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# Transcript of Motions Hearing

**Date:** June 25, 2021  
**Case:** Depp, II -v- Heard

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Transcript of Motions Hearing  
Conducted on June 25, 2021

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| <p>1 VIRGINIA:<br/>2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY<br/>3 -----x<br/>4 JOHN C. DEPP, II,<br/>5 Plaintiff,<br/>6 v. Case No. CL2019-0002911<br/>7 AMBER LAURA HEARD,<br/>8 Defendant.<br/>9 -----x<br/>10<br/>11 Hearing on Motions<br/>12 Before the HONORABLE PENNEY AZCARATE, Judge<br/>13 Conducted Virtually<br/>14 Friday, June 25, 2021<br/>15 11:33 a.m. EST<br/>16<br/>17<br/>18<br/>19<br/>20 Job No.: 382713<br/>21 Pages: 1 - 59<br/>22 Transcribed by: Bobbi J. Fisher, RPR</p> | <p>1 A P P E A R A N C E S<br/>2 ON BEHALF OF THE PLAINTIFF MR. DEPP:<br/>3 BENJAMIN G. CHEW, ESQ.<br/>4 CAMILLE VASQUEZ, ESQ.<br/>5 BROWN RU DNICK, LLP<br/>6 601 Thirteenth Street, NW, Suite 600<br/>7 Washington, DC 20005<br/>8 (202) 536-1700<br/>9<br/>10 ON BEHALF OF THE DEFENDANT MS. HEARD:<br/>11 ELAINE CHARLSON BREDEHOFT, ESQUIRE<br/>12 CHARLSON BREDEHOFT COHEN &amp; BROWN, PC<br/>13 11260 Roger Bacon Drive, Suite 201<br/>14 Reston, VA 20190<br/>15 (703) 318-6800<br/>16<br/>17 J. BENJAMIN ROTTENBORN, ESQUIRE<br/>18 WOODS ROGERS, PLC<br/>19 10 South Jefferson Street, Suite 1400<br/>20 Roanoke, VA 24011-1319<br/>21 (540) 983-7600<br/>22</p> |
| <p>1 Hearing on Motions before the HONORABLE PENNEY<br/>2 AZCARATE, Judge, conducted virtually.<br/>3<br/>4<br/>5 Pursuant to Docketing, before Merinda Evans,<br/>6 Digital Court Reporter.<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22</p>  | <p>1 I N D E X<br/>2 PAGE<br/>3 Argument by Ms. Bredehoft 5<br/>4 Argument by Mr. Chew 32<br/>5 Further Argument by Ms. Bredehoft 44<br/>6 Ruling 51<br/>7<br/>8<br/>9<br/>10 E X H I B I T S<br/>11 (None.)<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22</p>   |

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| <p style="text-align: right;">5</p> <p>1 PROCEEDINGS</p> <p>2 THE COURT: Then we have Depp versus</p> <p>3 Heard. I assume I have a court reporter on that</p> <p>4 matter.</p> <p>5 COURT REPORTER: Yes, I'm here.</p> <p>6 THE COURT: Okay. If I could just see</p> <p>7 you for a moment and have you raise your right hand</p> <p>8 to be sworn. There you go.</p> <p>9 (The court reporter was duly sworn.)</p> <p>10 THE COURT: Okay. There you go. Thank</p> <p>11 you, Ms. Evans. All right.</p> <p>12 All right. So the matter of Depp versus</p> <p>13 Heard. It's here on the defendant's motion for --</p> <p>14 I guess it's a motion to compel. I have read the</p> <p>15 motion, but anything you wish to add to that,</p> <p>16 Ms. Bredehoff?</p> <p>17 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>18 Elaine Bredehoff. And I have with me Ben</p> <p>19 Rottenborn. He is on the phone, Your Honor,</p> <p>20 because he's traveling with his children on their</p> <p>21 summer vacation, so he's just -- that's the person</p> <p>22 that's on the phone there.</p>  | <p style="text-align: right;">7</p> <p>1 anything to do with Ms. Heard," end of quote; that</p> <p>2 nothing from any of Mr. Depp's other litigations</p> <p>3 were relevant to this case.</p> <p>4 We now know that representation, by</p> <p>5 counsel for Mr. Depp made to the Court to procure a</p> <p>6 favorable discovery ruling, which he obtained, is</p> <p>7 demonstrably false. But more importantly, for</p> <p>8 Mr. Chew to make that emphatic, successful</p> <p>9 representation to the Court to procure the</p> <p>10 favorable ruling, he was representing to the Court</p> <p>11 that he was involved and had sufficient recall of</p> <p>12 all of those proceedings to be able to make that</p> <p>13 broad-sweeping representation to the Court.</p> <p>14 In addition to that clear</p> <p>15 misrepresentation to the Court, Mr. Depp objected</p> <p>16 to two separate RFPs for depositions and documents</p> <p>17 from other litigations, claiming the documents</p> <p>18 were -- and this is in writing -- quote "neither</p> <p>19 relevant nor reasonably calculated to lead to the</p> <p>20 discovery of admissible evidence because, among</p> <p>21 other reasons, the various subject matters of the</p> <p>22 other litigation are not at issue in this action."</p> |
| <p style="text-align: right;">6</p> <p>1 THE COURT: Okay. Thank you. I</p> <p>2 appreciate it.</p> <p>3 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>4 Yes, this is our motion, and this relates to the</p> <p>5 deposition of Tracey Jacobs, Your Honor. Tracey</p> <p>6 Jacobs was Johnny Depp's agent for 30 years. She</p> <p>7 was terminated in October of 2016. Extremely</p> <p>8 relevant to this case.</p> <p>9 And let me just kind of go through</p> <p>10 because I'm going to try to weave in what the</p> <p>11 opposition has said. And Your Honor may recall, I</p> <p>12 did deliver two binders to the Court. I'm not</p> <p>13 going to go through those in extensive detail, but</p> <p>14 there was a reason why I provided those, and I'll</p> <p>15 try to weave that in here.</p> <p>16 Counsel for Mr. Depp represented to Chief</p> <p>17 Judge White on the record on November 20, 2020,</p> <p>18 seven and a half months ago, in response to our</p> <p>19 motion to compel deposition and documents from</p> <p>20 several of Mr. Depp's other litigations, quote,</p> <p>21 "Having been involved in all those cases, Your</p> <p>22 Honor, I can say that none of these cases has</p> | <p style="text-align: right;">8</p> <p>1 End of quote.</p> <p>2 These were representations in writing and</p> <p>3 also subject, Your Honor, to Virginia Code Section</p> <p>4 8.01-271.1. We now know that those representations</p> <p>5 by way of objection are demonstrably false.</p> <p>6 But, again, in order for Mr. Depp's</p> <p>7 counsel to have made those objections, Your Honor,</p> <p>8 they were charged with the responsibility of</p> <p>9 reviewing those documents to ensure they were</p> <p>10 making accurate statements and the documents from</p> <p>11 those litigations were not relevant and responsive.</p> <p>12 So on at least three locations in the</p> <p>13 past nine months, Mr. Depp's counsel has had the</p> <p>14 obligation to review the pleadings, depositions,</p> <p>15 and discovery in these other litigations to</p> <p>16 determine if anything would have been responsive</p> <p>17 and relevant to the discovery requests before</p> <p>18 claiming otherwise.</p> <p>19 Counsel for Mr. Depp has no explanation</p> <p>20 and significantly -- and this is important, Your</p> <p>21 Honor -- no apology for its earlier</p> <p>22 misrepresentations to the Court in its filings.</p>   |

