

**VIRGINIA:
IN THE CIRCUIT COURT FOR FAIRFAX COUNTY**

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Case No. CL2019-02911

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FAIRFAX, VA

**DEFENDANT'S MEMORANDUM IN SUPPORT
OF HER EXPANDED MOTION TO COMPEL PLAINTIFF TO
PRODUCE DOCUMENTS AND RELEASE MEDICAL RECORDS**

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Counsel to Defendant Amber Laura Heard

Defendant Amber Laura Heard, by counsel, hereby files this Memorandum in Support of her Expanded Motion to Compel Plaintiff to produce documents and release his medical records.

PRELIMINARY STATEMENT

“Mr. Depp has nothing to hide.” (Tr. of Hearing, Sept. 13, 2019, at 18:22). So said his counsel in court only two weeks ago, but it appears Mr. Depp has *plenty* that he actually wants to keep hidden—including key documents in the case he himself initiated.

Mr. Depp, for example, refuses to produce evidence about his drug and alcohol abuse, even though he purports to challenge statements by Ms. Heard that his substance abuse is inextricably intertwined with his violent conduct. He refuses to produce certain communications with his doctor about abuse, including medical records relating to an injury that he claims Ms. Heard caused. He refuses to produce evidence of payments to key witnesses, even though such payments bear directly on their motives and veracity. And he refuses to produce evidence of violence, abuse, or destruction of property with his other romantic partners, even though he asserts that his (supposed) history of never abusing his partners is a central reason to doubt what Ms. Heard has said.

All of this evidence bears directly on Mr. Depp’s (false) claims that Ms. Heard made everything up; it is likely to lead to the discovery of evidence that explains shifts in Mr. Depp’s behavior, bears on his memory of events at issue, and identifies witnesses who observed his violence or helped cover it up. This evidence is thus important to Ms. Heard’s defense that her statements—which did not even contain any defamatory implication—are shielded from liability because they are true. Mr. Depp should not be permitted to initiate litigation about Ms. Heard’s allegations of abuse and then conceal the critical evidence needed to prove that they were true.

ARGUMENT

Parties may obtain discovery of “any matter, not privileged, which is relevant to the subject matter . . . whether it relates to the claim or defense.” Va. S. Ct. R. 4:1(b)(1). Evidence is relevant

if it “tends to cast any light upon the subject of the inquiry,” *Bunch v. Artz*, 71 Va. Cir. 358, 2006 WL 2411428, at *7 (2006), and discoverable if it is “reasonably calculated to lead to the discovery of admissible evidence.” Va. Sup. Ct. R. 4:1(b)(1). In other words, the question is not what may be introduced or relied upon at trial, but what evidence Ms. Heard can obtain in discovery.

RFP Nos. 4, 5. These requests seek documents and communications relating to Mr. Depp’s substance abuse. In a declaration filed in the Los Angeles Superior Court in May 2016, Ms. Heard testified that Mr. Depp’s violence towards her was intrinsically linked to his abuse of alcohol and drugs. (See Decl. of A. Heard, May 26, 2016 ¶ 5 (Ex. 34 to Decl. of A. Heard, Apr. 10, 2019 (“2019 Decl.”)); see also 2019 Decl. ¶¶ 3–4, 14–18, 34.)¹ Because Mr. Depp’s substance abuse was “very much a part of the setting in which the charged assaults occurred,” evidence about it is relevant. *State v. Woodson*, 551 A.2d 1187, 1192 (R.I. 1988); see also *Constand v. Cosby*, 232 F.R.D. 494, 497 (E.D. Pa. 2006) (in case involving battery/defamation, holding that “any alleged history of . . . use of prescriptions or controlled substances between plaintiff and defendant is core to this action” and allowing discovery).² Mr. Depp’s substance abuse may also tend “to cast . . . light” upon the facts by explaining his shifting patterns of behavior throughout his marriage to Ms. Heard, as well as his ability to recall the relevant events. See *Bunch*, 2006 WL 2411428 at *7.³

RFP No. 15. This request seeks security footage from Mr. Depp’s principal residence in

¹ This is unsurprising since there is a “strong and well-documented correlation” between substance abuse and domestic violence. See, e.g., Lisa Lightman & Francine Byrne, *Addressing the Co-Occurrence of Domestic Violence and Substance Abuse Lessons from Problem-Solving Courts*, 6 J. CTR. FOR FAMILIES, CHILD. & CTS. 53, 53 (2005).

² Evidence of Mr. Depp’s substance abuse and related violence is also relevant to damages. Mr. Depp seeks \$50 million based on allegations of lost work, including his role in the *Pirates of the Caribbean* franchise. Yet it is equally if not more plausible that he lost this work as a result of his own escalating pattern of destructive behavior, separate and apart from any abuse of Ms. Heard.

³ Although Mr. Depp’s counsel appeared to oppose this in court, Ms. Heard would be amenable to allowing Mr. Depp to designate substance abuse-related or similar materials as “Confidential.”

Los Angeles from 2013 to 2016, which may reveal substance abuse, violence, or destruction of property by Mr. Depp. Virginia courts regularly find that the “content of [a] tape” is relevant when it depicts an event that “relate[s] to a matter properly at issue”—here, whether Mr. Depp abused Ms. Heard. *Sabur v. Commonwealth*, No. 0880-99-2, 2000 WL 781307, at *2-3 (Va. Ct. App. June 20, 2000).⁴ Having put the truth of Ms. Heard’s 2016 allegations about Mr. Depp’s drug- and alcohol-fueled abuse “at issue in the action,” Mr. Depp cannot now deny her video footage that bears on that question. *See City of Portsmouth v. Cilumbrello*, 129 S.E.2d 31, 34 (Va. 1963).

RFP Nos. 17-21, 40. As narrowed by Ms. Heard, these requests seek evidence of payments that Mr. Depp or anyone acting on his behalf made to key witnesses relating to substance abuse, destruction of property, violence, or abuse, as well as payments to hotels and other lodgings for property damage he caused. Depending on their nature and timing, Mr. Depp’s payments to key witnesses may corroborate Ms. Heard’s accounts of his violent behavior. Moreover, because the “credibility of each witness is relevant,” evidence of payments may “tend to convince the [fact finder] that the witness’[s] . . . veracity is questionable.” *Howard v. Commonwealth*, No. 0793-14-1, 2015 WL 1993341, at *6 (Va. Ct. App. May 5, 2015) (quoting *Via v. Commonwealth*, 590 S.E.2d 583, 592 (Va. 2004)). Payments to hotels or lodgings for property damage would also corroborate Ms. Heard’s accounts of Mr. Depp’s destructive cycles that coincided with abuse—especially because Mr. Depp’s destruction of property was “very much a part of the setting in which the charged assaults occurred.” *Woodson*, 551 A.2d at 1192.

⁴ Ms. Heard offered to narrow this request to include only footage of abuse or related conduct. But even as Mr. Depp claims that footage from another of his residences will prove he did not abuse Ms. Heard, Compl. ¶ 17, he refuses to provide information about the Sweetzer Avenue footage, including what exists and how it is maintained. If Mr. Depp will not provide information to indicate “whether some way to narrow the request may exist that will provide [Ms. Heard] with the information she wants while limiting the burden,” he should produce the footage in full. *Horne v. Potter*, No. 07 Civ. 61829, 2009 WL 10666885, at *7 (S.D. Fla. Jan. 27, 2009).

RFP Nos. 30-37, 39, 42. As narrowed by Ms. Heard, these requests seek documents and communications between Mr. Depp and third parties that either (1) refer or relate to Ms. Heard; or (2) refer or relate to Mr. Depp's other romantic partners and involve violence, abuse, fights, or destruction of property. [Ex. C at 2 n.2]. Mr. Depp refuses to produce materials covered by (1) that involve substance abuse or destruction of property. And he refuses to produce any materials covered by (2), even though Ms. Heard has agreed to produce equivalent documents (if any).

In a defamation case, prior acts that bear on a plaintiff's character and *modus operandi* are regularly deemed relevant. *See* Va. Sup. Ct. R. 2:404(b); 2:405(b). Mr. Depp contests allegations about his behavior and seeks to "recover compensation for damage to his . . . reputation," which means evidence of his "reputation and character scarcely can be avoided." *Schafer v. Time, Inc.*, 142 F.3d 1361, 1370-73 (11th Cir. 1998) (permitting inquiry into defamation plaintiff's felony and DUI convictions, parole violation, bad check arrest, and failure to file tax returns and pay alimony/child support). Ms. Heard seeks only those documents relating to the abusive conduct Mr. Depp has put at issue—his violence, substance abuse, and destruction of property. Mr. Depp's "abuse of his prior girlfriends" is also "relevant to [his] *modus operandi* of committing violence against women." *Hall v. Lashbrook*, No. 14 Civ. 2687, 2018 WL 6830326, at *5 (N.D. Ill. Dec. 28, 2018). And because it seems Mr. Depp intends to "offer evidence of his . . . character," Ms. Heard is entitled to "offer evidence of [his] bad character" in rebuttal. *Longmire v. Ala. State Univ.*, 151 F.R.D. 414, 419 (M.D. Ala. 1992).⁵

RFP No. 38. This request seeks communications with Mr. Depp's doctor (Dr. Kipper) that

⁵ RFP No. 42 seeks written agreements between Mr. Depp and other romantic partners. These agreements may shed light on whether Mr. Depp has obtained releases from his partners that suggest (and conceal) prior violence or abuse—and would explain the lack of other public allegations against Mr. Depp (which Mr. Depp has trumpeted).

mention Ms. Heard or any of Mr. Depp's other romantic partners. Not only was Dr. Kipper responsible for treating Mr. Depp's substance abuse, but he also witnessed or learned about injuries that Ms. Heard suffered at Mr. Depp's hand. (2019 Decl. ¶¶ 9–11 and Ex. 5.) Dr. Kipper also prescribed Mr. Depp powerful medications, including to treat him after he abused Ms. Heard. (2019 Decl. ¶ 11.) Those medications may have contributed to Mr. Depp's violent, erratic conduct. Communications with Dr. Kipper are thus relevant to the truth of Ms. Heard's 2016 allegations and will illuminate Mr. Depp's patterns of behavior and the link between his substance abuse and violence. *See* Va. R. Sup. Ct. 4:1(b)(1); 2:404(b); *Pettus v. Gottfried*, 606 S.E.2d 819, 824 (Va. 2005) (“facts learned by [a] physician” are discoverable (citing Va. Code Ann. § 8.01-399(B))).

