

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

John C. Depp, II,

Plaintiff and Counter-defendant,

v.

Amber Laura Heard,

Defendant and Counter-plaintiff.

Case No. CL2019-02911

MOTION  
2021 JAN 22 AM 10:27  
JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S  
REQUEST TO APPOINT A CONCILIATOR AND MOTION TO COMPEL  
CONTACT INFORMATION FOR WITNESSES IDENTIFIED IN DISCOVERY**

COMES NOW Defendant/Counterclaim Plaintiff Amber Laura Heard ("Ms. Heard"), by counsel, in accordance with the practices of this Court, and the Fairfax County Circuit Court Manual, and requests this Court to appoint a Conciliator for discovery disputes in this matter, or alternatively, to appoint a Conciliator each time a discovery motion is filed.

In addition, in accordance with Rule 4:12 of the Rules of the Supreme Court of Virginia, Ms. Heard moves this Court for entry of an Order compelling Plaintiff/Counterclaim Defendant John C. Depp II ("Mr. Depp) to fully produce contact information for the individuals identified as potential witnesses in response to specific the request contained in Defendant's First Interrogatories to Plaintiff.

Counsel for Defendant/Counterclaim Plaintiff hereby certifies, pursuant to Rule 4:12(a)(2) and 4:15(b), that they have in good faith conferred with counsel for Plaintiff/Counterclaim Defendant in an effort to obtain the requested relief without judicial intervention.

The grounds for Defendant/Counterclaim Plaintiff's Motion are addressed more fully in Defendant/Counterclaim Plaintiff's accompanying Memorandum in Support.

January 22, 2021

Respectfully submitted,



Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
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brottenborn@woodsrogers.com  
jtreece@woodsrogers.com

*Counsel to Defendant/Counterclaim  
Plaintiff Amber Laura Heard*


**CERTIFICATE OF SERVICE**

I certify that on this 22<sup>nd</sup> day of January 2021, a copy of the foregoing was served by via email, pursuant to the Agreed Order dated August 16, 2019, addressed as follows:

Benjamin G. Chew, Esq.  
Andrew C. Crawford, Esq.  
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Facsimile: (202) 536-1701  
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Camille M. Vasquez, Esq.  
BROWN RUDNICK LLP  
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Facsimile: (949) 252-1514  
[cvasquez@brownrudnick.com](mailto:cvasquez@brownrudnick.com)

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

  
Elaine Charlson Bredehoit (VSB No. 23766)

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

FILED  
MOTIONS DOCKET  
2021 JAN 22 AM 10:27

John C. Depp, II,

Plaintiff and Counter-defendant,

v.

Amber Laura Heard,

Defendant and Counter-plaintiff.

Case No. CL2019-02911

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**MEMORANDUM IN SUPPORT OF DEFENDANT/COUNTERCLAIM PLAINTIFF  
AMBER LAURA HEARD'S REQUEST TO APPOINT A CONCILIATOR  
IN THIS ACTION AND MOTION TO COMPEL  
CONTACT INFORMATION FOR WITNESS INTERROGATORY**

**I. Ms. Heard Requests the Court Appoint a Conciliator  
in this Matter to Assist the Parties with Discovery Disputes**

As this Court has noted on many occasions, the parties' discovery disputes carry a familiar pattern: the parties file objections, there are email exchanges and then one or more meet and confers, then delays in responding, then one party files a motion to compel, the other party claims there has been no meet and confer (and the other side disagrees), then in the responding brief, the opposing party agrees to provide certain discovery, but resists including in the Order, then never provides the discovery, resulting in yet another motion to compel. The vast majority of this could be avoided with a Conciliator being appointed in this case, with the proviso that neither party may place a discovery motion on the docket until it has been conciliated with the parties and any agreements reduced to an Agreed Order, and then any remaining issues can be placed on the docket.

