

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD,

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-000911

JOHN T. FREY,  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

2021 JAN -4 PM 2:46

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**DEFENDANT AMBER LAURA HEARD'S MEMORANDUM IN OPPOSITION  
TO PLAINTIFF'S MOTION TO QUASH AND FOR A PROTECTIVE ORDER**

January 4, 2021

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*Counsel to Defendant and Counter-Plaintiff  
Amber Laura Heard*

## SUMMARY OF ARGUMENT

Adam Waldman has been personally involved in the liability and damages aspects of both the Complaint and the Counterclaims, through republication of the Op Ed on Twitter, orchestrating a significant defamatory campaign against Ms. Heard accusing her of committing crimes, and launching a substantial computer-based attack on Ms. Heard. Mr. Waldman continues to tweet about Ms. Heard outside of any legal work he is performing for Mr. Depp, including only yesterday to comment on Ms. Heard's inability to completely fulfill the pledges to charity because she was sued by Mr. Depp.<sup>1</sup> Now he seeks to eschew the Rules of this Court and ask for a Protective Order shielding him from deposition, four months after the Notice of Deposition was received by him by the agreed upon method of service, and two months after he failed to appear for the properly noticed deposition. Just like Mr. Depp, who refused to appear for his properly noticed deposition, Mr. Waldman appears to believe this Court's clear Rules respecting depositions do not apply to him.

### **I. MR. WALDMAN WAS PROPERLY NOTICED FOR DEPOSITION**

On August 14, 2020, Ms. Heard properly noticed the deposition of Mr. Waldman for October 14-15, 2020, through the Notice of Deposition served on Mr. Depp through counsel of record. **Att. 1.** Defense counsel specifically requested that if Plaintiff claimed the Notice of Deposition was insufficient, to please provide any authority for such a position, and an address where Mr. Waldman could be served. **Att. 2.** Defendant provided neither (and still have not), and instead, claimed two of the three attorneys served were not authorized to accept service. The

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<sup>1</sup> While representing to this Court the urgency to de-designate the charity documents under the auspices of needing them for the UK appeal, Mr. Depp's UK counsel did not use these documents, and has taken the position the pledges and donations are not relevant, because Mr. Depp is not claiming Ms. Heard was a "gold digger." The only person who has used these documents was Mr. Waldman, providing them to the press and tweeting about them.

third – who did not claim he was unauthorized to accept service - was Mr. Waldman. **Att. 1**, at 3. Service by email was specifically authorized under an Agreed Order permitting service by email. **Att. 3**. At the time the Notice of Deposition being served (August 14, 2020), and at the time the Deposition of Mr. Waldman was scheduled to take place (October 14), Mr. Waldman was admitted *pro hac vice* as counsel for Mr. Depp, and no motion for Protective Order was filed.

**II. PLAINTIFF AND COUNTER-DEFENDANT HAS LONG SINCE WAIVED ANY MOTION FOR PROTECTIVE ORDER OR TO QUASH**

Rules 4:12(d) specifically provides: “The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act *has applied* for a protective order as provided by Rule 4:1(c).”(emphasis added); *See also Columbia Gas Transmission, LLC v. 252.071 Acres*, 2016 U.S. Dist. LEXIS 169639, at \*8 (D. Md. Dec. 8, 2016) (“it is the *pendency* of a motion for protective order that may be urged as an excuse for the party’s failure to attend its deposition”) (emphasis original); *Bosh v. Cherokee Cnty. Governmental Bldg. Auth.*, 2016 U.S. Dist. LEXIS 3507, at \*7-8 (E.D. Okl. Jan. 12, 2016) (deponent not excused absent a pending motion for protective order and stay of the deposition).

Defense counsel appeared at the deposition, but Mr. Waldman did not, nor did any counsel for Plaintiff. Had defense counsel not appeared at the deposition, and Mr. Waldman and/or counsel for Plaintiff showed up, Mr. Depp would have been able to obtain sanctions against Defendant. Rule 4:5(g)(1). This perhaps highlights most significantly the need to file for a Motion to Quash or Protective Order BEFORE the deposition is scheduled to take place.

Defendant’s Motion to Compel this Deposition was filed on October 30, 2020. Plaintiff waited nearly another two months to file a Motion to Quash and for Protective Order. If the Rules permitted parties (and their agents) to fail to appear for depositions as noticed and *then seek* relief four months after receiving notice and two months after the failure to appear, it would

wreak havoc on the ability to schedule, secure court reporters and plan depositions. It would also render the Rules and procedures meaningless.

**III. THE FACTS DEFENDANT SEEKS TO OBTAIN THROUGH THE DEPOSITION OF MR. WALDMAN SATISFY THE *SHELTON* FACTORS**

While the Virginia Supreme Court has never held that the *Shelton* case applies in Virginia state court (*see* Depp Br. at 3), Ms. Heard nonetheless satisfies the criteria that the Fourth Circuit has used to assess attempts to depose counsel. These factors include (1) that no other means exist to obtain the information other than to depose, (2) the information sought is relevant and not privileged, and (3) the information is crucial to the preparation of the case. *Navient Sols., LLC v. Law Offices of Jeffrey Lohman, P.*, 2020 U.S. DIST. LEXIS 205509, at \*16 (E.D. Va. Sept. 4, 2020).

Mr. Waldman has unique knowledge relating to liability and damages sought in the Complaint, as well as knowledge of liability and damages sought in the Counterclaim. Mr. Waldman posted the Op-Ed that is the subject of the Complaint and the allegations of Defamation, on Twitter. **Att. 4.** The republication by Mr. Waldman of the allegedly defamatory statement raises issues with respect to liability, as well as damages, under the Complaint.

Mr. Waldman is also prominently featured in Defendant's Counterclaims. The Counterclaims allege Mr. Waldman "orchestrated a false and defamatory smear campaign against Ms. Heard...[including] statements to reporters" accusing Ms. Heard of a hoax campaign and committing perjury. *Counterclaim*, ¶ 1. Ms. Heard further alleged Mr. Waldman orchestrated the creation of hundreds of inauthentic twitter accounts (¶ 12-13), harassed and intimidated third-party witnesses with threats of attorney's fees if they do not endorse declarations prepared by Mr. Waldman (¶¶ 29), and published extensive defamatory statements to third-parties about Ms. Heard (¶¶ 42-50, Exhs. B-H; ¶ 66). *Id.*

The facts related to these allegations are not privileged, because discovering the facts supporting Mr. Waldman's statements and conduct towards third parties does not involve privileged communications between Mr. Depp and Mr. Waldman. *Moody v. City of Newport News*, 2016 U.S. Dist. LEXIS 194692, at \*3. \*8-9 (E.D. Va. Jan. 20, 2016) ("The information is not privileged...because the communication is not between Mr. Clancy and Mr. Moody, but is between Mr. Clancy and 'federal and state authorities'" and "the attorney-client privilege does not protect against discovery of facts themselves"). The Western District of Virginia noted in *McAirlaids, Inc. v. Kimberly-Clark Corp.* that the "Shelton test should only apply when 'such questioning would expose litigation strategy in the pending case.'" 2014 U.S. Dist. LEXIS 200135, at \*12 (Oct. 29, 2014); *Libertarian Party of Ohio v. Husted*, 33 F. Supp. 3d 914, (S.D. Ohio July 14, 2014) (the primary purpose of the Shelton test is to protect against the discovery of trial or litigation strategy).

Here, discovering the conduct supporting the allegations referred to above also does not involve protecting "litigation strategy in the pending case," but involves discovering a public relations strategy designed to smear and destroy Ms. Heard's reputation, which is not privileged. *McAirlaids*, 2014 U.S. Dist. LEXIS 200135, at \*12. The lack of any privilege attached to Mr. Waldman's conduct is even further supported by Mr. Depp's own deposition testimony, when he testified that he has never even "participated in" social media until very recently, and that others "run[] it for me." **Att. 5**, Tr. Dep. of Mr. Depp, at 618:9-619:3. In short, Ms. Heard seeks to question Mr. Waldman about his non-legal actions as an agent for Mr. Depp.

