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# Transcript of Hearing

**Date:** September 25, 2020

**Case:** Depp, II -v- Heard

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Transcript of Hearing  
 Conducted on September 25, 2020

<p style="text-align: center;">1</p> <p>1 VIRGINIA:</p> <p>2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY</p> <p>3 -----x</p> <p>4 JOHNNY C. DEPP, II,</p> <p>5 Plaintiff,</p> <p>6 v. Case No. CL2019-0002911</p> <p>7 AMBER LAURA HEARD,</p> <p>8 Defendant.</p> <p>9 -----x</p> <p>10</p> <p>11 Hearing on Motions</p> <p>12 Before the HONORABLE BRUCE D. WHITE, Judge</p> <p>13 Conducted Virtually</p> <p>14 Friday, September 25, 2020</p> <p>15 11:19 a.m. EST</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No.: 324492</p> <p>21 Pages: 1 - 36</p> <p>22 Transcribed by: Bobbi J. Fisher, RPR, CET</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>2 ON BEHALF OF THE PLAINTIFF MR. DEPP:</p> <p>3 BENJAMIN G. CHEW, ESQ.</p> <p>4 ANDREW C. CRAWFORD, ESQ.</p> <p>5 BROWN RUDNICK, LLP</p> <p>6 601 Thirteenth Street, NW, Suite 600</p> <p>7 Washington, DC 20005</p> <p>8 (202) 536-1700</p> <p>9</p> <p>10 ON BEHALF OF THE DEFENDANT MS. HEARD:</p> <p>11 ELAINE CHARLSON BREDEHOFT, ESQUIRE</p> <p>12 CHARLSON BREDEHOFT COHEN &amp; BROWN, PC</p> <p>13 11260 Roger Bacon Drive, Suite 201</p> <p>14 Reston, VA 20190</p> <p>15 (703) 318-6800</p> <p>16</p> <p>17 J. BENJAMIN ROTTENBORN, ESQUIRE</p> <p>18 DAVID MURPHY, ESQUIRE</p> <p>19 WOODS ROGERS, PLC</p> <p>20 10 South Jefferson Street, Suite 1400</p> <p>21 Roanoke, VA 24011-1319</p> <p>22 (540) 983-7600</p>										
<p style="text-align: center;">2</p> <p>1 Hearing on Motions before the HONORABLE BRUCE D.</p> <p>2 WHITE, Judge, conducted virtually.</p> <p>3</p> <p>4</p> <p>5 Pursuant to Docketing, before Judy Grill, Digital</p> <p>6 Court Reporter and Notary Public in and for the</p> <p>7 State of Florida.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 20%; text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>3 Argument by Ms. Bredehoft</td> <td style="text-align: right;">5</td> </tr> <tr> <td>4 Argument by Mr. Chew</td> <td style="text-align: right;">19</td> </tr> <tr> <td>5 Further Argument by Ms. Bredehoft</td> <td style="text-align: right;">26</td> </tr> <tr> <td>6 Court's Ruling</td> <td style="text-align: right;">29</td> </tr> </tbody> </table> <p>7</p> <p>8</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(None.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>		PAGE	3 Argument by Ms. Bredehoft	5	4 Argument by Mr. Chew	19	5 Further Argument by Ms. Bredehoft	26	6 Court's Ruling	29
	PAGE										
3 Argument by Ms. Bredehoft	5										
4 Argument by Mr. Chew	19										
5 Further Argument by Ms. Bredehoft	26										
6 Court's Ruling	29										