RFP No. 41. This request calls for evidence in Mr. Depp's actual or constructive possession concerning his prior arrests. Mr. Depp has been arrested multiple times for acts of violence, and Ms. Heard has reason to believe that at least one arrest involved allegations that he assaulted a romantic partner. Again, evidence that Mr. Depp abused other partners may be relevant to refuting Mr. Depp's claims, establishing motive and *modus operandi*, illuminating the link between substance abuse and violence, and identifying witnesses. *See* Va. R. Sup. Ct. 4:1(b)(1); 2:404(b).

RFP Nos. 43-44: These requests seek documents relating to Mr. Depp's treatment for an injury to his finger, which he falsely says Ms. Heard caused. (*See* Compl. ¶ 28; *cf.* 2019 Decl. ¶ 16.). The records will reveal the injury's cause—and thus both the truth of what happened and Mr. Depp's ability to recall it. Although Mr. Depp refuses to execute HIPAA releases to allow Ms. Heard to subpoena these records, [Ex. C at 4]; *see* 45 C.F.R. § 164.502, he put his injury “at issue” and therefore cannot hide the records from Ms. Heard. Va. Code Ann. § 8.01-399(B).⁶

⁶ Dr. Kipper, who is not located in Virginia, objected to Ms. Heard's subpoena, claiming he cannot comply unless Mr. Depp executes a HIPAA release. [Ex. E]; *see* Va. Code Ann. § 8.01-399(B). The protective order jointly submitted to the Court nullifies any privacy objections.

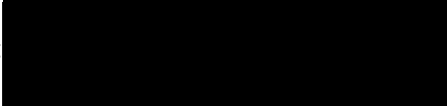
CONCLUSION

WHEREFORE, Ms. Heard respectfully requests that the Court (1) enter an order compelling Mr. Depp to produce documents responsive to Ms. Heard's Requests, as limited in the meet-and-confer process; (2) enter an order instructing Mr. Depp to execute HIPAA releases to allow Ms. Heard to subpoena Mr. Depp's medical records; (3) award Ms. Heard her attorney's fees and expenses; and (4) grant such other and further relief as the Court deems just and proper.

Dated this 27th day of September 2019

Respectfully submitted,
Amber L. Heard

By Counsel:


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Counsel to Defendant Amber Laura Heard

**APPENDIX A
DISPUTED RFPS**

4. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to the use of narcotics by YOU or MS. HEARD from 2013 to present.
5. All DOCUMENTS and COMMUNICATIONS pertaining to any treatment for alcohol or drug use or abuse by YOU or MS. HEARD from 2013 to present.
15. Any security or surveillance video from YOUR residence on Sweetzer Avenue in Los Angeles, California from 2013 to 2016.
17. DOCUMENTS sufficient to show payments made to “Mr. Depp’s security team,” as referenced in paragraph 16 of YOUR COMPLAINT from 2012 to present.
18. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to Samantha McMillen from 2015 to present.
19. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to social media (including Twitter, Instagram, and Facebook) from 2015 to present, not including for services solely related to marketing films.
20. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to print, television, newspaper, magazine or other traditional media from 2015 to present, not including for services solely related to marketing films.
21. DOCUMENTS sufficient to show payments made to any employee working on Little Halls Pond Cay from 2014 to 2016 and in 2019.
30. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Chrissy Depp that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.
31. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Nathan Holmes that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.
32. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Steven Deuters that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.
33. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Christi Dembrowski that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.
34. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Kevin Murphy

that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

35. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Jerry Judge that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.
36. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Sean Bett that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.
37. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Malcolm Connolly that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.
38. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Dr. David Kipper that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.
39. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Debbi Lloyd that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.
40. DOCUMENTS sufficient to show any payments made by YOU or anyone acting on YOUR behalf to any hotel, rental house, apartment, suite, AirBnB, or any other lodgings for any damage done.
41. DOCUMENTS sufficient to show each time YOU were arrested and the reason(s) for the arrest.
42. All written agreements (marital agreements, separation agreements, property agreements, settlement agreements, confidentiality agreements, non-disclosure agreements, and/or protective order agreements) between YOU and any former ROMANTIC PARTNERS.
43. All DOCUMENTS and COMMUNICATIONS pertaining to the “3 surgeries to reconstruct my finger,” as referenced in paragraph 12 of YOUR DECLARATION.
44. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR trip to the “emergency room,” as referenced in paragraph 13 of YOUR DECLARATION.

CERTIFICATE OF SERVICE

I certify that on this 27th day of September 2019, a copy of the foregoing shall be served by first class mail, postage prepaid, and by email, upon:

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Exhibit A

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

DEFENDANT AMBER LAURA HEARD'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO PLAINTIFF JOHN C. DEPP, II

TO: JOHN C. DEPP, II
c/o Benjamin G. Chew, Esq.
Elliot J. Weingarten, Esq.
Andrew C. Crawford, Esq.
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Counsel for Plaintiff John C. Depp, II.

Defendant Amber Laura Heard ("Ms. Heard" or "Defendant"), by counsel, hereby issues the following Requests for Production of Documents and Things, all in accordance with the Rules of this Court.

INSTRUCTIONS

1. In accordance with the Rules of this Court, you shall serve a written response and produce the requested documents at the law office of CAMERON/McEVOY, PLLC, 4100 Monument Corner Drive, Suite 420, Fairfax, Virginia 22030, c/o Sean Patrick Roche, Esq.
2. Unless the context clearly indicates otherwise, use of the words "you" or "your" refer to the recipient(s) of these discovery requests (as further detailed in the "Definitions" section

below), as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

3. These Requests are continuing in character, so as to require you to promptly amend or supplement your answers if you obtain further or different information. If at any time after compliance with these Requests you should acquire possession, custody, or control of any additional documents within the scope of these Requests you must furnish such documents to the law office of CAMERON/McEVOY, PLLC, 4100 Monument Corner Drive, Suite 420, Fairfax, Virginia 22030, c/o Sean Patrick Roche, Esq., within ten (10) days of their receipt.

4. Where knowledge or information in the possession of a party is requested, such request includes knowledge of the party’s agent(s), employee(s), and representative(s), including but not limited to non-privileged information known to your attorneys and accountants.

5. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests for Production any information which might otherwise be construed to be outside their scope.

6. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

7. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

8. If you perceive any ambiguities in a question, instruction, definition, or other aspect of these discovery requests, set forth the matter deemed ambiguous and the construction used in answering.

9. If you state a claim of privilege as to any of your responses to the Requests for Production, state the basis for the privilege, specify the privilege claimed, and include in your answer sufficient information to permit the Court to make an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication. Reliance on any claim of privilege is subject to the Rules of this Court, including the production of a privileged log.

10. If you perceive any discovery request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so that the Court will be permitted to make an informed ruling on the objection.

DEFINITIONS

a. ***Communication.*** The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise); it includes all conversations, discussions, letter, telegrams, memoranda, electronic mail, and any other transmission of information in any form, either oral, written, or electronic.

b. ***Document.*** The term “document” is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or

reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (inter-agency/inter-company, intra-agency/intra-company), computer tape, computer files, and electronic mail (e-mail) including all of their contents and attached files. The term "document" shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements, circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

c. ***Correspondence.*** The term "correspondence" means any document(s) and/or communication(s) sent to or received from another entity and/or person.

d. ***Identify (with respect to persons).*** When referring to a person, to "identify" means to give, to the extent known, the person's full name, present or last known business address and telephone number and when referring to a natural person, additionally, the present or last known home address and telephone number. Once a person has been identified in accordance with this definition, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

e. ***Identify (with respect to documents).*** When referring to documents, to "identify" means to give, to the extent known, the (i) type and title of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

f. **Person.** The term “person” is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

g. **Concerning.** The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

h. **Including.** The term “including” means including but not limited to.

i. **And/or.** The use of “and/or” shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.

j. **Defendant and/or Ms. Heard.** The terms “Defendant” and/or “Ms. Heard” refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and unless privileged, her attorneys and accountants.

k. **Plaintiff and/or Mr. Depp.** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assigns, and unless privileged, his attorneys and accountants.

l. **Complaint.** The term “Complaint” shall mean the Complaint filed by Plaintiff in this matter, currently pending before this Court.

m. **Declaration.** The term “Declaration” shall mean the Declaration filed by Plaintiff in this matter as Exhibit 1 to Plaintiff’s Opposition to the Motion to Dismiss.

n. **Romantic Partners.** The term “Romantic Partners” shall mean any persons you have touched in a sexual manner in the past ten (10) years, meaning: (a) direct contact between any part of your body and another person’s genitalia, anus, groin, breast, inner thigh, or buttocks; or (b) direct contact between any part of a third party’s body and your genitalia, anus, groin, breast, inner thigh, or buttocks.

o. *You and/or Your.* The terms “You” and/or “Your” refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

REQUESTS

NOTE: In accordance with the Definitions of these Requests and the Rules of this Court, all references to a “document,” “communication,” and/or “correspondence” specifically includes all applicable electronic documents and electronic communications. In responding to these Requests, you are to search all electronic documents and/or databases for applicable documents (including but not limited to cloud-based document databases, electronic records, emails, social media direct messages, text, SMS, or any other form of messaging that would constitute a communication or correspondence). If any documents have been deleted or otherwise discarded, your response should explain when and why the document was deleted and/or discarded.

