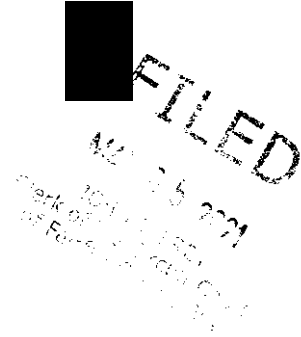


brownrudnick

BENJAMIN G. CHEW
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May 5, 2021



BY HAND DELIVERY

The Honorable Penney S. Azcarate
CHIEF JUDGE
Circuit Court of Fairfax County
Judges' Chambers
4110 Chain Bridge Road
Fairfax, VA 22030

Re: Depp v. Heard, Civil Action No.: CL-2019-0002911


Dear Chief Judge Azcarate:

As the Court recalls, last Friday, April 30, Your Honor heard argument on Plaintiff's Motion to Compel in the above-captioned matter. At the close of the hearing, I, on behalf of Mr. Depp, requested whether counsel might have until today (Wednesday, May 5) to submit a proposed Order, so that we might have the benefit of reviewing the hearing transcript, to which the Court graciously agreed. *See* Transcript of Hearing (April 30, 2021) at p. 69, attached hereto as **Exhibit A**.

To that end, Plaintiff obtained the transcript on an expedited basis, and I forwarded Mr. Depp's proposed Order to Defendant's counsel at 1:09 p.m. on Monday, May 3. Because she was busy, Ms. Bredehoft did not respond with her proposed edits until 10:29 a.m. today.

Regrettably several of Defendant's proposed changes do not, in Plaintiff's view, comport with Your Honor's ruling. Accordingly, Plaintiff respectfully submits as **Exhibit B** hereto his proposed Order on the Motion to Compel, noting that Defendant plans to submit her own proposed Order.

Warm regards,


Benjamin G. Chew
VSB # 29113

Enclosures

cc: All Counsel of Record



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Hearing before HONORABLE PENNEY AZCARATE,
conducted virtually.

Pursuant to agreement, before Merinda Evans,
Notary Public in and for the State of Maryland.

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A P P E A R A N C E S

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P R O C E E D I N G S

THE COURT REPORTER: Yes, I do.

THE COURT: All right. Thank you, ma'am.

All right. So in this matter, Depp v. Heard,
we are here for the Motion to Compel.

Mr. Chew, and -- and I got the table, which is
more of -- more of a cut-and-paste of the argument, but
I was just -- it's 65 pages. But I appreciate the
efforts. My law clerk did a different table for me, so
I'm going to work off that one a little bit.

But I just wanted to know because there was
information in the motions that maybe some the --
there's been some supplemental areas, so if you want to
marrow it down for the, that would be perfect.

MR. CHEW: Thank you, Your Honor.

Good morning, Your Honor, may I please the
Court. Ben Chew for Plaintiff, Johnny Depp. It is a
great honor to make this our first appearance before you
in this matter.

As the Court is -- as the Court is aware, we
are here on Mr. Depp's Motion to Compel documents
responsive to his 4th Request for Production. With Your

1 Honor's leave, I will make a few general comments and
2 proceed to particulars, reserving two minutes for
3 rebuttal.

4 THE COURT: All right. Yes, sir.

5 MR. CHEW: Thank you, Your Honor.

6 One, the documents at issue today were due back
7 on January 19th, 2021, more than three months ago.

8 Two, despite the 65 pages of chart, the thrust
9 of these four set of RFPs are really two-folds.

10 A, Mr. Depp speak infor -- seeks information
11 relating to Ms. Heard's \$100 million counterclaim for
12 defamation based on three statements made by Mr.
13 Waldman, and requires -- which damages claims requires
14 facts relating to Ms. Heard's career opportunities over
15 the last decade.

16 B, communications and other information
17 relating to Ms. Heard's claims of abuse. In that
18 regard, we will note very briefly that Police Officers
19 Saenz and Hadden testified that as to the key issue in
20 -- the key incident in this case, on May 21, 2016, Ms.
21 Heard had no injuries, and there was no damage to the
22 apartments, or the condos, where they were living.

1 Which testimony was confirmed by body camera footage
2 taken by the second set of officers that came to the
3 scene on May 21, 2016.

4 Ms. Heard's response to the Motion to Compel,
5 and we do appreciate some supplementation that was done,
6 is misplaced for three reason. Number one, she talks
7 about producing a million pages of documents, which is
8 approximately true, but most of this were social med --
9 social media materials that had been compiled by her --
10 one of her experts which -- which are not responsive or
11 particularly helpful.

12 Two, she says that Chief Judge White previously
13 denied the request at issue, which is respectfully
14 false. The requests that were denied by Chief Judge
15 White were far broader. We heeded his instruction, and
16 the instruct -- the requests at issue today, Your Honor,
17 are for more targeted.

18 Third and finally, Ms. Bredehoft argues that
19 these requests are moot based on her subsequent
20 production. But if you pause the language used by Ms.
21 Heard's counsel, it falls far short of the standard
22 under Rule 49. That is, her responses, her subsequent

1 responses, do not make clear whether the production
2 sought will be permitted, or state whether any
3 additional documents have been withheld on the grounds
4 of objections other than attorney-client privilege.

5 Now, to the particulars, Your Honor, and I will
6 group them together just for ease of time. The first
7 group, and this follows the order in our brief.

8 Document requests numbers 9, 11 through 14, 16, 18, 20,
9 22, 24, 26, 28 and 29 through 33. I'll just take a
10 couple of examples that are emblematic of the rest.

11 Number 9, All documents reflecting the impact
12 of the eight statements, the eight allegedly defamatory
13 statements in Ms. Heard's counterclaim, all of this goes
14 to the issue of Ms. Heard's alleged damages in the
15 counterclaim. Ms. Heard seeks to arbitrarily limit the
16 production of these responsive documents.

17 And Ms. Bredehoft actually confirmed that she's
18 standing on this objection just an hour ago when we
19 spoke very briefly. And admittedly, I -- I -- I didn't
20 have too much time to speak with her, but I gave this to
21 her as an example of where we still disagree. She says
22 that she's only producing documents after April 8th,

1 2020. The logic of her objection is that Chief Judge
2 White sustained Mr. Depp's plea in bar as to Statements
3 A through E of the counterclaims. In other words, the
4 earlier allegedly defamatory statements. One by Mr.
5 Depp, four by Mr. Waldman. And she's saying well, I
6 only have to produce documents after April 8th, 2020,
7 because those are the three surviving statements that
8 survive the plea in bar.

9 Well, we respectfully submit, Your Honor, that
10 that is arbitrary as it's quite possible, and Mr. Depp
11 should be able to argue that any damage to Ms. Heard's
12 career were not done by the last three statements, but
13 rather, and more likely, by the prior five statements.
14 In particular, Statement A attached to the counterclaim
15 was the only statement allegedly made by Mr. Depp. It
16 was allegedly defamatory, and that was in the GQ
17 article.

18 And I would respectfully submit to Your Honor
19 that far more people read the GQ article which featured
20 Mr. Depp on the cover and had his actual words than read
21 the next several statements that were complained of
22 which appeared on Mr. -- Mr. Waldman's Twitter account.

1 So clearly, Your Honor, we believe that that is
2 arbitrary, and if Your Honor should order Ms. Heard to
3 produce all document -- all documents reflecting the
4 impact of the eight statements on Ms. Heard's career.

5 Few more examples before I move to the next
6 category.

7 Request number 34, which calls for
8 communication, Ms. Heard's communications with the
9 studios about Mr. Depp's claims against Amber Heard; the
10 UK case, and the -- the eight defamatory statements that
11 were filed in the counterclaim.

12 Ms. Heard says in her supplement that she
13 stands on her objections, but these are core because
14 they -- these are core requests because they go to the
15 damages to Ms. Heard's career. And it bears noting that
16 Chief Judge White ordered Mr. Depp to produce all such
17 correspondence that he had with the studios about Amber
18 Heard, and their relationship over the past ten years.
19 Really going back to 2010, because you can't get a --
20 take a snapshot of what's happened since 2020. Chief
21 Judge White said you have to go back ten years with
22 respect to the tax returns, with respect to the

1 communications with the studios. We have produced all
2 of that.

3 Then, getting to the last examples in this
4 first category. Requests numbers 35 and 36. These are
5 communications between Amber Heard and her current
6 girlfriend, Bianca Butti, and others relating to Ms.
7 Heard's allegations of domestic abuse.

8 Clearly, Your Honor, these are relevant, nor
9 were they limited by Chief Judge White. What Chief
10 Judge White rejected was our overbroad prior request
11 where we wanted all communications between Amber Heard,
12 Ms. Butti, and others. And these requests, 35 and 36,
13 are far more targeted. We're saying all we want are
14 communications between Ms. Heard and Ms. Butti and
15 others, any others, really, about the allegations that
16 Mr. Depp abused her. They go to the core of Mr. Depp's
17 claims, and they go to the core of Ms. Heard's
18 counterclaims.

19 Second category, Your Honor, relates to what we
20 believe is the improper limiting extractions and refusal
21 to confirm that all responsive documents have been or
22 will be produced. This involves RFPs 2, 3, 4, 6, 18,

1 19, 28 through 33, and 38 through 42.

2 And Ms. Bredehoft's, or Ms. Heard's
3 supplemental responses, to her credit, she identifies
4 some documents responsive, produced by Bates number,
5 which is helpful, but she fails to withdraw the
6 objections other than attorney-client privileges, or to
7 confirm that all responsive documents other than those
8 that are privileged have been or will be produced.

9 Again, just to get you couple of examples.
10 Document request number 2, All documents and
11 communications regarding Mr. Heard's compensation for
12 commerce -- commercials, film or television from 2010 to
13 the present. Here again, Your Honor, Ms. Heard purports
14 to limit her production to documents after April 8th of
15 2020. The first of the three statements by Mr. Waldman
16 that survived Mr. Depp's plea in bar.

