could produce those documents. We had hoped 18 to be able to produce those documents by today, July 19 10th. 20 Ms. Vasquez, who is our document maven 21 associate extraordinaire, is in London, so we're not 22 in a position to do that. But we would propose to</p>	<p style="text-align: right;">23</p> <p>1 Ms. Heard and Mr. Depp were married less than two 2 years. They were married from February 2015 until 3 January of 2017. And for much of that period Mr. 4 Depp wasn't even living with her. He was -- he was 5 filming a movie in Australia, hence all the tapes 6 that Mr. Rottenborn refers to. 7 As Your Honor is aware, Mr. Depp has 8 already provided broad HIPAA waivers. And those 9 HIPAA waivers require Mr. Depp to produce all of his 10 mental health records, all records relating to drug 11 and alcohol abuse treatment, and all records 12 relating to any physical injuries with no temporal 13 restriction from past to present. 14 Not only did Mr. Depp, obviously, follow 15 the Court's order, he also supplemented it. When 16 discovery was continued he signed a new HIPAA waiver 17 to make clear that the HIPAA authorization extended 18 until the end of this case. 19 So this is superfluous, this new -- these 20 new requests, these interrogatories are superfluous 21 and overly broad. They are already getting and have 22 already received all of Mr. Depp's mental and health</p>
<p style="text-align: right;">22</p> <p>1 make the protection of the entire divorce file, that 2 is the Johnny/Amber divorce file to Mr. Rottenborn 3 by August 14th. 4 And as Your Honor is aware, we don't have 5 a discovery cutoff in this case until on or about 6 December 11th. We're certainly not going to be 7 taking any depositions while The Sun case is going 8 on and some of the witnesses, including Ms. Heard 9 and Mr. Depp, are in London now. So there is no 10 prejudice to our producing those documents by August 11 14th. 12 Indeed, we asked Mr. Rottenborn when he 13 was filing another motion to compel that will be 14 heard two weeks from now, you know, where the fire 15 is. But in any event, we don't have any problem 16 with his first two requests. 17 Getting to interrogatories 9 and 10, Your 18 Honor, we respectfully submit that those are clearly 19 overly broad. Ms. Heard is seeking every 20 prescription drug and every medical service that Mr. 21 Depp has had since 2010. 22 I would respectfully remind the Court that</p>	<p style="text-align: right;">24</p> <p>1 records, all of his drug and alcohol abuse 2 treatment, and all documents relating to physical 3 injuries. 4 Now what they're asking for are materials 5 that aren't in any way related to this case. So we 6 would respectfully submit that the motion to compel 7 should be denied as to interrogatories 9 and 10. 8 Now, interrogatory 11 is tantamount to 9 when did you stop beating your wife. That's what 10 they're saying. They're saying for each instance of 11 physical violence or abuse alleged in Ms. Heard's 12 declaration -- this is one of her many declarations 13 that she submitted. 14 This one I think they're referring to was 15 to -- attached to her motion to transfer venue, 16 which was several law firms ago, presumes that this 17 violence occurred. And it did not. 18 It bears noting, Your Honor, that -- Your 19 Honor may recall that Officer Melissa Saenz, who was 20 called to the scene in January of 2016, testified 21 that she examined Ms. Heard on the occasion of what 22 she alleged was horrific violence and she found no</p>

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<p style="text-align: right;">25</p> <p>1 signs of injury on Ms. Heard at all and no disarray 2 in the apartment. And Your Honor granted the motion 3 for her testimony to be used at this trial. 4 Well, she testified again this morning and 5 she testified to the same thing she testified right 6 after the incident. And her testimony was so 7 damning to Ms. Heard and that she had carefully 8 examined Ms. Heard's face and showed not a single 9 sign of injury that The Sun decided not even to call 10 Officer Hadden, even though they gotten him and 11 called him to testify at 7:30 in the morning from 12 Los Angeles. 13 So I respectfully submit that Mr. Depp 14 can't possibly answer this interrogatory without 15 agreeing to false facts. He never abused Ms. Heard. 16 Ms. Heard abused him and she has admitted it under 17 oath in the context of her divorce testimony. 18 So we respectfully submit that the Court 19 should deny the motion to compel as to interrogatory 20 number 11. 21 I'm sorry, I misspoke. Oh, no, that's 22 right, interrogatory number 11.