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FAIRFAX, VA

Transcript of Motion to Compel Hearing

Date: February 11, 2022
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Motion to Compel Hearing
February 11, 2022

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1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 -----x 4 JOHNNY C. DEPP, II, 5 Plaintiff, 6 v. Case No. CL2019-0002911 7 AMBER LAURA HEARD, 8 Defendant. 9 -----x 10 11 MOTION TO COMPEL HEARING 12 Before the HONORABLE PENNEY S. AZCARATE, Judge 13 Fairfax, Virginia 14 Friday, February 11, 2022 15 12:00 p.m. EST 16 17 18 19 20 Job No.: 432553 21 Pages: 1 - 70 22 Transcribed by: Bobbi J. Fisher, RPR	1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFF, MR. DEPP: 3 BENJAMIN G. CHEW, ESQ. 4 BROWN RUDNICK, LLP 5 601 Thirteenth Street, NW, Suite 600 6 Washington, DC 20005 7 (202) 536-1700 8 9 ON BEHALF OF THE DEFENDANT, MS. HEARD: 10 ADAM S. NADELHAFT, ESQUIRE 11 CHARLSON BREDEHOFT COHEN & BROWN, PC 12 11260 Roger Bacon Drive, Suite 201 13 Reston, VA 20190 14 (703) 318-6800 15 16 17 18 19 20 21 22
2	4
1 Hearing on Motions held at: 2 3 Fairfax County Circuit Court 4 4110 Chain Bridge Road 5 Fairfax, Virginia 22030 6 7 8 Pursuant to Docketing, before Diamante Parrish, 9 Digital Court Reporter and Notary Public in the 10 Commonwealth of Virginia. 11 12 13 14 15 16 17 18 19 20 21 22	1 I N D E X 2 PAGE 3 Hearing on Motions 5 4 5 6 E X H I B I T S 7 (None.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

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1 PROCEEDINGS	1 And during one of their motions, they
2 (The court reporter was duly sworn.)	2 said that, once we have the forensic imaging, we
3 THE COURT: All right. In this matter,	3 can admit or deny, and we'll be happy to do that.
4 we're back for a motion to compel. All right.	4 That's what we're asking for. 21 days after they
5 This comes on your motion, sir, however you want to	5 receive the photos from Mr. Young, they admit or
6 handle it.	6 deny the authenticity. We're not requesting that
7 MR. NADELHAFT: Good morning, Your	7 they admit it if they -- obviously, if they deny
8 Honor -- or good afternoon, Your Honor. Adam	8 the authenticity, that's their prerogative, but we
9 Nadelhaft on behalf of Amber Heard. You'll notice	9 would know what photographs are at issue. And
10 Mr. Murphy is usually with me; I'm happy to	10 that's all we're asking for.
11 announce that, between the time of my office and	11 THE COURT: All right. Any objection to
12 driving here, he's now a new father, so...	12 that?
13 THE COURT: Oh, well, good for	13 MR. CHEW: Good morning, Your Honor. May
14 Mr. Murphy.	14 it please the Court. Ben Chew for Plaintiff Johnny
15 MR. NADELHAFT: A baby boy.	15 Depp.
16 THE COURT: Oh, great.	16 Yeah, we're just going on what they're
17 MR. NADELHAFT: So he's very excited	17 demanding, and they're demanding us to admit or
18 about that.	18 deny the authenticity of photographs we haven't
19 THE COURT: His first child?	19 received so Mr. Young --
20 MR. NADELHAFT: First child. So he's	20 THE COURT: So, once you receive them,
21 welcome -- he's a new parent.	21 you agree that --
22 THE COURT: Oh, that's very nice.	22 MR. CHEW: We will respond --
6	8
1 MR. NADELHAFT: Let the adventure begin.	1 THE COURT: -- within 21 days, you'll
2 So if you have -- I think it would make	2 admit or deny the authenticity.
3 sense to have our chart, which we started with	3 MR. CHEW: We will certainly respond,
4 Heard's Third Request for Admissions. And	4 yes. Absolutely, Your Honor.
5 throughout a lot of these things, I think one of	5 THE COURT: All right.
6 the issues I have seen is that we had	6 MR. NADELHAFT: Sure, I mean, that --
7 meet-and-confers. We were working with Mr. Depp's	7 THE COURT: That's next -- next?
8 counsel on a lot of these, and then I don't know if	8 MR. NADELHAFT: Okay. We provided that
9 there was miscommunications amongst our counsel or	9 in consent order. We talked about it with them on
10 we thought we'd have agreements and things were	10 Wednesday. I'm not -- anyway.
11 revised, but they're not really responding to a lot	11 The next one is audio transcripts from
12 of what we're actually putting forward in front of	12 these same RFAs. We both have -- both sides have
13 you.	13 the recordings. We put together transcripts to
14 So, with that said, so the first in the	14 help the jury. We're asking for them to admit or
15 chart is the photographs, the authenticity, and	15 deny the authenticity of the transcripts. If they
16 it's a number of requests, these RFAs here. And	16 have an issue with a particular transcript and
17 what -- all we're asking for from these third RFAs	17 believe that it should say something else, that's
18 is that Mr. Depp admit or deny the authenticity of	18 fine. We're not saying they have to admit it. We
19 the photos in these various requests. We're not	19 want to know exactly what -- what transcripts will
20 asking for it now. We're asking for it after they	20 be at issue.
21 get the photos from Mr. Young, which you had	21 THE COURT: All right.
22 requested -- which you ordered.	22 MR. CHEW: Your Honor, again, here we

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<p style="text-align: right;">9</p> <p>1 submit that this is overly broad; that the purpose 2 of the RFAs is to say is this tape genuine. But 3 what they're asking us to do is not only to admit 4 or deny the genuineness of the tape, but she's 5 asking us to admit that her people accurately 6 transcribed recordings, which is not, we would 7 submit, a proper request for authenticity under 8 Rule 4:11. 9 Either -- she's asking us to go line 10 through line through hundreds of pages of her own 11 or her attorney's transcription, so we don't think 12 that's an appropriate RFA, particularly given 13 they're way over the 30 limit. And you can go over 14 the 30 limit to authenticate documents or 15 authenticate tapes, but that's not what they're 16 asking us to do. They're asking us to 17 authenticate -- 18 THE COURT: Their work product. 19 MR. CHEW: -- their work product, which 20 we respectfully submit is over the limit and it's 21 beyond the scope of the rule. 22 THE COURT: All right. Yes, sir.</p>	<p style="text-align: right;">11</p> <p>1 think that's a discovery response. All right? 2 MR. NADELHAFT: Mm-hmm. Okay. 3 So the next is the 17th Request for 4 Production of Documents, and those are 48 -- in the 5 17th Request for Production, those are RFPs 48 6 through 59, 65 through 72, 79 through 91, and 106 7 through 119. 8 If you recall, Mr. Depp sought these same 9 things a couple of times ago when we were here, and 10 we had had a consent order, trying to get -- trying 11 to say, Hey, they're the same thing. At that 12 point, it wasn't in front of you. Mr. Chew said 13 that they would produce the documents at the 14 appropriate time. 15 We have spoken to their counsel, who 16 seemed to agree to it. Their papers seem to agree 17 to it. I'm not sure what the dispute is because 18 they think that they're going to agree to 19 produce -- we're asking for the statement -- for 20 the various statements that they produced the 21 documents referring to or reflecting the incidents, 22 exactly the same language you ordered with Mr. Depp</p>
<p style="text-align: right;">10</p> <p>1 MR. NADELHAFT: What we're asking for is 2 really so -- if they have an issue -- they have 3 transcripts, as I understand it, from what our 4 discussions, too, of these recordings, and we think 5 it's best for the jury to have one transcript that 6 we have agreed on. 7 So what we're saying is, if you don't 8 agree with the transcript, tell us why, and we can 9 hopefully work that out. 10 THE COURT: Right. 11 MR. NADELHAFT: That's all we're asking 12 for. 13 THE COURT: I understand that. I just 14 don't think that's discovery request. I think 15 that's more of a trial preparation request, so I 16 can't require that. I assume, in preparation for 17 trial, everybody is going to have transcripts that 18 they're going to want the jury to look at, and 19 you're going to have to work together to agree on 20 what the transcript is going to be. 21 MR. NADELHAFT: Okay. 22 THE COURT: But, I mean, I just don't</p>	<p style="text-align: right;">12</p> <p>1 and exactly the same on these various statements. 2 And from what I have read of their 3 papers, they're agreeing to produce that 4 information, so I don't think there's a dispute. 5 THE COURT: All right. Is there a 6 dispute, Mr. Chew? 7 MR. CHEW: Your Honor, again, this falls 8 under the category -- I mean, Elvis has long since 9 left the building in terms of they have propounded 10 16 RFPs, thousands of RFPs. All of this is 11 subsumed in those. Those are now the 17th RFPs, 12 which contain 217 individual requests. 13 The problem with this one, in addition to 14 the fact that it's wildly duplicative, it has 15 language that both Chief Judge White and Your Honor 16 have held as too broad: "All documents supporting, 17 refuting, or otherwise relating to incidents." 18 What we have produced and would agree to 19 double-check are "all non-privileged documents that 20 reflect or refer to the alleged incidents of abuse 21 between Mr. Depp and Ms. Heard to the extent not 22 previously produced." And that's really a common</p>

