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FAIRFAX, VA

Transcript of Hearing

Date: July 24, 2020
Case: Depp, II -v- Heard

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Video Deposition of Hearing
Conducted on July 24, 2020

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----x 4 JOHNNY C. DEPP, II, : 5 Plaintiff, : 6 v. : Case No. CL-2019-0002911 7 AMBER LAURA HEARD, : 8 Defendant. : 9 -----x 10 11 HEARING 12 BEFORE THE HONORABLE BRUCE D. WHITE 13 Conducted Virtually 14 Friday, July 24, 2020 15 12:37 p.m. EST 16 17 18 19 20 Job No.: 307392 21 Pages: 1 - 35 22 Reported By: Victoria Lynn Wilson, RMR, CRR</p>	<p>1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFF: 3 BENJAMIN G. CHEW, ESQUIRE 4 ANDREW C. CRAWFORD, ESQUIRE 5 BROWN RUDNICK, LLP 6 601 Thirteenth Street, NW 7 Suite 600 8 Washington, DC 20005 9 (202) 536-1700 10 11 ON BEHALF OF THE DEFENDANT: 12 J. BENJAMIN ROTTENBORN, ESQUIRE 13 JOSHUA TREECE, ESQUIRE 14 WOODS ROGERS, PLC 15 10 South Jefferson Street 16 Suite 1400 17 Roanoke, VA 24011-1319 18 (540) 983-7600 19 20 21 22</p>
<p>1 HEARING BEFORE THE HONORABLE BRUCE D. WHITE, 2 conducted virtually. 3 4 5 6 7 8 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. 13 14 15 16 17 18 19 20 21 22</p>	<p>1 APPEARANCES CONTINUED 2 ON BEHALF OF THE DEFENDANT (Continued): 3 DAVID MURPHY, ESQUIRE 4 CHARLSON BREDEHOFT COHEN & BROWN, PC 5 11260 Roger Bacon Drive 6 Suite 201 7 Reston, VA 20190 8 (703) 318-6800 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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<p style="text-align: right;">5</p> <p>1 PROCEEDINGS 2 THE COURT: Good afternoon, everyone. 3 MR. ROTTENBORN: Good afternoon, your 4 Honor. 5 MR. CHEW: Good afternoon, your Honor. 6 THE COURT: Good afternoon. Everybody can 7 see and hear each other? 8 MR. ROTTENBORN: Yes, your Honor. 9 THE COURT: We have a court reporter 10 today? 11 MR. ROTTENBORN: We do, your Honor. 12 THE COURT: All right. Will the court 13 reporter raise her hand and be sworn. 14 (The court reporter was sworn.) 15 THE COURT: And I guess we're ready. 16 MR. ROTTENBORN: Thank you, your Honor. 17 Ben Rottenborn here today on behalf of Ms. Heard. 18 With me today is my colleague Josh Treece and my 19 co-counsel, David Murphy from Ms. Bredehoff's 20 firm. 21 I'll start, your Honor, just to kind of 22 frame the discussion, and I -- with the limited</p>	<p style="text-align: right;">7</p> <p>1 for which records were sought had no relevance to 2 the breach of contract claim. And the Court 3 actually granted the demurrer in a plea in bar 4 finding that the contract was unenforceable. 5 So, just to briefly distinguish that case, 6 your Honor, very different from here. I'll start 7 with just an order that we put it in our motion, 8 and I'll try not to repeat too much of what we 9 say, but interrogatory 1 from our second 10 interrogatories, this seeks information regarding 11 payments and gifts from 2012 to the present to any 12 number of -- of former Depp romantic partners. 13 We believe it's relevant. It's time 14 limited to around the time when Mr. Depp and 15 Ms. Heard became involved. Mr. Depp has leaked 16 declarations from at least some of these people, 17 claiming to support his allegations in the 18 complaint that he has not committed violence 19 against women, which is something that he put at 20 issue. 21 So, information regarding payments and 22 gifts to those people from 2012 on is highly</p>
<p style="text-align: right;">6</p> <p>1 time that we have, I'm going to serially kind of 2 go through the requests that we want, that are at 3 issue today, but I'll note that the one case that 4 the defendants cite -- or that the plaintiffs 5 cited for this, their overarching notion seems to 6 be that we're overarching in discovery, we're 7 seeking things that aren't relevant, and they cite 8 the Reading and Language Learning Center case 9 versus Sturgill, which is a case out of Fairfax 10 from -- I believe it was Judge Tran, and it deals 11 with the issue of proportionality under the 12 Virginia Rules and how discovery takes into 13 account the needs of the case, the amount in 14 controversy, et cetera. 15 And I'd just like to briefly address, you 16 know, in that case, your Honor, it was a 17 noncompete case seeking \$100,000 in compensatory 18 damages. And I don't need to distinguish that 19 case from this case other than to say, obviously, 20 the amount in controversy is very different. 21 That case was a breach of contract case in 22 which the court found that the financial assets</p>	<p style="text-align: right;">8</p> <p>1 relevant to their credibility and to witness bias. 2 And, again, many of these are -- you know, these 3 are declarations that we haven't yet received, but 4 we addressed those at the last hearing. 5 Second interrogatory, interrogatory number 6 2, seeks fees from every performance that he's had 7 from 2010 to the present. We're not seeking his 8 whole career but this, obviously, goes to damages. 9 It's a relevant limited time period. His movies 10 have made far less over the years; that's a matter 11 of public record; so it stands to reason that he 12 has made far less. And in keeping with the 13 Court's order from July 10th, the facts relating 14 to damages that Mr. Depp is seeking are certainly 15 discoverable at this point, we believe. 16 I'll turn now to the request for 17 admission. I won't spend too much time on this 18 because I understand from Mr. Depp's brief that he 19 has agreed to supplement these, but I would just 20 ask the Court to require him in supplementing to 21 actually answer these. 22 We believe that there's no basis to refuse</p>