Moreover, obtaining this information is crucial to Ms. Heard obtaining sufficient discovery defending against the claims in the Complaint, as well as supporting her Counterclaims, and for Ms. Heard's adequate preparation for trial. Ms. Heard has unsuccessfully

sought other means to obtain these facts supporting her Counterclaim. Mr. Depp has refused to respond and claimed privilege when Ms. Heard asked whether Mr. Waldman was authorized to make the statements alleged in the Counterclaims and as described above. *Id.*, at 609:8-18; *see also id.*, at 609:19-618:8. Ms. Heard also subpoenaed Twitter in an attempt to obtain some of these facts related to Count III of the Counterclaim, *Counterclaim*, ¶¶ 10, 13, 15; **Att. 6**, but Mr. Depp has opposed these in California, and there is a high risk they will be unresolved within sufficient time for trial.<sup>2</sup>

#### **IV. SANCTIONS SHOULD BE AWARDED AGAINST PLAINTIFF**

Contrary to Plaintiff's arguments citing Rule 4:12(d), Ms. Heard seeks sanctions against Mr. Depp, not Mr. Waldman. Rule 4:12(d) (If a party...or managing agent of a party"). Defendant repeatedly alleged Mr. Waldman was acting as Mr. Depp's agent when making the statements supporting her Counterclaim, and Mr. Depp never denied that Mr. Waldman was acting at his agent at these times. *Countercl.*, ¶¶ 10-12, 16, 28-32, 52, 66, 76-77; **Att. 5**, Tr. Dep. of Mr. Depp, at 605:15-618:8. Moreover, after Mr. Waldman's *pro hac vice* status was revoked, Plaintiff's remaining counsel admitted "Mr. Waldman remains counsel for Mr. Depp and his companies in capacities outside his former *pro hac vice* affiliation." **Att. 7**.

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<sup>2</sup> Finally, Mr. Depp notes the "concerns" raised by the *Navient Sols.* court, including the fear of chilling the free exchange of information between counsel and client, the fear of harassment, and the issue of collateral litigation. 2020 U.S. DIST. LEXIS 205509, at \*14-15 (E.D. Va. Sept. 4, 2020). First, this assumes communications between counsel and client, not with third parties. Second, in *Navient Sols.* those policy issues are built into the *Shelton* factor analysis, so they have already been addressed above. *Id.* at \*15 ("because of these serious concerns, federal courts widely use the test articulated...in *Shelton*"). Ms. Heard is not seeking privileged information in support of her defenses to the Complaint or pursuit of her Counterclaims, and it is not harassing for Ms. Heard to seek the facts supporting her allegations from Mr. Waldman based on his own statements to third-parties, and indeed the entire public world audience, for his statements and conduct.

Dated this 4<sup>th</sup> day of January, 2021.

Respectfully submitted,

Amber L. Heard



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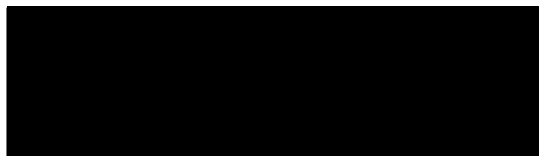
**CERTIFICATE OF SERVICE**

I certify that on this 4<sup>th</sup> day of January, 2021, a copy of the foregoing shall be served by via email, pursuant to the Agreed Order dated August 16, 2019, as follows:

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John C. Depp, II*



Elaine Charlson Bredehoft (VSB No. 23766)



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Plaintiff,

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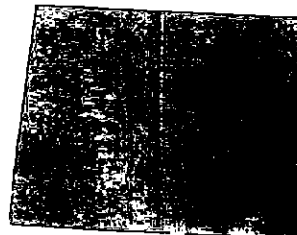
AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**NOTICE OF DEPOSITION BY VIDEO**

PLEASE TAKE NOTICE that the Defendant, Amber Laura Heard, by counsel, will take the videotaped deposition upon oral examination of ADAM WALDMAN beginning at 9:30 a.m. on October 14, 2020 and at 9:30 a.m. on October 15, 2020, to be continued further if necessary and not completed. The deposition will be held at the offices of Charlson Bredehoft Cohen & Brown, P.C., 11260 Roger Bacon Drive, Suite 201, Reston, Virginia 20190. The deposition will be taken before an officer authorized by law to administer oaths and take testimony and will be transcribed by a certified Court Reporter and videographer. The deposition will continue until concluded, and will be used for all lawful purposes.



Dated this 14<sup>th</sup> day of August 2020

Respectfully submitted,

Amber L. Heard

B. C. [REDACTED]

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Carla D. Brown (VSB 44803)  
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*Counsel to Defendant Amber Laura Heard*

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I certify that on this 14<sup>th</sup> day of August 2020, a copy of the foregoing shall be served by email, pursuant to agreement and Court Order, as follows:

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*Counsel for Plaintiff John C. Depp, II*

  
Elaine Charlson Bredehoft

## Elaine Bredehoft

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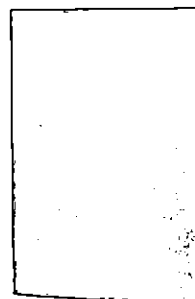
**From:** Elaine Bredehoft  
**Sent:** Friday, August 14, 2020 4:52 PM  
**To:** bchew@brownrudnick.com; Vasquez, Camille M.; Crawford, Andrew C.;  
awaldman@theendeavorgroup.com  
**Cc:** brottenborn@woodsrogers.com; Joshua Treece; Adam Nadelhaft; David Murphy; Leslie  
Hoff; Michelle Bredehoft; cmariam@grsm.com; John Cogger; Kristin Blocher  
**Subject:** Notices of Deposition  
**Attachments:** Notice of Depo - Waldman.pdf; Notice of Depo - Bett.pdf; Notice of Depo - Deuters.pdf

**TimeMattersID:** M467BAC3CB873959  
**TM Contact:** Heard, Amber  
**TM Matter No:** 20-5294  
**TM Matter Reference:** Heard, Amber

All: Attached are Notices of Deposition for Sean Bett, Steven Deuters and Adam Waldman. Please let me know if you have any issues with Mr. Bett and Mr. Deuters appearing in Virginia – we are happy to work with you on the logistics. Also, I am assuming you will accept the Notice of Deposition for Mr. Waldman, since he is counsel of record in the case. However, if for some reason you believe he requires a subpoena, please provide your authority for this, and the address for serving a subpoena. If we do not hear from you by next Wednesday on these three Notices, we will assume they will appear as noticed.

Thank you for your anticipated cooperation. Have a great weekend. Elaine

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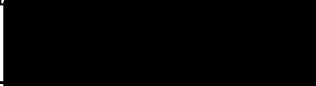
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Dated this 14<sup>th</sup> day of August 2020

Respectfully submitted,

Amber L. Heard

By Counsel:

  
Elaine Charlson Bredehoft (VSB No. 23766)  
Carla D. Brown (VSB 44803)  
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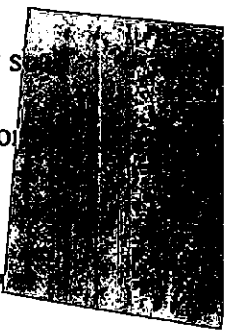
Civil Action No.: CL-2019-0002911

AGREED ORDER

THIS MATTER HAVING COME BEFORE THE COURT on the agreement of the parties as evidenced by the signatures of counsel below; and

IT APPEARING to the Court that entry of this Agreed Order is well taken and that the parties, by endorsement of respective counsel herein below, have agreed that the relief requested is proper, it is hereby

ORDERED, ADJUDGED and DECREED, that the service of pleadings, filings, discovery requests, notices of deposition, written responses to discovery, other discovery documents, and other papers in this matter will be accepted by electronic means ("e-mail") upon counsel of record, and that such service is complete upon and on the day of transmission provided that the document is transmitted at-or-prior to 11:59 p.m. ET. The serving party shall attach to the email the pleading or paper being served electronically in portable document format ("pdf") or such other electronic format as is necessary. To the extent any counsel withdraw from this matter such that any party will proceed *pro se*, any order of withdrawal in such case shall provide a valid e-mail address (filed under seal to the extent necessary) for the *pro se* party for future service in accordance with this Order. Discovery requests shall also be



