

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

FILED
CIVIL PROCESSING

2021 JAN 22 P 1:42

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

JOHN C. DEPP, II

Plaintiff,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD,

Defendant.

ANSWER AND GROUNDS OF DEFENSE

Plaintiff and Counterclaim Defendant John C. Depp, II (hereinafter "Counterclaim Defendant"), by counsel, hereby files this Answer and Grounds of Defense to the Counterclaim filed by Defendant and Counterclaim Plaintiff Amber Laura Heard (hereinafter "Counterclaim Plaintiff"). Counterclaim Defendant denies all allegations in the Counterclaim that are not specifically and expressly admitted below.

ANSWER

NATURE OF THE ACTION

1. Counterclaim Defendant admits that he has referenced Counterclaim Plaintiff in messages, which speak for themselves, and otherwise denies the allegations in this paragraph.

PARTIES

2. Counterclaim Defendant admits the allegations in this paragraph.
3. Counterclaim Defendant admits the allegations in this paragraph.

JURISDICTION AND VENUE

4. This paragraph contains legal conclusions to which no response is required. To the extent that a response is required, Counterclaim Defendant otherwise admits that this Court has previously determined it has specific personal jurisdiction over the dispute between Counterclaim Defendant and Counterclaim Plaintiff. Counterclaim Defendant denies the remaining allegations in this paragraph.

FACTS

5. Counterclaim Defendant admits that Counterclaim Plaintiff filed documents and sought a temporary restraining order against Counterclaim Defendant in California court, and that such temporary restraining order was granted *ex parte*. Counterclaim Defendant denies the remaining allegations in this paragraph.

6. Counterclaim Defendant denies the allegations in this paragraph.

7. Counterclaim Defendant admits that he wrote "I want her replaced on the WB film" and that "the WB film" referred to *Aquaman*. Counterclaim Defendant denies the remaining allegations in this paragraph, including Counterclaim Plaintiff's characterization that this statement reflected "his intention to destroy her career," and any other mischaracterization.

8. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of unspecified social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

9. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of unspecified social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

10. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of unspecified social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

11. Counterclaim Defendant admits that Mr. Waldman may have public associations with one or more persons of Russian origin. Counterclaim otherwise denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

12. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

13. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of social media accounts, which are not specifically identified, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

14. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of social media accounts, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

15. Counterclaim Defendant denies the allegations in this paragraph. To the extent that this paragraph contains allegations characterizing the behavior of an unspecified number of social media accounts or the background and qualifications of Catherine Armeecin, Counterclaim Defendant lacks knowledge and information sufficient to respond and on that basis denies the allegations in this paragraph.

16. Counterclaim Defendant denies the allegations in this paragraph.

17. Counterclaim Defendant admits sending the two texts identified in this paragraph to Paul Bettany in 2013, which speak for themselves, and specifically denies Counterclaim Plaintiff's characterization of the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

18. Counterclaim Defendant denies the allegations in this paragraph.

19. Counterclaim Defendant admits sending the referenced text message to Christian Carino, but denies any mischaracterization of its contents.

20. Counterclaim Defendant denies the allegations in this paragraph.

21. Counterclaim Defendant admits making statements containing some or all of the language recited in this paragraph, but denies the remaining allegations of this paragraph, including Counterclaim Plaintiff's characterization of Counterclaim Defendant's statements as a threat or threats.

22. Counterclaim Defendant admits making statements containing the language recited in this paragraph in early 2019, but denies the remaining allegations of this paragraph, including Counterclaim Plaintiff's characterization of Counterclaim Defendant's statements as a threat or threats.

23. Counterclaim Defendant admits the allegations in this paragraph.

24. Counterclaim Defendant admits that a California court awarded Counterclaim Plaintiff an *ex parte* Domestic Violence Restraining Order in 2016 and that the parties' divorce generated extensive press coverage. Counterclaim Defendant otherwise denies the remaining allegations in this paragraph, including Counterclaim Plaintiff's mischaracterizations of the above-captioned litigation.