This will resolve the vast majority of the issues between the parties without taking the time of this Court, which is highly valuable with the many challenges posed with COVID, managing the myriad of issues facing the Court, and maintaining a heavy criminal docket as

well. It will also incentivize the parties to work harder to resolve the issues and will eliminate the disputes over whether there were meet and confers, whether there were agreements in lieu of Court Orders, and whether those agreements were breached. Finally, it will either eliminate or significantly reduce the issues remaining to be brought before this Court.

The Fairfax Circuit Court Practice Manual permits a discovery Conciliator to be assigned to a motion or dispute on an *ad hoc* basis, but this procedure requires one of the parties to first file a contested motion before it can receive the services of a discovery conciliator. Att. 1, § M, 3.02 (Fairfax Circuit Court Practice Manual). But the Manual also provides that “there is no limit on the number of times conciliation services may be used during any action,” and they will be “provided as often and as long as the parties desire them.” *Id.*, § M, 3.05. The Court has the discretion to appoint a Conciliator for the case to resolve discovery disputes, or to appoint a different Conciliator each time there is a dispute. Given the complex nature of this case, it would make sense to have the same Conciliator for all the disputes, and will likely significantly lessen the amount of time required to arrive at the heart of the disputes and resolve them.

For these reasons, Ms. Heard respectfully requests that the Court appoint a Conciliator for discovery disputes in this case, and further Order all resolved issues be reduced to a Consent Order. In the alternative, Ms. Heard respectfully requests that the Court appoint a Conciliator each time a party files a discovery motion in this case so the parties can engage in genuine, serious, and timely efforts to resolve the dispute before the hearing date of the motion, or to significantly narrow the issues brought before this Court.

**II. Ms. Heard Requests the Court Order Plaintiff to  
Provide Contact Information in Response to the Witness Interrogatory**

Perhaps highlighting the need for and value of appointing a Conciliator to discovery disputes, Ms. Heard respectfully requests that the Court require Mr. Depp to produce contact

information for the witnesses identified by Mr. Depp in response to the persons with knowledge (witness) interrogatory, served on October 17, 2019. **Att. 2.** Mr. Depp listed 42 persons with knowledge of the claims and defenses, while providing contact information for only five. A further three were listed stating that they could be contacted “through Plaintiff’s counsel,” and one contact listed is now deceased. That leaves 33 witnesses for whom no contact information was provided. Not coincidentally, Mr. Depp moved to compel the contact information for all individuals identified by Ms. Heard in December, which Ms. Heard provided before the Motion was filed.

This information is necessary soon, as the parties are scheduling and taking multiple out-of-state depositions, to be used as depositions *de bene esse* with an agreed upon schedule for designating and cross designating testimony and resolving objections before the hearing on May 6, so the parties can edit the videos and present smooth testimony at trial, again, to move the trial along to be completed on time.

Counsel for Ms. Heard met and conferred with counsel for Mr. Depp on January 11, 2021, and followed up the meet and confer on January 12, 2021. **Att 3.** Counsel for Ms. Heard received no substantive response, despite following up on the issue on January 18, 2021 and again on January 19, 2021. **Att 4.** Therefore, Ms. Heard requires the intervention of this Court and asks for an Order compelling the contact information.

### CONCLUSION

For the reasons set forth above, Defendant’s Motion should be granted.

January 22, 2021

Respectfully submitted,



Elaine Charlson Bredehoff (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
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*Counsel to Defendant/Counterclaim  
Plaintiff Amber Laura Heard*

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



Elaine Charlson-Bredenoit (VSB No. 23766)



## 2.02 List of Judges and Forms

Contact the Clerk's Office of the circuit court where you filed your case to obtain a participating judge's contact information. A list of participating judges may be found here:

[http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc\\_judges.html](http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc_judges.html)

Forms used in the program are available here:

<http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/forms/home.html>

## 2.03 Links to Procedures and FAQs

Procedures:

[http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc\\_procedures.html](http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc_procedures.html)

Frequently Asked Questions:

[http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc\\_brochure.html](http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc_brochure.html)

## 3.00 THE CONCILIATION PROGRAM

The Conciliation Program is a service of the Fairfax Bar Association and is sponsored by the Fairfax Law Foundation. The Program's conciliators are experienced litigators, with expertise in both civil litigation and family law. They have volunteered their services to help resolve motions and other preliminary disputes without charge to the parties in the case.

