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JOHN T. FREY CLERK, CIRCUIT COURT FAIRFAX, VA

Transcript of Hearing

Date: November 20, 2020 Case: Depp, II -v- Heard

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1 (1 to 4)

Transcript of Hearing Conducted on November 20, 2020

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1 VIRGINIA:	3 1 APPEARANCES
2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY	2 ON BEHALF OF THE PLAINTIFF:
3x	3 BENJAMIN G. CHEW, ESQUIRE
4 JOHNNY C. DEPP, II, :	4 BROWN RUDNICK, LLP
5 Plaintiff, :	5 601 Thirteenth Street, N.W.
6 v. : Case No.	6 Suite 600 .
7 AMBER LAURA HEARD, : C1-2019-0002911	7 Washington, D.C. 20005
8 Defendant. :	8 202-536-1700
9 x	9
10	10 ON BEHALF OF THE DEFENDANT:
11 HEARING	11 ELAINE CHARLSON BREDEHOFT, ESQUIRE
12 BEFORE THE HONORABLE BRUCE D. WHITE	12 CHARLSON BREDEHOFT COHEN & BROWN, P.C.
13 Conducted Virtually	13 11260 Roger Bacon Drive
14 Fairfax County, Virginia	14 Suite 201
15 Friday, November 20, 2020	15 Reston, Virginia 20190
16 10:32 a.m.	16 703-318-6800
17	17 JOSHUA R. TREECE, ESQUIRE
18 Job No.: 336300	18 WOODS ROGERS, PLC
19 Pages: 1 - 33	19 10 South Jefferson Street
20 Reported By: Carla L. Andrews, RPR 21	20 Suite 1400 21 Roanoke, Virginia 24011
22	21 Roanoke, Virginia 24011 22 540-983-7600
⁴⁴	22 340-305-7000
2	4
1 Pursuant to Docketing, before Carla L.	1 P-R-O-C-E-E-D-I-N-G-S
2 Andrews, Registered Professional Reporter and Notary	2 (Reporter sworn.)
3 Public of the Commonwealth of Virginia.	3 THE COURT: All right.
4	4 MS. BREDEHOFT: Thank you, Your Honor.
5	5 Good morning. Elaine Bredehoft and Joshua Treece on
6	6 behalf of the defendant Ms. Heard. This is here on
7	7 our Motion to Compel and for sanctions. Your Honor,
8	8 I would like to start with the tax returns in this
9	9 case. Request number 14 asked for all tax returns
10	10 for Mr. Depp for 2010 through the present. Your
11 12	11 Honor granted the request. It included the portions
12	12 exacting the gross income paper on September 30.
14	13 That's attachment three. Depp produced the
15	14 information for his loan documents, according to his
16	15 opposition, but he did not produce his personal tax
17	16 returns.
18	· · · · · · · · · · · · · · · · · · ·
19	17 When I was taking Mr. Depp's deposition
20 ·	18 last week, at one point he said, "I will give you
21	19 those." And I said, "Are you aware the Court had
22	20 requested you to produce those?" And he said, "No,
	21 I am not aware of that." So, obviously, this
	22 conveyance was made by someone else. Now