Transcript of Hearing  
Conducted on September 25, 2020

<p style="text-align: right;">5</p> <p>1 PROCEEDINGS 2 (The court reporter was duly sworn.) 3 THE COURT: All right. We're ready to 4 proceed. 5 MS. BREDEHOFT: Thank you, Your Honor. 6 Good morning. Elaine Bredehoft, and with me on 7 behalf of Amber Heard are Ben Rottenborn and David 8 Murphy, representing Amber Heard. This is our 9 motion. 10 Ben, I'll let you go -- are you going to 11 announce yourself first or... 12 THE COURT: You said something but no one 13 heard you. You're muted. 14 MR. CHEW: Good morning, Your Honor. I 15 apologize. Ben Chew for Plaintiff, Johnny Depp. 16 THE COURT: Good morning. 17 MS. BREDEHOFT: Good morning, Your Honor. 18 Your Honor, this is here on our motion 19 for sanctions and in limine. And let me just say 20 at the beginning of this, we have about 20 21 depositions we're in the process of scheduling. We 22 had an extensive meet-and-confer yesterday again.</p>	<p style="text-align: right;">7</p> <p>1 this case. The vast majority of those are the 2 trial bundle that was produced, which included not 3 only Mr. Depp's production but The Sun's production 4 and everything that Ms. Heard had provided to the 5 UK. So saying we have produced 18,000 doesn't do 6 anything here. I'll address the 58 pages in a 7 minute, but significantly, in response to our 8 motion, no documents were produced. No 9 attachments, nothing for this Court to see. 10 Now, if Your Honor can go down the 11 order -- I'm going to try to do this because I 12 think this is the most efficient way to do this. 13 If Your Honor looks at the very first page where I 14 have the "it appearing," I have indicated here 15 that, on August 10, Your Honor entered the order. 16 This was based on the motion to compel from July 17 10th, and significantly, it ordered the 18 re-supplementation of Interrogatory No. 16. And I 19 have set out exactly what was asked in 20 Interrogatory No. 16 for a reason. It asks for 21 specificity. How is this calculated? What -- how 22 did you compute these damages and all efforts to</p>
<p style="text-align: right;">6</p> <p>1 Virtually all of them will be de bene esse 2 depositions. They're going to be in lieu of 3 testimony at trial. And the Court, last week, 4 indicated that this is not going to be tried like 5 the case in the UK. It's not going to be tried in 6 the press. The issues we have raised in this 7 motion will significantly curtail the issues that 8 have taken on a life of their own, an inordinate 9 amount of time, and we're trying to pare this down 10 consistent with what this Court is telling us to 11 do, and that's the basis for this. Your Honor said 12 enough is enough, and we absolutely agree. 13 Let me start with -- Your Honor, I 14 submitted a proposed order yesterday, and I think 15 it might be helpful -- does Your Honor have that in 16 front of you? I submitted it yesterday morning. 17 THE COURT: Go ahead. 18 MS. BREDEHOFT: Oh, okay. I'm sorry. 19 You were on mute. 20 So, in any event, let me explain first of 21 all and respond to the -- Mr. Depp's explanations. 22 They said they have produced 18,000 documents in</p>	<p style="text-align: right;">8</p> <p>1 mitigate damages? 2 Now, all that was given in response to 3 that -- and, Your Honor, I want to apologize. When 4 I was preparing this order, I recognized how 5 voluminous the attachments were and how unwieldy, 6 and, from now on, we're going to find a better way 7 to do that. And I apologize, because if it was 8 unwieldy for me, it's definitely going to be 9 unwieldy for you. 10 But, in any event, that's one of the 11 reasons why I also set out in here exactly what was 12 said in response to it. And it's page 3, Your 13 Honor, of the proposed order is the supplementation 14 that we received for Interrogatory No. 16. And 15 it's very, very minimal. Just four days after 16 Ms. Heard's op-ed was first published on December 17 18, 2018, Disney announced, on December 22, 2018, 18 that it was dropping Mr. Depp from his leading role 19 as Captain Jack Sparrow in the forthcoming sixth 20 installment of the Pirates of the Caribbean 21 franchise. 22 Based on Mr. Depp's prior earnings in</p>