8.19.19

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served in an editable format readable in Microsoft Word in order to facilitate responses from the opposing party though any failure to provide a Word version of the document will not invalidate the original service. Any attachments to: (a) discovery; (b) deposition notices; or (c) other documents to be served in this litigation, shall be e-mailed or sent by means of an electronic file-share service, including for example secure file transfer. If the attachments are too voluminous to send by e-mail or electronic file-share service, they shall be sent by messenger or overnight delivery on the same day as an e-mail transmission containing the underlying document (without attachment). In such case and notwithstanding the earlier receipt of the partial filing, service will be effective upon the earlier of transmission/ mailing/receipt. When specifically requested by a receiving party, a hard copy of any document shall also be sent by first class mail, postage pre-paid, no later than the day following the request for such document. The parties also agree and acknowledge, pursuant to Rule 1:12 of the Rules of the Supreme Court of Virginia, that service by e-mail is not effective if the party making service receives any type of communication that all or any part of the document being served was not received by the intended recipient. In such a case, service must be made as soon as practicable after receipt of such communication by messenger or overnight mail and shall be considered effective upon receipt by either method. Nothing contained herein shall revise or modify any deadline for any court filing or revise/modify the computation of any time under Rule 1:7 of the Rules of the Supreme Court of Virginia. Failed service hereunder shall not constitute a waiver of any right or a late filing so long as proof of a timely attempt at service in accordance with this Order exists.

ENTERED this 16<sup>th</sup> day of August, 2019.



The Honorable Bruce D. White  
Chief Judge – Circuit Court for Fairfax County

**WE ASK FOR THIS:**



---

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**SEEN AND AGREED:**



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<blockquote class="twitter-tweet"><p lang="en" dir="ltr">...then this in Je Copy Code



Adam Waldman  
@adam\_waldman



...then this in Jeff Bezos' Washington Post... Amber Heard: I spoke up against sexual violence — and faced our culture's wrath. That has to change. - The Washington Post



Opinion | Amber Heard: I spoke up against sexual violence — and faced ...  
We have an opening now to bolster and build institutions protective of women. Let's not ignore it.  
📍 washingtonpost.com

8:46 AM · May 12, 2020



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1 after. 10:23:07

2 Q Okay, so sometime between August 2016 and 10:23:07

3 the end of 2016 is when you met Adam Waldman and 10:23:09

4 hired him. 10:23:14

5 A I'm going to guess -- I think it was 10:23:14

6 somewhere in the -- I think it was around 10:23:18

7 Octoberish. 10:23:21

8 Q All right, and has Adam Waldman worked 10:23:22

9 for you since that time? 10:23:27

10 A Yes, ma'am. 10:23:28

11 Q Okay. Consistently? 10:23:29

12 A Yes, ma'am. 10:23:30

13 Q And you consider him a trusted advisor? 10:23:31

14 A Oh, yes, ma'am. 10:23:33

15 Q Okay. Is he -- is Adam Waldman 10:23:34

16 authorized to speak on your behalf? 10:23:38

17 MR. CHEW: Objection to the form of the 10:23:40

18 question. It calls for a legal conclusion. It's 10:23:41

19 also vague as to instance. 10:23:45

20 A Instance is very important. Is he 10:23:50

21 allowed to speak on my behalf? Well, of course, 10:23:54

22 there's a yes and a no in there. It depends on the 10:24:03

1 situation, it depends on what -- you know, what's 10:24:06  
2 presented. 10:24:17  
3 Q Is Adam Waldman authorized to speak on 10:24:19  
4 your behalf with respect to your position on Amber 10:24:21  
5 Heard and her statements? 10:24:29  
6 MR. CHEW: Objection. Same objection. 10:24:30  
7 Objection to the form of the question to the extent 10:24:32  
8 it calls for a legal conclusion and to the extent 10:24:34  
9 it depends -- it's vague as to instance. 10:24:39  
10 A I think -- just -- 10:24:42  
11 Q You know what? 10:24:46  
12 A Excuse my ignorance. Is that also not 10:24:47  
13 privileged? 10:24:51  
14 MR. CHEW: Yes, any communications you 10:24:52  
15 had with Mr. -- 10:24:53  
16 THE WITNESS: I do feel like -- 10:24:54  
17 MR. CHEW: Any -- I'll instruct you not 10:24:55  
18 to answer -- 10:24:57  
19 THE WITNESS: -- we're entering the arena 10:24:57  
20 of privilege. 10:24:59  
21 MR. CHEW: Yeah, Mr. Depp, I will 10:25:00  
22 definitely instruct you not to answer any questions 10:25:02

1 about communications you had to or from Adam 10:25:04  
2 Waldman or any of your attorneys. 10:25:07  
3 BY MS. CHARLSON BREDEHOFT: 10:25:08  
4 Q Let me do it this way. I think this 10:25:08  
5 might be the easiest way. When Mr. -- were you 10:25:11  
6 familiar with some requests for admissions that we 10:25:23  
7 served in this case that you filed responses last 10:25:26  
8 Friday to? Let me phrase it a little differently 10:25:30  
9 because based on the look on your face, no. 10:25:37  
10 A Yes, I was confused, yes. 10:25:40  
11 Q Okay. We filed a series of what we call 10:25:42  
12 request for admissions, and we attached the 10:25:44  
13 articles that Mr. -- one that you had made 10:25:47  
14 statements in, the GQ article, and then we also 10:25:52  
15 attached the articles in which Mr. Waldman had made 10:25:55  
16 statements. We asked whether those were genuine 10:25:58  
17 and authentic and -- and the specific quotes were 10:26:01  
18 genuine and authentic, and the responses to those 10:26:05  
19 were yes, they were genuine and authentic. 10:26:08  
20 I'm going to go through, because I -- 10:26:11  
21 just to make it move as quickly as possible, and 10:26:14  
22 then that way Mr. Chew can, you know, figure -- to 10:26:16



1 help you where you know you want to be instructed 10:26:20  
2 or not, I'm just trying to make this as transparent 10:26:23  
3 as possible. I'm going to go through and ask you 10:26:26  
4 on each of these whether Mr. Waldman was authorized 10:26:28  
5 to make these statements, okay? So -- 10:26:31

6 MR. CHEW: And just so you know -- and 10:26:34  
7 first of all, it would be helpful if we had the 10:26:36  
8 document to which you're referring. Secondly, I 10:26:39  
9 will instruct him not to answer any specific 10:26:41  
10 question about what he communicated to or from Mr. 10:26:43  
11 Waldman, but you can go through this for the 10:26:47  
12 record. 10:26:49

13 MS. CHARLSON BREDEHOFT: I'm not going to 10:26:49  
14 ask him that so that we don't get into that issue. 10:26:50  
15 That's what I'm trying to -- 10:26:54

16 MR. CHEW: Okay. 10:26:54

17 MS. CHARLSON BREDEHOFT: When I say I'm 10:26:55  
18 trying to be transparent, I'm literally going 10:26:57  
19 through the statements and just saying was Mr. 10:26:59  
20 Waldman authorized on your behalf to say X. 10:27:01