<p style="text-align: right;">9</p> <p>1 to answer questions about destruction of property 2 by Mr. Depp, hurling insults at Ms. Heard and 3 telling Ms. Heard that she should get raped as, 4 one of these seeks. And this conduct's part and 5 parcel of the pattern that Mr. Depp, we allege, 6 has engaged in when he would become violent when 7 he was under the influence of drugs and alcohol, 8 violent to Ms. Heard, violent to property, 9 et cetera. But we understand that they will 10 supplement, but we would ask for a court order 11 requiring them in their supplementation to 12 actually provide an answer, not just additional 13 objections. 14 Requests for production 11 and 12, these 15 go to damages, your Honor. I think that this is 16 similar to interrogatory 16, which your Honor 17 granted the motion to compel on, in most respects, 18 two weeks ago. 11 seeks all documents relating to 19 his termination as a Pirates of the Caribbean 20 movie franchise actor. And number 12 seeks all 21 documents relating to other acting roles that he 22 alleges he wasn't provided as a result of this</p>	<p style="text-align: right;">11</p> <p>1 seeking such high damages. 2 We covered first interrogatory number 16 3 in the hearing two weeks ago, so I won't -- I'll 4 withdraw our portion of the motion on that here. 5 Moving on to number 4 of the second 6 request for production, these are documents 7 relating to acts of violence against other 8 romantic partners. Mr. Depp sets up a little bit 9 of a straw man in his argument here because he 10 says that we referred to RFP 51 and there hasn't 11 been an RFP 51 and that's nonsensical. 12 Well, in October, we clarified that to 13 Mr. Depp's counsel. We told him that that was a 14 typo, and that it should have said, "RFP Number 3." 15 So, you know, that's one example of -- of a 16 technicality that they're using not to make full 17 discovery that we believe we've cleared up about 18 eight months ago. 19 Again, these are -- this goes to the heart 20 of the case that Mr. Depp alleged and that he put 21 at issue relating to acts of violence that he's 22 committed not only against Ms. Heard but against</p>
<p style="text-align: right;">10</p> <p>1 op-ed. 2 So, we believe those are facts. They're 3 not subject -- they might be the subject of expert 4 testimony, but the facts should be disclosed now. 5 RFPs 13 and 14 I'll take next. Number 13 6 are all documents relating to damages or losses 7 for which he seeks recovery. Again, we believe 8 that that's squarely within the damages discovery 9 to which we're entitled. 10 Number 14, seeks documents sufficient to 11 show his income from all sources from 2010 to the 12 present and from any source. Again, that's 13 relevant to the \$50 million of damages that he 14 seeks. 15 I understand that there has been evidence 16 submitted in the U.K. trial that Mr. Depp actually 17 had negative total income during the marriage to 18 Ms. Heard, so his expenses exceeded his income 19 during that period of time. And, so, it's 20 relevant not only to show the income side of the 21 balance sheet but the expense side of the balance 22 sheet, as well, in a case like this where he's</p>	<p style="text-align: right;">12</p> <p>1 any other romantic partners. 2 That moves us to RFP 10. We covered this 3 to some degree. Your Honor compelled Mr. Depp to 4 produce medical records relating to the finger 5 injury that he alleges he suffered in Australia 6 over which there is a dispute about the cause. 7 But this seeks documents relating to any 8 communications about that injury that he made to 9 any insurer or as part of any insurance policy. 10 Obviously, what Mr. Depp told insurers about the 11 cause of the finger injury is relevant here. 12 Moving on to second RFPs number 16, these 13 are documents relating to payments to potential 14 witnesses here. And it really can't be 15 understated, your Honor, how many of these people 16 we have evidence or have reason to believe are on 17 Mr. Depp's payroll. And when I say, "payroll," I 18 don't just mean he writes them a check or a 19 salary, but a lot of them receive -- we believe 20 receive in-kind payments from Mr. Depp. 21 We've deposed at least certain -- one 22 individual who lives in one of Mr. Depp's</p>