Transcript of Hearing  
Conducted on September 25, 2020

<p>9</p> <p>1 connection with the Pirates of the Caribbean 2 franchise, Mr. Depp expects his role in the sixth 3 installment would have been worth at least 50 4 million. He provides no calculations. He doesn't 5 say what he got in any of the other earlier ones, 6 how he extrapolated that, no explanations on that, 7 no efforts to mitigate the damages. Nothing. This 8 is it. That's all he's given us after 18 months of 9 litigation and the Court ordering him to provide 10 the specificity here.</p> <p>11 The second part of this, Your Honor, 12 that's relevant here is that the Court also granted 13 specific requests for production of documents. And 14 that's on page 2 of my proposed order, if Your 15 Honor sees, both Requests for Production No. 11 and 16 No. 12, which say "all documents and communications 17 related to your termination as the character 18 Captain Jack Sparrow in the Pirates of Caribbean 19 movie franchise," and then 12 is "all documents and 20 communications relating to any other acting roles 21 which you were not provided or which were rescinded 22 as a result of this." Nothing was produced.</p>	<p>11</p> <p>1 requires them to produce documents and give us the 2 details so that we can go in and they can use 3 business records. We would have been fine if they 4 gave us business records, and they would have had 5 to sufficiently tell us which ones, but it 6 specifically says in 4(f) that they have to provide 7 this information to afford the parties serving the 8 interrogatory reasonable opportunity to examine, 9 audit, or inspect such records and to make copies, 10 compilations, abstracts or summaries. None of this 11 was done. There wasn't even a supplemental 12 response provided in response to any of these 13 document requests. No response and no documents.</p> <p>14 And you'll notice that, in their brief, 15 they say, oh, we provided documents. But they 16 don't attach them, Your Honor. And the reason they 17 don't attach them is they don't exist. We asked 18 them in the meet-and-confer, "Tell me which 19 documents you provided to us that supported the 20 damages." They had to admit at the end of it, they 21 didn't have any.</p> <p>22 Now, Mr. Chew, Mr. Depp's counsel, has</p>
<p>10</p> <p>1 The plaintiff has argued here, Your 2 Honor, gee, we have to get this from Disney, but 3 surely, they would have been communicating with 4 Disney, "Am I on for this role? Are you going to 5 be continuing me in this role?" Have they gotten 6 anything from Disney? Is there any communications 7 they have? Any indications? They're in constant 8 communication. Why don't we have one document from 9 them?</p> <p>10 Then we go down, Your Honor, to the next 11 part of page 2, and that's Request for Production 12 No. 2 of the second set. And that is, "Plaintiff 13 will identify" -- this is specifically asking for 14 fees from every performance from 2010 to the 15 present, which would have helped us with the 16 calculation of the damages. They said, "Plaintiff 17 will identify non-privileged documents responsive 18 to this interrogatory relating to his fees from 19 every performance for 2010 to the present by Bates 20 number following document production in accordance 21 with Rule 4:8(f)." 22 Well, Your Honor, :48(f) [verbatim]</p>	<p>12</p> <p>1 referred to this 58-page document that was 2 submitted by Edward White. I hope Your Honor 3 doesn't give Mr. White too much -- afford him too 4 much credibility just because he has a wonderful 5 last name, but in any event, the 58 pages, Your 6 Honor, this is not -- it's a summary created by 7 Mr. White, and Mr. Chew admitted this last week in 8 the hearing. It is absolutely inadmissible. It's 9 not a summary because they haven't provided the 10 underlying documentation, can't be used by our 11 experts, can't be used by their experts. There's 12 no documents out there to support any damages. And 13 we have already got the court order. It was, you 14 know, argued on July 10. The Court entered it on 15 August 10. It said you need to supplement on 16 August 14th -- by August 14 and by August 21, and 17 there's nothing. This is the extent of how this -- 18 this is treated.</p> <p>19 Now, we get appropriate -- we're entitled 20 to appropriate sanctions, Your Honor, under certain 21 reasonable circumstances, and these are reasonable 22 circumstances, in our view. When you're suing for</p>

Transcript of Hearing  
Conducted on September 25, 2020

13  
1 \$50 million and you give that kind of a cavalier  
2 response, after the Court has said you need to  
3 provide the basis for your damages, Rule 4:12(b)  
4 allows the Court to do -- to engage in a number of  
5 different sanctions, and A through E includes  
6 striking pleadings, restricting their testimony,  
7 etc.  
8 And, Your Honor, what we have asked here  
9 is the Court to -- and I have to say, on page 3,  
10 Your Honor, is where I have the actual request for  
11 relief on this. I said, "Order that the plaintiff  
12 is precluded from introducing any evidence" -- and  
13 I should have put the word "of damages" -- "beyond  
14 the verbatim text of Plaintiff's August 14, 2020,  
15 supplemental answer to Interrogatory No. 16,"  
16 because he has not provided the level of detail.  
17 And we have done everything we can.  
18 Your Honor doesn't want us to bring  
19 motions. We don't want to bring motions. We have  
20 no choice but to bring motions when we don't get  
21 the information. Then when we get the Court's  
22 relief in an order, then we have to come back in

14  
1 because they haven't taken it seriously.  
2 I'm going to move on now to, Your Honor,  
3 the motions in limine. And, again, I think the  
4 brief that was filed in response highlights why it  
5 is so important for us to have these rulings now.  
6 They don't deny that they're not admissible; they  
7 just keep claiming they're relevant. But, for  
8 example, the first one -- and this is -- if you  
9 look at -- Your Honor looks at page 3 again of the  
10 proposed order, that's how I have laid this out  
11 here.  
12 The first of these is the 2009 incident  
13 in King County, Washington. Now, the plaintiff  
14 doesn't deny that there was never charges brought,  
15 there was no conviction. They just say it's  
16 relevant because it shows that she is abusive.  
17 When she was arrested, allegedly, for grabbing the  
18 arm of her partner at that time, Tasya von Ree, she  
19 was -- because it was too late in the evening -- it  
20 was at the airport -- she was placed in jail  
21 overnight. The magistrate determined that there  
22 wasn't even sufficient evidence for charges to be