1. All DOCUMENTS and COMMUNICATIONS from March of 2016 to present relating to the preparation of a declaration, affidavit, or other statement regarding MS. HEARD, regardless of whether or not a declaration, affidavit, or other statement was actually executed.

RESPONSE:

2. All DOCUMENTS and COMMUNICATIONS discussing or relating to any statements or comments YOU have made about your marriage with MS. HEARD from 2016 to present, including DOCUMENTS, communications, comments or statements given to news media, tabloids, celebrity publications, gossip publications, and social media.

RESPONSE:

3. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to any acts of violence, or attempted acts of violence, by YOU or MS. HEARD.

RESPONSE:

4. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to the use of narcotics by YOU or MS. HEARD from 2013 to present.

RESPONSE:

5. All DOCUMENTS and COMMUNICATIONS pertaining to any treatment for alcohol or drug use or abuse by YOU or MS. HEARD from 2013 to present.

RESPONSE:

6. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to YOUR travel between May 20, 2014 and May 26, 2014.

RESPONSE:

7. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to YOU or MS. HEARD in Australia during March of 2015.

RESPONSE:

8. All non-privileged DOCUMENTS and COMMUNICATIONS pertaining to MS. HEARD or YOUR relationship with MS. HEARD created, edited, sent, or received between May 15, 2016 and June 30, 2016.

RESPONSE:

9. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that "The op-ed's clear implication that Mr. Depp is a domestic abuser," as alleged in paragraph 3 of YOUR complaint.

RESPONSE:

10. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that "Ms. Heard's false implication prejudiced Mr. Depp in his career as a film actor and incalculably (and immediately) damaged his reputation as a public figure," as alleged in paragraph 4 of YOUR COMPLAINT.

RESPONSE:

11. All DOCUMENTS and COMMUNICATIONS related to your termination as the character "Captain Jack Sparrow" in the Pirates of the Caribbean movie franchise.

RESPONSE:

12. All DOCUMENTS and COMMUNICATIONS related to any other acting roles which were not provided to YOU, or which were rescinded, as a result of the op-ed in question.

RESPONSE:

13. All "security video footage" from the Eastern Columbia Building from 2013 to 2016, as referenced in paragraph 51 of YOUR COMPLAINT.

RESPONSE:

14. The "surveillance video" described in paragraph 54 of YOUR COMPLAINT.

RESPONSE:

15. Any security or surveillance video from YOUR residence on Sweetzer Avenue in Los Angeles, California from 2013 to 2016.

RESPONSE:

16. All DOCUMENTS and COMMUNICATIONS exchanged sent, received, transmitted, or otherwise exchanged between YOU and any "Eastern Columbia Building personnel" from 2013 to 2016, as referenced in paragraph 15 of YOUR COMPLAINT.

RESPONSE:

17. DOCUMENTS sufficient to show payments made to "Mr. Depp's security team," as referenced in paragraph 16 of YOUR COMPLAINT from 2012 to present.

RESPONSE:

18. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to Samantha McMillen from 2015 to present.

RESPONSE:

19. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to social media (including Twitter, Instagram, and Facebook) from 2015 to present, not including for services solely related to marketing films.

RESPONSE:

20. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to print, television, newspaper, magazine or other traditional media from 2015 to present, not including for services solely related to marketing films.

RESPONSE:

21. DOCUMENTS sufficient to show payments made to any employee working on Little Halls Pond Cay from 2014 to 2016 and in 2019.

RESPONSE:

22. All “newly obtained surveillance camera videos, depositions, and other evidence that conclusively disprove Ms. Beard’s false allegations,” as described in paragraph 17 of YOUR COMPLAINT.

RESPONSE:

23. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “Seattle-based prosecutor declined to press charges against Ms. Heard, but only because both she and her domestic abuse victim were California residents who were merely passing through Washington state,” as alleged in paragraph 25, of YOUR COMPLAINT.

RESPONSE:

24. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “Ms. Heard committed multiple acts of domestic violence against Mr. Depp during their marriage,” as alleged in paragraph 27 of YOUR COMPLAINT.

RESPONSE:

25. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “building personnel testified under oath that they again facilitated Elon Musk’s nighttime visits to Mr. Depp’s penthouse to visit Ms. Heard, key-fobbing him in and out of the building proximate to the time Ms. Heard presented her battered face to the public and the court on May 27, 2016,” as alleged in paragraph 34 of YOUR COMPLAINT.

RESPONSE:

26. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “Isaac Baruch[] gave a declaration that he repeatedly interacted with Ms. Heard, at close

range, without makeup, and utterly unmarked and uninjured in the days between May 22 and May 27, 2016,” as alleged in paragraph 36 of YOUR COMPLAINT.

RESPONSE:

27. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “[Cornelius] Harrell testified under oath that, on May 22, 2016, Ms. Heard did not have any bruises, cuts, scratches, or swelling on her face and that “nothing appeared out of the ordinary about Ms. Heard’s face on May 22, 2016,” as alleged in paragraph 43 of YOUR COMPLAINT.

RESPONSE:

28. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “Alejandro Romero testified under oath about two specific face-to-face interactions that he had with Ms. Heard in the days after she claimed that Mr. Depp hit her in the face and struck her cheek and eye with a cell phone that he threw,” as alleged in paragraph 44 of YOUR COMPLAINT.

RESPONSE:

29. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “Ms. Esparza, who does not know Mr. Depp personally, testified under oath that she thought that Ms. Heard’s allegation that she had been assaulted by Mr. Depp was ‘false’ because ‘I saw her several times [in the days after the alleged attack] and I didn’t see that [mark] on her face,’” as alleged in paragraph 48 of YOUR COMPLAINT.

RESPONSE:

30. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Chrissy Depp that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

31. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Nathan Holmes that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

32. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Steven Deuters that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

33. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Christi Dembrowski that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

34. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Kevin Murphy that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

35. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Jerry Judge that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

36. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Sean Bett that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

37. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Malcolm Connolly that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

38. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Dr. David Kipper that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

39. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Debbi Lloyd that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

40. DOCUMENTS sufficient to show any payments made by YOU or anyone acting on YOUR behalf to any hotel, rental house, apartment, suite, AirBnB, or any other lodgings for any damage done.

RESPONSE:

41. DOCUMENTS sufficient to show each time YOU were arrested and the reason(s) for the arrest.

RESPONSE:

42. All written agreements (marital agreements, separation agreements, property agreements, settlement agreements, confidentiality agreements, non-disclosure agreements, and/or protective order agreements) between YOU and any former ROMANTIC PARTNERS.

RESPONSE:

43. All DOCUMENTS and COMMUNICATIONS pertaining to the "3 surgeries to reconstruct my finger," as referenced in paragraph 12 of YOUR DECLARATION.

RESPONSE:

44. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR trip to the "emergency room," as referenced in paragraph 13 of YOUR DECLARATION.

RESPONSE:

45. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR travel in or from "Los Angeles, California the following day, May 22 [2016] for rehearsals on the east coast," as described in paragraph 22 of YOUR DECLARATION.

RESPONSE:

46. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that "Ms. Heard [was] scheming in an email discussion with her lawyer Marty Singer (also, oddly,

my lawyer in my divorce from Ms. Heard) to suborn the perjury of her former assistant Kate James to wiggle out of her criminal dog smuggling case,” as described in paragraph 40 of YOUR DECLARATION.

RESPONSE:

47. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “the story that Savannah was merely her ‘friend’ was a lie Ms. Heard, an ‘immigration activist,’ fraudulently wrote to Homeland Security to get what she wanted; Ms. Heard’s assistant Savannah McMillen was illegally working in America, for Ms. Heard, as a simple Google search or paycheck in my possession would reveal,” as referenced in paragraph 40 of YOUR DECLARATION.

RESPONSE:

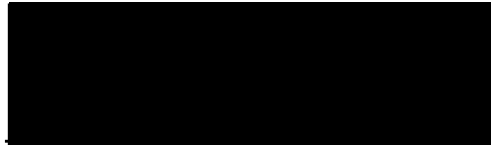
48. All DOCUMENTS obtained by way of subpoena, threat of subpoena, and/or voluntarily in relation to this litigation.

RESPONSE:

[SIGNATURE TO FOLLOW]:

Dated: July 30, 2019

Respectfully submitted,



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Sean Patrick Roche, Esquire (VSB No. 71412)
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July 2019, I caused copies of the foregoing to be served via First-Class Mail, postage prepaid, and electronic mail on the following:

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Counsel for Plaintiff John C. Depp, II


Sean Patrick Roche, Esquire (VSB No. 71412)

Exhibit B

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 RESPONSES AND OBJECTIONS TO DEFENDANT
AMBER LAURA HEAR'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby responds and objects to Defendant Amber Laura Heard's First Request for Production of Documents and Things (each, a "Request" and collectively, the "Requests"), dated July 30, 2019 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 waive any of Plaintiff's General Objections. Failure to make a specific reference to any General Objection is not a waiver of any General Objection.

2. Plaintiff objects to each and every Request to the extent that the Requests (including the “Definitions” and “Instructions” identified in the Requests) (a) are overly broad or unduly burdensome; (b) are vague, ambiguous, duplicative, cumulative, or do not identify with reasonable particularity the information sought; (c) call for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; (d) seek to impose obligations on Plaintiff beyond or inconsistent with those required by Virginia law and the rules of this Court (“Rules”); or (e) purport to seek documents or information not in Plaintiff’s actual possession, custody, or control; any statement herein that Plaintiff will produce documents responsive to a specific Request means that Plaintiff will produce documents located through a reasonable search for documents in its possession, custody, and control.

3. Plaintiff objects to the extent that the discovery sought by the Requests is obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Plaintiff objects to the extent the discovery sought is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties’ resources, and the importance of the issues at stake in the litigation.

5. Plaintiff objects to each and every Request, Definition, and Instruction to the extent that they purport to require production of documents at a specified time or place, or in a specified manner. Plaintiff will make documents available in accordance with Rule 4:9 and any agreement among the parties or orders of the Court governing the conduct of discovery.

