

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>Elon Musk</u>	
ADDRESS: <u>10911 Chalon Road</u> <u>Los Angeles, California</u> <u>90077</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. CL-2019-0002911

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

ELON MUSK

NAME

10911 CHALON ROAD

STREET ADDRESS

CALIFORNIA

STATE

LOS ANGELES

CITY

90077

ZIP

FILED
CIVIL INTAKE
2019 OCT -8 PM 2:00
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

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 A

at 350 South Grand Ave., Suite 3950, Los Angeles, CA 90071 at Nov. 7, 2019 at 11:00 a.m. (PT) ;

LOCATION

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

JOHN C. DEPP, II

NAME OF REQUESTING PARTY

c/o MICHAEL PETRINO, 901 FIFTEENTH STREET, N.W., SUITE 700

STREET ADDRESS

WASHINGTON

CITY

D.C.

STATE

20005

ZIP

(202) 737-7777

TELEPHONE NUMBER

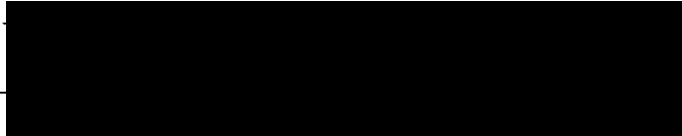
The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

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.

October 15th, 2019
DATE ISSUED

JOHN T. FREY, CLERK

by



Michael Petrino
NAME OF ATTORNEY FOR REQUESTING PARTY
901 15th Street, NW, Suite 700
OFFICE ADDRESS
Washington, DC, 20005
OFFICE ADDRESS

77187 VA
BAR NUMBER LICENSING STATE
(202) 737-7777
TELEPHONE NUMBER OF ATTORNEY
(202) 296-8312
FACSIMILE NUMBER OF ATTORNEY

NAME
STREET ADDRESS
STREET ADDRESS

BAR NUMBER LICENSING STATE
TELEPHONE NUMBER
FACSIMILE NUMBER

NAME
STREET ADDRESS
STREET ADDRESS

BAR NUMBER LICENSING STATE
TELEPHONE NUMBER
FACSIMILE NUMBER

NAME
STREET ADDRESS
STREET ADDRESS

BAR NUMBER LICENSING STATE
TELEPHONE NUMBER
FACSIMILE NUMBER

RETURN OF SERVICE (see page three of this form)

1 ATTACHMENT A

2 DEFINITIONS & INSTRUCTIONS

3 1. "YOU" and/or "YOUR" shall mean and refer to Elon Reeve Musk.

4 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to
5 any written and verbal exchanges between any person or persons or entities, including but not
6 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,
7 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the
8 written or verbal exchange, including applicable ELECTRONICALLY STORED
9 INFORMATION.

10 3. "ELECTRONICALLY STORED INFORMATION" means data that is stored in an
11 electronic medium and shall include, by way of example only, computer programs, electronic mail
12 (including message contents, header information and logs of electronic mail usage), output
13 resulting from the use of any software program, including electronic, digital, or any other recorded
14 material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits,
15 statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts,
16 agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars,
17 recordings and transcriptions of recordings, voice mail messages recorded electronically and in
18 writing, email messages and printouts, photographs, diagrams, or any other writings, however
19 produced or reproduced, word processing documents, spreadsheets, databases, telephone logs,
20 contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files,
21 batch files, ASCII files, and any and all miscellaneous files and data and shall include all active
22 data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

23 4. "DOCUMENT" and/or "DOCUMENTS" unless otherwise indicated, are used in
24 their customarily broad sense and shall refer to and mean all writings and other tangible things of
25 any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof),
26 medical records, drawings, graphs, charts, photographs, phone records, other data compilations or
27 storage devices from which information can be obtained (even if such information must be
28 translated into a reasonably usable form), magnetically recorded or stored information generated

1 by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda,
2 records, reports, books, summaries or records of telephone conversations, summaries or records of
3 personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts,
4 accounts, analytical records, minutes or records of meetings or conferences, records, reports or
5 summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations,
6 bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or
7 photographic matter or sound reproductions, or tangible representations of things, however
8 produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all
9 nonidentical copies of the foregoing.

10 5. "RELATING TO" means, without limitation, constituting, containing, showing,
11 reflecting, discussing, concerning, commenting upon, mentioning, evidencing, quoting,
12 describing, or referencing in any way, directly or indirectly.

13 6. "MR. DEPP" means and refers to John C. Depp, II.

14 7. "MS. HEARD" means and refers to Amber Laura Heard.

15 8. When necessary, the singular form of a word shall be interpreted as plural, and the
16 masculine gender shall be deemed to include the feminine, in order to bring within the scope any
17 DOCUMENTS which might otherwise be construed to be outside the scope of these Requests.
18 The terms, "and" and "or," have both conjunctive and disjunctive meanings, and "each," "any,"
19 and "all" mean "each and every."

