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CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Hearing

Date: October 9, 2020
Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHNNY C. DEPP, II, :

Plaintiff, :

v. : Case No. CL-2019-0002911

AMBER LAURA HEARD, :

Defendant. :

-----x

HEARING

BEFORE THE HONORABLE BRUCE D. WHITE

Conducted Virtually

Friday, October 9, 2020

11:00 a.m. ET

Job No.: 323813

Pages: 1 - 35

Reported By: Victoria Lynn Wilson, RMR, CRR

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

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

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A P P E A R A N C E S

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P R O C E E D I N G S

(The court reporter was sworn.)

THE COURT: All right. And everybody note their appearances for the court reporter.

MR. CHEW: Good morning, your Honor. May it please the Court. Ben Chew for Plaintiff Johnny Depp.

MS. BREDEHOFT: Good morning, your Honor. Elaine Bredehoft and Ben Rottenborn for the Defendant Laura Amber Heard.

THE COURT: Good morning, everybody. I'm ready when you are.

MS. BREDEHOFT: Your Honor, this is here on our motion.

Your Honor has indicated on several occasions during this case that the parties will not receive special treatment and need to follow the rules.

Plaintiff brought this case in Virginia, fought to keep this case in Virginia; yet, he does not follow our rules, cannot be bothered to comply with the discovery obligations.

1 Today we are asking this Court to enforce
2 the rules and to hold plaintiff responsible for
3 failing to adhere to our rules, being untruthful
4 with the Court and with counsel, and displaying a
5 blatant and arrogant disrespect for this Court.

6 We served a properly noticed deposition
7 with two months' notice for the plaintiff in this
8 case. Plaintiff has provided no alternative
9 dates. In fact, he still has not. Even in his
10 opposition, he suggests that it would be some time
11 in March, once the filming is over, but no set
12 date. And it's six months out from now that he's
13 suggested would be the first time he would be
14 available for deposition. At the end of the
15 discovery cutoff, after the expert designations
16 are due, he'll sit for a deposition. Yet, he has
17 not and did not move for a protective order, your
18 Honor, which was required under Rule 4:12(d).

19 Two months ago, on August 7th, we properly
20 served that notice of deposition. That's
21 Attachment 1 to our pleadings. And it was
22 scheduled to start on October 5 in our offices.

1 Accompanying the notice was a detailed
2 email, which is Attachment 2, laying out the
3 suggested dates for multiple witnesses, primarily
4 in California, primarily listed as people having
5 knowledge by the plaintiff, asking for counsel --
6 for plaintiff's availability and suggesting the
7 protocols for the deposition and indicating that
8 if Mr. Depp was not available on October 5, to
9 please provide alternative dates. We heard no
10 response at all.

11 While refusing to respond to us, a few
12 days later, Mr. Depp filed a third-party subpoena
13 for Elon Musk in California without ever
14 discussing it.

15 The point of bringing this to your Honor's
16 attention is that, while we are trying to do
17 everything right -- we're suggesting dates, we're
18 suggesting people, we're asking them to work with
19 us -- they ignore us, crickets, and then they do
20 the -- exactly what they want without ever talking
21 to us. And that's just one example, your Honor.

22 We followed up on our email and our

1 deposition. No response again from Mr. Depp. No
2 indication that October 5 was not a good date.

3 On August 20, two weeks after we filed the
4 notice of deposition, plaintiff indicated he was
5 requesting a continuance of the trial because of
6 plaintiff's upcoming film schedule. We
7 immediately responded, asking for the specific
8 filming schedule.

9 And, your Honor, just to make an
10 understanding of this, each person that's in a
11 film is not required to be there every day and on
12 set. There are different parts of the film that
13 are being set in different locations, with
14 different people, all the way through. And, so,
15 there are many periods of time that -- that the
16 actors are not needed to be present. And it's all
17 set forth in a film schedule so they can determine
18 where -- when they can schedule private matters or
19 other things.

20 So, for example, you know, we're even
21 talking Thanksgiving and Christmas holidays in
22 here. They're not going to make all these people

1 stay through that. But they have many times that
2 they are not filming. So, we asked for the film
3 schedule. Nothing.

