

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

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

NAME: <u>Kate James</u>	
ADDRESS: <u>1138 n. poinsettia place</u> <u>West Hollywood California 90046</u>	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: _____ _____	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	_____, Sheriff
_____ DATE	by _____, Deputy Sheriff

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

FILED
CIVIL INTAKE

2020 MAR 10 PM 3:29
CL2019-0002911

File No. _____
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA
Circuit Court

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

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

Fairfax County

4110 Chain Bridge Road, Fairfax, Virginia 22030

ADDRESS OF COURT

John C. Depp, II

v./In re: Amber Laura Heard

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Kate James

NAME

1138 N. Poinsettia Place

STREET ADDRESS

West Hollywood,

California

90046

CITY

STATE

ZIP

TO THE PERSON SUMMONED: You are commanded to

attend and give testimony at a deposition

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

See Attachment

First Legal Records Retrieval
at 1511 West Beverly Blvd., Los Angeles, CA 90026

LOCATION

March 20, 2020 at 10:00 a.m.

DATE AND TIME

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

permit inspection of the premises

at the following location

LOCATION

on _____
DATE AND TIME

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

Amber Laura Heard

NAME OF REQUESTING PARTY

c/o Ben Rottenborn, Esq., Woods Rogers, PLC, 10 S. Jefferson Street, Ste. 1400

STREET ADDRESS

Roanoke

Virginia

24011

(540) 983-7540

CITY

STATE

ZIP

TELEPHONE NUMBER

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

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

March 11, 2020
DATE ISSUED

JOHN T. FREY, CLERK

by 
DEPUTY CLERK

J. Benjamin Rottenborn	84796	Virginia
NAME OF ATTORNEY FOR REQUESTING PARTY	BAR NUMBER	LICENSING STATE
Woods Rogers PLC, 10 S. Jefferson St.	(540) 983-7540	
OFFICE ADDRESS	TELEPHONE NUMBER OF ATTORNEY	
Suite 1400, Roanoke, Virginia 24011	(540) 983-7711	
OFFICE ADDRESS	FACSIMILE NUMBER OF ATTORNEY	

NAME	BAR NUMBER	LICENSING STATE
STREET ADDRESS	TELEPHONE NUMBER	
STREET ADDRESS	FACSIMILE NUMBER	

NAME	BAR NUMBER	LICENSING STATE
STREET ADDRESS	TELEPHONE NUMBER	
STREET ADDRESS	FACSIMILE NUMBER	

NAME	BAR NUMBER	LICENSING STATE
STREET ADDRESS	TELEPHONE NUMBER	
STREET ADDRESS	FACSIMILE NUMBER	

RETURN OF SERVICE (see page three of this form)

ATTACHMENT

John C. Depp, II v. Amber Laura Heard
Fairfax County Circuit Court: CL 2019-0002911

DEFINITIONS

- a. **Action.** The term “Action” means the above-captioned action.
- b. **And/or.** The use of “and/or” shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.
- c. **Communication.** The term “communication” means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).
- d. **Complaint.** The term “Complaint” means the Complaint, dated March 1, 2019, filed in the Action.
- e. **Concerning.** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.
- f. **Correspondence.** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.
- g. **Defendant and/or Ms. Heard.** The terms “Defendant” and/or “Ms. Heard” refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and all persons acting on her behalf.

h. **Document.** The term “document” is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and including all of their contents and attached files. The term “document” shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements, circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

i. **Including.** The term “including” means including but not limited to.

j. **Person.** The term “person” is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

k. **Plaintiff and/or Mr. Depp.** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assistants, bodyguards, assigns, and all persons acting on his behalf.

l. **Requests.** The term “Requests” shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment

m. **Romantic Partners.** The term “Romantic Partners” shall mean any persons You know to have been in a romantic or sexually intimate relationship with Mr. Depp.

n. **UK Litigation.** The term “UK Litigation” shall refer to *John Christopher Depp II and News Group Newspapers, Ltd., Dan Wootton*, Claim No. QB-2018-006323, currently pending in the United Kingdom.

o. **You and/or Your.** The terms “You” and/or “Your” refer to the recipient of this Subpoena, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

INSTRUCTIONS

1. Where information in Your possession is requested, such request includes non-privileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

2. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests any information which might otherwise be construed to be outside their scope.

3. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

4. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

5. If You perceive any ambiguities in a question, instruction, definition, or other aspect of this Subpoena, set forth the matter deemed ambiguous and the construction used in answering.

6. If You assert a claim of privilege as to any of Your responses to the Requests, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication.

7. If You perceive any Request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so as to permit an informed ruling on the objection.

8. These Requests are continuing in character so as to require You to promptly amend or supplement Your production of documents within a reasonable time if You obtain or become aware of any further documents responsive to this Subpoena.

9. Unless otherwise specified, these document requests cover the period from January 1, 2010, through the present, up to and through trial in this Action.

DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, You are required to produce the original or an exact copy of the following:

1. All documents or communications with Mr. Depp that refer or relate to Ms. Heard.
2. All documents or communications with Ms. Heard that refer or relate to Mr. Depp.
3. All documents or communications concerning the relationship between Mr. Depp and Ms. Heard, including, but not necessarily limited to any violence or abuse between Mr. Depp and Ms. Heard.
4. All documents or communications concerning any actual, alleged, or attempted act of violence involving Mr. Depp.
5. All documents or communications concerning any actual, alleged, or attempted alcohol or drug use or abuse by Mr. Depp from 2013 to present.
6. All documents or communications with Mr. Depp or counsel for Mr. Depp since June 1, 2018.
7. All documents or communications that you have reviewed or intend to rely on in connection with your potential testimony in this Action or in connection with your potential testimony in the UK Litigation.

* * *

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

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Counsel for John C. Depp, II

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

Page 1 of 2*(Add pages as required)*

SHORT TITLE:

Depp v. Heard

CASE NUMBER:

CL-2019-0002911

ATTACHMENT (Number): 4 Cont.*(This Attachment may be used with any Judicial Council form.)*

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 jfink@kaplanhecker.com

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

Page 2 of 2*(Add pages as required)*

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 6

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

See attached.

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

Page _____ of _____
(Add pages as required)

Certification of Business Records

Name of Business: _____

Date: _____

Records Recipient: _____

Regarding the records of:

_____ [Employee Name]

_____ [Employee Date of Birth]

I _____, as a qualified witness for the custodian of records of the above named Business, hereby certify that the enclosed records regarding the above-named Employee are correct copies of the records maintained in a designated record set that were made at or near the time of the recorded occurrence by a person with knowledge of the matters therein, and that the records were kept in the course of regularly conducted business activity and made as a regular practice in the course of the regularly conducted business activity.

Sign: _____

Print: _____

Title: _____

All Counsel of Record

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jfink@kaplanhecker.com
jquinn@kaplanhecker.com

Counsel for Amber Laura Heard

PLAINTIFF/PETITIONER: JOHN C. DEPP, II	CASE NUMBER (of action pending outside California):
DEFENDANT/RESPONDENT: AMBER LAURA HEARD	

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

6. Other terms or provisions from out-of-state subpoena, if any (specify):

See Attachment 6

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

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

Date issued: 03/10/2020

David Brook
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Defendant Amber Laura Heard
 (TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records In Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

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

(1) were paid. Amount: \$ _____

(2) were not paid.

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

f. Fee for service: \$ _____

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

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

4. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date: _____
 (SIGNATURE)

(For California sheriff or marshal use only)
 I certify that the foregoing is true and correct.

Date: _____
 (SIGNATURE)

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 3

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

See attached.

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

Page _____ of _____

(Add pages as required)

ATTACHMENT NO. 3

**John C. Depp, II v. Amber Laura Heard
Fairfax County Circuit Court: CL 2019-0002911**

DEFINITIONS

- a. ***Action.*** The term “Action” means the above-captioned action.
- b. ***And/or.*** The use of “and/or” shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.
- c. ***Communication.*** The term “communication” means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).
- d. ***Complaint.*** The term “Complaint” means the Complaint, dated March 1, 2019, filed in the Action.
- e. ***Concerning.*** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.
- f. ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.
- g. ***Defendant and/or Ms. Heard.*** The terms “Defendant” and/or “Ms. Heard” refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and all persons acting on her behalf.

h. **Document.** The term “document” is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and including all of their contents and attached files. The term “document” shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements, circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

i. **Including.** The term “including” means including but not limited to.

j. **Person.** The term “person” is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

k. **Plaintiff and/or Mr. Depp.** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assistants, bodyguards, assigns, and all persons acting on his behalf.

l. **Requests.** The term “Requests” shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment

m. ***Romantic Partners.*** The term “Romantic Partners” shall mean any persons You know to have been in a romantic or sexually intimate relationship with Mr. Depp.

n. ***UK Litigation.*** The term “UK Litigation” shall refer to *John Christopher Depp II and News Group Newspapers, Ltd., Dan Wootton*, Claim No. QB-2018-006323, currently pending in the United Kingdom.

o. ***You and/or Your.*** The terms “You” and/or “Your” refer to the recipient of this Subpoena, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

INSTRUCTIONS

1. Where information in Your possession is requested, such request includes non-privileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

2. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests any information which might otherwise be construed to be outside their scope.

3. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

4. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

5. If You perceive any ambiguities in a question, instruction, definition, or other aspect of this Subpoena, set forth the matter deemed ambiguous and the construction used in answering.

6. If You assert a claim of privilege as to any of Your responses to the Requests, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication.

7. If You perceive any Request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so as to permit an informed ruling on the objection.

8. These Requests are continuing in character so as to require You to promptly amend or supplement Your production of documents within a reasonable time if You obtain or become aware of any further documents responsive to this Subpoena.

9. Unless otherwise specified, these document requests cover the period from January 1, 2010, through the present, up to and through trial in this Action.

DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, You are required to produce the original or an exact copy of the following:

1. All documents or communications with Mr. Depp that refer or relate to Ms. Heard.
2. All documents or communications with Ms. Heard that refer or relate to Mr. Depp.
3. All documents or communications concerning the relationship between Mr. Depp and Ms. Heard, including, but not necessarily limited to any violence or abuse between Mr. Depp and Ms. Heard.
4. All documents or communications concerning any actual, alleged, or attempted act of violence involving Mr. Depp.
5. All documents or communications concerning any actual, alleged, or attempted alcohol or drug use or abuse by Mr. Depp from 2013 to present.
6. All documents or communications with Mr. Depp or counsel for Mr. Depp since June 1, 2018.
7. All documents or communications that you have reviewed or intend to rely on in connection with your potential testimony in this Action or in connection with your potential testimony in the UK Litigation.

* * *

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

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Counsel for John C. Depp, II

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

Page 1 of 2*(Add pages as required)*

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4 Cont.*(This Attachment may be used with any Judicial Council form.)*

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

Page 2 of 2*(Add pages as required)*

SHORT TITLE: Depp v. Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 6

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

See attached.

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

Page _____ of _____

(Add pages as required)

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD

Defendant.

CERTIFICATE OF COUNSEL

This is to certify that I caused a true and accurate copy of the enclosed Subpoena for Production of Business Records in Action Pending Outside California and Subpoena Duces Tecum To Person Under Foreign Subpoena to be sent via email, per the parties' agreement regarding service by electronic mail, on the 10th day of March, 2020, to counsel of record.

cf permission

VSB 87602

J. Benjamin Rottenborn

J. Benjamin Rottenborn (VSB #84796)
Joshua R. Treece (VSB #79149)
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Attorneys for Defendant Amber Laura Heard

I certify that on this 10th day of March, 2020, a copy of the foregoing shall be served by email, per the parties' agreement regarding service by electronic mail, upon:

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March 10, 2020

FILED
CIVIL INTAKE
2020 MAR 10 PM 3:26
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

VIA HAND DELIVERY

John T. Frey, Clerk
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. CL2019-0002911
Subpoena for Documents: Kate James**

Dear Mr. Frey,

In the above-referenced matter, enclosed for filing please find two copies of Defendant's Certificate of Counsel and corresponding subpoenas issued pursuant to Virginia Code Section 8.01-412.10 and California Civil Procedure Code Section 2029.100 (collectively, "Acts"). The enclosed Subpoena for Production of Business Records in Action Pending Outside California and Subpoena Duces Tecum To Person Under Foreign Subpoena have been issued in accordance with both Acts and the reciprocal privileges included therein.

~~The enclosed documents will be served by private process server and affidavits of service will be filed as necessary. Please file these documents with the Court's papers in this case and return a file-stamped copy of the same in the enclosed self-addressed envelope.~~

~~with the Court's papers~~

Thank you for your assistance and please do not hesitate to call with any questions or concerns.

Very truly yours,

WOODS ROGERS P.L.C.
u/permission [Redacted Signature]
Ben Rottenborn

vsb 89602

JBR:jt
Enclosures

{2655556-1, 121024-00001-01}

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