

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**ORDER**

10 ENV  
Upon consideration of Plaintiff and Counterclaim-Defendant John C. Depp, II's ("Mr. Depp") Motion to Compel Defendant and Counterclaim-Plaintiff Amber Laura Heard's ("Ms. Heard") Production of Original Devices and Operating System Drives and Cloud Backups of These Original Devices as Requested in Plaintiff's Seventh Set of Requests for Production ("Plaintiff's Motion") and Ms. Heard's Cross-Motion to Compel Mr. Depp's Production of Forensic Evidence and for Sanctions ("Defendant's Motion"), the oppositions thereto, arguments of counsel, and being fully advised, it is, this 8 day of November 2021, hereby ORDERED as follows:

1. Defendant's Motion is **DENIED**, except Mr. Depp shall produce any native files with metadata of photographs reflecting injuries and audio and video recordings of Mr. Depp and Ms. Heard that are in Mr. Depp's possession, and that have been previously produced in discovery without metadata.
2. Plaintiff's Motion is **GRANTED** in part and **DENIED** in part.
3. Defendant Amber Laura Heard ("Ms. Heard") shall produce her original devices, including mobile devices and computers (including laptops and iPads), as well as operating system

drives and cloud backups of these original devices (the “Requested Material”), for purposes of performing a physical imaging of all data from the original devices, as requested in Plaintiff’s Seventh Set of Requests for Production. For purposes of clarification, Ms. Heard’s original devices shall include all devices on which the data was “taken or originated or have been maintained” as requested in Plaintiff’s Seventh Set of Requests for Production, including but not limited to, Ms. Heard’s current devices and all cloud backups.

4. **The Imaging of Devices:** Under the supervision of Mr. Depp’s retained forensic expert, Bryan Neumeister and/or Mr. Neumeister’s colleague, Matt Erickson, either in person or over Zoom (or an equivalent audio/visual platform), Ms. Heard’s designated forensic expert shall perform forensic imaging of the Requested Material on a date agreeable to the parties but no later than November 30, 2021, in the following manner:

- a. For computers (laptops and desktops), a write-blocked “Raw (DD) non-segmented forensic image” shall be taken for each original computer drive;
- b. For mobile devices (cell phones and tablets), Ms. Heard shall provide the password(s) for the devices she used during the relevant time period so that the data can be accessed and a “CheckM8/checkra!n extraction” shall be performed, where possible, for each cell phone;
- c. For the cloud account(s) (iCloud, Gmail, etc.), Ms. Heard shall provide her username(s) and password(s) and extraction using Oxygen or Cellebrite software shall be performed;

5. If Ms. Heard’s designated forensic experts do not have access to the hardware or software required to conduct the imaging described above, Mr. Neumeister will make arrangements with Ms. Heard’s expert. In the event that a dispute arises between Ms. Heard’s

expert and Mr. Neumeister or Mr. Erickson related to the manner in which the imagings are performed, Stephen Cochran, the Court-appointed conciliator, shall resolve the dispute.

6. **The Extraction of Relevant Data:** After the Requested Material is imaged, Ms. Heard’s designated expert, also under the supervision of Mr. Neumeister and/or Mr. Erickson, shall extract the following categories of relevant data for review and analysis (the “Extracted Data”):

- a. **Photographs of Ms. Heard:** All photographs of Ms. Heard taken during the following time periods, which all correspond to dates in which Ms. Heard alleges that Mr. Depp abused her:

| <b>Date of Alleged Abuse</b> | <b>Time Period To Be Searched</b>     |
|------------------------------|---------------------------------------|
| Late 2012/Early 2013         | December 15, 2012 – January 15, 2013  |
| March 8 and 22, 2013         | March 6, 2013 – April 5, 2013         |
| June 2013                    | June 1 – June 30, 2013                |
| May 24, 2014                 | May 22, 2014 – June 7, 2014           |
| August 17, 2014              | August 15, 2014 – August 31, 2014     |
| December 17, 2014            | December 15, 2014 – December 31, 2014 |
| January 25, 2015             | January 23, 2015 – February 8, 2015   |
| March 3-5, 2015              | March 1, 2015 – March 19, 2015        |
| March 22-23, 2015            | March 20, 2015 – April 6, 2015        |
| August 2015                  | August 1, 2015 – August 31, 2015      |
| November 26, 2015            | November 24, 2015 – December 10, 2015 |
| December 15, 2015            | December 13, 2015 – December 29, 2015 |
| December 29, 2015            | December 29, 2015 – January 12, 2016  |

