

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

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

NAME: <u>Elon Musk</u>	
ADDRESS: <u>10911 Chalon Road, Los Angeles, CA 90077</u>	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: _____ _____	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	_____, Sheriff
_____ DATE	by _____, Deputy Sheriff

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

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

File No. CL-2019-0002911

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

**FAIRFAX COUNTY**

Circuit Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030

ADDRESS OF COURT

JOHN C. DEPP, II

v./In re:

AMBER LAURA HEARD

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Elon Musk

NAME

10911 Chalon Road

STREET ADDRESS

Los Angeles

CA

CITY

STATE

90077

ZIP

FILED  
CIVIL INTAKE  
2021 FEB -3 PM 3:46  
JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**TO THE PERSON SUMMONED:** You are commanded to

attend and give testimony at a deposition

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

See Attachment A

at Brown Rudnick LLP, 2211 Michelson Drive, Irvine, CA 92612 at April 1, 2021 at 10:00 a.m. PST;

LOCATION

DATE AND TIME

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

permit inspection of the premises

at the following location

LOCATION

on \_\_\_\_\_  
DATE AND TIME

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

John C. Depp, II

NAME OF REQUESTING PARTY

c/o Benjamin G. Chew, 601 Thirteenth Street, N.W., Suite 600

STREET ADDRESS

Washington

DC

20005

(202) 536-1700

CITY

STATE

ZIP

TELEPHONE NUMBER

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

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

February 4<sup>th</sup>, 2021  
DATE ISSUED

JOHN T. FREY, CLERK

by



NAME OF PARTY

601 Thirteenth Street, N.W., Suite 600

OFFICE ADDRESS

Washington, DC 20005

OFFICE ADDRESS

29113

BAR NUMBER

VA

LICENSING STATE

(202) 536-1700

TELEPHONE NUMBER OF ATTORNEY

(202) 536-1701

FACSIMILE NUMBER OF ATTORNEY

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

RETURN OF SERVICE (see page three of this form)

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are:

Benjamin G. Chew (VSB No. 29113)  
Andrew C. Crawford (VSB No. 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005  
Telephone: (202) 536-1700  
Facsimile: (202) 536-1701  
bchew@brownrudnick.com  
acrawford@brownrudnick.com

Camille M. Vasquez (*pro hac vice*)  
BROWN RUDNICK LLP  
2211 Michelson Drive  
Seventh Floor  
Irvine, CA 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
cvasquez@brownrudnick.com

*Counsel for Plaintiff John C. Depp, II*

**SERVICE LIST**

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

Elaine Charlson Bredehoft (VSB No. 23766)  
Carla D. Brown (VSB No. 44803)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
Telephone: (703) 318-6800  
Facsimile: (703) 318-6808  
ebredehoft@cbcblaw.com  
cbrown@cbcblaw.com  
anadelhaft@cbcblaw.com  
dmurphy@cbcblaw.com

*Counsel for Defendant Amber Laura Heard*

1 ATTACHMENT A

2 DEFINITIONS

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

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

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

23 4. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
24 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
25 2019-0002911.

26 5. "DIVORCE ACTION" shall mean and refer to the action entitled *In re the*  
27 *Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case  
28 No. BD641052.



1 12. All undefined terms shall be interpreted according to their plain and commonsense  
2 meaning.

3 13. DOCUMENTS should be produced as single page .tiff format files imaged at 300  
4 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide  
5 presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native  
6 format. Each .tiff file should have a unique name matching the Bates number labeled on the  
7 corresponding page. Color DOCUMENTS should be produced in color.

8 14. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an  
9 image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the  
10 corresponding image load file. The total number of documents referenced in a production's data  
11 load file should match the total number of designated document breaks in the image load file for  
12 the production.

13 15. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
14 in the form of a .dat file. The metadata should include the following fields, to the extent such  
15 fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message
Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained
File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the

	document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

16. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

17. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

18. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

19. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is responsive or in a load file identifying the same.

///

///

1           20.    A Request for a DOCUMENT shall be deemed to include a request for any and all  
2 file folders within which the DOCUMENT was contained, transmittal sheets, cover letters,  
3 exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

4           21.    If you claim that any DOCUMENT is, in whole or in part, beyond the scope of  
5 permissible discovery (including but not limited to any claim of privilege or confidentiality),  
6 specify in detail each and every ground on which such claim rests and identify generally what the  
7 document is. If you assert any claim of privilege, then at the time of production you are to furnish  
8 a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b)  
9 author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the  
10 DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such  
11 privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log  
12 should contain enough specificity, but without disclosing privileged information, to allow  
13 Plaintiffs and the Court to adequately assess the privilege claimed.