17 Clearly, Your Honor, we need to go back and
18 assess, we need the documents over a period of time. We
19 need the documents from 2010 to the present. That's not
20 an arbitrary date that we chose. That was guidance from
21 Chief Judge White when he ordered Mr. Depp to produce
22 documents relating to his income from commercials, TV,

1 or films from 2010 to the present, which include his tax
2 returns.

3 So, Your Honor, we respectfully submit that the
4 Court should reject the arbitrary limitation on the
5 damages documents from April 8th, 2020, to present, and
6 go back from 2010 to the present.

7 And getting to the last few bits, Your Honor,
8 the third of the three categories, RFPs 5, 7, 8 and 37.
9 Ms. Heard says that she is un -- she's unaware of
10 whether there are any responsive documents. If -- if
11 Ms. Bredehoft can make a representation that a
12 reasonable search has been done as to RFPs 5, 7, 8 and
13 37, and that Ms. Heard agrees to produce responsive
14 documents if they are found in a future reasonable
15 search, that that may be sufficient.

16 And finally, Your Honor, there are just two
17 other categories of document requests that require just
18 a brief explanation. One is RFPs numbers 37 through 42.
19 These deal with charitable deductions that Ms. Heard
20 claim -- Ms. Heard claims that, and stated under oath in
21 the UK proceedings, that she donated all \$7 million from
22 of the divorce proceeds that she received from Mr. Depp

1 based on a 15-month marriage that produced no children,
2 that she produced -- that she donated all \$7 million to
3 two charities. One, the Children's Hospital of Los
4 Angeles; and two, the ACLU. That was false. That --
5 that testimony was in fact perjury.

6 This is extremely relevant. Chief Judge White
7 ordered-- back in December, he ordered Ms. Heard to
8 produce her communications with the ACLU and with the
9 CHLA, which she said she produced by January 4th, 2021.
10 Ms. Heard vigorously opposed, moved to for protective
11 order, and to quash our subpoena to the Children's
12 Hospital of Los Angeles, which was denied by the
13 Honorable Stephanie M. Bowick in Los Angeles. And her
14 statement is as follows: The Court agrees with
15 Plaintiff -- that's Mr. Depp -- that the requested
16 information is relevant for the purposes of the
17 pre-trial discovery, Petitioner's public statements and
18 press releases about donating the money she receives
19 from the divorce settlement to charities were made in
20 conjunction with Petitioner's allegation that the
21 Plaintiff abused her and she was the victim of abuse.
22 Petitioner does not deny that she made public statements

1 regarding her alleged abuse by Plaintiff, and that as a
2 result, her intent to donate the settlement money to
3 charities have focused on vulnerable populations that
4 are less able to defend themselves. Therefore, the
5 Court finds that it is relevant to the Virginia action,
6 and mainly to the discovery of admissible evidence
7 reasonably assist Plaintiff in evaluating the case,
8 preparing for trial, or facilitating settlement.

9 She also imposed sanctions, monetary sanctions,
10 against Ms. Heard's counsel in California for taking
11 that position. Nevertheless, Ms. Heard took the rather
12 extraordinary step of appealing that to the Court of
13 Appeals that discovery ruling, and the Court of Appeals
14 California rejected that.

15 This is something that Ms. Heard, this is her
16 testimony in the third witness statement submitted on
17 February 26, 2020, The entire amount of my divorce
18 settlement was donated to charity.

19 Mr. Justice Nicol relied on her perjurious
20 statement when he made his statement to the -- when he
21 made his findings of fact. And this is paragraph 577.
22 I recognize that there were other elements of the

1 divorce settlement as well but her donation of the \$7
2 million to charity is hardly the act one would expect of
3 a gold digger.

4 Well, that may be true, but he was laboring
5 under the false testimony of Ms. Heard that she gave
6 seven million to charity. In fact, she did not give a
7 dime to charity.

8 So at any rate, the point of that was to show
9 that Chief Judge White found this to be very relevant,
10 ordered production of the correspondence, and now we're
11 asking for other correspondence related to her perjury
12 as to the issue of charitable deductions.

13 Finally, Your Honor, the last category of
14 documents, RFP numbers 18 and 19, go to drafts of the
15 op-ed that appeared in the Washington Post. These are
16 clearly relevant. Normally, drafts of something might
17 be privileged. And but in this case, Ms. Heard is
18 alleging that gee, you know, she really shouldn't be to
19 blame for this because the ACLU, the same ACLU that she
20 stiffed on the charitable contribution, helped her draft
21 it, and so did her first lawyer -- this is her third
22 lawyer she's had, hired and fired -- Eric George told

1 her that it was okay.

2 So Ms. Heard concedes that these documents are
3 clearly relevant but she says that there was -- it was
4 only a limited waiver of the privilege, and that two
5 years ago, one of Mr. Depp's co-counsel, she says,
6 agreed that there was no waiver of privilege. Well, and
7 she cites an email from Mr. Gilmore back on September
8 4th, 2019.

9 Well, I would submit A, Your Honor, that it
10 doesn't say what Ms. Bredehoft would like it to say. B,
11 and probably more importantly, that email by Mr. Gilmore
12 was sent more than one year before the answer Ms. Heard
13 filed in which for the very first time, since it was her
14 answer, her first answer, she had filed a number of
15 motions to dismiss that were denied by the Court, she
16 asserted for the first time a quote, unquote, Defense of
17 counsel as her 4th Affirmative Defense. And it was also
18 before Ms. Bredehoft recently called Eric George, who
19 was Ms. Heard's first lawyer, who was dismissed after
20 Chief Judge White denied her motion to dismiss and
21 transfer based on venue.

22 So Your Honor, we have -- we cited a case to

1 Your Honor that was by Judge Alden which says, and I
2 quote, Finally, the government has requested an order
3 that says -- that states that Mr. Dallmann has waived
4 attorney-client privilege and any attorney memorandum
5 providing advice about the operation of Jetflicks
6 because Mr. Dallmann has not indicated that the
7 intention -- I'm sorry. Let me read the other case.
8 That was -- that was Judge Ellis' case. I apologize.

9 Judge Alden wrote, Regarding Pros-Tech's
10 assertions of privileges, it is well-stated that when a
11 party asserts an advice of counsel defense, it waives
12 the attorney-client privilege with respect to all
13 communications to and from counsel concerning the
14 transaction for which counsel's advice is sought.

15 That is directly on point, Your Honor, and what
16 Mr. Heard is trying to do now is she's trying to hide
17 behind Mr. George, and his advice, and the ACLU, and
18 anybody else who may have come across the transom, and
19 -- and yet not allow communications, full communications
20 with counsel. That -- that's just runs directly
21 contrary to what Judge Alden had found. And contrary to
22 my practice in 33 years, you can't be a little bit

1 pregnant. Once you have divulged attorney-client
2 privilege, that is a general waiver, at least as to the
3 subject.

4 So we believe Mr. Depp should have access to
5 all of Ms. Heard's communications with Mr. George, and
6 to the ACLU, but that's going to be litigated in New
7 York, although their behavior has been disgraceful in
8 that regard having done no due diligence.

9 But Your Honor, it's very clear, and we will be
10 coming back to Your Honor because I wasn't allowed --
11 Mr. George was instructed not to answer any questions
12 about his communications with Ms. Heard on the issue of
13 whether he did any due diligence. He allegedly gave her
14 advice on whether her op-ed was defamatory, yet he
15 wouldn't tell me whether he did a scintilla of due
16 diligence on whether her claims are true, or whether he
17 even knew that it was Ms. Heard, not Mr. Depp, who had a
18 criminal record for abusing her form -- her last
19 girlfriend, Tasya Van Ree. Mr. Depp has no criminal
20 record for abusing, and has never been accused by a
21 single woman before Mr. Depp -- Ms. Heard raising a
22 finger.

1 Finally, Your Honor, I would like to
2 distinguish the case that Ms. Bredehoft cited from Judge
3 Ellis, and it's clearly distinguishable, Your Honor.
4 I'll just -- one statement made, this is Judge Ellis,
5 Finally, the government has requested an order that
6 states that Mr. Dallmann has waived any attorney-client
7 privilege and any attorney memorandum providing advice
8 about the operation of Jetflicks. Quote, because Mr.
9 Dallmann has not indicated an intention to assert an
10 advice of counsel, a defense to trial yet, he has not
11 waived attorney-client privilege.

12 Well, here, Ms. Heard has made very clear, and
13 she has asserted as her 4 Affirmative Defense in her
14 answer that she does intend to assert a counsel --
15 defense of counsel defense here. So it's unfair, Your
16 Honor, for her to use advice of counsel as a sword and
17 yet also use it as a shield in denying Mr. Depp to get
18 access to the full consultations relating to her advice
19 to Ms. Heard with respect to whether publishing the
20 op-ed in the Washington Post on December 18th of 2018
21 was a good idea or would in fact be defamatory.

22 Mr. George did admit that he has never looked

1 at the law of Virginia, which is interesting.

2 And I would respectfully reserve two minutes
3 for rebuttal, Your Honor.

4 THE COURT: All right. Mr. -- I -- I did have
5 one question for you before you finished, and I know
6 we're going to go a little longer, and that's fine.
7 And Ms. Bredehoft, I'll give you all the time you need
8 as well in this matter.

9 But there was -- Ms. Bredehoft brought up about
10 the word, impact, in that the word, impact, is overbroad
11 in quite a few of the RFPs. Could you just address that
12 issue.

13 MR. CHEW: Your Honor, I think what we were
14 getting at with impact is what effect, or what
15 commercial impact Mr. Depp's -- or rather, Mr. Waldman's
16 three statements, or all the statements, actually, since
17 there are all eight are in the counterclaim, Statements
18 A through G, what commercial impact that had on her
19 career, because she is suing, as Your Honor knows, Mr.
20 Depp for \$100 million, which is actually twice as much
21 as what Mr. Depp is suing Ms. Heard for. Which is
22 ironic because I think their -- their career track

1 record is slightly different.