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THE COURT: Ms. Bredehoft, you're	
	7 1 spending patterns, his tendency to blame everyone
2 excuse me. You may be facing away from your	2 else for his conduct, having the same witnesses
3 microphone. I'm not getting the sound the way that	3 testify each time that are the same witnesses in
4 I would like to. If you could thank you.	4 this case, and violence and abuse towards Ms. Heard.
5 MS. BREDEHOFT: Let me see if this works.	5 They are in all four of the suits. We have seen a
6 Is that better?	6 video clip from one of the lawsuits that's on the
7 THE COURT: That's better, sure.	7 Internet, Your Honor. That's the only way we have
8 MS. BREDEHOFT: Okay. So the	8 access to it. It has not been produced in this
9 significance of this, Your Honor, is that we have	9 case.
10 two of Mr. Depp's personal income tax returns. And	10 And in that, Mr. Depp is explaining how
11 we have them because we have the old divorce files.	11 he cut off Ms how Ms. Heard cut off his finger
12 And so we have 2013, and we have 2014. He has	12 by hurling a vodka bottle across the room. This was
13 individual tax returns that are very different from	13 part of a three-day Australia ordeal while Mr. Depp
14 the tax returns of the three loan out companies.	14 was filming Pirates of the Caribbean 5, during which
15 And, in fact, just for those two years, he has over	15 it is alleged in the UK proceedings that Mr. Depp
16 65 million in gross income. Those were not included	16 took 8 to 10 Ectasy pills and committed significant
17 in the tax returns that were produced by the	17 physical violence and abuse of Ms. Heard and trashed
18 plaintiff in this case, Your Honor. And it is	18 the home resulting in between 100 and 150,000 in
19 alarming because it shows that there was an	19 damages. I asked Mr. Depp in his deposition did you
20 intentional effort to hide a significant amount of	20 provide an explanation of that injury in these
21 his income. And it is alarming, Your Honor. And it	21 depositions that you gave in these four lawsuits.
22 is intentional. And they clearly violated Your	22 He said he knows he did in one. He can't recall
	8
1 Honor's order. And I would ask that the Court order	1
2 them to produce these and for sanctions	2 One of the lawsuits alleges that his
-	-
3 appropriate sanctions as a result of this. And I am	3 bodyguards had to clean drugs off of him and drive
3 appropriate sanctions as a result of this. And I am4 happy they are labelled confidential, Your Honor.	3 bodyguards had to clean drugs off of him and drive4 vehicles that contained illegal substances and
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3 (9 to 12)

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1 we have had. They just object and they stop, which	1 The Court should not reward these types
2 requires us then, Your Honor, to have a meet and	2 of tactics. The rules are there for a reason. And
3 confer. That's what the rules require. And the	3 the party not following those should not be able to
4 purpose of the meet and confer, Your Honor, is so	4 benefit from this conduct. In addition, it is a
5 that we can see if we can work out any of these	5 pattern we are seeing. But on top of it, Your
6 issues and try to prevent having to bring these	6 Honor, plaintiff and we have this at attachment
7 motions to Your Honor.	7 one, pages 15 to 17 had agreed to provide
8 We did exactly that, Your Honor. We set	8 responsive documents to request numbers six and
9 up a meet and confer on September 15. Two of	9 seven. Those are the ones that asked for any
10 Mr. Depp's counsel were there. They were from	10 documents that reflected the impact and the totality
11 California. Mr. Chew was not present for that.	11 of the four litigations on his reputation and
12 Mr. Treece, who is here with me on behalf of	12 career. And the other request is the impact on the
13 Ms. Heard, also appeared on that call. We worked	13 UK Sun litigation, which has now resulted in a
14 through these requests, Your Honor. And it was an	14 129-page decision on November 2, finding that
15 hour-long meet and confer. And Ms. Vasquez, one of	15 Mr. Depp had committed violence and domestic abuse
16 the counsel for Mr. Depp, said we needed to narrow	16 on Amber Heard on at least 12 occasions, and how
17 these topics. So Mr. Treece volunteered, based on	17 these impact on his reputation and career. Yet, to
18 earlier meet and confers, in narrowing. He said	18 date, we have received no responsive documents from
19 let's take the topic areas that we have agreed to	19 them.
20 earlier. Let's work from those. And he went	20 We ask that the Court not allow Mr. Depp
21 through them and discussed them in this meet and	21 to continue to play these games and to work with us
22 confer. Ms. Vasquez said during that meet and	22 to resolve these so we don't have to be here before
10	
1 confer, "This seemed to be a reasonable narrowing."	1 Your Honor. We can work with them on these if they
 confer, "This seemed to be a reasonable narrowing." But she asked us to send the requests with the 	 Your Honor. We can work with them on these if they let us. But if they just wait and make us file,
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4 (13 to 16)