14           22.    To the extent you consider any portion of the following Requests to be  
15 objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the  
16 nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of  
17 such Request that is not claimed to be objectionable.

18           23.    If you believe that any Request is unclear, unintelligible, or because of its wording  
19 otherwise prevents you from responding fully to that Request, identify the ambiguity or source of  
20 confusion and explain the definition and understanding that you relied upon in responding. It shall  
21 be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or  
22 otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

23    ///

24    ///

25    ///

26    ///

27    ///

28    ///

1 DOCUMENT REQUESTS

2 REQUEST NO. 1:

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

5 REQUEST NO. 2:

6 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO any  
7 allegations of physical injuries or harm sustained by MS. HEARD as a result of any alleged  
8 conduct by MR. DEPP.

9 REQUEST NO. 3:

10 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO any  
11 allegations of physical abuse or domestic violence committed by either MR. DEPP or MS.  
12 HEARD.

13 REQUEST NO. 4:

14 All COMMUNICATIONS between YOU and MS. HEARD regarding MR. DEPP.

15 REQUEST NO. 5:

16 All COMMUNICATIONS between YOU and MS. HEARD between March 7, 2013 and  
17 March 15, 2013.

18 REQUEST NO. 6:

19 All COMMUNICATIONS between YOU and MS. HEARD between May 23, 2014 and  
20 June 1, 2014.

21 REQUEST NO. 7:

22 All COMMUNICATIONS between YOU and MS. HEARD between August 16, 2014 and  
23 August 24, 2014.

24 REQUEST NO. 8:

25 All COMMUNICATIONS between YOU and MS. HEARD between December 24, 2014  
26 and January 1, 2015.

27 ///

28 ///

1 **REQUEST NO. 9:**

2 All COMMUNICATIONS between YOU and MS. HEARD between January 24, 2015 and  
3 February 4, 2015.

4 **REQUEST NO. 10:**

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

6 **REQUEST NO. 11:**

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

8 **REQUEST NO. 12:**

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

11 **REQUEST NO. 13:**

12 All COMMUNICATIONS between YOU and MS. HEARD between April 20, 2016 and  
13 May 1, 2016.

14 **REQUEST NO. 14:**

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

17 **REQUEST NO. 15:**

18 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
19 the present relating to MR. DEPP.

20 **REQUEST NO. 16:**

21 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
22 the present relating to MS. HEARD'S relationship with MR. DEPP.

23 **REQUEST NO. 17:**

24 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
25 the present relating to the DIVORCE ACTION.

26 ///

27 ///

28 ///

1 **REQUEST NO. 18:**

2 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
3 the present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE  
4 ACTION to the American Civil Liberties Union.

5 **REQUEST NO. 19:**

6 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
7 present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE ACTION  
8 to Children's Hospital Los Angeles.

9 **REQUEST NO. 20:**

10 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
11 present relating to any donations made on MS. HEARD's behalf to Children's Hospital Los  
12 Angeles and/or the American Civil Liberties Union.

13 **REQUEST NO. 21:**

14 All DOCUMENTS and COMMUNICATIONS regarding any donations by an anonymous  
15 donor made on MS. HEARD's behalf and/or at her recommendation to Children's Hospital Los  
16 Angeles or the American Civil Liberties Union from 2016 to present, including without limitation  
17 the "anonymous donor" referenced in the correspondence that is attached hereto as Exhibit "1,"  
18 and is Bates stamped as CHLA000008.

19 **REQUEST NO. 22:**

20 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
21 present relating to the DIVORCE ACTION.

22 **REQUEST NO. 23:**

23 All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to  
24 the present relating to the DEFAMATION ACTION.

25 **REQUEST NO. 24:**

26 All COMMUNICATIONS between YOU and MS. HEARD relating to THE SUN CASE.  
27  
28

# **Exhibit 1**



July 18, 2017

Ms. Amber Heard  
c/o John Blakeman, CPA



Dear Ms. Heard,

Children's Hospital Los Angeles (CHLA) would like to extend our heartfelt appreciation to you for recommending that a \$500,000 donation be made to the hospital by an anonymous donor. This extraordinary new donation will support our Children's Fund, a vital unrestricted program that allows CHLA leadership to direct funds to areas of greatest need—all in the furtherance of our mission to create hope and build healthier futures.

