

This SUBPOENA/SUBPOENA DUCES TECUM TO PERSON UNDER FOREIGN SUBPOENA is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the Clerk of Court.

NAME: <u>Jack Whigham c/o Creative Artists Agency</u>	
ADDRESS: <u>2600 Avenue of the stars</u> <u>Los Angeles California 90067</u>	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: _____ _____	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	_____, Sheriff
DATE _____	by _____, Deputy Sheriff

JOHN T. FREY, CLERK
FAIRFAX COUNTY CIRCUIT COURT
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

**SUBPOENA/SUBPOENA DUCES TECUM
TO PERSON UNDER FOREIGN SUBPOENA**

File No. CL2019-0002911

Commonwealth of Virginia VA CODE §§ 8.01-412.8—8.01-412.15; Rule 4:9

Fairfax County

Circuit Court

4110 Chain Bridge Road, Fairfax, Virginia 22030

ADDRESS OF COURT

John C. Depp, II

v./In re: Amber Laura Heard

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Jack Whigham c/o Creative Artists Agency

NAME

2000 Avenue of the Stars

STREET ADDRESS

Los Angeles,

California

90067

CITY

STATE

ZIP

TO THE PERSON SUMMONED: You are commanded to

attend and give testimony at a deposition

produce the books, documents, records, electronically stored information, and tangible things designated and described below

See Attachment

First Legal Records Retrieval
at 1511 West Beverly Blvd., Los Angeles, CA 90026

LOCATION

February 24, 2020 at 10:00 a.m.

DATE AND TIME

and to permit inspection and copying by the requesting party or someone acting in his or her behalf of the designated items in your possession, custody or control

permit inspection of the premises

at the following location

LOCATION

on _____
DATE AND TIME

This subpoena is issued upon the request of the party named below

Amber Laura Heard

NAME OF REQUESTING PARTY

c/o Ben Rottenborn, Esq., Woods Rogers, PLC, 10 S. Jefferson Street, Ste. 1400

STREET ADDRESS

Roanoke

Virginia

24011

(540) 983-7540

CITY

STATE

ZIP

TELEPHONE NUMBER

FILED
CIVIL INTAKE
2020 FEB -4 AM 11:47
J. HINT. FRET
CLERK CIRCUIT COURT
FAIRFAX, VA

CH 2019-2911

The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided below on attached list.

February 7, 2020

DATE ISSUED

JOHN T. FREY, CLERK

by



J. Benjamin Rottenborn

84796

Virginia

NAME OF ATTORNEY FOR REQUESTING PARTY

BAR NUMBER

LICENSING STATE

Woods Rogers PLC, 10 S. Jefferson St.

(540) 983-7540

TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

Suite 1400, Roanoke, Virginia 24011

(540) 983-7711

FACSIMILE NUMBER OF ATTORNEY

OFFICE ADDRESS

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

RETURN OF SERVICE (see page three of this form)

BEN ROTTENBORN
(540) 983-7540
brottenborn@woodsrogers.com

February 3, 2020

VIA OVERNIGHT UPS DELIVERY

John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

FILED
CIVIL INTAKE
2020 FEB -4 AM 11:46
JOHN T. FREY
CLERK-CIRCUIT COURT
FAIRFAX, VA

Re: John C. Depp, II v. Amber Laura Heard;
Fairfax County Circuit Court Case No. CL2019-0002911
Subpoena for Documents: Jack Whigham c/o Creative Artists Agency

Dear Mr. Frey,

In the above-referenced matter, enclosed for filing please find two copies of Defendant's Certificate of Counsel and corresponding subpoenas issued pursuant to Virginia Code Section 8.01-412.10 and California Civil Procedure Code Section 2029.100 (collectively, "Acts"). The enclosed Subpoena for Production of Business Records in Action Pending Outside California and Subpoena Duces Tecum To Person Under Foreign Subpoena have been issued in accordance with both Acts and the reciprocal privileges included therein.

The enclosed documents will be served by private process server and affidavits of service will be filed as necessary. Please file these documents with the Court's papers in this case and return a file-stamped copy of the same in the enclosed, self-addressed envelope.

Thank you for your assistance and please do not hesitate to call with any questions or concerns.