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13	<p>1 theme that will run through all of these requests 2 as far as the 17th RFPs. 3 We have produced all of this, but that's 4 really the scope. But the problem here is 5 "supporting, refuting, or otherwise relating." 6 It's just wildly overbroad, Your Honor. 7 THE COURT: All right. Do you have any 8 objection to the language that he just stated? 9 MR. NADELHAFT: Respectfully, Your Honor, 10 we have -- if you have the chart that we have, 11 that's not the language we're asking for. We're 12 asking for: "Mr. Depp shall produce any responsive 13 documents referring to or reflecting the incidents 14 described." 15 We understood your orders from the last 16 time. We worked with them. We provided them 17 consent orders. And this is going to be a theme 18 throughout. They're going based off of our 19 original RFPs. We have been trying to work with 20 them on this for weeks and have presented them 21 consent orders. We have revised the requests 22 pursuant to your order.</p>	15	<p>1 understanding as well, Your Honor. 2 MR. NADELHAFT: Okay. Thank you. 3 THE COURT: Okay. Great. 4 MR. NADELHAFT: Okay. Now, going to 5 the -- Ms. Heard's 14th Request for Production, 6 Request No. 1, this is -- again, it's a revised 7 request. I think you may hear about certain 8 language that was in the original, but we worked 9 with that and tried to work with them. "Please 10 produce any documents supporting Mr. Depp's 11 statement to Christian Carino, who is Mr. Depp's 12 agent, in an audio recording that said, 'I have 13 gotten emails from every fucking studio head' -- 14 excuse my language -- "from every motherfucker. I 15 didn't do a thing. I'm sorry you're going through 16 this. I'm so sorry. Clearly, she's out of her 17 fucking mind. She's viewed as out of her fucking 18 mind across the globe." 19 And we're asking for the emails that 20 support that statement. And I think it is relevant 21 in a number of ways. It's relevant -- if every 22 studio didn't believe Mr. Depp -- or didn't believe</p>
14	<p>1 So, yet, if you agree to the language we 2 have here in the revised RFPs, then we're 3 comfortable with that. 4 THE COURT: To say that -- yeah, I think 5 you both have the same language now, "reflect or 6 refer." So if you still have anything that's in 7 your possession that you haven't turned over, the 8 "reflect or refer" will be the language we use. 9 Okay? 10 MR. NADELHAFT: Absolutely, Your Honor. 11 THE COURT: All right. And -- 12 MR. NADELHAFT: One moment, Your Honor. 13 I'm just going to make myself a note. 14 THE COURT: Sure. So that should go 15 through all the 17. All right. 16 MR. NADELHAFT: And just so we're all on 17 the same page, I understand that that would be 18 revised RFPs 48 through 59, 65 through 72, 79 19 through 91, and 106 through 119 as reflected in our 20 chart. 21 THE COURT: Correct. 22 MR. CHEW: That's consistent with our</p>	16	<p>1 Ms. Heard in 2016-2017, and then, all of a sudden, 2 believed Ms. Heard's op-ed in 2018, actually, 3 that's probably helpful to Mr. Depp's claim. 4 It would also show that Ms. Heard's op-ed 5 was true because it's showing that she was getting 6 push-back -- she was getting push-back. We're only 7 asking for the emails that Mr. Depp is referring to 8 here. It's not overbroad. It's not -- there's no 9 reason why these documents shouldn't be produced. 10 THE COURT: All right. Yes? 11 MR. CHEW: Well, Your Honor, again, I 12 think this goes back to a point that has plagued us 13 from the very beginning, and Chief Judge White had 14 spoken to Ms. Bredehoft about it in exasperation 15 saying you make these wildly overly broad requests 16 and then you come to court and you expect the Court 17 to negotiate the request that you should have 18 propounded in the beginning. And then we get 19 blamed for the sloppy request. And he thought that 20 was an inappropriate way to proceed. 21 And here, Your Honor, we're dealing with 22 "all documents supporting, refuting, or otherwise</p>

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<p style="text-align: right;">17</p> <p>1 relating to a statement Mr. Depp made back in 2016 2 in the immediate aftermath of the divorce," whereas 3 the op-ed at issue was published in December 2018. 4 We have already produced all documents 5 relating to Mr. Depp's damages claim. The Court 6 had previously ruled that Chief Judge White made 7 very clear to Defendant's counsel that we would not 8 be relitigating the divorce case, as much fun as 9 that might be in this case. 10 So we're dealing with the request as it 11 was propounded, and as propounded, it is vague, 12 ambiguous, and wildly overly broad, supporting, 13 relating, or otherwise relating to the statement 14 Mr. Depp made years ago in the throes of the 15 divorce. We just respectfully submit that that's 16 wildly overly broad. 17 THE COURT: Okay. Yes, sir? 18 MR. NADELHAFT: A few points. First, we 19 want -- the purpose of the meet-and-confer and the 20 conciliation process is to work together on the -- 21 is to work together to see if we can come to a 22 common ground. We did. This is not a case where</p>	<p style="text-align: right;">19</p> <p>1 statement, any documents relate to that statement, 2 that's fine. 3 MR. NADELHAFT: Okay. 4 THE COURT: Okay? 5 MR. NADELHAFT: Okay. 6 THE COURT: I think that would carry us 7 through to any of the statements; correct? 8 MR. NADELHAFT: So that's No. 1 on 9 page 5. 10 THE COURT: Right. No. 2 is another 11 statement, isn't it? 12 MR. NADELHAFT: Right. And then there 13 are -- then there are two other statements in 14 Revised Request 2 and Revised Request 3. We're 15 asking for the -- we would ask for the same order, 16 just relating to the -- relating to the statements. 17 THE COURT: All right. Any objection to 18 that other than noted? 19 MR. CHEW: I mean, given the logic of 20 the -- 21 THE COURT: Okay. All right. 22 MR. CHEW: -- part 1, it would seem to</p>
<p style="text-align: right;">18</p> <p>1 we're coming in to you -- and -- it's not a case 2 where we're coming in to you and asking us to -- 3 and asking you to reduce our requests. We moved on 4 this request, not the request that we made 5 originally. And that's where we -- again, that's 6 what we gave consent orders for. That's what we 7 tried to work with them on. 8 This is not about -- we're not 9 relitigating the divorce. It's maybe a statement 10 that came shortly after the divorce was filed, but 11 it's a particular statement regarding particular 12 emails that Mr. Depp says he received from movie 13 studios that said, basically, I don't believe -- we 14 don't believe that you did this. 15 It's clearly relevant to the claims here. 16 It's not overly broad. It's asking for the 17 statements -- for documents supporting that 18 statement, which would be those emails. It's, 19 frankly, very narrow. And I don't see any reason 20 why it shouldn't be ordered here. 21 THE COURT: All right. For this 22 particular one, if you're just talking about that</p>	<p style="text-align: right;">20</p> <p>1 apply to 2 and 3 as well -- 2 THE COURT: Okay. 3 MR. CHEW: -- when our objection was 4 stated on the record, so... 5 THE COURT: All right. Thank you. 6 MR. NADELHAFT: Okay. Turning to page 7 7 -- 8 THE COURT: Okay. 9 MR. NADELHAFT: -- because I think we 10 covered -- those were covering -- 11 THE COURT: All right. 12 MR. NADELHAFT: What we just talked about 13 were Revised Requests 1, 2, and 3 on pages 5 and 6 14 of Ms. Heard's conciliation chart. 15 Turning to page 7, this is Revised 16 Request 13: "Please produce any communications 17 between Mr. Depp or any of Mr. Depp's agents or 18 employees on his behalf, referring to or reflecting 19 any audio or video recordings of Mr. Depp or 20 Ms. Heard." 21 And Mr. Depp has not said that no 22 documents exist, and actually, very recently, we</p>