25. Counterclaim Defendant admits that he contends that Counterclaim Plaintiff lied about being abused by Counterclaim Defendant, and contends that Counterclaim Plaintiff referenced Counterclaim Defendant in the 2018 op-ed in part to gain notoriety. The remainder of this paragraph contains an editorial comment that does not require a response. To the extent any response is required, Counterclaim Defendant denies the remaining allegations in this paragraph.

26. This paragraph contains mischaracterizations and statements of opinion that do not require a response. To the extent that a response is required, Counterclaim Defendant denies the allegations in this paragraph, and denies Counterclaim Plaintiff's mischaracterizations contained therein.

27. This paragraph contains mischaracterizations and statements of opinion that do not require a response. To the extent that a response is required, Counterclaim Defendant denies the allegations in this paragraph, and denies Counterclaim Plaintiff's mischaracterizations contained therein.

28. This paragraph contains mischaracterizations and statements of opinion that do not require a response. To the extent that a response is required, Counterclaim Defendant denies the allegations in this paragraph, and denies Counterclaim Plaintiff's mischaracterizations contained therein.

29. Counterclaim Defendant admits that, as is presumably also true of Counterclaim Plaintiff's attorneys, Adam Waldman has had communications with witnesses. Counterclaim Defendant denies the mischaracterizations and statements of opinion contained in this paragraph, and specifically denies any allegation that a witness has been improperly threatened to "influence their testimony." To the extent that the paragraph's allegations are intended to refer to specific communications between Adam Waldman and any witness, such witnesses and communications are not identified in sufficient detail for Counterclaim Defendant to form knowledge and belief sufficient to respond. Counterclaim Defendant otherwise denies the allegations in this paragraph.

30. Counterclaim Defendant admits that, like Counterclaim Plaintiff's own attorneys, Mr. Waldman has publicly commented about this litigation, and that Mr. Waldman has released one or more declarations in the public sphere. Counterclaim Defendant otherwise denies the allegations in this paragraph, including Counterclaim Plaintiff's mischaracterizations of Mr. Waldman's conduct, and any suggestion that there has been any attempt by Counterclaim Defendant to "mislead the public."

31. Counterclaim Defendant admits that he recently joined Instagram and quickly gained a large following. The remainder of this paragraph contains mischaracterizations and statements of opinion that do not require a response. To the extent a response is required, Counterclaim Defendant denies the remaining allegations in this paragraph, including specifically the allegation that the act of joining Instagram is somehow a "plan to harass and intimidate Ms. Heard."

32. Counterclaim Defendant admits that his first video message on Instagram made reference to Counterclaim Plaintiff and this lawsuit. The remainder of this paragraph contains

mischaracterizations and statements of opinion that do not require a response. To the extent a response is required, Counterclaim Defendant denies the remaining allegations in this paragraph.

33. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, Counterclaim Defendant admits that a GQ journalist interviewed him prior to November 2018 and states that the journalist's name was Jonathan Heaf, as is reflected in Exhibit A to the Counterclaim. Counterclaim Defendant admits that the article included the statements by the author "the truth Johnny Depp wants you to hear" and "angry – angry about a lot of things – and he's vengeful." Counterclaim Defendant otherwise responds that Exhibit A to the Counterclaim speaks for itself, and denies the remaining allegations in this paragraph.

34. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, Counterclaim Defendant denies the allegations in this paragraph. The quotes as written in the Counterclaim do not appear in Exhibit A, which speaks for itself. Counterclaim Defendant further denies Counterclaim Plaintiff's characterizations of the statements as false.

35. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly

defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. Counterclaim Defendant further responds that this paragraph amounts to an editorial comment, not a factual allegation. To the extent that any response is required, Counterclaim Defendant admits that the article attached to the Counterclaim as Exhibit A contains the quoted statement made by the author. Counterclaim Defendant denies the remaining allegations in this paragraph, including Counterclaim Plaintiff's characterization of the statement as an "acknowledg[ment]."

36. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, Counterclaim Defendant admits that the author, Mr. Heaf, stated in the article "Let me be clear: this is not a piece of investigative reporting." Counterclaim Defendant denies the remaining allegations in this paragraph.