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| <p style="text-align: right;">9</p> <p>1 Instead, they now claim -- and this is from<br/>2 Mr. Chew's declaration that they attached to their<br/>3 opposition, quote, "While we were preparing for<br/>4 Ms. Jacobs' deposition, I was notified by my<br/>5 associate, Camille M. Vasquez, that the team tasked<br/>6 with preparing for the deposition had determined<br/>7 that portions of Ms. Jacobs' deposition transcripts<br/>8 were arguably relevant to the issues in this<br/>9 action. Upon becoming aware of that fact and given<br/>10 that Ms. Jacobs' deposition was imminent, I<br/>11 directed that the transcripts be produced to<br/>12 Ms. Heard." End of quote.<br/>13 Recall that Mr. Chew was present for and<br/>14 participated in both of Tracey Jacobs' depositions<br/>15 that are at issue here now. We provided the<br/>16 depositions of Tracey Jacobs as Exhibits 5 and 6 to<br/>17 our memorandum, Your Honor. The first was May 30,<br/>18 2018. The second was May 13, 2019. And both of<br/>19 those had Mr. Chew showing as present for Mr. Depp.<br/>20 The second one also had Ms. Vasquez present for --<br/>21 on behalf of Mr. Depp.<br/>22 In the declaration from Ms. Vasquez, she</p>           | <p style="text-align: right;">11</p> <p>1 potential -- to both the admission and the<br/>2 potential relevance to the imminent deposition of<br/>3 Tracey Jacobs and provided us the opportunity to<br/>4 postpone the deposition in light of these new<br/>5 discoveries. But that's not what happened.<br/>6 Instead, Mr. Depp's counsel engaged in a very<br/>7 mendacious subterfuge to hide these documents from<br/>8 us until the deposition was completed while<br/>9 disingenuously claiming on the record that they<br/>10 produced these to us and we'd obviously overlooked<br/>11 them while simultaneously using portions of those<br/>12 depositions and exhibits advantageous to them<br/>13 during the deposition.<br/>14 The next question is when did Depp's<br/>15 legal team learn that these prior depositions and<br/>16 exhibits of Tracey Jacobs were, quote, "arguably<br/>17 relevant," end of quote, when they were preparing<br/>18 for the deposition, if not sooner. And we have<br/>19 talked about the other obligations.<br/>20 But that would necessarily have entailed<br/>21 searching the depositions and the exhibits, reading<br/>22 them, then picking them out for the outline and</p>                             |
| <p style="text-align: right;">10</p> <p>1 says, quote, "Shortly before Ms. Jacobs' deposition<br/>2 in this action and while Mr. Depp's attorneys were<br/>3 preparing for Ms. Jacobs' deposition, it came to my<br/>4 attention that portions of Ms. Jacobs' deposition<br/>5 transcripts were 'arguably relevant to the issues<br/>6 in this action.' Upon becoming aware of that fact,<br/>7 I notified Mr. Chew, who directed that the<br/>8 transcripts be produced to Ms. Heard's counsel."<br/>9 End of quote.<br/>10 Now, let's assume for a moment that<br/>11 Mr. Depp's counsel are absolved of or forgiven for<br/>12 the earlier duties and responsibilities to the<br/>13 Court and opposing counsel and having engaged in a<br/>14 reasonable investigation before making the earlier<br/>15 misrepresentations and claims of irrelevance.<br/>16 Let's just put that aside for a minute.<br/>17 Now having discovered that they had<br/>18 incorrectly represented relevance to the Court and<br/>19 in their pleadings, what did they do, and more<br/>20 importantly, what should they have done? They<br/>21 should have immediately produced the depositions<br/>22 and the documents, called our attention to it and</p> | <p style="text-align: right;">12</p> <p>1 marking at least 13 of the exhibits and uploading<br/>2 them to Planet Depos in advance of the deposition.<br/>3 When did that process and the discovery take place?<br/>4 Well, I provided Your Honor with the<br/>5 exhibit with the two binders. The first binder,<br/>6 Your Honor, is Exhibits A and B, and it's thick.<br/>7 And the reason that I provided those to you, Your<br/>8 Honor, is so that you can understand what they're<br/>9 trying to claim today. Between the two sets of<br/>10 depositions that Your Honor has as Exhibits 5 and 6<br/>11 and these exhibits that are A and B, it's 1,170<br/>12 pages. That includes the two depositions, one of<br/>13 which is 220 pages; the other, 132, and over 700<br/>14 pages of text and emails.<br/>15 From this, they picked out the relevant<br/>16 deposition testimony and exhibits, and, at a<br/>17 minimum, that process had to have been done at<br/>18 least a day before or at least started with them<br/>19 recognizing the relevance at least a day before.<br/>20 But, instead, Your Honor, our deposition started at<br/>21 12:00 noon. What did they do? They waited until<br/>22 12:08 p.m. when I am in the deposition.</p> |

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| <p style="text-align: right;">13</p> <p>1 Now, Your Honor, if this was in<br/>2 inadvertent and they just had confusion -- you<br/>3 know, we all make mistakes, we have staff issues.<br/>4 All those things happen. So if that was the case,<br/>5 then what do you do next? They had six people from<br/>6 Brown Rudnick on that deposition -- on the label --<br/>7 the email that went out that we have as, I think,<br/>8 Exhibit 4, Your Honor. Six people from there,<br/>9 including Mr. Chew and including Ms. Vasquez. They<br/>10 all knew that transferring email happened at 12:08<br/>11 p.m. after we started the deposition.<br/>12 So if they're acting in good faith, Your<br/>13 Honor, what do they do then? They should, at the<br/>14 beginning of the deposition, bring to my attention<br/>15 that they have discovered this late, that their<br/>16 office is sending over two prior depositions and<br/>17 the exhibits from those depositions, that they<br/>18 appeared not to have been sent earlier and then<br/>19 agree to provide me the opportunity to postpone the<br/>20 deposition to be able to review and potentially use<br/>21 this information. That would have been the right<br/>22 thing to do, Your Honor, at that point. Even if</p> | <p style="text-align: right;">15</p> <p>1 deposition and none of them would have opened it or<br/>2 thought that it was urgent to open it, especially<br/>3 since this was typically the paralegal's task.<br/>4 And, of course, I would have had no idea because<br/>5 I'm in the deposition. I'm not on my email during<br/>6 depositions at all. I focus.<br/>7 Worse, the password protect was limited<br/>8 solely to the recipient. So even if one of the<br/>9 lawyers had noticed that the paralegals were left<br/>10 off and forwarded to any of them, they could not<br/>11 open and access the documents.<br/>12 Now, Mr. Chew then proceeded to use 13 of<br/>13 the exhibits from the other depositions. When I<br/>14 objected because they had not been produced,<br/>15 Mr. Chew represented on the record they were all<br/>16 produced to your office prior to this deposition so<br/>17 you should, again, check with them because you<br/>18 go -- and you go to the deposition transcripts.<br/>19 You have got that and you have got the deposition<br/>20 transcripts. Sorry. And this was false. And<br/>21 Mr. Chew knew this to be false when he made those<br/>22 statements.</p>      |
| <p style="text-align: right;">14</p> <p>1 everything else is forgiven, all the mistakes are<br/>2 made, that was what they should have done at that<br/>3 time. But that's not what happened.<br/>4 We went into the deposition of Tracey<br/>5 Jacobs, who, at 12:05 p.m., Mr. Chew's paralegal<br/>6 sent a document production labeled Depp 17. No<br/>7 indication at all that it related to the deposition<br/>8 taking place. Further, all of our paralegals,<br/>9 including the main paralegal, were<br/>10 uncharacteristically left off the transmitting<br/>11 email. It only went to attorneys.<br/>12 Now, this is significant for a number of<br/>13 reasons, Your Honor. First, it would have been the<br/>14 paralegal who would have opened, downloaded, and<br/>15 saved the documents. That's normal for both sides.<br/>16 It would have been the paralegal who would have<br/>17 known I was in the deposition of Tracey Jacobs and<br/>18 seen the deposition transcripts, would have tried<br/>19 to alert me immediately. Given that we worked<br/>20 remotely at this time -- this was in January -- at<br/>21 the time because of COVID, none of the other<br/>22 lawyers would have had a clue I was in this</p>  | <p style="text-align: right;">16</p> <p>1 Then again when I raised it with<br/>2 Ms. Jacobs, letting her know after Mr. Chew had<br/>3 made references and she had made references to<br/>4 these depositions, that I didn't have those<br/>5 depositions, and what he says is, quote, "That's<br/>6 actually not true. You should check with your<br/>7 office staff, Elaine. You can do that during a<br/>8 break. You have got everything."<br/>9 Well, I did check during the break, Your<br/>10 Honor, and guess what? My paralegal did not have<br/>11 those documents, did not have anything. I had her<br/>12 go back and search. We have, you know, tens of<br/>13 thousands of documents produced in this case, and<br/>14 she went back and searched and found nothing.<br/>15 That's the situation I was in in this deposition.<br/>16 I never knew they were produced until after I was<br/>17 out of the deposition.<br/>18 Now, the idea also that I would be<br/>19 expected, during the deposition -- even if I found<br/>20 out they existed at that point -- to be able to<br/>21 review 1,170 pages during a break, then be able to<br/>22 come in and use those, is absolutely ludicrous,</p> |