The Conciliation Program is entirely voluntary. It aims to speed up the disposition of cases and reduce the cost of litigation by helping to resolve the types of procedural motions and interim matrimonial disputes which tend to burden the system and which frequently frustrate the judicial system's goal of providing a swift and fair determination of the parties' rights.



### 3.01 Types of Disputes Appropriate for the Conciliation Program

The types of disputes which the Conciliation Program can resolve include, but are not limited to, motions and petitions: (1) in all civil discovery disputes; (2) for visitation and emergency visitation orders; (3) to modify scheduling orders (except continuances); (4) seeking *pendente lite* relief; and (5) in other matters, at the discretion of the Court.

### 3.02 Conciliation Procedures

There are a number of ways to obtain a conciliator for a dispute: request conciliation when filing a motion; make a request by e-mail; request conciliation at the call of the motions docket; or a judge may designate a matter for conciliation. Conciliators are available to meet with the parties to conduct these conciliation sessions in person at the courthouse, or will conduct the sessions by phone for the convenience of all concerned.

#### a. Pre-hearing Request

You may request conciliation when you file your motion or opposition. If you believe that a motion would benefit from conciliation, fill a Request for Conciliation Form (App. M-10) that is available online at [www.fairfaxbar.org](http://www.fairfaxbar.org) under the "Public Resources – Lawyers Helping You" tab, or at the Fairfax Bar Association Office, located at 4110 Chain Bridge Road, Suite 216, Fairfax, Virginia 22030. You can email the form to [ffxconciliation@aol.com](mailto:ffxconciliation@aol.com) or fax it to the Conciliation Coordinator, Fairfax Bar Association at (703) 273-1274. A conciliator will contact the interested parties and offer to assist in resolving the dispute. Make sure the Request Form is filled out to include your name, both phone and fax numbers and e-mail addresses, together with those of the opposing parties or their counsel.

#### b. Motions Day Request

If early conciliation is not possible, all you need do to obtain conciliation is show up for Motions Day ready to conciliate. Qualified conciliators attend each Motions Day session and are readily available in the courthouse to assist with a case. The names and locations of conciliators are announced at the beginning of each judge's docket call.

c. Judge's Discretion

Your case may be designated for early conciliation by the judge assigned to hear your case on Motions Day. Typically, these designations occur late on Tuesday or early on Wednesday of the week the motion is set to be heard. If your motion is designated for conciliation, the judge's law clerk will call counsel or *pro se* parties, after which a conciliator will be assigned to the motion, who will then contact counsel and/or *pro se* parties to initiate conciliation.

3.03 Conciliator's Role

When conciliation is requested, trained conciliators meet with the interested parties. They listen carefully to each party's position and assist the parties in reaching a resolution of the dispute by helping the parties develop realistic and satisfactory ways for the dispute to be resolved without further intervention by the Court. All proceedings are informal and confidential.

Conciliation is available to litigants before the Court. It is available whether or not the parties have counsel of their own. Conciliators do not give legal advice to either side of a dispute, and are neutral and impartial. They will, however, endeavor to do whatever is required to assist all parties to understand the real nature of the dispute. Once the dispute is clearly defined, the conciliator should be able, in most cases, to help the parties and their counsel develop ways in which the legitimate goals of each party can be achieved without the expense and uncertainty of further litigation.

3.04 Cost

Conciliation services are provided to all parties FREE OF CHARGE. Conciliators will neither ask for nor accept compensation for their services. Conciliation is provided solely as a public service by The Fairfax Bar Association to parties and their counsel litigating cases in the Circuit Court of Fairfax County.

3.05 Limitation

There is no limit on the number of times conciliation services may be used during any action. Conciliation services will be available and will be provided as often and as long as the parties desire them.



t *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.