37. Counterclaim Defendant admits that Counterclaim Plaintiff published an op-ed in the Washington Post in December 2018 "calling for 'changes to laws and rules and social norms' so that 'women who come forward to talk about violence receive more support.'" Counterclaim Defendant responds that the remainder of this paragraph contains characterizations of the op-ed in question, which speaks for itself. Counterclaim Defendant denies the remaining allegations in this paragraph.

38. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Counterclaim Defendant denies the allegations in this paragraph.

39. Counterclaim Defendant admits that his name does not appear in Counterclaim Plaintiff's 2018 Washington Post op-ed, but specifically denies any suggestion that the op-ed was not intended and widely understood to refer to Counterclaim Defendant. To the extent that the remaining allegations in this paragraph merely characterize the op-ed in question, Counterclaim Defendant responds that the op-ed speaks for itself. Counterclaim Defendant denies the remaining allegations in this paragraph.

40. This paragraph primarily contains editorial comments and mischaracterizations, which do not require a response. To the extent a response is required, Counterclaim Defendant admits that he filed a defamation lawsuit on March 1, 2019 related to Counterclaim Plaintiff's Washington Post op-ed. Counterclaim Defendant otherwise denies the remaining allegations in this paragraph.

41. Counterclaim Defendant denies the allegations in this paragraph. By such denial Counterclaim Defendant does not waive and specifically asserts the attorney client privilege as to any all communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction. For that reason, beyond this general denial, Counterclaim Defendant is not obligated to and will not respond further to the allegations contained in this paragraph.

42. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, Counterclaim Defendant admits that the quoted statement appeared in an article that was published April 12, 2019 and was attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

43. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, this paragraph contains legal conclusions to which no response is required. Counterclaim Defendant admits the quoted statement appeared in Blast and was attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr.

Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

44. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response is required, Counterclaim Defendant admits that the quote "Ms. Heard's 'battered face' was a hoax" appeared in People magazine on July 3, 2019 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

45. Counterclaim Defendant admits that the quoted language appeared in a Daily Mail article published on April 8, 2020 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general

denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

46. Counterclaim Defendant admits that the quoted language appeared in a Daily Mail article published on April 27, 2020 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

47. Counterclaim Defendant admits that the phrase “abuse hoax” appeared in a Daily Mail article published on June 24, 2020 and that such quote is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

48. Counterclaim Defendant admits that the quoted language and a picture appeared on Adam Waldman's twitter account on July 22, 2020. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement

between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

49. Counterclaim Defendant admits that the quoted language and picture appeared on Adam Waldman's twitter. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including without limitation to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege, and beyond this general denial is not obligated to and will not respond further to the remaining allegations in this paragraph.

50. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Counterclaim Defendant denies the allegations in this paragraph.

51. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Counterclaim Defendant denies the allegations in this paragraph.

52. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Counterclaim Defendant denies the allegations in this paragraph. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his

attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same.

53. Counterclaim Defendant admits that the Counterclaim sought the relief identified in this paragraph, although Counterclaim Defendant notes that the wrong Virginia Code provision is cited.

54. Counterclaim Defendant admits that the Counterclaim seeks compensatory and punitive damages. Counterclaim Defendant denies the remaining allegations in this paragraph.

**COUNT ONE –
DECLARATORY JUDGMENT UNDER VA CODE §§ 8.01-184, et seq.**

55. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. To the extent a response is required, Counterclaim Defendant repeats and incorporates each of his responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

56. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph.

57. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot

following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph.

58. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph. To the extent any other response is required, Counterclaim Defendant denies that Counterclaim Plaintiff's claim for declaratory relief was appropriate.

59. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph. To the extent any other response is required, Counterclaim Defendant denies allegations in this paragraph.

60. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph. To the extent that any other response is required, Counterclaim Defendant denies that Counterclaim Plaintiff is entitled to attorneys' fees or costs.

61. Counterclaim Defendant responds that the Court has sustained a Demurrer and dismissed Count One in its entirety. As such, no response to the allegations in this paragraph is required. This paragraph contains legal conclusions to which no response is required and is moot

following the dismissal of Count One, and on that basis, Counterclaim Defendant denies the allegations in this paragraph.