4 Then I issued expedited requests for
5 production of documents. That's the ninth set
6 that's attached as 7 and 8 to the pleadings we
7 have here. Again, no response.

8 So, I proactively reached out to Warner
9 Brothers because of that letter. I spoke with
10 Glenn Eckerle and the author of the second letter
11 that's very important today, your Honor, Wayne
12 Smith. They're both in the general counsel's
13 office of Warner Brothers.

14 I asked them when Mr. Depp first would
15 have known about this filming schedule. They said
16 the production director would have reached out to
17 him in late June or July. So, he knew when they
18 received my notice of deposition on August 7th
19 that he was going to be scheduling his filming
20 sometime around the October 5 time that we had
21 noticed but never told us.

22 I also learned from Warner Brothers that

1 Depp's team did not learn from the letter that
2 they -- that they purport to say is the first time
3 they learned. They said that Depp's team,
4 Mr. White, specifically asked for that letter and
5 that was not the beginning of it and it was
6 unusual for them to provide that.

7 But Depp still claims to this Court that
8 he first learned of the filming schedule through
9 this letter. Not true. And that's very important
10 in my motion to compel, your Honor, for the ninth
11 request for production of documents.

12 Even then, I reached out to counsel for
13 plaintiff, and I asked for all of Mr. Depp's dates
14 before the filming and where he was located so we
15 could figure it out. This is Attachment 6, your
16 Honor.

17 Plaintiff refused to provide any
18 information. Instead, he said, "Well, we're
19 looking at the possibility of you taking his
20 deposition in late September by Webex in the U.K."
21 That's all. No specific dates. No specifics. No
22 follow-up.

1 We expressed to them some concerns, and
2 that's attached in there, as well, you know, to
3 having it in U.K. because we wanted to have some
4 security and some different protocols in place.
5 No response whatsoever.

6 The trial gets continued. We continued to
7 reach out to Depp's counsel for alternative dates.
8 No response. Instead, they had Wayne Smith from
9 Warner Brothers send a letter that's Attachment
10 11. And it's important, your Honor, to know the
11 exact language of that based on what they are now
12 claiming here.

13 Mr. Smith specifically said in the letter,
14 as we have discussed, "Fantastic Beasts 3 began
15 production this month," this is September 8th,
16 "from September 17th" -- "this month in the United
17 Kingdom and we require Mr. Depp to be in the
18 United Kingdom from September 17th through the
19 anticipated end of production in mid
20 February 2021."

21 Now, the significance of this, your Honor,
22 is, in the opposition, the defendants, after -- or

1 the plaintiff, after being caught red-handed
2 traipsing around Europe, says, "Oh, no, no, we
3 only have to be there by October 3rd for the
4 quarantining, and the filming starts on the 19th."

5 That is not what this letter says, your
6 Honor. Only because we then discovered that they
7 were -- that that was false and that they were
8 lying to us, they've decided to move the bases a
9 little bit here.

10 But the reality is, first of all,
11 Mr. Depp's filming schedule is not an excuse for
12 missing his deposition. Just imagine if every
13 worker in the Commonwealth of Virginia is able to
14 say, "I'm sorry. I'm working that day. I can't
15 make my deposition. You need to move around these
16 things."

17 But second of all, they lied to us about
18 this. On September 10, a month after receiving
19 our notice of deposition, Mr. Depp committed to
20 appearing in Zurich for a film festival from
21 October 2nd to October 4th. And that's important,
22 too, because the deposition would have started

1 October 5th, your Honor.

2 And the other thing that's important is in
3 the opposition, they said that Mr. Depp had to
4 return no later than October 3rd to U.K. Well,
5 according to -- and we have the exhibits, and I
6 hope your Honor has the exhibits in front of me.
7 According to the pictures in the exhibits, he left
8 by private jet on the evening of October 4th. So,
9 he didn't meet even this October 3rd one that
10 shows up in their opposition. And he didn't jet
11 to the United States and start his deposition on
12 October 5, as noticed.

