

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,

**Plaintiff and
Counterclaim Defendant,**

v.

Amber Laura Heard,

**Defendant and
Counterclaim Plaintiff.**

Civil Action No.: CL-2019-0002911

**PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S OPPOSITION
TO DEFENDANT AND COUNTERCLAIM-PLAINTIFF AMBER LAURA HEARD'S
MOTION TO COMPEL RESPONSES TO 6TH, 7TH, 8TH, 9TH, AND 10TH RFAS,
3RD, 4TH, AND 5TH INTERROGATORIES, AND 19TH AND 20TH RFPS**

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CLERK, CIRCUIT COURT
FAIRFAX, VA

I. INTRODUCTION

Ms. Heard and her counsel continue to over-litigate this matter. While some of Ms. Heard's discovery requests will likely be resolved by agreement before the hearing, others are consistent with her pattern of weaponized and harassing discovery, and should be denied.

II. INTERROGATORIES

Some of Ms. Heard's Interrogatories are outrageous. Some of them simply exceed the permissible number of interrogatories agreed by counsel and ordered by the Court. And some of them are not in dispute at all and need not have been included in this Motion.

Ms. Heard's Third Interrogatories, Interrogatory No. 1 should be *denied in its entirety*.

This Interrogatory reads as follows: "For each person identified in your Responses or any of Your Supplemental Responses to Interrogatory Number 1 of Ms. Heard's 1st Set of Interrogatories, please describe fully the specific facts within the knowledge of each witness and how that person came to possess such knowledge." This is a completely harassing, grossly overbroad, and unreasonable request that directly implicates attorney work-product, and is wholly improper in the context of this action, where *scores* of potential witnesses have been identified by the parties. The task of compiling a (necessarily speculative) description of their knowledge would be a monumental one. Indeed, it would be impossible to comply with this request, since it purports to require Mr. Depp to set forth "*all specific facts*" known *by other people* – by definition, that calls for knowledge that is not in Mr. Depp's possession. And, the interrogatory contains *no subject matter limitation whatsoever*, leaving Mr. Depp to speculate as to what "specific facts" are even at issue. The request for Mr. Depp to explain *how* the identified persons came to be in possession of their knowledge is preposterous on its face. Furthermore, Ms. Heard has had ample opportunity

to conduct discovery from these individuals herself and has no need or basis to shift the burden to Mr. Depp at this late stage of the case to compile a list of information that might (or might not) be in possession of such witnesses. *There have been 52 depositions to date in this action (the vast majority having been noticed by Ms. Heard), with still more depositions planned. Ms. Heard has been represented at every single one of them.* Given the spectacularly scorched earth approach she has taken to discovery throughout this action, Ms. Heard does not need to ask Mr. Depp what these witnesses know – she has had ample opportunity to ask the witnesses directly. Indeed, to the extent that it is possible to answer this interrogatory at all, it largely seeks information that is equally (if not more) available to Ms. Heard. The transparent purpose of this interrogatory is to simply to harass Mr. Depp with an unreasonably burdensome and useless task, as a distraction from trial preparation. Ms. Heard cites no authority to warrant this blatantly harassing interrogatory.¹ Responding to it would be an undue burden all out of proportion to the value, if any, of the information to Ms. Heard. It should be denied in its entirety.²

Ms. Heard’s Third Interrogatories, Interrogatory Nos. 2 and 3: Mr. Depp has already agreed to provide substantive responses to these. They need not have been included in this Motion.

Ms. Heard’s Fourth Interrogatories, Interrogatory No. 1: Mr. Depp is willing to provide a response to this question, *modified* to include only its first section: “Describe in detail each incident during which You contend that Ms. Heard inflicted any type of physical or emotional

¹ Ms. Heard *misleadingly cites* *Skibinski v. Lunger*, 74 Va. Cir. 428 (2008) in her Motion, but a review of the two interrogatories at issue in that case clarifies that they bear no resemblance to this massively harassing interrogatory. One interrogatory in *Skibinski* requested the responding party to “identify all persons having any personal knowledge of matters alleged in the complaint” (a question Mr. Depp already responded to), while the other sought the “factual basis for your contention” that two witnesses were aware of particular facts. That is completely different.

² If Mr. Depp is ultimately ordered to go through the exercise of attempting to comply with such a request, in fairness it should be made reciprocal.

violence or abuse on You.” The Motion should be denied as to the remainder of this interrogatory, as overbroad, vague, unnecessary, and compound as it asks for an open-ended “description of the communications and actions leading up to, through, and following such alleged violence or abuse.”