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| <p style="text-align: right;">17</p> <p>1 Your Honor. It's completely unreasonable.<br/>2 Now, Mr. Depp's position is that I should<br/>3 have left the deposition open. That's equally<br/>4 invalid. In this case, Your Honor, all of the<br/>5 third-party witnesses have been represented by<br/>6 counsel -- well, not all of them have been<br/>7 represented by counsel, but those who have been --<br/>8 and Ms. Jacobs is represented by a very aggressive<br/>9 counsel, and they have no skin in this game and are<br/>10 not friendly to us at all. And in this case, they<br/>11 made it clear the last time we had to move her<br/>12 deposition, which was because of somebody's<br/>13 scheduling -- and I don't remember whose -- he<br/>14 said, "She's only going to sit once for a<br/>15 deposition." So there was no chance of bringing<br/>16 her back. We had no opportunity for that.<br/>17 You know, the second part of that is that<br/>18 Mr. Chew or Mr. Depp's counsel, in their<br/>19 opposition, claim, "Oh, she had seven hours. She<br/>20 had plenty of extra time." Well, Your Honor, the<br/>21 reason that I provided Exhibits -- and I think<br/>22 it's -- bear with me just a second. I think it's</p> | <p style="text-align: right;">19</p> <p>1 deposition. I would have never started it. I<br/>2 would have postponed it.<br/>3 And this happened in another case, Your<br/>4 Honor, in this case in another deposition, and<br/>5 that's Exhibit L, Your Honor. If Your Honor could<br/>6 turn to that for a moment. And this was the<br/>7 deposition -- we're talking about the deposition of<br/>8 Robin Baum, who is Mr. Depp's publicist.<br/>9 So we have a series here where we're<br/>10 supposed to take the deposition of Robin Baum on<br/>11 2/16 at 2 p.m. And you will see here that Arnold<br/>12 Blair, the same paralegal for Brown Rudnick, sends<br/>13 a document production at 12 -- 12:47 p.m., just a<br/>14 little over an hour before we're supposed to start<br/>15 Robin Baum's deposition. It includes an extensive<br/>16 number of texts, a lot of redactions. We postpone<br/>17 the deposition as a result of it.<br/>18 Then we postponed it to February 24, Your<br/>19 Honor. Then, as you will see from Exhibit 11,<br/>20 Depp's firm -- again, Depp's attorneys send another<br/>21 production the night before, and it reflects here<br/>22 that they sent it at 11:25 p.m. on February 23rd,</p>                |
| <p style="text-align: right;">18</p> <p>1 C, D, E, and F -- is that Mr. Depp's counsel has<br/>2 taken exactly the opposite position. Mr. Moniz,<br/>3 who is one of the counsel -- the California counsel<br/>4 for them has made -- has issued two emails saying<br/>5 we get equal time, you don't get more than 3.5.<br/>6 I then put in Mr. Carino and Ms. Jacobs'<br/>7 deposition notices, they cross-noticed both of<br/>8 those, which meant they get 3.5 of the time, I only<br/>9 get 3.5, and then they enforced that, and I<br/>10 provided the part of the deposition transcript of<br/>11 Mr. Carino in there, Your Honor, where they cut me<br/>12 off at 3.5.<br/>13 So claiming disingenuously now that<br/>14 somehow I have a lot more time and I could have<br/>15 opened this -- left this open and come back, none<br/>16 of those things were options for me. She's gone.<br/>17 She's done. I don't have that option, and I did<br/>18 not know that these depositions had even been<br/>19 provided for me to do that.<br/>20 And I will tell you right now that if I<br/>21 had been provided any notice at all that I had<br/>22 those depositions, I would have postponed the</p>                                    | <p style="text-align: right;">20</p> <p>1 another set of text with redactions, which caused<br/>2 us, again, to postpone the deposition because both<br/>3 of these times, late-produced documents that would<br/>4 be relevant to the individual. We postponed the<br/>5 depositions. Ms. Baum's counsel made the same --<br/>6 same claim as the other counsel: She's only<br/>7 sitting once. You start this, you end it. So we<br/>8 postponed it, and we still haven't taken Ms. Baum's<br/>9 deposition. We're still trying to resolve all the<br/>10 redactions that Mr. Depp put through there.<br/>11 So this is what we're dealing with here,<br/>12 Your Honor, and it's very, very important that this<br/>13 conduct stop. We stop with the late-minute<br/>14 producing these things and we -- it's not something<br/>15 that any counsel in this court should ever do, and<br/>16 it's not something that this Court should ever<br/>17 condone.<br/>18 The prejudice here is significant. The<br/>19 testimony of Tracey James [verbatim] is probably<br/>20 the most relevant to Mr. Depp's damages of anyone.<br/>21 She was his agent. He's claiming \$50 million in<br/>22 damages and loss of reputation, and he's claiming</p> |

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| <p style="text-align: right;">21</p> <p>1 that, largely, the 50 million comes because he was<br/>2 not cast in Pirates 6 as a result of Ms. Heard<br/>3 having the publication in December of 2018 on the<br/>4 op-ed. But, in fact, these transcripts and<br/>5 exhibits, Your Honor, that I right now am not<br/>6 allowed to be able to put into this court because I<br/>7 was not able to bring them in through Ms. Jacobs<br/>8 and not able to authenticate and not able to get<br/>9 the business records exception, she testified, in<br/>10 fact, that she believed Mr. Depp had hit Ms. Heard<br/>11 based on his behavior, his inconsistencies, and<br/>12 violent outbursts. She testified that more than a<br/>13 couple of times Mr. Depp was so angry with<br/>14 Ms. Jacobs to the point where it really concerned<br/>15 her, and these instances of his anger seemed to<br/>16 intensify as time went on. This is the time frame<br/>17 that he was abusing Ms. Heard.<br/>18 Depp claimed that Ms. Heard hurt his<br/>19 career after the op-ed, but Ms. Jacobs testified<br/>20 that Depp's alcohol and drug abuse were worsening.<br/>21 He appeared drunk on a TV show, and stoned, and one<br/>22 of the studio executives called Jacobs asking,</p> | <p style="text-align: right;">23</p> <p>1 in part, that's because she had the connections<br/>2 with the Mandel litigation and the Bloom<br/>3 litigation. These were people she worked with for<br/>4 over 20 years, and she gave them a lot more<br/>5 information than she gave me. Had I had these<br/>6 deposition transcripts, I could have refreshed her<br/>7 recollection, I could have impeached, if necessary,<br/>8 and I certainly could have authenticated and put<br/>9 these on.<br/>10 Now, she also testified that Mr. Depp was<br/>11 in significant financial distress during this time<br/>12 period, including -- and there's a lot in Exhibit A<br/>13 and B about him needing to have \$25 million by the<br/>14 end of the year, needing 4 million immediately,<br/>15 needing to change what kind of films he took.<br/>16 There are also in those exhibits, Your Honor, were<br/>17 contracts from his movies, including "Pirates of<br/>18 the Caribbean," which we had not gotten produced in<br/>19 discovery, including "Alice in Wonderland," dozens<br/>20 of emails and text messages with 37 different<br/>21 people.<br/>22 Now, it's interesting. In the</p>  |
| <p style="text-align: right;">22</p> <p>1 "What the hell is wrong with your client?" That's<br/>2 at Exhibit 8, Your Honor, in front of you at Depp<br/>3 19233.<br/>4 Ms. Jacobs testified that the same issues<br/>5 appeared during the filming of Pirates 5, which<br/>6 caused Mr. Depp to lose out on Pirates 6, would be<br/>7 our argument, Your Honor. Disney told Ms. Jacobs<br/>8 the conduct was not going to be tolerated, they<br/>9 were not going to put up with this, and there was<br/>10 no love between Johnny and Disney, given the<br/>11 Pirates 5 situation. He showed up repeatedly up to<br/>12 eight hours late or he didn't show up at all. He<br/>13 was drunk a number of times and stoned on drugs.<br/>14 There was significant issues with him. He couldn't<br/>15 remember his lines. He's been using for years an<br/>16 earpiece and someone's been feeding him his lines.<br/>17 They were absolutely disgusted with him, and she<br/>18 said they couldn't terminate him but they surely<br/>19 would have liked to a few times.<br/>20 These are all in her other depositions.<br/>21 Now, she was a lot more forthcoming, Your Honor, in<br/>22 these other depositions than she was with me, and,</p>                               | <p style="text-align: right;">24</p> <p>1 opposition, they say, "Well, you can go take the<br/>2 deposition of Christi Dembrowski. You're going to<br/>3 take the deposition of Christi Dembrowski and<br/>4 Mandel and White anyway, so you can authenticate<br/>5 through them." There are 37 people on these text<br/>6 messages and emails, Your Honor. We can't go out<br/>7 and take 37 depositions to authenticate. And it<br/>8 would have been a piece of cake, just easy as can<br/>9 be, "Were these done in the ordinary course of<br/>10 business? Are these your text messages and emails?<br/>11 Do they accurately reflect what is depicted?"<br/>12 Done. That's how quickly. Less than a minute of<br/>13 time with Tracey Jacobs.<br/>14 I don't know that these other people are<br/>15 going to admit that they sent or received these. I<br/>16 can't be -- I mean, there's no reason in the world<br/>17 why I should be punished and have to go to that<br/>18 extent because they didn't produce these in time.<br/>19 Now, a number of defenses have come up<br/>20 here, and, Your Honor, I think Your Honor may have<br/>21 this experience as well, but frequently, it's my<br/>22 experience in my years of practice that when</p> |