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<p style="text-align: right;">21</p> <p>1 found, from Mr. Waldman that he -- that there's a 2 discussion of a leaked audio and then, three days 3 later, there is this leaked audio. 4 The Court previously denied this 5 discovery based on statements from Mr. Depp's 6 counsel that this leaking never happened. It 7 appears that it has. So we're asking for those 8 documents as it relates to Revised Request 13. 9 THE COURT: All right. Mr. Chew? 10 MR. CHEW: Your Honor, again, what we're 11 objecting to here is that the request is drafted as 12 vague, ambiguous, overbroad, including because its 13 use of the phrase "supporting, refuting, or 14 otherwise relating." 15 But more fundamentally than that, what 16 Ms. Heard attached to her chart -- and I didn't 17 know that the charts were supposed to have 18 exhibits, but since she did, this is a document 19 that was produced by Mr. Waldman's counsel, AR-676. 20 It purports to be an email between Mr. Waldman, who 21 is not an employee of Mr. Depp, and a Keith Bishop. 22 And it also, interestingly -- I know</p>	<p style="text-align: right;">23</p> <p>1 is -- it says "agents or employees." 2 Second, again, we didn't move for the 3 broad language. We moved for "referring or 4 reflecting." We didn't do "otherwise supporting." 5 We took all of that out. We were -- again, we were 6 working with your orders. We were working with 7 their counsel. We provided them consent orders a 8 number of times. They're arguing against something 9 that we're not seeking. 10 So if there is agents or employees of 11 Mr. Depp that are -- that are leaking the -- 12 leaking audios or videos, Mr. Depp has custody or 13 control over his agents, and those documents should 14 be produced. 15 MR. CHEW: Your Honor, may I be heard on 16 that? 17 THE COURT: Go ahead. If you're done, 18 sir. 19 MR. NADELHAFT: Yes. 20 MR. CHEW: Mr. Waldman is not counsel in 21 this case, and the Court has already ruled. 22 Earlier in the case, Defendant tried to serve</p>
<p style="text-align: right;">22</p> <p>1 we're -- fortunately, we're under seal here, but it 2 was produced with all personal identifiers, so 3 that -- it shouldn't have been produced in that 4 format, at least here. So I would just 5 respectfully request that, if this is ever filed, 6 that it should have that redacted. 7 But, at any rate, that is Mr. Waldman's 8 document, not Mr. Depp's. Mr. Waldman will be 9 deposed on Tuesday, so I suspect, you know, they 10 can ask him about whatever he's attempting to 11 convey here to Mr. Bishop. 12 So I think that the motion should be 13 denied as to 13. We have already produced all of 14 the tapes that Mr. Depp has in his possession, 15 custody, and control, and I guess, at this point, 16 we're just fighting over the transcripts of those 17 tapes. I suspect they will ask Mr. Waldman about 18 that on Tuesday. 19 THE COURT: Okay. Anything further on 20 that? 21 MR. NADELHAFT: Sure. First, Mr. Waldman 22 is Mr. Depp's agent. He's his attorney. So that</p>	<p style="text-align: right;">24</p> <p>1 Mr. Waldman with a Notice of Deposition, served me. 2 And the Court denied their motion to compel and 3 granted our motion to compel to quash, and the 4 Court ruled that Mr. Waldman is not an employee of 5 Mr. Depp, and, therefore, that service was 6 improper, and, in fact, he imposed sanctions upon 7 defendant for purportedly serving Mr. Waldman 8 through me. 9 Contrast, Sean Bett, who was the head of 10 Mr. Depp's security, when Ms. Bredehoft and 11 Mr. Nadelhaft sent me a Notice of Deposition for 12 Mr. Bett, you know, that was appropriate, and we 13 worked it out that way. 14 But Mr. Waldman is an independent 15 contractor, and yes, he is an attorney, but he is 16 not Mr. Depp. 17 THE COURT: All right. 18 MR. NADELHAFT: May I speak briefly on 19 that? 20 THE COURT: Yes, sir. 21 MR. NADELHAFT: I'm not sure what 22 Mr. Waldman's relationship with Mr. Depp is this</p>

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7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 moment, but it was clear he was his agent at the 2 time, and Mr. Depp would still have custody or 3 control over an attorney working for him. He's 4 allowed to get his files from Mr. Waldman. 5 And it's not only related to solely to 6 Mr. Waldman. It's any agents or employees of 7 Mr. Depp. We have this evidence of Mr. Waldman 8 doing this, but that -- I mean, that's what we can 9 point to today, but it's not -- the request is not 10 solely limited to Mr. Waldman. 11 THE COURT: I understand, but based on 12 the proffer that they have turned over everything 13 on this and we have gone through this before, I'm 14 going to deny 13. 15 All right. Next one? 16 MR. NADELHAFT: Okay. Request Number -- 17 Revised Request 14 regarding documents or 18 communications referring to or reflecting any 19 purported investigation of Ms. Heard in Australia. 20 As I'm understanding Mr. Depp's position 21 now, they're saying it's not -- the issue is not 22 relevant to this case. If that's their issue -- if</p>	<p style="text-align: right;">27</p> <p>1 submit that it was a side show. They submitted a 2 declaration of the former property manager for 3 Mr. Depp while they were together, and he said in 4 the declaration that Ms. Heard ordered him and her 5 then-personal assistant to lie in Australia about 6 their bringing the dogs into Australia, and he 7 refused to lie on her behalf. 8 What is relevant in that declaration and 9 is part of this case is that he observed the two 10 together, and he never saw Mr. Depp engage in any 11 violence, never saw any marks on Ms. Heard, and to 12 the contrary, he saw Ms. Heard frequently yell at 13 Mr. Depp and abuse him, not physically but -- 14 THE COURT: So you won't be asking 15 questions about dogs. 16 MR. CHEW: We're keeping -- I think we 17 would not insult the Court by bringing the dogs 18 into the court. 19 THE COURT: All right. Well, then it 20 doesn't seem to be relevant. 21 MR. NADELHAFT: And just so it's clear 22 for everybody, no dogs -- no investigations of</p>
<p style="text-align: right;">26</p> <p>1 that's what they're saying, then we won't -- we're 2 not going to be trying to put this forward. This 3 wouldn't be something -- we're not going to be 4 showing investigations of Ms. Heard in Australia. 5 But we understand that they are making -- that 6 that's going to be an issue that they raise, and 7 then we should have discovery on that. 8 If they're not making it an issue, if 9 they're saying it's totally irrelevant, then we 10 won't have this request. And while you couldn't 11 rule today whether that can come in or not, we can 12 deal with that on a motion in limine. 13 But if they're saying it's totally 14 irrelevant, we won't make this request. But if 15 they're claiming it is relevant, then we need this 16 discovery to be able to defend against these 17 accusations of the investigations of Amber. 18 THE COURT: All right. Thank you, sir. 19 MR. CHEW: It's just funny -- I mean, I'm 20 sorry, Your Honor, but it's a funny thing, but the 21 issue -- the issue of the dogs in Australia is not 22 part of this case. I mean, I would respectfully</p>	<p style="text-align: right;">28</p> <p>1 Ms. Heard in Australia. If that's the case, then 2 we're not -- then we have no issue -- 3 MR. CHEW: I don't believe that's part of 4 this case, Your Honor. 5 THE COURT: All right. 6 MR. CHEW: I mean, her credibility is at 7 issue in this case repeatedly, but... 8 THE COURT: Okay. All right. 9 MR. NADELHAFT: Okay. So -- all right. 10 I just want to make sure, then, because if it goes 11 into Mr. Depp's bodyguard starting to talk about 12 Ms. Heard with the investigation and anything she 13 said there, that -- he's saying that that's now not 14 going to be part of the case. I just want to make 15 sure of that. 16 THE COURT: Is that what we're saying? 17 MR. CHEW: I don't believe we're 18 litigating the issue of the dogs, Your Honor. 19 THE COURT: Okay. 20 MR. NADELHAFT: Okay. Thank you. 21 THE COURT: All right. Next one? 22 MR. NADELHAFT: Okay. This is in</p>