6. Plaintiff objects to the Requests to the extent that they seek documents or information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, protection, exemption or immunity. Plaintiff will produce only non-privileged information. Inadvertent disclosure of any privileged or otherwise protected

documents or information shall not constitute a waiver of any claim of privilege, protection, exemption or immunity. Plaintiff reserves the right to redact documents produced in response to the Requests.

7. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent they seek documents or information protected from disclosure as being a trade secret or other confidential business or proprietary information, or documents or information that, if produced or disclosed, would result in the violation of any contractual obligation to third parties.

8. Plaintiff objects to any Request seeking “all” documents on the grounds that Plaintiff cannot guarantee that he has located every single document responsive to a particular Request. Subject to the general objections and any qualifications below, Plaintiff will respond to any Request seeking “all” documents by producing the responsive, non-privileged documents within its possession, custody, and control that can be located after a reasonable search conducted in good faith.

9. Plaintiff reserves the right to produce documents responsive to the Requests on a rolling basis at a time, place, and manner to be agreed on by the parties.

10. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent that they are redundant or duplicative of other specific Requests. Where information or a document may be responsive to more than one Request, Plaintiff will provide that information or produce that document only once.

11. Plaintiff objects to the Requests to the extent that they purport to require the identification and/or restoration of any deleted, legacy, backup, or archival data, or otherwise

seek the production of any document that is not accessible without undue burden or unreasonable expense.

12. Plaintiff's responses to the Requests are not intended to be, nor shall be deemed, an admission of matters stated, implied, or assumed by any or all of the Requests. In responding to the Requests, Plaintiff neither waives nor intends to waive, but expressly reserves, any and all objections as to the authenticity, relevance, competency, materiality, or admissibility at trial or during any proceeding of any information or documents produced, set forth, or referred to herein.

13. Any response by Plaintiff stating that it will produce documents is not intended as a representation that such documents exist within any requested category or categories but solely as an assertion that Plaintiff will produce (consistent with these Responses and Objections) any non-privileged, responsive documents or information within its actual possession, custody, or control that can be located after a reasonable search conducted in good faith.

14. Plaintiff objects to any factual assumptions, implications, and explicit or implicit characterizations of facts, events, circumstances, or issues in the Requests. Plaintiff's responses herein are not intended to mean that Plaintiff agrees with any factual assumptions, implications, or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests, and are without prejudice to Plaintiff's right to dispute facts and legal conclusions assumed in the Requests.

15. These objections and responses are based on Plaintiff's present knowledge, information, and belief, and therefore remain subject to change or modification based on further discovery of facts or circumstances that may come to Plaintiff's attention. Plaintiff reserves the right to rely on any facts, documents, evidence, or other contentions that may develop or come to its attention at a later time and to supplement or amend the responses at any time prior to the

trial. Plaintiff further reserves the right to raise any additional objections deemed necessary or appropriate in light of any further review.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Instructions

1. In accordance with the Rules of this Court, you shall serve a written response and produce the requested documents at the law office of CAMERON/McEVOY, PLLC, 4100 Monument Corner Drive, Suite 420, Fairfax, Virginia 22030, c/o Sean Patrick Roche, Esq.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents at a specific time and place. Plaintiff will produce documents at a time and manner on a schedule to be negotiated by the parties.

2. Unless the context clearly indicates otherwise, use of the words “you” or “your” refer to the recipient(s) of these discovery requests (as further detailed in the “Definitions” section below), as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

RESPONSE: No objection.

3. These Requests are continuing in character, so as to require you to promptly amend or supplement your answers if you obtain further or different information. If at any time after compliance with these Requests you should acquire possession, custody, or control of any additional documents within the scope of these Requests you must furnish such documents to the law office of CAMERON/McEVOY, PLLC, 4100 Monument Corner Drive, Suite 420, Fairfax, Virginia 22030, c/o Sean Patrick Roche, Esq., within ten (10) days of their receipt.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents within a certain period of time following receipt. Plaintiff will produce documents at a time and manner on a schedule to be negotiated by the parties.

4. Where knowledge or information in the possession of a party is requested, such request includes knowledge of the party's agent(s), employee(s), and representative(s), including but not limited to non-privileged information known to your attorneys and accountants.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals not under Plaintiff's control. Plaintiff will produce documents from a limited number of custodians to be negotiated with Defendant in good faith.

5. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests for Production any information which might otherwise be construed to be outside their scope.

RESPONSE: No objection.

6. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

RESPONSE: No objection.

7. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals not under Plaintiff's control. Plaintiff will produce documents from a limited number of custodians to be negotiated with Defendant in good faith.

8. If you perceive any ambiguities in a question, instruction, definition, or other aspect of these discovery requests, set forth the matter deemed ambiguous and the construction used in answering.

RESPONSE: No objection.

9. If you state a claim of privilege as to any of your responses to the Requests for Production, state the basis for the privilege, specify the privilege claimed, and include in your answer sufficient information to permit the Court to make an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication. Reliance on any claim of privilege is subject to the Rules of this Court, including the production of a privileged log.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to produce a privilege log in a specific manner at a specific time. Plaintiff will produce a privilege log at a time and in a manner to be negotiated with Defendant in good faith.

10. If you perceive any discovery request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so that the Court will be permitted to make an informed ruling on the objection.

RESPONSE: No objection.

Definitions

a ***Communication.*** The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise); it includes all conversations, discussions, letter, telegrams, memoranda, electronic mail, and any other transmission of information in any form, either oral, written, or electronic.

RESPONSE: No objection.

b ***Document.*** The term “document” is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (inter-agency/inter-company, intra-agency/intra-company), computer tape, computer files, and electronic mail (e-mail) including all of their contents and attached files. The term “document” shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements, circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

c ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is duplicative of the terms Document and Communication, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

d ***Identify (with respect to persons).*** When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known

business address and telephone number and when referring to a natural person, additionally, the present or last known home address and telephone number. Once a person has been identified in accordance with this definition, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

RESPONSE: No objection.

e ***Identify (with respect to documents).*** When referring to documents, to “identify” means to give, to the extent known, the (i) type and title of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

RESPONSE: No objection.

f ***Person.*** The term “person” is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

RESPONSE: No objection.

g ***Concerning.*** The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

RESPONSE: No objection.

h ***Including.*** The term “including” means including but not limited to.

RESPONSE: No objection.

i ***And/or.*** The use of “and/or” shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.

RESPONSE: No objection.

j ***Defendant and/or Ms. Heard.*** The terms “Defendant” and/or “Ms. Heard” refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and unless privileged, her attorneys and accountants.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, her attorneys and accountants.”

k ***Plaintiff and/or Mr. Depp.*** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assigns, and unless privileged, his attorneys and accountants.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, his attorneys and accountants.”

l ***Complaint.*** The term “Complaint” shall mean the Complaint filed by Plaintiff in this matter, currently pending before this Court.

RESPONSE: No objection.

m ***Declaration.*** The term “Declaration” shall mean the Declaration filed by Plaintiff in this matter as Exhibit 1 to Plaintiff’s Opposition to the Motion to Dismiss.

RESPONSE: No objection.

n ***Romantic Partners.*** The term “Romantic Partners” shall mean any persons you have touched in a sexual manner in the past ten (10) years, meaning: (a) direct contact between any part of your body and another person’s genitalia, anus, groin, breast, inner thigh, or buttocks; or (b) direct contact between any part of a third party’s body and your genitalia, anus, groin, breast, inner thigh, or buttocks.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, vague and ambiguous to the extent it seeks to impose burdens beyond those required by the Rules. This term is overly broad in its ten year scope, and vague and ambiguous in its use of the terms “direct contact” and

“sexual manner.” Plaintiff further objects to this term to the extent that it is inflammatory and harassing, assumes facts not in evidence, lacks foundation, calls for a medical and/or legal conclusion and seeks information unrelated to this case and that is unlikely to lead to the discovery of admissible evidence. Plaintiff will agree to meet and confer with Defendant regarding this term.

o *You and/or Your.* The terms “You” and/or “Your” refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

RESPONSE: No objection.

REQUESTS FOR PRODUCTION

1. All DOCUMENTS and COMMUNICATIONS from March of 2016 to present relating to the preparation of a declaration, affidavit, or other statement regarding MS. HEARD, regardless of whether or not a declaration, affidavit, or other statement was actually executed.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

2. All DOCUMENTS and COMMUNICATIONS discussing or relating to any statements or comments YOU have made about your marriage with MS. HEARD from 2016 to present, including DOCUMENTS, communications, comments or statements given to news media, tabloids, celebrity publications, gossip publications, and social media.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 also objects to this Request as vague and ambiguous to the extent that it uses the terms “tabloids, celebrity publications, gossip publications, and social media” because Defendants did not define these terms or provide a list of media outlets.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

3. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to any acts of violence, or attempted acts of violence, by YOU or MS. HEARD.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 also objects to this Request as vague and ambiguous to the extent that it uses the phrase “attempted acts of violence” without defining it. Plaintiff further objects to this request to the extent it seeks production of documents outside of Plaintiff’s custody or control. Plaintiff further objects to this Request to the extent that it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

4. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to the use of narcotics by YOU or MS. HEARD from 2013 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2013 to the present. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request on the grounds that it is intended to harass Plaintiff, and constitutes an invasion of privacy.

In light of the foregoing objections, Plaintiff will not be producing documents in response to this Request.

5. All DOCUMENTS and COMMUNICATIONS pertaining to any treatment for alcohol or drug use or abuse by YOU or MS. HEARD from 2013 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2013 to the present. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request on the grounds that it is intended to

harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent it calls for confidential personal, business, financial, medical or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule or the Health Insurance Portability and Accountability Act of 1996 ("HIPPA"). Plaintiff further objects on the ground that this Request calls for a medical and/or legal conclusion.

In light of the foregoing objections, Plaintiff will not be producing documents in response to this Request.

6. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to YOUR travel between May 20, 2014 and May 26, 2014.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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. Mr. Depp further objects to this Request to the extent it seeks documents neither relevant to the subject matter of this litigation nor calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

7. All DOCUMENTS and COMMUNICATIONS between YOU and any person employed by YOU or working on your behalf pertaining to YOU or MS. HEARD in Australia during March of 2015.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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. Mr. Depp further objects to this Request to the extent it seeks documents neither relevant to the subject matter of this litigation nor calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

8. All non-privileged DOCUMENTS and COMMUNICATIONS pertaining to MS. HEARD or YOUR relationship with MS. HEARD created, edited, sent, or received between May 15, 2016 and June 30, 2016.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

9. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “The op-ed’s clear implication that Mr. Depp is a domestic abuser,” as alleged in paragraph 3 of YOUR complaint.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent that it calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

10. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “Ms. Heard’s false implication prejudiced Mr. Depp in his career as a film actor and incalculably (and immediately) damaged his reputation as a public figure,” as alleged in paragraph 4 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

11. All DOCUMENTS and COMMUNICATIONS related to your termination as the character “Captain Jack Sparrow” in the Pirates of the Caribbean movie franchise.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it seeks production of documents outside of Plaintiff's possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

12. All DOCUMENTS and COMMUNICATIONS related to any other acting roles which were not provided to YOU, or which were rescinded, as a result of the op-ed in question.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it seeks production of documents outside of Plaintiff's possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

13. All "security video footage" from the Eastern Columbia Building from 2013 to 2016, as referenced in paragraph 51 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome. Plaintiff further objects to this Request to the extent it requires the production of documents outside of Plaintiff's possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce all security video footage from the Eastern Columbia Building from 2013 to 2016 in his possession, custody or control.

14. The "surveillance video" described in paragraph 54 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome. Plaintiff further objects to this Request to the extent it requires the production of documents outside of Plaintiff's possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce all security video footage described in paragraph 54 of the complaint.

15. Any security or surveillance video from YOUR residence on Sweetzer Avenue in Los Angeles, California from 2013 to 2016.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it requires the production of documents outside of Plaintiff's possession, custody or control.

.In light of the foregoing objections, Plaintiff will not be producing documents in response to this Request.

16. All DOCUMENTS and COMMUNICATIONS exchanged sent, received, transmitted, or otherwise exchanged between YOU and any "Eastern Columbia Building personnel" from 2013 to 2016, as referenced in paragraph 15 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

17. DOCUMENTS sufficient to show payments made to "Mr. Depp's security team," as referenced in paragraph 16 of YOUR COMPLAINT from 2012 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request and that refer or relate to the claims and

defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

18. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to Samantha McMillen from 2015 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

19. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to social media (including Twitter, Instagram, and Facebook) from 2015 to present, not including for services solely related to marketing films.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

20. DOCUMENTS sufficient to show payments YOU or anyone acting on your behalf made to any firm or entity that provides services related to print, television, newspaper, magazine or other traditional media from 2015 to present, not including for services solely related to marketing films.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

21. DOCUMENTS sufficient to show payments made to any employee working on Little Halls Pond Cay from 2014 to 2016 and in 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request because it seeks information unlikely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

22. All “newly obtained surveillance camera videos, depositions, and other evidence that conclusively disprove Ms. Heard’s false allegations,” as described in paragraph 17 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce the newly obtained surveillance camera videos, depositions, and other evidence described in paragraph 17 of the Complaint, to the extent that such materials are not subject to any confidentiality or protective orders and are within Plaintiff’s possession, custody, or control.

23. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “Seattle-based prosecutor declined to press charges against Ms. Heard, but only because both she and her domestic abuse victim were California residents who were merely passing through Washington state,” as alleged in paragraph 25, of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

24. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “Ms. Heard committed multiple acts of domestic violence against Mr. Depp during their marriage,” as alleged in paragraph 27 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

25. All DOCUMENTS and COMMUNICATIONS supporting YOUR contention that “building personnel testified under oath that they again facilitated Elon Musk’s nighttime visits to Mr. Depp’s penthouse to visit Ms. Heard, key-fobbing him in and out of the building proximate to the time Ms. Heard presented her battered face to the public and the court on May 27, 2016,” as alleged in paragraph 34 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

26. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “Isaac Baruch[] gave a declaration that he repeatedly interacted with Ms. Heard, at close range, without makeup, and utterly unmarked and uninjured in the days between May 22 and May 27, 2016,” as alleged in paragraph 36 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce the declaration of Isaac Baruch.

27. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “[Cornelius] Harrell testified under oath that, on May 22, 2016, Ms. Heard did not have any bruises, cuts, scratches, or swelling on her face and that “nothing appeared out of the ordinary about Ms. Heard’s face on May 22, 2016,” as alleged in paragraph 43 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce a transcript of Mr. Harrell's testimony, to the extent that it is not subject to any confidentiality or protective orders.

28. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that "Alejandro Romero testified under oath about two specific face-to-face interactions that he had with Ms. Heard in the days after she claimed that Mr. Depp hit her in the face and struck her cheek and eye with a cell phone that he threw," as alleged in paragraph 44 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce a transcript of Mr. Romero's testimony, to the extent that it is not subject to any confidentiality or protective orders.

29. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that "Ms. Esparza, who does not know Mr. Depp personally, testified under oath that she thought that Ms. Heard's allegation that she had been assaulted by Mr. Depp was 'false' because 'I saw her several times [in the days after the alleged attack] and I didn't see that [mark] on her face,'" as alleged in paragraph 48 of YOUR COMPLAINT.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce a transcript of Mr. Esparza's testimony, to the extent that it is not subject to any confidentiality or protective orders.

30. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Chrissy Depp that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

31. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Nathan Holmes that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present, and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

32. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Steven Deuters that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass

Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

33. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Christi Dembrowski that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

34. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Kevin Murphy that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

35. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Jerry Judge that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to April, 2019.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff

further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

36. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Sean Bett that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to

the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

37. DOCUMENTS and COMMUNICATIONS exchanged between YOU and Malcolm Connolly that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

38. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Dr. David Kipper that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control. Plaintiff further objects to this Request to the extent it calls for confidential, personal, business, financial, medical or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”). Plaintiff further objects on the grounds that this Request calls for a medical and/or legal conclusion.

In light of the foregoing objections, Plaintiff will not be producing documents in response to this Request.

39. DOCUMENTS and COMMUNICATIONS exchanged between YOU or anyone acting on YOUR behalf and Debbi Lloyd that mention MS. HEARD or any of YOUR other ROMANTIC PARTNERS from 2010 to present.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications from 2010 to the present and to the extent that it seeks documents and communications regarding “any” “romantic partners.” Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and

that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent that it seeks documents outside of his possession, custody or control.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

40. DOCUMENTS sufficient to show any payments made by YOU or anyone acting on YOUR behalf to any hotel, rental house, apartment, suite, AirBnB, or any other lodgings for any damage done.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications beyond any relevant time period. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

41. DOCUMENTS sufficient to show each time YOU were arrested and the reason(s) for the arrest.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications beyond any relevant time period. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

In light of the foregoing objections, Plaintiff will not be producing documents in response to this Request.

42. All written agreements (marital agreements, separation agreements, property agreements, settlement agreements, confidentiality agreements, non-disclosure agreements, and/or protective order agreements) between YOU and any former ROMANTIC PARTNERS.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as overly broad and unduly burdensome, to the extent that it seeks documents and communications beyond any relevant time period. Plaintiff further objects to this Request as unlikely to lead to the discovery of admissible evidence and that it seeks documents and communications that are irrelevant, immaterial, or unnecessary to the issues in this Action. Plaintiff further objects to this Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent it seeks 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 will produce non-privileged documents responsive to this Request concerning Defendant and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties. Plaintiff does not intend to produce documents in response to this Request related to any Romantic Partner other than Defendant.

43. All DOCUMENTS and COMMUNICATIONS pertaining to the “3 surgeries to reconstruct my finger,” as referenced in paragraph 12 of YOUR DECLARATION.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent it calls for confidential, personal, business, financial, medical or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”). Plaintiff further objects on the grounds that this Request calls for a medical and/or legal conclusion.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

44. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR trip to the “emergency room,” as referenced in paragraph 13 of YOUR DECLARATION.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent it calls for confidential, personal, business, financial, medical or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”). Plaintiff further objects on the grounds that this Request calls for a medical and/or legal conclusion.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request and that refer or relate to the claims and defenses in this case, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

45. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR travel in or from “Los Angeles, California the following day, May 22 [2016] for rehearsals on the east coast,” as described in paragraph 22 of YOUR DECLARATION.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

46. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “Ms. Heard [was] scheming in an email discussion with her lawyer Marty Singer (also, oddly, my lawyer in my divorce from Ms. Heard) to suborn the perjury of her former assistant Kate James to wiggle out of her criminal dog smuggling case,” as described in paragraph 40 of YOUR DECLARATION.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 Request to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Request to the extent it seeks documents and communications already in the possession of Defendant, and for which the burden of production on Defendant is less than that of Plaintiff.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

47. All DOCUMENTS and COMMUNICATIONS pertaining to YOUR contention that “the story that Savannah was merely her ‘friend’ was a lie Ms. Heard, an ‘immigration activist,’ fraudulently wrote to Homeland Security to get what she wanted; Ms. Heard’s assistant Savannah McMillen was illegally working in America, for Ms. Heard, as a simple Google search or paycheck in my possession would reveal,” as referenced in paragraph 40 of YOUR DECLARATION.

RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request 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 will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, and in accordance with a schedule to be agreed upon by the parties.

48. All DOCUMENTS obtained by way of subpoena, threat of subpoena, and/or voluntarily in relation to this litigation.

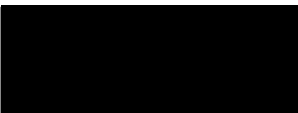
RESPONSE:

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Request as premature, and expressly reserves his ability to supplement his response to this Request. Plaintiff further objects to this Request 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 will produce non-privileged documents responsive to this Request in accordance with a schedule to be agreed upon by the parties and entered by the Court. For the avoidance of doubt, Plaintiff does not intend to produce any documents in response to this Request at this time.

