



Planet Depos
We Make It Happen™

Transcript of Hearing

Date: December 13, 2019

Case: Depp, II -v- Heard

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----X

JOHNNY C. DEPP, II,)

Plaintiff,)

-vs-)

NO. CL-2019-0002911

AMBER LAURA HEARD,)

Defendant.)

-----X

Hearing

BEFORE THE HONORABLE BRUCE D. WHITE

Fairfax, Virginia

Friday, December 13, 2019

11:00 a.m.

Job No.: 277957

Pages: 1 - 32

Reported by: Theresa R. Hollister, CCR

Transcript of Hearing
Conducted on December 13, 2019

1 (1 to 4)

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----X 4 JOHNNY C. DEPP, II,) 5 Plaintiff,) 6 -vs-) NO. CL-2019-0002911 7 AMBER LAURA HEARD,) 8 Defendant.) 9 -----X 10 11 Hearing 12 BEFORE THE HONORABLE BRUCE D. WHITE 13 Fairfax, Virginia 14 Friday, December 13, 2019 15 11:00 a.m. 16 17 18 19 20 Job No.: 277957 21 Pages: 1 - 32 22 Reported by: Theresa R. Hollister, CCR</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF PLAINTIFF: 3 BENJAMIN G. CHEW, ESQUIRE 4 BROWN RUDNICK, LLP 5 601 Thirteenth Street, Northwest 6 Suite 600 7 Washington, D.C. 20005 8 (202) 536-1700 9 10 ON BEHALF OF DEFENDANT: 11 J. BENJAMIN ROTTENBORN, ESQUIRE 12 WOODS ROGERS, PLC 13 10 South Jefferson Street 14 Suite 1400 15 Roanoke, Virginia 24011-1319 16 (540) 983-7600 17 JOHN C. QUINN, ESQUIRE 18 KAPLAN HECKER & FINK, LLP 19 350 Fifth Avenue 20 Suite 7110 21 New York, New York 10118 22 (212) 763-0884</p>
<p>1 Hearing held at: 2 3 Fairfax County Circuit Court 4 4110 Chain Bridge Road 5 Courtroom 5D 6 Fairfax, Virginia 22030 7 (703) 691-7320 8 9 Pursuant to notice, before Theresa R. 10 Hollister, Certified Court Reporter and Notary 11 Public for the Commonwealth of Virginia. 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 P R O C E E D I N G S 2 (Court reporter duly sworn by the Court.) 3 THE COURT: Would everybody please note 4 their appearances for the record. 5 MR. CHEW: Good morning, Your Honor. May 6 it please the court. Ben Chew for Plaintiff Johnny 7 Depp. 8 MR. ROTTENBORN: Good morning, Your 9 Honor. Ben Rottenborn from Woods Rogers here on 10 behalf of Defendant Amber Heard. 11 MR. QUINN: Good morning, Your Honor. 12 John Quinn from Kaplan Hecker on behalf of 13 Ms. Heard. 14 THE COURT: Good morning. All right. 15 MR. CHEW: As the court is aware, Your 16 Honor, we are here on Mr. Depp's motion to use the 17 testimony of Melissa Saenz and Tyler Hadden, 18 officers of the L.A.P.D. force. As Your Honor is 19 aware from the papers, both testified on July 18th, 20 2016, which was less than 2 months after the court 21 incident at issue, both in the divorce case and in 22 this defamation case, which is what happened on May</p>

1 a fight that they had. So the trial court in the
2 next case said, we're going to allow that testimony
3 about the fight that occurred to be admitted in this
4 case. And the Supreme Court said the trial court
5 did not abuse its discretion. That's exactly what
6 this testimony is about, the fight that occurred.
7 There was certainly a verbal confrontation. There
8 wasn't an actual fight. And so the court admitted
9 that.

10 Azalea Drive-In, from the Eastern
11 District of Virginia, this is their case. I will
12 quote from the court, "Since the same allegations
13 are made here as were made by Azalea in state court,
14 the requirement that the issues be substantially
15 similar is met," and that's 1974 Westlaw 1014, at
16 asterisk 2.

17 The only case that Ms. Heard could cite
18 what was decided the other way, was the Hub case out
19 the Ninth Circuit, a 1982 case. But the Hub case is
20 completely inapposite. The party was seeking to
21 use -- the parties seeking to use the prior
22 deposition. .."failed to show that the deposition



Transcript of Hearing
Conducted on December 13, 2019

8 (29 to 32)

29
1 opposed to coming to trial four years later, those
2 are things for everybody to be mindful of.
3 This is not to preclude either party from
4 taking the deposition of the officers and that can
5 be presented in whatever fashion is consistent with
6 the rules. So we need to do an order that reflects
7 that.
8 Now, before you all go, at our last
9 hearing in calendar control, we talked about whether
10 or not someone was going to try to make press
11 releases about why the case was continued. And
12 representation I had from both counsel was that they
13 could control everybody and those representations,
14 would not be in the press. Yet, that turned out not
15 to be correct. So does anybody have some
16 explanation they'd like to give me for that?
17 MR. ROTTENBORN: Your Honor, I don't have
18 an explanation that I'd like to give you, other than
19 we sent a letter to the court when we believed --
20 you know, part of what we're fighting here is that
21 every time something happens in this case --
22 THE COURT: What I'm referring to

30
1 specifically is, and I didn't read it, but it was
2 conveyed to me that there was something put in the
3 press that the reason it was continued was because
4 Mr. Depp was late providing his medical records.
5 That wasn't the subject of our conversations at all.
6 That wasn't the reason that the court granted the
7 continuance. It was granted at the request of both
8 parties because of what were reported to me to be
9 difficulties taking depositions of people taken in
10 California. So I can only suspect that it is
11 someone on the defense's side that made that press
12 release.
13 MR. ROTTENBORN: Your Honor, I have no
14 idea how that statement was conveyed to anyone in
15 the press. I certainly did not convey that.
16 THE COURT: Well, if that type of thing
17 happens and it's pro hac vice counsel responsible
18 for it, their pro hac vice privileges will be
19 revoked. And it may be the entire firm would be.
20 revoked if it's only one person from that firm.
21 We're going to make that clear that if I tell you
22 something, and then if counsel agrees to something,

31
1 and that those things are accurate, we're not going
2 to have something inaccurate placed in the press for
3 advantage.
4 MR. QUINN: Your Honor, if I may, John
5 Quinn from Kaplan Hecker. I can assure the court
6 that no statement was made by defense counsel to the
7 press. I can't speak to what reporters may have
8 concluded from papers that have been filed. But I
9 can assure the court that there were indeed
10 inquiries. The categorical response from all
11 defense counsel was no comment, consistent with our
12 discussion, Your Honor. There was no other
13 statement provided to the court [sic] by defense
14 counsel. I can assure the court of that.
15 THE COURT: Well, you are well aware of
16 my position on this.
17 MR. QUINN: Absolutely, Your Honor.
18 MR. ROTTENBORN: Yes, Your Honor.
19 THE COURT: Thank you all.
20 (The hearing was concluded at 11:30 a.m.)
21
22

32
1 CERTIFICATE OF SHORTHAND REPORTER
2 I, Theresa R. Hollister, the court
3 reporter before whom the foregoing hearing was
4 taken, do hereby certify that the foregoing
5 transcript is a true and correct record of the
6 testimony given; that said testimony was taken by me
7 stenographically and thereafter reduced to
8 typewriting under my supervision; and that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to this case and have no interest,
11 financial or otherwise, in its outcome.
12
13
14
15  
16
17 Theresa R. Hollister
18 Court Reporter
19
20
21
22