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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 Ms. Heard's Request for Production 16, Revised 2 Request No. 1. And I think Mr. Chew is going to 3 come up and talk about how widely overbroad it was. 4 We began work -- trying to work with Mr. Depp's 5 counsel on this, which we have done over weeks, and 6 said, "Produce any communication sent by Mr. Depp 7 containing the word "monster" from January 1st, 8 2012, to the present. We're not looking for movie 9 or television scripts." 10 Ms. Heard contends that "monster" refers 11 to Mr. Depp's alter ego that's repeatedly violent. 12 Mr. Depp contends the word refers to something 13 else. Depp's counsel -- Mr. Depp's counsel, when 14 we were speaking with somebody during a 15 meet-and-confer said that he thought we could reach 16 an agreement on this, but then, later, they 17 wouldn't. 18 Again, we're only seeking the 19 communications from Mr. Depp containing the word. 20 It should be -- and I think there they're also 21 saying it should only be limited to disputes 22 between Amber and Mr. Depp, but if Mr. Depp is</p>	<p style="text-align: right;">31</p> <p>1 times, but the best Whitney could come up with is 2 that Mr. Depp may have touched her with part of his 3 arm as he was coming up the stairs. 4 THE COURT: Let's just focus on the word 5 "monster," though, I mean -- 6 MR. CHEW: Yeah, "monster," again, Your 7 Honor, we have already produced the correspondence 8 where the two of them, referring to "monster." So, 9 in other words, long since we produced the 10 correspondence between Ms. Heard and Mr. Depp that 11 talk about "monster," what this is asking for -- 12 and it is -- is every single piece of paper that 13 might have the word "monster" in it. 14 There's nobody else who ever called 15 Mr. Depp a monster, but -- so we have produced 16 everything that exists, but if the question the RFP 17 has drafted, it says "everything containing the 18 word 'monster' from January 2012 to the present," 19 and I just think that's wildly overly broad. 20 THE COURT: Okay. Yes, sir. 21 MR. NADELHAFT: Again, the request 22 doesn't -- is not seeking that. We have worked</p>
<p style="text-align: right;">30</p> <p>1 calling himself a monster to other people like when 2 he gets drunk or high, that he becomes a monster, I 3 think that's relevant for the jury to understand 4 that it's not only with Ms. Heard, because he's 5 contending -- Mr. Depp's contending that only 6 Ms. Heard has ever complained about him. Everyone 7 else thinks he's a saint. 8 Well, if he's saying this to other 9 people, I think the jury should be able to consider 10 that. 11 THE COURT: All right. Thank you. 12 MR. CHEW: Your Honor, to be clear, 13 Mr. Depp has never said that he's a saint or that 14 anybody says he's a saint. What he is saying, 15 because it's true, is that there's not a woman on 16 the planet, other than Ms. Heard, who ever said 17 that he raised a hand. 18 And other than Ms. Heard, the only person 19 who suggested that she saw anything was her sister, 20 Whitney, in one very garbled incident on a 21 staircase, which is contradicted by a disinterested 22 witness where -- I mean, she changed her story many</p>	<p style="text-align: right;">32</p> <p>1 with -- we have been working. We revised the 2 request. We're not moving for any documents 3 seeking the word "monster." We're moving for any 4 communications sent by Mr. Depp containing the word 5 "monster," and we're not looking for television 6 scripts or anything else regarding his -- 7 THE COURT: But you're including text 8 messages, emails -- 9 MR. NADELHAFT: Text and emails where he 10 is referring -- if he is referring to himself as a 11 monster or he said somebody else called him a 12 monster, it shouldn't just be related to a 13 communication he sent to Amber calling him a 14 monster. 15 I mean, he is saying "monster" means 16 something different than what Amber is saying, and 17 so if he is saying "monster" in other places, the 18 jurors should be able to -- we should be able to 19 ask Mr. Depp about it at trial, and the jury should 20 be able to understand what that -- should have an 21 idea of what that means. 22 I think other communications where he is</p>

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<p style="text-align: right;">33</p> <p>1 sending it, saying the word -- referring to himself 2 as a monster is highly relevant here, given that 3 there is -- both sides are disagreeing as to what 4 he meant by the word "monster" when he was saying 5 it to Amber. 6 THE COURT: All right. I understand your 7 argument. I just -- I think it is overly broad for 8 every time he used the word "monster" in the last 9 ten years and any text or email to any person. I 10 think it's clearly overbroad, so I'm going to deny 11 that. 12 All right. The next one? 13 MR. NADELHAFT: Okay. Request 40 is "any 14 documents referring to or reflecting any instances 15 of anger, anger management, shouting, yelling, 16 scolding, or speaking in a harsh tone by Mr. Depp 17 toward any person." 18 Now, there's not a time limit in this 19 particular request, but our discovery does have a 20 cut-off of 2008 to the present. We can move 21 that -- we can certainly move that forward more, 22 but we're not -- I think one of the things they</p>	<p style="text-align: right;">35</p> <p>1 with anger." I can't even unpack that. 2 I mean, one of the problems is, when we 3 deposed Ms. Heard, is that she has a shifting 4 definition of abuse. When it comes to her, she 5 defines abuse if Mr. Depp raised his voice to her, 6 which is not a nice thing to do; that's abuse. 7 But when she testified -- and this is a 8 very sad subject, which I wouldn't raise in open 9 court -- but when Ms. Heard and her sister Whitney 10 Heard testified that their father -- and we have no 11 reason to disbelieve them -- hit her with her -- 12 with his fist on various parts of her body, and 13 when he hit her on various parts of her body with 14 his belt -- and Whitney, the sister, was more 15 forthcoming than Ms. Heard was, and I don't fault 16 Ms. Heard for not being forthcoming on that -- she 17 testified that was not abuse because it was done by 18 her father. 19 So -- and when she assaulted her 20 then-girlfriend or wife, that wasn't abuse, even 21 though that's physical because she did it in a 22 loving way.</p>
<p style="text-align: right;">34</p> <p>1 talk about is possible instances of abuse. We're 2 not seeking that. We're not seeking -- we're just 3 seeking actual instances of anger, anger 4 management, shouting, again, because Mr. Depp is, 5 as we are understanding it, claiming that it is 6 different; that Ms. Heard is only one making these 7 sorts of accusations against him. 8 THE COURT: All right. 9 MR. CHEW: Your Honor, I mean, this one 10 is really hard to respond to. I mean, the request 11 is propounded: "All documents referring or 12 relating to any instances or possible instances of 13 issues with anger, anger management, shouting, 14 yelling, scolding, or speaking in a harsh tone by 15 Mr. Depp toward any person." 16 I mean, Your Honor, I have probably done 17 that six times this morning with the dog and 18 getting the kids to school, I mean, not to be 19 facetious, Your Honor, but this is really possible 20 instances of anger. I mean, that's just -- there's 21 no time restriction. It's impossibly overly broad. 22 "Possible issues -- possible instances of issues</p>	<p style="text-align: right;">36</p> <p>1 So, Your Honor, this kind of goes to, you 2 know, an ever-shifting view of what Ms. Heard 3 believes is abuse. I mean, our understanding of 4 what we're suing about is the fact that there was 5 not physical abuse. 6 But this request is all over the map, 7 Your Honor, and we would ask that the Court deny 8 it. Mr. Depp has never denied that he hasn't 9 spoken to people in a harsh tone at times, but 10 that's -- I mean, I don't even know how to unpack 11 this request. 12 THE COURT: Okay. Anything further on 13 this request? 14 MR. NADELHAFT: Again, he's focusing on 15 the request that's not in front of the Court. And 16 the other side issues that he keeps talking about, 17 it has nothing -- both Amber and Whitney have 18 nothing to do with this particular request. 19 You know, I think that documents 20 referring -- that's in Mr. Depp's possession of his 21 anger issues is highly relevant for the jury. 22 THE COURT: All right. I do find that,</p>

