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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY 2019 NOV 25 AM 11: 22

JOHN C. DEPP, II

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Plaintiff,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD

Defendant.

**DEFENDANT'S MOTION FOR CONTINUANCE BASED ON PLAINTIFF'S
DISCOVERY ABUSES, INCLUDING PLAINTIFF'S CONTEMPT OF THE COURT'S
OCTOBER 18, 2019 ORDER GRANTING DEFENDANT'S MOTION TO COMPEL,
AND DEFENDANT'S MEMORANDUM IN SUPPORT**

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The Virginia Supreme Court has held that a continuance should be granted when the refusal to do so “seriously imperils the just determination of the cause.” *Mills v. Mills*, 232 Va. 94, 96 (1986). Because Mr. Depp refuses to produce critical evidence in his custody or control in violation of his discovery obligations and this Court’s October 18 Order, such is the case here. Indeed, a modest, 60-day continuance is particularly appropriate where, as here, “nothing in the case indicates that the movant’s purpose for the motion is to delay or evade trial.” *Id.* Ms. Heard’s purpose in filing this motion is not to delay or evade trial. To the contrary, she is eager to try this case and prove the truth (if necessary) of the domestic abuse allegations Mr. Depp has put at issue. While Mr. Depp would like the trial in this case to be a “he said/she said” contest of his own (estimable) skills as an actor, Ms. Heard is entitled to obtain the documents and other evidence that corroborate her defenses in this case.

Trial in this matter is scheduled to begin in just over two months, on February 3, 2020. Defendant’s Expert Disclosures are due on December 5, 2019, and discovery is to be completed on January 3, 2020. However, because of Mr. Depp’s abject disregard of this Court’s discovery order dated October 18, 2019 (the “Discovery Order”), and other dilatory and obstructionist conduct, Ms. Heard has not received essential discovery to which she is clearly entitled. As a result, Ms. Heard cannot appropriately prepare expert witnesses and expert disclosures, cannot fully examine or impeach out-of-state witnesses who are not willing to voluntarily testify in Virginia, and cannot otherwise mount a fair defense within the relatively short time remaining prior to trial. All of this is compounded by the fact that we are fast approaching the Christmas season, meaning that many witnesses are unwilling to produce documents or schedule depositions during the month of December and into the first week of January. Because Plaintiff’s discovery abuses imperil a just determination of this case, there is good cause for a continuance. Fairfax Cir.

Ct. Prac. Man. § F. Accordingly, Ms. Heard respectfully requests a modest continuance of trial for 60 days. *See generally* Va. S. Ct. R. 4:12(b) & (d) (recognizing the Court has the power to “stay further proceedings until [its] order is obeyed” or stay further proceedings until a party answers discovery, even without an order on a motion to compel).¹

A full list of Mr. Depp’s discovery deficiencies would fill more than 5 pages, but a few representative examples are discussed below.

Medical Records: First and foremost is Mr. Depp’s continuing violation of this Court’s October 18 Discovery Order, which required Mr. Depp to “produce *all* non-privileged responsive documents requested by Defendant’s Document Requests 4-5, 15, 17-21 and 30-44” almost two weeks ago, or “by November 15, 2019.” As the Court is aware, this Order required Plaintiff to produce, among other things, his medical records. Indeed, on the day of Plaintiff’s required production, the Court reiterated its Order and understanding that “the medical records of Mr. Depp have been ordered to be produced. I assume will be produced if they’ve not already been produced.” 11/15/19 Hrg. Tr. at 27, attached hereto as Exhibit A.

But despite the Court’s reasonable assumption, Mr. Depp did not produce all relevant medical records as ordered—instead, on November 15, 2019, he produced merely a handful of PDF files that appear to be email forwards he received from a single doctor, Dr. Kipper. *See, e.g.*, 11/15/19 Hrg. Tr. at 20 (claiming Dr. Kipper is a fact witness who will support Mr. Depp). Mr. Depp still has not produced any other records relating to his medical condition, despite the fact that there were clearly other doctors involved in his care.² Nor did Mr. Depp produce emergency

¹ Under the current schedule, trial is set to begin 11 months after the complaint was filed. A short continuance of 60 days will still permit this case to be tried within 13-14 months of filing.
² The Court’s Order also required Mr. Depp to provide a HIPAA Waiver within seven days. Late on the seventh day, counsel sent by email an undated signature page without accompanying authorization. Some days later, Mr. Depp produced a form that excluded his mental health

room records, charts, x-rays, or any other diagnostic tests relating to the finger injury he has put at issue in this case by alleging that it was caused by Ms. Heard, instead of himself, *see* Compl. ¶ 28, Depp Decl. at ¶ 13 (May 2019).³

Plaintiff's strategy of producing only self-serving information is not limited to materials governed by the Discovery Order. On October 28, Plaintiff responded to an interrogatory seeking a list of relevant medical providers by refusing to answer, pointing to his non-existent document productions. Ms. Heard informed Mr. Depp's counsel that this was inconsistent with the Court's October 18 Order, which expressly authorized Ms. Heard to seek documents from relevant providers. Plaintiff ultimately identified a grand total of three doctors, and did so only in an unverified email from his counsel (which *still* failed to identify the Australian doctors Plaintiff saw for his finger injury). It then fell to Ms. Heard to identify at least four *additional* medical providers to Mr. Depp, and we know that even more exist (including the doctors in Australia). To date, Mr. Depp still has not supplemented his deficient interrogatory response or produced any other medical records.⁴

Expert Disclosures/Damages: Plaintiff's tactical noncompliance with his discovery obligations makes it nearly impossible for Ms. Heard to prepare her own expert disclosures. Although most (2 of 3) of Mr. Depp's propounded experts relate solely to the issue of damages, Plaintiff has produced *zero* documents about his alleged \$50 million in damages and refused to

records. It was only after Ms. Heard filed an emergency motion to compel that, on November 3 (nine days after it was due), Mr. Depp finally provided a proper HIPAA authorization form.

³ With respect to the medical records from the Australian ER Doctor, Ms. Heard understands that these records have been made available to the attorneys in the related *London Sun* defamation case pending in the U.K., so there can be no argument that Mr. Depp could not have produced them to Ms. Heard in this action by November 15.

⁴ Plaintiff also has failed to answer a relevant interrogatory seeking a list of drugs he was prescribed, which was also due on October 28, 2019. *See* Discovery Deficiency Letters at INT 9-11 & 14, attached hereto as Exhibit B; *see* Va. S. Ct. R. 4:12(a)(3). Under Rule 4:12(d), this Court can stay the proceedings for Plaintiff's failure to respond to this type of discovery request.

answer Ms. Heard's interrogatory on the same topic. *See* Defendant's Motion to Strike Expert Disclosures, dated November 8, 2019.

Depositions: Two depositions that Mr. Depp insisted on going forward with over Ms. Heard's objection last week in California have only confirmed the substantial prejudice to Ms. Heard that is being caused by Mr. Depp's violations of his discovery obligations.⁵ The then-fiancé of Ms. Heard's friend who lived in the same building as Ms. Heard and Mr. Depp, Josh Drew, testified on November 19 that he had communicated with Mr. Depp via text message about Mr. Depp's substance abuse issues during an attempt at detox that Ms. Heard has testified coincided with (and may have caused) domestic abuse. *See* Drew Rough Tr. 147:22-148:20⁶; Heard Decl. ¶¶ 9-11. Yet Mr. Depp has not produced a single relevant communication with Mr. Drew. *See* Discovery Order; Defendant's First RFPs ¶¶ 5, 6; Defendant's Second RFPs ¶¶ 3, 7.

Similarly, Isaac Baruch testified on November 20 that Mr. Depp is his "patron" who has (1) allowed Mr. Baruch to live rent-free in Mr. Depp's homes, (2) provided Mr. Baruch with more than \$100,000, (3) regularly discussed Ms. Heard and her 2016 allegations with Mr. Baruch (including by text), and (4) met together with Mr. Baruch and Mr. Depp's lawyers about this case. *See* Baruch Rough Tr. 82:15-85:16, 107:1-109:13. Yet once again, Mr. Depp has not produced a single communication with Mr. Baruch, or records relating to transactions or gifts between them.⁷

Other Deficiencies: Not surprisingly, despite repeated requests and half-hearted assurances, Plaintiff has not produced *any* of the documents that he already produced to the *London*

⁵ Ms. Heard's counsel had understood that the parties had agreed in principle not to start depositions until the parties' document productions were substantially complete. That is still not the case, even though depositions began last week.

⁶ Defendant's counsel will provide the Court with deposition transcripts, which contain some confidential information under the Protective Order, in person at the hearing.

⁷ A third deponent testified about events that occurred many years ago, so no documents were available.

Sun in pending litigation in the U.K., in which he alleges that the *Sun* defamed him by stating that he had abused Ms. Heard—precisely the issue in this case. Similarly, Plaintiff has obstructed production of highly relevant documents that were produced in prior litigation between Mr. Depp and TMG, his former business managers, who alleged in that action that Mr. Depp violently abused Ms. Heard and then paid hush money to witnesses. *See* Defendant’s Petition to Compel, *Heard v. The Mandel Company, Inc.*, Case No. 19STCP04763, Los Angeles Sup. Ct. (“TMG Motion”). Unbelievably, Mr. Depp has even refused to consent to production of these materials by TMG despite the fact that his own production contains completely *irrelevant* materials produced in that litigation, including six copies of two film scripts totaling over six hundred pages.⁸

The record is clear that Mr. Depp is trying to run out the clock so that he can rush to trial without Ms. Heard being able to obtain critical evidence necessary to prove what really happened. Because of such gamesmanship, a modest continuance of only 60 days is appropriate and would not “imperil [] the just determination of the cause.” *Mills*, 232 Va. at 96.