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<p style="text-align: right;">13</p> <p>1 apartments. Many -- some of these people have had 2 declarations that have been leaked, again without 3 having been produced to us. So, it's relevant to 4 know what, if anything, Mr. Depp is paying to them 5 or compensating them for. 6 Interrogatory 1, this was just seeking 7 identification of potential witnesses. And I 8 think they did a pretty good job of listing many 9 of the witnesses, but we've asked for contact 10 information for those witnesses so that we can 11 reach out to them, as well. 12 And for most of them, they say, "unknown." 13 What's interesting and just one example is that if 14 you look at their response to interrogatory number 15 2, they claim that they have a declaration from 16 someone named Kevin Murphy. That's a witness that 17 Mr. Depp's side believes helps Mr. Depp. They 18 list Mr. Murphy in the response to interrogatory 19 number 1, but in the field for contact 20 information, they say, "unknown." 21 So, it's simply not credible that they 22 wouldn't have Mr. Murphy's contact information but</p>	<p style="text-align: right;">15</p> <p>1 and, again, some of, you know, that they have, 2 over the course of this case, leaked what they 3 believe to be helpful information from certain 4 witnesses. 5 Interrogatory number 12 they've agreed to 6 supplement. They identified two romantic partners 7 that Mr. Depp has had within the last 10 years. 8 I'm not sure how they plan to supplement. Perhaps 9 there are more or not, I'm not sure, but if they 10 say they will supplement, we'll take them at their 11 word, but we would ask for an order memorializing 12 that. 13 A couple -- two more, your Honor -- 14 interrogatory 13, these are seeking agreements 15 that Mr. Depp has entered into with former 16 romantic partners. And we've talked a little bit 17 about this at the last hearing. 18 They've identified one with Mr. Depp's 19 first wife and then one with his former domestic 20 partner, but they -- curiously, they say in their 21 response, your Honor, they say, quote, "No 22 agreements with any romantic partners have ever</p>
<p style="text-align: right;">14</p> <p>1 they would be able to get a declaration from him. 2 And, you know, I would submit that Mr. Depp's side 3 has the obligation to conduct a reasonable inquiry 4 here. 5 The list goes on there. Isaac Baruch is a 6 friend of Mr. Depp's. He's been deposed in this 7 case. And, you know, they say that they don't 8 have his contact information. So, again, we -- 9 all we're looking for is contact information that 10 Mr. Depp has, is in his possession, custody, or 11 control for these witnesses. 12 Similarly, in interrogatory number 7, your 13 Honor, we're seeking information about entities 14 that he owns and controls. They just list that 15 but they don't list any -- any contact information 16 for those entities. We believe that we're 17 entitled to that information. 18 Interrogatory number 8 involves payments 19 to potential witnesses. This goes, again, hand in 20 hand with witness bias. They just can't refuse to 21 respond, in our opinion, to information about 22 payments to potential witnesses that they have,</p>	<p style="text-align: right;">16</p> <p>1 been negotiated in order to gain the assistance or 2 compliance of another person and/or entity with 3 regard to this matter." 4 And that raises some red flags because it 5 makes us wonder, well, what other agreements have 6 been negotiated within the time frame we're 7 seeking, your Honor. The clear implication is 8 that there are others, and it's really, in our 9 view, not for them to judge whether those 10 agreements are relevant to this matter. 11 There could be agreements that Mr. Depp 12 has entered into with former partners before this 13 matter arose but which still, again, in keeping 14 with the theme here, may impact witness 15 credibility or impact Mr. Depp's allegations 16 regarding his conduct towards women. 17 Finally, your Honor, the third, request 18 for production number 4, this seeks documents 19 containing, among other things, discussion of or 20 language about misogyny, violence toward women, 21 abuse of women, killing of women, et cetera. 22 We cite in our brief, and I won't read it</p>