CHLA is proud of its ability to attend to the complex medical needs of the many underserved children who turn to us for care, and is only able to do this with the assistance of remarkable friends like you.

Should you find the time, we would welcome the opportunity to offer you a tour of the campus so that you can see—firsthand—the difference our programs and services make in the lives of children and their families every day.

On behalf of every child seeking health and hope at CHLA, thank you!

Sincerely,

Ellen B. Cheney  
Director, Foundation Relations

cc: S. Tudor



**CHLA000008**



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>BROWN RUDNICK LLP</b> <b>LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377</b> <b>SAMUEL A. MONIZ, #313274</b> <b>2211 Michelson Drive, Seventh Floor, Irvine, CA 92612</b> TELEPHONE NO.: (949) 752-7100 FAX NO.: (949) 252-1514 E-MAIL ADDRESS: <a href="mailto:cvasquez@brownrudnick.com">cvasquez@brownrudnick.com</a> ATTORNEY FOR (Name): <b>John C. Depp, II</b>	<b>FOR COURT USE ONLY</b>
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: <b>111 N. Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles 90012</b> BRANCH NAME: <b>Stanley Mosk</b>	
Court in which action is pending: <b>Name of Court: Circuit Court of Fairfax County</b> STREET ADDRESS: <b>4110 Chain Bridge Road</b> MAILING ADDRESS: <b>4110 Chain Bridge Road, Suite 320</b> CITY, STATE, AND ZIP CODE: <b>Fairfax, Virginia 22030</b> COUNTRY: <b>United States</b>	
PLAINTIFF/PETITIONER: <b>John C. Depp, II</b> DEFENDANT/RESPONDENT: <b>Amber Laura Heard</b>	CALIFORNIA CASE NUMBER (if any assigned by court): <b>19STCP04763</b>
<b>DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): <b>CL-2019-0002911</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Elon Musk, 10911 Chalon Road, Los Angeles, CA 90077

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

Date: April 1, 2021 Time: 10:00 a.m. PST Address: Brown Rudnick LLP, 2211 Michelson Drive, Irvine, CA 92612

- a.  As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b.  You are ordered to produce the documents, electronically stored information, and things described in item 3.
- c. This deposition will be recorded stenographically  through the instant visual display of testimony and by  audiotape  videotape.
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents, electronically stored information, and things to be produced and any testing or sampling being sought are described as follows (if electronically stored information is required, the form or forms in which each type of information is to be produced may be specified) : See Attachment 3
- Continued on Attachment 3 (use form MC-025).
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
- Continued on Attachment 4 (use form MC-025).
5. Attorneys for the parties to this action or parties without attorneys are (name, address, telephone number, and name of party represented): See Attachment 5
- Continued on Attachment 5 (use form MC-025).

PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER: CL-2019-0002911
-----------------------------------------------------------------------------------	---------------------------------

6.  Other terms or provisions from out-of-state subpoena, if any (specify):  
See attached Fairfax County Circuit Court Subpoena

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

7. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedures section 1985.3 or 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

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

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

Date issued: February 3, 2021



CAMILLE M. VASQUEZ

(TYPE OR PRINT NAME)

Attorney for John C. Depp, II

(TITLE)

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

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents, Electronically Stored Information, and Things in Action Pending Outside California by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

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

(1)  were paid. Amount: ..... \$ \_\_\_\_\_

(2)  were not paid.

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

f. Fee for service: .....\$ \_\_\_\_\_

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

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

4 Person serving:

a.  Not a registered California process server

b.  California sheriff or marshal

c.  Registered California process server

d.  Employee or independent contractor of a registered California process server

e.  Exempt from registration under Business and Professions Code section 22350(b)

f. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

\_\_\_\_\_  
(SIGNATURE)

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

1 ATTACHMENT 3

2 DEFINITIONS

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

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

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

23 4. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
24 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
25 2019-0002911.

26 5. "DIVORCE ACTION" shall mean and refer to the action entitled *In re the*  
27 *Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case  
28 No. BD641052.

