

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

FILED
MOTION [REDACTED] KET

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JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

**MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
RESPONSES TO DEFENDANT'S FOURTH AND FIFTH
REQUESTS FOR PRODUCTION OF DOCUMENTS**

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
anadelhaft@cbcblaw.com
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
jtreece@woodsrogers.com

Counsel to Defendant Amber Laura Heard

Extensive depositions will be taken in this case throughout September and October. Yet in response to Ms. Heard's Fourth and Fifth RFPs, tailored very specifically based substantially on the issues raised in the UK proceedings, Mr. Depp raised blanket objections and produced no documents or written responses. **Att. 1, Att. 2.** Mr. Depp's Objections to the Fifth RFPs are too late, and thus the objections are waived and full responses should be provided forthwith. When Ms. Heard attempted to meet and confer with Mr. Depp about his deficient document production, counsel stated he was not available this week, but then did not respond to multiple requests to schedule for next week. This is consistent with Mr. Depp's pattern throughout this litigation, to delay discovery and production. These documents are significant for the preparation for depositions in September; therefore, Ms. Heard brings this motion, and requests this Court grant her Motion to Compel, and also admonish Mr. Depp to produce all responsive discovery.¹

ARGUMENT

I. Mr. Depp Should Produce All Documents Within Five Days of This Order

For the Requests Mr. Depp agreed to produce documents, no documents were produced, but instead, Mr. Depp committed to produce documents "after a reasonable search, on a rolling basis." See *e.g.*, **Att. 1 at Req. 2.** This suggests more of the conduct of document dumping immediately before depositions, a practice not condoned by this Court, and inconsistent with the Rules, which require production of documents within 21 days where there is no objection. Va. Sup. Ct. R. 4:9. For all of Ms. Heard's Requests, Mr. Depp should produce these documents by August 26, 2020, as he has possessed these documents for years, and can produce them now.

¹ Depp's counsel are legend for "dumping" thousands of documents the night before depositions. Their suggestion that they will produce documents in their possession for four years on a "rolling basis," suggests they will continue to engage in this improper tactic. We are requesting this Court to Order Plaintiff to produce all responsive documents, and if any are not produced, they cannot be used in depositions or at trial. This will hopefully halt this practice by Plaintiff.

II. Mr. Depp Should Produce Discovery Responsive to the Fourth RFPs

Mr. Depp's objections to the Fourth RFPs are meritless, and he should be ordered to produce discovery responsive to the following RFPs by August 26, 2020:

RFPs 1 and 2 - all the 50-51 audio and video recordings that include Ms. Heard. Mr. Depp's counsel represented that Depp has over 320 recordings of which 50-51 include Ms. Heard. Only clips of two have been produced. Depp says he will produce all non-privileged documents. But nothing in these recordings should be privileged, as they all include Ms. Heard. Therefore, everything should be produced. These are 4-8 years ago, so delay is not justified.

RFPs 3 and 6 - all communications between Mr. Waldman and any person or entity referring to or relating in any manner to Ms. Heard. Mr. Waldman has been aggressively contacting third parties, threatening them, and obtaining Declarations with the caption of this lawsuit, but never filed with this Court (only displayed in the press). He is an agent and attorney of Mr. Depp, working on his behalf. Thus, Mr. Waldman's communications on Mr. Depp's behalf would be in Mr. Depp's "possession, custody, or control" and, under Rule 4:9, should be produced. Since these communications are with third parties, they cannot be privileged.

RFP 8 - all communications of any nature between Mr. Depp and any individual or representative of the Eastern Columbia Building. Given the date limitation of the Request, combined with the fact that there are genuine issues relating to the gathering and preservation of the information, the videotapes, the declarations, and the subsequent testimony of these witnesses, all of the material sought is relevant to this matter and should be produced.

RFP 10 - all documents between or among Mr. Depp and Christi Dembrowski, Ben King, Kevin Murphy, Jerry Judge, Nathan Holmes, Malcolm Connelly, Steven Deuters,

Given the date limitations of the Request, and the extremely relevant time periods, all of the material sought is relevant to this matter and should be produced.