2 But putting that aside, Chief Judge White
3 rightly ordered us, emphatically, to produce all
4 documents related to your damages claim, Mr. Depp. And
5 that was defined as going back, you know, to 2010, and
6 we have done that.

7 Ms. Heard's claim for damages is twice as much.
8 And all we ask for is the same. We -- we're not trying
9 to play games or wordsmith. We need the -- the
10 correspondence with the studios. You know, we're saying
11 Dear Amber, you know, given the controversy, you know,
12 given the statements that have been made, you know,
13 we're not going to -- we are not going to hire you for
14 Aquaman 6. That's all we'll trying to get, Your Honor.
15 We're not -- we're not trying to be overly burdensome.
16 But -- but to -- to arbitrarily cut it off at April 8,
17 2020, we're not going to find much about her damages
18 claims.

19 THE COURT: All right. Thank you, Mr. Chew.

20 MR. CHEW: Thank you, Your Honor.

21 THE COURT: Ms. Bredehoft.

22 We can't hear you.

1 MS. BREDEHOFT: Oops. That was on mute. Thank
2 you, Your Honor, I appreciate that.

3 Let me start off with some general comments
4 especially since Your Honor is coming in the case for
5 the first time.

6 I will say that I disagree rather vigorously
7 with an extensive amount of what Mr. Chew has
8 represented, and I'm going to try to go through and show
9 Your Honor all of the places where that's incorrect.

10 Let me start with Mr. Depp filed this Motion to
11 Compel in early February. She filed the identical
12 Motion to Compel two-and-a-half months later. Quickly,
13 after we asked if we could have this date to be able to
14 seek leave of this Court to file our leave to amend the
15 answer and grounds of defense, and supplement our plea
16 in bar because Mr. Depp had exhausted his appeals of the
17 case he brought in the UK. On the findings that he was
18 a wife beater, had engaged in domestic violence of Amber
19 Heard on at least 12 occasions, and had caused her to
20 fear for her life. All are final. And this is a case
21 Mr. Depp brought in the UK.

22 Now, we believe this motion was brought today,

1 Your Honor, essentially as a placeholder to further
2 delay our efforts with respect to seeking to apply the
3 UK decision to this court.

4 With respect to The Motion to Compel, there
5 were many developments in the interim of the
6 two-and-a-half months between filing of the identical
7 pleadings. First, Judge White ruled on demurrers and
8 pleas in bar, reducing the available claims and damages
9 to Amber Heard.

10 Second, Amber Heard produced literally
11 thousands of documents responsive to this kind of RFPs.
12 Not only damages, but on the op-ed, the ACLU, and the
13 Children's Hospital.

14 Amber Heard then produced a hard drive with
15 literally over a million documents supporting her
16 damages claims that are also responsive to these RFPs.

17 It is absolutely 100 percent false that we have
18 said we're not producing any documents before April 9th,
19 2020. A hundred percent false. And in fact, the vast
20 majority of our documents predate April 9, 2020. So for
21 example, Your Honor, the contracts, Ms. -- Ms. Heard has
22 produced everything she has that supports her damages

1 that she has at this point.

2 So the contracts, for example, those are Bates
3 stamped 105450 to 81. Those are all of her contracts.
4 Those date back to the Justice League, to her L'Oréal
5 contracts. They are way, way before 2020. Her tax
6 returns, she produced -- what Judge White ordered of Mr.
7 Depp was that he had to produce his personal tax returns
8 from 2010 to the present. And he had to redact out
9 everything except what showed the gross income.

10 Ms. Heard only has hers from 2013 through 2020.
11 She produced those, did the same redactions, and then,
12 she also produced the tax returns from her own company,
13 because what actors do is they have a second set of
14 corporations sometimes that it goes through, so it gives
15 the bigger federal picture. So she produced that as
16 well.

17 Then, she went to the act (inaudible) and I
18 told Mr. Chew and Ms. Vasquez this of asking -- asking
19 for the 2010, 2012 ones, to 2012, because she didn't
20 have them. And we put in that request, and we were told
21 we are going to get them next week. I've already told
22 Mr. Chew and Ms. Vasquez that we are going to produce

1 those as soon as we receive them. So clearly, they knew
2 before he made the representations to Your Honor today
3 that we weren't producing anything before April 2020,
4 that we produced for April 2020 and intended to.

5 The op-ed emails, Your Honor, we produced all
6 of the nonprivileged and the privileged relating to the
7 op-ed. Every single communication between Eric George
8 and Amber Heard relating in any way, shape, or form to
9 the op-ed.

10 And then, Mr. George was -- was deposed
11 afterwards. And in fact, Mr. Depp's counsel, and it was
12 California counsel who handles this, asked for
13 additional time after we produced those documents before
14 we had it. So we moved the deposition almost a month so
15 they would have plenty of time to go through each. And
16 I -- and I'll get to this at the end here, Your Honor,
17 but the agreement that was made, and it was before I was
18 in the case, but Mr. Chew and Ms. Vasquez were on that
19 email said as long as you don't cherry-pick, as long as
20 you produce all the documents relating to the advice of
21 counsel for the op-ed, then we would agree to the
22 limited waiver.

1 That's exactly what that emails says, and we
2 attached that. We did not cherry-pick, and in fact, we
3 elicited from Mr. George that he had not withheld, that
4 any every single one of them was produced.

5 Let me finish. I'm still going down my big
6 picture here.

7 Amber Heard served a 50-page expert witness
8 designation which provided significant detail on all of
9 her damages claimed. And it goes -- and it's again
10 false that it starts at April 9. There's extensive
11 detail of her history. There's extensive explanation of
12 all of these damages. We've done nothing to hide
13 anything, and it's -- it's just ambush here for them to
14 try to claim otherwise.

15 The deposition of Eric George, Amber Heard's
16 attorney, advising her on the op-ed, was taken. Now,
17 what Mr. Chew is trying to get Your Honor to do through
18 confusion is say that all of the documents relating to
19 Mr. George's communication with Amber Heard should be
20 produced. But that's not accurate, and I can cover that
21 later, but the point is he also represented her in this
22 action for a period of time. He's California counsel.

1 He came in, tried to move it back to California, was
2 unsuccessful at that. But he was representing her in
3 this action. So what Mr. Chew is trying to get the
4 Court to do is also develop his communications in this
5 case. But that's not what the case law says. That's
6 not what the Fairfax case that -- that Judge Alden said,
7 and, in fact, he quoted exactly right that relates to
8 that specific advice. And that's not what Judge Ellis'
9 opinion says.

10 Then, we also had the deposition of Children's
11 Hospital representative. It was taken after the
12 production of all the documents. Again, Mr. Chew made
13 misrepresentations to Your Honor, and I'm highly upset
14 about them. It is false that Ms. Heard has provided
15 zero. In fact, Children's Hospital testified that --
16 that Ms. Heard gave, I think it's just a little bit
17 under a million to them; that she pledged the 3.5. And
18 in fact, the document that was written by Mr. Depp's
19 business manager in giving the first 100,000 that should
20 have been credited to Amber Heard, because it came out
21 of the divorce settlement was, in fact credited to Mr.
22 Depp. But he even said in that letter she is pledging

1 the -- the 3.5, and it would be paid over a period of
2 time. And Ms. Heard has every intention of paying the
3 full pledge, and she started making payment to it, but
4 she got sued by Mr. Depp. And so she's got a little
5 economic issue here, and she still said she plans to do
6 so.

7 The other part of that is the ACLU. She paid,
8 I think it's over a million there, Your Honor. She was
9 also responsible for others donating more than a
10 million. I think it's exactly a million dollars to each
11 -- 500,000 to each.

12 But all of that's not relevant here, Your
13 Honor. And here's another distinction that Your Honor
14 needs to be careful of. Mr. Chew lunged into quoting a
15 decision by a judge, inferring that that was Judge
16 White. It was not. It was the California judge. Judge
17 White said, I don't know if this is even relevant at
18 all. I'm going to allow limited discovery. And he
19 denied any more extensive discovery. We included as an
20 attachment the actual statements made by Mr. -- by Judge
21 White in his ruling on that. We've produced documents
22 that are relevant to her actual giving these donations.

1 But the other thing is, and we attached this.
2 Mr. Depp has said he didn't pay a dime to her for any
3 claims of sexual abuse or -- or domestic violence or
4 anything of that nature. The seven million had nothing
5 to do with that. Which ultimately we hope Your Honor
6 will rule on motions in limine has nothing to do with
7 it.

8 The other thing that was disturbing is that Mr.
9 Chew argued about what was brought in front of the UK
10 court. Well, they brought all of these donations to the
11 Appeals Court, asked for -- they said they -- it is new
12 evidence, they want to go back in, and the Appeals Court
13 unequivocally held, and I have filed a Notification of
14 Judicial Notice, Your Honor, of the decisions both in
15 the UK with Justice Nicol, which was a 192-page --
16 129-page opinion, 5 -- 585 paragraphs along, with the
17 decisions on the appeals denying him. And they said
18 this has nothing to do with this case and whether she
19 was domestically, you know, violated or -- or that there
20 was any kind of domestic violence against her. Nothing
21 to do with that.

22 So after the -- so the other more important big

1 picture, and I'm sorry, I keep jumping around, Your
2 Honor, but I just think it's important to get the whole
3 context here. I held two more meet and confers with Mr.
4 Chew and Ms. Vasquez. Ms. Vasquez is their California
5 counsel who is very active in this case. We discussed
6 all of the requests for production. We discussed
7 everything that I just raised above. I discussed, and
8 then, they said well, can you please give us the Bates
9 stamp numbers for all of the documents that you produced
10 that are responsive to these.

11 Now, it's important to note that when we have
12 issued, I think it's 12 requests for production of
13 documents, Mr. Depp's team has never given us a Bates
14 stamp that's responsive for anything. But we said okay,
15 we'll do it. And it was an undertaking, and we had to
16 go back and go quite through a few to do that, but we
17 did it. And it was a 91-page document that we attached
18 as number 1.

