

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant

v.

AMBER LAURA HEARD

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-0002911

**CONSENT ORDER FOR APPOINTMENT OF
CONCILIATOR AND DISCOVERY CONCILIATION PROTOCOL**

THIS CONSENT ORDER CAME BEFORE THE COURT upon the Court's appointment of a discovery Conciliator and to establish an agreed protocol for meeting and conferring on any discovery disputes and then mediating with the Court-appointed discovery Conciliator Stephen G. Cochran (the "Conciliator") before filing any motions. Based on the signatures of their counsel below, and it otherwise being proper to do so, the Parties hereby agree to the following Conciliation Protocol, and it is hereby **ORDERED** as follows:

1. For any disputes regarding a Party's objections or responses to, or any other disputes regarding, any Requests for Production of Documents, Interrogatories, Requests for Admissions, Requests for Inspection, Depositions or Requests for Examination (collectively, "Discovery Dispute"), the Party seeking to meet and confer on any Discovery Dispute shall first send the other Party (copying the Conciliator) a written communication specifically identifying the Discovery at issue, and the specific reasons the Party seeks to meet and confer on that Discovery.

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2. If the Parties are unable to resolve the Discovery Dispute between themselves, they shall then seek to schedule a telephone conference with the Conciliator in a further attempt to resolve the dispute.

3. If the Parties remain unable to resolve all or part of the Discovery Dispute following communications with the Conciliator and the Conciliator determines that the Discovery Dispute is ripe for filing with the Court, then the Party intending to bring a motion may do so, but shall first communicate with opposing counsel and the Court's law clerk to determine availability of the Court and opposing counsel, and after obtaining mutually agreeable dates may then file a motion in accordance with Va. Sup. Ct. R. 4:15.

4. Except as provided in Paragraph 7, the parties will at all times comply with the Court's Rules respecting Conciliation, including specifically "All proceedings are informal and confidential. The Conciliator's recommendations or suggestions are not binding upon the parties and are not disclosed to the Court." This includes all communications between the parties in attempting to resolve the discovery disputes.

5. All Discovery Disputes or other matters resolved through the Conciliator, whether in whole or in part, shall be reduced to a Consent Order reflecting the terms of the Parties' agreement on the resolved Discovery.

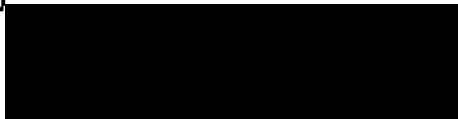
6. If either Party believes the Discovery Dispute is an emergency, or exigent circumstances exist, that Party shall state the specific grounds for this position in the Meet and Confer Communication, and unless the parties agree that it may be filed without Conciliation, shall request the Conciliator's permission to file a motion without scheduling a telephone conference with the Conciliator. The Conciliator shall then opine whether the matter can be

expedited in the Conciliation process, and/or whether any emergency or exigent circumstances exist justifying filing without the benefit of the Conciliator's participation.


7. The Conciliator shall determine the order, priority, and ripeness of all motions regarding any Discovery Disputes. The Court shall determine the mutuality of any Discovery Disputes and whether they are subject to cross-motions practice. The Conciliator shall consider in making this determination the timing of the requests giving rise to the dispute, the relationship to other discovery issues, the need for the information given the progress of the case, how long the discovery issue has been outstanding and any other factor the Conciliator deems appropriate. For all Discovery Disputes pre-dating this Consent Order, each Party shall send the Conciliator by September 15 (copying the other Party) a written communication listing in priority that Party's current outstanding motions and describing the motions. The Conciliator shall then determine the order and priority of motions practice regarding those pre-existing Discovery Disputes.

SO ORDERED.

ENTERED this 9 day of September 2021

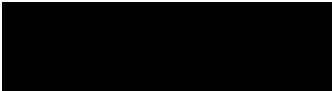

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

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