15  
1 brought much less any kind of hearing or anything  
2 from there.  
3 It's under our rules, Your Honor -- and  
4 we cited the rule specifically to you, and it's  
5 Virginia Code 2:609(a)1 and 3, it's not admissible  
6 if there's not a conviction. It doesn't matter,  
7 you know, whether -- now, they said, Gee, we asked  
8 about arrests earlier. That was before I was  
9 counsel in the case. It doesn't matter whether we  
10 asked for them or not. They're not admissible on  
11 our side. They're not admissible on their side.  
12 So rather than going off on a wild goose  
13 chase, which they spent an inordinate amount of  
14 time, both in the press and in the UK on this  
15 issue, and the other two, so I'm trying to just  
16 narrow this and get us through this case.  
17 The second one is allegations relating to  
18 the 2015 -- I'll call it the Australian dog  
19 incident. What happened there, Your Honor, is  
20 Mr. Depp and Ms. Heard went to Australia for some  
21 filming for Mr. Depp. They brought their dogs.  
22 They filled out the immigration form incorrectly.

16  
1 Ultimately, it was discovered, because of a lot of  
2 press, you know, and pictures of the dogs being  
3 groomed, and they came back and Australia said,  
4 Hey, you didn't disclose the dogs on the  
5 immigration form.  
6 So, initially, Ms. Heard was charged with  
7 this because Mr. Depp was filming. Then, after  
8 they went through it, they did not convict. So,  
9 again, no conviction. So let's just exclude it and  
10 get rid of it now so we don't have to spend all  
11 this time in these depositions on this issue.  
12 Third one is Homeland Security. There  
13 was a woman, Savannah McMillan, who was employed by  
14 production companies in England and in Australia as  
15 Amber Heard's assistant. She was never employed by  
16 Amber Heard in the United States; however, Savannah  
17 McMillan was stopped when she came to the United  
18 States once because there had been an anonymous  
19 claim that she was working for Ms. Heard illegally.  
20 Ms. Heard wrote a letter to Homeland  
21 Security. Homeland Security never did anything  
22 with it. Never contacted Ms. Heard. Never did

Transcript of Hearing  
Conducted on September 25, 2020

<p style="text-align: right;">17</p> <p>1 anything further with Ms. McMillan. But, oh my 2 goodness, Your Honor, probably a full day of the UK 3 trial was devoted to this issue, and they 4 identified witnesses and intend to go deep into 5 this again. Was she employed? Wasn't she? 6 There's no charge. There's no investigation. 7 There's no conviction. 8 The next one, Your Honor, relates to the 9 donations -- charitable donations to the ACLU and 10 Children's Hospital. Now, they have issued -- 11 Mr. Depp's party has issued two different subpoenas 12 to the ACLU, one to the Children's Hospital. The 13 court in California said they're going to accede to 14 you on this. 15 Your Honor said last week, we're not 16 going to relitigate the domestic relations case. 17 We're not going to go through all this. California 18 is a no-fault state, 50/50 community property. 19 Ms. Heard -- Mr. Depp has said that Ms. Heard 20 was -- and they said it again in their brief, Your 21 Honor -- Ms. Heard was motivated by money, but she 22 settled for a whole lot less. But Your Honor said</p>	<p style="text-align: right;">19</p> <p>1 relevant what she spent that money on. And we have 2 got to stop this, you know, off to the third 3 parties and the harassing. 4 Last one is the third-party hearsay. 5 Amber Heard's mother died very young, April 1st of 6 this year. Jennifer Howell, this person that we 7 found out from a declaration in the press is 8 saying, Oh, she -- you know, she was having fights 9 with Elon Musk. He bought her a Tesla but it was 10 bugged. They had fights over fertility eggs. And 11 now they have subpoenaed Elon Musk and his 12 documents. 13 This has to stop, Your Honor. They can't 14 be using hearsay from a mother who can't even be 15 here to deny it. 16 Okay. I'll stop and reserve the rest. 17 Thank you, Your Honor. 18 THE COURT: Mr. Chew? 19 MR. CHEW: Good morning again, Your 20 Honor. The Court should deny all four motions -- 21 actually, there's six now. Ms. Bredehoff made two 22 oral motions to add to the additional four written</p>
<p style="text-align: right;">18</p> <p>1 we're not getting into that. 2 Now, they want to take it one step 3 further and say what she did get, we want to know 4 what she spent. In fact, in the meet-and-confer 5 yesterday, they want us to disclose how she spent 6 every penny of what she did settle. I don't know 7 how that can possibly be relevant nor do I think it 8 should be relevant how much she donated to the ACLU 9 or Children's Hospital, who are offended by these 10 subpoenas and don't want to produce this 11 information. 12 In the UK proceeding, Your Honor, there 13 were documents produced by -- 14 THE COURT: Ms. Bredehoff, let me 15 interrupt for one second. You have got two minutes 16 left. If you want to save any of that time for 17 rebuttal, you can do that or you can 18 (indiscernible). 19 MS. BREDEHOFT: Thank you, Your Honor. I 20 appreciate that. Let me just sum and I'll try to 21 save the rest. 22 So, in any event, it can't possibly be</p>	<p style="text-align: right;">20</p> <p>1 motions. 2 As Your Honor is well aware of 3 Plaintiff's filing four motions on one Friday 4 motions day, it violates Section 1.07 of the 5 Fairfax Circuit Court Practice Manual, quote, 6 "Counsel of record in a given case may not place 7 more than one two-week motion on the docket on any 8 Friday without seeking leave of the Court and with 9 a usual no meet-and-confer." 10 Ms. Heard's counsel has purported to put 11 four motions, all of which are significant, on this 12 docket. Nor are any of the four motions that she 13 has put on the docket in any way related to each 14 other. The sanctions motions have no relationship 15 to any of the motions in limine. 16 Your Honor, to hear Ms. Bredehoff, it's 17 as if last Friday's hearing on the motion to compel 18 did not occur. But it did occur and we all 19 remember it. 20 There's no basis, Your Honor, with 21 respect for any sanctions to be imposed. As we 22 discussed last Friday, Mr. Depp produced, prior to</p>