19 So on Tuesday of this week, Your Honor, I was
20 on a telephone call with Mr. Chew and Ms. Vasquez. I
21 asked them, What else still remains? Have we resolved
22 this completely? I think that we resolved all of the

1 issues here. Is there anything left? And Ms. Vasquez
2 said she appreciated my supplemental response, she was
3 still working through it, she would follow up with me.
4 I said, Look, I can make availability on Wednesday.
5 Let's get this resolved earlier.

6 Never heard from her. Instead, Wednesday
7 night, we get this too 60 -- Your Honor has already
8 referred to this. I thought it was a 61 page. It might
9 be 65-page chart, that set out every single requests for
10 production, all the objections, our initial responses,
11 our supplemental responses, which were already in
12 attachment 1 anyway. There was no effort to reduce the
13 RFPs. There was no effort to engage me to say here's
14 what we still feel like we need.

15 Instead, I am ambushed today. I have no clue
16 what they were going to bring today, Your Honor. I have
17 been asking them all the way through. I supplemented,
18 we gave you all this information, what's left? I was --
19 I had no idea how to prepare for today. I emailed Ben
20 Chew this morning asking him what remain for today. Did
21 not respond. I then called him. He said -- he said,
22 Look I don't have time to discuss. And I say, Well,

1 what are we talking about today? What's left? And he
2 said, Well, I'll just quickly give you an example. And
3 that's when he said that we weren't providing documents
4 evidencing the damages for one of Adam Waldman's
5 statements that Judge White had dismissed as time
6 barred.

7 That was the extent of what he told me was
8 being argued today. No idea what was left and what he
9 felt he was still -- still needed. And that's not --
10 you don't do it by ambush here.

11 But -- but let me answer that because he's
12 making it sound like we have some kind of obligation to
13 go out there and search for whatever damages there might
14 have been for claims that are no longer in. We have no
15 obligation to do that. If she had documents, she would
16 have produced them. But she doesn't. It's moot. She
17 has no obligation to go out and help them with their
18 alternative causality.

19 And we cited very specifically, Your Honor. We
20 didn't -- we spent a lot of time on these objections and
21 responses. We actually cited Judge White's actual
22 statements, his rulings. We cited which dates, we cited

1 the transcripts of all the rulings that he gave all the
2 way through because they were on point. They were dead
3 on point. And he didn't -- what we said is we asked
4 Johnny Depp for everything that he thinks impacted his
5 career for the UK decision, which had to be way more
6 enormous, and any kind of op-ed.

7 We asked about he's had a multitude of
8 lawsuits. He's sued his business managers, he's sued
9 his former lawyers. His bodyguard sued him for drug and
10 alcohol use. He -- he has all kinds of litigation that
11 -- that has spurred, and we asked about what each of
12 those had is an impact on his career. Judge White chose
13 (inaudible), he does not have to do that, it's, you
14 know, overly broad and ambiguous, he does not have to
15 give you any of those.

16 So why would the flip be true now that we have
17 to go back to something that's no longer a cause of
18 action and try to find evidence that supports damages?
19 We don't -- we don't have that obligation. That it's --
20 it's no longer in the case. If they want to go out and
21 find evidence on what may have impacted it, whether they
22 think something else may have impacted her career,

1 that's their job. That's their burden of proof. But we
2 have no obligation to go out and try to find that
3 information at this point.

4 And again, it's false that we stopped at April
5 9, 2020. In fact, you know, the IMBD --Db which is, you
6 know, what an actor has, it's kind of the résumé. It
7 goes through and show ensure everything that they've
8 done in their entire career. We produced that. That is
9 at Bates stamps 1040 through to 86.

10 The contracts go for a period of time. The
11 hard drive, while it's over a million documents, it's
12 10393 to 428 because our expert did a very good job of
13 segregating out, and then explaining in the expert
14 designation how these were all amassed, and how they
15 relate. So -- so we have done just an overwhelming
16 amount to be responsive to those.

17 Now, Mr. -- Mr. Chew also says well, gee, if --
18 if there's any statements from any, you know, of the,
19 you know, Warner Brothers or any of those saying we're
20 not going to cast you in this because of, you know,
21 these -- these statements. Believe me, if we had those,
22 we've produced them.

1 Damages are on us in this case. We have to
2 prove damages. If we have something that supports our
3 damages, we absolutely intend to produce them. And
4 we've even said we absolutely will supplement
5 everything, and we believe that we have provided
6 everything that's responsive. It's on us to do that.
7 We wanted to do that. And we will continue to
8 supplement on anything we have.

9 Just like Mr. Depp didn't have any
10 correspondence from Disney saying we're not going to
11 cast you in Pirates of the Caribbean 6 because of Amber
12 Heard's op-ed, we don't have anything from anybody
13 saying we're not going to cast you in this. And -- and
14 really, if you think about it, the studio probably
15 wouldn't say something like that. So -- so and even if
16 we said that, that would be gold for us. It would be in
17 there.

18 And that's, you know, that's what he's trying
19 to suggest that we're somehow holding back. We're not
20 holding back. And if they had had good faith meet and
21 confer with me again on Wednesday, after I had done what
22 they asked and done the supplementals and the Bates

1 stamps number s, I would have told them we're not
2 holding anything back. We don't have anything more.
3 But they didn't. They didn't ask for that. And they
4 should have.

5 So that's not how discovery motions are
6 supposed to progress in this court. The purpose of meet
7 and confers is to fully discuss, narrow the issues; not
8 blindside the Court with a 61-page chart, and not
9 blindside me not having -- and I keep asking, what's
10 left? What can I do? Well, how can I see what else you
11 have? We -- we -- we wanted to put on our damages. We
12 have no motivation whatsoever to hold back anything.
13 And we haven't held back anything here.

14 I think the reason this motion was brought
15 today, Your Honor, a was placeholder, and then it was
16 abuse of this process. I think at a minimum, the Court
17 should deny this on the basis of what they've done to
18 bring this in front of you and to blindside us. But the
19 other alternative, and make them do another meet and
20 confer with me. We've -- they just went through a whole
21 slew of documents saying they haven't done this, they
22 haven't done this. Why didn't they have a conversation

1 with me on Wednesday? And I would have been happy to go
2 through all those. If they wanted me to supplement
3 again to say no, they -- there are no other, I would do
4 it. If that's what they needed. So I'd say ask for
5 meet and confer.

6 Your Honor, earlier in this case, I asked Judge
7 White to appoint a conciliator. And I did so, Your
8 Honor, because we have had a lot of these issues in this
9 case. What I have discovered is when you send out a set
10 of discovery, the other side objects. Then, you try to
11 meet and confer. You have a meet and confer. Then,
12 they say they're going to get back to you, and they
13 don't get back to you. Then, we file a Motion to
14 Compel. Then, they get back to you. Then, we have this
15 whole issue of meet and confer, have we resolved this.
16 And that's exactly what a conciliator would be able to
17 do. Now, Judge White denied it, but I have to admit it
18 was very close to when we thought we were going to have
19 the trial. And I think that at this point, you know,
20 we're -- we're done.

21 But I think if, you know, I'm hoping the Court
22 applies and dismisses Mr. Depp's complaint and applies

1 the UK. But if not, I -- I really think the Court
2 should consider appointing the conciliator to avoid
3 exactly what we're doing today.

4 Now, let me just go through the specifics here
5 of what I haven't already covered. And I apologize for
6 that.

7 You noticed, Your Honor, that Mr. Chew tries
8 to, you know, insinuate his version of facts of some of
9 the things in testimony. And I find that highly
10 offensive that because Your Honor is new in this case,
11 Your Honor is not familiar with all of the different
12 parts of this.

13 This police officer thing, Mr. Chew loves to
14 say this. But guess what, the LAPD corporate
15 representative said Ms. -- Officers Saenz and Hadden had
16 body cam, had it assigned to them, and had downloaded
17 body cam before and after, but somehow not that day.
18 They kept no notes, nothing. The UK court discounted
19 their testimony completely.

20 I had photographs with the exact metadata which
21 have the dates and times of the pictures of Amber
22 Heard's face, and the pictures of all of the property

1 damage from Mr. Depp's going through and thrashing the
2 place. I had metadata. It had the exact date and it
3 had the time, it had all of that. Which is much more
4 compelling than two officers who didn't take any notes,
5 and for the first time, and didn't have body cam for
6 reason we're unclear about, and then six weeks later
7 said we don't recall anything.

8 Of course, if any of that existed, they would
9 have violated policy. And that's what we have the
10 corporate representative also from LAPD saying yes, if
11 those injuries were there, they needed to write a
12 report. If those document -- if that property damage is
13 there, they needed to write a report.

14 Well, the UK judge properly discounted the
15 police officers' testimony, and a -- gave credit to the
16 other people who were there who took the police officers
17 through, escorted them, and showed them all of the
18 damage at the time.

19 Now, the second thing a body cams a
20 hour-and-a-half later, all it did was come in, be 30
21 feet from Amber Heard, because they said it's already
22 been taken care of, and then, they left. They didn't --

1 they didn't -- they weren't even close enough to see
2 anything on Amber Heard. You can see it's very, very
3 poor quality, but it has nothing, and there's -- they
4 didn't go around and take any evidence. And by that
5 time, they'd cleaned it up because they had doubts.

6 So -- so that's an example of Mr. Chew trying
7 to -- trying to get into your Your Honor's head and say
8 oh, we've got this really damaging evidence. No, they
9 don't. And this is the evidence they put on in the UK,
10 and it was discounted for good reasons.

11 Now, he also says -- bear with me just a
12 minute. I'm going to try to go through all of this
13 because I didn't know which ones he was going to raise.