<p style="text-align: right;">17</p> <p>1 verbatim, but, you know, some of these texts with 2 the actor Paul Bettany about killing and burning 3 Ms. Heard and other just horrific things, we know 4 that those are in Mr. Depp's custody. Those will 5 be produced as part of the U.K. production that 6 the Court ordered last time, but we don't know 7 what else there -- there might be. 8 And, you know, I guess I would close, your 9 Honor, by saying that what we see kind of 10 repeating itself as a theme here is where Mr. Depp 11 will play a word game with these discovery 12 responses where they take each request and think 13 of some hypothetical manner in which the request 14 might be overreaching and then they refuse to 15 produce documents right at their fingertips that 16 clearly fall within the scope of the request. And 17 I think there's no better example than these texts 18 with Mr. Bettany. 19 And, so, for all those reasons, we ask 20 that the Court grant our motion to compel. And 21 I'm happy to answer any questions the Court has. 22 Thank you.</p>	<p style="text-align: right;">19</p> <p>1 Mr. Depp to disclose all facts relating to his 2 damages claim by no later than August 14th. And 3 that really subsumes most of what we're talking 4 about today. There's very little left. 5 But perhaps best, in the interest of time, 6 to start where there is no dispute, as 7 Mr. Rottenborn referred to, Mr. Depp agrees to 8 supplement his responses to requests for 9 admissions 11 through 15. That's Exhibit 4 to 10 their brief. And when we said we agreed to 11 supplement, that meant answer, not to propound 12 further objections. 13 So, we would propose to do that on 14 August 21 because we already have a fairly -- 15 actually, not fairly, we have quite a substantial 16 burden of production due on August 14th. So, I 17 think we would like to have, your Honor, if we 18 could, until August 21 to supplement our answers 19 to RFAs 11 through 15. 20 Also, your Honor, with respect to the 21 first request for productions numbers 11 and 12, 22 we would certainly agree that those requests for</p>
<p style="text-align: right;">18</p> <p>1 THE COURT: I don't have any questions. 2 Thank you. 3 Mr. Chew. 4 MR. CHEW: Thank you, your Honor. May it 5 please the Court, Ben Chew and Andrew Crawford for 6 Plaintiff Johnny Depp. 7 With great respect, your Honor, defendant 8 should not have brought this second motion to 9 compel piggybacking on its first. This is 10 largely, as Mr. Rottenborn alluded to, duplicative 11 of what your Honor resolved two weeks ago on 12 July 10th, the hearing on their first motion to 13 compel, after which the parties have submitted to 14 the Court a proposed order. 15 Your Honor will recall that the Court 16 ordered Mr. Depp to produce all documents from the 17 London case, including the trial bundles, to which 18 he would have agreed, in any event, had there been 19 a meet and confer and, as Mr. Rottenborn alluded 20 to, to supplement certain interrogatories, 21 including interrogatory number 16, which 22 requires -- pursuant to which your Honor required</p>	<p style="text-align: right;">20</p> <p>1 production go to damages and are already subsumed 2 in the Court's order from the first motion to 3 compel when your Honor compelled supplement to 4 interrogatory number 16. So, we would certainly 5 have no problem supplementing that production by 6 August 21. 7 Now, very briefly, we get into a couple of 8 areas where -- or at least one area where we 9 disagree, and this first is interrogatory number 10 1, which is Exhibit 1 to their supporting brief, 11 where it asks Mr. Depp to identify all gifts or 12 payments to 21 people or other romantic partners. 13 Putting aside the issue that a number of 14 the names on the list were never romantic partners 15 of Mr. Depp and were put on to, I don't know, 16 embarrass or whatever reason, this is an 17 impossible request. 18 Mr. Rottenborn referred to a woman named 19 Lori Allison, to whom Mr. Depp was married more 20 than three-and-a-half decades ago for perhaps a 21 year, when they were both 19 or 20 years old. 22 There's no way in the world that Mr. Depp could</p>

