

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-0002911

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W. T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**DEFENDANT AND COUNTERCLAIM-PLAINTIFF AMBER  
LAURA HEARD'S MEMORANDUM SUPPORTING CROSS MOTION TO COMPEL  
MR. DEPP'S PRODUCTION OF FORENSIC EVIDENCE AND FOR SANCTIONS**

Elaine Charlson Bredehft (VSB #23766)  
Adam S. Nadelhaft (VSB #91717)  
Clarissa K. Pintado (VSB 86882)  
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## SUMMARY OF ARGUMENT & BACKGROUND

### **I. Discovery Requests Served by Ms. Heard**

On July 24, 2020, Ms. Heard requested Mr. Depp produce all “videos, photographs, audio recordings, and transcripts relating in any manner to the claims or defenses in this litigation, including all metadata and original source information.” **Att. 1**, Request No. 8. On September 14, 2020, the Court entered a Consent Order - agreed to by Mr. Depp to resolve before Court hearing - requiring Mr. Depp to produce these documents. **Att. 2**. Yet Mr. Depp has inexplicably refused to comply.

Then on August 3, 2021, Ms. Heard served a Request for Mr. Depp to produce the devices and ESI specifically identified by Mr. Depp in an interrogatory response as all relevant devices and ESI in his possession, custody, and control for inspection and copying, including an iPhone, iPad, MacBook Pro, iCloud account, and devices and data belonging to Stephen Deuters and Nathan Holmes. **Att. 5**, Request 7. Yet despite Mr. Depp being unable to plausibly contend these devices are irrelevant based on his own sworn interrogatory response, Mr. Depp still asserted his usual gamut of boilerplate objections, and refused to produce any of the devices or ESI for inspection and copying, *id.*, yet is demanding all of this from Ms. Heard in his Motion.

### **II. Relief and Alternative Relief Sought by Ms. Heard**

Unlike Mr. Depp, Ms. Heard only initially seeks the production of computer forensic evidence for specifically identified documents and for specifically identified, evidentiary-supported reasons. Ms. Heard does not seek to burden the parties with the extensive, expensive, and unlimited full-scale forensic review proposed by Mr. Depp, followed by paying a third-party to review every single email, text message, and photograph that exists on any of the parties’ devices over a seven-year period, regardless of whether any such documents were requested,

objected to, ruled on previously by the Court, subject to the attorney client and work product privileges, containing private, sensitive and confidential information, or even whether relevant to this proceeding. In this Cross-Motion, Ms. Heard initially seeks the following relief:

- The full and complete audio recordings previously produced as DEPP8271 and DEPP17814, which are conversations Mr. Depp recorded between Mr. Depp and Ms. Heard. The transcripts of the two partial recordings are attached as **Att. 3**. The produced recordings were only portions of the conversations, although the Court Order required production of all recordings, including the full recordings. Mr. Depp should produce these full audio recordings in native form with all associated metadata, along with an excerpt of the forensic image of both the full and previously produced partial recordings. Because these were required to be produced under Court Order, **Att. 2**, and were not, Ms. Heard seeks sanctions for the willful contempt of the Court Order as well.
- Ms. Heard seeks the native versions, all metadata, and portions of the forensic images of all devices containing any evidence Mr. Depp contends support his allegations that he was abused or suffered any injuries as a result of any such abuse, so she may forensically test this multimedia. Throughout this case, Mr. Depp has falsely alleged Ms. Heard committed domestic violence against Mr. Depp, as opposed to the reality of Mr. Depp repeatedly abusing Ms. Heard, and contends that this falsely alleged abuse “is documented” by photographs and other evidence. *See, e.g., Att. 4.*

These requests are sufficiently specific and narrowly tailored, and should have been produced long ago, in response to discovery requests and Court Order. In spite of multiple requests by Ms. Heard’s counsel to Mr. Depp’s counsel, Mr. Depp has simply refused to respond or explain why the full recordings have not been produced.

Mr. Depp simultaneously seeks to have Ms. Heard produce all her original electronic devices over a seven-year period. As will be addressed fully in Ms. Heard’s Opposition to Mr. Depp’s Motion, there is no basis in Virginia law for such an unduly burdensome and unlimited request, and is nothing but an unbridled, harassing wild goose chase, designed to supplant our discovery process, the Rules of the Virginia Supreme Court, and the Court’s myriad of prior Orders denying Mr. Depp’s pursuit of many of these documents.