Very truly yours,

WOODS ROGERS PLC

Ben Rottenborn
SB 89602
perm35 run

JBR:jt
Enclosures

{2655556-1, 121024-00001-01}

P.O. Box 14125, Roanoke, Virginia 24038-4125
10 S. Jefferson Street, Suite 1400, Roanoke VA 24011
P (540) 983-7600 • F (540) 983-7711

www.woodsrogers.com

Charlottesville • Lynchburg • Richmond • Roanoke

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

FILED
CIVIL INTAKE
2020 FEB -4 AM 11:47
JOHN T. FREY
CLERK-CIRCUIT COURT
FAIRFAX, VA.

CERTIFICATE OF COUNSEL

This is to certify that I caused a true and accurate copy of the enclosed Subpoena for Production of Business Records in Action Pending Outside California and Subpoena Duces Tecum To Person Under Foreign Subpoena to be sent via email, per the parties' agreement regarding service by electronic mail, on the 3rd day of February, 2020, to counsel of record.

u/p rns

889602

J. Benjamin Rottenborn

J. Benjamin Rottenborn (VSB #84796)
Joshua R. Treece (VSB #79149)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
(540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Attorneys for Defendant Amber Laura Heard

I certify that on this 3rd day of February, 2020, a copy of the foregoing shall be served by email, per the parties' agreement regarding service by electronic mail, upon:

Benjamin G. Chew, Esq.
Elliot J. Weingarten, Esq.
Andrew C. Crawford, Esq.
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601 Thirteenth Street, N.W.
Washington, D.C. 20005
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Counsel for Plaintiff John C. Depp, II

of P 

389602

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broddenborn@woodsrogers.com
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ATTACHMENT

**John C. Depp, II v. Amber Laura Heard
Fairfax County Circuit Court: CL 2019-0002911**

DEFINITIONS

- a. **Action.** The term “Action” means the above-captioned action.
- b. **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.
- c. **Communication.** The term “communication” means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).
- d. **Complaint.** The term “Complaint” means the Complaint, dated March 1, 2019, filed in the Action.
- e. **Concerning.** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.
- f. **Correspondence.** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.
- g. **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 all persons acting on her behalf.

h. **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 (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and 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.

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

j. **Performance.** The term “Performance,” in relation to Mr. Depp, means any creative work in which Mr. Depp or his likeness is, was, will be, may be, or is contemplated to appear, whether or not in exchange for payment or other benefit to Mr. Depp, including any appearance or potential appearance by Mr. Depp in any film, TV series, product endorsement, advertisement, musical performance, or in-person appearance. To avoid doubt, a Performance includes any creative work in which it was contemplated that Mr. Depp or his likeness would be featured, even if the work was ultimately created without Mr. Depp or his likeness appearing.

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

l. **Plaintiff and/or Mr. Depp.** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assistants, bodyguards, assigns, and all persons acting on his behalf.

m. **Relevant Dates.** A Relevant Date is any of the following dates (inclusive of the first and last day of any range):

- i. December 31, 2012
- ii. March 8, 2013
- iii. May 24, 2014
- iv. August 17, 2014
- v. December 17, 2014;
- vi. January 25, 2015
- vii. March 3-6, 2015
- viii. March 22, 2015
- ix. July 25-28, 2015
- x. November 26, 2015
- xi. December 15, 2015
- xii. April 21, 2016
- xiii. May 21, 2016.

n. **Requests.** The term “Requests” shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment

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

INSTRUCTIONS

1. Where information in Your possession is requested, such request includes non-privileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

2. 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 any information which might otherwise be construed to be outside their scope.

3. 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.

4. 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.

5. If You perceive any ambiguities in a question, instruction, definition, or other aspect of this Subpoena, set forth the matter deemed ambiguous and the construction used in answering.

6. If You assert a claim of privilege as to any of Your responses to the Requests, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit 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.

7. If You perceive any 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 as to permit an informed ruling on the objection.

8. These Requests are continuing in character so as to require You to promptly amend or supplement Your production of documents within a reasonable time if You obtain or become aware of any further documents responsive to this Subpoena.

9. Unless otherwise specified, these document requests cover the period from January 1, 2010, through the present, up to and through trial in this Action.

DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, You are required to produce the original or an exact copy of the following:

1. All documents or communications with Mr. Depp that refer or relate to Ms. Heard.
2. All documents or communications with Ms. Heard that refer or relate to Mr. Depp.
3. All documents or communications concerning the relationship between Mr. Depp and Ms. Heard, including, but not necessarily limited to any violence or abuse between Mr. Depp and Ms. Heard.
4. All documents or communications concerning any actual, alleged, or attempted act of violence involving Mr. Depp.
5. All documents or communications concerning any actual, alleged, or attempted alcohol or drug use or abuse by Mr. Depp from 2013 to present.
6. All documents or communications concerning any actual or alleged act of Mr. Depp that resulted in damage to property within one week of any Relevant Date.
7. All documents or communications relating to the Op-Eds attached to the Complaint in this Action, including any documents relating to any reaction or response in the entertainment industry to the Op-Eds.
8. All documents or communications concerning the impact of any public statement by Ms. Heard on Mr. Depp's career.
9. All documents or communications concerning the loss of any opportunity, contract, employment, or source of income or value for Mr. Depp (or any person or entity acting

on his behalf) in connection with any Performance since January 1, 2018, including the Pirates of the Caribbean series of films and any derivative works thereof.

10. All non-privileged documents or communications that you have reviewed or intend to rely on in connection with any opinion you intend to offer in your testimony in this Action.

11. All documents or communications concerning any transactions, payments, gifts, or transfers of value of any kind, whether in monetary form or otherwise, relating to any act of violence, alleged act of violence, or attempted act of violence involving Mr. Depp.

12. Documents sufficient to show transactions, payments, gifts, or transfers of value of any kind, whether in monetary form or otherwise, relating to the damage or destruction of property by Mr. Depp within one month of any Relevant Date.

* * *

Certification of Business Records

Name of Business: _____

Date: _____

Records Recipient: _____

Regarding the records of:

_____ [Employee Name]

_____ [Employee Date of Birth]

I _____, as a qualified witness for the custodian of records of the above named Business, hereby certify that the enclosed records regarding the above-named Employee are correct copies of the records maintained in a designated record set that were made at or near the time of the recorded occurrence by a person with knowledge of the matters therein, and that the records were kept in the course of regularly conducted business activity and made as a regular practice in the course of the regularly conducted business activity.

Sign: _____

Print: _____

Title: _____

All Counsel of Record

Benjamin G. Chew, Esq. (VSB 29113)
Elliot J. Weingarten
Andrew C. Crawford (VSB No. 89093)
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Washington, DC 20005
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(202) 536-1701 — FAX
bchew@brownrudnick.com

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rgilmore@steinmitchell.com

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703.273.8897 (Fax)
tmcevoy@cameronmcevoy.com
sroche@cameronmcevoy.com

Counsel for Amber Laura Heard

Davida Brook, Esq. (SBN 275370)
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dbrook@susmangodfrey.com

Counsel for Amber Laura Heard

Roberta A. Kaplan, Esq.
John C. Quinn, Esq.
Julie E. Fink, Esq.
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350 Fifth Avenue, Suite 7110 New
York, New York 10118 T:
212.763.0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
jquinn@kaplanhecker.com

Counsel for Amber Laura Heard

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Davida Brook (SBN 275370) Susman Godfrey L.L.P. 1900 Avenue of the Stars, Suite 1400, Los Angeles, CA 90067 TELEPHONE NO.: 310-789-3100 FAX NO.: E-MAIL ADDRESS: dbrook@susmanandgodfrey.com ATTORNEY FOR (Name): Defendant AMBER LAURA HEARD	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
Court in which action is pending: Name of Court: In the Circuit Court of Fairfax, Virginia STREET ADDRESS: 4110 Chain Bridge Road MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Fairfax, VA 22030-4009 COUNTRY: United States	
PLAINTIFF/PETITIONER: JOHN C. DEPP, II DEFENDANT/RESPONDENT: AMBER LAURA HEARD	CALIFORNIA CASE NUMBER (if any assigned by court):
SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): CL-2019-0002911

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
Jack Whigham c/o Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): First Legal Records Retrieval On (date): 2/24/2020 Location (address): 1511 Beverly Blvd, Los Angeles, CA 90026	At (time): 10:00 AM
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
See Attachment 3
 Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): **See Attachment 4**
 Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: JOHN C. DEPP, II	CASE NUMBER (of action pending outside California):
DEFENDANT/RESPONDENT: AMBER LAURA HEARD	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6. Other terms or provisions from out-of-state subpoena, if any (specify):

See Attachment 6

Continued on Attachment 6 (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 02/03/2020

David Brook

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Defendant Amber Laura Heard

(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records In Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

(SIGNATURE)

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
-------------------------------	---------------------------------

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

See attached.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

ATTACHMENT NO. 3

**John C. Depp, II v. Amber Laura Heard
Fairfax County Circuit Court: CL 2019-0002911**

DEFINITIONS

- a. ***Action.*** The term “Action” means the above-captioned action.
- b. ***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.
- c. ***Communication.*** The term “communication” means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).
- d. ***Complaint.*** The term “Complaint” means the Complaint, dated March 1, 2019, filed in the Action.
- e. ***Concerning.*** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.
- f. ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.
- g. ***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 all persons acting on her behalf.

h. **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 (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and 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.