21 MR. CHEW: Right, and I will give the 10:27:04  
22 appropriate instruction, so please -- 10:27:07

1 MS. CHARLSON BREDEHOFT: That's -- 10:27:09

2 MR. CHEW: Please delay your answer. 10:27:09

3 MS. CHARLSON BREDEHOFT: Yeah, that's --

4 MR. CHEW: I know it's somewhat 10:27:11

5 artificial, but she has to make a record on this. 10:27:12

6 THE WITNESS: Sure thing. 10:27:16

7 BY MS. CHARLSON BREDEHOFT: 10:27:17

8 Q So on April 12, 2019, was Adam Waldman 10:27:17

9 authorized on your behalf to make the quote in page 10:27:25

10 6, accusing Ms. Heard of committing, quote, 10:27:29

11 "Defamation, perjury and filing and receiving a 10:27:34

12 fraudulent temporary restraining order demand with 10:27:38

13 the court," end of quote? 10:27:40

14 MR. CHEW: Mr. Depp, I will instruct you 10:27:42

15 not to answer that question because you cannot do 10:27:43

16 so without disclosing your communications with Adam 10:27:47

17 Waldman. 10:27:51

18 A Thank you, Ben. 10:27:52

19 Q On June -- in June of 2019, was Adam 10:27:52

20 Waldman authorized on your behalf to tell The Blast 10:27:57

21 that, quote, "Ms. Heard continues to defraud her 10:28:00

22 abused hoax victim, Mr. Depp, the Me Too movement 10:28:04

1 she masquerades as the leader of, and other real 10:28:08

2 abuse victims worldwide," end of quote. 10:28:12

3 MR. CHEW: Mr. Depp, I would instruct you 10:28:14

4 not to answer that question on the basis of 10:28:16

5 attorney-client communication. 10:28:17

6 A Indeed. 10:28:19

7 Q On July 2nd, 2019, was Adam Waldman 10:28:20

8 authorized on your behalf to tell The Blast that 10:28:27

9 Ms. Heard, quote, "Went to court with painted on 10:28:30

10 bruises to obtain a temporary restraining order on 10:28:34

11 May 27," end of quote? 10:28:37

12 MR. CHEW: Mr. Depp, I would instruct you 10:28:39

13 not to answer that question based on 10:28:41

14 attorney-client privilege. 10:28:42

15 A Absolutely, Ben. 10:28:44

16 Q So you're -- just for the record, so you 10:28:46

17 are, based on the instructions of your counsel, you 10:28:49

18 are declining to answer each of these questions, 10:28:53

19 correct? I just want to make sure the record is 10:28:55

20 clear. 10:28:57

21 MR. CHEW: Yes, he's going to follow my 10:28:58

22 instruction. 10:29:00

1	A	It seems pointless for me to sit here and	10:29:00
2		go against my counsel -- my counsel's wishes.	10:29:03
3	Q	I wasn't asking you to go against it. I	10:29:09
4		just --	10:29:09
5	MR. CHEW:	He's going to follow the	10:29:09
6		instructions of counsel, as I'm sure Mr. Heard will	10:29:11
7		when her turn comes.	10:29:13
8	MS. CHARLSON BREDEHOFT:	I just want a	10:29:13
9		clear record is all I'm trying to --	10:29:15
10	MR. CHEW:	She's entitled to ask.	10:29:16
11	THE WITNESS:	Oh, no, I --	
12	MR. CHEW:	And I will make an objection	10:29:17
13		to each one. She has to make her record.	10:29:18
14	THE WITNESS:	I get you.	10:29:21
15	BY MS. CHARLSON BREDEHOFT:		10:29:22
16	Q	On July 3, 2019, was Adam Waldman	10:29:22
17		authorized on your behalf to state to People	10:29:27
18		Magazine that, quote, "Ms. Heard's battered face	10:29:32
19		was a hoax," end of quote?	10:29:35
20	MR. CHEW:	I respectfully direct Mr. Depp	10:29:36
21		-- instruct Mr. Depp not to answer that question	10:29:41
22		based on attorney-client privilege.	10:29:43

1	A	Thank you.	10:29:44
2	Q	And you are following your counsel's	10:29:46
3		instructions not to answer, correct?	10:29:48
4	A	Yes, ma'am, I'll follow my counsel's	10:29:49
5		instructions, thank you.	10:29:51
6	Q	Okay. Then on April 8, 2020, was Adam	10:29:52
7		Waldman authorized on your behalf to say, quote,	10:29:59
8		"Amber Heard and her friends in the media use fake	10:30:04
9		sexual violence allegations as both a sword and a	10:30:07
10		shield depending on their needs. They have	10:30:11
11		selected some of her sexual violence hoax facts as	10:30:13
12		the sword, inflicting them on the public and Mr.	10:30:17
13		Depp," end of quote.	10:30:19
14	MR. CHEW:	I would instruct -- you're	10:30:21
15		asking whether he authorized that, and I would	10:30:23
16		instruct him not to answer that question based on	10:30:25
17		attorney-client communication.	10:30:28
18	MS. CHARLSON BREDEHOFT:	And just -- I	10:30:29
19		neglected to say in The Daily Mail in --	10:30:31
20	MR. CHEW:	I apologize, I --	10:30:34
21	MS. CHARLSON BREDEHOFT:	No, no.	
22	MR. CHEW:	I jumped the gun.	10:30:35

1	MS. CHARLSON BREDEHOFT: No, no, that was	10:30:37
2	my fault. So can we just amend that and have the	10:30:37
3	--	
4	MR. CHEW: Sure.	
5	MS. CHARLSON BREDEHOFT: -- same	
6	instruction?	
7	MR. CHEW: Same instruction.	10:30:41
8	BY MS. CHARLSON BREDEHOFT:	10:30:42
9	Q On April 27, 2020, was Adam Waldman	10:30:42
10	authorized on your behalf to tell The Daily Mail	10:30:46
11	that, quote, "Quite simply, this was an ambush, a	10:30:49
12	hoax. They set Mr. Depp up by calling the cops,	10:30:52
13	but the first attempt didn't do the trick. The	10:30:56
14	officers came to the penthouses, thoroughly	10:31:00
15	searched and interviewed and left after seeing no	10:31:00
16	damage to face or property, so Amber and her	10:31:03
17	friends spilled a little wine and roughed the place	10:31:06
18	up, got their stories straight under the direction	10:31:09
19	of a lawyer and publicist and then placed a second	10:31:10
20	call to 911," end of quote.	10:31:12
21	MR. CHEW: I would instruct the witness	10:31:17
22	not to answer the question based on attorney-client	10:31:18

1 privilege. 10:31:22

2 A I'll -- I'll take Ben's advice. Thank 10:31:23

3 you. 10:31:27

4 Q Okay. On June 24, 2020, was Adam Waldman 10:31:28

5 authorized on your behalf to accuse Ms. Heard in 10:31:33

6 The Daily Mail of committing a, quote, "abuse 10:31:38

7 hoax," end of quote, against you? 10:31:41

8 MR. CHEW: And I would instruct Mr. Depp 10:31:43

9 not to answer that question based on 10:31:45

10 attorney-client privilege. 10:31:46

11 THE WITNESS: Thank you, Ben. I will -- 10:31:50

12 I take your advice and I appreciate it. Thank you. 10:31:55

13 MR. CHEW: You're most welcome. 10:31:57

14 MS. CHARLSON BREDEHOFT: And now with 10:31:58

15 respect to each of those that I just asked, I want 10:32:00

16 to just phrase it a little bit differently, but to 10:32:02

17 save time and us having to go through it -- 10:32:06

18 MR. CHEW: Sure. 10:32:09

19 MS. CHARLSON BREDEHOFT: I would just 10:32:09

20 substitute the word "authorized" to was he acting 10:32:11

21 as your agent when he said. Do you want me to go 10:32:14

22 through all of them again and ask that or -- 10:32:18

1 MR. CHEW: I'm going to -- first of all, 10:32:20  
2 it would call for a legal conclusion, but I would 10:32:22  
3 give the same instruction -- 10:32:24  
4 MS. CHARLSON BREDEHOFT: Okay. 10:32:25  
5 MR. CHEW: -- for him not to answer -- 10:32:26  
6 MS. CHARLSON BREDEHOFT: So -- 10:32:28  
7 MR. CHEW: -- whether you're asking as an 10:32:28  
8 agent or an attorney. 10:32:30  
9 MS. CHARLSON BREDEHOFT: So for the 10:32:31  
10 record purposes, we can agree that I was going to 10:32:32  
11 go back and then ask for each of those same ones 10:32:34  
12 acting as your agent, and you would have instructed 10:32:37  
13 him also on attorney-client privilege not to 10:32:40  
14 answer, and he would have followed your advice. 10:32:43  
15 MR. CHEW: Yes, to spare your time -- 10:32:45  
16 THE WITNESS: Yes, indeed. 10:32:48  
17 MR. CHEW: Let's do that. 10:32:48  
18 MS. CHARLSON BREDEHOFT: Okay. 10:32:49  
19 THE WITNESS: The one thing that I am 10:32:49  
20 confused about, I'd love to have defined in a way, 10:32:51  
21 as an attorney, there's that, but agent -- what -- 10:32:57  
22 what is the definition of agent in this -- in this 10:33:04