14 He says -- oh. With respect to these Adam
15 Waldman, I think I've already distressed this, Your
16 Honor, but the statements that were thrown out, we don't
17 have any documents that support that damages, and we
18 don't have any obligation to go out and get those.
19 But -- but what we did produce, which they could argue
20 is damage or not, is the tax returns we -- which go back
21 to 2013, and we're going to give them the other three
22 years as soon as we get them next week.

1 We do have all of her contracts that were
2 entered into before, during, and after. We do have her
3 entire résumé that goes to back to when she first
4 started being an actress, all the way up to the present.
5 So if those had an impact, they could track that.

6 We do have, you know, the -- all of the
7 articles and emails that had been given. We do have the
8 entire trial bundle of the UK trial. Your Honor, it was
9 11 bundles. They call them bundles. We call them
10 notebooks. That's how much documentation they had. It
11 was several rows. And it's the same kind of thing we
12 do. They pull them out, and they go to things. And
13 they also have a lot of electronic evidence. And all of
14 that has been produced in this case as well. So there's
15 plenty to work with if they want to argue oh, her career
16 went here, and here, and here, they can find -- oh, her
17 income went up here and down. We've -- we've produced
18 them.

19 The next thing he talks about, and -- and I'm
20 trying to track, Your Honor, his -- his numbers. And it
21 says, I think in here it's production number 9. I will
22 just go to that. And that might be one I've already

1 covered but bear with me because I'm trying to stay up.

2 This is the impact of Adam Waldman and
3 reputation and career. For the ones that stayed in,
4 that Judge White stayed in, we -- we did give
5 specifically the Bates stamp numbers for those, but we
6 did say the others are moot. We're not going to claim
7 damages for something that we're not entitled to claim
8 damages for. But we've given them whatever they argued
9 -- you know, whatever we have relating to her career.

10 For number -- yeah. That -- yeah, the -- the
11 -- the April 8, 2020 is just plain false

12 On 34, I think he jumps to 34, Your Honor. I'm
13 just trying to keep up. Communications with agents and
14 film studios. Right. If we had them, we would have
15 produced them. They -- they would be gold for us. We
16 don't have any of those. And -- and that's what we've
17 told them. And you know, I -- I don't really understand
18 why he didn't have that conversation with me.

19 On 35, Bianca Butti. She is Ms. Heard's dom
20 partner walking in the -- the case, you know, probably I
21 think it's 2019. Long, long, long after all of these
22 statements were made. The almost identical request was

1 brought up in front of Judge White. And it was Bianca
2 Butti, and it was violence, and we cited it, and we
3 attached it. And he said this is overbroad. I mean,
4 why would a communication with a partner years later
5 about whether he had abused her, now why would that even
6 be relevant or admissible in this case? It's a fishing
7 expedition at best.

8 But Your Honor, we cited very, very
9 particularly in our brief Judge White's ruling on that,
10 and what the request was, and it was virtually identical
11 to that, and it just doesn't make any sense. It's
12 overbroad. Completely.

13 His second category, Your Honor, where he says
14 we refused to confer. He's never asked us to confer,
15 frankly. But I think what he's asking, Your Honor, is
16 for Your Honor to overrule all of the objections. But
17 that wouldn't make sense in this case because we -- we
18 spent the time to go through. Our objections are
19 exactly what the Court ruled. We said, for example, for
20 number 2, for example, we had July 24, 2020. What the
21 Court ruled on request number 14 of the second request,
22 and it was the same thing, and it was overbroad. We

1 cited his ruling on September 18. We cited his other
2 ruling on September 18. We cited -- and -- and what are
3 we supposed to do? Say no, the judge didn't rule this
4 way? That these -- that these objections were valid
5 last time and they can't do this? We went through, and
6 Your Honor, some of these, we even bolded the ones that
7 were directly on point and the exact same requests.

8 So there's not a situation here where we are
9 hiding something, but these are legitimate objections
10 because they are overbroad, you know. What does Amber
11 Heard have an obligation to do here on searching this?
12 You know, go back years and see if there is ever a
13 mention of yeah, I got hurt when he hit me one of the
14 times? I mean, it just doesn't make any sense.

15 So then, he says -- yeah, we've already talked
16 about the tax returns, and he has kind of misstated that
17 one quite a bit. But we do intend to go all the way
18 back to 2010, do exactly what the judge ruled for Mr.
19 Depp. And we've already told them that the ones that we
20 -- we went out of our way and requested the earlier
21 ones. We understand they may be here as early as next
22 week. As soon as we receive them, we will give them to

1 them.

2 And we went over and above not just her
3 personal. We went for her -- her loan-out company as
4 well because we think that gives a better and more
5 accurate picture. We're trying to be as -- as accurate
6 and -- and comprehensive as possible.

7 The third category, he has a whole series of
8 these. And he says at the end of this, and this is 5 --
9 oh, this is impact of their relationship, impact,
10 impact, impact. These are the ones that Judge White
11 specifically ruled as incredibly overbroad. And we
12 cited exactly what the judge said, and exactly what the
13 request was, and we attached them to our brief. We're
14 not misstating anything, we're not taking anything out
15 of context. But Your Honor asked exactly the -- the
16 right question. How are we supposed to prove these?
17 You know. What impact to this, what impact to that.

18 You know, if we had responsive documents, we
19 would have produced them. We're not aware of any, and
20 in some of these, and we've said we're not aware of any
21 responsive documents.

22 Now, Mr. Chew adds a new obligation. He says

1 well, you have to say a reasonable search has been
2 conducted. Well -- well, isn't that implied in
3 everybody's responses; that they've engaged in a
4 reasonable search? And then, you have to say that Ms.
5 Heard agrees to produce them if she comes upon some.
6 That's the rules on supplementation, Your Honor. We are
7 bound by that. We don't have to say that in our
8 responses.

9 Then, we get to the charitable deductions, and
10 I think I covered a lot of this earlier, Your Honor.
11 But we've produced the documents relating to the
12 charitable deductions for ACLU and Children's Hospital.

13 They go much further here, and they're asking
14 if there was an anonymous donor who donated 500,000 to
15 each of the charities in her honor, which are not
16 credited towards her pledge. She still has to make the
17 rest of her pledge of the 3.5 to each, and fully intends
18 to do that.

19 And by the way, the ACLU document showed that
20 that was anticipated to be over a 10-year period. And
21 the C -- and the Children's Hospital in their testimony
22 in the corporate designee said many times we -- we don't

1 put limitations on pledges. Yeah, they can be made a
2 lot later, there are a lot of different types of
3 pledges, including ones that you put it in your will.
4 And they're not -- they were not assuming at any point
5 that that was going to be paid up-front. That they've
6 asked for documents outside of the documents relating to
7 her specific pledges. So -- so they are in her specific
8 communications with ACLU and with Children's Hospital.

9 And they are asking about all the information
10 relating to the anonymous donor. Well, they already
11 asked that before, and Judge White said no. In fact,
12 Judge White, in sharp contrast to the California judge,
13 and we cited this, and we've attached it. He said, I --
14 I don't really think any of this is relevant but I'm
15 going to let you have the first part of this, but I'm
16 going to overrule you on the other requests. Then they
17 turned around and made the request again.

18 But -- but she's turned over the ones that
19 relate to what she has produced, her checks, her emails,
20 her communications. They've also subpoenaed the
21 Children's Hospital. They turned over theirs. They
22 also subpoenaed the ACLU, and I understand that they are

1 in negotiations on that, and I'm not involved in that.
2 And the ACLU, I believe, is cooperating with them in
3 turning that over.

4 That that's, you know, fine. I still think
5 it's not relevant, but we've produced that. But going
6 beyond and saying all of her motion relating to an
7 anonymous donor, what does that even mean? And besides
8 that, they know who the anonymous donor is on one of
9 them because Ms. Heard's emails reflected that. And I
10 think also, I think -- yeah, that's something else.

11 Okay. Then, with respect to the -- oh, and the
12 statement is in -- incorrect. Ms. Heard has indicated,
13 in fact, Mr. White -- I -- and it gets confusing, but
14 Mr. White is Mr. Depp's business manager. He's the one
15 that wrote the letters to ACLU and to the Children's
16 Hospital. And he said and gave a hundred thousand to
17 each on behalf of Ms. Heard, and he said right in the
18 letters it's a pledge of 3.5 to be paid out over a
19 period of time.

20 The draft op-eds, I -- I think I talked about
21 earlier, we've produced everything. We did it, it was
22 at Bates stamp numbers 10654 to 874. That's the

1 nonprivileged. And Bates stamp 16281 to 845, that's the
2 privilege. And we also produced what, Your Honor, their
3 agreement that if you don't cherry-pick, we agreed to
4 the limited waiver. And that's the law. And both Judge
5 Alden and Judge Ellis say the same thing on that.

6 Oh. And here we go again. Ms. Heard has a
7 criminal record. No, she doesn't have a criminal
8 record. They have done -- and -- and this is another
9 beautiful example of just how they try to grab the Court
10 and make these statements that are just outrageous and
11 out there.

12 There was an occasion well -- I think it was
13 back in 2006, '07, somewhere in there where she was in
14 an airport in Tacoma, Washington with her partner at
15 that time, and there was a police officer who made an
16 arrest of her because she had grabbed her partner's
17 wrist and pulled it. It ended up getting dismissed.
18 They didn't press any charges, they did -- they said
19 they couldn't, that there wasn't sufficient evidence for
20 it. That's not a criminal record as Your Honor well
21 knows. That here we go again, oh, she has a criminal
22 record, and Mr. Depp doesn't have a criminal record.

1 You know, the bottom line, Your Honor, is that
2 there's an enormous amount of evidence in this case
3 because Mr. Depp chose to bring this case in the UK
4 first where they have a better burden of proof that it
5 was on the defendants, the Sun and Mr. Wootton, to prove
6 that the wife-beater and the domestic assaults were
7 false, instead of Mr. Depp having to prove that they
8 were false. They had to put that there were two, I'm
9 sorry, as opposed to Mr. Depp having to prove that they
10 were false.

