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Transcript of Motion to Quash

Date: March 3, 2022
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Motion to Quash
Conducted on March 3, 2022

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, 5 Plaintiff, 6 v. Case No. CL2019-0002911 7 AMBER LAURA HEARD, 8 Defendant. 9 -----x 10 11 MOTION TO QUASH 12 HON. STEPHANIE M. BOWICK 13 DEPARTMENT 19 14 THURSDAY, MARCH 3, 2022 15 10:00 a.m. PST 16 17 18 Stenographically Reported by: 19 Burgundy B. Ryan, RPR, 20 CSR No. 11373 21 Job No. 436262 22 Pages 1-40</p>	<p>3 1 BE IT REMEMBERED that, pursuant to Notice 2 of Motion to Quash, and on Thursday, March 3, 2022, 3 commencing at 10:00 a.m. PST thereof, via remote 4 video teleconference, before me, Burgundy B. Ryan, a 5 Certified Shorthand Reporter in and for the State of 6 California, pursuant to all applicable sections of 7 the Code of Civil Procedure of the State of 8 California, the following hearing was heard: 9 THE COURT: Okay. Good morning. I'm going 10 to call the matter of Amber Laura Heard versus Mandel 11 Company matter. Good morning. 12 We are here for Motion to Quash the 13 deposition subpoena -- 14 COURT REPORTER: I'm sorry, your Honor, I 15 can't hear you at all. There are all kinds of 16 interruptions. 17 THE COURT: Good morning. Calling Amber 18 Laura Heard versus Mandel Company. 19 I ask that all parties on this line mute 20 their microphone until it's your time to be heard and 21 hopefully maybe that will help with any problems with 22 the court reporter hearing the Court. So I'm going</p>
<p>2 1 APPEARANCES 2 3 4 FOR THE PLAINTIFF: 5 BROWN RUDNICK, LLP 6 By: SAMUEL A. MONIZ, Esquire 7 2211 Michelson Drive, 7th Floor 8 Irvine, California 92612 9 949.752.7100 10 smoniz@brownrudnick.com 11 12 FOR THE PETITIONER/DEFENDANT: 13 GORDON REES SCULLY MANSUKHANI, LLP 14 By: Sebastian van Roundsburg, Esquire 15 633 West Fifth Street, 52nd Floor 16 Los Angeles, California 90071 17 213.576.5000 18 sroundsburg@grsm.com 19 20 FOR THE DEONENT AND NON-PARTY WARNER BROS. 21 ENTERTAINMENT, INC.: 22 VENABLE, LLP By: SARAH L. CRONIN, Esquire 2049 Century Park East, Suite 2300 Los Angeles, California 90067 HJO'Connor@venable.com SLCronin@venable.com --o0o--</p>	<p>4 1 to try again. 2 Good morning. I'm calling the Amber Laura 3 Heard versus the Mandel Company, Inc. matter. We are 4 here for a Motion to Quash the deposition subpoena by 5 Plaintiff for personal appearance and production of 6 documents and/or protective order filed by non-party 7 Warner Bros. Entertainment, Inc. 8 We have a court reporter reporting these 9 proceedings. I'm going to ask for appearances by the 10 parties, and please state for the record whether you 11 stipulate that the court reporter can record these 12 proceedings remotely. The court reporter is not in 13 the courtroom with the Court. 14 So we will start with counsel for John C. 15 Depp, II. 16 MR. MONIZ: Good morning, your Honor. 17 Samuel Moniz for Plaintiff John C. Depp, II, and so 18 stipulated. 19 THE COURT: Thank you. 20 And who do we have for non-party Warner 21 Bros. Entertainment, Inc.? Good morning. 22 MS. CRONIN: Good morning, your Honor.</p>

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<p style="text-align: center;">5</p> <p>1 This is Sarah Cronin on behalf of Warner Bros., and I 2 have Michael O'Connor of my office here on behalf of 3 Warner Bros. as well, and we stipulate to the remote 4 court reporter. 5 THE COURT: Good morning to both of you. 6 And, Ms. Cronin, are you going to be 7 handling the arguments this morning? 8 MS. CRONIN: Yes, your Honor. 9 THE COURT: Okay. Great. Thank you. 10 Well, I will say I just received in my hand 11 some non-party objections. I haven't really had a 12 chance to look at those. We had a very short 13 briefing schedule here, but I will look at those 14 momentarily. But let me just tell you my thoughts on 15 this, and I'm happy to hear oral arguments on the 16 matter. And I know we have had some discussions as 17 to the ex parte application and I encourage 18 Mr. Depp's counsel to try to work things out, which 19 it appears Mr. Depp's counsel has, but from my 20 understanding by the briefing, there just isn't a 21 confirmation of a stipulation by Ms. Heard about the 22 claim that she's either going to be claiming or not</p>	<p style="text-align: center;">7</p> <p>1 So, Mr. Moniz, does that in maybe a rough way 2 summarize your position? 3 MR. MONIZ: Yes. Thank you, your Honor. 4 That does, I think, accurately reflect our position. 5 To be clear, what I'm -- what I'm 6 anticipating here is that it will be a comparatively 7 short deposition. I would hope to be able to get 8 through this in a couple of hours, maybe even less, 9 but based on the state of the pleadings, based on the 10 state of the allegations made by Ms. Heard, which are 11 before the Court, I honestly just don't see any 12 alternative but to proceed with the deposition at 13 this point, although we are -- we are prepared 14 certainly afterwards to continue exploring options 15 with Ms. Heard. 16 But at -- as of this time we -- we kind of 17 are where we are, your Honor, and I just don't see an 18 alternative but to proceed 19 THE COURT: Correct. And so -- 20 MS. CRONIN: And, your Honor -- 21 THE COURT: Before I have you speak on 22 behalf of Warner Bros., Ms. Cronin, I want to say</p>