1	instance? An agent as in Tracey Jacobs, a Jack	10:33:06
2	Whigham or a --	10:33:11
3	MR. CHEW: It's confusing. We can talk	10:33:12
4	--	10:33:14
5	MS. CHARLSON BREDEHOFT: Speaking on your	10:33:14
6	behalf.	10:33:15
7	MR. CHEW: We can talk --	10:33:15
8	THE WITNESS: Okay.	
9	MR. CHEW: -- about it off the record.	10:33:16
10	THE WITNESS: I just didn't know, yeah.	10:33:17
11	MR. CHEW: It's confusing because agent	10:33:18
12	-- an attorney can also be an agent, so it's	10:33:20
13	tricky, but I'll give the instruction just so that	
14	we don't have to --	10:33:24
15	THE WITNESS: It's just -- the one thing	10:33:24
16	is he's not my -- not a -- he's not a talent agent	10:33:26
17	or he's not a --	10:33:31
18	MS. CHARLSON BREDEHOFT: No.	10:33:33
19	THE WITNESS: -- an agent of my -- has	10:33:33
20	anything to do with --	10:33:35
21	MS. CHARLSON BREDEHOFT: And I think Mr.	10:33:35
22	Chew and I knew.	10:33:36

1	THE WITNESS: Okay, yeah.	10:33:37
2	MR. CHEW: It's -- the -- the --	
3	THE WITNESS: This is just my --	10:33:37
4	MR. CHEW: The confusing thing about	10:33:38
5	agent, as you said, agent can be a commercial	10:33:41
6	agent, can be a talent agent, and technically we	10:33:44
7	lawyers can be agents in a different context.	10:33:47
8	THE WITNESS: Of course.	10:33:49
9	MR. CHEW: But I think we're clear on --	10:33:49
10	THE WITNESS: Yeah, I just wanted the	10:33:51
11	context.	10:33:53
12	MR. CHEW: No, it's very -- yeah.	10:33:53
13	THE WITNESS: I need to know the	
14	definition.	
15	MR. CHEW: Context is key. Sorry.	10:33:54
16	MS. CHARLSON BREDEHOFT: But for your	10:33:55
17	purposes, Mr. Chew, just me substituting and asking	10:33:57
18	in each of those questions if Mr. Waldman was	10:34:01
19	acting as Mr. Depp's agent in making those same	10:34:04
20	statements --	10:34:07
21	MR. CHEW: Same instruction not to answer	10:34:08
22	because he was --	10:34:09

1 MS. CHARLSON BREDEHOFT: Attorney-client 10:34:10  
2 privilege. 10:34:11  
3 MR. CHEW: Attorney-client privilege. 10:34:11  
4 BY MS. CHARLSON BREDEHOFT: 10:34:12  
5 Q And Mr. Depp, you are following your 10:34:12  
6 counsel's instructions with respect to all of that, 10:34:13  
7 correct? 10:34:15  
8 A Yes, ma'am. Thank you. 10:34:16  
9 Q Okay. Do you have a social media team? 10:34:17  
10 A No, I have a -- social media's something 10:34:32  
11 I've never -- I've never participated in. It 10:34:38  
12 wasn't until the Covid pandemic started to hit and 10:34:44  
13 then people were stuck in isolation that I -- that 10:34:50  
14 I thought if there was ever a time to open an 10:34:57  
15 account like an Instagram account to be able to 10:35:02  
16 talk directly to the people to try to lighten at 10:35:06  
17 least their moment with a couple of posts, this or 10:35:14  
18 that, thanking them for various things, that's the 10:35:18  
19 first time I've ever had any kind of social -- 10:35:22  
20 social media experience, and to be honest, I don't 10:35:27  
21 have a team. I have -- there's a woman friend of 10:35:32  
22 mine's misses who runs it for me. I myself don't 10:35:38

1 even know how -- I don't see it, I don't know how 10:35:46  
2 to log into it. I don't -- I'm not particularly 10:35:50  
3 tech savvy, so -- 10:35:53

4 Q I'm going to back up for a minute. I 10:35:56  
5 forgot to ask one more series on that set of the -- 10:35:58

6 MR. CHEW: Okay. 10:36:01

7 BY MS. CHARLSON BREDEHOFT: 10:36:02

8 Q -- counterclaims, and my apologies for 10:36:02  
9 the inconvenience. 10:36:06

10 A Sure thing. 10:36:07

11 Q With respect to each of the quotes that I 10:36:07  
12 just gave, and to make it easier, beginning with 10:36:09  
13 the April 12, 2019 statement to page 6, for each of 10:36:39  
14 those statements, do you adopt those statements or 10:36:46  
15 have you adopted those statements that Mr. Waldman 10:36:51  
16 made? 10:36:55

17 MR. CHEW: I'm going to instruct him not 10:36:55  
18 to answer based on attorney-client privilege as to 10:36:57  
19 each of the statements that Mr. Waldman made. 10:37:00

20 That's excluding the GQ statement, which I 10:37:02  
21 believe's the first one in -- 10:37:05

22 MS. CHARLSON BREDEHOFT: Correct. 10:37:06

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

File No. 2019-002911

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

FAIRFAX COUNTY ..... Circuit Court

4110 Chain Bridge Road, 3rd Floor, Fairfax, VA 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

Twitter  
NAME  
1355 Market Street, Suite 900  
STREET ADDRESS  
San Francisco CA 94103  
CITY STATE ZIP

**TO THE PERSON SUMMONED:** You are commanded to

[ ] attend and give testimony at a deposition

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

PLEASE SEE ATTACHMENT.

at Gordon Rees, 275 Battery Street Suite 2000 San Francisco, CA 94111 at September 8, 2020 at 4:00 p.m.  
LOCATION 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

Defendant Amber Laura Heard  
NAME OF REQUESTING PARTY

c/o Charison Bredehoft Cohen & Brown, P.C., 11260 Roger Bacon Drive, Suite 201  
STREET ADDRESS

Reston VA 20190 (703) 318-6800  
CITY STATE ZIP TELEPHONE NUMBER

6

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 [X] on attached list.

..... DATE ISSUED	..... CLERK
	by .....
	..... DEPUTY CLERK

..... Elaine Charlson Bredehoff for Defendant NAME OF ATTORNEY FOR REQUESTING PARTY	..... 23766 BAR NUMBER	..... VA LICENSING STATE
..... 11260 Roger Bacon Drive, Suite 201 OFFICE ADDRESS	..... (703) 318-6800 TELEPHONE NUMBER OF ATTORNEY	
..... Reston, VA 20190 OFFICE ADDRESS	..... (703) 318-6808 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)

[ ] 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: .....

ADDRESS: .....

[ ] PERSONAL SERVICE Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

[ ] 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:

[ ] 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.)

[ ] not found ..... , Sheriff

..... by ..... , Deputy Sheriff

DATE

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**COUNSEL OF RECORD FOR ALL PARTIES**

<p>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 <a href="mailto:bchew@brownrudnick.com">bchew@brownrudnick.com</a> <a href="mailto:acrawford@brownrudnick.com">acrawford@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>	<p>Camille M. Vasquez (admitted <i>pro hac vice</i>) BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 <a href="mailto:cvasquez@brownrudnick.com">cvasquez@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>
	<p>Adam R. Waldman THE ENDEAVOR LAW FIRM, P.C. 1775 Pennsylvania Avenue, N.W., Suite 350 Washington, DC 20006 <a href="mailto:awaldman@theendeavorgroup.com">awaldman@theendeavorgroup.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>
<p>Elaine Charlson Bredehoft (VSB No. 23766) Adam S. Nadelhaft (VSB No. 91717) David E. Murphy (VSB No. 90938) Charlson Bredehoft Cohen &amp; Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, Virginia 20190 Telephone: (703) 318-6800 <a href="mailto:ebredehoft@cbcblaw.com">ebredehoft@cbcblaw.com</a> <a href="mailto:anadelhaft@cbcblaw.com">anadelhaft@cbcblaw.com</a> <a href="mailto:dmurphy@cbcblaw.com">dmurphy@cbcblaw.com</a> <i>Counsel for Defendant Amber Laura Heard</i></p>	<p>J. Benjamin Rottenborn (VSB No. 84796) Joshua R. Treece (VSB No. 79149) WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, Virginia 24011 Telephone: (540) 983-7540 <a href="mailto:broddenborn@woodsrogers.com">broddenborn@woodsrogers.com</a> <a href="mailto:jtreece@woodsrogers.com">jtreece@woodsrogers.com</a> <i>Counsel for Defendant Amber Laura Heard</i></p>



## 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, photographs, video or audio tape recordings, 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, audio or video recordings, 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.