1           6.       “DOCUMENT” and/or “DOCUMENTS” unless otherwise indicated, are used in  
2 their customarily broad sense and shall refer to and mean all writings and other tangible things of  
3 any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof),  
4 medical records, drawings, graphs, charts, photographs, phone records, other data compilations or  
5 storage devices from which information can be obtained (even if such information must be  
6 translated into a reasonably usable form), magnetically recorded or stored information generated  
7 by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda,  
8 records, reports, books, summaries or records of telephone conversations, summaries or records of  
9 personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts,  
10 accounts, analytical records, minutes or records of meetings or conferences, records, reports or  
11 summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations,  
12 bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or  
13 photographic matter or sound reproductions, or tangible representations of things, however  
14 produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all  
15 nonidentical copies of the foregoing.

16           7.       “MR. DEPP” means and refers to Plaintiff John C. Depp, II.

17           8.       “MS. HEARD” means and refers to Defendant Amber Laura Heard.

18           9.       The term “PERSON” and/or “PERSONS” shall be broadly construed to include all  
19 natural and artificial persons.

20           10.      “THE SUN CASE” shall mean and refer to the action entitled *John Christopher*  
21 *Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen’s  
22 Bench Division Media and Communications List, Claim No. QB-2018-006323.

### INSTRUCTIONS

24           11.      When necessary, the singular form of a word shall be interpreted as plural, and the  
25 masculine gender shall be deemed to include the feminine, in order to bring within the scope any  
26 DOCUMENTS which might otherwise be construed to be outside the scope of these Requests.  
27 The terms, “and” and “or,” have both conjunctive and disjunctive meanings, and “each,” “any,”  
28 and “all” mean “each and every.”

1 12. All undefined terms shall be interpreted according to their plain and commonsense  
2 meaning.

3 13. DOCUMENTS should be produced as single page .tiff format files imaged at 300  
4 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide  
5 presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native  
6 format. Each .tiff file should have a unique name matching the Bates number labeled on the  
7 corresponding page. Color DOCUMENTS should be produced in color.

8 14. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an  
9 image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the  
10 corresponding image load file. The total number of documents referenced in a production's data  
11 load file should match the total number of designated document breaks in the image load file for  
12 the production.

13 15. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
14 in the form of a .dat file. The metadata should include the following fields, to the extent such  
15 fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message
Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained
File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the

	document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

16. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

17. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

18. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

19. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is responsive or in a load file identifying the same.

///

///

1           20.     A Request for a DOCUMENT shall be deemed to include a request for any and all  
2 file folders within which the DOCUMENT was contained, transmittal sheets, cover letters,  
3 exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

4           21.     If you claim that any DOCUMENT is, in whole or in part, beyond the scope of  
5 permissible discovery (including but not limited to any claim of privilege or confidentiality),  
6 specify in detail each and every ground on which such claim rests and identify generally what the  
7 document is. If you assert any claim of privilege, then at the time of production you are to furnish  
8 a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b)  
9 author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the  
10 DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such  
11 privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log  
12 should contain enough specificity, but without disclosing privileged information, to allow  
13 Plaintiffs and the Court to adequately assess the privilege claimed.

14           22.     To the extent you consider any portion of the following Requests to be  
15 objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the  
16 nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of  
17 such Request that is not claimed to be objectionable.

18           23.     If you believe that any Request is unclear, unintelligible, or because of its wording  
19 otherwise prevents you from responding fully to that Request, identify the ambiguity or source of  
20 confusion and explain the definition and understanding that you relied upon in responding. It shall  
21 be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or  
22 otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

23     ///

24     ///

25     ///

26     ///

27     ///

28     ///



1 DOCUMENT REQUESTS

2 REQUEST NO. 1:

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

5 REQUEST NO. 2:

6 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO any  
7 allegations of physical injuries or harm sustained by MS. HEARD as a result of any alleged  
8 conduct by MR. DEPP.

9 REQUEST NO. 3:

10 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO any  
11 allegations of physical abuse or domestic violence committed by either MR. DEPP or MS.  
12 HEARD.

