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CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Hearing

Date: July 2, 2021
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Hearing
Conducted on July 2, 2021



<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, : 5 Plaintiff, : 6 v. : Civil Action No. 7 AMBER LAURA HEARD, : CL-2019-0002911 8 Defendant. : 9 -----x 10 11 Hearing before the HONORABLE PENNEY S. AZCARATE 12 Conducted Virtually 13 Friday, July 2, 2021 14 11:32 a.m. EST 15 16 17 18 19 20 Job No.: 379619 21 Pages: 1 - 10 22 Reported By: Paul P. Smakula</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF PLAINTIFF DEPP: 3 BENJAMIN G. CHEW, ESQUIRE 4 BROWN RUDNICK LLP 5 601 Thirteenth Street Northwest 6 Suite 600 7 Washington, D.C. 20005 8 (202) 536-1785 9 10 ON BEHALF OF DEFENDANT HEARD: 11 ELAINE CHARLSON BREDEHOFT, ESQUIRE 12 CHARLSON, BREDEHOFT, COHEN & BROWN 13 11260 Roger Bacon Drive 14 Suite 201 15 Reston, Virginia 20190 16 (703) 318-6800 17 18 19 20 21 22</p>
<p>1 Hearing before the HONORABLE PENNEY S. 2 AZCARATE, conducted virtually: 3 4 5 6 7 8 9 Pursuant to notice, before Paul P. Smakula, 10 Notary Public in and for the State of Maryland. 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 P R O C E E D I N G S 2 THE COURT: In this matter -- it comes 3 today for a motion to compel. Before we start, 4 after reviewing everything and reviewing 5 everything that Judge White has reviewed on 6 discovery issues and everything, I have changed my 7 mind and I am appointing a permanent conciliator. 8 My law clerk already talked to Steve Cochran, and 9 he has accepted the position. So Steve Cochran 10 will be the permanent conciliator in this matter. 11 In my opinion he's the best conciliator I have, 12 and I think he will help us in our journey, okay? 13 MS. BREDEHOFT: Thank you, Your Honor. 14 THE COURT: All right. So what I would 15 like to do on the basis of that is -- I don't know 16 if you're available for next Friday, but I would 17 like to continue this matter to next Friday to see 18 if we can get something with the conciliator 19 worked through. 20 MS. BREDEHOFT: I can make myself 21 available, Your Honor. I had a conflict but I can 22 move that.</p>