RFP 14 - Mr. Depp's tax returns and schedules. Given Mr. Depp's claim for \$50 million in damages, his claim that Ms. Heard has damaged his career, and caused him to lose his income, Ms. Heard has a right to Mr. Depp's tax returns to determine Mr. Depp's earnings over a period of time, and any losses and the time period of such losses. There is nothing else that would provide this information as succinctly, and it is clearly relevant.

III. Mr. Depp Has Waived Any Objections to the Fifth RFPs

Ms. Heard served her Fifth RFP on July 10. This required Mr. Depp to respond by July 31, 2020. Instead, he responded on August 3, 2020 with objections to all but two (RFPs 4 and 7), and no documents. This Court has stated that “[t]he effect of Defendants’ failure to timely file objections is that they are deemed waived.” *Kawar v. Bouk*, 71 Va. Cir. 295, 296 (Va. Cir. Ct. 2006) (Bellows, J.). Mr. Depp has waived all objections and the documents are overdue.

In the event the Court chooses to consider any of the particular requests despite Mr. Depp waiving all objections, Defendant addresses those objected to below:

RFP 1 - telephone records and all text messages for the period January 2012-present. Mr. Depp obtained Ms. Heard's records and used them in the UK proceedings. Some of Mr. Depp's were produced in the UK proceedings, but not the US, for some of these periods of time, but there were gaps. Mr. Depp has waived any objection to scope, and Mr. Depp's texts and calls throughout, including with other witnesses, are highly relevant and likely to lead to the discovery of admissible evidence. The UK proceedings relied extensively on text messages and telephone calls, on both sides. In addition, Mr. Depp relied on Ms. Heard's telephone records in key disputed time periods, and both sides contend they made calls during these time periods.

RFPs 2 and 3 (and 4 to the extent objected to – unclear) - relating to the rented home in Australia. This was the three-day ordeal of Mr. Depp taking 10-12 MDMA pills and drinking heavily, resulting in extensive physical assaults to Ms. Heard, Mr. Depp smashing his finger partially off, writing along the walls and lampshades in blood, breaking most of the glass windows and doors, and more, causing damage between \$100,000 - \$150,000. In the UK trial, Mr. Depp selectively produced only a few photos, when it was clear many had been taken, as well as videos of the before and after. Mr. Depp should produce all of items requested, including all communications with the homeowner, record of payments and invoices for damage, and all documentation of the damage caused.

RFP 5 for Mr. Depp and Ms. Heard's shared notebook/diary, unredacted. Mr. Depp agrees to produce non-privileged materials. Nothing in a shared notebook with Ms. Heard should be privileged. Mr. Depp provided only partial entries in the UK proceedings, and redacted portions are clearly relevant to their relationship and contain admissions by Mr. Depp.

RFP 6 for all documents reflecting all efforts by Mr. Depp, or on his behalf, to preserve all video footage from Eastern Columbia Building. Mr. Depp refuses to produce any documents, claiming they are not relevant and privileged. It is clear that Mr. Depp did not produce all of the video footage, and instead produced only clips that he created from the full footage and determined were helpful to his case. The full video footage should be produced, and if this is not available, Ms. Heard is entitled to all communications relating to the video footage, efforts to preserve, and if not fully preserved, why not.

RFPs 8 and 9 for all communications and drafts relating to pre-nuptial and post-nuptial agreement between Mr. Depp and Ms. Heard. Any communications or drafts

exchanged between the parties are clearly not privileged and should be produced. Moreover, any privileged documents should be logged at a minimum.

RFP 10 for all Wills of Mr. Depp during the period of the marriage with Ms. Heard.

These documents are clearly relevant because Mr. Depp has contended that Mr. Heard engaged in a hoax and fraud to build an “insurance policy” or “dossier.” What Mr. Depp intended to leave Ms. Heard under his Will would clearly lead to the discovery of admissible evidence.

RFP 11: All records of the Hicksville trip. These relate to one of the incidents in which Mr. Depp engaged in violence against Ms. Heard and created significant property damage (but claims he only broke a sconce). The documents are clearly relevant.