|                |                               |
|----------------|-------------------------------|
| April 21, 2016 | April 19, 2016 – May 5, 2016  |
| May 21, 2016   | May 19, 2016 – June 4, 2016   |
| July 22, 2016  | July 15, 2016 – July 29, 2016 |

b. **Deleted Photographs:** All deleted photographs of Ms. Heard taken during the time periods outlined in the second column of the table in paragraph 6(a).

7. Only the Extracted Data (as opposed to the forensic image) can be and will be reviewed by anyone at this time.

8. Once the extraction is complete, Craig B. Young (“Mr. Young”), the Court-appointed limited discovery issue conciliator, will act as the neutral third-party attorney and will review the Extracted Data to identify and isolate any irrelevant or privileged information that will not be subject to Mr. Neumeister’s forensic analysis. At the same time, Ms. Heard shall also have the right to receive and review the Extracted Data for the purpose of reviewing Extracted Data for privilege or work product only. Any privileged Extracted Data identified by Mr. Young or Ms. Heard will be isolated and will not be disclosed to or reviewed by anyone else, including Mr. Neumeister until the Court makes a determination on the privilege or work product objections pursuant to a privilege protocol.

9. The relevant data from the extraction will, in the first instance, be treated as attorneys’ and expert’s eyes only. Mr. Neumeister will conduct his analysis of the relevant data from the extraction and the parties’ attorneys (and Ms. Heard’s expert(s)) will be permitted to review this set of data. Once both parties’ attorneys have had an opportunity to review the data that Mr. Neumeister has/will be analyzing, the data shall be re-designated or de-designated consistent with the operative Protective Order in this action.

10. Ms. Heard's attorneys shall disclose to Mr. Depp's attorneys an inventory of all previously imaged photographs, text messages, emails, and video and audio recordings (the "Inventory") by Bates stamp if produced, and in list form if not yet produced. For each of Ms. Heard's previously imaged Inventory, Ms. Heard's attorneys shall disclose to Mr. Depp's attorneys and to Mr. Neumeister the following information relating to the Inventory:

***For Computers (Laptops and Desktops)***

- a. What type of forensic image was created;
- b. What software and version of the software was used to create the forensic image;
- c. What make/type of write-blocker was used to create the forensic image;
- d. Was an uncompressed write-blocked forensic image extracted; and
- e. Whether a hash verification was completed for each file, and for the forensic image as a whole.

***For Mobile Devices (Cell Phones and Tablets)***

- a. What type of extraction(s) were performed: a logical, advanced logical, CheckM8/checkra!n, or physical extraction if jail-broken- by the other forensic company;
- b. Whether a jailbreak method was used in the extraction process;
- c. What iOS was on the phone; and
- d. What software make and version were used for the extraction(s).

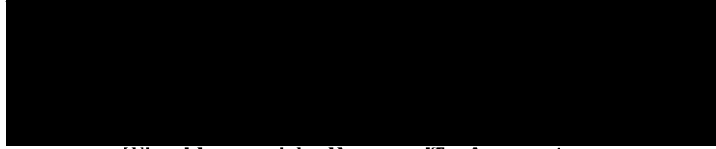
***Cloud Accounts (iCloud, Gmail)***

- a. Whether a forensic analysis was conducted and, if so, what software was used.

11. Upon review of the Inventory by Mr. Depp's attorneys and Mr. Neumeister, Mr. Neumeister together with Mr. Depp's attorneys may decide to have Mr. Neumeister conduct an

independent forensic imaging of any previously imaged Inventory in the same manner as described above for the Requested Material.

November 8, 2021



The Honorable Penney S. Azcarate  
Chief Judge, Fairfax County Circuit  
Court

***Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.***

**WE ASK FOR THIS:**

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*Counsel for Plaintiff John C. Depp, II*

**SEEN AND OBJECTED TO:**

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