1. **Engaged.** The term "Engaged," in relation to a person (as defined herein), means contracted, directed, hired, retained, formed an agreement with (whether formal or informal, binding or nonbinding, written or oral), and/or procured the services of, whether or not in exchange for remuneration or other valuable consideration.
- j. **Including.** The term "including" means including but not limited to.
- k. **Person.** The term "person" is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.
- l. **Performance.** The term "Performance," in relation to Mr. Depp, means any creative work in which Mr. Depp or his likeness is, was, will be, may be, or is contemplated to appear, whether or not in exchange for payment or other benefit to Mr. Depp, and includes (without limitation) any appearance (or potential appearance) by Mr. Depp in any film, TV series, product endorsement, advertisement, musical performance, or in-person appearance. To avoid doubt, a Performance includes any creative work in which it was contemplated that Mr. Depp or his likeness would be featured, even if the work was ultimately created without Mr. Depp or his likeness appearing.
- m. **Plaintiff and/or Mr. Depp.** The terms "Plaintiff" and/or "Mr. Depp" refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assigns, and all persons acting on his behalf both individually or as entities.
- n. **Requests.** The term "Requests" shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment.
- 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.

**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 posts made by Adam Waldman to Twitter account @adam\_waldman from the period May 21, 2016 through the present.
2. All messages sent to or received by Twitter account @adam\_waldman from the period May 21, 2016 through the present.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Craig J. Mariam, SBN: 225280 / John P. Cogger, SBN: 172808</b> <b>Gordon Rees Scully Mansuhkani, LLP</b> <b>633 West Broadway, 52<sup>nd</sup> Floor</b> <b>Los Angeles, CA 90071</b> TELEPHONE NO.: 213-576-5000 FAX NO.: 877-306-0043 E-MAIL ADDRESS: cmariam@grsm.com/jcogger@grsm.com ATTORNEY FOR (Name): Defendant Amber Heard	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Central District	
Court in which action is pending: <b>Name of Court: In the Circuit Court of Fairfax, Virginia</b> STREET ADDRESS: 4110 Chain Bridge Road MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Fairfax, VA 22030-4009 COUNTRY: USA	
PLAINTIFF/PETITIONER: John C. Depp II DEFENDANT/RESPONDENT: Amber Laura Heard	CALIFORNIA CASE NUMBER (if any assigned by court): <b>19STCP04763</b>
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): <b>CL 2019-002911</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 TWITTER

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): 1355 Market Street, Suite 900, San Francisco, CA 94103  
 On (date): , Septemer 8, 2020, , At (time): 4:00 PM  
 Location (address): 275 Battery Street, Suite 2000, San Francisco, CA 94103

**Do not release the requested records to the deposition officer prior to the date and time stated above.**

- a.  by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): PLEASE SEE ATTACHMENT
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): PLEASE SEE ATTACHED

Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: JOHN C. DEPP, II	CASE NUMBER (of action pending outside California): 19STCP04763
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):  
PLEASE SEE ATTACHED.

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:

Craig J. Mariam  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Defendant Amber Laura HeardCL  
\_\_\_\_\_  
(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.

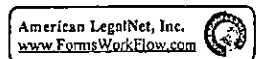
Date:

\_\_\_\_\_  
(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: CL2019-2911
------------------------------	-----------------------------

ATTACHMENT (Number): 3

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

DEFINITIONS, INSTRUCTIONS AND DOCUMENTS TO BE PRODUCED.

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 1 of 5  
(Add pages as required)

## 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, photographs, video or audio tape recordings, 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, audio or video recordings, 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.



1. **Engaged.** The term "Engaged," in relation to a person (as defined herein), means contracted, directed, hired, retained, formed an agreement with (whether formal or informal, binding or nonbinding, written or oral), and/or procured the services of, whether or not in exchange for remuneration or other valuable consideration.

j. **Including.** The term "including" means including but not limited to.

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

l. **Performance.** The term "Performance," in relation to Mr. Depp, means any creative work in which Mr. Depp or his likeness is, was, will be, may be, or is contemplated to appear, whether or not in exchange for payment or other benefit to Mr. Depp, and includes (without limitation) any appearance (or potential appearance) by Mr. Depp in any film, TV series, product endorsement, advertisement, musical performance, or in-person appearance. To avoid doubt, a Performance includes any creative work in which it was contemplated that Mr. Depp or his likeness would be featured, even if the work was ultimately created without Mr. Depp or his likeness appearing.

m. **Plaintiff and/or Mr. Depp.** The terms "Plaintiff" and/or "Mr. Depp" refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assigns, and all persons acting on his behalf both individually or as entities.

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

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.

**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 posts made by Adam Waldman to Twitter account @adam\_waldman from the period May 21, 2016 through the present.
2. All messages sent to or received by Twitter account @adam\_waldman from the period May 21, 2016 through the present.

SHORT TITLE: Depp v Heard	CASE NUMBER: CL2019-2911
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ATTACHMENT (Number): 4

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

COUNSEL OF RECORD

(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.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

COUNSEL OF RECORD FOR ALL PARTIES

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 <a href="mailto:bchew@brownrudnick.com">bchew@brownrudnick.com</a> <a href="mailto:acrawford@brownrudnick.com">acrawford@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i>	Camille M. Vasquez (admitted <i>pro hac vice</i> ) BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 <a href="mailto:cvasquez@brownrudnick.com">cvasquez@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i>
	Adam R. Waldman THE ENDEAVOR LAW FIRM, P.C. 1775 Pennsylvania Avenue, N.W., Suite 350 Washington, DC 20006 <a href="mailto:awaldman@theendeavorgroup.com">awaldman@theendeavorgroup.com</a> <i>Counsel for Plaintiff John C. Depp, II</i>
Elaine Charlson Bredehoft (VSB No. 23766) Adam S. Nadelhaft (VSB No. 91717) David E. Murphy (VSB No. 90938) Charlson Bredehoft Cohen & Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, Virginia 20190 Telephone: (703) 318-6800 <a href="mailto:ebredehoft@cbcblaw.com">ebredehoft@cbcblaw.com</a> <a href="mailto:anadelhaft@cbcblaw.com">anadelhaft@cbcblaw.com</a> <a href="mailto:dmurphy@cbcblaw.com">dmurphy@cbcblaw.com</a> <i>Counsel for Defendant Amber Laura Heard</i>	J. Benjamin Rottenborn (VSB No. 84796) Joshua R. Treece (VSB No. 79149) WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, Virginia 24011 Telephone: (540) 983-7540 <a href="mailto:btrottenborn@woodsrogers.com">btrottenborn@woodsrogers.com</a> <a href="mailto:jtreece@woodsrogers.com">jtreece@woodsrogers.com</a> <i>Counsel for Defendant Amber Laura Heard</i>

SHORT TITLE: Depp v Heard	CASE NUMBER: CL2019-2911
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ATTACHMENT (Number): 6

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

CERTIFICATE OF COUNSEL

*(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.

AMBER LAURA HEARD,

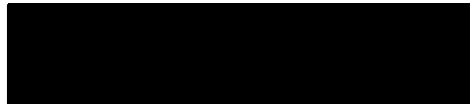
Defendant.