Transcript of Hearing Conducted on November 20, 2020

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13	15 1 Second enterents of decomments relating to
1 time as to the matters actually docketed. Thank	1 Second category of documents relating to
2 you.	2 the other litigation in which Mr. Depp has been
3 MS. BREDEHOFT: Thank you, Your Honor. I	3 involved, as Your Honor has seen, these requests are
4 will reserve the rest for rebuttal.	4 hopelessly broad and unduly burdensome. Even with
5 MR. CHEW: Good morning again, Your	5 Ms. Bredehoft's reported limitations, she still
6 Honor. Ben Chew for plaintiff. Your Honor, the	6 seeks all witness interactions, Mr. Depp's
7 Court should deny Ms. Heard's motion in its	7 explanations, Mr. Depp's perceptions, any and all
8 entirety. And we respectfully submit that Mr. Depp	8 photographs, et cetera.
9 should be awarded the costs of defending this	9 Having been involved in all of those
10 frivolous motion. I will be happy to proceed in the	10 cases, Your Honor, I can say that none of those
11 order in which	11 cases has anything to do with Ms. Heard or alleged
12 THE COURT: Mr. Chew, your volume needs	12 abuse by Ms. Heard or any other woman, because the
13 to come up just a little bit, if you don't mind.	13 only other woman in Mr. Depp's 57 years who ever
14 Thank you.	14 accused him of abuse was Ms. Heard.
15 MR. CHEW: Yes, Your Honor. Apologies.	15 The Bloom case involved Mr. Depp's former
16 First, Your Honor, with respect to the tax	16 lawyer, who illegally took 5 percent of his income
17 documents, as Your Honor may recall, on September 18	17 from a period between 1999 and April 2017. Judge
18 Your Honor ruled as followed, quote, The documents	18 Green in Los Angeles declared that the alleged oral
19 which show the gross income should be produced. The	19 contract was violative of Sections 6147 of the
20 supporting documents are not to be produced. That's	20 California Business and Professional Code. As a
21 the transcript of the September 18 proceeding at	21 result of that ruling in this case, the firm of
22 page 35.	22 Bloom, Hergott was disbanded because he had
14	16
14 1 Mr. Depp timely produced all such	1 perpetrated that scheme on several other people,
14 1 Mr. Depp timely produced all such 2 documents on September 30. Specifically, Your	 perpetrated that scheme on several other people, including Sylvester Stallone. That case involved
14 1 Mr. Depp timely produced all such 2 documents on September 30. Specifically, Your 3 Honor, Mr. Depp produced the Form 1120-S forms with	 perpetrated that scheme on several other people, including Sylvester Stallone. That case involved also one approximately one million documents.
14 1 Mr. Depp timely produced all such 2 documents on September 30. Specifically, Your 3 Honor, Mr. Depp produced the Form 1120-S forms with 4 the federal statements from 2009 through the present	 perpetrated that scheme on several other people, including Sylvester Stallone. That case involved also one approximately one million documents. Mr. Depp and Ms. Heard were only married
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Transcript of Hearing Conducted on November 20, 2020

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17 1 that category of documents just as Judge Bowick in	19 1 Your Honor has already ordered Mr. Depp
2 California has twice denied Ms. Heard's motions to	2 to produce, and he has produced all documents
3 seek documents from TMG. To the extent the Court is	3 related to his damages claims. So that's already
4 inclined to grant any portion of Ms. Heard's motion	4 been done. But this request is overly broad. We
5 with respect to that category the other	5 are willing to work with them on six, seven, and
6 litigation we would respectfully request that the	6 eight to narrow it to something that makes sense.
7 Court order Ms. Heard to pay Mr. Depp's coursel for	7 Finally, request number nine, which calls
8 their time, which would be substantial, and for the	8 for any and all insurance company regarding any film
9 massive costs that would be entailed in reproducing	
10 more than two million documents, none of which have	
11 anything to do with this case or Ms. Heard and would	10 which he has ever done. Again, Your Honor, this is
12 require Mr. Bloom's counsel and TMG's counsel again	11 overly broad. We agree and have agreed to produce
-	12 any documents relating to any claims made against an
 13 to refight the issues of confidentiality. 14 Finally, Your Honor, as to the last 	13 insurance company based on any conduct by Mr. Depp,
14 Finally, Your Honor, as to the last 15 category, these are categories of document requests	14 which we haven't found. But this request calls for
	15 any and all insurance information regarding any film
16 six through nine, Ms. Bredehoft is frankly mistaken.	16 or other project which is, again, Your Honor,
17 There is no impasse as to these documents	17 hopelessly overbroad. We would respectfully request
18 document requests. But they are still, despite	18 that the Court deny Ms. Heard's motion in its
19 Mr. Treece's effort, overly broad. I will go	19 entirety and award us the costs of having to defend
20 through them very quickly.	20 this. Thank you, Your Honor.
21 Requests six and seven call for documents	21 MS. BREDEHOFT: Is Your Honor ready for
22 sufficient to show the impact of the other	22 me?
18 1 litigation on Mr. Denn's career. So that's an	20
1 litigation on Mr. Depp's career. So that's an	1 THE COURT: Before you conclude,
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Transcript of Hearing Conducted on November 20, 2020