20 9. All undefined terms shall be interpreted according to their plain and commonsense
21 meaning.

22 DOCUMENT REQUESTS

23 Request No. 1:

24 All DOCUMENTS or COMMUNICATIONS YOU reviewed and/or relied upon in
25 preparation for YOUR deposition.

26 Request No. 2:

27 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO MR. DEPP.

28 / / /

1 **Request No. 3:**

2 All COMMUNICATIONS RELATING TO allegations of physical abuse or domestic
3 violence committed by either MR. DEPP or MS. HEARD.

4 **Request No. 4:**

5 All COMMUNICATIONS between YOU and MS. HEARD between March 7, 2013 and
6 March 15, 2013.

7 **Request No. 5:**

8 All COMMUNICATIONS between YOU and MS. HEARD between May 23, 2014 and
9 June 1, 2014.

10 **Request No. 6:**

11 All COMMUNICATIONS between YOU and MS. HEARD between August 16, 2014 and
12 August 24, 2014.

13 **Request No. 7:**

14 All COMMUNICATIONS between YOU and MS. HEARD between December 24, 2014
15 and January 1, 2015.

16 **Request No. 8:**

17 All COMMUNICATIONS between YOU and MS. HEARD between January 24, 2015 and
18 February 4, 2015.

19 **Request No. 9:**

20 All COMMUNICATIONS between YOU and MS. HEARD in March 2015.

21 **Request No. 10:**

22 All COMMUNICATIONS between YOU and MS. HEARD in August 2015.

23 **Request No. 11:**

24 All COMMUNICATIONS between YOU and MS. HEARD between November 25, 2015
25 and January 1, 2016.

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27 All COMMUNICATIONS between YOU and MS. HEARD between April 20, 2016 and
28 May 1, 2016.

1 **Request No. 13:**

2 All COMMUNICATIONS between YOU and MS. HEARD between May 20, 2016 and
3 June 15, 2016.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robie & Matthai Leigh Robie / Edith Matthai / Kyle Kveton 350 South Grand Ave., Suite 3950, Los Angeles, CA 90071 TELEPHONE NO.: (213) 706-8000 FAX NO.: (213) 706-9913 E-MAIL ADDRESS: LRobie@romalaw.com ATTORNEY FOR (Name): Plaintiff John C. Depp II	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Court in which action is pending: Circuit Court of Fairfax County Name of Court: Circuit Court of Fairfax County STREET ADDRESS: 4110 Chain Bridge Road MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320 CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030 COUNTRY: United States	
PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CALIFORNIA CASE NUMBER (if any assigned by court):
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS 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):

Elon Reeve Musk 10911 Chalon Road, Los Angeles, California 90077

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: Nov. 7, 2019	Time: 11 a.m.	Address: 350 S. Grand Ave., Ste 3950, Los Angeles, CA 90071
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- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents, electronically stored information, and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents, electronically stored information, and things to be produced and any testing or sampling being sought are described as follows ((if electronically stored information is required, 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. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4 (use form MC-025).

5. Attorneys for the parties to this action or parties without attorneys are (name, address, telephone number, and name of party represented):

See Attachment 5

Continued on Attachment 5 (use form MC-025).

PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER:
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6. Other terms or provisions from out-of-state subpoena, if any (specify):

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

7. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedures section 1985.3 or 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.

8. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

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:

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TYPE OR PRINT NAME) (TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents, Electronically Stored Information, and Things 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. 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:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

1 **ATTACHMENT 3**

2 **DEFINITIONS & INSTRUCTIONS**

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4 accounts, analytical records, minutes or records of meetings or conferences, records, reports or
5 summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations,
6 bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or
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SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 5

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

Benjamin G. Chew (Va. State Bar No. 29113)
 Elliot J. Weingarten
 Andrew C. Crawford (Va. State Bar No. 89093)
 BROWN RUDNICK LLP
 601 Thirteenth Street, N.W.
 Washington, D.C. 20005
 Telephone: (202) 536-1700
 Facsimile: (202) 536-1701
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Camille M. Vasquez
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 2211 Michelson Drive
 Irvine, CA 92612
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 Facsimile: (949) 252-1514
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Adam R. Waldman
 THE ENDEAVOR LAW FIRM, P.C.
 1775 Pennsylvania Avenue, N.W., Suite 350
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Robert Gilmore
 Kevin Attridge
 STEIN MITCHELL BEATO & MISSNER LLP
 901 Fifteenth Street, N.W.
 Suite 700
 Washington, D.C. 20005
 Telephone: (202) 601-1589
 Facsimile: (202) 296-8312
 Email: rgilmore@steinmitchell.com
 kattridge@steinmitchell.com

Counsel for Plaintiff John C. Depp, II

(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: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
---	---------------------------------

ATTACHMENT (Number): 5*(This Attachment may be used with any Judicial Council form.)*