11 He chose that forum. They had an extensive
12 amount of litigation, and I hoped to be bringing that to
13 Your Honor sometime after I get to -- get to be heard at
14 the end of May on opportunities for even setting the
15 hearing date and setting the briefing. But an enormous
16 amount of evidence was in that case. It was well over
17 16,000 documents itself. All of that is in this case.
18 And then, there's been at least another 16,000 produced
19 by Ms. Heard independent of the million. And she's
20 detailed the 50 pages of the expert designation.

21 This motion shouldn't have been brought, Your
22 Honor, and it was irresponsible to bring the second time

1 identical knowing how much evidence had been produced
2 in the interim, and knowing that we had had meet and
3 confers, and were making this effort. But it also was
4 an abuse of this process to not continue to work with me
5 to know this before coming to Your Honor today and play
6 hide the ball, and try to in some way surprise me with
7 what they were going to claim still wasn't still wasn't,
8 after I spent the time to put out a 92-page supplemental
9 with all of those Bates stamps, and responding to these
10 things. There's no basis for a Motion to Compel today.

11 THE COURT: All right. Thank you.

12 Mr. Chew?

13 MR. CHEW: Your Honor. If I -- if I could have
14 just a few more minutes for rebuttal. The Court has
15 been very indulgent with its time, and I will be very --

16 THE COURT: Great.

17 MR. CHEW: -- quick. But she's raised some
18 issues that I would like to address very quickly.

19 THE COURT: Okay. All right. Yes, sir.

20 MR. CHEW: Thank you, Your Honor.

21 First, with respect to the chart, we apologize
22 if we've filled the chart out incorrectly. This is our

1 first experience with it. We weren't trying to be
2 ponderous. We were trying to respond to the Court's
3 request.

4 Second, with respect to the conciliator, it is
5 ironic. We oppose the conciliator, not because we don't
6 want to conciliate, but because we knew that Ms.
7 Bredehoft would try to relitigate every single discovery
8 issue that had been resolved by Chief Judge White. And
9 Chief Judge White stated that, I know what Mr. Chew is
10 saying is true. You will, Elaine, try to relitigate
11 everything that's happened, and that's why I'm not
12 appointing a conciliator.

13 But -- but to get to more substantive matters,
14 Ms. Heard did not say that she pledged the money to the
15 ACLU and to the Children's Hospital of Los Angeles, kids
16 with cancer. She said she did it. Her testimony was,
17 The entire amount of my divorce settlement was donated
18 to charity. This wasn't an offhand comment in
19 deposition. This was a sworn statement that she filed.
20 She didn't say she pledged it. She's now saying after
21 the fact oh, gee, no, I really haven't given any money
22 to those charities other than the hundred thousand that

1 Mr. White gave at the time of the divorce. It was the
2 -- you know, I -- I -- I couldn't really give the money
3 because mean Johnny sued me. Well, her lawyer admitted
4 that it was Ms. Heard, in fact, who initiated the first
5 action against Mr. Depp. It was an arbitration matter
6 that was dismissed by Judge Meisinger. So she was the
7 one who actually fired the first shot, and had no
8 intention of giving this money to charity.

9 Third -- fourth, rather, with respect to the
10 additional communications relating to the CHLA and the
11 ACLU, these are clearly responsive. They have not been
12 ruled on. Elon Musk is in fact the anonymous donor.
13 It's relevant for several reasons. One, Elon Musk is on
14 film as having seen Ms. Heard in the days after May 21,
15 2016. That's the date where the -- all the police, all
16 four police, came to the condominiums, and all testified
17 there was not a sign of a damage on Ms. Heard's face,
18 and there was no disturbance to the apartment. I'll get
19 to that in a moment.

20 But the point is Mr. Musk saw her in the week
21 between the alleged abuse and the time she got the ex
22 parte TRO on May 27th of that week. So he's clearly a

1 relevant person. We have testimony in this case from
2 Jennifer Howell that Ms. Heard has had a dispute with
3 Mr. Musk because they've produced eggs together,
4 according to Mr. Howell, that Ms. Heard wants to keep
5 and Mr. Musk did not. Which may or may not explain why
6 he made these -- his charitable foundation made
7 contributions in her honor. But none of that gets
8 besides the point that in fact she failed to honor her
9 \$7 million charitable contribution.

10 And it was of such moment to Ms. Heard and Ms.
11 Bredehoft that when the CHLA finally did produce those
12 documents after the court of appeals' opinion came in.
13 And I believe I was accurate in -- in representing to
14 Your Honor that it wasn't Chief Judge White's words I
15 was quoting; it was Judge Bowick's words that I was
16 quoting, when she said it was very relevant.

17 When the CHLA finally produced those documents,
18 Ms. Bredehoft designated them confidential under the
19 protective order. I -- Mr. Depp filed an emergency
20 motion to redesignate those documents because they were
21 needed, and Ms. Bredehoft said there's no emergency
22 here. They don't need these documents in the next few

1 days, and Mr. -- and Chief Judge White told us, The
2 emergency here, Mr. Bredehoft, is your bad faith. So he
3 granted the emergency motion to redesignate the CHLA
4 documents because he knew they were relevant, and he
5 knew that they weren't confidential.

6 Your Honor, the notion that -- that Ms.
7 Bredehoft is somehow ambushed by this Motion to Compel
8 is risible. We filed this back in January, and with --
9 with all due respect and, you know, she's had some
10 issues going, on there were issues in the transition,
11 which we respect, but we -- we did file the same motion
12 back in January, and that was after several meet and
13 confers had been had. We've had several meet and
14 confers since we filed. So the notion that this was
15 somehow -- somehow all of a sudden, you know, it just
16 doesn't pass the straight face test.

17 And -- and you've heard Ms. Heard did spend a
18 night in jail for abusing her domestic partner. And so,
19 you know, any communications that she had with Ms.
20 Butti, her current girlfriend, or anyone else on the
21 subject of abuse, it's not just her, it's any
22 communications she's had with anyone on the substance of

1 abuse is relevant. For example, we understand that she
2 had communications with her father where it was very
3 clear that -- that she was abused. Those would be
4 relevant here. But -- but getting Your Honor to -- and
5 just very briefly on the testimony of the police
6 officers.

7 Judge -- Chief Judge White found the testimony
8 of Officers Saenz and Hadden, which they gave in the
9 context of the divorce action within two months of May
10 16th, 2016. So in July, just two months after the
11 alleged incident where Ms. Heard says that she was hit,
12 or that something was thrown at her, these officers were
13 deposed by Mr. Depp's divorce lawyers and Ms. Heard's
14 divorce lawyers, because she first came up with these
15 abuse allegations in order to get the \$7 million that
16 she got. Because there were no children, there was
17 15-month marriage, and she knew she wasn't going to get
18 very much, so she alleges abuse.

19 And the police officers came the night of May
20 21. They didn't know that it was -- it involved Johnny
21 Depp because Ms. Heard wouldn't tell her who the alleged
22 abuser was, and they didn't know who Amber Heard was.

1 So the notion that these police officers maybe
2 gave him an OJ break because he's famous or they like
3 his movies is ridiculous. The lead officer, Officer
4 Saenz, is a woman who had handled over a hundred
5 domestic violence cases, and her assistant, the junior
6 officer, was a very reputable officer. And they both
7 examined Ms. Heard's face where she said the injury was.
8 They saw no signs of any bruising or any swelling. They
9 went through the entire condo, they found no evidence of
10 you know, mayhem.

11 And that was confirmed by the second set of
12 officers who came, and had their body cam. And I have
13 to -- I have to note the comment made about Officers
14 Saenz and Hadden. Ms. Bredehoft deposed those officers,
15 and they said very clearly they didn't have body cams.
16 They didn't not turn them on. Body cams were just
17 coming online. Some of the officers were assigned body
18 cams, some were not. So the notion is really outrageous
19 and insulting.

20 But getting back to the -- to the -- to the
21 facts at issue because I know Your Honor doesn't want to
22 decide he said, she said.

1 What we're here for today, and again, we
2 noticed this a long time ago. And as to April 30th, Ms.
3 Bredehoft agreed to April 30th long before she came up
4 with what is now Ms. Heard's third motion to dismiss.
5 We're going to oppose it because she's already had two
6 bites at the apple. She's set -- she cites -- she's had
7 two sets of demurrers, two sets of plea in bar, and
8 they've been thrown out. And now she's trying, you
9 know, for a third bite at the apple. We think that
10 should not be allowed at this stage.

11 We also think it's futile because Mr. Bredehoft
12 knows, and we all learned in law school, that for res
13 adjudicata or collateral estoppel to apply, you have to
14 have the same parties. Ms. Heard was not a party to the
15 London action. And the London court had no ability, and
16 that knocks out res adjudicata and collateral estoppel
17 right there. That's the first requisite article
18 requirement we've all learned in law school.

19 But there's also substance behind that formulae
20 of rule, which is the court in England had no power over
21 Ms. Heard. They didn't even know whether she was going
22 to show up to testify. There were no depositions of Ms.

1 Heard. Mr. Justice Nicol, who was -- who was
2 hornswoggled by her testimony that she -- oh, she
3 couldn't be unadventurous, she couldn't be a
4 money-grabber if she gave all her money to charity. He
5 didn't know that that was a lie, because she wasn't
6 deposed, and she was continuing to lie. And the CHL --
7 and she was continuing to resist discovery in Virginia.

8 But what we're about here today is, Your Honor,
9 Mr. Bredehoft says you know, gee, Your Honor, we're
10 going to produce anything that supports her damages
11 claim. We have every interest to do that. Of course,
12 she does. But we're entitled not only to what supports
13 Ms. Heard's damages claim; we're entitled to what
14 relates to Ms. -- Ms. Heard's damages claim.

15 And with respect to her other -- I -- we never
16 said that Ms. Heard hasn't produced a single document
17 prior to April 8th, 2020. What we're saying is that her
18 objections which she told me this morning she was
19 standing on, she just admitted it. Her objections on
20 which she's standing is we -- we don't want to produce
21 documents prior to April 8th, 2020. We may give you
22 some, but we're not required to.