Mr. Depp would not be prejudiced by such a continuance. Indeed, Plaintiff’s counsel acknowledged two weeks ago that this case is in a “preliminary state,” explaining that “the parties have barely begun their document productions, non-parties have yet to make significant document productions, and no depositions have been taken[.]” *See* Exhibit C. Since that filing, the parties have taken three depositions, but many of the other parties subpoenaed for depositions have informed counsel that they are unavailable in the weeks between now and the New Year. Indeed, there are over twenty subpoenas for additional depositions outstanding, almost all of which have not yet been scheduled and cannot possibly be scheduled on the current schedule.⁹

⁸ Ms. Heard filed a petition seeking those records in California, but that petition remains pending and may not be resolved in the near future. *See* TMG Motion.

⁹ Rule 4:15 Certification: Defendant certifies that she has met and conferred with Mr. Depp in an attempt to resolve this issue without Court action.

Dated this 25th day of November, 2019

Respectfully submitted,
Amber L. Heard

VSB No. 71412

By Counsel:



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Cameron / McEvoy
P.L.L.C.

CERTIFICATE OF SERVICE

I certify that on this 25th day of November 2019, a copy of the foregoing shall be served by first class mail, postage prepaid, and by email, upon:

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Exhibit A



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Transcript of Hearing

Date: November 15, 2019

Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHNNY C. DEPP, II,)

Plaintiff,)

-vs-) NO. CL-2019-0002911

AMBER LAURA HEARD,)

Defendant.)

-----X

Hearing

BEFORE THE HONORABLE BRUCE D. WHITE

Fairfax, Virginia

Friday, November 15, 2019

11:19 a.m.

Job No.: 273271

Pages: 1 - 29

Reported by: Theresa R. Hollister, CCR

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Hearing held at:

Fairfax County Circuit Court
4110 Chain Bridge Road
Courtroom 5H
Fairfax, Virginia 22030
(703) 691-7320

Pursuant to notice, before Theresa R.
Hollister, Certified Court Reporter and Notary
Public for the Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF:

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1 2016 declaration, assertions in the 2016
2 declaration.

3 THE COURT: Your time is up.

4 MR. TREECE: Thank you, Your Honor.

5 THE COURT: Thank you.

6 Request for an IME is denied. In this
7 case, the medical records of Mr. Depp have been
8 ordered to be produced. I assume will be produced
9 if they've not already been produced. The request,
10 in this case -- I don't want to characterize
11 anyone's actions badly, but to some extent the
12 request seems to me to be an effort to have a
13 medical assessment by an expert who would then be
14 offered as a witness to testify as to the
15 credibility of one of the parties. And I don't find
16 that to be appropriate or helpful. We have a jury
17 that will be in this case and they can be the
18 factfinders as to the credibility of the witness.
19 So I find no good cause shown for the IME in this
20 case and deny that request.

21 Would you do an order and note whatever
22 exceptions you all might have to it and pass that

1 up.

2 MR. CHEW: Yes, Your Honor.

3 MR. TREECE: Thank you, Your Honor.

4 THE COURT: Hope everybody has a good

5 weekend.

6 (The hearing was concluded at 11:48 a.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Theresa R. Hollister, the court reporter before whom the foregoing hearing was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; 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.



Theresa R. Hollister
Court Reporter

Exhibit B



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November 12, 2019

VIA EMAIL

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**Re: *John C. Depp II v. Amber Laura Heard*; Case No. 2019-02911;
Meet & Confer On Plaintiff's Continuing Deficiencies in Plaintiff's
Responses and Objections to Defendant's First Set of Interrogatories &
Second Set of Requests for Production of Documents**

Dear Counsel:

We again write to meet and confer on Plaintiff's continuing discovery deficiencies set out in our October 30, 2019 letter, and our continuing request for Mr. Depp to produce documents from the London Sun case.

I. LONDON SUN PRODUCTION

Despite our best efforts to press Plaintiff for relevant discovery, Mr. Depp still has not made a substantive production of relevant documents. We understand that a large amount of relevant documents have been compiled and produced in the *London Sun* case involving the *Sun*'s reference to Mr. Depp as a "wife-beater," but Mr. Depp has yet to produce any such documents in this case.

On October 25, 2019, Ben Rottenborn emailed Ben Chew stating:

We understand that Mr. Depp has made a production of documents in the UK Sun case. Given that the issues in that case are substantially the same as here, we ask that you reproduce that document production in this case. You already reproduced documents wholesale from another litigation (most of which weren't relevant), so there should be no issue in reproducing the

{2659495-1, 121024-00001-01}

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Sun case documents promptly. Accordingly, we ask that you produce those documents by close of business on Monday [10/28/19].

We conferred on Sun production again by phone on November 4, 2019. On November 5, 2019, Rob Gilmore responded:

London Sun case: as I indicated, we expect to be producing documents produced in the London Sun case. We are not in a position to say categorically that we will (or are able to) produce all such documents, but in the event that we withhold documents produced in that case, we will identify our basis for doing so. In terms of timing, *we expect to make a production of such documents this week.*

As of the date of this letter, we have not received the relevant and promised production of the *Sun* documents. Please produce these as soon as possible. We will move to compel if needed.

II. OUTSTANDING DEFICIENCIES THAT REMAIN FOLLOWING OUR OCTOBER 30TH LETTER

A. Plaintiff's Deficient Responses to Defendant's First Set of Interrogatories

(i) Interrogatory 1

Plaintiff has undertaken no effort to supplement as required and requested.¹

(ii) Interrogatory 7

Plaintiff still has not confirmed whether Plaintiff had direct or indirect control or interest in the following additional entities: Junior Varsity Productions LLC; Unison Music Group; 6909 Ventures LLC; JDSV Holdings, Inc.; Matar LLC; Matar II LLC; Plus Capital Partnership, LLC; SCI La Pierre; Elisa's Attic LLC; Gelt Valleyview Holdings LLC; and Swag LLC.

¹ Our 10/30 letter explained:

In INT 2, Plaintiff acknowledges he obtained a declaration from Kevin Murphy, yet in INT 1, Plaintiff incredibly claims not to know any contact information for Mr. Murphy. Plaintiff similarly claims not to know the contact information for 33 of 41 individuals identified. Plaintiff has an obligation to conduct a reasonable inquiry. *See, e.g.,* Va. Sup. Ct. R. 4:1(g). It appears Plaintiff is either willfully withholding information or has refused to conduct a reasonable inquiry to provide the requested information. In any event, Plaintiff must supplement his answer to provide all information that can be obtained through a reasonable inquiry.

(iii) Request for Mental Health/Medical Providers --Interrogatories 9-10, 11

INT 9 requests the identity of and information relating to services sought and received from each *mental* and/or *physical health care provider since 2010*. INT 10, in turn, requests information related to each prescription drug that Plaintiff has been prescribed since 2010 and the *providers that prescribed such medications*.

INT 11 asks: "For each instance of physical violence or abuse alleged in Ms. Heard's Declaration, state whether You were under the influence of or had consumed any alcohol, medication, or drugs at the time of each such incident, and, if so, state as to each substance consumed (including alcohol) the identity of the substance consumed, the amount of the substance consumed, the date and time each such substance was consumed, the name and address of the place(s) where the substance was consumed, the location and *person from which the substance was acquired or obtained*, any witnesses present at the time of consumption, and the effect of the substance on You."

In our October 30th letter and telephonic meet and confer on November 4th, we identified numerous deficiencies with Plaintiff's responses and demanded a list of providers responsive to these requests. In an email response, on November 5th, Rob Gilmore provided *only 3 health care providers by email* (Dr. Kipper, Dr. Blaustein & Dr. Anderson).

Numerous deficiencies remain:

First, listing only 3 providers is facially incomplete, and fails to disclose numerous relevant mental and physical health care providers of Mr. Depp.

Our information suggests that Mr. Depp has been seen by numerous other mental and physical health care providers, including, but not limited to: (1) Dr. Cowan, a psychologist; (2) Dr. Amy Banks, a couples therapist; (3) Dr. Michael Kalamaras, a limb specialist in Australia; (4) Dr. David Kulber, a plastic surgeon; (5) a dentist who prescribed him opioids following a dental procedure in 2013 or 2014; and (6) another plastic surgeon.

Second, our requests are in the form of interrogatories and Mr. Depp has neither supplemented nor verified his purported provider list in response to INTs 9-11. If, Mr. Depp insists that the three providers are all there are or all he knows of (despite our information to the contrary), **he must verify the same under oath** as required by Rule 4:8.

Third, Mr. Depp must withdraw the unfounded objections called out in our October 30th letter.

We hereby demand a complete response to our interrogatories, under oath, as soon as possible. On October 18, the Court ordered Plaintiff to execute a HIPAA waiver by October 25, "to allow Defendant to subpoena Plaintiff's relevant medical records." The apparent, continued

obstruction of our efforts to discover the identities of the doctors who possess those medical records undermines the Court's order.

(iv) Interrogatory 11

Aside from failing to identify providers in response to Interrogatory 11, as noted above, Mr. Depp has wrongfully refused to answer, and this deficiency is continuing.² Plaintiff must promptly supplement his answer under oath or we will move to compel.

(v) Interrogatory 12

As previously requested, please confirm whether or not you are withholding information based on your objections to INT 12 or your objections to the definition of Romantic Partners.

(vi) Interrogatory 13

As previously noted, Plaintiff's answer to INT 13 does not clearly state whether or not Plaintiff has settlements, releases, tolling agreements, confidentiality and/or non-disclosure agreements, forbearance agreements, or Mary Carter agreements with Romantic Partners (other than divorce/separation agreements), and/or any agreements that have been negotiated in order to gain the assistance or compliance of another person and/or entity with regard to this or any other matter. Please confirm whether or not Plaintiff is relying on objections, including objections to the definition of Romantic Partners, to withhold information, and please provide a proper interrogatory response stating whether or not Plaintiff has any such agreement with any Romantic Partners, including but not limited to the following:

- Winona Ryder
- Jennifer Grey
- Lori Allison

² Our 10/30 letter stated:

As Plaintiff knows, this interrogatory is highly relevant to Plaintiff's claims and Defendant's defense, and the Court resolved similar issues when ruling on the Expanded Motion to Compel. Nonetheless, in a flagrant breach of his discovery obligations, Plaintiff refused to answer this interrogatory on the grounds that he "denies all allegations of physical violence and abuse in Ms. Heard's declaration." As Plaintiff well knows, this is entirely improper. Rule 4:8(e) provides that an interrogatory is not objectionable "merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact." Moreover, a party cannot simply deny allegations to refuse to provide factual information related to those allegations.