**COUNT TWO –
DEFAMATION AND DEFAMATION *PER SE***

62. Counterclaim Defendant repeats and incorporates each of his responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

63. This paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph and further states as follows:

(a) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response is required, Counterclaim Defendant admits that the GQ article attached to the Counterclaim as Exhibit A contains the quote "there's no truth to it whatsoever" and that the "it" refers to Counterclaim Plaintiff's abuse allegations. Counterclaim Defendant denies the remaining allegations in this subparagraph.

(b) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response is required, Counterclaim Defendant admits that the GQ article attached to the Counterclaim as Exhibit A contains the quoted language. Counterclaim Defendant denies the remaining allegations in this subparagraph.

(c) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response is required, Counterclaim Defendant admits that the GQ article attached to the Counterclaim as Exhibit A contains the quoted language. Counterclaim Defendant denies the remaining allegations in this subparagraph.

64. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response would otherwise be required, this paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

65. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response would otherwise be required, this paragraph merely quotes an editorial comment, to which no response is necessary. Counterclaim Defendant admits that the GQ article attached to the Counterclaim as Exhibit A contains the quoted language. Counterclaim Defendant denies the remaining allegations in this paragraph.

66. With respect to the allegations in this paragraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this paragraph. As such, no response to the allegations in this paragraph is required. To the extent that any response would otherwise be required, this paragraph contains legal conclusions to which no response is required. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant otherwise denies the allegations in this paragraph and further states as follows:

(a) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response would otherwise be required, Counterclaim Defendant admits that the quoted statement appeared in an article that was published April 12, 2019 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman

was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this subparagraph.

(b) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response would otherwise be required, Counterclaim Defendant admits the quoted statement appeared in Blast and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

(c) With respect to the allegations in this subparagraph, Counterclaim Defendant responds that the Court has granted Counterclaim Defendant's Plea in Bar as to the allegedly defamatory statements referenced in the Counterclaim as Statements A-E, including the statements referenced in this subparagraph. As such, no response to the allegations in this subparagraph is required. To the extent that any response would otherwise be required,

Counterclaim Defendant admits that the quote “Ms. Heard’s ‘battered face’ was a hoax” appeared in People magazine on July 3, 2019 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

(d) Counterclaim Defendant admits that the quoted language appeared in a Daily Mail article published on April 8, 2020 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

(e) Counterclaim Defendant admits that the quoted language appeared in a Daily Mail article published on April 27, 2020 and is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr.

Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

(f) Counterclaim Defendant admits that the phrase “abuse hoax” appeared in a Daily Mail article published on June 24, 2020 and that such quote is attributed to Adam Waldman. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant denies the remaining allegations in this paragraph.

67. This paragraph contains legal conclusions to which no response is required. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant otherwise denies the allegations in this paragraph.

68. This paragraph contains legal conclusions to which no response is required. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant otherwise denies the allegations in this paragraph.

69. This paragraph contains legal conclusions to which no response is required. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant otherwise denies the allegations in this paragraph.

70. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the

attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same. Counterclaim Defendant otherwise denies the allegations in this paragraph.

71. This paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

72. This paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

**COUNT THREE –
VIOLATION OF THE VIRGINIA COMPUTER CRIMES ACT**

73. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, Counterclaim Defendant repeats and incorporates each of his responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

74. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, this paragraph contains abstract assertions of legal to which no response is required.

75. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, this paragraph contains abstract assertions of legal to which no response is required.

76. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this

paragraph are moot and no response is required. To the extent that any response is required, Counterclaim Defendant denies the allegations in this paragraph. To the extent that the allegations in this paragraph could be construed to inquire into the communications and/or scope of engagement between Counterclaim Defendant and his attorney Mr. Waldman, including to the extent that this paragraph could be construed to allege that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction, Counterclaim Defendant expressly asserts the attorney-client privilege and work-product doctrine, and is not obligated to respond, and on that basis denies the same.

77. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, this paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

78. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, this paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

79. Counterclaim Defendant responds that the Court sustained a demurrer and dismissed Count Three of the Counterclaim in its entirety. As such, the allegations in this paragraph are moot and no response is required. To the extent that any response is required, this paragraph contains legal conclusions to which no response is required. Counterclaim Defendant otherwise denies the allegations in this paragraph.

With respect to the allegations contained in Counterclaim Plaintiff's requests for relief following paragraph 79, Counterclaim Defendant denies any legal assertions therein, and denies that Counterclaim Plaintiff is entitled to any relief from Counterclaim Defendant in this action, and demands strict proof thereof. Counterclaim Defendant further denies that Counterclaim Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

Counterclaim Defendant sets forth below his affirmative defenses. By asserting the defenses below, Counterclaim Defendant does not assume the burden of proving any fact or issue of law where such burden properly belongs to Counterclaim Plaintiff.

GROUND OF DEFENSE
(Affirmative and Other Defenses)

FIRST DEFENSE

The Counterclaim fails to state a claim upon which relief can be granted and requests relief which is not permitted as a matter of law.

SECOND DEFENSE

Counterclaim Plaintiff has not suffered any monetary or financial loss for which she can be compensated.

THIRD DEFENSE

The statements forming the basis of the Counterclaim are not false and defamatory because they were truthful.

FOURTH DEFENSE

The statements forming the basis of the Counterclaim were not made by the Counterclaim Defendant.

FIFTH DEFENSE

Counterclaim Defendant does not waive and specifically asserts the attorney client privilege as to all communications between Counterclaim Defendant and his attorney, Mr. Waldman. If and when the Court enters a final order in this case that communications between Counterclaim Defendant and his attorney, Mr. Waldman as to whether or not there was authorization from Counterclaim Defendant to, or a conspiracy with, Mr. Waldman to make the statements forming the basis of the Counterclaim, are not subject to attorney client privilege, or may be disclosed for the limited purpose of asserting certain affirmative defenses and without a general waiver of the attorney client privilege, or required disclosure of any communications (or lack of communications) beyond those necessary to support such affirmative defenses, Counterclaim Defendant reserves the right to assert any and all affirmative defenses based on Counterclaim Defendant's lack of direction as to the subject statements, lack of direction or control of a third party as to the subject statements, a third party's exceeding of the scope of employment or agency relationship as to the subject statements, and statements made by an independent contractor.

SIXTH DEFENSE

The doctrine of unclean hands equitably bars the Counterclaim.

SEVENTH DEFENSE

The doctrine of laches equitably bars the Counterclaim.

EIGHTH DEFENSE

The doctrine of equitable estoppel bars the Counterclaim.

NINTH DEFENSE

Failure to join a necessary or indispensable party.

TENTH DEFENSE

Counterclaim Plaintiff is a public figure and any allegedly defamatory statements made or allegedly attributable to Counterclaim Defendant were not made with malice.

ELEVENTH DEFENSE

The alleged statements that form the basis of the Counterclaim are statements of opinion and are protected speech, and Counterclaim Defendant seeks an award of his reasonable attorneys' fees and costs pursuant to Virginia's anti-SLAPP Statute.

TWELFTH DEFENSE

Counterclaim Plaintiff has failed to take reasonable steps to mitigate her alleged damages, if any.

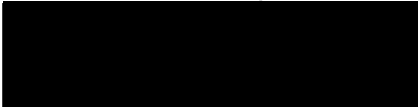
THIRTEENTH DEFENSE

Counterclaim Defendant reserves the right to interpose such additional affirmative defenses as may be appropriate including, without limitation the matters set forth in the Fifth Affirmative Defense, above.

WHEREFORE, Counterclaim Defendant respectfully requests that the Counterclaim be dismissed with prejudice.

JURY TRIAL DEMAND

Counterclaim Defendant hereby demands a jury trial on all issues so triable.



Benjamin G. Chew (VSB # 29113)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
Email: bchew@brownrudnick.com

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

Counsel for Plaintiff John C. Depp, II

Dated: January 22, 2021