Should the Court grant all or part of Mr. Depp’s Motion, however, Ms. Heard

respectfully requests that any Court Order be applied mutually. There would be no reason to provide Mr. Depp unfettered access into Ms. Heard's electronic devices, while not providing Ms. Heard the same. Indeed, Mr. Depp admitted that these issues are "mutual," and Mr. Depp would agree to produce images of his devices and ESI if the parties reach an agreement on timeframe and subject matter (of if this Court so rules). While Ms. Heard does not believe either side should be allowed such access, fundamental fairness would require the parties be treated equally.

### ARGUMENT

**I. Mr. Depp Should Be Re-Ordered to Produce Complete Recordings in Native Form, All Metadata, and Portions of the Forensic Images of all Previously Produced Partial Recordings, and Should be Sanctioned for his Contempt of the Court's Prior Orders**

DEPP8271 and DEPP17814 are selected excerpts of recorded communications between Mr. Depp and Ms. Heard recorded by Mr. Depp, and the full recordings should have been produced long ago. As reflected in the transcripts of both these recordings, the conversations begin in the middle of a sentence, and abruptly cut off. **Att. 3.** Mr. Depp cannot cherry-pick his production, or selectively produce portions of a recording, especially where he is under Court Order to produce the full recordings. Ms. Heard is entitled, as Ordered by the Court, **Att. 2,** to receive the full recordings in native form with all associated metadata,<sup>1</sup> along with an excerpt of the forensic image of both the full and previously produced partial recordings.

These recordings should have been produced over a year ago, under the Court's September 14, 2020 Order. **Att. 2.** And, in spite of multiple follow up requests, Mr. Depp has simply ignored and refused to respond to all requests to produce the full recordings. The "degree

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<sup>1</sup> Mr. Depp has already produced the metadata fields of Date Sent, Time Sent, Date Last Modified, File Name, File Extension, SHA1 Hash, and File Path for the partially produced recordings, and should produce the same for the full recordings, along with producing any additional associated metadata for both the partial and full recordings.

of punishment for contempt is within the sound discretion of the trial court.” *Mihnovets v. Mihnovets*, 2004 Va. App. LEXIS 410, at \*15 (Va. Ct. App. Aug. 31, 2004); *Arvin, Inc. v. Sony Corp. of America*, 215 Va. 704, 705 (1975) (*per curiam*) (The punishment is “adapted to what is necessary to afford the injured party remedial relief for the injury or damage done by the violation.”). Ms. Heard should not have had to bring this Motion to obtain these full audio recordings, especially where Mr. Depp has been under Court Order for a year to produce them, it is obvious these are partial recordings, and counsel for Ms. Heard has made multiple follow up requests, only to be completely ignored. Under the circumstances, Ms. Heard should be awarded her attorney’s fees and costs. *Arvin*, 215 Va. at 705 (“The punishment may include “attorney’s fees incurred in the investigation and prosecution of the contempt proceedings.”); *Mayfield v. Southern Ry.*, 31 Va. Cir. 229, 236 (Richmond 1993) (“Where, as here, a litigant deliberately withholds relevant information in the face of a clear, direct, and unambiguous request for such information, sanctions not only should, but must, be awarded.”).

**II. Ms. Heard Further Seeks All Native Versions, Metadata, and Portions of Forensic Images of all Documents and Multimedia Mr. Depp Contends Show Any Abuse by Ms. Heard**

Attempting to change reality, Mr. Depp falsely alleges Ms. Heard committed domestic violence against him, and has produced “photographs” to demonstrate this alleged abuse. *See, e.g., Att. 4; see also Compl.*, ¶¶ 24-31. But these photographs, produced by Mr. Depp as DEPP11757-59 and DEPP11814, are in PDF format, contain no original metadata, and do not allow Ms. Heard to review their authenticity. *Id.* Therefore, Ms. Heard seeks the native versions, all metadata, and portions of the forensic images of all devices containing any evidence that Mr. Depp contends support his allegations that he was abused or suffered any injuries, including but not limited to DEPP11757-59 and DEPP11814, so that she may forensically test this specifically identified multimedia for authenticity and manipulation.

