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Transcript of Hearing

Date: February 25, 2022
Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

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JOHN C. DEPP, II,

Plaintiff,

v.

Case No. CL2019-0002911

AMBER LAURA HEARD,

Defendant.

-----x

HEARING

Before the HONORABLE PENNEY S. AZCARATE, Judge

Fairfax, Virginia

Friday, February 25, 2022

2:00 p.m. EST

Job No.: 435986

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1 Hearing held at:

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3 Fairfax County Circuit Court

4 4110 Chain Bridge Road

5 Fairfax, Virginia 22030

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8 Pursuant to Docketing, before Ashley Meredith,
9 Digital Court Reporter and Notary Public in the
10 Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF, MR. DEPP:

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I N D E X

PAGE

Hearing

5

E X H I B I T S

(None.)

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P R O C E E D I N G S

(The court reporter was duly sworn.)

THE COURT: All right. Thank you.

Let me just get Ms. Bredehoft on the big screen for you, Mr. Chew.

All right. Good afternoon, Ms. Bredehoft. Can you hear me okay? I can't hear you.

MS. BREDEHOFT: I was on mute. My apologies.

THE COURT: There we go. Got you now.

MS. BREDEHOFT: Now can you hear me?

THE COURT: Yes, we can hear you fine. And Mr. Chew is in the courtroom.

MS. BREDEHOFT: Thank you.

THE COURT: All right. So I just set this hearing just to hear what your -- what your -- what your positions are on this matter, just because I have received quite a few different requests to have a pool camera. So I just wanted to know where the position of the parties was.

MR. CHEW: Good morning, Your Honor. May it please the Court. Ben Chew for Johnny Depp.

1 This is my nightmare, seeing multiple Ms. Bredehofts
2 instead of just one.

3 I was kidding, Elaine.

4 I thought I would defer to Ms. Bredehoft
5 to go first before --

6 THE COURT: Okay.

7 MR. CHEW: -- advancing our position.

8 THE COURT: All right. Go ahead,
9 Ms. Bredehoft.

10 MS. BREDEHOFT: Your Honor, I actually
11 took a lot of time to go into this. I talked to a
12 number of different people, etc. And I think, at
13 the end of the day, after looking hard at Virginia
14 Code Section 19.2-266, I think our position
15 ultimately is that we think that it would not be
16 permitted under the statute. And the reasons for
17 that, Your Honor, are two specific spots in the
18 statute: Section 19.2-266(2), which explicitly
19 prohibits electronic media and still photography
20 coverage of public judicial proceedings in, quote,
21 "divorce proceedings," end of quote, and quote --

22 THE COURT: Ms. Bredehoft, I understand,

1 but this is a defamation case, so that's -- that
2 doesn't pertain.

3 MS. BREDEHOFT: Well, I understand, but
4 please just hear me out because --

5 THE COURT: Okay.

6 MS. BREDEHOFT: -- there's a
7 (indiscernible) on this one, and I really did give
8 it some thought.

9 THE COURT: Okay.

10 MS. BREDEHOFT: And, quote, "proceedings
11 concerning sexual offenses," end of quote. And then
12 Virginia Code Section 19.2-266(3) prohibits coverage
13 of witnesses, including victims and families of
14 victims of sexual offenses.

15 Now, the concept behind these, Your
16 Honor -- and that's why I brought in domestic
17 proceedings, the divorce proceedings. The concept
18 here is to respect -- you know, from the
19 legislature, is to respect the privacy of the inner
20 workings of a marriage as well as to protect the
21 privacy and the dignity of victims and families of
22 victims of sexual offenses.

1 Amber Heard has alleged that Mr. Depp
2 sexually assaulted her, including rape, on several
3 occasions before and during her marriage with
4 Mr. Depp. There will be testimony on this not only
5 from Ms. Heard but from other witnesses weighing in
6 on different things, including medical and mental
7 health professionals.

8 There also is a sequence here for where
9 the sexual assaults were, Your Honor. There's a
10 sequence of other events in telling the
11 chronological story of these things. Ms. Heard
12 obtained a domestic violence restraining order
13 against Mr. Depp back in May of 2016, which remained
14 in place until they had a settlement on their
15 divorce.

16 Since Ms. Heard is a victim of sexual
17 assault and rape, her testimony as a victim would be
18 excluded under the statute. Now, presumably, if you
19 technically read the statute as well, Mr. Depp, who
20 was married to Ms. Heard, would be a family member,
21 as would Ms. Heard's sister and Mr. Depp's sisters.
22 So their testimony would be excluded from coverage

1 under the statute.

