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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

-----x

CONFIDENTIAL - UNDER SEAL

HEARING

Before the Honorable PENNEY AZCARATE

Fairfax, Virginia

Friday, October 8, 2021

11:51 a.m.

Job No.: 403339

Pages: 1 - 34

Reported by: Carol A. Lowe, RPR

1 past. So there's no question an IME could answer.

2 Of course, other than Ms. Heard Mr. Depp
3 has never even been accused much less arrested or
4 convicted of assaulting anyone; unlike Ms. Heard
5 who was arrested for assaulting her then
6 girlfriend, Tasya van Ree, and who spent a night
7 in jail nor has Mr. Depp had any contact, no
8 emails, no calls, no texts, with Ms. Heard in a
9 long time.

10 Defendant's reference to Dr. Kipper's
11 report is inapposite for the following reasons.
12 A, Dr. Kipper is a general internist. He's not a
13 psychologist. B, he treated both Mr. Depp and
14 Ms. Heard as their physician. C, Dr. Kipper did
15 no psychological testing of Mr. Depp that could be
16 retested for which Dr. Kipper would be wildly
17 unqualified. D, no one, not Mr. Depp or Dr.
18 Kipper, has put Mr. Depp's mental condition at
19 issue nor have they suggested that he has any
20 condition or takes any medications that in any way
21 proves he did not abuse Ms. Heard.

22 And, to be clear, we are not proffering

1 Dr. Kipper as an expert. And we'll be -- our
2 expert disclosures given the continuance of the
3 trial are not due until January. And I will make
4 this representation. And had there been a
5 meet-and-confer, we would have done this.

6 But we are not proffering Dr. Kipper as
7 an expert on anything. We are proffering him as a
8 fact witness. And irrespective of the letter to
9 Christi Dembrowski who's Mr. Depp's sister from
10 Dr. Kipper, Dr. Kipper has testified in response
11 to Mr. -- Ms. Bredehoft's questioning that he
12 never saw any injury on Ms. Heard.

13 That's what we're bringing him to tell
14 the jury; that there was no injury. And that's
15 consistent with the very credible, repeated
16 testimony by Officers Melissa Saenz and Tyler
17 Hadden that there were no marks on Ms. Heard.
18 And, remember, Officer Saenz had handled over a
19 hundred domestic abuse cases. So she knew what to
20 look for and when to look for it.

21 Ms. Heard's reference to fairness is
22 ironic as fairness strongly militates toward