Civil Action No.: CL-2019-0002911

**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 to be sent by email this 7<sup>th</sup> day of August, 2020.

August 7, 2020

  
Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, Virginia 20190  
Telephone: (703) 318-6800  
[ebredehoft@cbcblaw.com](mailto:ebredehoft@cbcblaw.com)  
[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)  
[dmurphy@cbcblaw.com](mailto:dmurphy@cbcblaw.com)

J. Benjamin Rottenborn (VSB No. 84796)  
Joshua R. Treece (VSB No. 79149)  
WOODS ROGERS PLC  
10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, Virginia 24011  
Telephone: (540) 983-7540  
[brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com)  
[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)

*Counsel to Defendant Amber Laura Heard*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 7<sup>th</sup> day of August 2020, by email, by agreement of the parties, addressed as follows:

Benjamin G. Chew, Esq.  
Andrew C. Crawford, Esq.  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 536-1700  
Facsimile: (202) 536-1701  
[bchew@brownrudnick.com](mailto:bchew@brownrudnick.com)  
[acrawford@brownrudnick.com](mailto:acrawford@brownrudnick.com)

Camille M. Vasquez, Esq.  
BROWN RUDNICK LLP  
2211 Michelson Drive  
Irvine, CA 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
[cvasquez@brownrudnick.com](mailto:cvasquez@brownrudnick.com)

Adam R. Waldman, Esq.  
THE ENDEAVOR LAW FIRM, P.C.  
1775 Pennsylvania Avenue, N.W., Suite 350  
Washington, DC 20006  
[awaldman@theendeavorgroup.com](mailto:awaldman@theendeavorgroup.com)

*Counsel for Plaintiff John C. Depp, II*

  
Eriane Charlson Bredenoit (VSB No. 23766)



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

File No. 2019-002911

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

FAIRFAX COUNTY

Circuit Court

4110 Chain Bridge Road, 3rd Floor, Fairfax, VA 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

Twitter

NAME

1355 Market Street, Suite 900

STREET ADDRESS

San Francisco

CA

94103

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

PLEASE SEE ATTACHMENT

FILED  
CIVIL INTAKE  
2020 SEP 11 PM 1:28  
JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

at Gordon Rees, 275 Battery Street Suite 2000 San Francisco, CA 94111

LOCATION

at October 1, 2020 at 4:00 pm

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

Defendant Amber Laura Heard

NAME OF REQUESTING PARTY

c/o Charlson Bredehoff Cohen & Brown, P.C., 11260 Roger Bacon Drive, Suite 201

STREET ADDRESS

Reston

VA

20190

703 318 6800

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.

DATE ISSUED \_\_\_\_\_ CLERK \_\_\_\_\_  
by \_\_\_\_\_ DEPUTY CLERK \_\_\_\_\_

Elaine Charlson Bredehoff for Defendant \_\_\_\_\_ 23766 VA  
NAME OF ATTORNEY FOR REQUESTING PARTY BAR NUMBER LICENSING STATE  
11260 Roger Bacon Drive, Suite 201 \_\_\_\_\_ 703 318 6800  
OFFICE ADDRESS TELEPHONE NUMBER OF ATTORNEY  
Reston, VA 20190 \_\_\_\_\_ 703 318 6808  
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)

[ ] 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: .....

ADDRESS: .....

[ ] PERSONAL SERVICE

Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

[ ] 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:

.....  
.....

[ ] 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.)

[ ] not found

....., Sheriff

..... by ....., Deputy Sheriff

DATE

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**COUNSEL OF RECORD FOR ALL PARTIES**

<p>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 <a href="mailto:bchew@brownrudnick.com">bchew@brownrudnick.com</a> <a href="mailto:acrawford@brownrudnick.com">acrawford@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>	<p>Camille M. Vasquez (admitted <i>pro hac vice</i>) BROWN RUDNICK LLP 2211 Michelson Drive Irvine, CA 92612 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 <a href="mailto:cvasquez@brownrudnick.com">cvasquez@brownrudnick.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>
	<p>Adam R. Waldman THE ENDEAVOR LAW FIRM, P.C. 1775 Pennsylvania Avenue, N.W., Suite 350 Washington, DC 20006 <a href="mailto:awaldman@theendeavorgroup.com">awaldman@theendeavorgroup.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>
<p>Elaine Charlson Bredehoft (VSB No. 23766) Adam S. Nadelhaft (VSB No. 91717) David E. Murphy (VSB No. 90938) Charlson Bredehoft Cohen &amp; Brown, P.C. 11260 Roger Bacon Drive, Suite 201 Reston, Virginia 20190 Telephone: (703) 318-6800 <a href="mailto:ebredehoft@cbcblaw.com">ebredehoft@cbcblaw.com</a> <a href="mailto:anadelhaft@cbcblaw.com">anadelhaft@cbcblaw.com</a> <a href="mailto:dmurphy@cbcblaw.com">dmurphy@cbcblaw.com</a> <i>Counsel for Defendant Amber Laura Heard</i></p>	<p>J. Benjamin Rottenborn (VSB No. 84796) Joshua R. Treece (VSB No. 79149) WOODS ROGERS PLC 10 S. Jefferson Street, Suite 1400 P.O. Box 14125 Roanoke, Virginia 24011 Telephone: (540) 983-7540 <a href="mailto:brottenborn@woodsrogers.com">brottenborn@woodsrogers.com</a> <a href="mailto:jtreece@woodsrogers.com">jtreece@woodsrogers.com</a> <i>Counsel for Defendant Amber Laura Heard</i></p>

## 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. **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.
1. **Engaged.** The term "Engaged," in relation to a person (as defined herein), means contracted, directed, hired, retained, formed an agreement with (whether formal or informal, binding or nonbinding, written or oral), and/or procured the services of, whether or not in exchange for remuneration or other valuable consideration.

- j. **Including.** The term "including" means including but not limited to.
- k. **Person.** The term "person" is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.
- l. **Requests.** The term "Requests" shall mean the requests for documents to be produced under this Subpoena as set forth in this Attachment.
- 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.

## DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, you are required to produce the following for each of the screen names listed on the following pages (Note that we are not requesting “unmasking” of these screen names):

1. IP Address from which the account was registered.
2. To the extent not included above, any and all IP addresses from which the account logged in.
3. To the extent not included above, any and all IP addresses from which the account tweeted messages.
4. If the account was ever *suspended*, the reason given for each suspension (i.e. which of Twitter’s TOS were violated).
5. A list of any and all *source* information for tweeted messages from this account (e.g. Twitter for Android, Twitter for iPhone, etc.)
6. A count of the number of messages tweeted from this account that were removed due to TOS violations.
7. For each message that was deleted for a TOS violation, the reason given for the deletion (i.e. which of Twitter’s TOS were violated).
8. To the extent not included above, any and all instances where the account was *rate limited* or any action was taken by Twitter due to exceeding of a rate limitation.



marycjoyce2  
AmandaDCook21  
April09539619  
CamCam\_69  
d005terror  
Jovijovijovijo  
like\_nega  
MovieCrazyP  
truthglow  
Kiana63316970  
alex51009711  
ggfdddd18559033  
King\_Ceezus  
Nicola78918588  
SpayLisa  
ThanhTn99152642  
WonderWoman934  
KarenGiselaLey1  
AuroraCerrito  
hamsha2018  
HimanshuKap98  
AmandaCarrie9  
Bea3346558396  
carolesmail56  
ConspiracyL3ak  
Damion46783694  
fdyhhsrgg  
Grangerw9  
Johnnydepp117  
JuniousJohnny  
NoNameAtTheTim1  
PiavanHell1  
Ricardo61382890  
StuartA45723099  
One\_Onyx\_Night  
alanamo11002021  
Andi57866694  
babapin2  
bigmoneysucks  
JamesTr99146387  
joyfulcrkt  
karimkh13818614  
Mymy74430456  
Okeyoxox1  
RigoloManu

SiSiArgO12345  
sweetsusan500  
GayleThomson13  
JamesJava  
elainegillett59  
alicedong521  
binns\_glenda  
chance12131071  
che\_luvperiod  
\_depressed\_weeb  
gizemburhan  
matilda\_w\_  
next82320465  
ngetsmokd  
Nick86533864  
salwamedhat4  
scotty7981  
thatnastyniggaa  
zumabug  
feodora20701891  
zoom42219210  
NanceDee  
salah09103412  
XxSRWxX  
PennyFi63005626  
Karlita18684365  
DanielB69133214  
Edsonme29005180  
Susemgf  
julietrosejames  
FairleyAna  
luvjohnnydepp3  
omgjackiesparr1  
justicefordepp  
lcmy93  
LaxsmiRonan  
Deppgirl2  
johnnysjustice  
jones\_akemi  
Drakuseele  
JaninaSamhain  
bazarette74  
Mvm68457824  
skirving\_stacey  
TaniaM07137916