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| <p style="text-align: right;">25</p> <p>1 somebody says, you know, counsel is making<br/>2 ad hominem attacks, it's usually because they're<br/>3 making their own ad hominem attacks, and that's<br/>4 really what's going on here.<br/>5 First of all, they say we haven't had<br/>6 meet-and-confers. And I have to tell you, Your<br/>7 Honor, this is a frustrating experience for me.<br/>8 They have used "we didn't meet-and-confer" so many<br/>9 times in this case. They use it as a delay tactic.<br/>10 The reality is, every time, when I have been in<br/>11 this case, we have had meet-and-confers. We have<br/>12 had usually more than one meet-and-confer. They<br/>13 were successful in persuading Judge White twice<br/>14 that we haven't had them, even though, one time, we<br/>15 had two, and the other one had had two and a half<br/>16 hours of a meet-and-confer. But that's why they<br/>17 got away with it, so they're still trying to get<br/>18 away with it.<br/>19 Well, we now document very, very<br/>20 thoroughly. And, Your Honor, at Exhibit I, I have<br/>21 significant documentation of the meet-and-confers<br/>22 and over ten email efforts that I have made to try</p>   | <p style="text-align: right;">27</p> <p>1 order that Mr. Depp asked for and obtained from<br/>2 Judge White. But in any event, that's -- so that's<br/>3 the only thing we have been able to resolve is one<br/>4 of those, and Your Honor may note, in my proposed<br/>5 order, I took one of the two video depositions out<br/>6 because we received it yesterday.<br/>7 But other than that, you know, they have<br/>8 not been willing -- I mean, I don't understand why<br/>9 they won't agree to let us designate these<br/>10 transcripts and these documents in this case. I<br/>11 have even -- as Your Honor can see in the proposed<br/>12 order, I have even put that it would be in<br/>13 connection with -- it would be consistent with -- I<br/>14 think it's Section 11 of the scheduling order. We<br/>15 would do it just the way we had all the other<br/>16 transcripts. There's no prejudice. They were<br/>17 involved when we took these depositions. They were<br/>18 in their litigations. And Judge White has allowed<br/>19 deposition exhibits -- deposition excerpts from<br/>20 other cases already under this case of the two<br/>21 police officers. There's no reason not to allow<br/>22 that for us.</p>  |
| <p style="text-align: right;">26</p> <p>1 to resolve these issues. It's completely dilatory<br/>2 of them to claim that. We had a meet -- I was not<br/>3 involved in the meet-and-confer on February 3rd;<br/>4 other counsel from my office and from California<br/>5 were. But I was involved personally on the March<br/>6 3rd. Mr. Chew was present, Ms. Vasquez, and three<br/>7 other counsel from their office were on that call,<br/>8 and we had a very clear meet-and-confer. They said<br/>9 they would consider it. They told us again they<br/>10 just discovered it, and then they did nothing.<br/>11 I followed up with extensive emails, and<br/>12 Your Honor can see all the email chains. And even<br/>13 this week, Your Honor, I tried again to approach<br/>14 them on it. What I did get, Your Honor, is this<br/>15 week -- yesterday, they did turn over one of the<br/>16 video depositions from the Bloom case, and they<br/>17 have said they're looking into the Mandel one. I<br/>18 can't get those videos because they were labeled<br/>19 confidential in those cases. So the only people<br/>20 who can access them are counsel for Mr. Depp.<br/>21 They're not confidential in this case because we<br/>22 have a very, very narrowly construed protective</p> | <p style="text-align: right;">28</p> <p>1 And the same with the exhibits. You<br/>2 know, the authentication of those just prohibiting<br/>3 them from objecting on that basis and the business<br/>4 records exception. You know, their answer is --<br/>5 and we even tried, Your Honor, to avoid going to<br/>6 court. We issued requests for admissions for them,<br/>7 and they just denied them all, and they say it's<br/>8 all hypothetical. It's not hypothetical. We're<br/>9 asking for them to waive those because we didn't<br/>10 have the opportunity to put them in front of<br/>11 Ms. Jacobs and be able to authenticate them and be<br/>12 able to establish the business records exception.<br/>13 There's certainly no prejudice to them,<br/>14 and interestingly enough, in the opposition, that's<br/>15 never been argued. Now, the other attack on me is<br/>16 to go back and say, Well, Judge White already<br/>17 admonished you and said, you know, shame on you for<br/>18 having -- and because I had had what he believed<br/>19 were broader requests -- and we attached that, I<br/>20 think, as Exhibit 2 to our memorandum where we had<br/>21 asked for the videos and the depositions and the<br/>22 documents. Well, we had then negotiated, in our</p> |



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1 meet-and-confers, down to 17 topics. But the Court  
2 said, No, you can't do that. You're not supposed  
3 to do -- you know, resolve it down. You need to  
4 request them.  
5 So we turned around and did exactly that,  
6 Your Honor, and that's our tenth RFPs that we  
7 included on the chart that had the 17 topics that  
8 we had already discussed with counsel for Mr. Depp,  
9 and those would have been the ones that Ms. Jacobs'  
10 deposition and the exhibits would have been  
11 responsive to, and that they objected on relevance  
12 but then ended up using them. You can't object and  
13 then use them and not provide them to the other  
14 side. So we clearly did not defy Judge White. We  
15 turned around and did exactly what Judge White told  
16 us to do here.  
17 The other point, Your Honor, that I want  
18 to make here -- I'm trying to find; bear with me  
19 here -- is that these are all extremely  
20 reasonable -- reasonable requests that we have  
21 here. We're asking -- and if Your Honor would look  
22 at the proposed order, we're asking for the other

30  
1 video deposition to be turned over to us. Since  
2 they said they were inquiring into it, I have asked  
3 for July 2nd on that one. We have asked for them  
4 to allow us to designate those transcripts and  
5 portions of those deposition transcripts, just like  
6 the one in this case, in the same way that we would  
7 designate, you know, for any other deposition, so  
8 it's under the scheduling order. And then we have  
9 asked for the exceptions on the documents that they  
10 waive the ability to -- for the authenticity and  
11 foundation, including the business records  
12 exception, not challenge those, which is all very  
13 reasonable under these circumstances because, had  
14 we been provided the opportunity, Your Honor, we  
15 would have been able to do that.  
16 The only thing I can say further on that,  
17 Your Honor, they can still object on relevance,  
18 they can still object, you know, on any other bases  
19 if they don't -- you know, are inappropriate in  
20 here, but at least we get the shot at it that we  
21 would have had had we been given these.  
22 I cited, Your Honor, the 4:12 which says

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1 Your Honor has the discretion to do what is  
2 appropriate here. We also cited a number of cases  
3 that give Your Honor that type of discretion.  
4 This is the kind of conduct that needs to  
5 stop. It needs to stop. It's clear they did it in  
6 Robin Baum as well. They did it here, but much  
7 more egregiously. We can't have this kind of  
8 practice. We have to be able to trust opposing  
9 counsel. We have to be able to do the right thing.  
10 If, in fact, this was just a mistake, then do the  
11 right thing, give us the heads-up, let us postpone  
12 it so that we could have had these opportunities.  
13 But we are completely prejudiced by this because we  
14 have -- probably the best evidence in this case has  
15 been kept from us and we were not able to use it.  
16 And I would ask that Your Honor would enter our  
17 order.  
18 I also am asking for sanctions, Your  
19 Honor. And as I set out, I think there's a good  
20 reason for it in this case, and I believe I have  
21 set that out well.  
22 THE COURT: All right. Thank you.