RFPs 12 and 13 for copies of all communications with the hotel in which Mr. Depp stayed with Kate Moss. These documents are clearly relevant to demonstrate the extent of the property damage (\$10,000) caused by Mr. Depp, and his propensity for understating the damage he has caused (he claims he only broke a lamp and pushed a sofa across the room).

RFPs 14 and 15 relate to communications by Mr. Depp, Mr. Waldman, or anyone on Mr. Depp’s behalf, to any member of the press, or third party, by any means, including any twitter account or other social media. Mr. Depp’s, and his agents and attorneys, use and abuse, through the media, is critical to demonstrate Mr. Depp’s improper conduct in this litigation, admissions, efforts to coerce witnesses, illicit motives, intent, and malice.

CONCLUSION

For the reasons stated, Ms. Heard respectfully requests the Court to grant the Motion, and compel Plaintiff to produce full and complete responses to Defendant’s Fourth and Fifth RFPs, including those to which he refused to respond, no later than 5:00 PM EST on August 26, 2020, and to prohibit Plaintiff’s use of any document not timely produced in any deposition or at trial.

August 7, 2020

Respectfully submitted,


Elaine Charlson Bredehoft (VSB No. 25706)

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

anadelhaft@cbcblaw.com

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

brotenborn@woodsrogers.com

jtreece@woodsrogers.com

Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

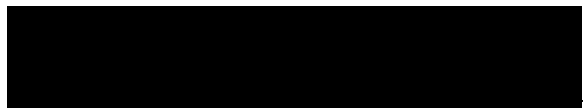
I hereby certify that a true and correct copy of the foregoing was served this 7th day of August 2020, by email, by agreement of the parties, addressed as follows:

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
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

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

Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoff (VSB No. 23766)

Attachment 1

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S RESPONSES AND OBJECTIONS TO DEFENDANT
AMBER LAURA HEARD'S FOURTH REQUEST FOR PRODUCTION**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby responds and objects to Defendant Amber Laura Heard's ("Defendant" and/or "Ms. Heard") Fourth Request for Production of Documents (each, a "Request" and collectively, the "Requests"), dated July 2, 2020 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. These General Objections are incorporated into each specific response to the numbered Requests below as if fully repeated therein and are intended, and shall be deemed, to be in addition to any specific objection included in any response below. The assertion of the same, similar, or additional objections or partial responses to the individual Requests does not waive any of Plaintiff's General Objections. Failure to make a specific reference to any General Objection is not a waiver of any General Objection.

2. Plaintiff objects to each and every Request to the extent that the Requests (including the “Definitions” and “Instructions” identified in the Requests) (a) are overly broad or unduly burdensome; (b) are vague, ambiguous, duplicative, cumulative, or do not identify with reasonable particularity the information sought; (c) call for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; (d) seek to impose obligations on Plaintiff beyond or inconsistent with those required by Virginia law and the rules of this Court (“Rules”); or (e) purport to seek documents or information not in Plaintiff’s actual possession, custody, or control; any statement herein that Plaintiff will produce documents responsive to a specific Request means that Plaintiff will produce documents located through a reasonable search for documents in its possession, custody, and control.

3. Plaintiff objects to the extent that the discovery sought by the Requests is obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Plaintiff objects to the extent the discovery sought is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties’ resources, and the importance of the issues at stake in the litigation.

5. Plaintiff objects to each and every Request, Definition, and Instruction to the extent that they purport to require production of documents at a specified time or place, or in a specified manner. Plaintiff will make documents available in accordance with Rule 4:9 and any agreement among the parties or orders of the Court governing the conduct of discovery.

6. Plaintiff objects to the Requests to the extent that they seek documents or information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, protection, exemption or immunity. Plaintiff will produce only non-privileged information. Inadvertent disclosure of any privileged or otherwise protected

documents or information shall not constitute a waiver of any claim of privilege, protection, exemption or immunity. Plaintiff reserves the right to redact documents produced in response to the Requests.

7. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent they seek documents or information protected from disclosure as being a trade secret or other confidential business or proprietary information, or documents or information that, if produced or disclosed, would result in the violation of any contractual obligation to third parties, or any applicable right to privacy of Plaintiff or third parties.

8. Plaintiff objects to any Request seeking "all" documents on the grounds that Plaintiff cannot guarantee that he has located every single document responsive to a particular Request. Subject to the general objections and any qualifications below, Plaintiff will respond to any Request seeking "all" documents by producing the responsive, non-privileged documents within its possession, custody, and control that can be located after a reasonable search conducted in good faith.

9. Plaintiff reserves the right to produce documents responsive to the Requests on a rolling basis at a time, place, and manner to be agreed on by the parties.

10. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent that they are redundant or duplicative of other specific Requests. Where information or a document may be responsive to more than one Request, Plaintiff will provide that information or produce that document only once.

11. Plaintiff objects to the Requests to the extent that they purport to require the identification and/or restoration of any deleted, legacy, backup, or archival data, or otherwise

seek the production of any document that is not accessible without undue burden or unreasonable expense.

12. Plaintiff objects to each of the Requests to the extent that the Requests or related Instructions purport to impose any discovery obligations on Plaintiff beyond those already imposed by applicable law.

13. Plaintiff's responses to the Requests are not intended to be, nor shall be deemed, an admission of matters stated, implied, or assumed by any or all of the Requests. In responding to the Requests, Plaintiff neither waives nor intends to waive, but expressly reserves, any and all objections as to the authenticity, relevance, competency, materiality, or admissibility at trial or during any proceeding of any information or documents produced, set forth, or referred to herein.

14. Any response by Plaintiff stating that it will produce documents is not intended as a representation that such documents exist within any requested category or categories but solely as an assertion that Plaintiff will produce (consistent with these Responses and Objections) any non-privileged, responsive documents or information within its actual possession, custody, or control that can be located after a reasonable search conducted in good faith.

15. Plaintiff objects to any factual assumptions, implications, and explicit or implicit characterizations of facts, events, circumstances, or issues in the Requests. Plaintiff's responses herein are not intended to mean that Plaintiff agrees with any factual assumptions, implications, or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests, and are without prejudice to Plaintiff's right to dispute facts and legal conclusions assumed in the Requests.

16. These objections and responses are based on Plaintiff's present knowledge, information, and belief, and therefore remain subject to change or modification based on further

discovery of facts or circumstances that may come to Plaintiff's attention. Plaintiff reserves the right to rely on any facts, documents, evidence, or other contentions that may develop or come to its attention at a later time and to supplement or amend the responses at any time prior to the trial. Plaintiff further reserves the right to raise any additional objections deemed necessary or appropriate in light of any further review.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Instructions

1. In accordance with the Rules of this Court, You shall answer the following Requests separately and fully, in writing.

RESPONSE: No objection.

2. Where information in Your possession is requested, such request includes nonprivileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals not under Plaintiff's control. Plaintiff will produce documents from a limited number of custodians to be negotiated with Defendant in good faith.

3. 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.

RESPONSE: No objection.

4. 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.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents not within the possession, custody or control of Plaintiff. Plaintiff will produce documents from

a relevant time period to be negotiated with Defendant in good faith. Plaintiff further objects to this instruction as vague and ambiguous.

5. 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.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals and entities other than Plaintiff and/or documents that are not within Plaintiff's custody and control.

6. If You perceive any ambiguities in a question, instruction, definition, or other aspect of these discovery requests, set forth the matter deemed ambiguous and the construction used in answering.

RESPONSE: No objection.

7. 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 the Court to make 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. Reliance on any claim of privilege is subject to the Rules of this Court, including the production of a privilege log.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to produce a privilege log in a specific manner at a specific time. Plaintiff will produce a privilege log at a time and in a manner to be negotiated with Defendant in good faith.

8. 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 that the Court will be permitted to make an informed ruling on the objection.

RESPONSE: No objection.

9. These Requests are continuing in character so as to require You to promptly amend or supplement Your responses in accordance with the Rules of the Supreme Court of Virginia within a reasonable time if You obtain or become aware of any further information responsive to these Requests. Ms. Heard reserves the right to propound additional Requests.