As with the medical information, this information is essential and necessary for Defendant to issue subpoenas and take other actions necessary to prepare her defense. Defendant hereby demands that Plaintiff provide all documents purportedly referenced or complete and substantive written responses no later than November 4, 2019. If we do not receive timely responses, we reserve the right seeking emergency relief from the Court. See *infra* Demand for Executed HIPAA Releases.

- Sherilynn Fenn
- Holly Robinson
- Traci Lords
- Juliette Lewis
- Tatjana Patitz
- Ellen Barkin
- Kate Moss
- Naomi Campbell
- Vanessa Paradis
- Christina Ricci
- Keira Knightly
- Marion Cotillard
- Angelina Jolie
- Eva Green
- Ashley Olsen
- Ruth Wilson
- Polina Glen

(vii) Interrogatory 14

Plaintiff still has failed to supplement and provide responsive information under oath.³

(viii) Interrogatory 16

In what can only be described as a gross abuse of the discovery process, Mr. Depp responded to Ms. Heard's INT 16 seeking facts that support his claims for monetary damages and a computation thereof by "object[ing] to [the damages interrogatory] because it would be more

³ Our 10/30 letter stated:

INT 14 seeks information on other instances where persons, other than Ms. Heard, accused Plaintiff of any act of physical violence, abuse, or destruction of property, and requests details related thereto, including whether Plaintiff was under the influence of alcohol, medication or illegal drugs at the time.

Rather than answering the interrogatory asked, Plaintiff "denied all of Ms. Heard's allegations" and failed to appropriately respond. Instead, Plaintiff attempted to make it appear as if he answered by denying allegations by Mr. Brooks and providing certain allegations while failing to provide other important responsive information, such as whether Plaintiff was under the influence of alcohol, medication or illegal drugs at the time.

As with INT 11, Plaintiff cannot rely on his denial of allegations to refuse to identify those who have made allegations against him and provide all requested details. See Rule 4:8(e) (An interrogatory is not objectionable "merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact."). Plaintiff must amend his answer to fully provide all requested information.

appropriately addressed by ... expert discovery,” and stating “Plaintiff will not be responding at this time.” Then, in his expert disclosures, Mr. Depp provided no substantive facts or opinions for any expert and no grounds for any opinion as required by the Rules and Scheduling Order. Va. S. Ct. R. 4:1(b)(4)(A)(1); Scheduling Order at III (Designation of Experts).

As you know, we have filed a motion to strike Mr. Depp’s expert disclosures, but that does not relieve Mr. Depp from providing the factual information that he may attempt to rely on to claim that he suffered damages. Further delay is unacceptable, this information must be provided by Mr. Depp under oath.

B. Defendant’s Discovery Requests

(ii) RFPs 6-8, 10

RFPs 6-8 request medical records and related information. Plaintiff still has not produced any of the requested information, which the Court ordered Plaintiff must produce by November 15.

(iii) RFP 14

Plaintiff still has not produced the requested documents, which are highly relevant to Plaintiff’s damages claim.

(iv) RFP 16

Plaintiff still has not produced documents sufficient to show transactions between Plaintiff (or entities controlled by Plaintiff) and identified witnesses, which are relevant to, *inter alia*, specific incidents of abuse, bias and credibility.

III. CONCLUSION

We can be available this week to discuss these continuing deficiencies either via phone or in person. Please let us know a time that works.

Sincerely,

WOODS ROGERS PLC



Joshua R. Treece

cc: Counsel of Record

Exhibit C

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

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Civil Action No.: CL-2019-0002911

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, hereby designates and identifies his expert witnesses.

Given the preliminary state of discovery—in particular, that the parties have barely begun their document productions, non-parties have yet to make significant document productions, and no depositions have been taken—Plaintiff reserves the right to supplement these Expert Witness Designations, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Retained Experts

1. **Richard Marks, Entertainment Industry Expert, The Point Media, 150 S. Rodeo Drive, Suite 220, Beverly Hills, California 90212.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry.

Mr. Marks has served as a business and legal affairs executive at Universal, Disney and Paramount, in addition to working as a business attorney in private practice at Greenberg Traurig

and, for the past decade, The Point Media, a boutique entertainment law firm. Mr. Marks has represented clients such as New Regency, Legendary, ITV, IDW, Machinima, Electus, DirecTV, Relativity, Ovation, Fabrik, Shout Factory and MRC in connection with their development and production of programming for exploitation in all media and on all platforms. He also has a reputation in the industry for his expert witness services and has been engaged as such by clients as varied as Warner Bros., ICM, HMRC and Celador. He has brokered carriage agreements with AOL, MTV, and domestic and foreign radio and television broadcasters; negotiated numerous sponsorship agreements; and notably assisted Robert Sillerman in the acquisition of "American Idol." Early in his career, he was responsible for business and legal affairs relating to the development, production, post-production, marketing and advertising for such feature films as "Beverly Hills Cop II," "Tucker" and "The Golden Child," and such television series' as "Cheers" and "Family Ties." Mr. Marks earned both his Bachelor's Degree and his Juris Doctor from the University of California Los Angeles. He is a member of the Writers Guild of America, the California Bar Association, and the Beverly Hills Bar Association.

Mr. Marks will testify concerning the impact of Ms. Heard's defamatory statements in her 2018 *Washington Post* Op-Ed on Mr. Depp's career. Specifically, Mr. Marks will draw on his experience and knowledge as a business executive with entertainment companies as well as his experience as an entertainment lawyer to testify as to the following facts and opinions:

- a. How film studios and production companies evaluate whether, and on what terms, to hire an actor for film roles;
- b. How companies looking to market products evaluate whether, and on what terms, to hire an actor to promote such products in advertising;

- c. The importance of reputation on an actor's selection for film roles and advertising campaigns;
- d. The impact of negative personal statements, in particular allegations of violence or abuse, on an actor's film career and advertising campaign prospects;
- e. A review and assessment of the entertainment industry's reaction and response to Mr. Heard's December 2018 Op-Ed in the *The Washington Post* in which she falsely portrayed herself as a victim of domestic abuse by Mr. Depp; and
- f. The significance of a jury verdict in Mr. Depp's favor on his career and reputation in the film industry going forward.

Mr. Marks' opinions will be based on a review of documentary evidence and deposition and trial testimony, as well as his extensive experience as an entertainment industry executive and attorney. Mr. Marks may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Marks' CV is attached hereto as **Exhibit A**. He is being compensated for his work at the rate of \$975 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

2. Bryan Neumeister, Technical Forensics Expert, USA Forensics LLC, 44 W. Monroe St., 33rd Floor, Phoenix, Arizona 85003. Mr. Neumeister is an electronic forensics and technical expert with extensive experience analyzing electronic evidence and data in law

enforcement and legal proceedings. As CEO of USA Forensics, Mr. Neumeister has over 34 years of experience testifying and consulting for federal and state governments, prosecutors, companies, and individuals, in a variety of aspects concerning analysis of video, photographs, phone and text messages, and other electronic data. He has worked on over 200 cases since 2010. He has worked as an Audio and Video Forensic Consultant for the U.S. Department of Defense, the U.S. Department of Justice, numerous large multinational companies such as Microsoft, Nike, Cox, Honeywell, U-Haul, Southwest Gas, Good Samaritan Hospitals, AvNet, Boeing, MD Helicopters, Intel, Weston Hotels, and various Las Vegas Casinos.

Mr. Neumeister is expected to testify as to the characteristics of electronic data, in particular video, photographs, text messages and emails, produced by Ms. Heard and/or non-parties during discovery in this case, on which Ms. Heard purports to rely for her allegations that Mr. Depp engaged in physical abuse or violence towards her. Specifically, Mr. Neumeister will use his extensive experience and technical know-how to assess the reliability and integrity of such data, whether any such data has been modified or altered, and the circumstances of such modifications or alterations.

Mr. Neumeister's opinions will be based on a review of the electronic data and evidence produced in this case. Mr. Neumeister may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Neumeister's CV is attached hereto as **Exhibit B**. He is being compensated for his work at the rate of \$550 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

3. Michael Spindler, C.P.A., Economic Damages Expert, Glass Ratner Advisory & Capital Group LLC. Michael Spindler is a CPA and Certified Fraud Examiner who brings more than 38 years of experience to complex disputes including matters related to forensic accounting and business fraud investigations across a wide range of industries. He has provided expert testimony on dozens of occasions in bench trials, jury trials and arbitration proceedings. He has provided Foreign Corrupt Practices Act investigations and training services in various countries around the world, including China, Russia, India and Saudi Arabia. Having conducted numerous high-profile investigations of public company financial statement fraud and other matters, Mr. Spindler has presented his findings to special committees and various government agencies on behalf of clients, including the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service and the Office of Thrift Supervision. His clients include law firms, corporations, individuals, government agencies and non-profit organizations.

Prior to joining GlassRatner, Michael held senior leadership positions with several forensic accounting firms and was a Partner at two national public accounting firms. An experienced public speaker, Michael has authored or co-authored a number of publications on fraud-related topics and developed and presented seminars and courses on forensic accounting and litigation support issues. He is a past President of the Los Angeles Chapter of CALCPA and of the Los Angeles Chapter of the Association of Certified Fraud Examiners. He is also a past member of the Board of Trustees of the CALCPA Education Foundation and of CALCPA Council. Michael is a Certified Public Accountant (licensed in California, New York, Nevada,

Arizona, Utah and Hawaii), is Certified in Financial Forensics, is Accredited in Business Valuation (both issued by the AICPA) is a Certified Fraud Examiner (issued by the Association of Certified Fraud Examiners) and is a Certified Anti-Money Laundering Specialist ("CAMS"). Mr. Spindler graduated from the State University of New York at Albany with a Bachelor of Science degree in accounting.