</p>	<p style="text-align: right;">27</p> <p>1 But we do believe that this interrogatory 2 is somewhat premature. So we believe that the 3 motion to compel should be denied. 4 Finally, with respect to the compliance 5 with the Court's October 18 order, Mr. Depp takes 6 that extremely seriously and has complied in full 7 with the Court's order. 8 Mr. Rottenborn refers to reductions in Dr. 9 Kipper's report. Well, we did not make those 10 reductions. As Your Honor recalls, Mr. Depp signed 11 the HIPAA waivers and Dr. Kipper complied with the 12 HIPAA waiver and provided the same documents in the 13 same format to Ms. Heard's counsel as he did to us. 14 So it was either Dr. Kipper or Dr. 15 Kipper's attorney who redacted the information. So 16 neither Mr. Rottenborn nor I can represent to you 17 what was the basis for the reductions or what 18 material is redacted at all. 19 Dr. Kipper will testify in this case, as 20 will two of his nurses, who will testify that they 21 witnessed Ms. Heard physically assaulting Mr. Depp 22 in the waiting room while they were waiting to see</p>
<p style="text-align: right;">26</p> <p>1 And with respect to interrogatory number 2 14, Mr. Rottenborn correctly notes that Mr. Depp 3 agrees to supplement his answer to that. And Your 4 Honor will recall, that relates to other incidents 5 where Mr. Depp has been alleged to have assaulted 6 someone. 7 And in particular the reference is to 8 Rocky Brooks, who made a false claim, which will be 9 tried in Los Angeles on February 22 and which we 10 greatly look forward to because the entire incident 11 was photographed. There was no violence at all. 12 And, in fact, Mr. Brooks asked Mr. Depp to pose for 13 a photograph with Mr. Depp after the alleged 14 incident, which he then sent to his girlfriend. 15 So we will give all of the information in 16 that case to Ms. Heard. And so we will supplement 17 and more fully respond to that. 18 With respect to interrogatory number 16, 19 which relates to facts related to the computation of 20 damages, our expert disclosures, as Your Honor is 21 aware, are due on or about October 9th and we will 22 certainly make our expert disclosures at that time.</p>	<p style="text-align: right;">28</p> <p>1 Dr. Kipper. Dr. Kipper treated both Ms. Heard and 2 Mr. Depp. 3 So I don't think it was an intentional 4 misrepresentation by Ms. Heard's counsel, but we did 5 not redacting thing. These are documents that were 6 redacted by either Dr. Kipper or Dr. Kipper's 7 counsel. 8 With respect to the arrest -- Mr. Depp's 9 arrests, I think in Vancouver and one other, we 10 would be happy to provide -- or strike that. 11 Mr. Depp would be happy to provide a 12 release, much like the HIPAA release, but Ms. 13 Heard's counsel has not presented us with one. If 14 he does, we will get Mr. Depp to sign it. He has 15 nothing to hide in that regard and is happy to 16 provide a release for the arrest records. 17 With respect to agreements with prior 18 romantic partners, Mr. Depp has produced both 19 agreements. Ms. Heard seems to believe based on a 20 newspaper account that Mr. Depp entered into an 21 agreement with Vanessa Paradis, who is the mother of 22 Mr. Depp's and Ms. Paradis' two children.</p>

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<p style="text-align: right;">29</p> <p>1 Ms. Paradis has testified in London, by 2 the way, that in her 20 years with Mr. Depp, seeing 3 him in every single state he could be in he had 4 never shown any violence toward her. So she is 5 testifying for him along with other women. 6 But there is no agreement. So the short 7 answer, Your Honor, is there is nothing to compel. 8 Mr. Depp has produced both agreements that he has. 9 Now, they're not in final form. They're in the form 10 that he has. He has produced them. There is no 11 agreement with Ms. Paradis. 12 And, finally, with respect to certain 13 production errors, again, we're happy to go through 14 those line-by-line, or Ms. Vasquez is when she 15 returns from London, with Mr. Rottenborn. 16 There are issues as to metadata on both 17 sides. And I have to note, since my esteemed 18 colleague referenced a recording, we -- there is a 19 very serious doubt as to the provenance of the 20 recording to which he referred that was provided by 21 Ms. Heard. But that -- that is for another day. 22 But with respect to today, we would be</p>	<p style="text-align: right;">31</p> <p>1 points. And I won't hit everyone. 2 But the first is the UK documents. Mr. 3 Chew sets up a little bit of a strawman here 4 because, as I mentioned, we are not just asking for 5 the exhibit list or the trial bundles. 6 We're asking for the entire production. 