RESPONSE: No objection.

10. Unless otherwise indicated, these requests include the time from when the parties met, in 2008.

RESPONSE: Plaintiff objects to this instruction as overly broad, unduly burdensome, and harassing to the extent that it purports to require Plaintiff to produce documents from a twelve-year timeframe that encompasses documents that are not relevant to the subject matter of this action.

Definitions

a. ***Action.*** The term “Action” means the above-captioned action.

RESPONSE: No objection.

b. ***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).

RESPONSE: No objection.

c. ***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.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

d. ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is duplicative of the terms Document and Communication, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

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

RESPONSE: No objection.

f. **Concerning.** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.

RESPONSE: No objection.

g. **Including.** The term “including” means including but not limited to.

RESPONSE: No objection.

h. **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.

RESPONSE: No objection.

i. **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 unless privileged, all persons acting on her behalf.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, all persons acting on her behalf.”

j. **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.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and all persons acting on his behalf.” Plaintiff will interpret this term to exclude all privileged communications and documents.

k. **Complaint.** The term “Complaint” shall mean the Complaint filed by Plaintiff in this Action.

RESPONSE: No objection.

l. **You and/or Your.** The terms “You” and/or “Your” refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

RESPONSE: No objection.

REQUESTS

1. All audio and video recordings including Ms. Heard. Note: It has been represented by Depp’s UK counsel that Mr. Depp has 50-51 recordings that include Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instruction above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome, including to the extent that it seeks the productions of documents that are already within Defendant’s possession, custody, or control, and/or are publicly available. Plaintiff further objects to this Request to the extent that it could be construed to seek documents that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request as vague and ambiguous as to the meaning of the phrase “recordings including Ms. Heard.”

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

2. All transcripts of any recordings from any audio and video recordings including Ms. Heard. Please include documents sufficient to reflect the identity and qualifications of the person or persons transcribing each such recording.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it is overly broad and unduly burdensome, including to the extent that it seeks the productions of documents that are already within Defendant's possession, custody, or control, and to the extent that it seeks production of documents reflecting the identity and qualifications of persons transcribing recordings, if any. Plaintiff further objects to this Request on the grounds that it seeks documents that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request as vague and ambiguous as to the meaning of the phrase "recordings including Ms. Heard."

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

3. All communications between Mr. Waldman and any person or entity referring to or relating in any manner to Ms. Heard. This includes all texts, emails, correspondence, recordings, or other form of communications referring to or relating in any manner to Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it improperly seeks to require Plaintiff to produce documents and communications that were neither generated nor maintained by Plaintiff, but rather by Plaintiff's

attorney Adam Waldman. Such documents should be sought, if at all, via a subpoena to Mr. Waldman, and no such subpoena appears to have issued or been served. Plaintiff further objects to this request on the grounds and to the extent that it seeks documents that are not within Plaintiff's possession, custody, or control, as any such documents would be the property of a nonparty to this Action, with a right to object to their disclosure in this Action that is independent of Plaintiff's right to do so. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege because, among other reasons, this Request improperly encompasses communications between Plaintiff and/or his agents, on the one hand, and Plaintiff's attorney Mr. Waldman, on the other hand. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine, including and especially as it seeks documents that reflect the strategy, analysis, and mental impressions of counsel for Plaintiff. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications "relating in any manner" to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy.

Accordingly, Plaintiff will not produce documents in response to this Request.

4. All communications between Mr. Depp and any person or entity referring to or relating in any manner to Ms. Heard. This includes all texts, emails, correspondence, recordings, or other form of communications referring to or relating in any manner to Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this

Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications “relating in any manner” to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

5. Any statements made by or on behalf of Mr. Depp relating in any manner to Ms. Heard from May 21, 2016 through the present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions, above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications “relating in any manner” to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff

and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous as to the meaning of the term “statements.”

