

March 26, 2019

VIA HAND DELIVERY TO JUDGES' CHAMBERS

The Honorable Bruce D. White, Chief Judge
Judges' Chambers – Fifth Floor
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

FILED
MAR 26 2019
JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA

Re: **John C. Depp, II v. Amber Laura Heard**
Civil Action No. CL-2019-0002911

Dear Chief Judge White:

Pursuant to the 2018 Edition of the Fairfax Circuit Court Practice Manual, Part D (Civil Trial Practice), Section 2.18 (Request for Pre-Assignment to Judge), Defendant in the above-referenced matter, Amber Laura Heard, hereby requests a special assignment of this case to one judge. Section 2.18 provides that special assignment of a matter to a single judge may be appropriate if “the issues in the case are unusually complex or that numerous substantive motions will be heard pre-trial, and as a result it would be beneficial to the court and the parties if one judge were assigned to hear all matters in the case.”

The same Section 2.18 goes on to provide that special assignment may be appropriate in the event of “special circumstances.” The above-referenced case satisfies all of the elements for special assignment and the court (and the parties) would benefit from assignment of this matter to a single judge. More specifically, special assignment is appropriate in this matter for at least the following reasons:

1. The Complaint in this matter has been brought by John C. Depp, II, the actor who goes by the name “Johnny Depp,” against his former wife, the actress Amber Heard. The Complaint alleges, *inter alia*, that Ms. Heard defamed Mr. Depp in an editorial that ran in *The Washington Post*.
2. By Order entered by this Court on March 19, 2019, the response to the Complaint is due by May 20, 2019. It is anticipated that the case will involve complex issues regarding the jurisdiction of the court, the law of defamation, defenses under the First Amendment and nuances related to public figures, laws of foreign jurisdictions, and a potential issue of first impression under Virginia’s recently revised Anti-SLAPP statute. Many of these issues are likely to recur over the course of the case. Therefore,

it would be efficient for one judge to develop a working knowledge of the facts and the law in this matter.

3. There are likely to be numerous substantive and procedural pre-trial motions, demurrers, pleas in bar and motions *in limine*, many of them related, such that it would be beneficial for one judge to hear them all.

Copied on this letter are Benjamin Chew and Brittany Whitesell Biles, counsel for John C. Depp, II, as well as Eric M. George and Richard A. Schwartz, lead counsel for Ms. Heard.¹ We have attempted to obtain Mr. Chew's consent to our request twice but have not heard from him.

Very Truly Yours,



Timothy J. McEvoy

cc: Eric M. George, Esq.
Richard A. Schwartz, Esq.
Benjamin Chew, Esq.
Brittany Whitesell Biles, Esq.

¹ Mr. George, Mr. Schwartz, and Ms. Biles will be filing applications for *pro hac vice* admission to appear on behalf of the respective parties.