**III. In the Alternative, if the Court Grants Mr. Depp's Motion to Compel, Any Ruling Should Apply Equally to Ms. Heard's Cross Motion to Compel**

For the reasons stated in Ms. Heard's Opposition to Mr. Depp's Motion, Ms. Heard maintains that the relief sought by Mr. Depp is wildly overbroad, unduly burdensome, and would require significant unnecessary and unwarranted expense for Ms. Heard. Contrary to Mr. Depp, Ms. Heard only initially seeks the very specific forensic evidence for the specific reasons identified in this Motion. *Albertson v. Albertson*, 73 Va. Cir. 94, 100-02 (Fairfax 2007) (MacKay, J.) ("unfettered access to Plaintiff's computer files would be improper" and unduly burdensome, and instead identifying three specific categories for forensic review).

But in the alternative, if the Court grants all or part of Mr. Depp's Motion, Ms. Heard respectfully requests that any Order entered by the Court be applied mutually to both parties, as Ms. Heard also requested that Mr. Depp produce his identified devices. **Atts. 5-6**. Yet Mr. Depp refused to produce the devices or ESI for inspection and copying, even though he simultaneously seeks these very same from Ms. Heard, but without any specificity whatsoever. Id.

Ms. Heard is not requesting devices be ordered for forensic and then third party review unless the Court holds that Mr. Depp is permitted that access to Ms. Heard's devices. Mr. Depp agreed during the meet and confer call that the issues are mutual, and confirmed this position in his own Motion. *Memo*, at 3 ("Mr. Depp's counsel proposed a procedure...whereby *the parties each* proffer the Requested Material for forensic imaging; negotiate parameters for the extraction of relevant data; and jointly select a neutral attorney to oversee the process") (emphasis added). Surely Mr. Depp cannot reasonably object to such an Order applying mutually to both parties.

**CONCLUSION**

For the reasons stated above, Defendant and Counterclaim-Plaintiff Amber Laura Heard respectfully requests that the Court grant the Motion and the relief requested herein.

October 15, 2021

Respectfully submitted,



Elaine Charlson Bredehoft (VSB #23766)  
Adam S. Nadelhaft (VSB #91717)  
Clarissa K. Pintado (VSB 86882)  
David E. Murphy (VSB #90938)  
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*Counsel to Defendant and Counterclaim-Plaintiff,  
Amber Laura Heard*

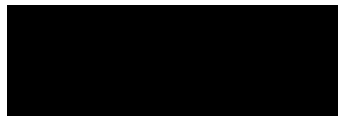
**CERTIFICATE OF SERVICE**

I certify that on this 15<sup>th</sup> day of October, 2021, a copy of the foregoing was served by email, by agreement of the parties, addressed as follows:

Benjamin G. Chew, Esq.  
Andrew C. Crawford, Esq.  
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*Counsel for Plaintiff and Counterclaim-Defendant,  
John C. Depp, II*



Elaine Charlson Bredehoft



# ATTACHMENT 1

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff,*

v.

AMBER LAURA HEARD,

*Defendant.*

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO DEFENDANT AMBER LAURA HEARD'S  
SEVENTH REQUEST FOR PRODUCTION**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby provides supplemental responses and objects to certain requests of Defendant Amber Laura Heard's ("Defendant" and/or "Ms. Heard") Seventh Request for Production of Documents (each, a "Request" and collectively, the "Requests"), dated July 24, 2020 and served in the above captioned action ("Action") as follows:

**GENERAL OBJECTIONS**

1. These General Objections are incorporated into each specific response to the numbered Requests below as if fully repeated therein and are intended, and shall be deemed, to be in addition to any specific objection included in any response below. The assertion of the same, similar, or additional objections or partial responses to the individual Requests does not

on the grounds and to the extent that it seeks expert discovery that is premature and/or beyond the scope of expert discovery permitted under the applicable rules.

Subject to, and without waiver of the foregoing objections, Plaintiff will agree to produce non-privileged documents sufficient to show the total amount of costs, expenses, and liabilities incurred by Mr. Depp and Ms. Heard during their marriage, and Mr. Depp's total income during their marriage.

**SUPPLEMENTAL RESPONSE:**

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions and specific objections as though set forth in full.

Subject to and without waiving the foregoing objections, Plaintiff has produced all non-privileged, responsive documents, and reserves his right to produce any additional non-privileged documents if discovered. However, at this time Plaintiff is unaware of any additional responsive documents.

8. All videos, photographs, audio recordings and transcripts, relating in any manner to the claims or defenses in this litigation, including all meta data and original source information.