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

6. Any statements made by or on behalf of Mr. Waldman relating in any manner to Ms. Heard from May 21, 2016 through the present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions, above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it improperly seeks to require Plaintiff to produce documents and communications that were neither generated nor maintained by Plaintiff, but rather by Plaintiff’s attorney Mr. Waldman. Such documents should be sought, if at all, via a subpoena to Mr. Waldman, and no such subpoena appears to have issued or been served. Plaintiff further objects to this request on the grounds and to the extent that it seeks documents that are not within Plaintiff’s possession, custody, or control, as any “statements made by or on behalf of” Mr. Waldman would be the property of a nonparty to this Action, with a right to object to their disclosure in this Action that is independent of Plaintiff’s right to do so. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege because, among other reasons, this Request improperly encompasses communications between Plaintiff and/or his agents, on the one hand, and Plaintiff’s attorney Mr. Waldman, on the other hand. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine, including and especially as it seeks documents that reflect the

strategy, analysis, and mental impressions of counsel for Plaintiff. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications “relating in any manner” to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is ambiguous as to the term “statements.”

Accordingly, Plaintiff will not produce documents in response to this Request.

7. All communications between Mr. Depp or anyone on behalf of Mr. Depp, and any person in the entertainment industry relating in any manner to Ms. Heard from May 21, 2016 through the present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions, above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications “relating in any manner” to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous as to the meaning of the term “entertainment industry” and “in any manner.”

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

8. All communications of any nature between Mr. Depp, Mr. Waldman or any representative of Mr. Depp, and any individual or representative of the Eastern Columbia Building, aka the South Broadway apartments, at any time from May 21, 2016 through the present. This includes, but is not limited to: Any request for videotapes from security cameras, any review of any footage, any retention of any footage, any clips, or selection, any preservation requests or discussion, and any discussion or communications with any employees or contractors of Eastern Columbia Building.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions, above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds and to the extent that it seeks documents that were not generated or maintained by Plaintiff and are not within Plaintiff's possession, custody, or control. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications "of any nature" over a four-year time period that are not limited by subject matter. Plaintiff further objects to this Request on the grounds and to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous.

Accordingly, Plaintiff will not produce documents in response to this Request as presently framed. Plaintiff may be willing to supplement this response if Defendant modifies its scope to seek documents pertinent to the subject matter of this action.

9. All communications with the LA police department, including any police officers, relating in any manner to Ms. Heard from May 21, 2016 through the present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request to the extent that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because it seeks documents and communications “relating in any manner” to Defendant, without tailoring the scope of the request to the subject matter of this action, i.e., the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

10. All documents between or among Mr. Depp or any representative of Mr. Depp, and Christi Dembrowski, Ben King, Kevin Murphy, Jerry Judge, Nathan Holmes, Malcolm Connelly, Steven Deuters, any other security for Mr. Depp, house personnel, housekeeping, and personal assistant staff, during the following date periods: January 1 - March 30, 2013; June 27-July 7, 2013; May 1-May 31, 2014; August 1-September 15, 2014; December 1, 2014-January 3, 2015; January 20 – February 12, 2015; March 1-March 30, 2015; July 15-August 5, 2015; November 20, 2015-December 31, 2015; April 15, 2016-April 30, 2016; May 3, 2016-May 21, 2016; May 22, 2016 through present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege and/or

common interest doctrine. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds and to the extent that it seeks documents that were not generated or maintained by Plaintiff and are not within Plaintiff's possession, custody, or control. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is overly broad, unduly burdensome, and harassing, because, among other reasons, it seeks documents and communications with multiple disparate persons, without any limitation as to the subject matter of any such communications. No reasonable nexus exists between the unlimited scope of this request and the subject matter of this Action. Plaintiff further objects to this Request on the grounds that it constitutes an invasion of privacy, especially to the extent that it seeks private communications of Plaintiff and various third parties that are not properly at issue in this Action. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous.

Accordingly, Plaintiff will not produce documents in response to this Request.