<p style="text-align: center;">6</p> <p>1 claiming. 2 And if I understand correctly from Mr. 3 Depp's deposition, that even if there was a 4 stipulation by Ms. Heard, that Mr. Depp believes that 5 the questions and documents posed to Warner Bros. 6 would still go to his position in the litigation 7 upcoming trial regarding his claims and defenses, et 8 cetera, and he still wants to explore certain issues 9 with respect to Warner Bros. and the relationship 10 with -- with Ms. Heard and that there hasn't been a 11 clear agreement between Mr. Depp and Ms. Heard about 12 the use of information or a declaration by Warner 13 Bros., which, in so many words, does -- does not make 14 Mr. Depp feel comfortable with agreeing to withdraw 15 the subpoena for this deposition and request for 16 production. And Mr. Depp would like to proceed with 17 the deposition, notwithstanding the objections by 18 Warner Bros. 19 And if I believe correctly, Mr. Moniz, you 20 said you thought it would be somewhat of a short 21 deposition and you didn't think it would be an 22 extensive amount of time that you would be needing.</p>	<p style="text-align: center;">8</p> <p>1 that I -- I also, as the ex parte, understood your 2 position and again expressed the Court's concern that 3 a non-party was being involved in hopes that the 4 parties could work things out, but I -- I tend to 5 agree with Mr. Depp tentatively that it just doesn't 6 seem like there has been sufficient agreement amongst 7 everybody satisfactorily so that when this matter 8 goes to trial, if it does proceed to trial, that 9 there would be enough information and evidence that 10 Mr. Depp is looking for as well as an agreement by 11 Ms. Heard as to what can be considered by the -- the 12 trial court and the jury in Virginia. There's just 13 too much -- too many aspects that have not been 14 confirmed or agreed upon to this date. 15 And so I -- I -- again, my tentative would 16 be to deny the motion, other than perhaps stating in 17 terms of a protective order maybe limiting the 18 deposition to a number of hours. I think that's as 19 far as the Court would probably be able to go today 20 based again on the briefing and information provided. 21 So why don't I hear from you, Ms. Cronin, 22 and then I'll have -- I'll let final thoughts be</p>

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<p style="text-align: right;">9</p> <p>1 heard by Mr. Moniz. But, again, my tentative is to 2 deny the motion except perhaps to give a time 3 limitation with respect to the -- the hours of 4 deposition. 5 MS. CRONIN: Yes, your Honor. Thank you. 6 What I would like to point out is that the 7 issue of Warner Bros. submitting a declaration in 8 lieu of a deposition is really a separate issue than 9 Depp and Heard trying to work out a stipulation to 10 withdraw her damages claim. I don't think that 11 counsel here would dispute that Depp and Heard's 12 counsel do not have a great relationship and have a 13 really difficult time working together on things. I 14 actually -- Warner Bros. -- 15 THE COURT: Let me -- but let me -- let me 16 stop you. I think the important thing the Court is 17 considering, Ms. Cronin, and I apologize for stopping 18 you but I want to state this point as you're talking 19 here, I don't think the issue is just Ms. Heard's 20 agreeing to withdraw her claim with respect to 21 AquaMan 1 and 2, I think the issue is that Mr. Depp's 22 position is that even if she were to withdraw that</p>	<p style="text-align: right;">11</p> <p>1 he felt that he would have enough information that 2 would no longer require the need for a deposition by 3 Warner Bros. and any document by Warner Bros. but 4 because the parties, as you said, is -- it's a very 5 contentious litigation, and because the parties have 6 not been able to reach a full agreement on all of 7 those various points, it leaves this matter back in 8 the Court's lap, and I just don't feel the Court, in 9 fairness, can just tell Mr. Depp, well, too bad, 10 you're not going to get -- be able to have a 11 deposition from Warner Bros. when they have issued a 12 valid subpoena, and I do believe that -- that the 13 information they are seeking is relevant to the 14 Virginia litigation. 15 So final thoughts, Ms. Cronin. I'm sorry I 16 interrupted, but I wanted to interject that point 17 that it's not just Ms. Heard withdrawing her claims 18 but it's also Mr. Depp's claims as well. 19 MS. CRONIN: Right. Thank you, your Honor. 20 I appreciate that question. 21 So far, the only time we have been together 22 when we have had discussions about withdrawing the</p>