**RESPONSE:**

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instruction above, as though set forth in full. Plaintiff further objects on the grounds that this Request is overbroad, unduly burdensome, and harassing, because it represents an open-ended request for documents that may somehow relate to unspecified claims and defenses, directly implicating the analysis of counsel. Plaintiff further objects to this Request on the grounds and to the extent that it seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege and

work product doctrine, because, among other reasons, it directly implicates the work product of counsel as to what documents may relate in some manner to the claims and defenses in this action. Plaintiff further objects to this Request on the grounds that it seeks information that is private and personal and protected by law, because, among other reasons, it seeks information related to Plaintiff's personal, financial, and other private matters, that are not at issue in this action and are protected from disclosure. Plaintiff further objects to this Request on the grounds and to the extent that it implicates any other applicable privilege or immunity. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous to the point of unintelligibility, as Defendant has failed to reasonably identify the subject matter of the documents sought.

Accordingly, Plaintiff will not produce documents in response to this Request, as it is currently framed. Plaintiff will meet and confer with Defendant, and is willing to produce appropriate, non-privileged documents relevant to the parties' claims and defenses in response to more targeted discovery requests that clearly specify the subject matter of each request.

**SUPPLEMENTAL RESPONSE:**

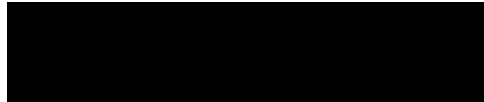
Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions and specific objections as though set forth in full.

Subject to and without waiving the foregoing objections, Plaintiff has produced all non-privileged, responsive documents, and reserves his right to produce any additional non-privileged documents if discovered. However, at this time Plaintiff is unaware of any additional responsive documents.

10. Documents reflecting all efforts to preserve the full video footage from the Eastern Columbia Building during the period May-August 2016.

Dated: September 30, 2020

Respectfully submitted,



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Camille M. Vasquez (*pro hac vice*)  
Andrew C. Crawford (VSB #89093)  
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- and -

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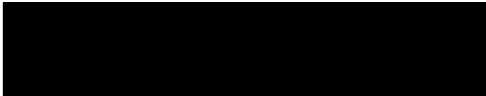
*Counsel for Plaintiff John C. Depp, II*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September 2020, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Joshua R. Treece (VSB No. 79149)  
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Benjamin G. Chew

# ATTACHMENT 2

2

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**CONSENT ORDER RESPECTING PLAINTIFF'S RESPONSES TO  
FOURTH, FIFTH, SIXTH AND SEVENTH REQUEST FOR DOCUMENTS**

Plaintiff John C. Depp, II, and Defendant Amber Laura Heard, by counsel, having engaged in extensive meet and confers respecting Defendant's Fourth, Fifth, Sixth and Seventh Requests for Production and Plaintiff having consented to an Order respecting certain of these discovery requests, as evidenced by their signatures below, it is hereby:

**ORDERED** that Plaintiff shall produce all non-privileged documents and for any claimed privileges, will produce a privilege log simultaneous with the production of the other recording, responsive to the following Requests:

**Fourth Requests for Production of Documents (served July 2, 2020):**

- Nos. 1-2;
- Nos. 4-5;
- Nos. 7-9;
- No. 10 (revised to "All documents between or among Mr. Depp and Christi Dembrowski, Ben King, Kevin Murphy, Jerry Judge, Nathan Holmes, Malcolm Connelly, Steven Deuters, any other security for Mr. Depp, house personnel, housekeeping, and personal assistant staff, that refer or relate to Mr. Depp's substance or alcohol abuse or treatment, Mr. Depp's acts of physical violence, Mr. Depp's destruction of property, Ms. Heard's 2016 Domestic Violence Restraining Order, evidence or testimony related thereto, allegations of physical or nonphysical abuse by Ms. Heard or Mr.



Depp, allegations that these are false, part of a hoax or fraud, and/or that otherwise refer or relate to the claims, counterclaims, defenses or allegations in this lawsuit during the following date periods: January 1 - March 30, 2013; June 27-July 7, 2013; May 1-May 31, 2014; August 1-September 15, 2014; December 1, 2014-January 3, 2015; January 20 - February 12, 2015; March 1- March 30, 2015; July 15-August 5, 2015; November 20, 2015-December 31, 2015; April 15, 2016-April 30, 2016; May 3, 2016-May 21, 2016; May 22, 2016 through the present; and

- Nos. 11-13 and 15.