1 So what we're asking, Your Honor, is that Your
2 Honor look at her objections that she's standing on, and
3 overrule them. And for -- and respectfully that -- that
4 Your Honor order her, Ms. Heard, to produce all
5 documents, all nonprivileged documents, responsive to
6 the document request at issue, on or about May 21, 2021.
7 And if she's produced them already, or if none exists,
8 well, then, there's no prejudice to Ms. Heard.

9 The one issue I think that we need to come back
10 to, however, is the issue with respect to the -- to
11 the -- to the waiver of privilege. Your Honor, the
12 waiver -- there -- there was a waiver here. Mr.
13 Gilmore's represent -- statement, you know, back on
14 September 4th, 2019, was more than a year before Ms.
15 Heard filed her answer and submitted her defense of
16 counsel defense as the 4th Affirmative Defense to Mr.
17 Depp's claim.

18 And both the case that -- Judge Ellis' case and
19 Judge Alden's case make very clear that where as here, a
20 party, Ms. Heard, the defendant, asserts a defense of
21 counsel, that there's a waiver as to that issue. And
22 Ms. Bredehoft, you know, pushes an open door. She's

1 saying oh, Mr. Chew says he wants all the communications
2 between Ms. Heard and Mr. George while he was acting as
3 her counsel after Mr. Depp filed this complaint. Not
4 so. But we're asking for all the communications that
5 relate to the defense of counsel affirmative defense.

6 Now, the temporal period of that is going to be
7 the time before she published the op-ed, which would
8 include all drafts of the op-ed. Any communications
9 between Mr. George and Ms. Heard going to the issue of
10 gee, gee, Amber, is any of this true?

11 I would like to know whether he -- and more
12 importantly, Mr. Depp would like to know what, if any,
13 due diligence Mr. George did. We know the ACLU did no
14 due diligence before they had gotten bad with Ms. Heard.
15 We know the Virginia Press Association which moved to
16 intervene earlier in this case and filed an amicus
17 brief, which Chief Judge White denied. They admitted
18 that they didn't take -- do any due diligence of Ms.
19 Heard before -- before jumping onto her me Me Too cause.

20 I mean, remember there's Jussie Smollett.
21 There are people, you know, Mr. -- Ms. -- anyway, Your
22 Honor, what we're asking the Court is that the Court

1 look at her written responses, her written objections on
2 which she's standing, and respectfully that they over --
3 that Your Honor overrule them so that on May 21, we'll
4 either have all the responsive documents, or we'll know
5 that -- that none exists.

6 And as to the privilege, as -- as I've just
7 laid out, that clearly has been waived, Your Honor. And
8 -- and thank you very much for your -- for your time.

9 THE COURT: All right. Thank you, sir. I do
10 now know that you not know how much two minutes is, Mr.
11 Chew. I've figured that out.

12 MR. CHEW: I apologize, Your Honor. I will try
13 to be more --

14 THE COURT: That's all --

15 MR. CHEW: -- pointed

16 THE COURT: That's all right.

17 It's -- it's interesting, and I did want to
18 hear all the arguments on this -- on this matter for the
19 Motion to Compel. It does appear that if -- just coming
20 into this case, as I am, it appears that you both are
21 talking about different cases by the way you're
22 discussing how much has been turned over and how much

1 hasn't been turned over. It leaves me in a difficult
2 position just to be able to rule on all of these --
3 these requests based on that. But we're going to do it,
4 because we want to keep moving forward in this matter.

5 As far as the scope of documents to produced,
6 it appears that both of you agree, although it seems
7 like there was some issue, so we'll put it in a order
8 that the documents, the date we're talking is January
9 1st, 2010, for documents. So that should take care of
10 the scope of the documents to be produced.

11 Now, as far as the RFPs, I think it was 9, 11
12 through 14, 16, 18, 20, 22, 24, 26, 28, and 29 through
13 33. So that's January 1st, 2010.

14 Also, in dealing with some of those RFPs, we
15 are talking about previous statements that are no longer
16 at issue. However, they can still be relevant to
17 mitigating damages in the sense that the time bar
18 statements could have caused the damage to reputation,
19 not the statement sued on. So even though Ms. Bredehoft
20 says, well, I'm not going to base it on my damages, it
21 could be used to mitigate damages for the -- for the
22 Plaintiff. So based on that date, I am overruling the

1 objections as to those RFPs.

2 And I want to make sure I get them all. I know
3 it's I think 7, 8, 9, possibly 10. So on that basis,
4 whichever ones work with the statements that are no
5 longer part of the case, they still have to provide the
6 discovery, if there is any discovery to be provided.

7 I think we talked about RFPs number 2. Okay.
8 Number 2, 3, 4, 6, 8, 6, and I believe 28 was also part
9 of that.

10 MR. CHEW: 28 through 33.

11 THE COURT: 28 through 33. Thank you, sir.

12 As to those, we were talking about the
13 objections are being vague, overbroad. Judge White
14 ruled on -- it was different when Judge White ruled on
15 it in July of 2 -- of 2020, because at that time, it was
16 income from all sources from 2010 to the present. I
17 think it has been narrowed now where it just talks about
18 any -- any monetary from film, movie, television, and
19 commercial. So it has been narrowed down in that
20 aspect, so I will overrule the objections when it comes
21 to -- that this -- oh, RFPs, because they have been
22 narrowed down to talk about film, television, commercial

1 or other project, 2010 to present.

2 MR. CHEW: And -- and apologies, Your Honor, I
3 think that --

4 THE COURT: Yes, sir.

5 MR. CHEW: -- we also request numbers 38
6 through 42.

7 THE COURT: Let me check 38. 38 through 42 was
8 the -- has to do with the communications dealing --
9 well, that's a separate issue that deals --

10 MR. CHEW: Oh, okay. Apologies, Your Honor.

11 THE COURT: That -- but these were the
12 charities. So we talked about the charity. We can do
13 that next. That's fine.

14 Judge White did rule on this issue. However,
15 based on his ruling, there was information that was
16 found by the Plaintiff which led to -- to -- to more
17 information, which is now I -- I assume what I gather
18 from the arguments what they're basing now these
19 requests on.

20 So based on that, I would overrule the
21 objection as to 37 and through any -- and 38.

22 And as far as 39, 40, and 41 go that relate to

1 anonymous donations on their behalf, I don't see the
2 relevance. I understand that it was proffered that Mr.
3 Musk is an important person in this case. Maybe he is,
4 maybe he isn't, but I don't see the relevance of the
5 anonymous donations, so I'm going to sustain the
6 objections as to 39, 40, and 41.

7 42 relates to 37. 38. So I will overrule the
8 objection as to 42.

9 Ms. Bredehoft, you had a question, I'm sorry?

10 MS. BREDEHOFT: I -- I'm -- oh, I -- I did,
11 although I probably was just making noise, I'm sorry. I
12 did --

13 THE COURT: Okay, Ms. Bredehoft. Okay.

14 MS. BREDEHOFT: Yeah, I just --

15 THE COURT: I'll continue on, then at the end
16 if you have --

17 MS. BREDEHOFT: Okay. I can continue
18 afterwards, so --

19 THE COURT: Okay. Good. We are getting there.

20 All right. So that was the charity.

21 Now I'm going back to -- okay. 18. 18 deals
22 with the limited waiver issue. Based on the -- based on

1 the -- the case law and based on what I've heard in
2 argument, and also in your motions, at this time, Ms.
3 Heard is asserting a defense of counsel. When she does
4 assert a defense of counsel, she's waiving -- waiving
5 her -- her attorney-client privilege with respect to
6 this transaction, which in this particular case is the
7 transaction of the op-ed published. Therefore, she must
8 turn over any -- to include with Mr. George, any --
9 which Ms. Bredehoft already says it has been turned
10 over, but without the limited waiver, though, any -- any
11 of those communications dealing for the op-ed and any
12 drafts of the op-ed. So that should take care of 18 and
13 19.

14 Okay. So overruled the objections as to those.

15 And then, I think -- I believe Ms. Bredehoft
16 has said that 5, 7, 8 and 37 have all been produced what
17 they have. If she is correct that indeed you have to do
18 supplemental -- supplemental responses if you do come
19 across them, and it should be -- it should be known that
20 that is a reasonable search. So 5, 7, 8, 37 I think are
21 moot points because they have been turned over. And I
22 don't -- they would just have to be any extra language

1 added to those.

2 And we now know that impact means the
3 commercial effect, so we'll keep that in consideration
4 as the commercial effect of monetary issue.

5 And what am I missing? Tell me what I'm
6 missing. There's just quite a few to go through, so
7 I --

8 MR. CHEW: Oh, Your Honor, I just had one
9 threshold question. Would you like us to submit a
10 proposed order if Your Honor's going to -- we --

11 THE COURT: Yes. Yes. I'd rather you submit
12 an order and kind of note your objections on it, and we
13 can --

14 MR. CHEW: Wonderful.

15 THE COURT: -- go forward from there.

16 MR. CHEW: What we had done in the past,
17 subject to Your Honor's approval, is we've taken the --
18 we've gotten the benefit of the transcript, and then
19 looked at it over the weekend or on Monday. And perhaps
20 if we could submit you a proposed order by this coming
21 Wednesday?

22 THE COURT: That that is fine by me.

1 Ms. Bredehoft, does that work for you?

2 MS. BREDEHOFT: I'm fine with that, Your Honor.
3 It's so if I may ask by clarification. On --

4 THE COURT: Yes. Yes.

5 MS. BREDEHOFT: -- the January -- the January
6 1, 2010, the -- the taxes returns, I just want to make
7 sure that we're saying hey --

8 THE COURT: Sure. Absolutely.

9 MS. BREDEHOFT: Judge -- Judge -- Judge White
10 ruled that Mr. Depp only had to produce the gross income
11 on the tax returns, and that everything else can be
12 redacted, and they didn't need to produce the schedules.