13 Then we have an October -- September --
14 September 19, your Honor, Mr. Depp arrived in
15 Spain for the San Sebastian Film Festival. He
16 attended in person and departed September 23rd.
17 Spain is not U.K. and Mr. Depp is not filming
18 Fantastics 3 in Spain. That was Attachment 13.

19 On September 23rd, Mr. Depp traveled to
20 Monaco. He made several in-person appearances,
21 including at a gala event, a yacht party, and a
22 tour of a museum. That's Exhibit 3, your Honor,

1 that I submitted yesterday because we got that
2 after we filed the briefs.

3 On September 30 or October 1, we can't
4 figure out exactly which date, Mr. Depp departed
5 Monaco and arrived in Zurich, Switzerland, where
6 he did not comply with the ten-day self-quarantine
7 in Switzerland.

8 He made several in-person appearances,
9 including the film festival. He broke distancing
10 guidelines with in-person -- by hugging a fan, not
11 remaining the 1.2 meters apart, and not wearing a
12 mask. And he departed by private jet on
13 October 4th. That's Exhibit 4, your Honor, that I
14 produced.

15 Under the COVID-19 guidelines, Mr. Depp
16 was required but did not adhere to the guidelines
17 in Switzerland, Spain, or the U.K. And that's
18 reflected in Exhibits 5 and 6.

19 So, when Mr. Depp claims in the
20 opposition, gee, he's worried about his safety if
21 he has to have an in-person deposition, he has
22 far, far exceeded that when he's been traipsing

1 around Europe.

2 So what this means is the entire time,
3 Mr. Depp was not in the U.K. filming for an entire
4 month after Mr. Smith claims that he's, quote,
5 "required to be in the U.K."

6 Now, Mr. Depp, in addition to never
7 providing alternative dates for his deposition,
8 never filed and never obtained a protective order
9 preventing the deposition from occurring on
10 October 5. We even said it in our opening brief,
11 your Honor, they have not filed a protective
12 order.

13 Since they did not, we had no choice but
14 for me to appear in our offices on October 5
15 because, the way they were -- had been so coy on
16 this one and not saying exactly what they're doing
17 and what they're not doing and knowing that
18 Mr. Depp had a private jet on the -- on the
19 Sunday, October 4th, I appeared prepared to take
20 his deposition on October 5.

21 I had a court reporter, and I had a
22 videographer. And we put that on the record, and

1 that's Exhibit 1 and Exhibit 2, your Honor, of
2 what was submitted yesterday, and that includes
3 the charges for the court reporter and the
4 videographer of \$650.20.

5 Basically, your Honor, we did everything
6 possible to get this deposition in a timely
7 manner, work with the plaintiff, and they did not
8 cooperate one iota. We did everything we possibly
9 could.

10 Now, while Mr. Depp is proposing we wait
11 until we're simply done with the filming, that's
12 not fair to us. The expert designations are due
13 February 16 and March 16. He -- as your Honor
14 knows from the last hearing, the only thing
15 Mr. Depp has given us on damages is that he didn't
16 get a part in Pirates of the Caribbean and that
17 would have been more than 50 million. We've got
18 to get that information.

19 He's identified all these witnesses that
20 we're trying to schedule, and how is it that we're
21 going to be able to get them de bene esse and be
22 able to check his facts or verify or impeach what

1 he says if he's at the very end, when it takes
2 months, literally months it's taking for us to
3 take these depositions in California?

4 Now, basically, your Honor, I have
5 submitted a proposed order, and I actually
6 submitted two proposed orders, and I don't know if
7 your Honor has those in front of you, as well, but
8 the first one I proposed has several things that
9 we're requesting.

10 We've asked the Court to order Mr. Depp's
11 deposition for three consecutive days between now
12 and November 13th in our offices consistent with
13 Rule 4:5(a)(1). Mr. Depp cannot credibly argue
14 he's concerned about COVID-19 under his behavior
15 in Europe, and we have taken -- I showed up with a
16 mask, your Honor. We had everything set for
17 social distancing.

18 But we're sitting, your Honor, with a lot
19 of photographs, a lot of videos, a lot of audios,
20 a lot of texts, a lot of emails, and we're going
21 to need some interactive ability there. It's got
22 to do more than just having some kind of a Webex

1 where -- where it's not easy to work with all of
2 that.