2 Now, Mr. Depp's complaint alleges
3 defamation on the basis that Ms. Heard alleged she
4 was the victim of domestic abuse and sexual
5 violence, which he has contended is referring to
6 Mr. Depp. One of Ms. Heard's defenses is that's
7 true.

8 Ms. Heard's counterclaim, Your Honor,
9 includes defamatory statements made by Mr. Depp's
10 counsel, Adam Waldman, which he has admitted saying,
11 that Ms. Heard used, quote, "fake sexual violence
12 allegations," end of quote, and created a, quote,
13 "abuse hoax," end of quote.

14 One of Mr. Depp's defenses is that this is
15 true. This case really is a case that concerns
16 domestic abuse and violence in the context of
17 Mr. Depp and Ms. Heard's relationship, which I
18 believe the legislature in this statute clearly
19 intended not to include.

20 Now, there are rare instances of cameras
21 and photography in the courtroom in Fairfax, Your
22 Honor, and I spent a good deal of time trying to

1 courtroom where they could, you know, all be filmed,
2 including the courtroom staff, Your Honor, I think,
3 under the circumstances, doesn't make sense.

4 And I have to tell Your Honor, I spent a
5 lot of time before I came to that conclusion, and
6 when I took a hard look at the statute and the
7 legislative, you know, intent on that, I really
8 think, in this instance, this would not be
9 appropriate.

10 THE COURT: All right. Thank you.

11 All right. Yes, sir?

12 MR. CHEW: Thank you again, Your Honor.
13 Ben Chew for Johnny Depp.

14 I will answer the Court's question with
15 the real purpose of why we're here today, but I have
16 to first address the outrageous statements that
17 Ms. Bredehoft just made.

18 Earlier this week, we had the deposition
19 of Dr. Anderson. Dr. Anderson was the couple's
20 therapist -- couples therapist. Dr. Anderson
21 testified that she disapproved of Ms. Heard's ex
22 parte TRO petition in Los Angeles because she said

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Transcript of Hearing

Conducted on February 25, 2022

13

1 Amber tried to change the rules.

2 Now, a fair summary of Dr. Anderson's
3 testimony was -- which I defended and then took --
4 this is all in response to questioning by
5 Ms. Bredehoft's partner, Adam Nadelhaft.

6 Dr. Anderson said that Amber admitted that she
7 initiated violence; that when she would try to bait
8 Mr. Depp, he would go out to see his friends,
9 because he actually had friends. And to stop him
10 from doing that, she would insult him and then she
11 would slap them to try to stop. And he would
12 constantly retreat.

13 This contradicts Ms. Heard's testimony
14 that she didn't initiate violence. She's a liar,
15 Your Honor. And this is their couples therapist.
16 The couples therapist, she -- also, Ms. Heard
17 admitted to slapping Mr. Depp, to throwing a can at
18 him, and to being proud -- being proud of initiating
19 violence against Mr. Depp.

20 So, Your Honor, for her to say these
21 things, when she knows they're false and she knows
22 that her client has testified falsely, is

1 that that would happen. We trust the Court and we
2 certainly trust the Court's security. We don't
3 trust Ms. Heard.

4 THE COURT: Ms. Bredehoft, anything
5 further?

6 MS. BREDEHOFT: Your Honor, I take it
7 there must be press in the courtroom for Mr. Chew to
8 have gone on and on in such a manner, and we can
9 certainly address that. We don't have a problem
10 with transparency, Your Honor. You know, the press
11 is still going to be covering this, and, you know,
12 we have already won once in the UK, and they found
13 12 acts of domestic violence as well as sexual
14 violence against Ms. Heard, and we certainly, you
15 know, welcome the opportunity for a fair trial.
16 That's not the point, and he didn't address the
17 points from the statute, Your Honor, and that's the
18 concern here is there's going to be testimony of
19 sexual assault and rape, and it's going to be
20 interwoven in the testimony of beatings.

21 There's going to be a tremendous amount of
22 evidence, Your Honor. There's going to be

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Transcript of Hearing

Conducted on February 25, 2022

17

1 photographs. There's going to be videos. There's
2 going to be audios. There's going to be text
3 messages. There's going to be emails. We welcome
4 the opportunity to try this case, but that's not the
5 point.

6 Putting Amber Heard, who is a victim of
7 sexual violence, on camera to discuss these rapes
8 and these sexual assaults, along with the beatings,
9 is not what the legislature intended, and that's why
10 they prohibited it under 19.2-266.