**Fifth Requests for Production of Documents (served July 10, 2020):**

- No. 2;
- No. 3 (revised to "All communications with the owner of the Australian house, Mick Doohan, from the period September 1, 2014 through September 1, 2017 that refer or relate to Mr. Depp's substance or alcohol use, Mr. Depp's acts of physical violence, Mr. Depp's destruction of property, Mr. Depp's finger injury, Mr. Doohan's documentary, and/or otherwise refer or relate to the claims, counterclaims, defenses or allegations in this lawsuit");
- Nos. 4-9, 11;
- and
- No. 16.

**Sixth Requests for Production of Documents (served July 17, 2020):**

- No. 7;
- No. 11;
- Nos. 13-22.

**Seventh Requests for Production of Documents (served July 24, 2020):**

- Nos. 2, 4, 8 and 10.

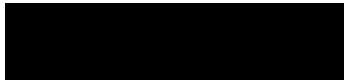
It is further **ORDERED** that all such responsive documents shall be produced no later than Wednesday, September 30, 2020.

Date: 9/14/20



The Honorable Bruce D. White  
Chief Judge, Fairfax County Circuit Court

WE ASK FOR THIS:



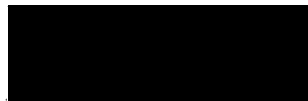
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*Counsel to Defendant Amber Laura Heard*

SEEN AND CONSENTED TO:



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*Counsel for Plaintiff John C. Depp, II*

# ATTACHMENT 3

[00:00:00]

**AMBER HEARD:** -- go I fucked up and cry in my bedroom after I dumped you a fucking week prior. A fucking week prior, after you beat the shit out of me. And then a week later you show up at my doorstep in my room saying you want to say goodbye. Okay. Say goodbye.