13 REQUEST NO. 4:

14 All COMMUNICATIONS between YOU and MS. HEARD regarding MR. DEPP.

15 REQUEST NO. 5:

16 All COMMUNICATIONS between YOU and MS. HEARD between March 7, 2013 and  
17 March 15, 2013.

18 REQUEST NO. 6:

19 All COMMUNICATIONS between YOU and MS. HEARD between May 23, 2014 and  
20 June 1, 2014.

21 REQUEST NO. 7:

22 All COMMUNICATIONS between YOU and MS. HEARD between August 16, 2014 and  
23 August 24, 2014.

24 REQUEST NO. 8:

25 All COMMUNICATIONS between YOU and MS. HEARD between December 24, 2014  
26 and January 1, 2015.

27 ///

28 ///

1 **REQUEST NO. 9:**

2 All COMMUNICATIONS between YOU and MS. HEARD between January 24, 2015 and  
3 February 4, 2015.

4 **REQUEST NO. 10:**

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

6 **REQUEST NO. 11:**

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

8 **REQUEST NO. 12:**

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

11 **REQUEST NO. 13:**

12 All COMMUNICATIONS between YOU and MS. HEARD between April 20, 2016 and  
13 May 1, 2016.

14 **REQUEST NO. 14:**

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

17 **REQUEST NO. 15:**

18 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
19 the present relating to MR. DEPP.

20 **REQUEST NO. 16:**

21 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
22 the present relating to MS. HEARD'S relationship with MR. DEPP.

23 **REQUEST NO. 17:**

24 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
25 the present relating to the DIVORCE ACTION.

26 ///

27 ///

28 ///

1 **REQUEST NO. 18:**

2 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and  
3 the present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE  
4 ACTION to the American Civil Liberties Union.

5 **REQUEST NO. 19:**

6 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
7 present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE ACTION  
8 to Children's Hospital Los Angeles.

9 **REQUEST NO. 20:**

10 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
11 present relating to any donations made on MS. HEARD's behalf to Children's Hospital Los  
12 Angeles and/or the American Civil Liberties Union.

13 **REQUEST NO. 21:**

14 All DOCUMENTS and COMMUNICATIONS regarding any donations by an anonymous  
15 donor made on MS. HEARD's behalf and/or at her recommendation to Children's Hospital Los  
16 Angeles or the American Civil Liberties Union from 2016 to present, including without limitation  
17 the "anonymous donor" referenced in the correspondence that is attached hereto as Exhibit "1,"  
18 and is Bates stamped as CHLA000008.

19 **REQUEST NO. 22:**

20 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the  
21 present relating to the DIVORCE ACTION.

22 **REQUEST NO. 23:**

23 All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to  
24 the present relating to the DEFAMATION ACTION.

25 **REQUEST NO. 24:**

26 All COMMUNICATIONS between YOU and MS. HEARD relating to THE SUN CASE.  
27  
28

# **Exhibit 1**



We Treat Kids Better

July 18, 2017

Ms. Amber Heard  
c/o John Blakeman, CPA



Dear Ms. Heard,

Children's Hospital Los Angeles (CHLA) would like to extend our heartfelt appreciation to you for recommending that a \$500,000 donation be made to the hospital by an anonymous donor. This extraordinary new donation will support our Children's Fund, a vital unrestricted program that allows CHLA leadership to direct funds to areas of greatest need—all in the furtherance of our mission to create hope and build healthier futures.

CHLA is proud of its ability to attend to the complex medical needs of the many underserved children who turn to us for care, and is only able to do this with the assistance of remarkable friends like you.

Should you find the time, we would welcome the opportunity to offer you a tour of the campus so that you can see—firsthand—the difference our programs and services make in the lives of children and their families every day.

On behalf of every child seeking health and hope at CHLA, thank you!

Sincerely,

Ellen B. Cheney  
Director, Foundation Relations

cc: S. Tudor



**CHLA000008**

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

ATTACHMENT (Number): 5

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

Benjamin G. Chew (VSB No. 29113)  
 Andrew C. Crawford (VSB No. 89093)  
 BROWN RUDNICK LLP  
 601 Thirteenth Street, N.W.  
 Washington, DC 20005  
 Telephone: (202) 536-1700  
 Facsimile: (202) 536-1701  
 bchew@brownrudnick.com  
 acrawford@brownrudnick.com

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

Leo J. Presiado  
 Camille M. Vasquez (*pro hac vice*)  
 Samuel A. Moniz  
 BROWN RUDNICK LLP  
 2211 Michelson Drive  
 Seventh Floor  
 Irvine, CA 92612  
 Telephone: (949) 752-7100  
 Facsimile: (949) 252-1514  
 lpresiado@brownrudnick.com  
 cvasquez@brownrudnick.com  
 smoniz@brownrudnick.com