Dated: September 3, 2019

Respectfully submitted,


Benjamin G. Chew (VSB #29113)
Elliot J. Weingarten (*pro hac vice*)
Camille M. Vasquez (*pro hac vice application pending*)
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 3rd day of September, 2019, I caused a copy of the foregoing document to be served by email and first class mail pursuant to Rule 1:12 of the Supreme Court of Virginia to the following:

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Benjamin G. Chew

Exhibit C

JOSHUA R. TREECE
(540) 983-7730
jtreece@woodsrogers.com

September 20, 2019

VIA EMAIL

Benjamin G. Chew
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Camille M. Vasquez
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612

**Re: *John C. Depp II v. Amber Laura Heard*; Case No. 2019-02911;
Meet & Confer Summary**

Dear Counsel:

Thank you for taking the time to meet and confer on September 11, 2019 and again on September 19, 2019. This letter summarizes where things stand with discovery and addresses certain scheduling matters.

I. WRITTEN DISCOVERY

A. Defendant's Discovery Requests

(i) Deficiencies in Plaintiff's Responses to RFPs 17-21, 30-37, 39, 40, 42-44

As stated in our September 10, 2019 letter, Plaintiff responded to Request Nos. 17-21, 30-37, 39, 40, and 42-44 in Defendant's First Set of Requests for the Production of Documents ("Defendant's RFPs") by stating that Plaintiff will produce responsive documents that "refer or relate to the claims and defenses in this case" or documents "concerning Defendant and that refer or relate to the claims and defenses in this case." In our letter, we sought clarification as to what Plaintiff views as "relating to the claims and defenses" and what Plaintiff plans to produce in response to these requests.

In our call on September 11, Rob confirmed that, in Plaintiff's view, a document relates to the "claims and defenses" *only* if its relates to "acts of physical violence between Ms. Heard and Mr. Depp." But as we explained, pursuant to Virginia Supreme Court Rule 4:1(b)(1), documents relating to Ms. Heard's "defense" must be produced. Such documents include not only documents

{2635183-1, 121024-00001-01}

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referring to an act of physical violence, but also documents that refer or relate to Plaintiff's (a) substance abuse, (b) destruction of property, (c) acts of violence directed at individuals other than Ms. Heard, or (d) physical or nonphysical abuse of any Romantic Partner other than Ms. Heard. In an effort to reach agreement, we offered to narrow the above-referenced requests to seek responsive documents that refer or relate to one of these issues core to Ms. Heard's defense. Notwithstanding the plain language of Rule 4:1(b)(1), Rob confirmed that Plaintiff refuses to produce such documents.¹ Unless Plaintiff reverses this position by close of business on Monday, September 23, Ms. Heard will have no choice but to file an additional motion to compel.

Certain discrete issues relating to Plaintiff's responses to certain of the above-referenced request are set forth below.

(a) RFPs 30-37 & 39

RFPs 30-37 seek documents and communications exchanged between Plaintiff and others that "mention Ms. Heard or any of [Plaintiff's] other Romantic Partners from 2010 to April, 2019."

In our meet and confer on September 19, Rob stated that he "believes [Plaintiff] agreed" to produce documents or communications with others that relate to Ms. Heard, without limitation, in response to these requests. **Please confirm this agreement by close of business on Monday, September 23, 2019.**²

(b) RFP 42

RFP 42 seeks production of written agreements between Plaintiff and any former Romantic Partners. Plaintiff stated that he does not intend to produce documents related to any Romantic Partner other than Ms. Heard.

As previously discussed, this request is relevant to whether Plaintiff has admitted and/or attempted to conceal prior, similar conduct with Romantic Partners through confidentiality, non-disclosure, or other similar agreements.

¹ On September 11, Rob confirmed that a document relating to any of these issues would only be produced if it also included a reference to an act of physical violence between Mr. Depp and Ms. Heard.

² As part of our discussion about the scope of the "claims and defenses," we offered to limit RFPs 30-37 & 39 with respect to the extent they seek documents and communications related to other Romantic Partners to: Documents and communications that refer or relate to Romantic Partners other than Ms. Heard *and involve acts of violence, abuse, fights or destruction of property*. As set forth above, notwithstanding Rule 4:1(b)(1), Plaintiff is refusing to produce any such documents.

If Plaintiff will not agree by close of business on Monday, September 23, 2019 to produce all requested agreements, Defendant will move to compel the same.

(c) RFPs 43-44

RFPs 43-44 seek documents relating to Plaintiff's medical treatment for injuries to his finger. In our call on September 11, 2019, Plaintiff agreed to "produce medical records within Plaintiff's possession, custody or control, that are not subject to a valid claim of privilege related to physical violence between Mr. Depp and Ms. Heard."

As we previously explained, when, as here, Plaintiff's physical or mental condition is at issue, no privilege applies. *See, e.g.*, Va. Code. § 8.01-399(B). Further, because Plaintiff has a statutory right to receive this all of his medical and hospital records, he can be compelled to produce the same. *See, e.g.*, 1 Bryson on Virginia Civil Procedure § 9.08 (2018).

Plaintiff's Complaint alleges injury to his finger and states it "had to be surgically reattached." Compl. at ¶ 28. Plaintiff further alleged in his Declaration in this action that "I told the emergency room doctor that [the injury to my finger] happened 'in an accident.'" Depp Decl. at ¶ 13. Because Plaintiff has put his finger injury and treatment at issue, he cannot limit his production to records "related to physical violence between Mr. Depp and Ms. Heard."

If Plaintiff will not agree by close of business on Monday, September 23, 2019 to produce all medical and hospital records related to the injury and treatment of his finger (whether or not Plaintiff's counsel views them as "relating to physical violence between Mr. Depp and Ms. Heard") and whether or not they are currently in his physical possession, Defendant will move to compel the same.

(ii) RFP 15

RFP 15 seeks "[a]ny security or surveillance video from Sweetzer Avenue from 2013 to 2016." Plaintiff responded by categorically refusing to produce such video. We have conferred on this issue and repeatedly asked what footage Plaintiff currently has in his possession and whether the security footage is motion sensor activated. We also have asked about the retention policy/period related to the footage and whether tapes are overwritten.

You indicated that you would get back to us last week to let us know what footage Plaintiff currently has in his possession. We followed up on this again in our call on September 19, and you indicated that you would get back to us today. If you can respond to the above questions relating to the retention period and whether tapes are overwritten as well, we would appreciate it.

We have been conferring on this request for a few weeks without an indication as to whether Plaintiff has footage and whether Plaintiff intends to stand on his objection and refusal to produce any information in response to this request. If Plaintiff does not agree to produce footage

in his possession, custody or control by close of business on Monday, September 23, Defendant will move to compel the same.

(iii) RFPs 22, 27–29

In response to RFPs 22 and 27-29, Plaintiff objected to the extent responsive information is subject to any confidentiality agreement or protective order.

In our September 10 letter and September 11 meet and confer, we asked whether Plaintiff will inform Defendant in writing of each document withheld on confidentiality or protective order grounds, and provide a copy of the confidentiality agreement or protective order that purportedly applies.

In our September 11 call, Plaintiff agreed to identify each such document withheld and provide a copy of the confidentiality agreement or protective order that purportedly applies. We appreciate your cooperation on this issue and look forward to receiving the agreements and orders in question.

**(iv) Refusal to Sign HIPAA Releases for Out of State Medical Records
Relating to Drug & Alcohol Abuse & Treatment & Injury to Plaintiff's Finger**

In our call on September 11, Plaintiff stated he would not sign any HIPAA release that would allow Defendant to subpoena his medical records. As set forth above, Plaintiff has put these records squarely at issue.

In our call on September 19, you confirmed this position. On September 19, we pointed out that Dr. David A. Kipper has objected to our California subpoena for documents relating to Plaintiff on the grounds that Plaintiff has not signed a HIPAA release, but your position remained unchanged.

We intend to move to compel Plaintiff to sign HIPAA releases, pursuant to Va. Code § 8.01-399(B), unless you agree to provide HIPAA releases for medical records relating to Plaintiff's drug and/or alcohol abuse and treatment and relating to Plaintiff's treatment for injury to his finger by close of business on Monday, September 23, 2019.

B. Plaintiff's Discovery Requests

In our call on September 19, Rob confirmed that there are no outstanding, unresolved issues concerning Defendant's responses to Plaintiff's discovery requests.

II. SCHEDULING

In our call on September 19, we discussed scheduling of hearings, and discussed, at length, document discovery and deposition scheduling.

A. Hearings

(i) Motion for Leave

We agreed that Defendant's Motion for Leave to File Amended Responsive Pleadings will be noticed and heard on Friday, October 11, 2019. We do not presently intend to seek a Reply on this Motion.

(ii) Defendant's Pending Motion to Compel

We agreed that Defendant's Motion to Compel on RFPs 4, 5, 38, and 41 will be noticed and heard on Friday, October 18, 2019. We informed you that we intend to request a Reply, and asked whether you would oppose the request. In our call on September 19, you opposed our request for a Reply, but Ben Chew agreed to join us for a Calendar Control hearing either next Monday or Tuesday to address the matter.

(ii) Demurrer & Plea in Bar

We asked whether Plaintiff would be amenable to scheduling the Demurrer & Plea in Bar hearing for November 8, in the event leave is granted. Plaintiff's counsel stated that they were not available on November 8, but available on November 15. We checked with our side, and unfortunately, we are not available on November 15. We are available on November 1.

Can you please confirm your availability for November 1 so that we can hold that date for the Demurrer and Plea in Bar in the event our motion for leave is granted?

In my call with Ben Chew on September 6, 2019, he indicated that Plaintiff did not intend to oppose our request to file the excess page limit brief attached to our proposed Demurrer & Plea in Bar. Please confirm this position. We will also seek a Reply on the Demurrer & Plea in Bar, and can call Calendar Control after the Motion for Leave is ruled upon (if it is granted) to address the larger brief size and Reply.