**JOHN DEPP:** Oh, I said it?

**AMBER HEARD:** Yes, you did say it. I'll go to the text messages so that we're clear on the tape.

**JOHN DEPP:** Yes, because you said it before to me.

**AMBER HEARD:** Okay. No doubt, but you did not say you were to come over to say bye.

**JOHN DEPP:** I made a huge mistake.

**AMBER HEARD:** You didn't say that to me?

**JOHN DEPP:** I made a huge mistake.

**AMBER HEARD:** You didn't say that to me?

**JOHN DEPP:** Well, I won't do it again.

**AMBER HEARD:** Well, it's a mistake, then. Did you or did you not say you were coming over to say bye?

**AMBER LAURA HEARD:** Monster.

**JOHN C. DEPP, II:** Watch me.

**AMBER LAURA HEARD:** No, there isn't. There's no difference.

**JOHN C. DEPP, II:** Watch me. What me, douchebag.

**AMBER LAURA HEARD:** Never a difference. Never a difference. It won't be. There won't be a difference this time.

**JOHN C. DEPP, II:** Oh, you think I'll come crawling back?

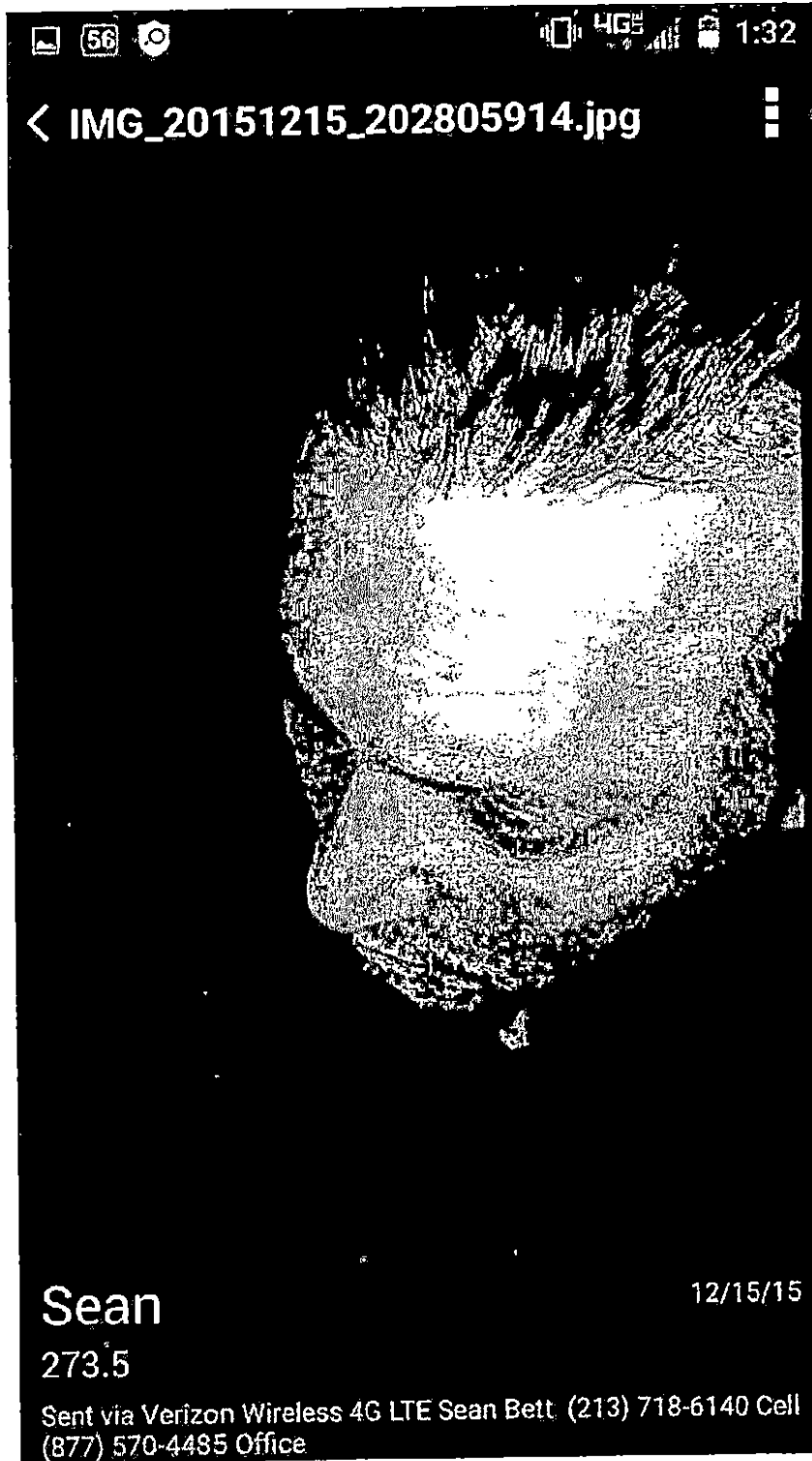
**AMBER LAURA HEARD:** I know it. No, I know it. Yeah. I know there won't be a difference. I know it will take seven, five, ten days depending on where I go. If I go to New York, want to be with my friends. If I fuck off to Texas. By the way—

**JOHN C. DEPP, II:** You know what? No. You know what? You go suck cock—

**AMBER LAURA HEARD:** Bye.

[00:00:23]