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1 All right. Mr. Chew?  
2 MR. CHEW: I was going to say, "Good  
3 morning, Your Honor, may it please the Court, Ben  
4 Chew and Camille Vasquez for Plaintiff Johnny Depp"  
5 but Ms. Bredehoff has almost doubled her allocated  
6 time so I'll say "Good afternoon." And I will try  
7 to stick closer to the 15 minutes that were  
8 properly allocated, but I would ask the Court's  
9 indulgence to give me perhaps a few extra moments  
10 to respond to the --  
11 THE COURT: I mean, I'll give you the  
12 same amount of time that she took. That's fine,  
13 sir.  
14 MR. CHEW: Thank you very much, Your  
15 Honor.  
16 The Court should deny Ms. Heard's latest  
17 motion to compel and order her to reimburse  
18 Mr. Depp for the expenses and reasonable legal fees  
19 in responding to this motion. As a threshold  
20 matter, Your Honor, the person at issue today,  
21 Tracey Jacobs, is irrelevant to this matter.  
22 Ms. Jacobs testified on January 28th, in response

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| <p style="text-align: right;">33</p> <p>1 to Ms. Bredehoff's questions, that she never saw<br/>2 any alleged abuse either by Ms. Heard or by<br/>3 Mr. Depp. That's the issue in the case. She was<br/>4 unaware of Ms. Heard's false allegations of abuse<br/>5 until she published them in an attempt to get and<br/>6 receive a large divorce settlement based on a<br/>7 childless 15-month marriage. She also testified<br/>8 that she never discussed the false allegations of<br/>9 abuse with Mr. Depp. So she has nothing of<br/>10 relevance to say about the issue in this case of<br/>11 whether Ms. Heard falsely alleged that Mr. Depp is<br/>12 guilty of spousal abuse.</p> <p>13 At the start of the deposition on January<br/>14 28th, we did produce the two deposition transcripts<br/>15 from the TMG case against Mr. Depp's former<br/>16 managers and against Mr. Bloom. We sent those to<br/>17 nine attorneys representing Ms. Heard from three<br/>18 different firms, including Ms. Bredehoff herself.<br/>19 As Ms. Bredehoff conceded in her papers and again<br/>20 to Your Honor this morning, I asked her repeatedly<br/>21 to check with her office, which would include the<br/>22 nine attorneys to whom we sent the deposition</p> | <p style="text-align: right;">35</p> <p>1 has seen, hardly even mention Ms. Heard. The Court<br/>2 should deny Ms. Heard's demand for the video<br/>3 versions of Ms. Jacob's deposition transcripts in<br/>4 the Bloom and TMG cases because Ms. Heard never<br/>5 propounded any request for production for the video<br/>6 transcripts. And she concedes that in her opening<br/>7 brief. She says, quote, "Ms. Heard is asking for<br/>8 the production of the two video depositions of<br/>9 Ms. Jacobs." And we not only agreed to, once we<br/>10 saw that motion, we actually did produce the video<br/>11 transcript of Ms. Jacobs' deposition from the Bloom<br/>12 case, even though she never asked for it in an RFP.</p> <p>13 So the Court should deny the motion, (a)<br/>14 because we produced that video transcript and (b)<br/>15 because she never asked for it, and that's,<br/>16 obviously, not the way it works here, obviously.<br/>17 You have to propound an RFP, give the other side an<br/>18 opportunity to object, and then, if you can't<br/>19 resolve it, you move to compel. But she skipped --<br/>20 as usual, she skipped several steps.</p> <p>21 We also -- we have not produced<br/>22 Ms. Jacobs' deposition -- video deposition</p> |
| <p style="text-align: right;">34</p> <p>1 transcripts. If we were trying to conceal that,<br/>2 that would be a very odd way of doing that.</p> <p>3 With respect to copying Ms. Bredehoff's<br/>4 paralegal, she had never requested that we copy<br/>5 legal assistants until after the deposition, then<br/>6 she did ask us to start copying legal assistants,<br/>7 and we did.</p> <p>8 Those cases are completely unrelated, so<br/>9 what I said to Chief Judge White was completely<br/>10 true, and what I said again in my declaration was<br/>11 completely true. As Your Honor is aware, the first<br/>12 case, the TMG case, was against his former manager<br/>13 and the second case was against his former lawyer,<br/>14 Mr. Bloom. And we produced those despite -- we<br/>15 produced those transcripts despite the fact that<br/>16 Mr. Depp had pending objections to their production<br/>17 at the time. We produced them as a courtesy and<br/>18 she concedes that at Attachment 4. So Attachment 4<br/>19 shows that we copied them to nine attorneys.</p> <p>20 So Ms. Heard's counsel did have access to<br/>21 the transcripts and she could have reviewed them<br/>22 during the break. The transcripts, as Your Honor</p>               | <p style="text-align: right;">36</p> <p>1 transcript from -- we produced the transcript but<br/>2 we haven't produced the video from the TMG case<br/>3 because we never ordered it. But we have ordered<br/>4 it now and we will produce a copy to Ms. Bredehoff<br/>5 as soon as we get it. But, obviously, we can't<br/>6 produce what was never asked for until she filed<br/>7 her motion and until we obtain it.</p> <p>8 As to Ms. Heard's demand for the<br/>9 millions -- and they are literally millions of<br/>10 documents from the Bloom and TMG cases,<br/>11 Ms. Bredehoff grudgingly admits that the Court<br/>12 previously denied her motion to compel, the same<br/>13 documents but says two things. One, Your Honor,<br/>14 she says that Chief Judge White got it wrong. Then<br/>15 she says that I lied to Chief Judge White about<br/>16 what the Bloom and TMJ [verbatim] cases were also<br/>17 about, and, apparently, I lied to him and confused<br/>18 him on two other occasions when he found that she<br/>19 had failed to meet-and-confer.</p> <p>20 I don't know which of Ms. Bredehoff's<br/>21 false allegations is more offensive, but they're<br/>22 both false and they're both absurd. And the only</p>                               |