7 And there has been no prohibition on that production 8 being sent over to us at any point in the case. And 9 that's what we're asking for. So not simply the 10 trial bundles, but Mr. Depp's entire production. It 11 could be sent today and it should have been sent 12 today. 13 Interrogatories 9 and 10 seeking medical 14 -- information on medical records and prescription 15 drugs, we believe they're relevant. But in any 16 event, Mr. Depp agreed to respond with references to 17 documents, if any, that had been produced. And I 18 don't believe that we've seen that. And he mentions 19 that they've only been married -- they were only 20 married two years. But much of the abuse that is 21 alleged occurred prior to their marriage and 22 throughout much of the period for which we're</p>
<p style="text-align: right;">30</p> <p>1 happy to sit down with Mr. Rottenborn or Mr. Treece 2 or one of their colleagues and go through what they 3 describe as protection errors. 4 There are documents on both sides where 5 there is a question of whether there was metadata or 6 not. So that's not something I think that's 7 appropriate for the Court's purview, at least not at 8 that is point. And we're happy to go through that 9 on a line-by-line basis. 10 But for the reason stated, Your Honor, we 11 believe that the motions to compel should be denied, 12 except where we have agreed. And we never didn't 13 agree to produce the documents that were produced by 14 both sides in London and the divorce file. And that 15 would encompass what Mr. Rottenborn, you know, 16 describes as leaked documents. That would be leaked 17 documents on both sides, all of which would be 18 included in the production to be completed on or 19 before August 14th. 20 Thank you, Your Honor. 21 MR. ROTTENBORN: Your Honor, if I may have 22 two minutes to briefly respond to first a couple of</p>	<p style="text-align: right;">32</p> <p>1 seeking information. 2 Interrogatory 11, again we're not asking 3 -- this is not the when did you stop committing 4 domestic violence question, Your Honor. We're not 5 asking Mr. Depp to admit that the violence occurred, 6 but during the dates and times that Ms. Heard 7 alleges that violence occurred we want to know if 8 Mr. Depp was under the influence of drugs and 9 alcohol. And, as he admitted in the UK, he was on 10 at least one occasion where he had previously told 11 the Court he wasn't. 12 So this is not a trick question. We're 13 not asking him to admit that he committed abuse. 14 We're asking for the circumstance around that, so 15 it's entirely proper. 16 Interrogatory 16, Your Honor, on the 17 damages. You know, presumably under 8.01-271.1, Mr. 18 Depp had some basis for his \$50 million ad damnum 19 claim. We're asking for that right now. We 20 shouldn't have to wait until October and expert 21 disclosures to get that. 22 The Vancouver Police Department release,</p>

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<p style="text-align: right;">33</p> <p>1 we did send that. We did send them a release on 2 November 12th. We sent it to Mr. Depp's former 3 counsel, Rob Gilmore, and I suspect we CCed Mr. Chew 4 on that as well, but I don't have that email in 5 front of me. But we did send that. So, again, 6 should have happened months ago. 7 And then finally, Your Honor, Mr. Chew 8 didn't address this, but they haven't fully complied 9 with Your Honor's October order. The Australia ER 10 records that had been leaked to the press, at least 11 some of which would support our account of what 12 happened to Mr. Depp's finger, those haven't been 13 produced and those squarely fell within the Court's 14 October 18th, 2019, order. 15 So those are just some of the high points. 16 But we believe that the -- that the motion should be 17 granted in full and we're happy to submit a proposed 18 order to that effect, Your Honor. Thank you. 19 THE COURT: All right. Thank you. 20 The motion to compel is granted in almost 21 all regards. In almost all regards it's not 22 opposed. But it is opposed as to interrogatory</p>	<p style="text-align: right;">35</p> <p>1 not compel them to provide documents which they have 2 said they don't have. So I think a release is just 3 fine on that. 4 As to the metadata issue, I'm going to 5 leave that to counsel to confer, which I think 6 counsel will do in good faith and update that. 7 With regards to the litigation documents, 8 the entire production of documents in the London 9 case is to be produced, not just the trial bundles, 10 as they've been described to me. 11 The leaked documents issue. Documents 12 that have been given to the press obviously exist 13 and those are to be provided. 14 To the extent that either party thinks 15 that there is leaking of documents that would 16 warrant you filing a motion to have me either revoke 17 a pro hac vice or to take some action towards 18 current counsel who are Virginia counsel, I leave it 19 to you to either file or not file those motions. I 20 don't think I need to do anything on that as the 21 issue is not before to do anything differently on 22 that.</p>