<p style="text-align: right;">10</p> <p>1 claim, or any claim as to AquaMan, that he still has 2 questions and would want information from -- from 3 Warner Bros. as to the relationship between Ms. Heard 4 and Warner Bros. generally based on her claim and 5 counter-claims against Mr. Depp, even if AquaMan 1 6 and 2 are off the table. 7 Is that correct, Mr. Moniz? 8 MR. MONIZ: Yes, your Honor. Even if she 9 withdrew the damages claims in the absence of a 10 stipulation on certain facts, we -- we -- 11 THE COURT: Right. 12 MR. MONIZ: -- do feel the need to -- to 13 explore these issues somewhat in discovery. Again, 14 we are not interested in burdening the third party, 15 we will keep it as short and to the point as 16 possible. 17 THE COURT: Right. So I think, Ms. Cronin, 18 what the Court's concern was is there just wasn't 19 enough agreement between her -- I agree with you -- 20 an agreement between Heard and Depp about what facts 21 and information and stipulation would be presented in 22 the trial court to the satisfaction of Mr. Depp that</p>	<p style="text-align: right;">12</p> <p>1 damages claim, which seemed to be the hold-up, 2 Heard's counsel is here today, she could stipulate 3 that the -- it would be admissible that that was 4 Warner Bros.' position, this is Warner Bros.' 5 testimony, and the declaration would be admissible. 6 As far as we know, and how we have been 7 proceeding, is the only issue here is with respect to 8 her damages claim. This is going to be a publicized 9 trial and this idea that there is some kind of 10 unknown or, you know, thing that they want to dig for 11 unrelated to her damages claim about her relationship 12 with Warner Bros., that hasn't been the position in 13 their opposition. 14 They basically said that they want to 15 explore what her damages were. Well, we can already 16 tell you what our testimony is on that without having 17 to go and have, you know, hours of testimony where 18 both sides are trying to elicit this negative 19 information about each other that will then be put in 20 a publicized trial, which Warner Bros., who is not a 21 party, will have no control over. 22 I mean, the issue has always been, you</p>

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<p style="text-align: right;">13</p> <p>1 know, Ms. Heard's claim that had she had more time to 2 negotiate -- she could have negotiated for a lot more 3 money in AquaMan 2. In tying this to her dispute 4 with Heard, we heard her testimony, and we are ready 5 to swear for it -- you know, swear to it under 6 penalty of perjury that that is not just the case, 7 that she -- you know, any alleged delay was not due 8 to Depp and she would not have been able to negotiate 9 for more money. 10 I mean, the negotiation for more money, 11 that's the damage's claim here. That is why Warner 12 Bros. was being dragged into this dispute and that's 13 just really not disputed. Now, she can dispute that 14 at trial, but Warner Bros. doesn't need a deposition 15 to say that. Warner Bros. can say that and the 16 parties can stipulate that that's Warner Bros.' 17 position, that they would not have given her more 18 money. 19 And, you know, we understand these -- you 20 know, they served a subpoena and this is discovery, 21 but AquaMan was all over Heard's counterclaim that 22 was filed in August 2020. This idea that we're</p>	<p style="text-align: right;">15</p> <p>1 We have no wish to take up their time 2 unnecessarily, but their -- their declaration -- I 3 mean, look, Mr. Depp has to be able to explore these 4 issues in discovery. Ms. Heard has made allegations 5 in this case about matters that go beyond the scope 6 of their declaration, by the way. She's claimed that 7 her role was diminished and that she lost out on, you 8 know, public -- a high public profile role in part 9 because of -- in part because of conduct by Mr. Depp, 10 or at least that she seeks to attribute to Mr. Depp. 11 We just have to be able to pose some questions about 12 this, your Honor, at deposition, and -- and I just 13 don't see how a short deposition is an undue burden 14 under these circumstances. 15 We have no control over what Ms. Heard 16 alleges. We have no control over what Ms. Heard 17 tries to prove at trial. We are trying to prepare 18 for trial to defend against a multi-million dollar 19 counterclaim. I -- I -- I just don't see how we 20 cannot seek this deposition, your Honor. 21 MS. CRONIN: And, your Honor -- 22 THE COURT: I believe --</p>