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<p>1 as written, that this is overly broad for every 2 instance of anger without any time period, so I'm 3 going to deny it. 4 All right. Next one? 5 MR. NADELHAFT: And, Judge, I assume the 6 order would be the same, but just to be clear, 7 there was an instruction that had the time period 8 of 2008. So there was -- 9 THE COURT: But 2008 is still -- I would 10 find that overly broad. 11 MR. NADELHAFT: I understand. I just 12 wanted to be clear. But, thank you, Your Honor. 13 THE COURT: Mm-hmm. 14 MR. NADELHAFT: So the next revised 15 request is Revised Request 39: "Any documents that 16 refer to or reflect any consumption of alcohol or 17 drug use or abuse by Mr. Depp during the various 18 abuse of Ms. Heard or abuse of Mr. Depp time 19 periods or property damage dates." 20 So it's particular time periods, and you 21 can see in that footnote what those time periods 22 are, so we're not asking for documents talking</p>	<p>1 our chart has the -- 2 THE COURT: I gotcha. 3 MR. CHEW: -- actual request -- 4 THE COURT: I gotcha. 5 MR. CHEW: -- the ones that we're -- the 6 ones that they actually made. 7 THE COURT: Okay. 8 MR. CHEW: And they made, very late in 9 discovery, after they have had the benefit of the 10 Court's guidance on these things. We're dealing 11 with the actual requests in our chart. 12 THE COURT: Gotcha. 13 MR. CHEW: And it was "all documents that 14 refer or relate to any consumption or possible 15 consumption of alcohol or drug use or abuse by 16 Mr. Depp." And we think that it should be denied 17 because "possible consumption" just makes it 18 incoherent. 19 As far as alcohol and drug abuse, the 20 Court made very clear earlier in the case that that 21 is relevant. And so those documents have been 22 produced, but we're objecting to this particular</p>
38	40
<p>1 about every time Mr. Depp drank alcohol or used 2 drugs. We're talking about the time period of the 3 specific incidents, and we're asking for -- that 4 refer or reflect. Mr. Depp has stated -- he 5 testified that he was not high or drunk during many 6 of these incidents, and if there are documents 7 showing that he was, that's highly relevant. 8 THE COURT: All right. 9 MR. CHEW: Your Honor, again, this is -- 10 the impossibly broad language and vague language, 11 "All documents that refer or relate to any 12 consumption or possible consumption of alcohol or 13 drug use or abuse by Mr. Depp." "Possible" is 14 something that I think it makes it vague. 15 THE COURT: I don't have "possible" in 16 this one. 17 MR. CHEW: That's the one -- that's how 18 they propounded it. 19 THE COURT: I have a propounded 20 different -- oh, is this a revised one? Is that 21 what it is? 22 MR. CHEW: Yeah, he's revising it. And</p>	<p>1 request that adds this element of possible abuse, 2 and I think that's just impossible to respond to. 3 THE COURT: Okay. 4 MR. NADELHAFT: We didn't move for 5 "possible." That was not what we moved for. If 6 you look in our briefs, if you look in our proposed 7 order, we didn't move for "possible instances." 8 He's arguing against something that we -- yes, it 9 was in our original RFP, but there's a reason for 10 the meet-and-confer, there's a reason for the 11 conciliation process. We were trying to work with 12 the Court's orders, work with them. We revised 13 these requests so that they could -- so that 14 it's -- why have the meet-and-confer and 15 conciliation process if we can't revise it and put 16 in front of you -- the motion is not for 17 "possible." We're not asking for "possible use of 18 alcohol." 19 The motion on all of these is what's in 20 our chart. So he's arguing against something that 21 we didn't move for. And so we -- you know, our 22 order -- the proposed order we sent you has this</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 language, not about "possible." 2 So -- and he's admitted it's relevant. 3 He's admitted it's relevant -- that Mr. Depp's 4 alcohol and drug use is relevant during these time 5 frames, so it should be ordered. 6 THE COURT: All right. Which I think -- 7 and he stated he's already provided, so... 8 MR. NADELHAFT: Well, I mean -- 9 THE COURT: That's fine. I mean, we can 10 order it, but it appears it's already been 11 provided, so... 12 MR. NADELHAFT: Well, I disagree that 13 it's been already been provided. I certainly don't 14 think it should be denied on his representation -- 15 THE COURT: I'm not denying it. I can 16 order it -- 17 MR. NADELHAFT: Okay. 18 THE COURT: -- just to let -- you know, 19 he's saying that he -- 20 MR. NADELHAFT: Right. And if it's all 21 already been provided -- 22 THE COURT: That's fine.</p>	<p style="text-align: right;">43</p> <p>1 something better and something they should have 2 requested the first time, which is why we're here 3 every Friday. 4 But, at any rate, we're dealing with what 5 they really asked us for, which was "all documents 6 that refer or relate to any instances or possible 7 instances of physical violence by Mr. Depp toward 8 any person or property." No time -- you know, no 9 time restriction in this. And "possible" -- I 10 don't even know what a "possible instance of 11 physical violence" is. 12 So we would ask that the Court deny it as 13 to -- I mean, to the extent relevant, this was 14 ordered and produced years ago. 15 THE COURT: All right. 16 MR. NADELHAFT: Same thing. We had the 17 meet-and-confer. We tried to work with them for 18 weeks on this. It's not that we're coming here 19 first that we said, "No, it's only going to be 20 this, it's only going to be this." We come to 21 court and then say, "Oh, Judge, please help us." 22 We have been trying to work with them for</p>
<p style="text-align: right;">42</p> <p>1 MR. NADELHAFT: -- then they shall so 2 state. 3 THE COURT: That's fine. 4 MR. NADELHAFT: So that one was ordered? 5 THE COURT: Yes. 6 MR. NADELHAFT: So -- and then Revised 7 Request 42 is "any documents referring to or 8 reflecting any instances of physical violence by 9 Mr. Depp toward any person or property, including 10 any photographs, videos, drawings, and/or 11 descriptions of any such physical violence." 12 Again, we think that Mr. Depp being 13 physically violent with other people is relevant 14 and should be -- and those documents should be 15 produced. 16 THE COURT: All right. Yes, sir. 17 MR. CHEW: And, again, this is the same 18 thing all over again. This -- again, this is what 19 drove Chief -- well, I can't say that, but this is 20 the same thing about which they had been 21 admonished, drafting wildly inappropriate requests 22 and then coming to court and try to negotiate</p>	<p style="text-align: right;">44</p> <p>1 weeks and weeks, and we provided them consent 2 orders that had the language that's in front of you 3 in this chart. For them to -- and it's what we 4 moved on. So for them to say that we're trying 5 something different, it's just not true. We're not 6 asking for possible violence. 7 Again, if they have produced -- if they 8 have already produced all the documents, then I 9 guess we won't get anything else, but he's, again, 10 admitted it's relevant, so the documents should 11 be -- if there are additional documents, they 12 should be produced. 13 THE COURT: That's fine. I'll order the 14 revised. 42 is fine. And, again, it appears that 15 it has been already provided. 16 Okay. Next one? 17 MR. NADELHAFT: Revised Request 43, "Any 18 documents referring to or reflecting any complaints 19 against and/or criticisms of Mr. Depp for any 20 conduct involving violence, abuse, damage to 21 property, alcohol or drug use or abuse, intoxicated 22 on drugs or alcohol, lateness or tardiness from</p>