Transcript of Hearing  
Conducted on September 25, 2020

6 (21 to 24)

<p style="text-align: right;">21</p> <p>1 last Friday's hearing, detailed income statements 2 from his three loan-out companies from 2009 to 3 2015, he produced P&amp;Ls for those entities from 2016 4 through August of 2020, he produced a summary or 5 Mr. White produced a summary of gross receipts for 6 all projects from 2009 through 2020. And Your 7 Honor addressed the remaining documents by -- and I 8 don't want to paraphrase Your Honor's ruling but to 9 say that, after Mr. White's forthcoming deposition, 10 if Ms. Heard thinks she needs more, then she can 11 ask for more. 12 Your Honor did order Mr. Depp to produce 13 portions of his tax returns sufficient to show 14 Mr. Depp's gross income from January of 2012 15 through the present date but not the supporting 16 documents. We submitted this morning to chambers, 17 Your Honor, an order that does just that. In fact, 18 Mr. Depp will be producing those documents on 19 Wednesday -- on or before Wednesday, September 20 30th. And specifically what he will be producing 21 are page 1 of forms 112 -- 1102-S for the three 22 loan-out entities: Scaramanga Bros. Production,</p>	<p style="text-align: right;">23</p> <p>1 were properly filed, which they're not, so it's 2 premature. Also, as Your Honor may recall, during 3 our calendar control conference on September 14th, 4 I raised the possibility of having all of the 5 parties' respective motions in limine dealt with 6 closer to the trial date in or about May of 2021. 7 Ms. Bredehoft appeared amenable to that suggestion, 8 and Your Honor did not rule but appeared amenable 9 to that as well. 10 Clearly, that's a more efficient way to 11 go about resolving motions in limine on both sides. 12 So it's premature. It shouldn't be brought now 13 when we're not even at issue on the counterclaims. 14 There's simply no need to resolve any of those now, 15 even if they were properly brought. 16 To the extent we're going into the 17 merits, Ms. Heard's prior arrest for physically 18 assaulting her former girlfriend/partner, for which 19 Ms. Bredehoft admits she spent the night in jail, 20 is clearly relevant to Mr. Depp's truthful defense 21 that Ms. Heard was the abuser. She has a history 22 of abuse, not Mr. Depp.</p>
<p style="text-align: right;">22.</p> <p>1 Inc.; LRD; and Infinitum Nihil. 2 So we have produced or will be producing 3 by Wednesday all of the documents that have been 4 ordered produced by this Court, and certainly 5 Mr. White will appear for deposition, and if they 6 feel, after that deposition, as Your Honor guided 7 us last Friday, that they need more, then they'll 8 ask for more. 9 Your Honor should deny all three motions 10 in limine as premature per the cases cited in our 11 opposition brief. Most evidentiary rulings, as 12 Your Honor is aware, particularly those relating to 13 relevancy and hearsay, like those Ms. Heard has 14 raised here, must await or should await 15 presentation of evidence in the trial context. 16 In this case, Your Honor, as Your Honor 17 is aware, trial is eight months away, and May -- 18 commences on May 17th, 2021. We're not even at 19 issue yet on Ms. Heard's belatedly filed \$100 20 million three-count counterclaims, which will be 21 heard by Your Honor on October 16th, our demurrer. 22 So this is wildly premature, even if they</p>	<p style="text-align: right;">24</p> <p>1 Ms. Heard has sought and obtained from 2 Mr. Depp evidence of all of his prior arrests, none 3 of which had anything to do with abusing a woman. 4 In his 57 years, the only woman who has made any 5 allegation against Mr. Depp that he physically 6 abused her is Ms. Heard. So all the arrest records 7 that are completely unrelated are properly the 8 subject of discovery, then, certainly directly on 9 point is. 10 Your Honor, with respect to the 11 \$7 million donations to charity, Ms. Heard has 12 publicly proclaimed that she gave \$7 million, the 13 proceeds of her divorce, to these two charities and 14 that money played no divorce -- money played no 15 role in the divorce, and she gave all the money to 16 charity. This is -- she's proclaimed this in the 17 press and in testimony several times. I have to 18 respectfully correct Ms. Bredehoft with respect to 19 Judge Bullock's (ph) ruling. 20 In California, they have something called 21 an IDC, which is an interim discovery conference at 22 which the judge gives her opinion -- preliminary</p>