Elaine Charlson Bredehoft (VSB No. 23766)  
 Carla D. Brown (VSB No. 44803)  
 Adam S. Nadelhaft (VSB No. 91717)  
 David E. Murphy (VSB No. 90938)  
 Charlson Bredehoft Cohen & Brown, P.C.  
 11260 Roger Bacon Drive, Suite 201  
 Reston, VA 20190  
 Telephone: (703) 318-6800  
 Facsimile: (703) 318-6808  
 ebredehoft@cbcblaw.com  
 cbrown@cbcblaw.com  
 anadelhaft@cbcblaw.com  
 dmurphy@cbcblaw.com

*Counsel for Plaintiff John C. Depp, II*

Craig J. Mariam  
 John P. Cogger  
 Kristin Blocher  
 Gordon Rees Scully Mansukhani, LLP  
 633 West Fifth Street, 52nd floor  
 Los Angeles, CA 90071  
 Telephone: (213) 576-5000  
 Facsimile: (877) 306-0043  
 cmariam@grsm.com  
 jcogger@grsm.com  
 kblocher@grsm.com

*Counsel for Defendant Amber Laura Heard*

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

Page 1 of 1

(Add pages as required)

**CERTIFICATE OF SERVICE**

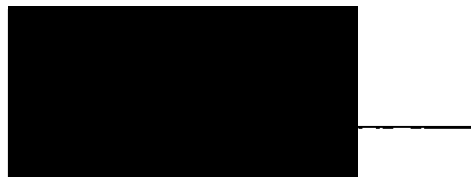
I HEREBY CERTIFY that on this 3rd day of February 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
Carla D. Brown (VSB No. 44803)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
Telephone: (703) 318-6800  
Facsimile: (703) 318-6808  
ebredehoft@cbcblaw.com  
cbrown@cbcblaw.com  
anadelhaft@cbcblaw.com  
dmurphy@cbcblaw.com

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

Craig J. Mariam  
John P. Cogger  
Kristin Blocher  
Gordon Rees Scully Mansukhani, LLP  
633 West Fifth Street, 52nd floor  
Los Angeles, CA 90071  
Telephone: (213) 576-5000  
Facsimile: (877) 306-0043  
cmariam@grsm.com  
jcogger@grsm.com  
kblocher@grsm.com

*Counsel for Defendant Amber Laura Heard*



# brownrudnick

BENJAMIN G. CHEW  
direct dial: 202.536.1785  
bchew@brownrudnick.com

FILED  
CIVIL INTAKE

2021 FEB -3 PM 3:46

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

February 3, 2021

## VIA HAND DELIVERY

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

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

Dear Mr. Frey,

Please find enclosed two copies of an original foreign subpoena/subpoena duces tecum of third party witness Elon Musk pursuant to Virginia Code Section 8.01-412.10 and California Civil Procedure Code Section 2029.100 et seq. The enclosed subpoena has been issued in accordance with both Acts and the reciprocal privileges included therein.

The enclosed document will be served by private process server. Please file one copy of the subpoena with the Court's papers in this case and issue one copy in accordance with the Uniform Interstate Deposition and Discovery Act. Also enclosed is a check for the Court's fee. Thank you for your assistance.

Regards,

**BROWN RUDNICK LLP**

  
Benjamin G. Chew

VS # 29113

Enclosures



Fairfax Circuit Court  
Circuit Court  
Receipt No. 923000  
Receipt Date: 02/04/2021 10:49 AM

Received of: Chew, Benjamin \$ 7.00

Seven and 00/100

John C Depp II vs. Amber Laura Heard

Filer(s): Depp, John C II

<u>Case</u>	<u>Amount</u>
CL-2019-0002911	
Copy - Certified	2.00
Subpoena Duces Tecum Clerks Fee	5.00

Total: 7.00

Balance due court: \$ 0.00

Next fine/fee due date:

Next restitution due date:

Check (Num: 392, Exp: xx/xx)

Amount Tendered: 7.00

Overage: 0.00

Change Due: 0.00

John T. Frey, Clerk of Circuit Court

By: \_\_\_\_\_

Deputy Clerk

Clerk: CSMI32