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<p>5</p> <p>1 THE COURT: Whatever time on Friday. It 2 doesn't have to be 11:30, it can be whatever time 3 you need. 4 Mr. Chew? 5 MR. CHEW: Thank you, Your Honor. My wife 6 and I are taking our boys for their first 7 overnight summer camp. However, assuming that the 8 conciliator can do this in the morning, I could do 9 that without -- while saving my marriage as well. 10 THE COURT: Okay. Well, you know what, 11 you can meet with the conciliator at any time, I'm 12 just talking about coming back to court just for a 13 review. 14 MR. CHEW: Absolutely, Your Honor. I will 15 make sure that I can do it whenever the Court 16 decides. I will be there. Thank you. 17 THE COURT: Sure. Okay. Would you -- 18 Ms. Bredehopt, is 10:00 or 11:30 better for you or 19 9:00? I can do anything. 20 MS. BREDEHOFT: 10:00 would be better for 21 me on Friday, Your Honor, for the hearing. 22 THE COURT: Yes. I can do that. Yes.</p>	<p>7</p> <p>1 would be fine with us. We greatly appreciate it. 2 THE COURT: All right. Perfect. 3 MS. BREDEHOFT: Two things, Your Honor. 4 First, Your Honor, we submitted an order to Your 5 Honor relating to the Tracey Jacobs deposition 6 because Mr. Chew ended up experiencing some 7 problems with getting the transcript. 8 Did Your Honor have any questions for us 9 today on that? 10 THE COURT: No. I just received that and 11 I can take care of that today. I can email you a 12 copy of that back, if you'd like? 13 MS. BREDEHOFT: Perfect. Thank you. 14 MR. CHEW: Thank you. 15 MS. BREDEHOFT: And the second item, Your 16 Honor, just clarification, our hearing is 17 July 22nd for the plea in bar. I'm of the 18 understanding it's in person, and I've told 19 Mr. Chew I believe that. I just wanted to verify 20 that. 21 THE COURT: Right. And I actually want to 22 talk to you about that. Because July 22nd is</p>
<p>6</p> <p>1 Okay. 2 MS. BREDEHOFT: And, then just so we're 3 clear, so we're going to work with Steve Cochran 4 earlier, try to resolve whatever -- 5 THE COURT: Right. 6 MS. BREDEHOFT: -- we can and then come 7 back on Friday? 8 THE COURT: Exactly. And any discovery 9 dispute in the future goes through him first, 10 because he'll be permanently assigned to this 11 case, okay? 12 MS. BREDEHOFT: Your Honor, may I suggest 13 that Mr. Chew and I work out a process for that? 14 THE COURT: That's fine. 15 MS. BREDEHOFT: I have done that in 16 another case with Judge Shannon, and I would be 17 happy to share that with Mr. Chew and see if we 18 can work that out so we have a system. 19 THE COURT: Okay. That's fine. However 20 you can do it would be great, and I would 21 appreciate it. 22 MR. CHEW: Thank you, Your Honor. That</p>	<p>8</p> <p>1 fine, if we can move it maybe an hour or so just 2 because now on July 22nd we have a criminal 3 special term day since we're opening up jury 4 trials, so I'm bringing in a lot of defendants 5 that are on bond to set their jury trials. I'm 6 starting at 9:00 and I'm hoping to be done by 7 11:00. So if we can either start at 11:00 or if 8 you want to go to the afternoon, we can do the 9 afternoon. But it is -- everything is in person 10 other than Friday motions right now. 11 MS. BREDEHOFT: Either is fine with me, 12 Your Honor. I can do 11:00, or if Your Honor 13 would prefer to start at 1:00 or 2:00. 14 THE COURT: I was thinking 1:00 or I can 15 do 11:00, it's up to you. 16 Mr. Chew, do you have a preference? 17 MR. CHEW: I guess selfishly my preference 18 would be 11:00, but whatever is good for the Court 19 and Ms. Bredehopt. 20 THE COURT: Well, we can set it for 11:00, 21 and if I go over on my term day we'll adjust. We 22 can adjust. It wouldn't be long. Just as you saw</p>

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3 (9 to 12)

<p style="text-align: center;">9</p> <p>1 because you know I might still be struggling 2 through getting jury trials set, that'd be fine. 3 MS. BREDEHOFT: That's no problem. Okay. 4 All right. That's perfect. 5 Thank you very much, Your Honor. Have a 6 great 4th of July. 7 THE COURT: You too. Thank you, Mr. Chew. 8 MR. CHEW: Thank you. 9 (Off the record at 11:37 a.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	
<p style="text-align: center;">10</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC 2 I, PAUL P. SMAKULA, the officer before whom 3 the foregoing deposition was taken, do hereby 4 certify that the foregoing transcript is a true 5 and correct record of the testimony given; that 6 said testimony was taken by me stenographically 7 and thereafter reduced to typewriting under my 8 direction; that reading and signing was not 9 requested; and that I am neither counsel for, 10 related to, nor employed by any of the parties to 11 this case and have no interest, financial or 12 otherwise, in its outcome. 13 14 IN WITNESS WHEREOF, I have hereunto set my hand 15 and affixed my notarial seal this 21st day of 16 July, 2021. 17 18 My commission expires: June 18, 2023. 19   20 _____ 21 NOTARY PUBLIC IN AND FOR 22 THE STATE OF MARYLAND</p>	