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<p style="text-align: right;">21</p> <p>1 remember what, if any, gifts he gave her during 2 that period of time. I can't even remember what I 3 gave my wife last Christmas. So, I think that's 4 just a ridiculous request. 5 Vanessa Paradis, who was essentially a 6 domestic partner of Mr. Depp for 20 years, who 7 testified for him in the Sun case, by the way, 8 saying that there had never been any violence in 9 20 years' of time, and the mother of their two 10 children, there's no way he can possibly remember 11 what gifts he gave Ms. Paradis in that 20-year 12 period or since then. It's simply an 13 impossible -- it's impossible to answer, and it is 14 overly broad. 15 Mr. Rottenborn referred to two agreements 16 that had been made with romantic partners. Those 17 have been produced. There are no games there. 18 They're the only two agreements have been -- have 19 been produced. 20 But we would ask the Court to sustain our 21 objection to interrogatory number 1 of the second 22 set of interrogatories.</p>	<p style="text-align: right;">23</p> <p>1 doesn't reasonably relate to Mr. Depp's damages 2 claims. 3 What relates to Mr. Depp's damages claims 4 are his claim that this defamation, the false 5 claim that he's a wife beater, cost him much of 6 his career and, in particular, it caused him to 7 be -- caused Disney four days later to remove him 8 from the iconic role of Captain Jack Sparrow in 9 the Pirates of the Caribbean series. 10 To go back to 2010 and try to track every 11 credit and debit, it wouldn't be of any use to 12 defendant, in any event. It's beyond -- it's 13 beyond a fishing expedition, to use that cliché. 14 Staying on Exhibit 7, which is the first 15 interrogatories for the moment, number 1, 16 Mr. Rottenborn concedes that Mr. Depp has given a 17 voluminous list of potential witnesses. 18 We're happy to supplement addresses as 19 they have become known to us. So, we would agree 20 to supplement that by August 21. Now, there are 21 still some witnesses who addresses we don't know 22 but, obviously, we can only answer what we know.</p>
<p style="text-align: right;">22</p> <p>1 As to number 2, fees from every 2 performance from 2010 to the present, again, as 3 Mr. Rottenborn referred to, we've already agreed 4 to produce fees from every performance from 2010 5 onward because it clearly is within the ambit of 6 your Honor's order for Mr. Depp to supplement 7 interrogatory number 16 providing all facts 8 relating to his damages. And we would propose to 9 do that, also, by August 21. 10 Moving on to -- and it may be a little out 11 of order but the order wasn't all that clear -- I 12 believe there was -- they're seeking -- with 13 respect to the first set of interrogatories, 14 they're seeking a supplementation as to 15 interrogatory 8. And this, basically, is asking 16 Mr. Depp to produce all evidence of outgoing and 17 incoming payments from 2010 to the present. 18 Your Honor, we would ask that the Court 19 sustain the objection to that because that is way 20 overbroad. I mean the volume there would be -- 21 and I know because there was litigation with a 22 prior manager years ago, and the volume -- it</p>	<p style="text-align: right;">24</p> <p>1 Number 12 of the first interrogatories, 2 "Identify each romantic partner other than 3 Ms. Heard that you have had in the past 10 years," 4 that's fine. We can supplement that by August 21. 5 And I believe the last number in the first 6 set of interrogatories, "Describe in detail any 7 separation agreements, settlements," these are the 8 two agreements to which we have referred and we've 9 already provided, so are two agreements with 10 former romantic partners, and they've been 11 provided. 12 Now, your Honor, going through Exhibit 6, 13 which is -- these are the second set of requests 14 for production, and I'll take them in order. 15 Number 4, "All documents or communications 16 relating to any acts of violence committed by 17 Mr. Depp against any of his romantic partners," 18 there are none, and that's been established in the 19 London trial. 20 The only woman in the history of the world 21 who's ever alleged violence by Johnny Depp is 22 Amber Heard, a woman who herself has an arrest for</p>