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1 understanding. But it is something we can go back	1 over \$65 million claimed in these two loans in gross
2 to Mr. White and ask him about. When we approached	-
3 him with these the first time, he advised us that	3 Pirates of the Caribbean.
4 all of Mr. Depp's income flows through the earn-out	4 THE COURT: Ms. Bredehoft, let me stop
5 companies for whatever tax or other reason. To the	5 you. I can see from the court reporter's face that
6 extent the Court orders supplemental production,	6 she is having the same difficulty I am in hearing
7 obviously we will do it, Your Honor. But we fully	7 you. And I don't know what the problem is. But we
8 complied with the Court's order. And that is our	8 need to make sure we can hear you properly. And I
9 good faith understanding that all of the income	9 don't think that you are going to have an accurate
10 flows through the earn-out entities. If that's	10 record, based on what you have just said.
11 mistaken, we will certainly correct that. But there	11 MS. BREDEHOFT: And I'm sorry, Your
12 is no hiding the ball at all. We have no reason to	12 Honor.
13 believe that Mr. White, who is a highly respected	13 THE COURT: I don't know where your
14 accountant in Los Angeles and has done a wonderful	14 microphone is, but your head is going all over the
15 job with Mr you know, cleaning up to Mr. Depp	15 place. So it can't be pointing at the microphone
16 financial conditions, which was left to shambles by	16 the entire time. I am pretty sure of that.
17 Mr. Mandel, we have no reason to believe that that's	17 MS. BREDEHOFT: Let me try this. I see
18 inaccurate.	18 that my face is in a different direction, and I
19 THE COURT: All right. Ms. Bredehoft.	19 don't know why today. So if I speak here, can you
20 MS. BREDEHOFT: Your Honor, first of all,	20 hear me better?
21 Mr. White was a co-defendant with Mr. Depp in the	21 THE COURT: Madam Court Reporter, is that
22 litigation with Mandel companies. So I think that	22 better for you?
. 22	24
1 there is not an ability to just rely on their word.	1 THE REPORTER: I will need a little bit
2 Second of all sorry about this tube flashing. I	2 more. There's like an echo. I don't know if it's
3 don't know what's going on with my technology. But	3 because someone is not muted or not.
4 Your Honor, I have the two I have 2013 and 2016	4 THE COURT: Well, I can mute myself. And
5 income tax returns for Mr. Depp. And these are very	5 maybe that will help a little bit from one
6 different numbers. These are the tax returns that	6 standpoint.
7 were given to us for the three entities. They don't	7 MS. BREDEHOFT: My apologies, Your Honor.
8 match up at all. They appear to be hiding	8 All right. How is this? All right. So should I
9 significant income.	9 repeat some of that, Your Honor?
10 And asking Mr. White, Ms. Depp's business	10 THE COURT: (Your Honor nodding.)
11 manager, who is getting paid by him and has been a	11 MS. BREDEHOFT: Thank you. I appreciate
12 co-defendant in the litigation, without being able	12 it. My point is that, Your Honor, the first of
13 to have the actual documents to be able to	13 all, Your Honor ordered Mr. Depp to produce his tax
14 cross-examine and have an opportunity to look at	14 returns. That was what was requested on number 14
15 these is not right. And Your Honor ordered	15 of the request for production. And it was just to
16 Mr. Depp's tax return. Your Honor did not order	16 show the gross income, which is the first page. And
17 Mr. Depp's loan out companies. I think it's	17 I have two of his tax returns. And the numbers on
18 disingenuous to say that they in good faith complied	18 those do not match the 2013 and 2014 tax returns for
19 with this. They did not in good faith comply with	
	19 the three loan out companies that were produced.
	19 the three loan out companies that were produced. I 20 have been able to go in and match them up. They
20 this. And they didn't produce this. And if they	20 have been able to go in and match them up. They

7 (25 to 28)