<p style="text-align: right;">14</p> <p>1 now -- this emergency here on fire coming into court 2 we need to depose Warner Bros. seems a bit 3 manufactured given how long they have known about 4 AquaMan 2 in this case and just seems incredibly 5 burdensome to put a non-party in the middle of this 6 dispute of these facts when there really is nothing 7 more Warner Bros. can say at this point. 8 THE COURT: Okay. Anything else you want 9 to add, Ms. Cronin, before -- I'm going to give the 10 final word to Mr. Moniz, so anything else you want to 11 articulate before we turn it over to him? 12 MS. CRONIN: No, your Honor. 13 THE COURT: Okay. 14 MS. CRONIN: I would like to -- yeah. 15 THE COURT: Okay. Mr. Moniz, final 16 thoughts on this. 17 MR. MONIZ: Thank you, your Honor. 18 We have no objection to the Court's 19 limiting the time scope. As I said, I think we can 20 probably get our questioning done in two hours or 21 less. We fully appreciate that -- that Warner Bros. 22 is a third party.</p>	<p style="text-align: right;">16</p> <p>1 MS. CRONIN: Sorry, your Honor. I 2 apologize. 3 After Mr. Moniz is heard, I do have one 4 quick point. 5 THE COURT: Look, Ms. Cronin, I -- I don't 6 want to go back and forth because we will be here all 7 day, and we were already here quite a bit of time 8 during the ex parte application. I have read the 9 party's papers and accepted your evidentiary 10 objections; otherwise, I don't want to go back and 11 forth. 12 So I'm just going to do this: Mr. Moniz, 13 how much time do you think you need maximum on this 14 deposition? What would you think the maximum time 15 would be? 16 MR. MONIZ: Your Honor, I think I can -- I 17 think I can represent that we can get it done in two 18 hours or less. I can't speak for Ms. Heard, but for 19 Mr. Depp, two hours or less I think would be 20 sufficient. 21 MS. CRONIN: Your Honor, we have a couple 22 of requests then on the deposition regarding timing</p>

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<p>1 and also the length of time, which is being discussed 2 right now, and the confidentiality of it. 3 It's currently being noticed for this 4 Monday. We would ask for two weeks to find the 5 executive and time on their calendar to have him sit 6 for a deposition. Two hours would be acceptable to 7 us. We would like a limit of three hours total, if 8 Ms. Heard is also going to seek questioning, and we 9 would also like an agreement from the parties right 10 now on the record that we can, as a non-party, 11 designate the transcript confidential under the 12 current stipulated protective order. 13 THE COURT: Okay. There is a lot there, so 14 let's do this first: Number one, Ms. Heard's 15 counsel, they are not here, so I can't -- I -- I 16 can't really -- I don't have a stipulation with 17 respect to what Ms. Heard's counsel is going to do 18 with respect to this deposition. 19 The parties certainly can work on that 20 separately, but what I would be willing to do is for 21 your portion, Mr. -- 22 (Discussions were had between the Court and the</p>	<p>1 THE COURT: So, Mr. van Roundsburg, since 2 we're talking about this issue, are you willing to 3 limit the deposition? Mr. Moniz says he needs two 4 hours. 5 How much time does your client think they 6 need? 7 MR. VAN ROUNDSBURG: I apologize, your 8 Honor. I'm -- I am not -- I'm not instructed on that 9 issue. I would have to take further instructions 10 from -- from co-counsel on that. 11 THE COURT: Well, Mr. Moniz, what -- what 12 should I do since counsel cannot weigh in on that 13 this morning? 14 MR. MONIZ: Your Honor -- 15 MS. CRONIN: Your Honor, they noticed the 16 deposition here so -- or subpoena. 17 THE COURT: I'm sorry. Only one person can 18 talk at a time and so I'm asking Mr. Moniz. 19 Mr. Moniz, what should we do about that 20 point? 21 MR. MONIZ: Your Honor, what I would 22 suggest is I can stipulate here that we will keep our</p>
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<p>1 Clerk.) 2 MR. VAN ROUNDSBURG. Yes, your Honor, I am 3 here representing Ms. Heard. 4 (Discussions continued between the Court and the 5 Clerk.) 6 THE COURT: Oh, okay. I'm sorry. And I'm 7 sorry, Mr. van Roundsburg, I didn't -- I apologize. 8 My check-in sheet is a little confusing, and I'm 9 sorry I didn't get your appearance. You should have 10 shouted it out to me when I was getting appearances 11 on the record. So why don't you put your appearance 12 on the record this morning. Thank you. 13 MR. VAN ROUNDSBURG: Okay. Thank you, your 14 Honor. This is Sebastian van Roundsburg of Gordon 15 Rees Scully Mansukhani for Amber Laura Heard. 16 THE COURT: Thank you. And I apologize I 17 didn't get your appearance earlier. I didn't realize 18 you were there. Next time, just holler out at me. 19 Just say stop the presses here, your Honor, I need to 20 state my appearance for the record. So thank you so 21 much. 22 MR. VAN ROUNDSBURG: Will do, your Honor.</p>	<p>1 questioning to two hours or less, subject to our 2 right to seek permission from the Court to go beyond 3 that. I -- I have no control obviously over what Ms. 4 Heard does, but you know, certainly Warner Bros. has 5 the right, if it believes that its questioning -- 6 that Ms. Heard's questioning is going beyond 7 reasonable limits, they can always, you know, suspend 8 the deposition and -- and seek further relief from 9 the Court at that time. Beyond that, I just don't 10 know else to do. I have no control over Ms. Heard's 11 counsel. 12 THE COURT: Okay. So, Ms. Cronin, since 13 Mr. van Roundsburg is not really prepared to address 14 that issue, I think -- I don't know what you want me 15 to do today about that. 16 MS. CRONIN: Well, we would like a 17 three-hour limit total of deposition testimony from 18 both sides. 19 MR. MONIZ: Your Honor, I can -- I can 20 represent that I will try to get our questioning done 21 in 90 minutes or less. I'm a little uncomfortable 22 guaranteeing that because this is a substantive</p>