3 In addition, we've asked the Court to
4 require the plaintiff to respond to the ninth
5 request for production, numbers one through five,
6 which asks for when he learned of the scheduling,
7 when he -- what efforts he made to work around our
8 deposition scheduling and his film schedule. Now,
9 they say it's not necessary. I don't agree.

10 They've made significant representations
11 to this Court on this. They didn't produce any of
12 the documents that would show this. It's only
13 Mr. White saying, "Yes, I learned of it this day,"
14 who's not Mr. Depp. And we're going to have
15 issues with discovery and even the deposition,
16 even asking for them to give us three consecutive
17 days between now and November 13. If we don't
18 have that film schedule, they're going to say,
19 "Oh, he can only be available these three days,"
20 and they'll probably give us Saturday, Sunday, and
21 Monday, or something like that. If we have the
22 film schedule, we can verify that.

1 We also are going to have issues in
2 discovery. We've had them before. "Well,
3 Mr. Depp isn't available. He's filming, so we
4 need more time to respond." This way, we'll know
5 exactly when he's filming and when he's not.

6 We've asked the Court to require plaintiff
7 to pay \$650.20 for his failure to appear at his
8 properly noticed deposition under Rule 4:5(g)(1),
9 and I've cited the rules right in the order, your
10 Honor.

11 Similarly, under 4:5(g)(1) and 4:12(d),
12 we've asked for the Court to require the plaintiff
13 to pay all attorney's fees and costs associated
14 with bringing this motion and attending the
15 deposition.

16 And, finally, the most significant one
17 that we've asked for, your Honor, is to dismiss
18 the complaint. Under Rule 4:12(d), it says you do
19 not have to have an order first and you may award
20 the sanctions under Rule 4:12(b), A through C.

21 In this instance, your Honor, we have a
22 plaintiff who can't be bothered with giving his

1 deposition, refuses to work with us. We have been
2 so proactive trying to work with him. There's
3 clearly just a blatant disregard for this Court, a
4 blatant disrespect for the rules, and just this --
5 this thing where this isn't important, it's not as
6 important as my work schedule, which imagine if
7 that's what we allow.

8 We need to send a strong message here,
9 your Honor. We've done everything we should have,
10 and it's time for the Court to say, "Enough. If
11 you're going to bring a case here, you're going to
12 choose to be in our court, you need to follow the
13 rules just like everyone else."

14 Thank you, your Honor.

15 THE COURT: Thank you.

16 MR. CHEW: Good morning, again, your
17 Honor. Ben Chew for Plaintiff Johnny Depp.

18 The Court should deny Ms. Heard's latest
19 motion.

20 Requiring Mr. Depp to disrupt the shooting
21 in London and to make a round-trip airfare between
22 London and Virginia in the midst of a deadly

1 pandemic would be unsafe, unnecessary, and unfair
2 to the 750-plus people working on a huge
3 production in London.

4 First, your Honor, as to safety, Mr. Depp
5 is in London with a huge crew of Americans and
6 British. He and two security guards would have to
7 travel from London, which is where the incidence
8 of COVID is still high, back to Virginia, where
9 the incidence of COVID is still high, and could
10 expose both Mr. Depp and his two security
11 personnel and everyone with whom they come in
12 contact to the virus.

13 Second, your Honor, requiring them to
14 appear this month or by mid November would be
15 unnecessary. As Ms. Bredehoft admits, Mr. Depp
16 has agreed to sit for deposition. He's not
17 arrogant at all. He -- he testified for several
18 days in London, showed great respect to the judge
19 there, and will show great respect to your Honor
20 and to the process.

21 Trial is still seven months away.
22 Discovery continues through April 16th, 2021.

1 Mr. Depp will appear any time in March that's
2 convenient for both sides several weeks before the
3 end of discovery. So there's no need for -- for
4 what Ms. Bredehoft is asking for.