Transcript of Hearing  
Conducted on September 25, 2020

<p style="text-align: right;">25</p> <p>1 opinion on where she's going so that the parties 2 can then reduce the level of disputes. 3 She already ruled at the IDC that 4 Ms. Heard specifically put these charitable 5 donations at issue and that she would almost 6 certainly be denying the motion to quash. So, in 7 this context, granting a motion in limine at this 8 point would be inappropriate, and certainly, at 9 this time, it should be denied without prejudice. 10 With respect to Ms. Howell, we're really 11 getting into the weeds here. Ms. Bredehft has no 12 idea for what purpose, if any, Mr. Depp will be 13 seeking to introduce this, so it's premature to 14 discuss whether it's hearsay or whether any of the 15 hearsay objections applies. 16 I don't know what she's talking about 17 when she's talking about the dogs or Samantha 18 [verbatim] McMillan. Those are not part of her 19 four motions. I take it that those are two 20 additional motions that she wants the Court to 21 hear. 22 But in sum, Your Honor, there's no basis</p>	<p style="text-align: right;">27</p> <p>1 them, but that doesn't make them different. 2 You know, he again says no 3 meet-and-confer. We had a three-hour 4 meet-and-confer, and we attached the email that set 5 out the agenda, Your Honor, including each of these 6 motions that is before this Court right now. 7 Significant, Your Honor, is that he's 8 saying, you know, that there's these detailed 9 statements of P&amp;Ls, but he didn't attach them 10 because they don't give us any information that's 11 usable here. It's not in response to the rule. He 12 doesn't deny that and he doesn't produce it. It's 13 their own created summary, but they have to give us 14 the underlying, and it tells us nothing about Jack 15 Sparrow and how he calculates 50 million. 16 Same for the taxes. Yes, Your Honor 17 ruled on the taxes, but if they only give us the 18 gross amount here, how does that tell us how much 19 was made on the other Jack Sparrow ones? It's not 20 going to tell us anything on that, and that's 21 already been ruled that Your Honor has ordered 22 that. They have already said they will provide the</p>
<p style="text-align: right;">26</p> <p>1 for sanctions. That motion should be denied and 2 the motions in limine should be denied without 3 prejudice as premature. Thank you, Your Honor. 4 THE COURT: Ms. Bredehft, you have got a 5 couple of minutes. It wouldn't hurt if you wanted 6 to address his accusations that you filed motions 7 and then you add motions on that you haven't filed. 8 (Indiscernible). 9 I didn't hear any response from you. 10 MS. BREDEHOFT: Oops. Am I on now? Can 11 you hear me? 12 THE COURT: Yes, ma'am, I can hear you. 13 MS. BREDEHOFT: Okay. I apologize. 14 Your Honor, on page 4 of my memorandum 15 are these three motions. He said I haven't -- that 16 I didn't say anything about Australia or Savannah; 17 they're both on page 4. I have one, two, three: 18 Arrest in King County, the Australian dog, and we 19 have attached the actual proceedings to show there 20 was no conviction, and number 3 is the Savannah 21 McMillan. I didn't just raise those today. Those 22 were raised in our brief. He didn't respond to</p>	<p style="text-align: right;">28</p> <p>1 documents that are sufficient in compliance with 2 4:8(g) -- (f), and they didn't. They just did not 3 produce any of these. And, significantly, they 4 didn't attach them, Your Honor. 5 You have to take this seriously when 6 you're a plaintiff and you bring a case. 18 months 7 in, we have absolutely no documents that support 8 any damages in this case. None, zero, zip. And 9 the Court has ordered it. The Court ordered it in 10 July, and they haven't produced it. They are not 11 taking this seriously. 12 And Your Honor has said, you're going to 13 start -- Your Honor is going to start issuing 14 sanctions. This is the time to do it. Get them to 15 start complying. Get them to start giving us the 16 documents. 17 If they had literally produced anything 18 that would have provided this information, we would 19 have attached it or they would have attached it. 20 But they admitted to us they had not provided that. 21 There's -- there has to be a consequence, Your 22 Honor.</p>