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<p style="text-align: right;">21</p> <p>1 deposition and this is a multi-million dollar claim. 2 We -- we will do our best, but I -- I don't know that 3 I can necessarily confidently promise to the Court 4 that we can actually do that. We will do our best. 5 I think two hours is a reasonable -- 6 MR. VAN ROUNDSBURG: Your Honor, if I can 7 just briefly speak. I think the way -- what I can 8 say is that the way this case has progressed so far 9 with all other non-parties is that where 10 cross-notice have been served, the non-noticing 11 party has been entitled to equal time. So I just ask 12 that that be brought to mind. 13 MR. MONIZ: Yes, certainly. So -- and that 14 is the case, generally speaking, that, you know, the 15 parties have generally had equal time. And, so you 16 know, I think a reasonable solution would be that 17 everybody agrees on two hours at most per side, but 18 again, I -- I have no control over what Ms. Heard 19 offers. 20 I mean, I suppose the Court -- I suppose 21 the Court can order a four-hour maximum with two 22 hours allotted to the parties, subject to Ms. Heard's</p>	<p style="text-align: right;">23</p> <p>1 THE COURT: Okay. 2 MR. MONIZ: The only other comment -- I 3 apologize, your Honor. 4 The only other comment I was going to make 5 was that we -- we could push as late as next Friday 6 in the absence of a stipulation from Ms. Heard, but 7 we are right at the discovery cutoff. And so unless 8 Mr. Roundsburg is prepared -- or, Mr. van Roundsburg, 9 I apologize, is prepared to stipulate here that we 10 can take this deposition at a date beyond the 11 discovery cutoff, we are -- we are kind of -- we are 12 kind of cramped a little bit by the timing here, your 13 Honor. So the two week request is -- is problematic. 14 We could go as late as next Friday without a 15 stipulation. 16 MS. CRONIN: Your Honor, I would just like 17 to point out parties stipulate to take a deposition 18 after the discovery cutoff all of the time. It will 19 be a few days after the discovery cutoff. It would 20 certainly be helpful for Warner Bros. to be able to 21 locate an executive and block off time to prepare 22 them and have them appear for deposition.</p>
<p style="text-align: right;">22</p> <p>1 right to go into court and ask for more time. I 2 suppose that would be one way the Court could handle 3 it. Beyond that, I just don't know, your Honor 4 THE COURT: Well, I think -- I'm happy to 5 hear Ms. Cronin, but I was prepared, based on Mr. 6 Moniz's position, to say that as to Mr. Depp, he's -- 7 he's limited to two hours or less, but that -- but 8 that wouldn't include any argument with respect to, 9 you know, somebody objects and then there is argument 10 on the record about the objections. It wouldn't 11 include that. But it would be -- you know, the 12 question and answering would be two hours, not to 13 include any argument on the record regarding any 14 objections or anything else; okay? 15 MS. CRONIN: Yes, your Honor. 16 THE COURT: Do you want me to suggest -- 17 you know, I feel like you all are going to be back in 18 court again if I didn't say that Ms. Heard is only 19 granted an hour, I think we are going to be back in 20 court again in the next couple of days. 21 MS. CRONIN: Yes, your Honor. The two 22 hours each seems to make sense for us.</p>	<p style="text-align: right;">24</p> <p>1 THE COURT: Well -- 2 MR. MONIZ: And I'm happy to stipulate to 3 that, your Honor, I just don't have that stipulation 4 yet from Ms. Heard's counsel. 5 THE COURT: Mr. van Roundsburg, are you 6 willing to stipulate that this deposition can be 7 conducted after the discovery cutoff so that Warner 8 Bros. can find the appropriate executive to sit for 9 the deposition? 10 MR. VAN ROUNDSBURG: Your Honor, I -- 11 I apologize again. I'm here primarily to -- to 12 appear in respect to the Motion to Seal. We have 13 obviously got co-counsel in Virginia, and I -- I -- I 14 can't stipulate to that at this time. I would have 15 to confer with them. I apologize, your Honor. 16 MR. MONIZ: Your Honor, I will say -- 17 THE COURT: Whoa. Whoa. Whoa. Whoa. 18 Whoa. 19 MR. MONIZ: I'm sorry, your Honor. 20 THE COURT: There are two motions to seal 21 on calendar this morning, Mr. van Roundsburg. 22 MR. VAN ROUNDSBURG: So it --</p>