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

j. **Performance.** The term “Performance,” in relation to Mr. Depp, means any creative work in which Mr. Depp or his likeness is, was, will be, may be, or is contemplated to appear, whether or not in exchange for payment or other benefit to Mr. Depp, including any appearance or potential appearance by Mr. Depp in any film, TV series, product endorsement, advertisement, musical performance, or in-person appearance. To avoid doubt, a Performance includes any creative work in which it was contemplated that Mr. Depp or his likeness would be featured, even if the work was ultimately created without Mr. Depp or his likeness appearing.

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

l. **Plaintiff and/or Mr. Depp.** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assistants, bodyguards, assigns, and all persons acting on his behalf.

m. **Relevant Dates.** A Relevant Date is any of the following dates (inclusive of the first and last day of any range):

- i. December 31, 2012
- ii. March 8, 2013
- iii. May 24, 2014
- iv. August 17, 2014
- v. December 17, 2014;
- vi. January 25, 2015
- vii. March 3-6, 2015
- viii. March 22, 2015
- ix. July 25-28, 2015
- x. November 26, 2015
- xi. December 15, 2015
- xii. April 21, 2016
- xiii. May 21, 2016.

n. **Requests.** The term “Requests” shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment

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

INSTRUCTIONS

1. Where information in Your possession is requested, such request includes non-privileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

2. 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 any information which might otherwise be construed to be outside their scope.

3. 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.

4. 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.

5. If You perceive any ambiguities in a question, instruction, definition, or other aspect of this Subpoena, set forth the matter deemed ambiguous and the construction used in answering.

6. If You assert a claim of privilege as to any of Your responses to the Requests, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit 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.

7. If You perceive any 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 as to permit an informed ruling on the objection.

8. These Requests are continuing in character so as to require You to promptly amend or supplement Your production of documents within a reasonable time if You obtain or become aware of any further documents responsive to this Subpoena.

9. Unless otherwise specified, these document requests cover the period from January 1, 2010, through the present, up to and through trial in this Action.

DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, You are required to produce the original or an exact copy of the following:

1. All documents or communications with Mr. Depp that refer or relate to Ms. Heard.
2. All documents or communications with Ms. Heard that refer or relate to Mr. Depp.
3. All documents or communications concerning the relationship between Mr. Depp and Ms. Heard, including, but not necessarily limited to any violence or abuse between Mr. Depp and Ms. Heard.
4. All documents or communications concerning any actual, alleged, or attempted act of violence involving Mr. Depp.
5. All documents or communications concerning any actual, alleged, or attempted alcohol or drug use or abuse by Mr. Depp from 2013 to present.
6. All documents or communications concerning any actual or alleged act of Mr. Depp that resulted in damage to property within one week of any Relevant Date.
7. All documents or communications relating to the Op-Eds attached to the Complaint in this Action, including any documents relating to any reaction or response in the entertainment industry to the Op-Eds.
8. All documents or communications concerning the impact of any public statement by Ms. Heard on Mr. Depp's career.
9. All documents or communications concerning the loss of any opportunity, contract, employment, or source of income or value for Mr. Depp (or any person or entity acting

on his behalf) in connection with any Performance since January 1, 2018, including the Pirates of the Caribbean series of films and any derivative works thereof.

10. All non-privileged documents or communications that you have reviewed or intend to rely on in connection with any opinion you intend to offer in your testimony in this Action.

11. All documents or communications concerning any transactions, payments, gifts, or transfers of value of any kind, whether in monetary form or otherwise, relating to any act of violence, alleged act of violence, or attempted act of violence involving Mr. Depp.

12. Documents sufficient to show transactions, payments, gifts, or transfers of value of any kind, whether in monetary form or otherwise, relating to the damage or destruction of property by Mr. Depp within one month of any Relevant Date.

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SHORT TITLE: Depp v. Heard		CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

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(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 2*(Add pages as required)*

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4 Cont.*(This Attachment may be used with any Judicial Council form.)*

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Page 2 of 2*(Add pages as required)*

SHORT TITLE: Depp v. Heard		CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 6

(This Attachment may be used with any Judicial Council form.)

See attached.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____
(Add pages as required)