### **INTERROGATORIES**

1. Identify each person having any knowledge or information about any of the claims or defenses in this case, including but not limited to Your (a) substance abuse, (b) damage of property, (c) acts of violence, (d) abuse in any form of any Romantic Partner, and (e) relationship with Ms. Heard. The answer to this Interrogatory should include contact information, to the extent known, for the following: Alejandro Romero, Ben King, Bobby de Leon, Brandon Patterson, Bruce Witkin, Christi Dembrowski, C.J. Roberts, Dr. Connell Cowan, Cornelius Harrell, Dr. David Kipper, Debbie Lloyd, Erin Boerum (Falati), Isaac Baruch, Joel Mandel, Kevin Murphy, Jerry Judge, Josh Drew, Keenan Wyatt, Laura Divenere, Lisa Beane, Malcolm Connolly, Melissa Saenz, Nathan Holmes, Samantha McMillan, Sam Sarkar, Sean Bett, Stephen Deuters, Tara Roberts, Todd Norman, Trinity Esparza, Trudy Salven, Tyler Hadden.

#### **ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff’s purported substance abuse, damage of property, acts of violence, and “abuse in any form” are irrelevant to the claims or defenses in this case. Plaintiff further objects to the extent that this Interrogatory assumes facts not in evidence, and contains allegations that Mr. Depp intends to disprove.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following individuals with knowledge of the claims or defenses in this case:

<b>Person</b>	<b>Contact Information</b>
Isaac Baruch	Unknown
Lisa Beane	Unknown
Sean Bett	Contact through Plaintiff's counsel.
Robin Baum	901 Highland Ave, Los Angeles , CA 90038 (310) 461-0100
Erin Boerum	Unknown
Malcolm Connolly	Unknown
Dr. Connell Cowan	Unknown
Bobby de Leon	Unknown
Elisa "Christi" Dembrowski	To be contacted through counsel Dylan Ruga, Stalwart Law Group, 1100 Glendon Ave., 17th Floor Los Angeles, CA 90024, 310-954-2000
Gina Deuters	Contact through Plaintiff's counsel.
Stephen Deuters	Contact through Plaintiff's counsel.
Laura Divenere	Unknown
Josh Drew	Unknown
Trinity Esparza	Unknown
Tyler Hadden	Unknown
Cornelius Harrell	Unknown
Nathan Holmes	Unknown
Jerry Judge	Deceased
Ben King	Unknown
Dr. David Kipper	Unknown

Debbie Lloyd	Unknown
Joel Mandel	To be contacted through Michael Kump and Suann MacIsaac, Kinsella Weitzman Iser Kump & Aldisert LLP, 808 Wilshire Blvd., Santa Monica, CA 90401, 310-566-9800
Samantha McMillen	Unknown
Kevin Murphy	Unknown
Todd Norman	Unknown
Brandon Patterson	Unknown
C.J. Roberts	Unknown
Tara Roberts	Unknown
Alejandro Romero	Unknown
Anthony Romero	Unknown
Melissa Saenz	Unknown
Trudy Salven	Unknown
Sam Sarkar	Unknown
Robin Schulman	Unknown
Doug Stanhope	Unknown
Laura Wasser	2049 Century Park East, Suite 800 Los Angeles, CA 90067, (310) 277-7117
Wasser, Cooperman & Mandles, P.C.	2049 Century Park East, Suite 800 Los Angeles, CA 90067, (310) 277-7117
Jessica Weitz	Unknown
Bruce Witkin	Unknown
Keenan Wyatt	Unknown

Blair Berk	Unknown
Jacob Bloom	Unknown

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

**ANSWER:**

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

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

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

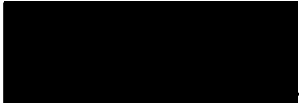
**ANSWER:**

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



Dated: October 28, 2019

Respectfully submitted,

  
Benjamin G. Chew (VSB #29113)  
Elliot J. Weingarten (*pro hac vice*)  
Camille M. Vasquez (*pro hac vice*)  
Andrew C. Crawford (VSB #89093)  
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- and -

