

3. Defendant has not obtained leave to file an oversized brief. The brief in support of her proposed demurrer and plea in bar is 17 pages in length, taking it out of the rubric of the standard two-week motions procedures, and for which prior leave of Court is required.

4. Should Defendant be granted leave to amend her responsive pleadings, and to file an oversized brief in support of same, Plaintiff will require more than one week – and more than five pages – to respond.


5. To the extent leave is granted, the hearing on the proposed demurrer and plea in bar could not take place in 30 minutes because the plea in bar would be an evidentiary hearing of disputed factual issues for which Plaintiff would request a jury trial.

Conclusion

Based on the foregoing, the Court should strike Defendant's Praecipe and remove the hearing on Defendant's proposed demurrer and plea in bar from the November 22 docket.

Dated: October 31, 2019

Respectfully submitted,


Benjamin G. Chew (VSB #29113)
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- and -

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1775 Pennsylvania Avenue NW, Suite 350
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Counsel for Plaintiff John C. Depp, II

EXHIBIT A

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff

vs.

Civil Action No. CL2019-02911

AMBER LAURA HEARD

Defendant

Previous Chancery No. CH

SERVE:

FRIDAY MOTIONS DAY - PRAECIPE/NOTICE

Moving Party: Plaintiff Defendant X Other

Title of Motion: DEMURRER AND PLEA IN BAR Attached X Previously Filed (As Attachment to 9/5/19 Motion for Leave)

DATE TO BE HEARD: 11/22/2019 (if Leave is Granted) Time Estimate (combined no more than 30 minutes): 30 Min

Time to be Heard: 9:00 a.m. with a Judge 9:00 a.m. without a Judge

X 10:00 a.m. (Civil Action Cases) Does this motion require 2 weeks notice? X Yes No

11:30 a.m. (DOMESTIC/Family Law Cases) Does this motion require 2 weeks notice? Yes No

Case continued from: continued to: (Date) (Date)

Moving party will use Court Call telephonic appearance: Yes X No

Judge Bruce D. White must hear this motion because (check one reason below):

- The matter is on the docket for presentation of an order reflecting a specific ruling previously made by that Judge.
X This Judge has been assigned to this entire case by the Chief Judge; or,
The Judge has advised counsel that all future motions, or this specific motion, should be placed on this Judge's Docket; or,
This matter concerns a demurrer filed in a case where that Judge previously granted a demurrer in favor of demurrant.

PRAECIPE by: Joshua R. Treece, Esq./ Amber Laura Heard WOODS ROGERS PLC
Printed Attorney Name/ Moving Party Name Firm Name

10 S. Jefferson Street, Suite 1400, P.O. Box 14125, Roanoke, Virginia 24011
Address

504-983-7730 540-983-7711 79149 jtreece@woodsrogers.com
Tel. No. Fax No. VSB No. E-Mail Address

CERTIFICATIONS

I certify that I have in good faith conferred or attempted to confer with other affected parties in an effort to resolve the subject of the motion without Court action, pursuant to Rule 4:15(b) of the Rules of the Supreme Court of Virginia; and, I have read, and complied with, each of the Instructions for Moving Party on the reverse side of this form.

[Redacted signature]
Moving Party/Counsel of Record

CERTIFICATE OF SERVICE

I certify on the 4th day of October, 2019, a true copy of the foregoing Praecipe was X mailed X emailed delivered to all counsel of record pursuant to the provisions of Rule 4:15(e) of the Rules of the Supreme Court of Virginia.

[Redacted signature]
Moving Party/Counsel of Record

FILED
MOTIONS DOCKET
2019 OCT 31 PM 2:55
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

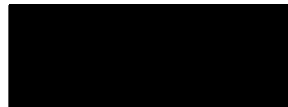
PLAINTIFF’S MOTION TO STRIKE DEFENDANT’S PRAECIPE/NOTICE

Plaintiff John C. Depp, II, by and through his undersigned counsel, hereby moves this Honorable Court to strike Defendant Amber Heard’s Praecipe purporting to notice the hearing on her proposed Demurrer and Plea in Bar for hearing on November 22, 2019.

A memorandum in support of this motion and proposed Order are filed herewith for the Court’s consideration.

Dated: October 31, 2019

Respectfully submitted,



Benjamin G. Chew (VSB #29113)
Elliot J. Weingarten (*pro hac vice*)
Camille M. Vasquez (*pro hac vice*)
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