5 And if I could just quote from Exhibit A
6 to our opposition, this is a letter from Glenn
7 Eckerle, who's a senior vice president of legal
8 affairs, an attorney, member of the California
9 bar, representing to Mr. White, quote, "Pursuant
10 to the agreements between company and LRD
11 Productions, Inc., lender," those are the loan-out
12 companies with which your Honor is familiar,
13 "Johnny Depp, Artist, Artist, is currently
14 scheduled to render services on the picture in
15 London on an exclusive basis commencing in early
16 October 2020 and running through and including the
17 middle of February 2021."

18 This letter of August 19th is the first
19 notice that Mr. White received of Mr. Depp's
20 filming schedule.

21 We have been waiting for months for Warner
22 Brothers to put in all the safety required so that

1 the filming could go. Mr. Depp -- Mr. White found
2 out on the 19th. He informed me. That afternoon,
3 I informed Ms. Bredehoft that we had this issue.
4 So I informed her that day, and then she then
5 availed herself and called Mr. Eckerle and
6 Mr. Smith and confirmed exactly what he says in
7 this letter.

8 So, we acted immediately, and that was the
9 first anybody, Mr. Depp, his counsel, or his
10 agent, Mr. White, received this conflict. And it
11 was two days later that we moved this Court for --
12 to continue the trial date. We didn't wait for
13 your Honor either. We moved very quickly. And as
14 your Honor knows, that was mooted by the Court's
15 continuing the trial date of -- you know, for
16 the -- sua sponte for the Court's own reasons.

17 In reciprocity, Mr. Depp agrees not to
18 seek Ms. Heard's deposition before March. So he's
19 not asking for any -- he's not asking for any
20 special advantage here. We're willing to wait for
21 that.

22 This is not a frolic and a detour. This

1 is a strict contractual obligation that affects
2 not only Mr. Depp, but it affects everybody else
3 involved in the venture.

4 With respect to the delay, having the
5 depositions take place in March, your Honor is
6 aware that both Mr. Depp and Ms. Heard testified
7 for several days during the Sun trial, which took
8 place only four months ago. This is exactly the
9 same subject matter that they'll testify about
10 here.

11 We know precisely what Ms. Heard is going
12 to say at her deposition, and Ms. Bredehoft knows
13 precisely what Mr. Depp will say because he went
14 through three days of cross-examination by a very
15 experienced Queen's counsel representing the Sun.

16 Ms. Bredehoft attended the trial, so she
17 saw all of Mr. Depp's testimony, and she has all
18 the transcripts. Not only that, but all the
19 material witnesses in this case have already been
20 deposed and have testified at trial in the Sun
21 case. So there's no reason whatsoever to require
22 a deposition take place now under these

1 circumstances.

2 Third, as I've touched upon, your Honor,
3 it would be unfair to everybody -- put Mr. Depp
4 aside; it would be unfair to everybody involved in
5 the production, 750 people, to disrupt that. And
6 it wouldn't just be for a few days. It would be
7 for the better part of a month.

8 Mr. Depp would have to fly back to
9 Virginia, exposing his two security personnel to
10 danger, mortal danger, and then come back and,
11 when he came back to London, he would have to be
12 in quarantine for two weeks. That's not optional.
13 You can't avoid that. Ms. Bredehoft had to do two
14 weeks of quarantine in London when she went there
15 for the trial. Mr. Depp had to do two weeks of
16 quarantine before he went to the Sun trial. They
17 check on that.

18 So, what she's asking you to do, your
19 Honor, is to disrupt a production for one month,
20 and there's no reason to do that. I'm not going
21 to go through all the inaccuracies that -- of what
22 Mister -- Ms. Bredehoft said because that would

1 take all day, and I only have a few more minutes.

2 Suffice it to say that when Ms. Bredehoft
3 noticed the October date, it was unilaterally
4 noticed. I begged -- I begged, and Mr. Rottenborn
5 will confirm this, I begged Ms. Bredehoft to
6 please give me a call so we could discuss all of
7 the depositions, and she refused to do that. So
8 the notion that we had agreed to this or that she
9 thought Mr. Depp was going to show up is risible.