# ATTACHMENT 4



EX. NO. 511 - pg 004  
298

F894.092





56 4G LTE 1:32

< IMG\_20151215\_202744037.jpg

Sean

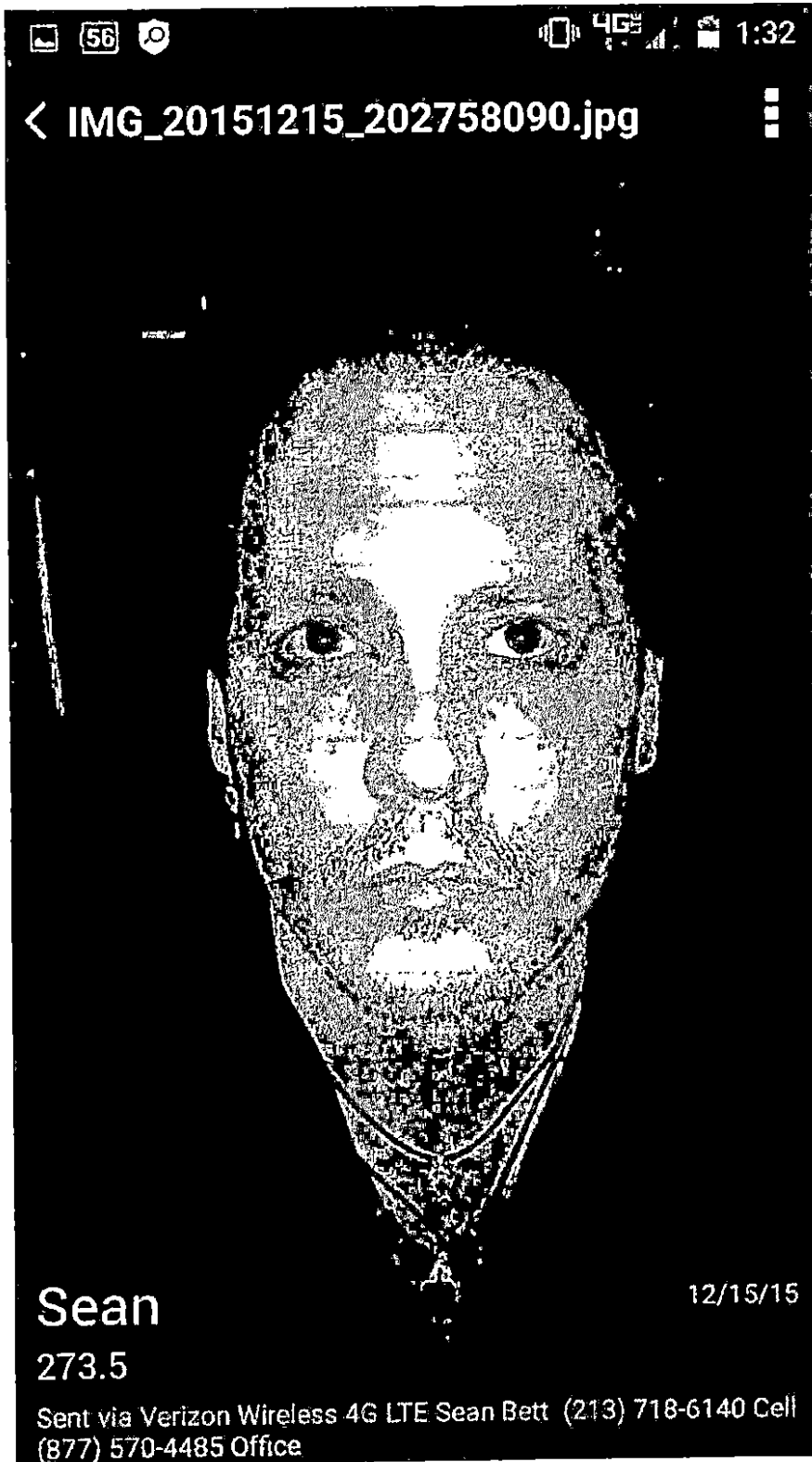
12/15/15

273.5

Sent via Verizon Wireless 4G LTE Sean Bett (213) 718-6140 Cell  
(877) 570-4485 Office

EX. NO. 511 - pg 299

F894.093



EX. NO. 511 - pg 303

F894.094



Sean Belt - SBI  
21/4/2016

# ATTACHMENT 5

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff and Counterclaim  
Defendant,*

v.

AMBER LAURA HEARD,

*Defendant and  
Counterclaim Plaintiff.*

Civil Action No.: CL-2019-0002911

**PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S RESPONSES  
AND OBJECTIONS TO DEFENDANT AND COUNTERCLAIM PLAINTIFF  
AMBER LAURA HEARD'S THIRTEENTH REQUEST FOR PRODUCTION**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Defendant" and/or "Ms. Heard") Thirteenth Set of Requests for Production of Documents (each, a "Request" and collectively, the "Requests"), dated August 3, 2021 and served in the above captioned action ("Action") as follows:

**GENERAL OBJECTIONS**

1. These General Objections are incorporated into each specific response to the numbered Requests below as if fully repeated therein and are intended, and shall be deemed, to be in addition to any specific objection included in any response below. The assertion of the same, similar, or additional objections or partial responses to the individual Requests does not

terms “devices and data” are vague and ambiguous. Plaintiff further objects to this request on the grounds that it is lacking in reasonable particularity.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will produce and/or has already produced all communications between Plaintiff and Joshua Drew from January 1, 2013 to the present relating in any manner to Ms. Heard, or any of the allegations or defenses in this Action.

7. Please make the following devices and electronically stored information, identified in your Response to Defendant Amber Laura Heard' s First Set of Interrogatories, available for inspection and copying at the law office of Charlson Bredehoff Cohen & Brown, P.C. no later than August 24, 2021:
  - a. iPhone
  - b. iPad
  - c. MacBook Pro
  - d. iCloud account
  - e. devices and data belonging to Stephen Deuters collected in May 2017 (iPad and iPhone) and
  - f. devices and data belonging to Nathan Holmes collected in March 2018 (iPhone)
  - g. Any other devices from which any recordings, photos or other documents of any nature have been produced by you or anyone within your possession, custody or control.

**RESPONSE:**

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instruction above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request as harassing because it seeks information unrelated to the subject matter of this case.

Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and/or third parties to this litigation, which is not subject to discovery in this action. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this request on the grounds that the terms “devices and data” are vague and ambiguous. Plaintiff further objects to this request on the grounds that it is lacking in reasonable particularity.