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1 that very same thing of which she alleges
2 Mr. Depp. And she also admitted in the London
3 trial that she had struck Mr. Depp. But the
4 answer to that question is there are none. So,
5 we've responded to that.
6 The next one is number 10, all documents
7 relating to the finger injury when Ms. Heard
8 sliced off the top of Mr. Depp's finger with a
9 broken vodka bottle, your Honor has already
10 ordered Mr. Depp to produce any additional medical
11 records there are relating to that.
12 And I'm hearing Mr. Rottenborn asking for
13 insurance. If there's any correspondence with the
14 insurance company relating to that injury and we
15 have it, we'll certainly produce it. But your
16 Honor has already ordered that to be produced.
17 Number 12 calls for documents relating to
18 the loss of opportunity from 2010 to the present.
19 Your Honor has already effectively ordered that
20 when he ordered us to give all facts relating to
21 damages. So, we will certainly do that by
22 August 21 with the Court's leave.

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1 Number 13, again, all documents referring
2 or relating to damages, that's already been
3 ordered. We can produce those documents by
4 August 21.
5 Here is one -- I think there are two more.
6 Interrogatory number 14, "Documents sufficient to
7 show your income, all sources thereof, and any
8 related expenses for each calendar year from 2010
9 to the present," again, that's way overly broad,
10 doesn't relate to the damages claim.
11 What does relate to the damages claim are
12 the performances, because it's Mr. Depp's claim
13 that he lost movie jobs because of the false
14 allegation of wife beating. But what -- all
15 sources of his income and any expenses from 2010
16 to the present, which goes back eight years before
17 the defamation occurred is way overly broad and
18 unduly burdensome because there would be over a
19 million pieces of paper relating to expenses and
20 credits and debits. It's way overly broad.
21 Finally, number 16, "Documents sufficient
22 to show all transactions from January 1, 2010, to