Mr. Spindler is expected to testify as to the economic damages Mr. Depp has suffered as a result of Ms. Heard's defamatory statements in her 2018 *Washington Post* Op-Ed. Specifically, Mr. Spindler is expected to draw upon his experience and expertise as a CPA and financial forensics professional to testify as to the following:

- a. Mr. Depp's earnings from his film career and product endorsements prior to Ms. Heard's defamatory statements;
- b. The lost earnings Mr. Depp suffered from being fired from the *Pirates of the Caribbean* Franchise in the wake of Ms. Heard's 2018 *Washington Post* Op-Ed; and
- c. The out of pocket costs Mr. Depp has incurred as a result of Ms. Heard's defamatory statements; and
- d. Any other economic and financial consequences Mr. Depp has suffered, and is likely to suffer going forward, as a result of Ms. Heard's defamatory statements.

Mr. Spindler is expected to perform calculations of the foregoing categories of damages to be presented at trial. While those calculations are still in process and will incorporate the results of information gathered from ongoing discovery and fact investigation efforts, it is expected that such damages calculations will be in excess of \$50 million. Mr. Spindler's opinions will be based on a review of documentary evidence, financial records, information conveyed from Mr. Depp's business manager and agent, and deposition and trial testimony, as

well as his extensive experience as a CPA and financial forensics professional. Mr. Spindler may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Spindler's CV is attached hereto as **Exhibit C**. He is being compensated for his work at the rate of \$525 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

Non-Retained Experts

1. and 2. Jack Whigham and Christian Carino, Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067. Mr. Whigham and Mr. Carino have served as Mr. Depp's agent since October 2016. Messrs. Whigham and Carino are regarded as two of the leading talent agents in Hollywood, with extensive experience in the film industry. Mr. Whigham and Mr. Carino are expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Whigham and Mr. Carino may rely on their expertise in the entertainment industry and their experience as an agent and film industry executive.

3. Edward White, C.P.A., Edward White & Co., LLP, Warner Center Towers, 21700 Oxnard Street, Suite 400, Woodland Hills, California 91367. Mr. White has served as Mr. Depp's business manager and accountant since March 14, 2016. Mr. White is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that

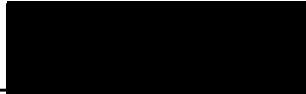
Ms. Heard's Op-Ed referred to Mr. Depp - and economic circumstances as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. White may rely on his expertise in business and accounting and his experience as a business manager in the entertainment industry.

4. **Robin Baum, Partner, SLATE PR, LLC, 901 North Highland Avenue, Los Angeles, California 90038.** Ms. Baum is regarded as one of the leading publicists in Hollywood, with extensive experience in the film industry. She has served as Mr. Depp's publicist for over a decade. Ms. Baum is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career -- and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Ms. Baum may rely on her expertise in the entertainment industry and her experience as a publicist in that industry.

Respectfully submitted,

Robert B. Gilmore (*pro hac vice*)
Kevin L. Attridge (*pro hac vice*)
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Benjamin G. Chew (VSB #29113)
Camille M. Vasquez (*pro hac vice*)
Elliot J. Weingarten (*pro hac vice*)
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Dated: November 4, 2019

EXHIBIT A

Richard Marks
350 South Beverly Drive, Suite 170
Beverly Hills, California 90212
310 553 5900
rmarks@thepointmedia.com

Career History

The Point Media (2006 – Present) Beverly Hills, California An Entertainment Law Firm

Of Counsel in all aspects of small boutique entertainment law transactional practice, e.g., business affairs and legal work for development, production and exploitation of content in all media including new and traditional platforms for clients such as: Imperative, IMG, ITV, DirecTV, Electus, Fabrik, Mandalay, Ovation, Starz, WME. Engaged as forensic expert witness by clients such as Warner Bros., ICM, HMRC and Celador.

Greenberg Traurig, LLP (2004 – 2006) Santa Monica, California International Law Firm with over 1500 lawyers in 29 locations

Of Counsel in all aspects of large worldwide entertainment law transactional department, e.g., business affairs and legal work for programming development, production and exploitation in all media including network, syndication, foreign, home entertainment and new media for clients such as: Smith & Wesson, The Gurin Company, Smith & Weed Productions, Linda Ellman Productions, Summit Entertainment, and J. Walter Thompson; "Live 8" carriage agreements with AOL, MTV and domestic and foreign radio and television broadcasters as well as sponsorship agreements; Berry Gordy Jr. for development, production and exploitation of video, television and live theater projects; Downey Studios for leases to producer tenants; Direct TV for development and production of original programming; George Foreman for merchandising agreements; Robert Sillerman for acquisition of "American Idol"; Nat King Cole Estate for development, production and exploitation of television/video tribute project; and Lin TV for talent agreements.

Nickelodeon Movies (2003 – 2004) Los Angeles, California Business Affairs Consultant (*until outsourcing of legal and business servicing for division*).

Consultant in connection with development, production and distribution in all media of feature films for Paramount Pictures such "Barnyard", "Sponge Bob", and "Nacho Libre".

Universal Network Television (2002 – 2004) Universal City, California Vice President of Business & Legal Affairs (*until NBC purchase*)

Universal Network Television is a supplier of prime time live action television programming for the major networks. Supervised legal and business affairs work on network series such as "Mr. Sterling" and "Just Shoot Me" as well as for USA Network development of projects such as "Kojak".

Nelvana Communications (2001 – 2002)

Los Angeles, California

Vice President/LA General Counsel in charge of Business and Legal Affairs (until such operations re-located to Canada)

Nelvana is a leading independent producer/distributor of animated programming for theatrical, video, and television worldwide exploitation as well as subsidiary and ancillary publishing and merchandising licensing.

- In charge of all business and legal affairs for development, domestic sales and licensing in all media for shows and properties such as "Babar", "Care Bears", "Berenstain Bears", "Little Bear", "Franklin" and "Rolie Polie Olie" to networks such as Nickelodeon, Disney Channel and PBS, toy manufacturers and publishers.
- Supervised in house staff and outside counsel.
- Managed transition of such services to Canadian counsel commencing as of 12/02.

Kushner-Locke Company (1993 - 2001)

Los Angeles, California

Executive Vice President and General Counsel (until ceased operations)

Kushner-Locke was an independent producer/distributor of feature and direct-to-video films, television series, made-for-television movies, mini-series and animated programming for theatrical, network and cable television worldwide exploitation such as "Pinocchio" starring Martin Landau and Jonathan Taylor Thomas, "Harts of The West", "Gun", "Cracker", "1st & Ten" (first HBO original series). It ceased operations in 2001.

- Managed all legal and business affairs for all divisions of publicly traded company (KLOC) including development, financing, production, post-production, marketing, advertising and distribution of all production and programming in all media.
- In charge of all personnel and labor issues and disputes and litigation.
- Supervised in house staff and worked with outside counsel on corporate matters including public filings and IPO for US Search.com (SRCH).

Law Offices of Richard Marks (1992 - 1993)

Los Angeles, California

Represented clients in all areas of entertainment law.

Media Home Entertainment (1990 - 1992)

Los Angeles, California

Senior Vice President and General Counsel (until sale to Fox)

Media Home Entertainment was one of the first and leading independent distributors of home video entertainment product. In 1992, MHE's assets were acquired by Twentieth Century Fox Home Video, and it ceased operations.

- Member of Board of Directors involved in all strategic planning including Fox Acquisition Agreement.
- Negotiated the terms and documentation of all development, production, distribution and acquisition agreements for product such as the "Nightmare on Elm Street" series, "Blue Velvet", Kathy Smith and Jane Fonda exercise videos, NFL Films, and original children's videos such as "Baby Songs".
- In charge of all legal enforcement and administration of copyrights and trademarks.

- Supervised in house staff and outside counsel in all areas of business and legal affairs.

Walt Disney Pictures, Touchstone and Animation (1990)
 Burbank, California
Of Counsel (during Sr. V.P. Legal's leave of absence)

Responsible for all development and production legal work and involved in all such business affairs for feature films such as "Beauty & The Beast" and "Rocketeer".

Weintraub Entertainment Group, Motion Picture Division (1987 - 1990)
 Los Angeles, California
Vice President in Charge of Business and Legal Affairs (until ceased operations)

Weintraub Entertainment Group was founded by former manager, motion picture producer and President of United Artists, Jerry Weintraub to compete with the major motion picture studios in the production and distribution of theatrical motion pictures and television series and movies. WEG ceased operations in 1990.

- Created and administrated all business and legal forms and practices for the Motion Picture Division that produced such films as "Troop Beverly Hills" and "My Stepmother Is An Alien".
- Hired and supervised in house staff and outside counsel in all areas of business and legal affairs for the division.

Paramount Pictures Corporation, Motion Picture and Network Television Divisions (1984 - 1987)
 Los Angeles, California
Senior Counsel

- Responsible for all legal work and involved in all business affairs from development, production, post-production, marketing and advertising for such feature films as "Beverly Hills Cop II", "Tucker" and "The Golden Child", and such television series as "Cheers" and "Family Ties".

Law Offices of Richard Marks (1983 - 1984)
 Los Angeles, California
 Represented clients in all areas of Entertainment Law

Ziegler Agency (1978 - 1983)
 Los Angeles, California
Vice President and General Counsel (until closure)

- The Ziegler Agency was founded and run by Evarts Ziegler until it was acquired in 1983 by International Creative Management and ceased operations. It was one of the premiere boutique literary and talent agencies representing such clients as William Goldman, Sidney Pollack, Pat Conroy and the Estates of Raymond Chandler and John Steinbeck for employment and acquisition agreements. Packaged literary material from authors such as Irving Wallace and Ray Bradbury with producers such as Dick Berg and David Manson for television development and production.

- In charge of all business and legal affairs for agency including lease and personnel issues, supervising litigation and working with all senior agents and their clients including their outside counsel, managers, publicists, studio and independent employers, and guilds.