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| <p style="text-align: right;">37</p> <p>1 one -- the only counsel in this case who has been<br/>2 found to have acted in bad faith, which I wouldn't<br/>3 have mentioned until it was brought up, is<br/>4 Ms. Bredehoft. And we had a calendar control<br/>5 session on December 15th on Mr. Depp's emergency<br/>6 motion to de-designate the documents produced by<br/>7 the Children's Hospital of Los Angeles, 17 pages<br/>8 which show that Ms. Heard had lied under oath in<br/>9 London about giving half of the \$7 million divorce<br/>10 settlement to the Children's Hospital of Los<br/>11 Angeles. The CHLA did not designate them as<br/>12 confidential. No way in heck that they qualified<br/>13 as confidential under our protective order, which<br/>14 Ms. Bredehoft just told you is quite limited.<br/>15 Nevertheless, Ms. Bredehoft designated<br/>16 them as confidential. We moved on an emergency<br/>17 basis for Chief Judge White to have them<br/>18 de-designated, and he said, clearly, they're not<br/>19 confidential and have never been -- should never<br/>20 have been designated confidential. And then<br/>21 Ms. Bredehoft made a very good point. She said,<br/>22 Your Honor, for you to grant Mr. Depp's motion, you</p> | <p style="text-align: right;">39</p> <p>1 You also send vastly overbroad requests apparently<br/>2 in the hope that they will negotiate something<br/>3 better than what you might have gotten had you sent<br/>4 a reasonable request in the first place. So that's<br/>5 part of the reason we have this on the Friday<br/>6 docket, not simply because they're not giving you<br/>7 everything that you asked for or they are not<br/>8 negotiating in a fashion you wish for them to<br/>9 negotiate with. So I hope I'm clear on that. I'm<br/>10 sorry I have to say it."<br/>11 Well, obviously, Ms. Bredehoft completely<br/>12 ignored Judge White's admonition because she did it<br/>13 again in her motion. She asked for the first time<br/>14 for the video depositions. We gave them to her<br/>15 anyway. And she ignored your admonition on May<br/>16 28th when you specifically warned her, "It seems to<br/>17 be futile if you proceed with your new plea in bar.<br/>18 You can do it, but you better be careful."<br/>19 Well, she ignored you too because she<br/>20 went ahead and she filed her motion, which is<br/>21 completely frivolous -- and you will see our<br/>22 opposition to that on Monday.</p> |
| <p style="text-align: right;">38</p> <p>1 have to file -- you have to find an emergency. You<br/>2 don't come to calendar control, other than a<br/>3 scheduling matter, unless you have an emergency.<br/>4 And Chief Judge White found that the emergency was<br/>5 Ms. Heard's bad faith in designating them as<br/>6 confidential.<br/>7 And, Your Honor, Ms. Bredehoft mentioned<br/>8 this so I am going to read very briefly, Your<br/>9 Honor, from the transcript on November 20th. This<br/>10 is a transcript of the hearing where Chief Judge<br/>11 White denied Ms. Heard's motion to compel for the<br/>12 same materials she's asking for now.<br/>13 Quote -- this is Chief Judge White at<br/>14 page 30 and 31 of the transcript of the November<br/>15 20, 2020, hearing: "And, Ms. Bredehoft, I'm going<br/>16 to make a comment to you -- and maybe I shouldn't,<br/>17 but I'm going to anyway. But you risk losing<br/>18 credibility with the Court when you come before the<br/>19 Court and accuse the other side of not following<br/>20 the rules. Yet, you repeatedly have tried to add<br/>21 matters to the argument docket that were not on the<br/>22 docket. That would be a violation of the rules.</p>                              | <p style="text-align: right;">40</p> <p>1 So I don't play this game, but I have to.<br/>2 The Bloom case had nothing to do with Ms. Heard and<br/>3 her 15-month marriage to Mr. Depp in 2015 and 2016.<br/>4 Rather that case, for which I had ringside seat, as<br/>5 Mr. Depp's lead counsel, involved Mr. Bloom taking<br/>6 5 percent of Mr. Depp's income for 17 years based<br/>7 on an alleged oral contract made in 1999, 15 years<br/>8 before Mr. Depp met Ms. Heard. In that case, Judge<br/>9 Breen (ph) ruled that that alleged contract -- oral<br/>10 contract was illegal under Section 6147 of the<br/>11 California Business and Professional Code.<br/>12 Moreover, he found that the four-year statute of<br/>13 limitations applying to attorney malpractice in<br/>14 California did not apply because it was a<br/>15 continuous representation.<br/>16 Similarly, Mr. Depp's case versus his<br/>17 former managers at TMG is completely irrelevant<br/>18 here. That case involved Defendant's breaches of<br/>19 fiduciary duty which, as with Mr. Bloom, dated back<br/>20 to 1999. That case had nothing to do with<br/>21 Ms. Heard or Mr. Depp's relationship with<br/>22 Ms. Heard.</p>                 |

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| <p style="text-align: right;">41</p> <p>1 Finally, Your Honor, the Court should<br/>2 deny Ms. Heard's remaining requests for relief.<br/>3 Mr. Depp has not waived his objections to the<br/>4 authenticity of the documents at issue, and the<br/>5 deposition should not be admitted for all purposes<br/>6 at trial. To the contrary, in response to<br/>7 Ms. Heard's request for admissions, Mr. Depp<br/>8 properly objected not to be difficult but because<br/>9 he did not receive those emails -- he was not a<br/>10 recipient, he was not a CC, and he couldn't<br/>11 possibly authenticate that which he never received.<br/>12 Those objections are pending and have not been<br/>13 overruled.<br/>14 And Ms. Heard's assertion of prejudice<br/>15 because Ms. Jacobs is not subject to further<br/>16 subpoena in this case is simply wrong. As any of<br/>17 the three lawyers at Gordon and Reese, which is<br/>18 Ms. Heard's current California firm, could tell<br/>19 Ms. Bredehoft -- and probably already has told<br/>20 Ms. Bredehoft -- is that she has several very easy,<br/>21 viable accesses to authenticating these documents.<br/>22 One, as Ms. Vasquez can tell you, they can do</p> | <p style="text-align: right;">43</p> <p>1 Joel Mandel and Jake Bloom.<br/>2 So she certainly can ask, in the course<br/>3 of those depositions, which she will be noticing<br/>4 because they have been -- you know, they have been<br/>5 listed -- she can do it there as well. None of<br/>6 those four people has been deposed.<br/>7 And even the seven-hour limit that she<br/>8 refers to is only presumptive. There was plenty of<br/>9 time left on the clock.<br/>10 So, Your Honor, we respectfully submit<br/>11 that this motion should never have been set and<br/>12 filed. It was filed to try to make us look bad or<br/>13 try to distract us while we're trying to write the<br/>14 opposition to the frivolous plea in bar. But, in<br/>15 any event, Your Honor, we ask the Court not only to<br/>16 deny her latest motion to compel in its entirety<br/>17 but to allow Mr. Depp seven days in which to submit<br/>18 his time records redacted and give Ms. Bredehoft<br/>19 and Ms. Heard seven days to respond, after which we<br/>20 would ask that the Court review that and enter an<br/>21 appropriate order reimbursing Mr. Depp for the cost<br/>22 of having to do this, Your Honor. Thank you, Your</p> |
| <p style="text-align: right;">42</p> <p>1 what's called a PMK or person most knowledgeable<br/>2 deposition of United Talent Agency, which is<br/>3 Ms. Jacobs' employer. In other words, they can ask<br/>4 UTA to produce the person who can authenticate the<br/>5 documents.<br/>6 Number two, they can file a business<br/>7 records subpoena to UTA. So Ms. Bredehoft doesn't<br/>8 have to go back to all 37 people she says are<br/>9 copied on these emails. She can simply ask UTA<br/>10 whether these documents are kept in the ordinary<br/>11 course of business. Done deal. Mr. Depp can't do<br/>12 that as to those documents that he wasn't -- didn't<br/>13 receive.<br/>14 Third, as Ms. Bredehoft referred to,<br/>15 there are at least four people -- and these are the<br/>16 primary recipients, if Your Honor had a chance to<br/>17 look at the voluminous documents that she produced<br/>18 yesterday. Most of those emails are from Ms. -- or<br/>19 between Ms. Jacobs and Ed White, who is Mr. Depp's<br/>20 current manager, Christi Dembrowski, who is<br/>21 Mr. Depp's sister and involved in Infinitum Nahil,<br/>22 which is the -- one of the Urnoch (ph) companies --</p>           | <p style="text-align: right;">44</p> <p>1 Honor.<br/>2 THE COURT: All right.<br/>3 Yes, ma'am, Ms. Bredehoft?<br/>4 MS. BREDEHOFT: Yes, Your Honor. I think<br/>5 the first and foremost thing is we never heard an<br/>6 explanation for why these weren't produced to me<br/>7 after the start of the deposition of Ms. Jacobs.<br/>8 We never heard an explanation at all, and I think<br/>9 that's very significant here, Your Honor. No<br/>10 apology. No explanation.<br/>11 Let me just try to deal with these very,<br/>12 very quickly. Mr. Chew argues that we never asked<br/>13 for the videos, and, therefore, it should not be<br/>14 compelled. If Your Honor would look at Attachment<br/>15 1 to our memorandum, we say specifically -- it will<br/>16 be on the second page -- page 2, we ask for copies<br/>17 of all depositions taken in the other litigation,<br/>18 both transcriptions and videos.<br/>19 If Your Honor would then look at<br/>20 Attachment 3 of the memorandum, we ask -- and this<br/>21 is at page 13 but it's the third page of the<br/>22 attachment because we tried to shorten it to the</p>  |