Ms. Heard’s Fifth Set of Interrogatories: The Motion should be *entirely denied* as to these, because Ms. Heard has exceeded the number of additional interrogatories, including all subparts, that were agreed by the parties and ordered by the Court. In February of 2021, Mr. Depp served his Fourth Interrogatories on Ms. Heard, which consisted of six basic interrogatories on core issues in the case. Ms. Heard objected, taking the position that counting subparts, both parties had already exceeded their allotted number of interrogatories under Virginia law (even though Mr. Depp had at that time only served 18 interrogatories). Through a combination of serial motion practice, meet and confers, and conciliations on her scorched earth discovery, Ms. Heard bogged down the discovery process and managed to drag out her substantive responses for a year. In a final compromise – and after having been forced to file a motion on it – Mr. Depp offered a reciprocal arrangement whereby each party would have fifteen additional interrogatories (including subparts), which was reduced to a Consent Order dated January 6, 2022, and which permitted 15 additional interrogatories, including parts and subparts, to each party. Ms. Heard was also ordered to serve her responses to Mr. Depp’s Fourth Interrogatories within 30 days (but failed to even timely comply with the Order, serving her responses days late, on February 9, 2022 – almost a year to the day after they were first served).

Ms. Heard’s Third, Fourth, and Fifth Interrogatories now exceed the number of additional interrogatories (including subparts) agreed by the parties and ordered by the Court.³ If Ms. Heard

³ Indeed, virtually all of Ms. Heard’s interrogatories are compound. For instance, her Fourth Interrogatories, No. 1, asks for (1) a description of each incident of alleged abuse or violence by Ms. Heard; (2) the date of each incident; (3) the time of each incident; and (4) a description of

wanted more than 15 additional interrogatories, she should have negotiated for more. Having stood on this same objection for a year, she has zero credibility in complaining about it now.

To the extent the Court considers the merits of the specific interrogatories, they are facially overbroad and harassing on their face, massively compound, and seek narrative information that is not reasonably targeted to the issues. For instance, Interrogatory No. 4 in the fifth Interrogatories preposterously asks the following: “Please identify all drugs and narcotics You have consumed or ingested at any point from January 1, 2012 to the present, with the exception of any drug prescribed by any Physician or Doctor. Your response should include the name(s) of all drugs or narcotics, all date(s) on which you consumed any drugs or narcotics, Your location/address when you consumed each drug or narcotic on each date, and all individuals present when you consumed each drug or narcotic on each date.”⁴

Enough is enough.

III. REQUESTS FOR ADMISSION

Mr. Depp will attempt to reach a compromise that resolves the RFAs before the hearing on this Motion. However, it should be noted that Ms. Heard’s RFAs have now just reached the point of sheer harassment. Ms. Heard’s RFAs now number several hundred, most of which are of

the communications and actions before, during, and after each incident – and therefore has at last four (and arguably more) subparts. Her Third Interrogatories, No. 1 asks for (1) all facts in possession of *scores* of witnesses and (2) a description of how those scores of witnesses came to know those facts. Her Third Interrogatories No. 2 seeks (1) a description of each injury suffered by Mr. Depp; (2) the date of each injury; (3) the time of each injury; and (4) a description of Ms. Heard’s conduct leading up to each injury; and (5) a description of any medical treatment received. Ms. Heard’s Third Interrogatories No. 3 seeks a description of all facts that support Mr. Depp’s (1) Fourth Affirmative Defense, (2) Fifth Affirmative Defense, and (3) Ninth Affirmative Defense. Ms. Heard’s Third Interrogatories, No. 4 seeks (1) a description of all facts supporting Mr. Depp’s Twelfth Defense.

⁴ It should be noted that Ms. Heard often chooses not to set forth the full text of her requests in her moving papers.

dubious or no relevance, and at some point, enough should be enough. Moreover, as framed, Ms. Heard's RFAs purport to require Mr. Depp to not just authenticate certain emails, photographs, and articles, but also admit or deny the *accuracy* of the contents of those materials, such as quotations or statements cited therein. That exceeds what is required under the rules. Ms. Heard also insists on challenging responses (stating an inability to admit or deny) that are specifically authorized under Virginia law.

IV. REQUESTS FOR PRODUCTION

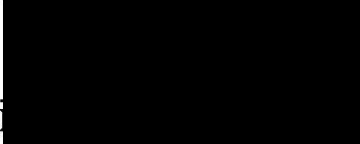
There is no guarantee that every document that arguably supports a response to an interrogatory is per se relevant. Nonetheless, Mr. Depp is prepared to produce documents that support his responses to those of Ms. Heard's interrogatories above that he has agreed to respond to. As for documents supporting denials of RFAs, at this juncture none of the RFAs have been denied. To the extent that an RFA is denied based on nonprivileged documents in a future response, such documents will be produced.

As for RFP No. 1 in the Twentieth RFPs, that request is another example of Ms. Heard serving a pointlessly vague and overbroad request. Among other things, it asks Mr. Depp to produce any documents supporting a statement made thanking his fans after he resigned from the Fantastic Beasts franchise, including thanking them for their messages of love and concern. Does Ms. Heard want every letter or email Mr. Depp has received from a fan? There might be some subcategory of documents that could conceivably be relevant to an issue in this case, but as framed this is overbroad and not reasonably targeted.

V. CONCLUSION

Except as otherwise agreed by the parties, the Motion should be denied.

Respectfully submitted,


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Dated: March 4, 2022
64551173 v1-WorkSiteUS-034692/0008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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