B. Document Discovery

As you know, we have expressed concern with holding depositions before the parties have exchanged document productions, and expressed our interest in focusing the parties' discovery efforts in the near-term on achieving **substantial completion of document discovery by October 18, 2019**. We then proposed setting aside November and December to focus on both party and nonparty depositions. Plaintiff did not agree to substantial completion by October 18, and

indicated he may need more time, but agreed that the parties should focus on substantial completion of document production in the near-term.

Two of the concerns we raised with scheduling any of the currently contemplated depositions before substantial completion were: (1) avoiding sandbag tactics such as using documents that could have been produced in advance of a deposition, but were withheld to sandbag opposing counsel; and (2) avoiding a scenario in which one party or the other seeks to hold a deposition open or to re-depose the same witness after later-produced documents are discovered.

In our call, the parties agreed to avoid sandbag tactics by using documents that were intentionally not produced in advance of a deposition or at the 11th hour, but both parties understand there may be infrequent occasions where the parties, in good faith, discover new document shortly before a deposition, in which case the parties agreed to disclose those as soon as practical to avoid sandbagging.

Further, in our effort to expedite document discovery in the near-term, we proposed the following ESI search process:

As a first step, each party shall develop a list of 25 or more search terms/Boolean phrases to run across his/her own ESI (emails, text messages, social media accounts, cell phones, tablets, etc.) that he/she reasonably and in good faith believes will locate responsive electronic documents, communications and attachments thereto without also locating an unreasonable volume of non-responsive electronic documents and communications. **The parties shall exchange these lists by September 20, 2019.**

As a second step, on or before **September 25, 2019**, a requesting party may then submit up to 10 additional search terms/ Boolean phrases for the other party to use in connection with its search for responsive ESI (emails, text messages, social media accounts, cell phones, tablets, etc.) that the requesting party reasonably and in good faith believes are necessary for the search; provided, however, that the proposed terms/Boolean phrases must be narrowly tailored to particular issues. In the event that a receiving party claims that any of the additional proposed terms/Boolean phrases are overbroad, the parties shall meet and confer in good faith to narrow the terms/phrases. The parties recognize that they may need to modify proposed search terms/Boolean phrases, whether submitted by the requesting or producing party, after receiving search term hit feedback if, for example, the terms generate a large amount of irrelevant and/or false positive results, and the parties agree to cooperate in good faith on such modifications.

If, after the search terms are agreed upon, information learned during discovery shows that the search terms were insufficient to locate responsive documents, the parties agree to confer in good faith about adding additional search terms/Boolean phrases. Throughout the course of formulating ESI search terms, the parties agree to engage in good faith efforts to minimize the cost of ESI discovery on the other. The parties agree that the above framework is designed to permit the parties to engage in discovery in a good faith, collaborative manner.

Plaintiff expressed concern over whether the up to 10 additional search terms were required to be run. We explained that the 10 additional search terms needed to be run (if they conform with the above), but that a party did not waive objections to discovery requests, and this was merely a proposed process to narrow the universe of potentially relevant ESI that would then be evaluated for responsiveness to facilitate substantial completion by October 18, 2019 or as soon as possible.

Plaintiff then expressed concern with the timing of the list exchange, and did not agree to the timing proposed by Defendant. Defendant stated that she will provide her 25 terms/phrases today, and encouraged Plaintiff to provide his 25 terms/phrases and his 10 search terms/phrases to Defendant as soon as possible to facilitate substantial completion by October 18, 2019 or as soon as possible.

We have a more comprehensive ESI protocol that includes the above and will circulate later today for your review.

C. Depositions

In our September 19 call, the parties agreed that party depositions would not take place until after substantial completion. While we agreed that it generally makes sense to complete document discovery before taking additional non-party depositions, Plaintiff would not commit to a "bright line rule." To be clear, we are not seeking a bright line rule or a moratorium on discovery. Instead, as we explained, we are trying to focus discovery efforts on document discovery before turning to deposition discovery in earnest.

We all agreed that if a non-party is not available the months following substantial completion of document production, we would accommodate the non-party witness's schedule.

We asked whether Plaintiff was currently planning to take any non-party deposition before November. Rob responded that he was not sure and he would get back to us today to let us know whether they planned to take any non-party depositions in the near term.

We do hope that Plaintiff will agree to our proposal to focus on substantial completion now and then focus on depositions thereafter because it will make the process much easier and will avoid requests for multiple depositions of the same deponents after production of new evidence.

Benjamin G. Chew
September 20, 2019
Page 8

III. CONCLUSION

We look forward to receiving your feedback on matters that will be the subject of a motion to compel before close of business on Monday, and we look forward to your cooperation on the discovery schedule moving forward.

Sincerely,

WOODS ROGERS PLC



Joshua R. Treece

cc: Counsel of Record

Exhibit D

From: Robert Gilmore
To: Treece, Joshua R.; bc Chew@brownrudnick.com; eweingarten@brownrudnick.com; acrawford@brownrudnick.com; cvasquez@brownrudnick.com; awaldman@theendeavorgroup.com; Kevin Attridge
Cc: Rottenborn, Ben; Roberta Kaplan; Julie Fink; John Quinn; Joshua Matz; egeorge@bgrfirm.com; rschwartz@bgrfirm.com; Lafon, Amanda; Bays, Elaine
Subject: Re: John C. Depp, II v. Amber Laura Heard - Case No. CL2019-02911 - 9/20/2019 Meet & Confer Status Summary
Date: Tuesday, September 24, 2019 11:51:05 AM

Counsel:

I write in response to certain of the issues you raised in your September 20, 2019 letter. We have, or will, respond separately as to the hearing schedule, ESI protocol, and scheduling of depositions.

Scope of Relevance. You mischaracterize Mr. Depp's position with respect to what documents relate to the claims and defenses in the case. I did not say that "a document relates to the 'claims and defenses' only if its [sic] relates to 'acts of physical violence between Ms. Heard and Mr. Depp'" as your letter wrongly asserts. There are almost certainly other categories of relevant documents, as I have explained on our multiple calls. To take one example, a communication where Ms. Heard tells Mr. Depp that he is a gentle person would be of unquestionable relevance (to the truth or falsity of her claims that Mr. Depp is a domestic abuser), even though the communication does not relate to any acts of physical violence. Mr. Depp would produce such a document, and we expect that Ms. Heard as well.

Mr. Depp does, however, stand by the objections to Ms. Heard's overbroad, improper and harassing fishing expedition into subjects identified in your letter, such as substance abuse, destruction of property, or acts of violence or abuse involving others. To be clear, Mr. Depp does not admit that any and all such documents even exist, but the point is that they are simply not relevant, nor even calculated to lead to the discovery of admissible evidence.

RFPs 30-37 and 39. I did not agree that Mr. Depp would produce documents relating to Ms. Heard responsive to the requests "without limitation" as you claim. Rather, Mr. Depp will produce documents relating to Ms. Heard but subject to our other objections (e.g., privilege).

RFP 42. Mr. Depp stands by his objections.

RFPs 43-44. Mr. Depp stands by the scope of what he will produce, as I articulated during our September 11 and 19 telephone calls: medical records relating to physical acts of violence between Mr. Depp and Ms. Heard. We disagree that "Plaintiff's physical or mental condition is at issue" in the manner that you contend, and Ms. Heard's overbroad and harassing demand for a broader scope of production is improper and unwarranted.

RFP 15. We are still investigating the existence and extent of security footage at Sweetzer Avenue.

RFPs 22, 27-29. Your letter mischaracterizes our position. I did not agree that we would, in effect, log each document withheld on confidentiality grounds, as your letter suggests. However, in the event that Mr. Depp in fact withholds any such documents on that basis, we will describe in general terms such documents by category in an amended discovery response.

HIPAA Release. Mr. Depp stands by his objections to Ms. Heard's unwarranted and intrusive demand that he sign a release and forego his privacy rights under HIPAA.

We remain willing and available to meet further on discovery issues, if you believe that would be productive.

Regards,
Rob Gilmore

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From: "Treece, Joshua R." <jtreece@woodsrogers.com>

Date: Friday, September 20, 2019 at 2:06 PM

To: Robert Gilmore <RGilmore@steinmitchell.com>, Ben Chew <bchew@brownrudnick.com>, "eweingarten@brownrudnick.com" <eweingarten@brownrudnick.com>, "acrawford@brownrudnick.com" <acrawford@brownrudnick.com>, "cvasquez@brownrudnick.com" <cvasquez@brownrudnick.com>, "awaldman@theendevorgroup.com" <awaldman@theendevorgroup.com>, Kevin Attridge <KAttridge@steinmitchell.com>

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Subject: RE: John C. Depp, II v. Amber Laura Heard - Case No. CL2019-02911 - 9/20/2019 Meet & Confer Status Summary

Rob:

I should have followed up on the specifics on 15, 18, and 27-28. Here is where things stand on those:

RFP 15: Notwithstanding our objections, we confirmed that we would produce non-privileged documents and communications, if any, responsive to this request.

RFP 18, 27 & 28: Notwithstanding our objections, we agreed to produce communications that refer to Defendant's relationship with Plaintiff or instances of violence or abuse involving Plaintiff and Defendant.

You confirmed this was acceptable and resolved Plaintiff's concerns with Defendant's responses to these requests, which is why we did not go into detail on in the letter, but I should have sent you something in writing.