Kimara090893  
Fatima150901  
f\_liono  
piscesmoon63  
YouDidNotExist  
catheri40650110  
donotfa45608560  
Eskarina9  
VoicesOfJAlways  
taytaypurv  
Melinda15199317  
Dahlia82295015  
ReemDepp  
mrv\_gngr\_06  
KarenLOliver1  
Platoon1979  
mrsdepp\_head  
danijel98404260  
roxx8825  
MyGrindelwald  
NicoleSThier13  
doctuir  
Jacqui83940465  
Angela36072232  
ss78902031  
EmilySu94630292  
Pandora46773681  
LizaG08902966  
UgleBeffus  
NikkiHa81660527  
Rebeca29736893  
joannhe69142860  
curiosity5\_life  
bee21115985  
ILoveGellert  
MBall11405740  
j\_ar\_of\_d\_irt  
RayRayDepp  
MelissaOrtega16  
CherylB32993748  
ifod\_net  
MS\_Waltner  
LouiseHatfiel16  
ChrisRoque1992  
quietheartbeatz

SBarrBrisebois  
lion\_witch  
Max80094678  
FullMoonKitty1  
pheonixfeather8  
Juliatt71326822  
MzzMerlin7891  
themadhatter  
KarMarDanMik  
DeppsAmarrx  
Kinsey\_Crosby  
mderndarkwizard  
REBECA\_DEPPHEAD  
lovedepplaw  
aviaum  
jxcksparra  
TopDepp  
nikkban  
depplovers  
PlzeExplain512  
ganevil\_  
LauraBockov  
DrMCaligari  
PrincessRump  
teamdepp\_  
TheInvi80692073  
farrartina1212  
FairyNaa10  
madmaria86  
mg\_violette  
misueul  
TeriCarson  
DeppHeadSquad  
Icoolwhipp  
Jackiedepp1963  
alghaSiiAL  
Depplyyours  
blablublubb1985  
deppheadgang  
MyTwoSons777  
lovelyjdepp\_  
\_missyc97\_  
jessydepp  
PerspectiveDepp  
depphead\_

JDeppS\_girl  
adam\_waldman  
DepperPepper1  
Deppgrindelwald  
Deppjac  
bonitadepphead  
jackswndepp  
deppsvideos  
JohnnyDeppWatch  
LoveforJD  
13thpresidoofNG  
A\_little\_Pnut  
AmyLynnPage  
DARETOGETFIT  
DearMyMinseok  
gellerburke  
KYCERO  
LauyaX  
lovelyjdepp  
lqkaisoo  
MariamTyemalad3  
MoribundEntity  
Omigseu  
pspmattyb  
SarahKittieDomm  
TOneill55702323  
UssyBnHassan  
VHideaway1012  
willfuckngraham



PLAINTIFF/PETITIONER: John C. Depp II DEFENDANT/RESPONDENT: Amber Laura Heard	CASE NUMBER (of action pending outside California): CL 2019-002911
--	---

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):  
PLEASE SEE ATTACHED

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:

Craig J. Mariam  
\_\_\_\_\_  
(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: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
---	---------------------------------

ATTACHMENT (Number): 3*(This Attachment may be used with any Judicial Council form.)*DEFINITIONS, INSTRUCTIONS AND DOCUMENTS TO BE PRODUCED  
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

**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.
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1. **Engaged.** The term "Engaged," in relation to a person (as defined herein), means contracted, directed, hired, retained, formed an agreement with (whether formal or informal, binding or nonbinding, written or oral), and/or procured the services of, whether or not in exchange for remuneration or other valuable consideration.

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- k. **Person.** The term "person" is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.
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## INSTRUCTIONS

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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.

## DOCUMENTS TO BE PRODUCED UNDER THIS SUBPOENA

In response to this subpoena, you are required to produce the following for each of the screen names listed on the following pages (Note that we are not requesting “unmasking” of these screen names):

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2. To the extent not included above, any and all IP addresses from which the account logged in.
3. To the extent not included above, any and all IP addresses from which the account tweeted messages.
4. If the account was ever *suspended*, the reason given for each suspension (i.e. which of Twitter’s TOS were violated).
5. A list of any and all *source* information for tweeted messages from this account (e.g. Twitter for Android, Twitter for iPhone, etc.)
6. A count of the number of messages tweeted from this account that were removed due to TOS violations.
7. For each message that was deleted for a TOS violation, the reason given for the deletion (i.e. which of Twitter’s TOS were violated).
8. To the extent not included above, any and all instances where the account was *rate limited* or any action was taken by Twitter due to exceeding of a rate limitation.

marycjoyce2  
AmandaDCook21  
April09539619  
CamCam\_69  
d005terror  
Jovijovijovijo  
like\_nega  
MovieCrazyP  
truthglow  
Kiana63316970  
alex51009711  
ggfdddd18559033  
King\_Ceezus  
Nicola78918588  
SpayLisa  
ThanhTn99152642  
WonderWoman934  
KarenGiselaLey1  
AuroraCerrito  
hamsha2018  
HimanshuKap98  
AmandaCarrie9  
Bea3346558396  
carolesmail56  
ConspiracyL3ak  
Damion46783694  
fdyhhsrgg  
Grangerw9  
Johnnydepp117  
JuniousJohnny  
NoNameAtTheTim1  
PiavanHell1  
Ricardo61382890  
StuartA45723099  
One\_Onyx\_Night  
alanamo11002021  
Andi57866694  
babapin2  
bigmoneysucks  
JamesTr99146387  
joyfulcrkt  
karimkh13818614  
Mymy74430456  
Okeyoxox1  
RigoloManu

SiSiArgO12345  
sweetsusan500  
GayleThomson13  
JamesJava  
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SarahKittieDomm  
TOneill55702323  
UssyBnHassan  
VHideaway1012  
willfuckngraham

SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4

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

COUNSEL OF RECORD

*(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.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**COUNSEL OF RECORD FOR ALL PARTIES**

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	<p>Adam R. Waldman THE ENDEAVOR LAW FIRM, P.C. 1775 Pennsylvania Avenue, N.W., Suite 350 Washington, DC 20006 <a href="mailto:awaldman@theendeavorgroup.com">awaldman@theendeavorgroup.com</a> <i>Counsel for Plaintiff John C. Depp, II</i></p>
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SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 6*(This Attachment may be used with any Judicial Council form.)*

## CERTIFICATE OF COUNSEL

*(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.

AMBER LAURA HEARD,

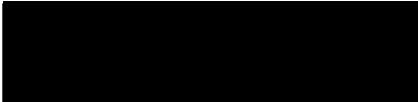
Defendant.

Civil Action No.: CL-2019-0002911

CERTIFICATE OF COUNSEL

This is to certify that I caused a true and accurate copy of the enclosed Deposition Subpoena for Personal Appearance in Action Pending Outside California to be sent by email this 11<sup>th</sup> day of September, 2020.

September 11, 2020

  
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Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
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*Counsel to Defendant Amber Laura Heard*

**CERTIFICATE OF SERVICE**

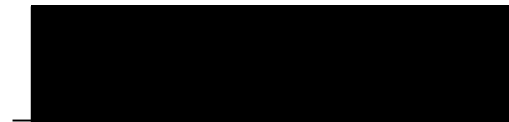
I hereby certify that a true and correct copy of the foregoing was served this 11<sup>th</sup> Day of September, by email, by agreement of the parties, addressed as follows:

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Elaine Charlson Bredelohr (VSB No. 23766)

**Elaine Bredehoft**

---

**From:** Chew, Benjamin G. <BChew@brownrudnick.com>  
**Sent:** Tuesday, October 27, 2020 8:26 AM  
**To:** Elaine Bredehoft; Ben Rottenborn  
**Subject:** Question re Depp Deposition

Good morning, Elaine and Ben,

As you know, I had previously advised you that Mr. Waldman intended to attend Mr. Depp's forthcoming deposition in Virginia, either in person or telephonically.

This is still the case, as Mr. Waldman remains counsel for Mr. Depp and his companies in capacities outside his former pro hac vice affiliation.

Please confirm that you have no objection to his doing so. If you do object, please let me know and kindly state your basis, in which case we would have to go to Calendar Control Monday or Tuesday of next week.

Many thanks for your prompt attention to this question.

Best regards,

Ben

Sent from my iPhone

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