Transcript of Hearing  
Conducted on September 25, 2020

8 (29 to 32)

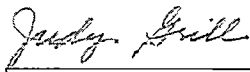
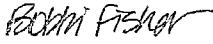
<p style="text-align: right;">29</p> <p>1 With respect to the motions in limine, I 2 think I have argued those well, and I didn't make 3 up any. They are all in the brief. And they 4 responded to them fine in their brief. 5 THE COURT: Thank you. 6 With regards to the motions in limine, 7 those are all denied. In essence, when counsel 8 starts off telling me that they're going to be 20 9 de bene esse depositions coming up very soon and 10 then asks that evidence be limited, what I 11 interpret that to mean is that you want to impose a 12 discovery cutoff essentially at the time that these 13 de bene esse depositions are being (indiscernible). 14 Depositions are taken for many purposes, 15 and if you want to limit the ability to use a 16 deposition in any fashion by taking it eight months 17 before trial, you're welcome to do that, but to ask 18 the Court to impose a discovery cutoff date at the 19 deposition date, which is what you have essentially 20 (indiscernible) would be inappropriate. 21 As to many of the matters in requests in 22 limine, there are simply evidentiary -- trial</p>	<p style="text-align: right;">31</p> <p>1 parties (indiscernible) the best interest -- it's 2 not uncommon for witnesses to have something pop 3 out of their mouth that they know they shouldn't 4 say or that the attorneys have told them not to 5 say. 6 So I think, in this type of case, because 7 there's a different standard for discovery than 8 there is for testimony at trial, I think it would 9 be inappropriate to grant restrictions that there 10 not be allowed to be questions about that. The 11 same applies to the Australia -- I just don't know 12 what is going to be injected. I'm going to try 13 very hard to make rulings that limit the 14 admissibility of evidence only to things that are 15 properly admissible, and it has been my practice in 16 the past, and I expect it will be in the future, to 17 perhaps overly comment to the jury when those 18 things are done, someone attempts to offer 19 something, you know it's not (indiscernible), and I 20 instruct the jury to disregard it, I'll try to be 21 (indiscernible). I suspect, in this trial, there 22 will be many occasions where that may be</p>
<p style="text-align: right;">30</p> <p>1 evidentiary motions that plaintiff is seeking to 2 have determined eight months before trial and not 3 completely in a vacuum but certainly in effect 4 fashioned favorable to the proponent of that motion 5 in limine. 6 I'm not going to grant any sanctions 7 today but if I was, it would be more in line with a 8 motion in limine, eight months before trial, that 9 would be of the discovery issues. 10 As to the discovery issues, the only one 11 that gives me a little bit of pause, frankly, is 12 the issue related to whether or not something is 13 given to a charity -- the \$7 million given to 14 charity or not. And the reason I'm not going to 15 preclude questions about that is that I'm sure that 16 counsel would approach a witness to inject 17 something, instruct their witnesses not to say 18 something that probably wasn't admissible. 19 But in a trial like this where there is a 20 significant probability that most witnesses -- many 21 of the witnesses will have somewhat of an agenda, 22 perhaps, in their testimony -- certainly, the</p>	<p style="text-align: right;">32</p> <p>1 (indiscernible). 2 Based on what is before me today, the 3 other motions of the defendant are denied. Those 4 motions are subject and due after the discovery 5 that you-all indicated to me is going to be 6 ongoing, and that is coming up quite quick, is 7 taken care of. In the event that, ultimately, no 8 more information gets provided as to damages than 9 you have now, then a motion in limine will probably 10 be quite favorably looked upon to limit them to 11 what they have (indiscernible). 12 You're eight months from trial, so I'll 13 enter an order (indiscernible) to that effect 14 (indiscernible) motion for sanctions and the motion 15 in limine are both denied and I'll refrain from any 16 sanctions as to anyone today. Okay? 17 MR. CHEW: Thank you very much, Your 18 Honor. 19 MS. BREDEHOFT: Your Honor, just for 20 clarification -- I'm sorry, you cut out. Both of 21 those motions are without prejudice to bring 22 again -- both the sanctions and the in limine? Is</p>