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25 1 returns. There is no Mr. White is the person,	27 1 damages that they are claiming in ours have anything
2 who is his business manager being paid by Mr. Depp,	2 to do have not mentioned Ms. Heard, have nothing
3 was also a defendant with Mr. Depp in the litigation	3 to do with Ms. Heard, have nothing to do with the
4 with the earlier business managers, was accused of	4 claims and defenses in this case, have not used the
5 fraud, among other things. And so it is not	5 same witnesses to support Mr. Depp, say nothing
6 incumbent upon this court to just accept Mr. White's	6 about the alcohol and drug abuse and the violence,
7 word if he clearly has an interest here and a	7 and the property destruction, then he can file
8 potential bias. But how am I supposed to	8 responsive pleadings that say there are no documents
9 cross-examine him on these to determine whether, in	9 responsive to these. But we have information that
10 fact, it is true that his loan out companies show	10 they do.
11 that amount. There is no way to do that without	11 The second part of that, Your Honor, is
12 having the ones that Your Honor ordered. I think it	12 Mr. Chew represented that the California court
13 is very, very clear they have violated this Court's	13 denied our ability to get the pleadings from the
14 order. And these numbers that don't match up seem	14 Mandel case in California. That's correct on the
15 to appear to show a significant hiding of income.	15 basis that the Mandel company said it is much easier
16 And at a minimum, the Court ordered him to produce	16 for Mr. Depp to provide these documents. He has
17 these with the gross income. And they were not	17 them all electronically. He can just send them.
18 produced.	18 Why burden the third party in this case? That was
19 With respect to the Motion to Compel,	19 the basis for that. And the judge said you are
20 Your Honor, I didn't hear a response from Mr. Chew	20 right. You can get them from Mr. Depp, which is why
21 to why they sat on these for two months and didn't	21 we issued the request for production of documents to
22 follow the rules that this court has laid out so	22 Mr. Depp.
26	28
1 that Your Honor doesn't have to have these motions	1 With respect to the issues of the six,
2 in front of him. It is clear we mapped them out.	2 seven, and eight, Your Honor, as clear as day and
3 It is clear we invited their response for more than	3 it is attached to our pleadings here. As clear as
4 a month. They just ignored us and then came in	4 day, they say plaintiff will produce non-privileged
4 a month. They just ignored us and then came in 5 here.	4 day, they say plaintiff will produce non-privileged5 documents, if any, that reflect any analysis
5 here.	5 documents, if any, that reflect any analysis
 5 here. 6 Now, Mr. Chew's characterization, Your 7 Honor, of these four lawsuits is very different from 8 what my understanding is. And Mr. Chew also didn't 	 5 documents, if any, that reflect any analysis 6 undertaken by plaintiff or his agents of the impact 7 on his career of the other litigation. The same 8 with respect to the next one, which is the UK. No
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1 Caribbean 6 because of this op-ed, they need to have 1 apparently in the hope that they will negotiste 2 a supplemental response that any there are no 3 something better than what you might haves gotten had 3 responsive documents. I think that would be 2 something better than what you might haves gotten had 4 critical. 3 So that's part of the reason that we have this on 5 On the insurance, we would be happy for 5 the friday docket, not simply because they are not 6 them to produce, you know, any claims made. And we 6 giving you everything that you ask for or they are 7 not negotiating in a fashion you wish for them to 8 negotiate with. So I hope I am clear on that. I am 9 to the first exi, if there was any part of those in 9 sorry I have to say it. 10 the mumber one through those were the same 1 that reflects my ruling. And I will do a 1.13 on 12 ont work with us. 1 to secontarge the conduct to continue on. And we are 16 16 going to continue to have drese motions because they 13 to the size arry much time 18 I would ask your Honor to grant the 19 Mc CHEW: We will do t		
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PLANET DEPOS

Transcript of Hearing Conducted on November 20, 2020

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	Conducted on No	JV611061 20, 2020
1	33 CERTIFICATE OF SHORTHAND REPORTER - E-NOTARY PUBLIC	
2		
3	I, Carla L. Andrews, the officer before	· •
4	whom the foregoing proceedings were taken, do hereby	
5	certify that the foregoing transcript is a true and	
6	correct record of the proceedings; that said	
7	proceedings were taken by me stenographically and	
8	thereafter reduced to typewriting under my	
9	supervision; that review was not requested; and that	
10	I am neither counsel for, related to, nor employed	
11		
12	interest, financial or otherwise, it its outcome.	
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14		
15		
16	of November, 2020.	
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21	My Commission Expires: April 30, 2023	
<u>^</u>	My Commission Express. April 50, 2025	
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