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<p style="text-align: right;">25</p> <p>1 THE COURT: It's the Motion to Quash -- 2 MR. VAN ROUNDSBURG: Yes, your Honor. 3 Sorry. Go ahead, your Honor. 4 THE COURT: You go. Go ahead. 5 MR. VAN ROUNDSBURG: So with Mr. Moniz -- 6 with Mr. Depp's opposition to the Motion to Quash, he 7 filed a conditionally sealed opposition and we filed 8 a joinder in motion to seal that on the basis that 9 the information was redacted and should remain 10 redacted and sealed. 11 MR. MONIZ: That's set for hearing in July, 12 your Honor. That -- that was not advanced. That -- 13 that hearing is on calendar, I believe, in July. 14 THE COURT: So, Mr. van Roundsburg, if 15 you're here to talk about motions to seal, what I was 16 trying to say is that there is nothing on my calendar 17 today to deal with that. It's -- it's scheduled for 18 July 26th, 2022, but it's unfortunate that no one is 19 here today. Given that this is such a hotly 20 contested litigation, I'm surprised someone on behalf 21 of Ms. Heard is not here to be able to address some 22 of these issues we're talking about today.</p>	<p style="text-align: right;">27</p> <p>1 that's -- that's -- 2 THE COURT: I am. I am. I am going to 3 order it. I'm just making sure that that was what 4 you were saying you were willing to do is go out by 5 March 17th. 6 MR. MONIZ: Oh, certainly, your Honor. 7 If -- if -- if -- we are agreeable to doing it by 8 March 17th, you know -- 9 THE COURT: Okay. That's going -- that's 10 going to be my order. 11 My order is that the deposition must be 12 completed by March 17th at a mutually convenient time 13 and allow Warner Bros. an opportunity to find the 14 appropriate executive to sit for the deposition. 15 MR. MONIZ: That's agreeable. Thank you. 16 THE COURT: And what I'm going to do, Ms. 17 Cronin, is I -- you know, since no one from Ms. Heard 18 is even here to tell me if she has any questions for 19 Warner Bros., I'm going to just say one hour for -- 20 one hour for Ms. Heard -- 21 MS. CRONIN: Thank you, your Honor. 22 THE COURT: -- and if she wants to come in</p>
<p style="text-align: right;">26</p> <p>1 So since Mr. Depp is -- is agreeable to 2 this deposition being conducted after the discovery 3 cutoff, I'm going to allow it without Ms. Heard's 4 input. I'm going to order that the deposition can be 5 conducted after the discovery cutoff to allow Warner 6 Bros. to find the appropriate executive to sit. 7 Now, Ms. -- Ms. Cronin, remind me again 8 what -- what is the deadline you're asking for so 9 that you can -- 10 MS. CRONIN: I -- 11 THE COURT: -- schedule -- 12 MS. CRONIN: -- believe two weeks from 13 today is March 17th. 14 THE COURT: Okay. So that the deposition 15 must be conducted by March 17th is your request? 16 MS. CRONIN: Yes, your Honor. 17 THE COURT: And, Mr. Moniz, you're fine 18 with that under the circumstances; correct? 19 MR. MONIZ: Well, I -- I think that should 20 be okay, your Honor. I -- I -- I mean, the Court has 21 jurisdiction over Ms. Heard and -- and if the Court 22 is directing Ms. Heard not to object or -- or -- or</p>	<p style="text-align: right;">28</p> <p>1 and get more time, she can come in and get more time. 2 It's unfortunate someone is not here to at least talk 3 about that issue, but I don't have any papers on 4 behalf of Ms. Heard for this matter, so I will just 5 limit it to one hour for Ms. Heard. And it's not 6 including any argument on the record regarding 7 objections; okay? 8 So what my -- my ruling would be is that 9 the motion is denied in part and granted in part. 10 I'm denying the Motion to Quash, but as to the 11 Protective Order, allowing that the deposition be 12 limited to two hours for Mr. Depp or less, and 13 limited to one hour for Ms. Heard or less, not 14 including any argument on the record regarding 15 objections, and that the deposition must be completed 16 by March 17th at a mutually convenient date and time. 17 Does that sound good, Ms. Cronin? 18 MS. CRONIN: Thank you, your Honor. Yes. 19 THE COURT: And, Ms. Cronin, was there 20 anything else that you wanted the Court to address 21 with respect to a protective order? 22 MS. CRONIN: We would like to designate the</p>

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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 deposition transcript confidential under the 2 protective order. I -- I don't know if Ms. -- 3 Ms. Heard's counsel can agree to that right now. It 4 would have to be agreed to by both the parties is our 5 understanding. 6 MR. MONIZ: Mr. Depp has no objection to 7 that, your Honor. 8 THE COURT: Well, since -- I need to make 9 sure everybody feels that way. Mr. Moniz, should we 10 add that to the hearing on the 27th -- I mean, the 11 26th of July, that the sealing would also apply to 12 the deposition transcript? 13 MR. MONIZ: Your Honor, would it make sense 14 for the Court's order just to reflect that the 15 parties are directed to treat it as confidential 16 under the protective order? I -- that seems to me 17 like that could -- that could perhaps just address 18 this. But if -- if the Court wants to add that to 19 the July 26th issue, that's -- that's fine, too, your 20 Honor. I have no objection either way. We -- we -- 21 we consider this a non-issue really. We will treat 22 it as confidential.