Law Offices of Richard Marks (1977 – 1978)

Los Angeles, California

Represented clients in all areas of Entertainment Law

Pollock, Rigrod & Bloom (1974 – 1977)

Los Angeles, California

Associate Attorney in all aspects of Entertainment Law

Hahn, Cazier, Thornton, Hough & Leff (1973 - 1974)

Los Angeles, California

Associate Attorney in Intellectual Property Litigation

Education

UCLA School of Law

Juris Doctor 1973

- Chief Justice in Charge of Moot Court Program
- Represented clients at Venice Legal Aid office

UCLA

Bachelor of Arts, Magna Cum Laude 1970

- Phi Beta Kappa
- Valedictory Speaker
- Swim Team
- Yell Leader
- Congressional Intern

Community Service

- Leo Baeck Temple, Member of Board of Trustees
- Junior Great Books, Shared Inquiry Leader
- Jewish Big Brothers, Member of Board of Directors

Marathon Athletics

- Completed 140.6 Mile "Ironman" Triathlon in Kona, Hawaii
- Swam Catalina Channel from Catalina Island to Palos Verdes
- 2nd Place in 28.5 Mile Manhattan Island Marathon Swim
- National Masters 10 Mile Open Water Champion

Personal Married, two daughters

Richard Marks/Testifying Expert Witness
Complete List of Cases

1. Ballet Beauty v. Lions Gate Films – Jams Arbitration No. 1210034307 Los Angeles – I was engaged in mid-2018 and deposed in January 2019.
2. Geoffrey Roy Rush v. Nationwide News - Federal Court of Australian Proceeding No. NSD2179 – I was engaged by Defendant in July of 2018 and testified in November of that year.
3. Jennings v. O’Neal - L.A. Superior Court Case N. YC071356 – I was engaged by Plaintiff in May 2018 and was deposed in June of that year.
4. Devito v. Legendary – L.A. Superior Court Case No. BC 618465 – I was engaged by Defendant and deposed in February of 2018.
5. Le et al v. Zuffa, LLC – U.S. District Court, Nevada, Case 2:15-cv-01045-RFB-PAL – I was engaged by Defendant in 2017 and was deposed at the end of that year.
6. Peg Yorkin v. Bud Yorkin Productions – AAA Arbitration No. 011600041742 Los Angeles – I was engaged by Plaintiff in the Fall of 2016, was deposed and testified at arbitration in Spring 2017.
7. Jillian Michaels v. Lions Gate Films – Jams Arbitration No. 1220050580 Los Angeles – I was engaged by Plaintiffs at the end of July 2016, was deposed, and testified at arbitration in November 2016.
8. Frank Darabont v. AMC Networks – NY Supreme Court No. 654328/2013 – I was engaged by Plaintiffs in early 2016 and have been deposed.
9. Leslie Britton v. Conrad Riggs - L.A. Superior Court Case No. BC 496298 - I was engaged by Defendant in 2015, was deposed at the end of that year and testified at trial in early 2016.
10. Confidential AAA Arbitration – I was engaged by Claimant at the end of 2015, was deposed and soon thereafter testified at the arbitration. I can supply the name of the counsel that engaged me upon request.
11. Campbell et al v. Arenas Entertainment, LLC, et al – Nassau County Supreme Court, Case No. 019249/10 - I was engaged by Defendant and testified at trial in November of 2014.
12. George Litto Productions, Inc., v. L/F Productions, LLC, et al – LA Superior Court, Case No. BC484021 - I was engaged by Defendants and was deposed in February of 2014.

13. Atlantique Productions, S.A. v. Ion Media Networks, Inc. – US District Court, Central District of California, Case No. SACV 12-08632 DMG - I was engaged by Plaintiffs in late 2013 and was deposed in January 2014.
14. Goodness Films, LLC et al v. TV One LLC, et al – US District Court, Central District of California Case No. CV 12-08688-GW - I was engaged by Defendant in 2013 and was deposed in the Fall of that year.
15. Eclipse Film Partners No. 35 LLP v. The Commissioners For Her Majesty's Revenue and Customs - In the Upper Tribunal (Tax and Chancery Chamber) FTC/57/2012, London: I was engaged by HMRC in 2013 and testified via video conference at a hearing in November 2013.
16. Napoleon Pictures Limited vs. Fox Searchlight Pictures – Superior Court of State of California Case No. SC 113978, Los Angeles - I was engaged by Plaintiff, was deposed in the spring of 2012 and testified at a judicial reference hearing in the Summer of 2012.
17. MK Greentea vs. Maverick – JAMS Arbitration No. 1220042112, Los Angeles - I was engaged by Respondent, was deposed in early August 2011 and soon thereafter testified at the arbitration.
18. In the Bankruptcy of Louis J. Pearlman, Trustee vs. MTV - U.S. District Court, Case No. 10-CV181-Orl-28-DAB, Florida - I was engaged by the Trustee and was deposed in May 2011.
19. Celador et al vs. Walt Disney et al - US District Court Case No. CV04-3541-VAP, Riverside, CA - I was engaged by Plaintiff, was deposed in August of 2008 and testified at trial in the summer of 2010.
20. Joanne Siegel et al vs. Time Warner, Inc. et al – US District Court Case No. CV04-8440/CV04-87776 SGL, Los Angeles - I was engaged by Defendants and was deposed in February of 2007 and April of 2009.
21. Cookie Jar Entertainment vs. WGBH Education Foundation – AAA Arbitration No. 50-140-T-00173-08, Los Angeles: I was engaged by Claimant and testified at the arbitration at the end of 2008.
22. Monarch Consulting vs. Alliance Group Entertainment – LA Superior Court, Case No. BC 355 812: I was engaged by Defendant and was deposed in the summer of 2008.
23. Jim Preminger Agency et al vs. CBS Studios et al – JAMS Arbitration No. 1110010345, Los Angeles - I was engaged by Claimants, was deposed and then testified at the arbitration in the summer of 2007.

EXHIBIT B



Bryan Neumeister

IEEE, IPVM, ABRE, DLA, AES, SAM, CAGE, ASCAP

Court Certified: Military, Federal, State, Civil US District Court, Department of Justice,

US Grand Jury, State, Civil & Aviation Audio, Video & Photographic Forensic Expert

39 EMMY AWARDS for Technical Excellence

38+ Years Professional Experience

USAForensic, llc. Court Certified Audio, Video, Computer, Cell Phone & Cell Tower Forensic Experts.

(602) 740-6128 : 44 W. Monroe St. 33rd floor, Phoenix, Az. 85003

www.USAForensic.com

United States District Courts: Contracted Technical Expert

US Department of Justice: Contracted Technical Expert

Defense, Law Enforcement and Government Agencies.

United States ARMY - (SAMS Forensic contract with C.I.D.)

Special Prosecutor's Office on Corruption - P.A.N.E.L. - US & Puerto Rico

Audio Engineering Society- Member & Lecturer

DLA- DARPA: Defense Advanced Research Projects Agency (classified)

Institute of Electrical and Electronics Engineers – Member

American Board of Recorded Evidence Standards

Technical work in 23 countries

Recipient of 12 Individual and 39 total EMMY AWARDS – National Association of Television Arts & Sciences for Technical Excellence

Gold at both the Cannes (Golden Lion) & Calgary film festivals for audio.

Legal & Technical:

39+ Years Professional Full-time Audio & Video Experience

Professional Audio & Video Enhancement,

Computer Drive Recovery,

Cell Phone Forensics – Tower Analysis

Federal & State Government Agencies Computer Drive Recovery

DLA, DOE, DARPA: Defense Advanced Research Projects Agency (classified)

Law Enforcement Agencies, National, State & Local

8 Years Search & Helicopter Rescue (MCSO-DPS- Arizona)

Worked Internal Affairs cases for Phoenix Police Department & The AZ Department of Public Safety.

US Military – Army, Navy, Air Force, Marines & Coast Guard (SAM contract)

Los Angeles District Attorney's Office -NELOS

Department of Defense (classified & non-classified)

Beta Tester for Various Forensic Systems Manufacturers

United States District Court system: Forensic Consultant

United States Grand Jury system: Forensic Consultant

U.S. Department of Justice: Forensic Consultant- Audio forensic work

OPDS and Office of the Public Defender: Vendor number

Work with US Army Prosecutors Office & Maricopa County Prosecutors Office

Phoenix PD Homicide - Mesa PD Homicide- Case Video & Audio Evidence Enhancement

Work with various Innocence Projects - Nation wide

10 Years with NBC Television - Technical Video / Audio

Federal, State, Aviation and Civil Law cases - Court Certified Technical Expert

2 State of the Art Facilities. Over 75 custom Computers & Processors

State of the Art HD Video and Audio Gear.

Gear and Software Upgraded Continuously

3D Sonographs, Spectrographs, Spectral 3D -HD Video & 192kHz - 64-bit Audio

Expert Cell Phone Analysis (Oxygen): Towers, Transmitters, Phones & Software

D.O.E. Military Forensic High-Speed Video Expert

Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.

ACLU, Innocence Project cases

Graduated Phi Sigma Alpha- California State University Northridge - 1980 (Political Science, emphasis on Journalism)

Have worked in 23 Countries as a Technical Expert

Published Nationally

Over 200+ Forensic Cases in the past 36 months:

Non-Military court cases include: Federal, US District, Grand Jury, RICO, Homicide, Murder for Hire, Fraud, Robbery, Armed Robbery, Assault with a Deadly Weapon, Arson, Kidnapping, Bank Robbery, DUI, DWI, Civil Cases...etc. Currently working over a dozen Homicide and Capital cases nationwide. For Defense, Prosecution, Civil and Insurance carriers.