J. Benjamin Rottenbom (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

Roberta A. Kaplan
 Julie E. Fink
 John C. Quinn
 Joshua Matz
 KAPLAN HECKER & FINK LLP
 350 Fifth Avenue, Suite 7110
 New York, New York 10118
 (212) 763-0883
 rkaplan@kaplanhecker.com
 jfink@kaplanhecker.com
 jquinn@kaplanhecker.com
 jmatz@kaplanhecker.com

Eric M. George, Esq.
 Richard A. Schwartz, Esq.
 BROWNE GEORGE ROSS LLP
 2121 Avenue of the Stars, Suite 2800
 Los Angeles, California 90067
 (310) 274-7100
 egeorge@bgrfirm.com
 rschwartz@bgrfirm.com

Counsel for Defendant Amber Laura Heard

(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 2 of 2
(Add pages as required)

SHORT TITLE: John C. Depp, II v. Amber Laura 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 Fairfax County Circuit Court Subpoena

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

CERTIFICATE OF SERVICE

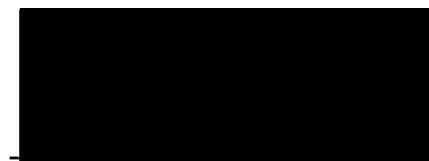
I hereby certify that on this 8th day of October 2019, I caused copies of the enclosed Subpoena/Subpoena Duces Tecum to Person Under Foreign Subpoena and Subpoena for Deposition and Production of Business Records in Action Pending Outside California to be served via email (per written agreement between the Parties) on the following:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
John C. Quinn (*pro hac vice*)
Joshua Matz (*pro hac vice*)
KAPLAN HECKER & FINK, LLP
350 Fifth Avenue, Suite 7110
New York, New York 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
jqinn@kaplanhecker.com
jmatz@kaplanhecker.com

Eric M. George (*pro hac vice*)
Richard A. Schwartz (*pro hac vice*)
BROWNE GEORGE ROSS LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, California 90067
Telephone: (310) 274-7100
Facsimile: (310) 275-5697
egeorge@bgrfirm.com
rschwartz@bgrfirm.com

A. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Counsel for Defendant Amber Laura Heard



Michael A Petrino, Esq. (VSB No. 77187)

SERVICE LIST

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
John C. Quinn (*pro hac vice*)
Joshua Matz (*pro hac vice*)
KAPLAN HECKER & FINK, LLP
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New York, New York 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
jqquinn@kaplanhecker.com
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A. Benjamin Rottenborn (VSB No. 84796)
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Counsel for Defendant Amber Laura Heard

Benjamin G. Chew (Va. State Bar No. 29113)
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Camille M. Vasquez (*pro hac vice*)
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2211 Michelson Drive
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Telephone: (949) 752-7100
Facsimile: (949) 252-1514
Email: cvasquez@brownrudnick.com

Counsel for Plaintiff John C. Depp, II

Eric M. George (*pro hac vice*)
Richard A. Schwartz (*pro hac vice*)
BROWNE GEORGE ROSS LLP
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Adam R. Waldman (*pro hac vice pending*)
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October 8, 2019

VIA HAND DELIVERY

Mr. John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road, Suite 320
Fairfax, Virginia 22030

FILED
CIVIL INTAKE
2019 OCT -8 PM 2:04
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

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

Dear Mr. Frey,

Please find enclosed for filing in the above-referenced matter, one original attorney-issued subpoena for deposition and documents to third party witness Elon Musk. Also enclosed are three copies of the subpoena. The subpoena will be served in California by private process server. We request one file-stamped copy for immediate return to the courier who will deliver it to our office. We also request one certified copy to be issued and served under the laws of the state of California. Upon preparation of the certified copy, please contact my assistant Linda Aguirre at (202) 601-1606 so that we may arrange for a courier to retrieve it.

This letter certifies that California has reciprocal privileges regarding discovery with Virginia and that I will cause copies of this subpoena to be served on counsel of record. Thank you for your assistance.

Sincerely,


Michael A. Petrino

Enclosures

Fairfax Circuit Court
Circuit Court
Receipt No. 861330
Receipt Date: 10/15/2019 03:11 PM

Received of: Stein Mitchell Beato & Missner, LLP, \$ 7.00

Seven and 00/100

John C Depp II vs. Amber Laura Heard

Filer(s): Depp, John C II

<u>Case</u>	<u>Amount</u>
CL-2019-0002911	
Copy - Certified	2.00
Subpoena Duces Tecum Clerks Fee	5.00
<hr/>	
	Total: 7.00
	Balance due court: \$ 0.00
	Next fine/fee due date:
	Next restitution due date:

Check (Num: 29614, Exp: xx/xx)

Amount Tendered: 7.00

Overage: 0.00

Change Due: 0.00

John T. Frey, Clerk of Circuit Court

By: _____

Deputy Clerk

Clerk: CSMI32