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<p style="text-align: right;">45</p> <p>1 January 1st, 2009, to the present." 2 So, here again, we were working with your 3 previous orders. This description is what the 4 Court previously ordered for the other litigations, 5 which was -- it was Exhibit 13 to our motion. 6 We're not seeking to broaden or otherwise 7 change the description of the Court's prior orders 8 regarding the subject matter, only that it applied 9 to complaints or criticisms of Mr. Depp outside -- 10 in addition to the other litigations. If there was 11 particular complaints against Mr. Depp regarding 12 violence, abuse, damage to property, alcohol use, 13 what's in this list and what the Court ordered for 14 the other litigations, it should -- and he has 15 documents to that effect, it should be produced. 16 MR. CHEW: "All documents that refer or 17 relate to any complaints and/or criticisms against 18 or about Mr. Depp by any person of any nature from 19 January 1, 2019, until the present." We would ask 20 that that be denied. 21 THE COURT: Okay. I do find that that's 22 overly broad and will deny that.</p>	<p style="text-align: right;">47</p> <p>1 For weeks and weeks and weeks ago, we talked to 2 them about it. These are highly relevant if the UK 3 action, the divorce action, Ms. Heard's allegations 4 before the op-ed negatively impacted Mr. Depp's -- 5 has documents that show that it's negatively 6 impacted Mr. Depp's career, that's totally relevant 7 to this case, totally relevant to his damages. 8 There's -- this request, Revised Request 9 45, should be granted. He's going to come up here 10 and talk about the initial request, but, again, 11 we -- there's a reason for the meet-and-confer, 12 there's a reason for the conciliation. We didn't 13 move for the original. We moved for this request. 14 THE COURT: Okay. All right. Yes, sir? 15 MR. CHEW: Again, the request was "all 16 documents that may impact negatively on Mr. Depp or 17 Mr. Depp's reputation." That is incoherent. 18 To the extent that they seek documents 19 that actually are within a proper scope, this was 20 already requested and produced in response to 21 Ms. Heard's tenth RFPs, numbers 11 and 12. This 22 was produced years ago.</p>
<p style="text-align: right;">46</p> <p>1 All right. Next one? 2 MR. NADELHAFT: Can I just step back? 3 He's reading from our original request that -- 4 THE COURT: No, I have read your -- 5 MR. NADELHAFT: Okay. All right. I just 6 want to make sure -- 7 THE COURT: Yes. 8 MR. NADELHAFT: -- you're denying the 9 revised request. 10 THE COURT: No, no, I'm going off the one 11 that you have. 12 MR. NADELHAFT: Okay. Thank you. 13 THE COURT: And I think it's overbroad. 14 Thank you. Your revised one, yes. 15 MR. NADELHAFT: Revised Request 45: "Any 16 documents referring to or reflecting any negative 17 impact of the divorce action, the UK action, and/or 18 Ms. Heard's allegations of abuse against you on 19 your reputation and/or career." 20 Again, this is revised. So if he's going 21 to come up here -- the request has been revised. 22 It's something that we gave them a consent order.</p>	<p style="text-align: right;">48</p> <p>1 They just get these requests, they 2 retread them and make them even broader. I mean, I 3 don't know who did these requests, but they have to 4 mean something. I understand what a 5 meet-and-confer is about, but you have to make some 6 effort. Instead of just saying, "Gee, I want all 7 documents and let's have the Court negotiate 8 something lesser than that." 9 "All copies of publications reflecting 10 negatively on the reputation and all documents 11 reflecting reasons for the loss of reputation, loss 12 of roles, loss of commercial opportunities" have 13 all been produced in response to Ms. Heard's tenth 14 RFP and specifically in response to numbers 11 and 15 12. 16 So, to the extent that it was a 17 reasonable request, it's already been complied 18 with. But what we object to and we ask should be 19 denied are producing documents that may impact 20 negatively on Mr. Depp. 21 THE COURT: All right. 22 MR. CHEW: Thank you, Your Honor.</p>

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<p>1 THE COURT: Okay. The revised one does 2 not have "may," so I'll order the revised, although 3 it does appear it already has been provided. 4 All right. Next one? 5 MR. NADELHAFT: Okay. These are, again, 6 in the 16th Request for Production, it's Revised 7 Request No. 2. And, actually -- well, the request 8 is: "Please produce any documents and 9 communications supporting the following statement 10 from Mr. Depp's fourth defense to the counterclaim: 11 'The statements forming the basis of the 12 counterclaim were not made by counterclaim 13 defendant.' 14 And we might be able to do all these 15 together. And then Requests 3 through 7 relate to 16 his defenses regarding control over the statement. 17 And Revised Request 8 through 16 are the defenses 18 regarding Mr. Waldman and the counterclaims. The 19 same for 7 through 27. 20 To be clear, we're not seeking 21 non-privileged documents. We understand your 22 ruling. We understand, if there are privileged</p>	<p>1 sued Mr. Depp. So the burden is theirs, and they 2 cannot establish -- they cannot meet the burden on 3 the counterclaims for reasons we'll describe in our 4 motion for summary judgment. But for today's 5 purposes, as a threshold matter, you know, the vast 6 majority of the counterclaims, of course, were 7 dismissed by the letter opinion dated January 4th, 8 2021, Counts 1 and 3, dismissed in their entirety; 9 the majority of Count 2. So we're left with 10 Mr. Waldman's three statements. 11 So this is wildly overly broad. The 12 documents that are being sought are privileged. 13 And then the rest is, you know, as broad as the 14 ocean. In other words, the statements that 15 Mr. Waldman made, basically saying this whole thing 16 is a hoax. 17 To the extent the documents are 18 non-privileged, they would have already been 19 produced because they -- that really is what this 20 whole case is about. It's basically saying, 21 produce all documents that prove the negative of 22 physical abuse.</p>
50	52
<p>1 documents, they don't need to produce it. They 2 don't need to produce documents. 3 If there are non-privileged documents 4 that show that -- that support their defense -- 5 support these defenses and support them in the way 6 where we're describing them here, they should be 7 produced. 8 I'm not sure how some of these defenses 9 can be made if they're going to say everything is 10 privileged, but that's their -- that's their 11 choice. If there are non-privileged documents 12 relating to these various defenses described 13 here -- and we made them particular to particular 14 statements -- then they should be produced. 15 THE COURT: All right. 16 MR. CHEW: Your Honor, again, this is 17 déjà vu all over again. We had this argument on 18 December 10th of 2021, and the Court ruled that 19 Mr. Depp has not waived privilege. 20 And this is a problem, again, Your Honor, 21 of their own making. They decided not to sue 22 Mr. Waldman for his defamatory statements; they</p>	<p>1 So, to the extent that these documents 2 are not privileged, they would -- you know, they 3 would have already been produced. It's like 4 saying, you know, produce all the documents that 5 support the claims in your complaint. 6 THE COURT: Okay. 7 MR. NADELHAFT: All these statements that 8 Revised Request 2, Revised Request 3 through 7, 8 9 through 16, 17 through 27, they all relate to 10 Mr. Depp's affirmative defenses. So Mr. Depp has 11 the burden, not Ms. Heard. They're not -- it's our 12 burden to prove the counterclaims, he's right about 13 that, but it's their burden on their affirmative 14 defenses. These are all about their affirmative 15 defenses. 16 Again, we're not asking for Mr. Depp to 17 waive privilege, but what we're saying, for all of 18 these requests, if there are non-privileged 19 documents showing that there was a lack of control 20 of a third party as to the subject matter, for 21 instance, then it should be produced. I mean, it's 22 his affirmative defense. He actually has the</p>