Large Cases (Small Sample):

State of Texas v. Fredrick Lee - (Capital Murder) - Retained by Defense as Surveillance Video Expert: *V. Not Guilty*

State of Arizona v. Keshawn Green (1st degree murder) - Retained by the Prosecution as Surveillance Video Expert: *V. Guilty*

US Government v U-Haul Philadelphia – Retained by Defense as Surveillance Video Expert: *V. Settled*

US Grand Jury Cleveland, Ohio: Hope Steffi - Retained as Surveillance Video Expert: *V. Civil large settlement*

Government of India: Sri Nithyananda Swami - Retained by Defense as Video Expert: *V. Not Guilty*

LA District Attorney's Office - USAForensic retained by Prosecution as Cell Tower Experts: *V. Guilty*

US Government v. Charles Keating - In Trial, Retained by Defense as Video Expert: *V. Not Guilty*

United Kingdom (London, Barrister) V. Tyrone Williams - Retained as Audio Expert: *Civil Settlement*

State of Arizona v. Michael Allen Voden- Retained by the Prosecution as Audio Expert: *V. Guilty*

US Government v. Charles Keating III - In Trial, Retained by Defense as Aerial Video Expert: *V. Not Guilty*

Scaffide v. Lincoln County Wyoming- Retained by Government as Surveillance Video Expert: *V. Not Guilty*

State of Arizona v. Jeffery Martinson - Retained by Defense as Video Expert

City of Phoenix v. Copeland: retained by City as Cell Tower Experts: *V Civil, favorable settlement*

State of Montana v. Daniel Pallett- Retained by Defense as Surveillance Video Expert: *V. Dismissed with Prejudice*

State of Arizona v. Pedro Barraza – Retained by Defense as Surveillance Video chain-of-custody Expert: *V. Not Guilty*

State of Arizona v. Alan Champagne (1st Degree Murder) - Retained by the Prosecution as Surveillance Video Expert: *V. Guilty*

State of Arizona v. Jodi Arias – *Penalty Phase – Defense Computer Expert - "During the first trial in 2013 and earlier in this trial, Mesa police experts testified that there was no porn and or viruses on the computer. Martinez had used that testimony to impeach Arias' claims that there were both, and it furthered his portrayal of Arias as a liar. But defense experts subsequently found porn and the viruses associated with the device. Mesa police have since admitted it was there all along."* –Gannett

Precedent Setting Cases:

US v. Daniel Scott Pallett, CR 18-11-M-DLC According to the federal rules of evidence 902-13/14 there must be metadata (hash values) connecting the submitted files presented to the original data. Since the original data was never presented and the original files never Hashed- there was a chain of custody issue. The Case was dismissed with prejudice Missoula, Montana on exactly those Daubert grounds. (Attorney Nick Kirby Brooke)

State of AZ v. Pedro Barraza CR2016-002708 The judge dismissed several of the charges lodged against the defendant, as police could not authenticate the video which was the strongest evidence they had against Barraza. Proper procedures, protocols were not followed when they obtained it, the video was not allowed into evidence. Not guilty verdicts for four defendants. (Attorney Marcus Finefrock)

State of AZ v. William James Hartwell CR2015-001482 When asked to preclude video in this trial, the judge (Sheri Stephens) ruled that because the video on a hard drive had been simply viewed without a write-blocker, the dates-last-modified were changed and the video wasn't valid in court. (Attorney Rick Poster)

Books:

"Earthbound Misfit" (Helicopter Rescue, TV Helicopters, Medivac & work with Law Enforcement agencies)

591 pages - senior contributing author & consultant.

"The Secrets of the Blue Oyster Cult" - Bryan Neumeister discussed as Blue Oyster Cult musician & composer on "Curse of the Hidden Mirror" & "Heaven Forbid" Albums.

"After You're Dead" -Featured as Forensic expert character, "Bry", in #1 bestselling series of Crime/Fiction books by author Cary Allen Stone.

"Career of Evil" – Author J.K. Rowling (Harry Potter) - Lyrics used in book from Blue Oyster Cult album I co-wrote songs on.

"S.E.E.D.S, The Journey Begins" - Science Fiction. Character likeness and full name used in book as a scientist.
-Autor #1 bestselling Amazon author Cary Allen Stone.

National News Media: Forensic Analyst:

FOX Business Network: Featured Forensic Expert 2018

CNN: Advisory Video Expert

The Science Channel: Six 1-hour Episodes on Video & Audio Forensics 2018

Universal Studios/BBC & MSNBC: Video Forensic Expert 2017: ***Real, Fake or Unknown*** TV series
Six 1-hour episodes of TV series analyzing viral videos with unknown metadata

CNN: Jodi Arias: Audio & Photographic Forensic Expert (in Trial testimony)

FOX News: Boston Bombings: Forensic Surveillance Expert (analyst)

CNN: Trayvon Martin / Zimmerman: Audio Forensic Expert (analyst)

NBC/Gannett: Forensic Surveillance Expert 2019

Publications:

Published Nationally

The Legal Investigator Magazine- Surveillance Systems - TV vs. Reality

High Tech, High Stakes Published in Expert Ease - National Forensic Publication.

Consultant to CPU Magazine as a Forensic Audio and Video Expert on Hardware and Software.

Lectures:

2019 State Bar of Arizona (CLE)

Latest in forensic (beta) technology and what can now be done forensically with electronic data

2018 Audio Engineering Society:

Metadata and chain of custody of files: dithering & file conversion

2018 CLA Conference:

Digital Forensics (Facility) Cell phones, Towers, Metadata, Photos, Computers Audio & Video Forensic

2018 AACJ Annual Attorney Winter Conference (Facility)

Digital forensics: Audio, Video, Social Media, Cell Phones, Towers, Computers & Photography

2107 Audio Engineering Society:

Cellphone forensic audio re metadata, chain of custody, forensic acquisition of audio

2016 Federal Habeas Conference

Cellphone and Tower forensics

2016 Audio Engineering Society:

Topics: Multi-Pathing of Transmitted RF Signals, Forensic audio

2015 Inns of Court:

Topics: Cell Phone metadata, Audio & Video Forensics

2015 Audio Engineering Society:

Topics: Pareidolia, Dithering, Forensic Audio & NyQuist Theorem

2014 Audio Engineering Society & Conservatory of Recording Arts

Topics: NyQuist Theorem, Sample Dithering & Forensic Audio

Opening of the 2013 APDA (Arizona Public Defenders Conference)

Topics: Audio, Video, Photographic & Surveillance Forensics

APDA Faculty Member - 1,550+ Attorneys attended conference (June 26-28, 2013)

Television: National & International Broadcast:

Recipient of 39 EMMY AWARDS from The National Association of Television Arts and Sciences for Technical Excellence
40+ additional National & International Awards.

Winner CANNES Film Festival (Gold) (Technical Audio Excellence)

Winner CALGARY Film Festival (Gold) (Technical Audio Excellence)

Worked for NPR & NBC Television News stations for 12+ Years.

Phi Sigma Alpha - National Political Science Honor Society – Lifetime Member.

Member: NAB, BMI, ASCAP, AES, ERA, NATAS

Winner: Film Advisory Board Gold Medal, Parents Choice Award

Film & Television Clients:

NBC - ABC - CBS - PBS - BBC - FOX - DREAMWORKS - SCREEN GEMS FILMS - TOUCHSTONE FILMS - LUCASFILMS LTD. - LEVIS - COCA COLA - AMBLIN ENTERTAINMENT - PEPSI - VOLKSWAGEN - TOYOTA - CHEVROLET - NISSAN - AMERICAN EXPRESS - UNIVERSAL PICTURES - LORIMAR - TRIMARK FILMS - TRIMARK ENTERTAINMENT - GANNETT - A&E - DISCOVERY CHANNEL - FOX - DIAL SOAP - COORS BEER - BUDWEISER - MTV - PIZZA HUT - MOTOROLA - UNION CARBIDE - DISNEY - INTEL - MICROSOFT - VISA - MASTERCARD - ARMY - NAVY - AIR FORCE - MARINES - UNITED AIRLINES - CONTINENTAL AIRLINES - PARTNERS FILMS CANADA - PRTV - NATIONAL MEDIA - MOMENTUM FILMS - DFXTV - LOTTO/LOTTERY - GREYSTONE PICTURES - HISTORY CHANNEL - DISCOVERY CHANNEL - WARNER BROTHERS - DAIRY QUEEN - AT&T - MLB - NBA - NFL - SUPER BOWL XXX - ESPN - MAJOR LEAGUE BASEBALL - McDonald's - MCI - HARLEY DAVIDSON - STOUFFER'S - CARQUEST - MD HELICOPTERS - BOEING - "FUTUREWEAPONS", "MYTHBUSTERS" (THE LUXOR - FLAMINGO - STRATOSPHERE - CESAR'S PALACE - MGM GRAND - NYNY - The HARD ROCK...CASINOS all in LAS VEGAS) - NUMEROUS ADVERTISING AGENCIES...

Certified Cell Phone Forensics:

Latest Cellebrite Ultimate 4PC, Secure-View Forensics, Oxygen Detective & Analyst, APEX Laboratory and Field systems
2019 Cellebrite Cloud Analyzer, Oxygen Detective Cloud Jet Extractor (Beta-Tester)
SV Striker box, PassWare Forensic, EnCase, etc.

D.A.R.T Tower Tracking and signal software- latest versions.

Official Beta-Tester for Oxygen Detective Phone & Tower forensic programs

Certified Oxygen Forensic Analyst & Detective cell phone analyst 14,000+ phones (PATC)

PassWare Complete Forensic Decryption of 280+ encryption methods using 16 core liquid cooled systems

Recovery of deleted apps and data from over 14,000 cell phones.

All cell phone communications Apps, iCloud, iOS9, Android Lollipop, Windows OS etc. Password decryption & recovery.

DCode, Plist, SQLite Browser, Opanda, Kies, EnCase Extractor, EnCase readers, FTK, Stellar Phoenix Professional data recovery

Six fly-pack MSI 8/12 Core multi SSD Field-Units for extraction at any location

CELL TOWERS & CDR:

D.A.R.T & 2019 Oxygen Detective Plotting

2016- Call Data Records & Towers (Lucent, Samsung, Nortel) PATC certification

AT&T, Verizon, Sprint, T-Mobile, Cricket, US Cellular, Tracfone, MetroPCS and subsidies...

Call Records Analysis - Switching analysis. Cloud, SMS, MMS E-Mail.

TOWER Dumps: Lucent, Samsung, Motorola, Ericsson etc. PATC 2016

Cellebrite Cloud analyzer, Oxygen Detective Jet

GPS, NELOS, WiFi and Blue tooth tracking and E911-FCC mandated data location logs.

D.A.R.T. advanced and HTCI Mapping to verify if a call did hit a specific Tower Switcher.