</p>	<p style="text-align: right;">31</p> <p>1 know, we would be willing to do that at Warner Bros.' 2 request, even if -- even if Ms. Heard didn't agree to 3 Warner Bros. doing it. So, again, I don't think 4 there is an issue. 5 THE COURT: So -- and I -- well, why don't 6 I just say the parties can deem the transcript 7 confidential pursuant to the protective order and if 8 any further issues need to be addressed, they can be 9 addressed at the July 26th hearing. 10 MS. CRONIN: That works for us, your 11 Honor. 12 MR. MONIZ: Yes. Thank you, your Honor. 13 THE COURT: Does that sound good to you, 14 Mr. van Roundsburg? 15 MR. VAN ROUNDSEBURG: Yes, that sounds good, 16 your Honor. Thank you. 17 THE COURT: The clerk is typing this up. 18 Hold on. 19 Anything else, Ms. Cronin, that you would 20 like addressed with respect to this matter? 21 MS. CRONIN: No, your Honor. Thank you for 22 your time.</p>
<p style="text-align: right;">30</p> <p>1 THE COURT: Okay. So why don't I just say 2 this: That -- and remind me, Mr. Moniz, because I 3 haven't looked at it, is the -- is the Motion to Seal 4 filed by Ms. Heard? 5 MR. MONIZ: The Motion to Seal was filed by 6 us in connection with our opposition papers. Ms. 7 Heard filed a joinder and Memorandum of Points and 8 Authority in response -- 9 THE COURT: Okay. 10 MR. MONIZ: -- it relates -- yeah. 11 THE COURT: So why don't we do this, just 12 so that I make sure we follow all appropriate rules: 13 I'll add in my order that the parties can deem the 14 transcript conditionally under seal and the matter 15 can be further addressed at the July 26th hearing. 16 How does that sound? 17 MR. MONIZ: I -- I think that -- I think 18 that should be fine, your Honor. Again, I don't 19 expect that there is any dispute that the matter is 20 designated confidential under the protective orders. 21 The parties -- the parties can do that -- either 22 party can do that. I -- I expect that we -- you</p>	<p style="text-align: right;">32</p> <p>1 THE COURT: Okay. Anything else, Mr. van 2 Roundsburg, that you need to -- Mr. van Roundsburg, 3 that you need to address today? 4 MR. VAN ROUNDSEBURG: No thank you, your 5 Honor. 6 THE COURT: And, Mr. Moniz, anything else 7 from you? 8 MR. MONIZ: No, your Honor. Thank you. We 9 very much appreciate your time. 10 THE COURT: Okay. So let me just confirm 11 what I'm saying. 12 Motion to Quash is denied, but I'm granting 13 the Protective Order, that is the time limitation, 14 I'm allowing it to be completed by March 17th, 2022, 15 at a mutually convenient time; I'm adding in there 16 that the time extension is granted pursuant to the 17 Warner Bros. request to find an appropriate 18 executive, and there was no objection asserted by -- 19 by any party to that request this morning; and the 20 deposition transcript can be deemed confidential by 21 the parties pursuant to the protective order. 22 If anything further needs to be addressed,</p>

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<p style="text-align: right;">33</p> <p>1 it can be raised at the July 26th hearing. And just 2 make sure that something supplemental is filed if 3 that needs to be added. And I'm not going to award 4 sanctions today. 5 MR. MONIZ: Your Honor, we will -- your 6 Honor, we will withdraw that request. That's fine. 7 THE COURT: Okay. Thank you. Withdrawn 8 then. Okay. 9 And I appreciate everybody's time and 10 effort here. And I appreciate -- you know, it's hard 11 fought. Good arguments by everybody. And I 12 understand your client's concern, Ms. Cronin, as I 13 articulated the other day, but I just think 14 ultimately this is a fair -- fair position the Court 15 needs to take. 16 Obviously the parties can still keep 17 talking about this and, you know, further 18 stipulations can be reached, Mr. van Roundsburg, with 19 your client and Mr. Depp, that could perhaps get this 20 off the table for Warner Bros. I'm sure they would 21 appreciate it. 22 You know, obviously if -- if Ms. Heard's</p>	<p style="text-align: right;">35</p> <p>1 proposed order? 2 MS. CRONIN: We usually do, so I would 3 assume we did in this instance, but if not, we're 4 happy to email one again or -- 5 THE COURT: I have a proposed order 6 regarding your objections. I will rule on that. 7 I -- 8 (Discussions were had between the Court and the 9 Clerk.) 10 THE COURT: Give us one second, and we will 11 see if there was a proposed order generally. 12 Hold on one moment. 13 MR. MONIZ: Your Honor, we can -- we can -- 14 we can submit a proposed order, if that's -- if 15 that's the easiest -- 16 THE COURT: There actually was one. There 17 was one. Hold on. Let me just look at it, 18 Ms. Cronin. One moment. 19 (Discussions continued between the Court and the 20 Clerk.) 21 THE COURT: Yeah, unfortunately, it's 22 not -- I can't change it. I mean, I can try -- I'll</p>