10 Finally, your Honor, Ms. Bredehoft used
11 the term "lie." It's not a term I was planning to
12 use today, and I don't think I will, but let me
13 say this. There was a misrepresentation to the
14 Court, and it was by Ms. Heard's counsel, and that
15 was in the context of the letter she referred to
16 from Mr. Smith.

17 The purpose of Mr. Smith's letter of
18 September 8th, it wasn't to give us Mr. Depp's
19 film schedule. Mister -- Mr. Eckerle had already
20 done that. He said that Mr. Depp was obligated to
21 appear in London to perform services on the
22 picture commencing in early October and including

1 the middle of February 2021. That was 100 percent
2 accurate. Mr. Depp is currently quarantining in
3 London so they can begin next week shooting in
4 London.

5 The purpose of Mr. Smith's letter was to
6 correct a misstatement by Ms. Bredehoft in her
7 opposition to our motion to continue the trial
8 date, which, as your Honor know, is now moot.

9 Ms. Bredehoft said at page two of her
10 opposition that Mr. Smith and Mr. Eckerle had told
11 her that Ms. Heard's shooting of -- of Aquaman 2
12 would commence sometime in the spring of 2021
13 because, remember, what she was telling your Honor
14 is, "Well, you would be prejudicing Ms. Heard if
15 you accommodated Mr. Depp's filming schedule."
16 That was a lie.

17 And, originally, Mr. Smith didn't want to
18 get involved in it, but when he read the brief, he
19 was angry. And the last sentence of his letter of
20 September 8th is, quote, "As to Aquaman 2, that
21 film will not start production any earlier than
22 May 31, 2021." So, the purpose of his letter was

1 to show your Honor that there would be no
2 prejudice to continuing the film date.

3 Also, your Honor, we have attached to our
4 opposition every single piece of correspondence
5 between Warner Brothers and us and Mr. Depp and
6 Mr. White. Every single page responsive to the
7 ninth request for production of documents, nine,
8 have all been produced. And they confirm exactly
9 what we said in our papers, which is that the
10 first notice we received was on Wednesday,
11 August 19th, at 5:32 p.m. And that was
12 Mr. White's letter to me enclosing the letter from
13 Warner Brothers. And you also see that
14 immediately I sent an email to Ms. Bredehoft
15 informing her of the situation so she could
16 confirm it, which she did.

17 So, your Honor, the motion to -- should be
18 denied in all respects.

19 As to the ninth RFPs, we've given her
20 everything. We've given all the correspondence,
21 which only confirms precisely what I just told
22 you, that that was the first notice we received.

1 And you see my correspondence with Mr. Smith, who
2 didn't want to get involved. He told me he wanted
3 to play it right down the middle, but when he saw
4 Ms. Bredehoft's letter misrepresenting to the
5 Court the Aquaman 2 film schedule, he had to
6 correct the record.

7 Thank you, your Honor.

8 THE COURT: Ms. Bredehoft, you've got
9 about a minute left.

10 MS. BREDEHOFT: Thank you, your Honor.
11 Let me go right to the first accusation of a lie.
12 May 31, 2021, is the spring, and he told me April
13 or May. And both of those are the spring. Even
14 May 31st is the spring. So you know that that's a
15 blatant misrepresentation.

16 The second part of that, your Honor, is
17 this letter on September 8th from Mr. Smith says,
18 "We require Mr. Depp to be in the United Kingdom
19 from September 17th through" -- so, this is just a
20 completely different story now saying, "Oh,
21 October, October 19," whatever.

22 Where is the film schedule? He claims

1 he's given everything from the request for
2 production of documents. No film schedule. Why
3 didn't Mr. Smith give me the film schedule? Why
4 didn't they give it to me in the request for
5 production? Because he doesn't have to film all
6 the way through there.

7 How many CEOs and presidents have more
8 than 750 people involved when they have to move
9 their schedules for depositions and discovery
10 obligations when they're in our court?

11 The fact of the -- and in the U.K., your
12 Honor, Ms. Heard was not a party. And, no, she's
13 had no opportunity to be able to examine on
14 damages whatsoever. That wasn't the issue for her
15 in that case, and it had nothing to do with their
16 case.