Paperwork for legal requests for all of the above available on www.USAForensic.com

4

Forensic Video & Surveillance Video Recovery/ Analysis

DME Forensics DVR Examiner, iNput-Ace, Omnivore, D-plex Pro Forensic, D-Tective, ClearID Forensics and numerous forensic systems with over 200 clarification plug-ins

Latest computer and cell phone programs such as FTK, Autopsy, Cellebrite, Apex, Secure-view, Oxygen, EnCase...

Beta Tester of Software & Hardware for leading Forensic Companies (Clear-ID, iZotope, DC8 Forensics etc)

Hard drive recovery for US Military (SAMs vendor) - Forensic drive analysis.

Recover damaged files, Deleted files, Changes in Registry & Meta-Data, Hash values, SHA2 etc

All Surveillance Systems as well as Computer Drives

Validate video pixel by pixel with INPUT-ACE

Tampering or Keying detected.

Restore corrupted photographic or video files.

Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.

Working with computers since 1977. 3 Field Extraction teams available.

Network analysis, Tor tracing, Brute force & PassWare decryption etc.

PassWare Forensic Decryption of 280+ encryption methods using 16 core liquid cooled systems

Determining how files got onto a computer

Validating dates of files/ changes to files via Sha2 HASH values.

Computers

EnCase Ultimate, X-Ways, Autopsy, FTK and many other specialized tools:

PassWare Forensic decryption. Custom machines.

First code written in 1977 while attending Cal State University.
Recovery using Tableau write-blockers USB 3.0 T8-R2 & T35ES-R2 Tableau & DME forensic Imaging.
Beta tester of Software & Hardware for leading Forensic Companies (Clear-ID, iZotope, DC8 Forensics etc)
Hard drive recovery for US Military (SAMs vendor) - Forensic drive analysis.
Recover damaged files, Deleted files, Changes in Registry & Meta-Data, Hash values, SHA2 etc
All Surveillance Systems as well as Computer Drives
Restore corrupted photographic files.
Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.
Working with computers since 1977. 3 Field Extraction teams available.
Network analysis, Tor tracing, Brute force & PassWare decryption etc.
PassWare Forensic Decryption of 280+ encryption methods using 28 core liquid cooled systems
Determining how files got onto a computer
Validating dates of files/ changes to files via Sha2 HASH values.
Header Data verification

Forensic Photographic work:

Photographic clarification, metadata validation
Lux, Luminance & RGB analysis
Film, Digital, thermal imaging and infra-red cameras
Clear ID Forensics, INPUT-ACE, Omnivore, DeplexPro
Vectorscope, Waveform scope, Luminance and RGB scopes in Lap
Pixel data analysis / Frame & Field level analysis
Lens and lens-aberration analytics
Lens MM relations to chip size and format
Lens wide-angle distortions correction using metadata
Deleted or Damaged Photo data memory cards recovered
Cellphone camera metadata work.
Geo data verification
Dozens of forensic photo analytical plug-ins
Stills lifted from video and clarified to 600 or 1200 dpi 18 x 12-inch prints
All 18x 12 inch stills printed on heavy photo stock at 600 or 1200 DPI.
Studied from 1974-1979 with Dr Bill Wallner (co-inventor of infra-red photography)
Cameras from high-end Hasselblad thru Panavision down to GoPro
Ultra-High-speed camerawork with Phantom-V cameras
Cineflex & Cine-Alta.
Helicopter mounts 14,500 hours aerial cinematography
Have shot professionally in 23 countries
Complete 4K 4:4:4 in lab.
Pantone charting and color correction in field and lab
Lux and Luminance lighting measurement in accident or crime scene cases.
3-axis gyro-stabilized cameras
All available camera mounts for GoPro 4K cameras for accident and test work.
DOD and DOE military testing high speed and aerial photography.
FAA licensed 4K Drone operator
Testified numerous times on photographic issues in Federal, Criminal, civil Military and aviation cases.
Photo Work published internationally

Field Cameras

For evidence gathering and accident recreation include Sony 4K & HD cameras, DJI Osmo, 3Axis stabilized 4k system, GoPro 4Ks all mounts and FAA Licensed 4k Drone. Fuji 3D Camera. Ultra-slow-mo Phantom Cameras available. Mercalli stabilization and Re-SpeedR. Editing and all monitors are true 4k = 4086*2160.
Thermal Imaging.
Thermal Video and still along with mixed format Thermal.
Emmy Award winning crews for crime scene Recreation.

Professional Sound & Music:

Over 20,000 voice tracks professionally worked with since 1980

Federal, US District Court, State, US Military, Civil and Aviation cases to TV Network television, commercials, video games and films
Sonographs, Spectrographs and 3D Audio Decibel and Frequency Mapping
iZotope RX professional, 3D Spectral Audio, DC10 Forensics, Pro Tools, Plugins from Cedar, Waves, iZotope, Plugin-Alliance BX-Series, Bauer, SSL, NovelTech, BlueCat, SPL, FabFilters, Sony, Sequoia & Many others
Over 200 forensic plugins and programs running on 16 core liquid cooled computers
Federal and State voice comparison cases
Set Daubert standard for voice comparison in Arizona
Phonetic breakdown of spoken words on spectrograph.
Sonographs, Spectrographs and 3D Spectral audio graphs printed and embedded in forensic reports.
Human Voice separated from background noises and ambience
Tampering detection
Metadata analysis
Nyquist Theorem analysis
Edit detection
Dithering analysis
Re-sampling analysis
Audio background continuity
Sine wave detection or embedded frequency (agency)
AC power ground loop & harmonics removal.
Background noise removal.
Phase cancellation and removal of music from dialog
Voice clarification, harmonic enhancement for muffled audio
Removal of reverb (jail hallways or lecture halls etc)
Removal of mic thumps and clicks that can be misidentified as edits.
Transfer of tape to HQ digital medium: cassette, micro cassette, reel to reel
Police radios split tracked
32 bit audio running in 64 bit systems
Conversion of any audio codec to another PROPERLY with correct dithering
Time coding of audio for clients down to thousandths of a second for easy reference.
IEEE engineering standards

Written & Recorded Music with Blue Oyster Cult, 24,000,000 (24 Million) albums sold - Gold & Platinum records & Credence Clear Water Revival recording artist Tom Fogerty (Movie Score).
-Mixed & Engineered for numerous top recording acts; Jazz, Rock & Classical.
-Written music for hundreds of commercials including music cuts for Super Bowl XXX
-Written Music/SFX for 5 popular Video Games.
-Worked "Live" sound as sound mixer for concerts with crowds up to 35,000. *Challenging live mixes like: Chick Corea, Return to Forever, Ronnie Laws, Gerald Wilson's 24 piece Big Band etc.*
-Recently won another Emmy Award for best music on a Television series (Written & Performed).
I have Mixed and Mastered hundreds of National, International & Regional Television Shows.

Aerial Photography / Rescue / Surveillance :

Over 14,000+ Flight Hours of Jet Helicopter Photography – Film, HD Video, Research, Surveillance, Search & Rescue for Law Enforcement & Wildlife Rescue - Civilian Military Contractor.
Currently: Advisory Partner & Photographer - 4:4:4 Professional Film & TV Helicopter (*SaberCat HD*)
Pilot received the Harmon Flight Trophy from President Reagan at the White house. The Trophy is currently on display in the Smithsonian Air and Space Museum.

FAA Licensed: AERIAL 4K GPS-guided VIDEO DRONE

FAA licensed 4K Video-drone, *Phantom Quadcopter*: Satellite-GPS controlled: Owner & Operator); Mounted camera *GoPro Hero 4K Black Edition*
Thermal Imaging & Thermal Video Recording with image on image technology
Night Vision & Infra-Red
OSMO 3-axis stabilized 4k system, fully loaded.

Forensic Counter-Surveillance:

Radio Frequency Response 10MHz ~ 10GHz (20+ GHz if needed)
Analog, Digital, WiFi, Cellular GSM/GPRS/EDGE/3G/4G signals all will set off alarms.
Detection Frequencies: GSM 880-915MHz, CDMA 824-849MHz, WCDMA (1920-1980MHz), and DCS (1710-1785MHz)
Digital 'Burst' Signal Detect for all GSM/3G/4G Trackers/SMS(Text) detection
Series and Parallel transmitters
Automobile GPS transmitters
Transmitting GPS trackers (only when GPS device is transmitting signal location)
Devices on internet phone and IP phone
Detect & Prevent:
Wire telephone tapping
Laser tapping
Recordings of a voice recorder, tape, digital and parabolic reflector using white noise & sibilance generators
40HZ 100-watt sine-wave generators to eliminate laser recording from windows
Thermal Imaging & Thermal Video Recording with image on image technology
1080P Sony Night Vision Cameras & Infra-Red Lighting
OSMO 3-axis stabilized 4k system

Weapons: Classified & Non-Classified:

- Worked many homicide cases involving gunfire sound analysis, frequency, location & Triangulated acoustics.
- Worked with numerous surveillance videos to enhance shooting scenes for law enforcement and attorneys.
- Gunshots analyzed, compared & enhanced from: cell phones, land lines, surveillance equipment, 2-way communication, Police Duplex & Simplex, etc.
- Worked numerous cases requiring gunfire video enhancement from surveillance systems, cell phones and various recording devices.
- Have access to many renown civilian & military firearms experts for testimony as needed.
- Over 2-million rounds fired for high speed filming and forensic testing over 33 years. Work & have worked with -US Navy Seal Teams 1, 2 & 6, SOCOM, DEVGRU, 160th Night Stalkers. US Army Sniper teams. DOD & DOE.
- Additionally, work with many US Government retained Military contractors.
- I currently have US Military SAMS / DUNS contract.
- Worked with numerous SWAT and TOU teams in actual field operations.
- Worked with LAPD, w/ Krav Maga training.
- MSCO Helicopter Rappel Trainer (1980s Tac-Ops-Unit) - MSCO Helicopter Search & Rescue = SKY12 & DPS
- Worked with Springfield Armory testing the initial launch of the entire XD Pistol line. 9 mm, .40, .357, .45
- Work often with DillonAero on the M-134 Mini-gun project (over 20 years working together).
- Analyze Muzzle flash and sound signature of McMillan Sniper rifles for US Army Snipers (over 10 years of work together).
- Air to Ground target acquisition and aerial sniper training documentation. Thousands of hours of aerial law enforcement, search & rescue & air to ground gunship work.
- Assigned to USS CVN70 Carl Vinson and Helicopter-Carrier USS New Orleans as civilian videographer.
- Have been a "go to" guy for live Weapons Photography & Sound Recording for The Military Channel, History Channel, MythBusters, Future Weapons, Discovery Channel, National Geographic, BBC and many others.
- Produced one of the largest selling automatic weapons DVDs ever made, "Firestorm in the Desert" &
- Produced one of the largest selling handgun training DVDs of all time with Rob Leatham, "Shooter Ready
- Civilian Technical Advisor on the board of CowTown Range & Studios, which is an extremely active 88 acre Training facility for SOCOM, Swat Teams, Navy Seal Teams, DEVGRU, Homeland Security and many Special Operations teams. CowTown Range is currently under DOD and various Agency contracts for range work, tactical training and weapons development.