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53	<p>1 burden of proving that. We have made these</p> <p>2 particular for the particular -- for the particular</p> <p>3 quotes. We're not -- they're the defamation claims</p> <p>4 that are still existing. It's not for the claims</p> <p>5 that were dismissed, and, for that reason, we ask</p> <p>6 that they be produced.</p> <p>7 THE COURT: All right. I'll grant it as</p> <p>8 to non-privileged. It sounds like it has already</p> <p>9 been turned over, but I'll grant it as to</p> <p>10 non-privileged documents.</p> <p>11 Does that put us up to --</p> <p>12 MR. NADELHAFT: Sure. And just so it's</p> <p>13 clear, those are Revised Requests 2, 3 through 7, 8</p> <p>14 through 16, and 17 through 27 in Ms. Heard's</p> <p>15 conciliation chart.</p> <p>16 MR. CHEW: Your Honor, I would --</p> <p>17 THE COURT: Okay.</p> <p>18 MR. CHEW: -- object to that, if I may,</p> <p>19 briefly.</p> <p>20 THE COURT: Okay. Sure. Go ahead.</p> <p>21 MR. CHEW: I mean, I certainly understand</p> <p>22 why it would apply to 2 and 3 through 7, but, in</p>	55	<p>1 MR. CHEW: And they have never recanted</p> <p>2 or withdrawn any of these things. That's why --</p> <p>3 THE COURT: All right.</p> <p>4 MR. CHEW: We hate to be literal, but</p> <p>5 that's --</p> <p>6 THE COURT: No, I understand.</p> <p>7 MR. CHEW: That is why they -- that's</p> <p>8 what they moved on. What they submitted last night</p> <p>9 is not what they -- what they actually moved on.</p> <p>10 That's why there's confusion.</p> <p>11 MR. NADELHAFT: Respectfully, there's</p> <p>12 confusion because I don't -- either you're not</p> <p>13 talking to all your attorneys or you're not reading</p> <p>14 our briefs. We did not move on those RFPs. Our</p> <p>15 briefs say what we moved on, and you weren't</p> <p>16 responding to that. Respectfully, we weren't</p> <p>17 moving on the ones -- we gave this to you weeks and</p> <p>18 weeks and weeks ago; it wasn't last night.</p> <p>19 Last night was just the order we</p> <p>20 proposed. These are same revised requests that we</p> <p>21 had given them a consent order weeks and weeks and</p> <p>22 weeks ago. Okay.</p>
54	<p>1 our chart, I'm looking at numbers 8 through 27:</p> <p>2 "Please produce all documents and communications</p> <p>3 supporting, refuting, or otherwise related to</p> <p>4 statements in your answer to the counterclaim."</p> <p>5 That's what I have for 8 through 27.</p> <p>6 THE COURT: I have the revised ones,</p> <p>7 which are different than that. It's "Please</p> <p>8 produce any documents and communication supporting</p> <p>9 the following statement."</p> <p>10 MR. NADELHAFT: It probably should be</p> <p>11 "statements," Your Honor.</p> <p>12 THE COURT: "Statements." And then it is</p> <p>13 the statements. "Authorized by the counterclaim</p> <p>14 defendant." That's what I have; correct?</p> <p>15 MR. CHEW: Oh, okay, well --</p> <p>16 MR. NADELHAFT: Yes, that's correct.</p> <p>17 MR. CHEW: Limited to that. Okay.</p> <p>18 Again, we're dealing with the requests as they</p> <p>19 actually were --</p> <p>20 THE COURT: Right, just limited to the</p> <p>21 revised request.</p> <p>22 MR. NADELHAFT: Correct, the revised.</p>	56	<p>1 THE COURT: Let's move on.</p> <p>2 MR. NADELHAFT: Thank you, Your Honor.</p> <p>3 So, then, on page 14 -- because I think</p> <p>4 we have covered all the requests on pages 12 and</p> <p>5 13.</p> <p>6 THE COURT: Correct.</p> <p>7 MR. NADELHAFT: On page 14, Revised</p> <p>8 Request 37: "Documents sufficient to reflect any</p> <p>9 payments made by Mr. Depp, any of Mr. Depp's</p> <p>10 entities or agents to anyone asserting claims</p> <p>11 against Mr. Depp for any claims relating to the</p> <p>12 subject matter contained in the" -- basically other</p> <p>13 litigation.</p> <p>14 So what we're saying is just documents</p> <p>15 sufficient to show what you were paying, if</p> <p>16 anything, to the people in the other litigations,</p> <p>17 which was defined by this Court and was defined as</p> <p>18 what was relevant. So that's what we're asking for</p> <p>19 on 37.</p> <p>20 For 44, we're asking for documents</p> <p>21 referring to any legal matters, demands, claims, or</p> <p>22 allegations. We're basically looking for the</p>

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<p style="text-align: right;">57</p> <p>1 allegations in the other litigations. 2 For 46, "Documents sufficient to reflect 3 the settlement terms in any litigation involving 4 Mr. Depp relating to the subject matter of these 5 other litigations." 6 And the last one, "Documents referring to 7 any efforts by Mr. Depp to cover up, deny, falsify, 8 or misrepresent facts or events reflecting 9 negatively upon him." 10 For that last one, they say it's 11 overbroad, they say it's a bunch of things. 12 Interestingly, they don't say he doesn't have the 13 document -- any documents. I would think they 14 would say there wouldn't be any. But if there were 15 documents showing that he was covering up facts 16 related -- you know, regarding these claims that 17 are negatively affecting him, I think that is 18 something that is relevant and should be produced. 19 Thank you, Your Honor. 20 THE COURT: All right. Yes, sir. 21 MR. CHEW: Your Honor, taking them one at 22 a time, again, we have been through this. We had</p>	<p style="text-align: right;">59</p> <p>1 refer or relate to any legal matter, demands, 2 claims or allegations made against, about, or 3 involving Mr. Depp, respecting -- or by any person 4 or entity from January 1, 2009, until the present," 5 this is overly broad. This has already been ruled 6 on by the Court twice. 7 "All documents reflecting to the 8 settlement terms of any litigation involving 9 Mr. Depp." Again, we have researched -- I mean, we 10 have already litigated this. The settlement 11 agreement with Mr. Bloom and his firm is 12 confidential. The settlement agreement with TMG 13 and the Mandels, who they deposed, is confidential. 14 The settlement in the bodyguard's case, which was 15 really a workers' comp case. The issue in that 16 case was a very legalistic issue as to whether 17 certain bodyguards were -- hired by Mr. Mandel -- 18 whether they were actually workers as defined under 19 California law or whether they were independent 20 contractors, which has a huge legal, practical 21 implication in terms of what they're paid overtime. 22 That was also settled pursuant to a strictly</p>
<p style="text-align: right;">58</p> <p>1 at least two hearings, as Your Honor will remember, 2 on the prior litigation: Mr. Depp's case against 3 his manager, which is quite successful, but I 4 cannot tell you how successful it was or I'd be 5 subject to an enormous fine; his case against his 6 former lawyer, which is based on an oral contract 7 that Judge Green in Los Angeles determined was 8 illegal and void ab initio, pursuant to which 9 Mr. Depp received an eight-figure settlement; I 10 can't give the exact amount. 11 We have been through all of this before, 12 and so this really is a motion for reconsideration 13 of the Court's two thoughtful -- of rulings on 14 this. So I don't know what we're doing here on 15 this. 16 "Any payments made by Mr. Depp to anyone 17 asserting claims against Mr. Depp from January 1, 18 2009, to the present." Again, this Court has 19 already ruled on what of the prior litigation 20 should come in and shouldn't. This is overly broad 21 and irrelevant. 22 With respect to 44, "All documents that</p>	<p style="text-align: right;">60</p> <p>1 confidential agreement. 2 So that's what we're talking about. I 3 guess there's the Rocky Brooks case, which, 4 unfortunately, that trial was continued, because 5 that case is a joke. We have videotape of the 6 encounter in which Mr. Depp hugs Mr. Brooks after 7 offering him a glass of wine and after Mr. Brooks 8 gave a picture of Mr. Depp and Mr. Brooks hugging 9 to a woman he then asked out for a date. So we 10 were begging for that trial to go forward. 11 But that's what we're talking about here, 12 Your Honor, and the Court has already ruled on it, 13 and the Court should, again, reject those requests 14 as overly broad. 15 I think there was one more: "All 16 documents reflecting in any manner to Mr. Depp's 17 efforts to cover up, deny, falsify, or misrepresent 18 facts or events reflecting negatively upon him." 19 Well, Mr. Depp is nothing if not honest. 20 We'll usually too honest. So it's overly broad. 21 It's not relevant, not reasonably calculated to 22 lead to the discovery of admissible evidence.</p>