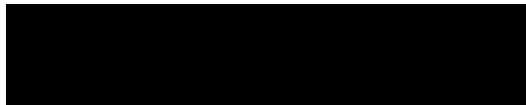
Plaintiff further objects to this Request on the grounds that it is beyond the scope of discovery as defined in Va. Sup. Ct. R. 4:1(b)(1) and is beyond the scope of a permissible Request for Production pursuant to Va. Sup. Ct. R. 4:9. A request to access, extract, inspect, and/or test Plaintiff’s devices raises significant issues of confidentiality and privacy, is subject to the balancing required by Va. Sup. Ct. R. 4:1(b)(1), and requires a heightened showing of relevance and discoverability that Defendant has not demonstrated in this case. Such a request does not create a routine right of direct access to a party’s electronic information and devices, as Courts guard against undue intrusiveness, undue burden, and significant overbreadth that results from the requested type of access, extraction, inspection, and/or testing. For all of these reasons, Plaintiff objects to this Request as overly broad, unduly burdensome, harassing, and seeking information not reasonably calculated to lead to the discovery of admissible evidence regarding the claims and defenses in this case, taking into account the needs of the case, the amount in controversy, limitations on the parties’ resources, and the importance of the discovery in resolving the issues at stake in the litigation. Defendant has not made the requisite showing under the Rules.

Plaintiff will not produce documents in response to this request as currently posed.

Plaintiff is willing to meet and confer to discuss the scope of this request.

Dated: August 24, 2021

Respectfully submitted,



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*Counsel for Plaintiff and  
Counterclaim Defendant John C. Depp, II*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of August 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn (VSB No. 84796)

Joshua R. Treece (VSB No. 79149)

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CHARLSON BREDEHOFT COHEN & BROWN, P.C.

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dmurphy@cbcblaw.com

  
Benjamin G. Chew

# ATTACHMENT 6



Blair Berk	Unknown
Jacob Bloom	Unknown

2. State whether You or anyone acting on Your behalf, including Your attorneys or investigator(s), have ever taken, received or assisted in drafting or preparing any declaration, affidavit, or other written statement of any person relating to this lawsuit and/or the factual allegations that are the substance of this suit. If so, please provide the names, current addresses, telephone numbers and occupation of each such person giving a statement, and the date of each such statement.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following statements: Plaintiff's declaration in support of his opposition to the motion to dismiss and Kevin Murphy's (Plaintiff's former estate manager) declaration in support of Plaintiff's opposition to the motion to dismiss.

3. **Identify all devices in Your possession, custody, or control in which ESI that relates to the claim, or defenses in this case, or is reasonably likely to lead to the discovery of admissible evidence, is or is reasonably likely to be stored.** For the avoidance of doubt, include in your response all devices in your possession, custody, or control that are or were owned or used by Ms. Heard.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity,

or protection. Plaintiff further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge, and within the personal knowledge of Ms. Heard.

Subject to and without waiving the foregoing objections, **Plaintiff identifies the following devices: iPhone, iPad, MacBook Pro, an iCloud account, and the devices and data belonging to Stephen Deuters collected in May 2017 (iPad and iPhone) and Nathan Holmes collected in March 2018 (iPhone).**

4. Identify all email addresses, social media accounts, and Chat Applications that You have used to communicate in relation to this Action or the claims and defenses therein.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following accounts: **[REDACTED]**

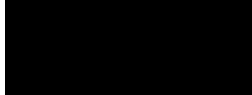
5. Identify all pseudonyms, nicknames, handles, stage names, or other names that You have used in referring to Yourself, or which any person identified in Your answer to Interrogatory No. 2, has used in referring to You. For each, describe the context in which the name was used.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity,

Dated: October 28, 2019

Respectfully submitted,

  
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Camille M. Vasquez (*pro hac vice*)  
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- and -

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*Counsel for Plaintiff John C. Depp, II*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of October 2019, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Julie E. Fink (*pro hac vice*)  
John C. Quinn (*pro hac vice*)  
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brottenborn@woodsrogers.com  
jtreece@woodsrogers.com

*Counsel for Defendant Amber Laura Heard.*

  
\_\_\_\_\_  
Benjamin G. Chew

**CERTIFICATION**

I hereby certify under penalty of perjury that the contents of the foregoing are true and accurate to the best of my knowledge, information and belief.

Dated: 28 Oct., 2019

Location: \_\_\_\_\_