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| <p style="text-align: right;">45</p> <p>1 relevant ones -- but the fifth request: "Please<br/>2 provide copies of all evidence, including<br/>3 depositions."<br/>4 And then we attached, after this argument<br/>5 was made in the opposition, Exhibit H, Your Honor,<br/>6 which is in your second binder. We have the<br/>7 definitions of and instructions, which define<br/>8 "document," and we highlighted the sections saying<br/>9 other compilation of information recorded. The<br/>10 term "document" shall also be -- include images,<br/>11 records of conversations, or interviews.<br/>12 So we clearly asked for it every type of<br/>13 way. Deposition doesn't restrict to transcript.<br/>14 Deposition includes videos as well, and we have<br/>15 clearly asked for it here. And this is just<br/>16 another example of trying to be evasive, Your<br/>17 Honor.<br/>18 The second thing that was argued is we<br/>19 can do this through Ms. -- through California code<br/>20 sections. The two sections that were cited by the<br/>21 opposition, Your Honor, don't apply to Tracey<br/>22 Jacobs. The first of those is documents</p>   | <p style="text-align: right;">47</p> <p>1 you know, as part of what this Court can do under<br/>2 4:12(d) is not allow them to raise authenticity<br/>3 foundation or business records or exceptions<br/>4 because they did not provide to us.<br/>5 And then where is the prejudice on us<br/>6 being able to raise those -- be able to designate<br/>7 those depositions and to obtain that video<br/>8 deposition? And even if we obtain it, if we can't<br/>9 use it, then that makes it very difficult here.<br/>10 But we should definitely be able to do so in this<br/>11 case.<br/>12 Your Honor, this is a prime example of<br/>13 where sanctions should be awarded. There is just<br/>14 no excuse for what happened here, Your Honor. And<br/>15 I think if Your Honor does not take a strong stance<br/>16 on this, then it's going to happen again and again.<br/>17 I'm not going to address Mr. Chew's<br/>18 other, you know, characterizations of things. I<br/>19 don't think that they're necessary here. There was<br/>20 one thing I do want to -- and if Your Honor will<br/>21 look at Exhibit C, we're going to be arguing next<br/>22 Friday before Your Honor the rest of No. 5 of the</p>                             |
| <p style="text-align: right;">46</p> <p>1 authenticated as business records, but the<br/>2 documents were produced by Depp in this case, not<br/>3 Tracey Jacobs, so that code section in California<br/>4 doesn't apply.<br/>5 The second one is if you're not a natural<br/>6 person -- that's the 202-5-230. So neither of<br/>7 those apply.<br/>8 With respect to the -- and why -- Your<br/>9 Honor, why should we have to go through the effort<br/>10 of getting all these depositions and trying to find<br/>11 all these people when we could have done this<br/>12 through Tracey Jacobs had we been provided these<br/>13 with sufficient time? That's the whole point here.<br/>14 At the end of the day, Your Honor, what<br/>15 is the prejudice? And I keep listening and I'm not<br/>16 hearing it. What is the prejudice to Depp to have<br/>17 those two transcripts -- to allow us to designate<br/>18 them in accordance with the way that we are with<br/>19 all the other deposition transcripts and the way<br/>20 they have been allowed with the police officers,<br/>21 why can't we designate those? They have their<br/>22 right to object to others, but we're just saying,</p> | <p style="text-align: right;">48</p> <p>1 10th request for production for other deposition<br/>2 transcripts, etc., but Mr. Chew brought up here in<br/>3 his opposition, "Gee, all that litigation is still<br/>4 not relevant and has nothing to do with it."<br/>5 Well, interestingly enough, they have<br/>6 never produced Mr. Depp's depositions from either<br/>7 of those cases. And on our Exhibit C, Your Honor,<br/>8 and our binder -- it will be at the top of the<br/>9 second binder -- if you'll see, we cited a section<br/>10 of our deposition of Mr. Depp, and you'll see where<br/>11 I'm asking him about the finger injury. He<br/>12 contends that Ms. Heard cut off his finger. And<br/>13 I'm asking him specifically -- and it's at page 308<br/>14 and we highlighted these sections and produced that<br/>15 to the other side -- do you -- "As you're sitting<br/>16 here, do you have a recollection of providing<br/>17 testimony in these two depositions about how your<br/>18 finger was cut off?"<br/>19 "I'll answer it again, sir. I can't be<br/>20 sure that the subject -- it wouldn't surprise me if<br/>21 it did come up in the depositions. The depositions<br/>22 were done quite a while ago."</p> |

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| <p style="text-align: right;">49</p> <p>1 We have -- and we have got this in our<br/>2 motion for next week, Your Honor, we have YouTube<br/>3 of Mr. Depp testifying by video in one of those<br/>4 two -- we don't know which one -- about the finger<br/>5 injury, yet, we haven't been given that in<br/>6 discovery in this case. That's just an example,<br/>7 again, of the subterfuge here. They're trying to<br/>8 hide everything.</p> <p>9 You know, obviously, the finger injury is<br/>10 highly relevant here. He's claiming Amber cut off<br/>11 his finger.</p> <p>12 So I would ask that Your Honor grant the<br/>13 relief, enter the order that we sent in yesterday,<br/>14 and maybe we won't have these issues in the future.</p> <p>15 THE COURT: All right. Thank you.</p> <p>16 Mr. Chew, I would like to ask you, what<br/>17 was the basis for getting information to her once<br/>18 the deposition had started?</p> <p>19 MR. CHEW: We had objected properly on<br/>20 relevance that these two cases had nothing to do<br/>21 with this. In the course of the preparations for<br/>22 the Jacobs' deposition that we did examine but</p> | <p style="text-align: right;">51</p> <p>1 informed me, I told her produce them. That's what<br/>2 we do, Your Honor. We don't play games. And if<br/>3 you look at the record in this case, you won't see<br/>4 any finding by Judge White that we have done<br/>5 anything but be earnest and fair.</p> <p>6 THE COURT: All right. And when will you<br/>7 have the other video, do you think?</p> <p>8 MR. CHEW: As soon as it arrives. We<br/>9 have ordered it from the videographer. We expect<br/>10 it as early as today, as late as Monday or Tuesday.</p> <p>11 THE COURT: Okay. All right. Well,<br/>12 based on that, you know, it's very important in<br/>13 this case that we don't go backwards. I don't want<br/>14 to rehash anything that's happened before. Judge<br/>15 White has made certain rulings, and we're keeping<br/>16 with those rulings, and that goes true for next<br/>17 Friday too. So whatever he's ruled, that's what<br/>18 we're going with.</p> <p>19 I don't find any bad faith here. I<br/>20 think, as moving forward, there's a lot of<br/>21 information in these cases and a lot of discovery<br/>22 going on, and I understand that. I don't think the</p> |
| <p style="text-align: right;">50</p> <p>1 primarily it was Ms. Bredehoff's deposition, one of<br/>2 my colleagues saw that there were some -- not<br/>3 many -- references. So, because we didn't want to<br/>4 hide the ball, we produced it.</p> <p>5 And then, as Ms. Bredehoff told you, I<br/>6 said, Go back and check. We sent it to nine<br/>7 people, Your Honor. We were not trying to hide the<br/>8 ball. Those cases had nothing to do with this.<br/>9 She was hardly referenced. Ms. Jacobs said she<br/>10 never saw any violence between them, didn't know<br/>11 about the allegations, never discussed them with<br/>12 Johnny Depp. Those cases are completely<br/>13 irrelevant. We produced them in an abundance of<br/>14 caution after we saw that there were a few<br/>15 references to Ms. Heard.</p> <p>16 And we don't hide the ball. That's not<br/>17 how we play, Your Honor.</p> <p>18 THE COURT: All right. So you produced<br/>19 it as soon as you became aware of it. Is that what<br/>20 I'm hearing?</p> <p>21 MR. CHEW: Absolutely. And then, as<br/>22 Ms. Vasquez said in their affidavit, when she</p>                       | <p style="text-align: right;">52</p> <p>1 timing worked out well at all for Ms. Bredehoff,<br/>2 but you did provide it. I can't fault you for<br/>3 that; however, I think it is important that she<br/>4 does get that other video as soon as you get that.<br/>5 Then she'll have the two videos. She has the<br/>6 transcripts now.</p> <p>7 I'm not going to make any pre-trial<br/>8 motions as far as designating portions of it or the<br/>9 foundational objections. I'm just not going to do<br/>10 that at this point. I don't think that's a proper<br/>11 thing to do when we're so far away from trial.<br/>12 That is something that might come up later when we<br/>13 get closer to trial, but at this time, I'm not<br/>14 going to do that.</p> <p>15 And since you are going to be providing<br/>16 the videos, I'm just going to deny the motion to<br/>17 compel today. We'll see where we are on Friday<br/>18 with that, and I'm not going to give fees to<br/>19 anybody on this matter. All right?</p> <p>20 MR. CHEW: Thank you very much, Your<br/>21 Honor.</p> <p>22 MS. BREDEHOFT: Your Honor --</p>   |