Robert B. Gilmore (*pro hac vice*)  
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Adam R. Waldman  
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1775 Pennsylvania Avenue NW, Suite 350  
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*Counsel for Plaintiff John C. Depp, II*

**CERTIFICATE OF SERVICE**

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

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
John C. Quinn (*pro hac vice*)  
Joshua Matz (*pro hac vice*)  
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Roanoke, Virginia 24011  
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brottenborn@woodsrogers.com  
jtreece@woodsrogers.com

*Counsel for Defendant Amber Laura Heard*

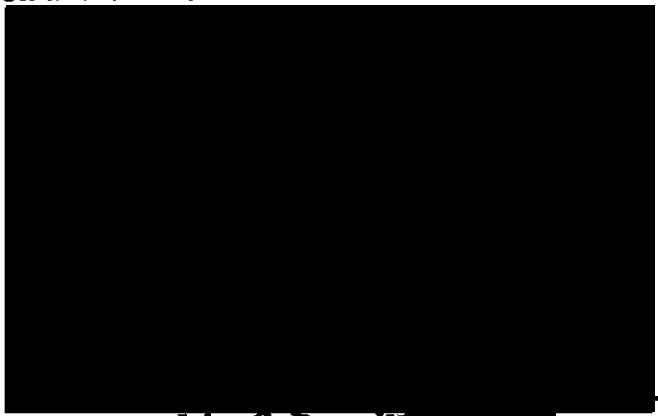
  
Benjamin G. Chew

**CERTIFICATION**

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

Dated: 28 Oct., 2019

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



John C. Depp, N

## Elaine Bredehoft

---

**From:** Elaine Bredehoft  
**Sent:** Thursday, January 14, 2021 2:11 PM  
**To:** Chew, Benjamin G.  
**Cc:** Ben Rottenborn; Adam Nadelhaft; Vasquez, Camille M.  
**Subject:** RE: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

Ben: How are you doing on Items 1 and 2? I am free to talk this afternoon if that would be helpful.

Camille: I did not see a response to No. 4, but if you sent, please forward again.

Thanks.

Elaine

Elaine Charlson Bredehoft  
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(703) 318-6800  
(703) 919-2735 (mobile)  
(703) 318-6808 (fax)  
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---

**From:** Chew, Benjamin G. <BChew@brownrudnick.com>  
**Sent:** Wednesday, January 13, 2021 8:31 AM  
**To:** Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>  
**Cc:** Ben Rottenborn <brottenborn@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>  
**Subject:** Re: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

Good morning, Elaine,

Thanks for your message yesterday.

As to your recommendation to engage a conciliator, your item 2, we respectfully decline and prefer to stay with the status quo, and Chief Judge White.



We are still working through items 1, 2, and I believe Camille already responded as to 4. Concerning Ms. Howell, I will consult with Camille and get back to you.

Best regards,

Ben

From: Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>

Sent: Tuesday, January 12, 2021 2:15 PM

To: Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>

Cc: [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>

Subject: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

CAUTION: External E-mail. Use caution accessing links or attachments.

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Ben and Camille: I am writing to follow up on our call yesterday. We still have the following issues outstanding and I am awaiting your responses:

1. Anti-SLAPP. You indicated you would like to place our Plea in Bar on Anti-SLAPP on the docket for January 29. After reviewing the pleadings, briefs and researching, I indicated that we have asked for a Jury trial on the Plea in Bar, and are not in agreement with setting this down on the pleadings with 5 page briefs and 30 minutes. We believe this should be reserved for trial in light of the jury request, and at a minimum, if there were any issues to be decided by the Court, we would want an evidentiary hearing and longer briefing. You were going to take a look at this and let me know your thoughts. If you still believe you can place this on the docket on the pleadings, you were going to let me know so that we can appear at Calendar Control before Chief Judge White to address this issue. You indicated you are available tomorrow morning, as am I, but if we are going to appear, we should get the Calendar Control notice filed asap to give Chief Judge White a head's up.
2. Conciliator. I suggested that we request a Conciliator for this case to try to resolve or at least narrow more of the discovery disputes before appearing before Chief Judge White. We have had a number of occasions where we disagree about whether a meet and confer has taken place, and then agreement later about what will be produced – after the briefs are filed, and it seems to me that these types of issues can be more efficiently resolved with a Conciliator than taking up Chief Judge White's time. We have several avenues for requesting appointment of a Conciliator, but this is one of the things we can address with Chief Judge White through Calendar Control. You were going to think about it and let me know.
3. Attorneys' fees Procedure under Rule 3:25(D). You said you were confident we could work this out before next Friday's hearing, and you owed us a response. I am happy to jump on a call to talk through any issues you may have.
4. Other discovery supplementation. I indicated that there were a number of individuals you have identified as having knowledge and no contact information. I would appreciate your updating this asap. Also, there are two categories of documents you had agreed to provide based on a hearing in September relating to Ed White, namely Nos. 3 and 5 of the 7th RFPs – All documents supporting or otherwise relating to the allegations contained in Paragraph 7 of the Second Witness Statement of Edward White (attached to the RFPs), and All documents supporting or otherwise relating to the allegations contained in paragraph 9 (including 9(a)-(e) of the Second Witness Statement of Edward White. These last two were promised by October 30. If you believe you have provided, please let me know when and by what means (and if able, the bates numbers). If not, please let me know when we can expect these.
5. Separately, Jennifer Howell's counsel has represented that you (not sure which attorney, but Mr. Depp's counsel) have represented to Ms. Howell's counsel that you do not plan to call her as a witness at trial. Can you please confirm this?

Thanks very much for your cooperation. As I indicated, please let me know if another call would be helpful to resolve any of these issues. Also, if you want to schedule Calendar Control, please let me know asap, or if you need more time and you are available other days for the Calendar Control, let me know what days and let's see if we can lock one in.

Elaine

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## Elaine Bredehoft

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**From:** Elaine Bredehoft  
**Sent:** Tuesday, January 19, 2021 8:21 AM  
**To:** Vasquez, Camille M.; Chew, Benjamin G.  
**Cc:** Ben Rottenborn; Adam Nadelhaft  
**Subject:** RE: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

Thanks Camille. I will review these. When can you update your witness interrogatory with contact information for each? Elaine

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**From:** Vasquez, Camille M. <CVasquez@brownrudnick.com>  
**Sent:** Monday, January 18, 2021 11:45 PM  
**To:** Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BChew@brownrudnick.com>  
**Cc:** Ben Rottenborn <brottenborn@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>  
**Subject:** RE: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

Hi Elaine,

Hope you had a nice weekend.

4. We provided supplemental responses to RFP Nos. 3 and 5 of the 7th RFPs on October 23, 2020 (see attached). As stated in our supplemental responses, Mr. Depp has produced all non-privileged, responsive documents. Specifically, these documents include the divorce settlement agreement and Mr. Depp's tax returns.

5. We have not finalized our trial witness list nor has Ms. Howell been deposed, so we are not in a position to tell you whether she will testify at trial.

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**From:** Elaine Bredehoft [<mailto:ebredehoft@charlsonbredehoft.com>]  
**Sent:** Monday, January 18, 2021 8:34 AM  
**To:** Chew, Benjamin G.  
**Cc:** Ben Rottenborn; Adam Nadelhaft; Vasquez, Camille M.