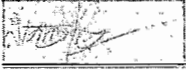
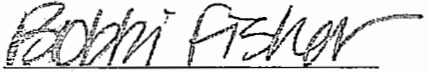
<p style="text-align: right;">61</p> <p>1 There would be no documents, but, as drafted, we 2 respectfully submit that should be -- that should 3 be denied, Your Honor. 4 THE COURT: All right. Yes, sir. 5 MR. NADELHAFT: Thank you, Your Honor. 6 First, as to the various settlement agreements, if 7 they're confidential -- I mean, there's cases deal 8 all the time with there being a confidential 9 settlement agreement in another case. We can deal 10 with that in a protective order if we can -- if we 11 need to. Just because something was marked as 12 confidential in another case, there's ways to 13 work -- there's ways to work through that. 14 We're also asking for documents 15 sufficient to show, so if there's -- I mean, we're 16 happy to work with Mr. Depp, and, if need be -- 17 hopefully wouldn't need be, but we'd be happy to 18 work with Mr. Depp, how to figure that out. 19 Regarding -- you know, regarding the last 20 request, he didn't say there were no documents, and 21 if he's -- and if Mr. Depp is falsifying or 22 misrepresenting facts that negatively reflect on</p>	<p style="text-align: right;">63</p> <p>1 including any copies of anything recorded by 2 Mr. Depp or any of the entity's representatives or 3 agents from January 1st, 2012, to the present." 4 We're not asking for his phone. We're 5 not asking for forensic imaging. We're not asking 6 for any -- we're not asking for that. But if he 7 has -- if he has in his possession photographs, 8 recordings, images of Ms. Heard that haven't been 9 produced -- they're asking for the same thing of us 10 for Mr. Depp, so it should be -- they should be 11 produced. He may say that all of this has been 12 produced. If it has, great. If it hasn't been, I 13 think all the images he has of Ms. Heard are 14 relevant. 15 And we're not asking, again, for forensic 16 imaging or anything like that. We're just 17 asking -- given that the claims are about what 18 happened to Ms. Heard. 19 THE COURT: All right. 20 MR. NADELHAFT: Thank you, Your Honor. 21 MR. CHEW: Yes, Your Honor. That's 22 correct. I mean, we have already agreed to produce</p>
<p style="text-align: right;">62</p> <p>1 his reputation, that is highly relevant to this 2 case, which is all about Mr. Depp's reputation. 3 So, thank you, Your Honor. 4 THE COURT: Well, thank you, sir. I 5 think he did say there were none, but, anyway, we 6 have gone over this before, and I do remember this 7 hearing, and I'm not going the relitigate it. I'm 8 going to deny the motion. I think it's overly 9 broad, and it's not relevant to the matter before 10 us. 11 MR. NADELHAFT: Thank you. 12 THE COURT: That does refer to that whole 13 page. 14 MR. NADELHAFT: Okay. Thank you, Your 15 Honor. So that's for Revised Request 37, 44, 46 16 and forty -- 17 THE COURT: Right, correct. 18 MR. NADELHAFT: Okay. Thank you, Your 19 Honor. 20 All right. The last one on page 15 is 21 Revised Request 38: "Any video recordings, audio 22 recordings, photographs, or images of Ms. Heard,</p>	<p style="text-align: right;">64</p> <p>1 all video and audio recordings of Ms. Heard and 2 photographs of Ms. Heard during their relationship. 3 The only caveat was there was an issue about 4 Mr. Bett having the photograph which was not -- 5 which they have. So that was our quibble with the 6 request. 7 But, yes, we have agreed to produce 8 everything in Mr. Depp's possession, custody, and 9 control. 10 THE COURT: Okay. All right. So we can 11 order that. That's already been taken care of. 12 MR. NADELHAFT: I believe, Your Honor, I 13 think that is it. 14 THE COURT: Is this the last motion to 15 compel, by any chance? 16 MR. CHEW: I hope so, Your Honor. 17 MR. NADELHAFT: I don't know. I mean, we 18 don't have anything updated. 19 THE COURT: I know discovery closes March 20 11th. 21 MR. NADELHAFT: Right. 22 THE COURT: I have that date circled on</p>

Transcript of Motion to Compel Hearing
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65	67
1 my calendar.	1 THE COURT: -- Webex.
2 What other -- just one issue I wanted to	2 MR. NADELHAFT: She can either do by
3 discuss with you: I have been getting; I want to	3 phone or --
4 say, numerous accounts -- requests for a pool	4 THE COURT: Phone or I can set up a Webex
5 camera. Now, I don't know how either side feels	5 on my computer.
6 about that issue, but I would like to set it for a	6 MR. NADELHAFT: Okay. Perfect.
7 short hearing just so, if you can look at the	7 THE COURT: That would be fine. I just
8 statute, decide what your view is on it. And if	8 want to talk it over with you before I give any
9 that's something you are interested in, how you	9 responses to anybody.
10 think that would proceed.	10 MR. NADELHAFT: And just to let know you,
11 So if you could kind of do that. So I'd	11 we had been at least thinking about this, so we
12 like to set a short hearing for that kind of	12 should --
13 relatively -- probably in the next two weeks just	13 THE COURT: Good, good.
14 because, if that some route that we're taking,	14 MR. NADELHAFT: Yeah, thank you.
15 there's a lot of moving parts that need to be taken	15 THE COURT: All right. Good. So,
16 care of for that.	16 hopefully, in two weeks, we can get something
17 So, I don't know, are you available in	17 together for a plan. Okay.
18 two weeks from today?	18 MR. CHEW: Thank you very much, Your
19 MR. NADELHAFT: Oh, you're asking for two	19 Honor.
20 weeks from today? Let me just check.	20 THE COURT: All right. Thank you. Have
21 THE COURT: Well, yeah.	21 a good weekend.
22 MR. CHEW: Yes, Your Honor.	22 MR. NADELHAFT: Thank you, Your Honor.
66	68
1 THE COURT: It would be in the afternoon	1 MR. CHEW: Thank you, Your Honor. You
2 about 2:00 because I have a morning docket.	2 too.
3 MR. NADELHAFT: About 2:00 in the	3 (At 1:05 p.m., the above hearing
4 afternoon? Okay.	4 concluded.)
5 MR. CHEW: We're available at the Court's	5
6 convenience.	6
7 THE COURT: On the 25th.	7
8 MR. NADELHAFT: So that's February 25th?	8
9 THE COURT: February 25th at 2:00.	9
10 MR. NADELHAFT: Okay.	10
11 THE COURT: If you're available for	11
12 just -- just so we can parse this out.	12
13 MR. CHEW: Yes, Your Honor, we're	13
14 available.	14
15 THE COURT: Okay.	15
16 MR. NADELHAFT: Just let me get --	16
17 THE COURT: No, absolutely.	17
18 MR. NADELHAFT: Yeah, I think that should	18
19 be -- I think that should be fine. Can I ask Your	19
20 Honor, Ms. Bredehoff may want to be at this.	20
21 THE COURT: She can come in video or --	21
22 MR. NADELHAFT: Or by phone?	22

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18 (69 to 72)

<p style="text-align: center;">69</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 3 I, Diamante Parrish, the officer before 4 whom the foregoing deposition was taken, do hereby 5 certify that said proceedings were electronically 6 recorded by me; and that I am neither counsel for, 7 related to, nor employed by any of the parties to 8 this case and have no interest, financial or 9 otherwise, in its outcome. 10 IN WITNESS WHEREOF, I have hereunto set my 11 hand and affixed my notarial seal this 11th day of 12 February, 2022. 13 14  15 _____ 16 Diamante Parrish, Notary Public 17 for the Commonwealth of Virginia 18 19 Virginia Notary No. 7936707 20 Notary Commission Expires: 5/31/2025 21 22</p>	
<p style="text-align: center;">70</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 3 I, Bobbi J. Fisher, do hereby certify that 4 the foregoing transcript is a true and correct 5 record of the recorded proceedings; that said 6 proceedings were transcribed to the best of my 7 ability from the audio recording and supporting 8 information; and that I am neither counsel for, 9 related to, nor employed by any of the parties to 10 this case, and I have no interest, financial or 11 otherwise, in its outcome. 12 13  14 _____ 15 Bobbi J. Fisher, RPR 16 NCRA Registered Professional Reporter (RPR) 17 February 12, 2022 18 19 20 21 22</p>	