11 THE COURT: All right. Thank you, ma'am.
12 I understand. You're reading, Ms. Bredehoft, the
13 statute. I do not read it that way. This statute
14 is a criminal -- works for criminal cases and is
15 mostly used in criminal cases. In fact, not many --
16 I don't know if Virginia has ever had a request in a
17 civil case to have cameras involved. Most of the
18 requests come from criminal cases and, obviously,
19 sexual offenses -- victims of sexual offenses would
20 pertain to criminal matters -- police informants,
21 undercover agents. This is all in the criminal
22 context, not in civil cases.

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1 So when you just look at civil cases, it's
2 up to the Court's discretion. And I advised the
3 parties of the possibility of having press -- having
4 it videoed, and I just -- I don't see any good cause
5 not to do it, especially with the many requests that
6 I have received.

7 I guess there's also -- and I don't know,
8 there's some documentary that both parties are
9 involved with and that, I guess, both of you already
10 know about. I have gotten a request from that
11 person who wants to have cameras in the courtroom.
12 I have also gotten requests from ABC News. I have
13 requests from the BBC, other individuals who want to
14 live tweet in the courtroom.

15 The concern I have also is I have to
16 balance this with the safety of the courtroom, with
17 the safety of the courthouse, and the ability for
18 people to have access to this case and other
19 raised -- other than just coming to the courthouse,
20 might be a safer place for us here in the courthouse
21 as well.

22 So, based on that, I am going to allow a

1 pool camera. I haven't -- I wanted to make that
2 decision now because I'm going to have restrictions.
3 Obviously, there's going to be quite a few
4 restrictions, and if both of you, if you want to
5 file what restrictions you would recommend and I can
6 get that within the next two weeks, I'd appreciate
7 it.

8 Obviously, it would be restricted to
9 probably one pool camera, is all we're looking at,
10 and we'll have to figure it out. And then they
11 could have ties into that camera.

12 I do have to -- as per the code, I do have
13 to get the Virginia Association of Broadcasters and
14 the Virginia Press Association involved as well so
15 they can designate the one person to represent the
16 media, and I can start getting the court clerks
17 involved so we can get that set up as well, and
18 we'll have it in place and actually tested out
19 probably during our three days at the end of March,
20 just to make sure I'm satisfied.

21 If I'm not satisfied with it and I don't
22 think that the restrictions can be taken care of,

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Transcript of Hearing

Conducted on February 25, 2022

20

1 then we won't have it. But it's going to be a very
2 tight -- a tight leash, I can promise you,
3 Ms. Bredehoft. It will be a tight leash, as you
4 know how I run my courtroom. So it will be a very
5 tight leash, and we'll make sure that we have all
6 the parameters in place prior to the trial starting.
7 All right?

8 Mr. Chew?

9 MR. CHEW: Your Honor, very briefly -- and
10 this matter will be coming before the Court next
11 Friday, but while we were here --

12 THE COURT: Okay.

13 MR. CHEW: -- just if you could give me 60
14 seconds --

15 THE COURT: Sure.

16 MR. CHEW: -- for some guidance. Your
17 Honor will recall her order granting Mr. Depp's
18 motion to compel the original devices to the extent
19 that relates to the photographs, and Your Honor also
20 appointed Craig Young of Kutak Rock to be the
21 special conciliator.

22 As Your Honor will recall, pursuant to

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Transcript of Hearing

Conducted on February 25, 2022

22

1 to show up. Dr. Anderson, to whom I just referred,
2 the marriage counselor who said that Ms. Heard never
3 should have filed the TRO, they instructed her
4 counsel, who, again, did nothing wrong, to redact
5 out of her notes so completely that there's only a
6 tiny little spot where the word "violence" is
7 mentioned. Wildly improper redactions. So we have
8 got to take that before Judge Bowick, and we
9 probably have to take that before you because
10 they're citing some -- some carve-out in her HIPAA
11 waiver.

12 But it is outrageous. They know that the
13 marriage counselor's notes are devastating to
14 Ms. Heard because Ms. Heard made all kinds of
15 admissions that she was the perpetrator of violence
16 and Mr. Depp was the one who constantly retreated --
17 constantly retreated.

18 THE COURT: Well, Mr. Chew, what exactly
19 are you asking?

20 MR. CHEW: I apologize, Your Honor. So
21 all I'm asking -- I apologize, Your Honor -- but all
22 I'm asking is, if the Court could now, before we run