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1 the present," between a laundry list of 33 people.
2 That is a Herculean task, assuming it could even
3 be done and, again, would produce hundreds of
4 thousands, if not over a million pages. It is by
5 definition way overly broad.
6 And I believe the last item at issue is in
7 the third request for production. This is where
8 Ms. Heard asks for all documents or communications
9 from 2010 to the present containing discussion of
10 or relating to language reflecting misogyny,
11 sexism, hatred of women, racism, homophobia, rape,
12 violence toward women, abuse of women, and/or
13 killing women.
14 This is, with respect, your Honor, a
15 ridiculous request for production of documents.
16 It bears no relation to anything. And if you take
17 it literally, if Mr. Depp was writing about Black
18 Lives Matter, I guess he would have to produce
19 all -- all texts relating to that. And I can't
20 imagine anything less relevant -- from 2010 to the
21 present.
22 I mean this is way far -- way far afield

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1 and, your Honor, I think -- I think that's it from
2 our perspective. We've been very cooperative in
3 discovery and we understand the Court's rulings
4 from July 10. I don't think we needed to be here
5 today, quite frankly, because I think we could
6 have worked this out on our own. But we're here
7 and we've taken the Court's time and we greatly
8 appreciate your consideration.
9 THE COURT: Mr. Rottenborn, the last word.
10 MR. ROTTENBORN: Thank you, your Honor.
11 I'll try not to be repetitive.
12 I would disagree that there's been -- you
13 know, that there has been some cooperation in
14 discovery but we certainly don't want to burden
15 the Court with anything more than we need to, as
16 well, but we're well into -- a year into this
17 lawsuit and, you know, we're still playing games,
18 word games, over responses when Mr. Depp isn't
19 producing things at his fingertips that are
20 plainly responsive.
21 To address a few things briefly, your
22 Honor, interrogatory number 1, seeking payments to

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<p style="text-align: right;">29</p> <p>1 those former -- who we believe are former romantic 2 partners or other people, that just seeks payments 3 from 2012 on. So, Mr. Chew's argument that, you 4 know, payments that Mr. Depp made to his first 5 wife 30 years ago are hard to get, that's just 6 not -- that's a straw man. That's irrelevant. 7 But anything that he has from 8 (indecipherable) 2012 on is -- we believe is -- is 9 relevant, to any of those people listed, 10 particularly, you know, given that he's put 11 forward declarations from some of those people. 12 And if he hasn't made payments from 2012 on, then 13 there's nothing to produce. 14 We have no objection to the August 21st 15 suggested production date for the things to which 16 Mr. Depp has agreed to produce. 17 The first interrogatories, number 1, your 18 Honor, seeking contact information, we'd also 19 request phone numbers because it's just simpler to 20 get in touch with people that way and more 21 efficient. 22 Number 8, again, we're not seeking all</p>	<p style="text-align: right;">31</p> <p>1 in the U.K. trial; his income fluctuates over 2 time, his income from all sources. It's 3 been testified that he is in financial distress. 4 He has been in financial distress, that's a motive 5 to file a lawsuit. It's also highly relevant to 6 damages whether or not he has experienced -- what 7 the fluctuations have been and whether or not he's 8 experienced financial distress over time. 9 The last two, your Honor, you know, 10 Mr. Chew said with respect to interrogatory number 11 10, that he's hearing us asking for insurance 12 information about the finger injury. Well, he's 13 not hearing me ask for it today for the first 14 time. We've been asking for it since these 15 interrogatories were issued in 2019. That was 16 what our interrogatory called for. 17 And, frankly, we should have gotten that 18 information a long time ago. We appreciate that 19 that -- Mr. Depp and Mr. Chew may now be taking a 20 more expansive view of what the Court's ruling 21 from two weeks ago was, but as much as we'd like 22 to think that they would simply produce everything</p>
<p style="text-align: right;">30</p> <p>1 financial records for 2010 forward. We're seeking 2 a description of the systems that were used to 3 make payments and then the actual payments that 4 were made to these actual individuals in RFP 16, 5 many of whom are individuals who Mr. Depp either 6 has or we believe will try to use to support his 7 claims. 8 And if he wants to put forward witnesses 9 to support his claims but he doesn't want to 10 produce documents relating to payments that he has 11 made them over the years, we just believe that 12 that's -- that sort of asymmetry in the discovery 13 is not -- not permissible under Virginia's rules. 14 And we believe that we're entitled to information 15 about payments that he's made to people that he 16 will put forward to try to support his case. 17 Number 13, again, you know, all documents 18 with any -- any romantic partners we believe are 19 highly relevant. 20 Number 14, seeking information about his 21 income and expenses, his income, we believe, 22 fluctuates -- and there's been evidence produced</p>	<p style="text-align: right;">32</p> <p>1 related to damages without parsing what was 2 responsive to that hearing two weeks ago in this 3 hearing, it's just something that we need to have 4 the Court, we believe, order them to do. 5 And then, finally, number 16, again, these 6 are people that we believe are -- or many of them 7 are or have been paid by Mr. Depp, and we believe 8 that those are -- that's discoverable information. 9 So, that's all I have by way of rebuttal. 10 And we appreciate the Court's time today. 11 THE COURT: All right. Thank you. 12 Much of the information sought is 13 overlapping with other interrogatories and with 14 other requests for production of documents but 15 that doesn't, in and of itself, mean that those 16 answers shouldn't be provided. 17 What I am concerned about, though, is that 18 some of these do appear to be overbroad. In 19 particular, the request for all income from any 20 source -- if he had a 401(k) and he was -- any 21 interest from that, those type of things, 22 obviously, in my view, aren't anything that would</p>