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Transcript of Hearing  
Conducted on September 25, 2020

<p style="text-align: right;">33</p> <p>1 that correct?</p> <p>2 THE COURT: Well, you're always in a</p> <p>3 position that you can file an appropriate motion at</p> <p>4 the appropriate time.</p> <p>5 MS. BREDEHOFT: I just --</p> <p>6 THE COURT: (Indiscernible) before me.</p> <p>7 It's what the order states. It's a motion before</p> <p>8 me today. If you want me to be that specific, the</p> <p>9 motion before me, heard on September 25th, is</p> <p>10 denied. That's what I'm denying.</p> <p>11 MS. BREDEHOFT: But just so we're clear,</p> <p>12 it is without prejudice to bring again.</p> <p>13 THE COURT: I just don't think I have --</p> <p>14 you can say that, Ms. Bredehoff. I just don't</p> <p>15 understand your question.</p> <p>16 MS. BREDEHOFT: Your Honor, the reason</p> <p>17 I --</p> <p>18 THE COURT: I told you -- I told you</p> <p>19 about the motions in limine, and we'll have another</p> <p>20 hearing on those in the future and when you can do</p> <p>21 it. Is there something about the order that you</p> <p>22 think is tricky that people aren't going to</p>	<p style="text-align: right;">35</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC</p> <p>2</p> <p>3 I, Judy Grill, the officer before whom the</p> <p>4 foregoing deposition was taken, do hereby certify</p> <p>5 that said proceedings were electronically recorded</p> <p>6 by me; and that I am neither counsel for, related</p> <p>7 to, nor employed by any of the parties to this case</p> <p>8 and have no interest, financial or otherwise, in</p> <p>9 its outcome.</p> <p>10 IN WITNESS WHEREOF, I have hereunto set my</p> <p>11 hand and affixed my notarial seal this 25th day of</p> <p>12 September, 2020.</p> <p>13</p> <p>14 </p> <p>15 _____</p> <p>16 Judy Grill, Notary Public</p> <p>17 for the State of Florida</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">34</p> <p>1 understand?</p> <p>2 MS. BREDEHOFT: No, Your Honor. I just</p> <p>3 know that, in fact, Your Honor said this many times</p> <p>4 in the past, that the Court speaks through its</p> <p>5 orders so I just wanted to be sure we were clear.</p> <p>6 THE COURT: I'm sorry to be short with</p> <p>7 everybody. Thank you all, and I hope everybody has</p> <p>8 a good weekend.</p> <p>9 MR. CHEW: Thank you, Your Honor. You</p> <p>10 too.</p> <p>11 MS. BREDEHOFT: You too. Thank you.</p> <p>12 THE COURT: All right.</p> <p>13 (At 11:51 a.m., the above hearing</p> <p>14 concluded.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">36</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2</p> <p>3 I, Bobbi J. Fisher, do hereby certify that</p> <p>4 the foregoing transcript is a true and correct</p> <p>5 record of the recorded proceedings; that said</p> <p>6 proceedings were transcribed to the best of my</p> <p>7 ability from the audio recording and supporting</p> <p>8 information; and that I am neither counsel for,</p> <p>9 related to, nor employed by any of the parties to</p> <p>10 this case, and I have no interest, financial or</p> <p>11 otherwise, in its outcome.</p> <p>12</p> <p>13 </p> <p>14 _____</p> <p>15 Bobbi J. Fisher, RPR, CET</p> <p>16 NCRA Registered Professional Reporter (RPR)</p> <p>17 AAERT Certified Electronic Transcriber No. CET-1148</p> <p>18 September 26, 2020</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>