<p style="text-align: right;">34</p> <p>1 number 9 and number 10. And I sustain the objection 2 to those -- to those two, except to the extent that 3 the parties have already agreed that there would be 4 certain productions. 5 With regards to interrogatory number 11, 6 that interrogatory is to be answered and it can 7 certainly be answered in such a fashion that Mr. 8 Depp is not required to make any admissions of 9 things that he contends that he did not do. 10 With regards to interrogatory number 14, 11 that is compelled. 12 With regards to interrogatory number 16, 13 what it is compelled with regards to is as to facts 14 as to the damages. I understand that the opinions 15 of an expert don't need to be disclosed at this time 16 unless those opinions have been disclosed to 17 counsel. And counsel is indicting that they don't 18 have those, as I understand it. But the underlying 19 facts as to damages, those are certainly some things 20 that are within his knowledge at this time. 21 The arrest in Vancouver. Counsel has 22 indicated they are happy to sign a release. I do</p>	<p style="text-align: right;">36</p> <p>1 As to the Australian emergency room 2 record, as I understand it, there is a conflict as 3 to whether or not that has even been produced and 4 whether it has been redacted and who redacted it. 5 I'm not sure I can give you much of a ruling other 6 than to say that that document should be produce. 7 And to the extent that it was redacted, other than 8 Social Security numbers and that sort of thing, I 9 don't think there should be a reduction of the 10 document. 11 The date for production is something I 12 guess I need a little bit more input on. Mr. Chew 13 has indicated that there is an embargo in effect 14 until July 24th and that as a result of that he 15 needs to wait until August 14th to respond to these 16 things. 17 Mr. Rottenborn, what's your position on 18 that? 19 MR. ROTTENBORN: Your Honor, I don't -- I 20 don't believe that there's any embargo on producing 21 the documents that have -- producing Mr. Depp's 22 production. The ones that were used in Court, I</p>


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1 agree that there is an embargo. But he can send his
2 entire production today.
3 So there is no -- the embargo, as I
4 understand, does not extend to that. But to the
5 extent that either documents that come out that
6 aren't included in that, in the UK trial, then, you
7 know, we believe that -- you know, we believe that
8 two weeks after the UK trial ends is sufficient,
9 which would be -- you know, I believe it would be
10 August -- August 7th.
11 THE COURT: Do you agree with me that
12 counsel would likely want to confer with his client
13 as to these responses and the client being in the
14 middle of a trial makes him somewhat unavailable to
15 do that?
16 MR. ROTTENBORN: Yes, Your Honor, I would
17 agree with that.
18 THE COURT: All right. August 14th is
19 reasonable under those circumstances.
20 MR. CHEW: Thank you, Your Honor. Yeah,
21 we did not -- I appreciate that, because we
22 certainly don't want to run afoul of the embargo.

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1 So thank you, Your Honor.
2 THE COURT: All right. If you all can an
3 order in. Send that to Andrew or send it to me in
4 Chambers.
5 I hope everybody stays safe and has a good
6 weekend. Thank you, you all.
7 MR. ROTTENBORN: Thank you very much, Your
8 Honor.
9 MR. CHEW: Thank you, Your Honor. Thank
10 you for your time.
11 (The hearing was concluded at 12:52 p.m.)
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1 CERTIFICATE OF REPORTER
2 I, Linda M. Kia, the Verbatim Reporter who
3 was duly sworn to well and truly report the
4 foregoing proceedings, do hereby certify that they
5 are true and correct to the best of my knowledge and
6 ability; and that I have no interest in said
7 proceedings, financial or otherwise, nor through
8 relationship with any of the parties in interest or
9 their counsel.
10 IN WITNESS WHEREOF, I have hereunto set my
11 hand this 10th day of July, 2020.
12
13 
14
15 Linda Marie Kia
16 Verbatim Court Reporter
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