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1 be helpful in this case.
2 And his outflow, what his expenses are and
3 whether he spends more money than he makes, I
4 don't find that to be relevant, and I think that's
5 overbroad, as well.
6 The limiting of interrogatory number 1 to
7 from 2012 on I think eliminates the real issues
8 that I have with that.
9 The communications to and from Mr. Depp
10 regarding violence against women, I don't find
11 that that is something that is discoverable or
12 would be appropriate for a discovery order here.
13 So, the objection to that is sustained.
14 So, there's really not a whole lot new
15 that I'm making any ruling on today, really.
16 As to all transactions with people, I
17 think that's overly broad.
18 The transactions where they might be
19 receiving money, that would be appropriate, I
20 think, if they're going to be potential witnesses
21 and they're being paid or they have a source of
22 income.

34

1 So, that's pretty much where I come down
2 by way of summary. And you all can get me an
3 order that reflects that, and I think we'll be
4 fine to go. And hopefully -- hopefully, you will
5 communicate and we won't see you every other
6 Friday. Much as I like you all, I'd be happy to
7 have a Friday or two off.
8 MR. CHEW: Thank you, your Honor. We'll
9 try to make that happen.
10 MR. ROTTENBORN: We will. And I will say,
11 your Honor, that I believe Mr. Chew and we have
12 worked well together and hopefully have eliminated
13 the need for things both ways over the last
14 several months. So, we do try and we have
15 succeeded in a lot of areas. We'll keep doing
16 that.
17 THE COURT: All right. Everybody stay
18 safe. Thank you.
19 MR. CHEW: Thank you, your Honor.
20 MR. ROTTENBORN: Thank you, your Honor.
21 (Off the record at 1:11 p.m. EST.)
22

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1 CERTIFICATE OF SHORTHAND REPORTER-E-NOTARY PUBLIC
2 I, Victoria Lynn Wilson, the officer
3 before whom the foregoing proceedings were taken,
4 do hereby certify that the foregoing transcript is
5 a true and correct record of the proceedings; that
6 said proceedings were taken by me stenographically
7 and thereafter reduced to typewriting under my
8 direction; and that I am neither counsel for,
9 related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.
12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 25th day of
14 July 2020.
15 My commission expires May 31, 2023.
16 *Victoria Lynn Wilson*
17 _____
18
19 VICTORIA LYNN WILSON
20 E-NOTARY PUBLIC IN AND FOR
21 THE COMMONWEALTH OF VIRGINIA
22