

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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John C. Depp, II,)
)
Plaintiff,)
)
v.)
)
Amber Laura Heard,)
)
Defendant.)

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Civil Action No.: CL-2019-0002911

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO FILE EXTENDED
BRIEF AND FOR BRIEFING SCHEDULE**

Benjamin G. Chew (VSB #29113)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
eweingarten@brownrudnick.com

Adam R. Waldman (*pro hac vice*)
THE ENDEAVOR GROUP LAW FIRM, P.C.
5163 Tilden Street, NW
Washington, DC 20016
Phone: (202) 715-0966
Fax: (202) 715-0964
awaldman@theendevorgroup.com

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

Counsel for Plaintiff John C. Depp, II

Plaintiff John C. Depp, by and through his undersigned counsel, pursuant to the Rules of the Supreme Court of Virginia and sub-section 1.05 of Section E of the Fairfax Circuit Court Practice Manual (2018 ed.), has moved this Honorable Court to file an extended brief and for briefing schedule as to his Demurrer and Plea in Bar to Defendant's Counterclaims filed on August 10, 2020.

In further support thereof, Plaintiff states as follows:

1. Defendant filed Counterclaims including three counts for: declaratory judgment (Count I); defamation and defamation *per se* (Count II); and violation of the Virginia Computer Crimes Act (Count III).

2. Plaintiff has filed a Demurrer to each of the three counts in Defendant's Counterclaims and a Plea in Bar as to Count II based on Virginia applicable one-year statute of limitations.

3. Plaintiff respectfully submits that it would be more efficient for the Court to consider the Demurrer and Plea in Bar together in one briefing schedule and one hearing, rather than considering each *seriatim*.

4. Plaintiff believes that adequate briefing of the issues requires extending the five-page limit.

5. Specifically, Plaintiff requests that the Court grant his motion and order the following briefing schedule on his Demurrer and Plea in Bar:

Plaintiff's opening brief – due Monday, September 14, 2020 (no more than 20 pages);

Defendant's opposition – due Monday, September 28, 2020 (no more than 20 pages);

Plaintiff's reply – due Monday, October 5, 2020 (no more than 5 pages).

6. Though Plaintiff respectfully submits that oversized briefing is necessary, he does not believe that oral argument would require more than the 30-minute limit. Accordingly, Plaintiff requests that the Court set the argument on his Demurrer and Plea in Bar for Friday Motions Day, October 16, 2020.

CONCLUSION

Based on the aforesaid, Plaintiff respectfully requests that the Court grant his Motion to File Extended Brief and for Briefing Schedule.

Respectfully submitted,



Benjamin G. Chew (VSB # 29113)
Andrew C. Crawford (VSB # 89093)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
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Washington, DC 20016
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Fax: (202) 715-0964
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Irvine, CA 92612
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Counsel for Plaintiff John C. Depp, II

Dated: August 31, 2020