Weapon recording analysis for cases includes

Various rounds recorded over surveillance systems, cell phones, 4k, HD, SD and high speed Phantom video cameras.
Diverse types of pressure, loads, powders, barrel length and calibers recorded for analysis.
Cell phone cases include NyQuist Theorem frequencies relating to cell Phone FQ range, Sample Rate and Bit depth of recordings
Cell phone line noise and background audio of conversations recovered from 911 calls.
Dithering artifacts created during sample rate conversions.
Dithering harmonics relating to audio captured by Cellebrite or Oxygen Forensics, when transferred to 44.1-16 bit for distribution.
Cell call transmission, multi-pathing of signal, tower horn tracking v. switcher tracking, topographical anomalies of transmissions, transmission artifacts
Phase cancellation of recordings due to microphone set ups.

Distances of cell phone to firearm (FARO 130 system)
Shootings captured by police wire or boomerang unit
Sonographs and spectrographs along with 3D Spectral recording to narrow down gunshots to 1,000ths of a second.
Shooting weapons in range shoot houses or gun ranges recorded over cell phones.
Shots recorded over cell phones in cars, houses, open acoustic spaces
Ambiance and acoustics graphed and measured of gunshots on surveillance and cell phone
Certified Oxygen Cell Phone Forensics (PATC) Two Forensic Cell phone systems used 3 to 6 times a week on cases.
Working with Cell tower experts from Verizon currently on Federal case
Currently working with Court Certified retired US Navy Seal Team 6 and DEVGRU weapons expert, Craig Sawyer on two cases
Currently working with Law Enforcement and Prosecutor on a Homicide investigation involving shooting on surveillance.
Have worked with Phoenix Homicide quite often to assist with clarification of recorded audio on both homicide and cold cases.

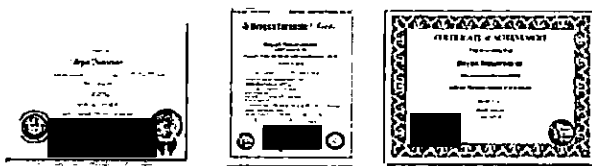
USA FORENSIC: AUDIO & VIDEO FORENSIC LABS

USA Forensic, llc. (38 Years Professional Experience)

Certified Audio & Video Forensic Experts: Federal, Military, State, Civil & Aviation

United States District Courts - U.S. Grand Jury- DOJ, - DOE (Classified-Unclassified)

IEEE, IPVM, ABRE, DLA, AES, SAM, CAGE, ASCAP



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USAForensic.com

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EXHIBIT C

Biography:

MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL



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Michael Spindler is a CPA and Certified Fraud Examiner who brings more than 36 years of experience to complex disputes including matters related to forensic accounting and business fraud investigations in the entertainment industry as well as countless other industry sectors. He has provided expert testimony on dozens of occasions in bench trials, jury trials and arbitration proceedings. He has provided Foreign Corrupt Practices Act investigations and training services in various countries around the world, including China, Russia, India and Saudi Arabia. Having conducted numerous high-profile investigations of public company financial statement fraud and other matters, Mr. Spindler has presented his findings to special committees and various government agencies on behalf of clients, including the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service and the Office of Thrift Supervision.

Michael's clients include law firms, corporations, individuals, government agencies and non-profit organizations.

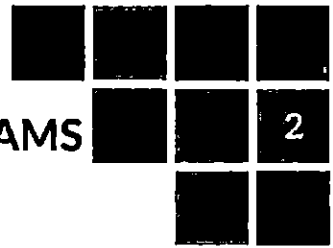
Prior to joining GlassRatner, Michael held senior leadership positions with several forensic accounting firms and was a Partner at two national public accounting firms. An experienced public speaker, Michael has authored or co-authored a number of publications on fraud-related topics and developed and presented seminars and courses on forensic accounting and litigation support issues. He is a past President of the Los Angeles Chapter of CALCPA and a past member of the Board of Trustees of the CALCPA Education Foundation. Currently, Michael is the President of the Los Angeles Chapter of the Association of Certified Fraud Examiners.

Michael is a Certified Public Accountant (licensed in California, New York, Nevada, Arizona, Utah and Hawaii), is Certified in Financial Forensics, is Accredited in Business Valuation (both issued by the AICPA) is a Certified Fraud Examiner (issued by the Association of Certified Fraud Examiners) and is a Certified Anti-Money Laundering Specialist ("CAMS"). Mr. Spindler graduated from the State University of New York at Albany with a bachelor of science degree in accounting in 1981.

We have included a representative list of Mr. Spindler's entertainment/media engagements on the following page.

Biography:

MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL



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- Performed numerous forensic accounting engagements in the entertainment industry, including assessing lost profits related to production of a television series, performing the build-up of a financial statement related to the distribution of a major motion picture, assessing lost profits related to the production and distribution of a special interest video, assessing allegations of financial statement fraud related to a video distribution business and analysis of the operations of a video production and distribution joint venture.
- Provided trial testimony on issues of alter ego, film costs and motion picture economics on behalf of the writer and director of a motion picture.
- Served as a litigation consultant in a major royalty dispute between a Mexican media company and a major U.S. Spanish-language broadcaster. Analyzed various issues in the litigation, including valuation of commercial airtimes and slots and other accounting issues.
- Retained as an expert in a dispute over master tapes and royalties related to a series of made for television movies aired on broadcast and cable networks. Analyzed issues related to the value of the master tapes, assessing business plans for use of the tapes and assessing calculations of royalties.
- Served as a rebuttal expert on alleged damages related to the valuation of an alleged \$50 million film library.
- Provided litigation consulting related to an intellectual property dispute alleging infringement of patents for on-line home video services.
- Conducted forensic accounting reviews of business managers on behalf of prominent screenwriters, actors, television and film producers.
- Performed numerous royalty inspections, film audits, participation audits and most favored nations inspections.
- Performed a forensic accounting investigation into costs related to development of video games.
- Served as an expert on the film costs incurred in connection with a major motion picture.
- Performed a "most favored nations" clause audit of a replicator on behalf of a major film studio. Findings resulted in a seven-figure settlement with the replicator.
- Performed an audit of billings from an advertising agency, identifying overcharges and contract breaches. Findings led to a seven-figure settlement and a renegotiation of contract terms.
- Testified as to damages related to mismanagement of a California casino. Damages were awarded of nearly \$100 million.
- Performed a forensic analysis of allegations of overstatement of circulation figures on behalf of a major newspaper and of a magazine publication.
- Investigated allegations of self-dealing and financial improprieties by the general manager of a newspaper publication.
- Performed a forensic accounting of a business manager on behalf of a television actor, uncovering instances of self-dealing by the business manager and inappropriate investments.
- Performed a forensic accounting of a film director's personal investments in connection with a litigation matter.

Biography:

MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL

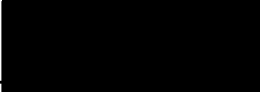


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- Provided litigation consulting on behalf of the seller in connection with litigation related to the sale of a major film studio.
- Provided litigation consulting in connection with the alleged failure to exploit a cartoon character.
- Performed a forensic accounting related to an investment by a major film studio in a straight-to-video joint venture.
- Performed due diligence procedures in connection with the acquisition of a film library.
- Performed a business review of a joint venture in the home video industry.
- Performed litigation consulting in connection with a contract dispute between a broadcast network and the provider of television programming.
- Provided litigation consulting in connection with allegations of anti-competitive actions in the satellite television industry.
- Served as an expert in connection with litigation between a satellite television broadcaster and a content provider.
- Provided litigation consulting on behalf of the provider of a comfort letter in connection with the sale of a major film studio.
- Provided litigation consulting in connection with an AFMA arbitration related to the failure to accept a film in an international output deal.
- Provided deposition testimony on film finance issues related to a litigation matter alleging inflation of film budgets.
- Provided litigation consulting on behalf of insurance companies related to disability claims by film actors.
- Provided litigation consulting related to the write-down of a slate of films after the acquisition of a major film studio.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 2019, I caused a copy of the foregoing Plaintiff's Designation/Identification of Expert Witnesses to be served by email and first class mail pursuant to Rule 1:12 of the Supreme Court of Virginia to all of Defendant's counsel of record.


Benjamin G. Chew

FILED
COURT SERVICES
2019 NOV 25 AM 11:22
Sean Patrick Roche
Attorney at Law
sroche@cameronmcevoy.com
Office: 703-460-9343
JOHN I. FRY
CLERK, CIRCUIT COURT
FAIRFAX, VA

November 25, 2019

VIA HAND DELIVERY

Clerk of Court
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

Re: John C. Depp, II v. Amber Laura Heard
Fairfax County Circuit Court
Case No. CL-2019-0002911

Dear Clerk:

Please find enclosed a one (1) original of the Defendant's Motion for Continuance based on the Plaintiff's Discovery Abuses and Defendant's Memorandum in Support and one (1) copy of the pleading to be file stamped.

Please return the file stamped copy to me via the waiting courier.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours



Sean Patrick Roche

Enclosure