Thanks,

Josh

From: Robert Gilmore <RGilmore@steinmitchell.com>

Sent: Friday, September 20, 2019 2:46 PM

To: Treece, Joshua R. <jtreece@woodsrogers.com>; bchew@brownrudnick.com; eweingarten@brownrudnick.com; acrawford@brownrudnick.com; cvasquez@brownrudnick.com; awaldman@theendevorgroup.com; Kevin Attridge <KAttridge@steinmitchell.com>

Cc: Rottenborn, Ben <brottenborn@woodsrogers.com>; Roberta Kaplan <rkaplan@kaplanhecker.com>; jfink@kaplanhecker.com; jquinn@kaplanhecker.com; Joshua Matz <jmatz@kaplanhecker.com>; eGeorge@bgrfirm.com; rschwartz@bgrfirm.com; Lafon, Amanda <alafon@woodsrogers.com>; Bays, Elaine <ebays@woodsrogers.com>

Subject: Re: John C. Depp, II v. Amber Laura Heard - Case No. CL2019-02911 - 9/20/2019 Meet & Confer Status Summary

****EXTERNAL EMAIL****

Josh, there are, unfortunately, a number of inaccuracies in your letter, which we will correct in a letter or email in response. There is a significant omission as well. On our call yesterday, you had indicated that you would respond to confirm that you were withdrawing your previously-stated objections to Plaintiff's RFP 15, and also that you agreed to produce documents responsive to the narrowed scope of Plaintiff's RFPs 18 and 27-28 that I identified in my September 4 email. Please

confirm this is correct.

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From: "Treece, Joshua R." <jtreece@woodsrogers.com>
Date: Friday, September 20, 2019 at 11:35 AM
To: Ben Chew <bchew@brownrudnick.com>, "eweingarten@brownrudnick.com" <eweingarten@brownrudnick.com>, "acrawford@brownrudnick.com" <acrawford@brownrudnick.com>, "cvasquez@brownrudnick.com" <cvasquez@brownrudnick.com>, "awaldman@theendeavorgroup.com" <awaldman@theendeavorgroup.com>, Robert Gilmore <RGilmore@steinmitchell.com>, Kevin Attridge <KAttridge@steinmitchell.com>
Cc: "Rottenborn, Ben" <broddenborn@woodsrogers.com>, Roberta Kaplan <rkaplan@kaplanhecker.com>, "jfink@kaplanhecker.com" <jfink@kaplanhecker.com>, "jquinn@kaplanhecker.com" <jquinn@kaplanhecker.com>, Joshua Matz <jmatz@kaplanhecker.com>, "egeorge@bgrfirm.com" <egeorge@bgrfirm.com>, "rschwartz@bgrfirm.com" <rschwartz@bgrfirm.com>, "Lafon, Amanda" <alafon@woodsrogers.com>, "Bays, Elaine" <ebays@woodsrogers.com>
Subject: John C. Depp, II v. Amber Laura Heard - Case No. CL2019-02911 - 9/20/2019 Meet & Confer Status Summary

Counsel:

Please see the attached letter summarizing where things stand with discovery and addressing certain scheduling matters.

Thanks,

Josh

Joshua R. Treece
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Visit woodsrogers.com/highstakes2019 to register.**

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Exhibit E

JOHN D. HARWELL

ATTORNEY AT LAW

225 27TH STREET

MANHATTAN BEACH, CALIFORNIA 90266

TELEPHONE (310) 546-7078

FACSIMILE (310) 545-6175

September 18, 2019

Via Email

rschwartz@bgrfirm.com

Richard A. Schwartz
BROWNE GEORGE ROSS LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, California 90067

RE: *Depp v. Heard - Deposition of David A. Kipper M.D.*
Objection to Subpoena

Dear Mr. Schwartz:

Deposition of Dr. Kipper:

As we discussed, I have an immovable conflict, requiring me to attend a hospital board meeting in San Jose on October 3. My schedule is reasonable free thereafter and I am pleased to agree on a rescheduled date

Objection and Response to Demand for Documents.

As we have discussed on the phone, Dr. Kipper is pleased to provide you a copy of Ms. Heard's medical records. I believe that has been done. As we also discussed, if requested and upon an appropriate HIPAA release, which can be made a part of the deposition record, but must be made by your client directly, Dr. Kipper will testify to otherwise Protected Health Information ("PHI") regarding her. Dr. Kipper will obviously testify to events he witnessed as a percipient witness, unless that involved PHI of anyone other than Ms. Heard.

You are aware of the state and federal restrictions on disclosure of PHI without consent contained in HIPAA (Pub. L. 104-191; Privacy Regulations, 45 CFR Parts 160 and 164) and CIMA (California Civil Code Section 56.10, et. Seq.). All physicians are careful with these requirements and you can imagine with his patients, extreme precautions are maintained by Dr. Kipper. Much of that which you seek appears to be prohibited by

either or both privacy laws¹.

Dr. Kipper responds and objects to your demand as follows:

1. The subpoena is improper and in violation of the Privacy Act, 5 U.S.C. § 552a, and HIPAA Privacy Rule, 45 C.F.R Parts 160 and 164; California Civil Code Section 56.10, et. Seq;
2. The subpoena violates Plaintiffs constitutional rights to privacy;
3. The subpoena is vague, ambiguous, overly broad as to time and scope, burdensome, oppressive, annoying and harassing in that it seeks documents that are unrelated and beyond the scope of the litigation; and
4. The subpoena seeks information that are irrelevant to the subject matter of this action, and is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding these objections, Dr. Kipper further responds and objects:

1. Any and all DOCUMENTS and COMMUNICATIONS (including text messages, SMS messages, emails, social media messages, or any other form of communication) you sent, received, transmitted, or otherwise exchanged between yourself and AMBER HEARD from May 2014 to present.

RESPONSE:

Dr. Kipper has previously produced the patient Amber Heard's medical records which are thought to contain all such documents currently available. A search is continuing for any email correspondence which might reside outside the medical record. All SMS messages, if any, were destroyed when Dr. Kipper's cell phone was damaged and replaced in 2018.

2. Any and all DOCUMENTS and COMMUNICATIONS (including text messages, SMS messages, emails, social media messages, or any other form of

¹In some ways CIMA is more rigorous than HIPAA.

communication) you sent, received, transmitted, or otherwise exchanged between yourself and AMBER HEARD pertaining to JOHN C. DEPP, II from May 2014 to present.

RESPONSE:

See Response to Demand # 1, Above.

3. Any and all DOCUMENTS and COMMUNICATIONS (including text messages, SMS messages, emails, social media messages, or any other form of communication) you sent, received, transmitted, or otherwise exchanged between yourself and JOHN C. DEPP, II, or anyone or any entity acting on his behalf, including but not limited to his lawyers or agents, from May 2014 to present, pertaining to JOHN C. DEPP, II's substance abuse and/or treatment for substance abuse.

RESPONSE:

Objection. HIPAA and CIMA prohibits any such PHI being released without permission of the patient or in some other way by statutory exception, neither of which are present. Additionally, privileges apply to any communications between a patient and his/her physician. See, Evid. Code, § 994; Los Angeles Gay & Lesbian Center v. Superior Court (2011) 194 Cal.App.4th 288, 291. This demand seeks such privileged communications.

4. Any and all DOCUMENTS and COMMUNICATIONS (including text messages, SMS messages, emails, social media messages, or any other form of communication) you sent, received, transmitted, or otherwise exchanged between yourself and JOHN C. DEPP, II, or anyone or any entity acting on his behalf, including but not limited to his lawyers or agents, from May 2014 to present, pertaining to JOHN C. DEPP, II's physical violence against other individuals, including not limited to AMBER HEARD.

RESPONSE:

Objection. HIPAA and CIMA prohibits any such PHI being released without permission of the patient or in some other way by statutory exception, neither of which are present. Additionally, privileges apply to

Richard A. Schwartz
BROWNE GEORGE ROSS LLP
September 18, 2019
Page 4

Via Email

any communications between a patient and his/her physician. See, Evid. Code, § 994; Los Angeles Gay & Lesbian Center v. Superior Court (2011) 194 Cal.App.4th 288, 291. This demand seeks such privileged communications.

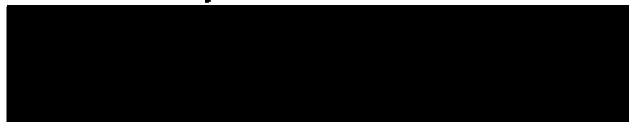
5. Any and all DOCUMENTS pertaining to your travel to the Bahamas in August 2014. Any and all DOCUMENTS pertaining to your travel to Australia in March 2015.

RESPONSE

Objection. In addition to being overly broad, this request invades the privacy of Dr. Kipper, protected by the California Constitution (Art. 1, Sec. 1). Any documents which might exist would be incorporated in the scope requests ## 1 - 4, above and the responses are the same as to those demands.

I look forward to speaking with you regarding scheduling.

Sincerely

A large black rectangular redaction box covering the signature area.

John D. Harwell

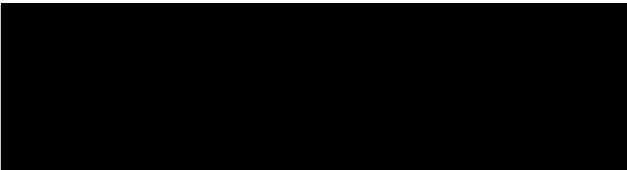
1 DECLARATION OF SERVICE BY MAIL AND BY EMAIL

2 I, John D. Harwell declare:

3 I am, and was at the time of the service hereinafter mentioned, over the age of 18
4 years and not a party to the within action. My business address is: 225 27th Street,
5 Manhattan Beach, California 90266 and I am employed in Los Angeles County,
6 California. On September 18, 2019, I served the document(s) described as
7 Depp v. Heard - Deposition of David A. Kipper M.D. - Objection to Subpoena. by
8 email to the parties identified on the attached Service List at the email addresses
9 maintained by them for official email, with the exception of Adam R. Waldman, Esq., THE
10 ENDEAVOR LAW FIRM, P.C., (for which no email could be found), for whom an envelope
11 addressed to him, with Air Mail postage paid, was placed into a Post Box maintained
12 by the Royal Mail in Warborough, OXON, England.

13 I declare under penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct.

15 DATED: September 18, 2019

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John D. Harwell

21 C:\Users\John W. Harwell\ShareFile\Personal Folders\WPDOCS\Kipper\posah

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Service List

By Email

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