17 And, also, it's not true that all the
18 material witnesses have been deposed. There are a
19 significant number that have been listed by
20 Mr. Depp that had nothing to do with the U.K.
21 party, which we're trying to schedule, and they've
22 objected to every one of them, and we're having to

1 go through the California courts.

2 THE COURT: I think that's -- I think
3 you've gone over your time.

4 The -- pursuant to the (indecipherable)
5 Virginia, and the defendant has chosen to file a
6 counterclaim in Virginia, Virginia rules apply. I
7 know of no provision in the rules that says that
8 either side can't take a deposition of the other
9 side because they already know what the answers to
10 the questions will be. They're entitled to do
11 their discovery on both sides.

12 What I'll do is order that the defendant
13 shall appear for three consecutive days in
14 Virginia at (indecipherable) party's offices on or
15 before November the 13th. How are we going to
16 select the date for that? Because I fear by
17 leaving that to you all, you'll be filing a motion
18 on that.

19 MS. BREDEHOFT: Your Honor means
20 plaintiff, though; right? Your Honor said,
21 "defendant." You meant plaintiff; right?

22 THE COURT: No, the defendant's going to

1 take the plaintiff's deposition --

2 MS. BREDEHOFT: Thank you.

3 THE COURT: -- at counsel's office.

4 MS. BREDEHOFT: Thank you.

5 THE COURT: How do you suggest that the
6 date is going to be selected?

7 MS. BREDEHOFT: Your Honor, I was trying
8 to be somewhat reasonable on having them suggest
9 some three-day periods because I don't have the
10 film schedule, so I don't know what the best
11 dates --

12 THE COURT: I don't really care what the
13 film schedule is for our purposes. We're going to
14 do it between now and November 13th.

15 MS. BREDEHOFT: All right. May we --

16 THE COURT: In particular to the film
17 schedule, those documents in my view is to be
18 included out.

19 MS. BREDEHOFT: So, your Honor, may we do
20 it on November 10, 11, and 12?

21 THE COURT: Mr. Chew, are those dates
22 available to you?

1 MR. CHEW: November 11 and 12 -- 10, 11,
2 and 12 appear to be available for me, your Honor.

3 THE COURT: All right. The reason I ask
4 is I'm looking at the proposed order and paragraph
5 one that said that it would be at dates and times
6 agreeable to counsel for defendant, which
7 essentially would give defense counsel the
8 absolute authority to pick any date they want
9 between now and then, and I do not order that.
10 But if the dates of November 10th, 11th, and 12th
11 work as well as any other days between now and
12 then, that's -- that's (indecipherable).

13 Your request as to the ninth request for
14 production of documents, request to compel that is
15 denied. I don't think it was really appropriate.

16 The request to pay the court reporter cost
17 of \$650.20 is granted. The defense can submit to
18 the Court a declaration of attorney's fees
19 associated with bringing this motion and the
20 deposition that did not go forward.

21 Mr. Chew should have an opportunity to
22 file an opposition to the reasonableness of that.

1 So, you file that, and we'll give seven days
2 thereafter so Mr. Chew can file an opposition as
3 to reasonableness.

4 You also had a provision in your order
5 which says that in the event that the plaintiff
6 fails to comply with the order, the case is
7 dismissed, and that was stricken from the order,
8 as well.

9 So, if you all don't mind redoing the
10 order and sending that over with appropriate
11 objections noted, we'll be happy to sign that and
12 get you all copies of it. Okeydoke.

13 MS. BREDEHOFT: Thank you, your Honor.

14 MR. CHEW: Thank you, your Honor.

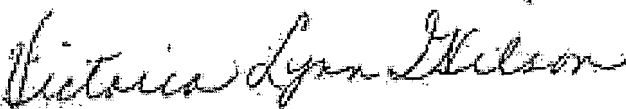
15 THE COURT: Thank you, all.

16 (Off the record at 11:31 a.m. ET.)
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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 9th day of
14 October 2020.

15 My commission expires May 31, 2023.

16
17 

18
19 VICTORIA LYNN WILSON
20 E-NOTARY PUBLIC IN AND FOR
21 THE COMMONWEALTH OF VIRGINIA

22