<p style="text-align: right;">34</p> <p>1 counsel and Mr. Depp's counsel comes up with 2 agreeable stipulations, that's going to be accepted 3 by the Virginia court. You know, if you have -- if 4 you have a set of stipulated facts that you are going 5 to walk into the Virginia court that says, you know, 6 the parties stipulate to the following facts to be 7 considered by the jury, no judge is going to deny 8 that request. In fact, I'm sure they would invite 9 that under the circumstances here. 10 So I do encourage the parties to continue 11 to perhaps talk. Maybe, Ms. Cronin, you can check in 12 with Mr. Moniz, you know, after a couple of days to 13 see if there have been any changes, and certainly, 14 Mr. van Roundsburg or Mr. Moniz, if anything changes 15 that you certainly need communication with Ms. Cronin 16 and Mr. O'Connor about the matter and maybe this can 17 be resolved ultimately. 18 But, in any event, I'll have this ruling 19 out shortly. 20 Was there a proposed order, Mr. Clerk? 21 If there is a proposed order -- Ms. Cronin, 22 do you remember if you electronically submitted a</p>	<p style="text-align: right;">36</p> <p>1 try to amend it, Ms. Cronin, sufficiently enough to 2 sign it. 3 So I'll -- I'll execute the proposed order 4 and squeeze in whatever language I need to, but the 5 minute order will also be -- be reflective of 6 everything. 7 So thank you to everyone. And, Mr. Moniz, 8 I'll just have you -- or, Ms. Cronin, I'll just have 9 you give formal notice, if you don't mind, or do you 10 want Mr. Moniz to do it? 11 MS. CRONIN: We are happy to give notice, 12 your Honor. 13 THE COURT: Okay. Great. 14 Well, thank you, everybody. 15 I will say that if the parties want to 16 advance the Motion for Protective Order and Motion to 17 Seal, do you want me to throw out a couple of dates 18 today that you all can talk about or do you want to 19 just leave it on calendar for July? 20 MR. MONIZ: For now, your Honor, I don't 21 necessarily -- well, I'll -- I'll -- I'll defer to -- 22 I'll defer to opposing counsel on that. I'm fine</p>

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<p style="text-align: right;">37</p> <p>1 either way. 2 MS. CRONIN: I think opposing counsel is 3 Heard's counsel. 4 MR. VAN ROUNDSBURG: Yeah. I -- sorry. 5 Yes, yes, your Honor. I -- I'm -- I'm happy for 6 it -- I mean, it's conditionally -- conditionally 7 under seal anyway; right? So I'm happy for it to 8 remain so and then we can -- we can further 9 discuss -- the parties can further discuss. 10 THE COURT: Okay. I'll just leave it on 11 calendar as is then. 12 Okay. Thank you, Counsel. 13 One last question. It looks like somebody 14 filed a Motion to Compel for April 28th. Whose 15 motion is that that was reserved? Is that you, 16 Mr. Moniz, if you know? 17 MR. MONIZ: No. I'm pretty sure that's not 18 us, your Honor. 19 THE COURT: Do you know who that is? Let 20 me check before I let everybody go. 21 Although, Ms. Cronin, you can go, if you 22 want, but --</p>	<p style="text-align: right;">39</p> <p>1 up the Motion to Seal, Mr. van Roundsburg, to the 2 April 28th date, if the parties just want to submit a 3 stipulation, I'm happy to do it; otherwise, please 4 cancel that April 28th date if you don't need it. 5 MR. VAN ROUNDSBURG. Will do, your Honor. 6 THE COURT: Okay. Thank you, everybody. 7 Have a great day. 8 Thank you, Madam Court Reporter. 9 Have a great day, everyone. Thank you. 10 MR. MONIZ: Thank you, your Honor. 11 MR. VAN ROUNDSBURG: Thank you, your Honor. 12 THE COURT: Bye-bye. 13 (Proceedings concluded.) 14 ---o0o---</p>
<p style="text-align: right;">38</p> <p>1 MS. CRONIN: Okay. 2 (Discussions continued between Court and Clerk.) 3 MS. CRONIN: Thank you, your Honor. 4 THE COURT: You're welcome. Thank you. 5 So, Ms. Heard, you reserved a Motion to 6 Compel for April 28th. If -- if for some reason that 7 motion is not needed and you want to move up the 8 Motion for Protective Order and Motion to Seal, you 9 can file a stipulation, and I'm happy to move it up 10 to the April 28th date. 11 MR. VAN ROUNDSBURG: Thank you, your Honor. 12 We will -- I -- will do, your Honor. Thank you. We 13 will look at that. I believe that may have been a 14 remnant from the -- of the motion that was already 15 brought forward, so I don't believe that -- that is 16 being used, so we will review. 17 THE COURT: Since that date is already kind 18 of reserved if the parties want to bump up the two 19 motions, Protective Order and Motion to Seal -- 20 (Discussions continued between the Court and the 21 Clerk.) 22 THE COURT: Okay. So if you want to move</p>	<p style="text-align: right;">40</p> <p>1 CERTIFICATE OF STENOGRAPHIC REPORTER 2 3 4 I, BURGUNDY B. RYAN, a Certified Shorthand 5 Reporter, hereby certify that foregoing hearing held 6 in Department 19 of the Los Angeles Superior Court, in 7 the within-entitled cause, was stenographically 8 reported by me, a disinterested person, and was 9 thereafter transcribed into typewriting. 10 11 I further certify that I am not of counsel 12 or attorney for either or any of the parties to said 13 deposition, nor in any way interested in the outcome 14 of the cause named in said caption. 15 16 DATED: Tuesday, March 15, 2022. 17 <i>Burgundy Ryan</i> 18 19 Burgundy B. Ryan, CSR No. 11373, RPR 20 21 22</p>