**Subject:** RE: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

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Ben and Camille: I am following up on my Item Nos. 4 and 5:

4. Other discovery supplementation. I indicated that there were a number of individuals you have identified as having knowledge and no contact information. I would appreciate your updating this asap. Also, there are two categories of documents you had agreed to provide based on a hearing in September relating to Ed White, namely Nos. 3 and 5 of the 7<sup>th</sup> RFPs – All documents supporting or otherwise relating to the allegations contained in Paragraph 7 of the Second Witness Statement of Edward White (attached to the RFPs), and All documents supporting or otherwise relating to the allegations contained in paragraph 9 (including 9(a)-(e) of the Second Witness Statement of Edward White. These last two were promised by October 30. If you believe you have provided, please let me know when and by what means (and if able, the bates numbers). If not, please let me know when we can expect these.

5. Separately, Jennifer Howell's counsel has represented that you (not sure which attorney, but Mr. Depp's counsel) have represented to Ms. Howell's counsel that you do not plan to call her as a witness at trial. Can you please confirm this?

I believe Ben deferred to Camille on both of these. Camille: Do you have a response on these? Thanks. Elaine

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**From:** Elaine Bredehoft

**Sent:** Thursday, January 14, 2021 2:11 PM

**To:** Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>

**Cc:** Ben Rottenborn <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>

**Subject:** RE: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp



Ben: How are you doing on Items 1 and 2? I am free to talk this afternoon if that would be helpful.

Camille: I did not see a response to No. 4, but if you sent, please forward again.

Thanks.

Elaine

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**From:** Chew, Benjamin G. <[BChew@brownrudnick.com](mailto:BChew@brownrudnick.com)>  
**Sent:** Wednesday, January 13, 2021 8:31 AM  
**To:** Elaine Bredehoft <[ebredehoft@charlsonbredehoft.com](mailto:ebredehoft@charlsonbredehoft.com)>  
**Cc:** Ben Rottenborn <[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)>; Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>  
**Subject:** Re: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

Good morning, Elaine,

Thanks for your message yesterday.

As to your recommendation to engage a conciliator, your item 2, we respectfully decline and prefer to stay with the status quo, and Chief Judge White.

We are still working through items 1, 2, and I believe Camille already responded as to 4. Concerning Ms. Howell, I will consult with Camille and get back to you.

Best regards,

Ben

From: Elaine Bredehoft <[ebredehoft@charlisonbredehoft.com](mailto:ebredehoft@charlisonbredehoft.com)>  
Sent: Tuesday, January 12, 2021 2:15 PM  
To: Chew, Benjamin G. <[BCheW@brownrudnick.com](mailto:BCheW@brownrudnick.com)>; Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>  
Cc: [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); Adam Nadelhaft <[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)>  
Subject: Follow up from our call yesterday - Anti-SLAPP, Conciliator Request, Attorneys' fees Procedure, Discovery Supp

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Ben and Camille: I am writing to follow up on our call yesterday. We still have the following issues outstanding and I am awaiting your responses:

1. Anti-SLAPP. You indicated you would like to place our Plea in Bar on Anti-SLAPP on the docket for January 29. After reviewing the pleadings, briefs and researching, I indicated that we have asked for a Jury trial on the Plea in Bar, and are not in agreement with setting this down on the pleadings with 5 page briefs and 30 minutes. We believe this should be reserved for trial in light of the jury request, and at a minimum, if there were any issues to be decided by the Court, we would want an evidentiary hearing and longer briefing. You were going to take a look at this and let me know your thoughts. If you still believe you can place this on the docket on the pleadings, you were going to let me know so that we can appear at Calendar Control before Chief Judge White to address this issue. You indicated you are available tomorrow morning, as am I, but if we are going to appear, we should get the Calendar Control notice filed asap to give Chief Judge White a head's up.
2. Conciliator. I suggested that we request a Conciliator for this case to try to resolve or at least narrow more of the discovery disputes before appearing before Chief Judge White. We have had a number of occasions where we disagree about whether a meet and confer has taken place, and then agreement later about what will be produced – after the briefs are filed, and it seems to me that these types of issues can be more efficiently resolved with a Conciliator than taking up Chief Judge White's time. We have several avenues for requesting appointment of a Conciliator, but this is one of the things we can address with Chief Judge White through Calendar Control. You were going to think about it and let me know.
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