Transcript of Motions Hearing  
Conducted on June 25, 2021

14 (53 to 56)


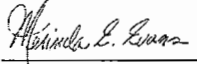
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| <p style="text-align: right;">53</p> <p>1 THE COURT: Is there --</p> <p>2 MS. BREDEHOFT: If I'm understanding your</p> <p>3 ruling, then, it's without prejudice for us to be</p> <p>4 able to come back and ask for this relief again; is</p> <p>5 that correct?</p> <p>6 THE COURT: Well, it's a motion in</p> <p>7 limine. When we get closer to trial, if there's</p> <p>8 still issues going on, but, you know, that's going</p> <p>9 to be something we do at our pre-trial conference</p> <p>10 when we start doing deposition issues, yes.</p> <p>11 MR. CHEW: And, Your Honor, just to</p> <p>12 clarify, may we submit to Your Honor's chambers on</p> <p>13 Monday a proposed order?</p> <p>14 THE COURT: Yes, that would be fine.</p> <p>15 MR. CHEW: And to that end, Your Honor,</p> <p>16 so we can have obviate any disagreement, the motion</p> <p>17 to compel is denied? I don't want to get into a</p> <p>18 fight about --</p> <p>19 THE COURT: Right.</p> <p>20 MR. CHEW: -- without prejudice.</p> <p>21 THE COURT: No -- well, the motion to</p> <p>22 compel is denied. Whether or not authenticating</p>  | <p style="text-align: right;">55</p> <p>1 and I just want to make sure. So my understanding</p> <p>2 is, with respect to our request to designate</p> <p>3 portions of the transcripts and to preclude certain</p> <p>4 objections, those are both denied -- I guess you're</p> <p>5 just not -- I don't know how to characterize those</p> <p>6 because neither of those are part of the motion to</p> <p>7 compel, they're requesting relief.</p> <p>8 THE COURT: Right.</p> <p>9 MS. BREDEHOFT: So are they just not</p> <p>10 being ruled on at this time?</p> <p>11 THE COURT: No, they're denied as relief</p> <p>12 for the motion to compel. All right? I can see</p> <p>13 that it might become of issue later on when we get</p> <p>14 closer to trial, and I understand that. But right</p> <p>15 now, no, I'm denying the motion to compel outright.</p> <p>16 So whatever you need to do as an attorney for that</p> <p>17 case -- if you need to do other routes to get</p> <p>18 authentication, you need to go those routes.</p> <p>19 That's what I'm saying.</p> <p>20 I mean, I can see that all these</p> <p>21 depositions are going to come back up to play, I'm</p> <p>22 sure, when we get close to trial, and what's going</p> |
| <p style="text-align: right;">54</p> <p>1 parts of depositions, that has nothing to do with</p> <p>2 the motion to compel. Whether or not we do that is</p> <p>3 something for pre-trial. I assume we're going to</p> <p>4 be going through quite a few different depositions</p> <p>5 and there's going to be arguments back and forth at</p> <p>6 that time.</p> <p>7 MR. CHEW: Thank you, Your Honor.</p> <p>8 MS. BREDEHOFT: Your Honor, if I may, so</p> <p>9 I understood that Your Honor granted the motion to</p> <p>10 compel with respect to the second video deposition.</p> <p>11 MR. CHEW: No, Your Honor.</p> <p>12 THE COURT: No, no, I didn't. I denied</p> <p>13 the motion to compel outright. They're providing</p> <p>14 the second video, so it's a moot point. So that's</p> <p>15 going to get you either Monday or Tuesday, it</p> <p>16 sounds like.</p> <p>17 MR. CHEW: Yes, Your Honor.</p> <p>18 THE COURT: That's a moot point. So I'm</p> <p>19 denying the motion to compel.</p> <p>20 MS. BREDEHOFT: Your Honor -- and I'm not</p> <p>21 trying to be unreasonable here, but maybe you know</p> <p>22 that we have had issues with these proposed orders,</p> | <p style="text-align: right;">56</p> <p>1 to be designated and what's not going to be</p> <p>2 designated, and we're going to have full fun days</p> <p>3 doing that, I'm sure.</p> <p>4 MS. BREDEHOFT: So the only thing I would</p> <p>5 ask, Your Honor, is can we have in the order that</p> <p>6 it's without prejudice --</p> <p>7 THE COURT: No, no --</p> <p>8 MS. BREDEHOFT: -- so that I can bring it</p> <p>9 again?</p> <p>10 THE COURT: No. The motion to compel is</p> <p>11 denied. The basis for what you wanted to</p> <p>12 authenticate it for is denied, if that makes sense.</p> <p>13 Okay?</p> <p>14 MS. BREDEHOFT: All right.</p> <p>15 MR. CHEW: Thank you, Your Honor. That's</p> <p>16 very clear.</p> <p>17 THE COURT: All right. Thank you.</p> <p>18 MS. BREDEHOFT: All right. I just -- but</p> <p>19 we're not going to say "with prejudice" either.</p> <p>20 We're just going to say motion to compel and for</p> <p>21 the reasons set forth in the record. I'd be</p> <p>22 comfortable with that.</p>  |

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Transcript of Motions Hearing  
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| <p style="text-align: right;">57</p> <p>1 THE COURT: That would be perfect. The<br/>2 shorter the order, the better for me.<br/>3 MR. CHEW: Thank you, Your Honor. We'll<br/>4 produce that. Thank you.<br/>5 THE COURT: All right. Thank you. Thank<br/>6 you, Ms. Bredehoff. Have a good weekend.<br/>7 MS. BREDEHOFT: Thank you very much, Your<br/>8 Honor. Have a nice weekend.<br/>9 MR. CHEW: Thank you, Your Honor.<br/>10 (At 11:51 a.m., the above hearing<br/>11 concluded.)<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22</p>   | <p style="text-align: right;">59</p> <p>1 CERTIFICATE OF TRANSCRIBER<br/>2<br/>3 I, Bobbi J. Fisher, do hereby certify that<br/>4 the foregoing transcript is a true and correct<br/>5 record of the recorded proceedings; that said<br/>6 proceedings were transcribed to the best of my<br/>7 ability from the audio recording and supporting<br/>8 information; and that I am neither counsel for,<br/>9 related to, nor employed by any of the parties to<br/>10 this case, and I have no interest, financial or<br/>11 otherwise, in its outcome.<br/>12<br/>13 <br/>14 _____<br/>15 Bobbi J. Fisher, RPR<br/>16 NCRA Registered Professional Reporter (RPR)<br/>17 Prepared: June 26, 2021<br/>18<br/>19<br/>20<br/>21<br/>22</p> |
| <p style="text-align: right;">58</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC<br/>2<br/>3 I, Merinda Evans, the officer before whom<br/>4 the foregoing deposition was taken, do hereby<br/>5 certify that said proceedings were electronically<br/>6 recorded by me; and that I am neither counsel for,<br/>7 related to, nor employed by any of the parties to<br/>8 this case and have no interest, financial or<br/>9 otherwise, in its outcome.<br/>10 IN WITNESS WHEREOF, I have hereunto set my<br/>11 hand and affixed my notarial seal this 25th day of<br/>12 June, 2021.<br/>13<br/>14 <br/>15 _____<br/>16 Merinda Evans, Notary Public<br/>17 for the Commonwealth of Virginia<br/>18<br/>19 Notary Registration No.: 7808245<br/>20 Expiration: 1/31/2023<br/>21<br/>22</p> |   |