

VIRGINIA :

FILED  
COURT SERVICES

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

2019 APR 11 2:56

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Civil Action No.: CL-2019-0002911

**COMBINED MOTION TO DISMISS PURSUANT TO VA. CODE § 8.01-265(i)**  
**AND PLEA IN BAR<sup>1</sup>**

COMES NOW, by special appearance, Defendant Amber Laura Heard (“Ms. Heard”), by her undersigned counsel, and, pursuant to Virginia Code section 8.01-265(i) and the Rules of the Supreme Court of Virginia, hereby files this Combined Motion to Dismiss and Plea in Bar. In support of this Combined Motion and Plea in Bar, Ms. Heard states as follows:

Plaintiff John C. Depp, II (“Mr. Depp”) has filed a Complaint alleging defamation against Ms. Heard. For the reasons stated below, and in the accompanying Memorandum in Support of Motion to Dismiss, filed contemporaneously with this filing as an attachment to the Motion for Leave for Briefing Schedule, the Complaint should be dismissed.

**I. Motion to Dismiss Pursuant to Va. Code § 8.01-265(i).**

The reasoning behind the Motion to Dismiss Pursuant to Va. Code § 8.01-265(i) is explained in detail within the Memorandum in Support filed contemporaneously with this Motion. The Memorandum in Support is incorporated herein by reference.

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<sup>1</sup> The undersigned counsel will confer with counsel for Plaintiff to appear at calendar control for scheduling a briefing schedule and an evidentiary hearing for the Motion to Dismiss portion of this Combined Motion to Dismiss and Plea in Bar. To the extent necessary, the undersigned counsel will confer with counsel for Plaintiff and schedule a separate briefing schedule and, if necessary, an evidentiary hearing for the Plea in Bar.

**II. Plea in Bar.**

The appropriate venue for this matter is Los Angeles, California. Nevertheless, if this matter is transferred without dismissal, or if this matter remains in Virginia by court order or otherwise, Ms. Heard hereby preserves her argument that Mr. Depp's claims should be dismissed in their entirety with prejudice under the California Anti-SLAPP statute. *See* Cal. Civ. Proc. Code § 425.16.<sup>2</sup> Moreover, to the extent Virginia law is deemed to apply for any reason, and out of an abundance of caution, Mr. Depp's claims are also subject to dismissal under the Virginia Anti-SLAPP statute. *See* Va. Code § 8.01-223.2.<sup>3</sup>

WHEREFORE, in consideration of the foregoing, Defendant Amber Laura Heard respectfully moves this Court to (i) grant the Motion to Dismiss and dismiss this matter to proceed in the appropriate venue of Los Angeles, California, (ii) alternatively, to sustain the Plea in Bar and dismiss the Complaint with prejudice, and (iii) grant such other and further relief as deemed appropriate.

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<sup>2</sup> This Plea in Bar would be titled a "Motion to Strike" under California law and should be viewed as such to the extent necessary.

<sup>3</sup> Ms. Heard demands that any Plea in Bar in Virginia be tried as an evidentiary hearing before a jury in accordance with Va. Code § 8.01-336 and Rule 3:21 of the Rules of the Supreme Court of Virginia.

Dated this 11<sup>th</sup> day of April 2019.

Respectfully submitted,

By: 

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**CERTIFICATE OF SERVICE**

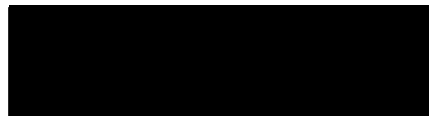
I HEREBY CERTIFY that on the 11<sup>th</sup> day of April 2019, I served the foregoing via First Class Mail (postage prepaid) and electronic mail upon the following:

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