13 Are we assuming that's the same for us; is that
14 correct?

15 THE COURT: All right. Mr. Chew, do you have
16 any objection to that?

17 MR. CHEW: Well, one thing we would -- we would
18 like, Your Honor, and I'm -- I'm not enough of a tax
19 maven to understand this, but Ms. Heard's counsel has
20 represented that she's paying her own attorneys' fees.
21 We believe they're paid by the anonymous donor, Mr.
22 Musk. We -- we -- what we'd like is to see whether

1 there are any deductions for attorneys' fees on those
2 tax returns. Because we've always --

3 MS. BREDEHOFT: Yeah, with regard to that, but
4 first of all, I haven't made that representation.
5 Second of all, that's not relevant --

6 MR. CHEW: Mr. Rottenborn did.

7 MS. BREDEHOFT: That I --

8 MR. CHEW: Mr. -- Mr. --

9 MS. BREDEHOFT: Please do not --

10 THE COURT: Don't talk over each other, please.

11 MS. BREDEHOFT: He has been making that up that
12 Elon Musk has been paying for her attorneys' fee. It's
13 a hundred percent false. That I have had conversations
14 with Mr. Chew, but that has nothing to do with this
15 case. And -- and Mr. Depp wasn't put in that situation
16 of where he pays for his attorneys' fees, and there's no
17 reason why Ms. Heard should, and he didn't ask for it.

18 I think -- I think, you know, if later that
19 becomes relevant, Judge White said the attorneys' fees
20 are reserved for later. We're not going to put that on
21 during this case around this trial. So whatever those
22 attorneys' fees are, that's something we can deal with

1 later. But that's not -- that's not fair to -- first of
2 all, he's misrepresenting what I've said, and
3 misrepresenting the truth. And second of all, it has
4 nothing to do with this case right now.

5 MR. CHEW: Your Honor --

6 THE COURT: All right. Mr. Chew?

7 MR. CHEW: -- very briefly since I've been
8 accused of a misrepresentation, and I've -- I've -- Mr.
9 -- Chief Judge White has instructed me that I don't have
10 to respond to things like that from Ms. Bredehoft, but I
11 will.

12 Mr. Rottenborn, who is currently still
13 co-counsel for Ms. Heard, represented to Chief Judge
14 White on more than one occasion that in fact she's
15 paying her own attorneys' fees. If that's the truth, it
16 should be reflected on her tax returns as a business
17 deduction. That's all we're asking. I mean, we -- we
18 just would like to see whether she is taking deductions
19 for attorneys' fees or not.

20 MS. BREDEHOFT: Your Honor, that's said before,
21 Your Honor. It wasn't raised in -- in any of these
22 briefs. And I am a hundred percent certain Mr.

1 Rottenborn did not make that representation.

2 THE COURT: Right. That -- that's fine.

3 Either way, I'm just going to have the tax returns done
4 the same way with just the gross income on them. Okay?

5 MR. CHEW: Thank you, Your Honor.

6 THE COURT: So you can put that in the order as
7 well. Okay?

8 Anything further in this matter today?

9 MR. CHEW: No, Your Honor.

10 THE COURT: Okay.

11 MR. CHEW: Thank you very much for your --

12 THE COURT: Thank you.

13 MR. CHEW: -- for your time.

14 MS. BREDEHOFT: Your Honor, actually, I would
15 ask for more time than May 21st. We are moving -- we
16 are asking the following Friday for a stay of discovery,
17 because during the time that we're briefing the
18 application of the UK judgment to this case, a number of
19 the issues that Your Honor worked on today would relate
20 to -- would be affected by the stay. In any event,
21 that's only -- that's really not enough time for me to
22 work with either with my client, and I would like at a

1 minimum the following week. But I would ask that Your
2 Honor consider this being part of the stay if Your Honor
3 considers this.

4 MR. CHEW: Your Honor, if I may be heard very
5 briefly?

6 THE COURT: Yes.

7 MR. CHEW: This is the third time around for
8 Ms. Heard. When she had Mr. George as her counsel, and
9 he moved to dismiss, there was a long period of extended
10 briefing, there was argument, that Chief Judge White
11 took the matter under consideration. It lasted a few
12 months. There was no moratorium during the pendency of
13 that which Judge White denied.

14 Then, she got a new set of lawyers, Robbie
15 Kaplan. They were granted leave to start all over
16 again, to do a demurrer, to do a plea in bar on new
17 theories. Same thing happened. There was an extended
18 briefing scheduled, there was argument to Judge White
19 who for the most part, you know, overruled the demurrer.
20 Same thing. There was no moratorium during that.

21 Then, Ms. Heard filed her counterclaims, and we
22 filed our plea in bar and the demurrer. Most of which

1 was sustained except as to the three statements Mr.
2 Waldman made.

3 We didn't ask for a moratorium of discovery
4 during the period that we were successfully demurring
5 and move -- and move -- moving on the plea in bar.

6 So we don't see any reason whatsoever why she
7 should get a moratorium on discovery based on, of the
8 three, this is the least substantive motion to dismiss.
9 The first one was an interesting issue on what
10 constituted, you know, venue. That was -- the second
11 one, you know, there were some arguments to be made.

12 Here this is black letter law. So even if this
13 were a righteous motion to file third set of responsive
14 pleadings, which we don't think it is, we -- we don't
15 think it's a basis for a moratorium.

16 We would -- we would agree until May 28th, but
17 we certainly don't want a moratorium, you know, to go
18 out, you know, into the summer. We haven't taken Ms.
19 Heard's deposition yet. We need this materials to do
20 that.

21 THE COURT: All right. This one, let's make it
22 -- let's make it May 28th.

1 MS. BREDEHOFT: Yeah, I -- I wasn't asking for
2 a moratorium today, Your Honor just --

3 THE COURT: I understand.

4 MS. BREDEHOFT: -- to be clear. I was --

5 THE COURT: Okay. Let's make it May 28th in
6 the order. Okay?

7 MR. CHEW: Thank you, Your Honor. Have a great
8 weekend.

9 MS. BREDEHOFT: Thank you

10 THE COURT: All right. You too.

11 THE COURT REPORTER: I'll be waiting for the
12 email, Mr. Chew.

13 MR. CHEW: Oh, Merinda?

14 THE COURT REPORTER: Yes.

15 MR. CHEW: Merin --

16 THE COURT REPORTER: Yes.

17 MR. CHEW: Oh, we would like an expedited on
18 Monday if possible, or even sooner, if it's possible.

19 THE COURT REPORTER: Okay. I'll put that in.

20 MR. CHEW: Thank you. Bye-bye.

21 THE COURT REPORTER: And as soon as you get me
22 that information, the sooner I can get that to you.

1 MR. CHEW: I'll do it right now. Thank you.

2 THE COURT REPORTER: Thank you.

3 (Off the record at 12:57 p.m. EST.)

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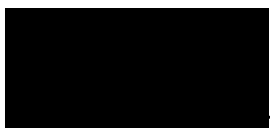
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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Merinda Evans, the officer before whom the foregoing proceedings was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 30th day of April, 2021.

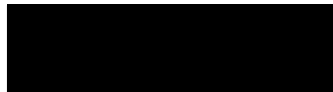


Merinda Evans, Notary Public
for the State of Maryland

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CERTIFICATE OF TRANSCRIBER

I, Jerome E. Harris, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Jerome E. Harris, CDLT-204

May 1, 2021

Transcript of Hearing
 Conducted on April 30, 2021

A			
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VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

ORDER

Upon consideration of Plaintiff’s Motion to Compel Defendant’s Further Replies Without Objections and Production of Documents in Response to His Fourth Request for Production (“Plaintiff’s Motion”), the parties’ respective briefs, arguments of counsel on April 30, 2021, and being fully advised, it is, this ____ day of May, 2021 hereby ORDERED as follows:

1. Plaintiff’s Motion is GRANTED in part, and DENIED in part.
2. Defendant shall produce to Plaintiff by no later than Friday, May 28, 2021, all non-privileged documents responsive to the following requests contained in Plaintiff’s Fourth Set of Requests for Production (“RFP’s”): 2-4, 5-9, 11-14, 16, 18, 20, 22, 24, 26, 28, and 29-33. All of Defendant’s objections to these requests are OVERRULED, and the temporal scope of her production shall be from January 1, 2010 forward.
3. Defendant’s objections to RFP Nos. 37, 38, and 42 are OVERRULED, and Defendant shall produce all non-privileged documents responsive to these requests by no later than May 28, 2021.
4. Defendant’s objections to RFP Nos. 39-41 are SUSTAINED.

5. Defendant's objections to RFP Nos. 18 and 19 are OVERRULED. By asserting defense of counsel as an affirmative defense, Defendant waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint. Accordingly, her communications on that subject are not privileged, and Defendant shall produce all communications to or from anyone, including but not limited to any of her legal counsel and/or anyone associated with the ACLU, relating in any way to the Op-Ed, and shall produce by no later than Friday, May 28 all drafts of the Op-Ed and any and all other documents responsive to RFP Nos. 18 and 19.

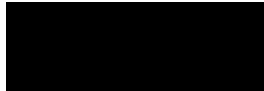
6. With respect to the tax returns, Defendant shall produce all information showing gross income, but may otherwise redact.

7. Defendant represents she has produced all non-privileged documents responsive to RFP Nos. 5, 7, 8 and 37.

The Honorable Penney S. Azcarate
CHIEF JUDGE

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

WE ASK FOR THIS EXCEPT AS TO THE COURT'S RULING ON RFP Nos. 39-41:



Benjamin G. Chew. (VSB No. 29113)

Camille M. Vasquez (*pro hac vice*)

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SEEN AND EXCEPTED TO FOR THE REASONS STATED IN DEFENDANT'S BRIEFS AND DURING HEARING, EXCEPT AS TO THE COURT'S RULING ON RFP Nos. 39-41:

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