11. All communications between Mr. Depp, or any representative of Mr. Depp, and anyone at Disney, or on behalf of Disney, relating in any manner to Disney's consideration of, and decision, not to cast Mr. Depp in the sixth Pirates of the Caribbean movie.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request to the extent that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks documents and communications relating "in any manner" to the casting decisions by Disney. Plaintiff further objects to this Request on the

grounds and to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

12. If Mr. Depp contends that he has lost any role or other job as the result of Ms. Heard's Op-Ed, please produce all documents supporting such claim.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks "all documents" that could be construed as supporting Plaintiff's claims. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous. Plaintiff further objects to this Request on the grounds that it seeks premature expert discovery.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

13. Please provide all documents supporting each aspect of Mr. Depp's claims that he has been damaged, including all documents supporting the \$50 million *ad damnum* clause.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks “all documents” that could be construed as supporting Plaintiff’s claims. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous. Plaintiff further objects to this Request on the grounds that it seeks premature expert discovery.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

14. All tax returns for Mr. Depp, including all schedules, for the period 2010 through the present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks confidential financial information over a ten-year period. Plaintiff further objects to this Request on the grounds that it constitutes an improper invasion of privacy by seeking disclosure of personal financial information of Plaintiff, since because “a party’s income tax return contains confidential and personal information, inspection or disclosure of it should only be permitted for good cause.” *See, Sanford v. Sanford*, 450 SE 2d 185 (1994). Plaintiff further objects to this

request on the grounds that it seeks documents that are neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence, and is disproportionate to the needs of the case, as the totality of Plaintiff's financial condition is not at issue in this action and is not a proper avenue of discovery. Plaintiff further objects to this Request on the grounds that to the extent it is intended to obtain information pertaining to Plaintiff's damages, such information is obtainable by less burdensome and intrusive means.

Accordingly, Plaintiff will not produce documents in response to this Request.

15. All documents supporting any reputational or financial damages claimed by Mr. Depp.

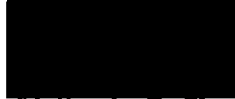
RESPONSE:

Plaintiff repeats and incorporates by this reference the General Objections and Objections to Definitions and Instructions above, as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks "all documents" that could be construed as supporting Plaintiff's claims. Plaintiff further objects to this Request to the extent that it constitutes an invasion of privacy. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous. Plaintiff further objects to this Request on the grounds that it seeks premature expert discovery.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged documents responsive to this Request, if any, that are located after a reasonable search, on a rolling basis.

Dated: July 23, 2020

Respectfully submitted,



Benjamin G. Chew (VSB #29113)
Camille M. Vasquez (*pro hac vice*)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK, LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com

- and -

Adam R. Waldman
THE ENDEAVOR GROUP LAW FIRM, P.C.
1775 Pennsylvania Avenue NW, Suite 350
Washington, DC 20006

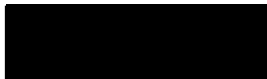
Counsel for Plaintiff John C. Depp, II

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2020, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

A. 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
jtreece@woodsrogers.com

Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT COHEN &
BROWN, P.C.
11260 Roger Bacon Dr., Suite 201
Reston, VA 20190
Phone: 703-318-6800
Fax: 703-318-6808
ebredehoft@cbcblaw.com
cbrown@cbcblaw.com
anahelhaft@cbcblaw.com
dmurphy@cbcblaw.com


Benjamin G. Chew

Attachment 2

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S RESPONSES AND OBJECTIONS TO DEFENDANT
AMBER LAURA HEARD'S FIFTH REQUEST FOR PRODUCTION**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II ("Plaintiff" and/or "Mr. Depp"), by and through his undersigned counsel, hereby responds and objects to Defendant Amber Laura Heard's ("Defendant" and/or "Ms. Heard") Fifth Request for Production of Documents (each, a "Request" and collectively, the "Requests"), dated July 10, 2020 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

I. These General Objections are incorporated into each specific response to the numbered Requests below as if fully repeated therein and are intended, and shall be deemed, to be in addition to any specific objection included in any response below. The assertion of the same, similar, or additional objections or partial responses to the individual Requests does not waive any of Plaintiff's General Objections. Failure to make a specific reference to any General Objection is not a waiver of any General Objection.

2. Plaintiff objects to each and every Request to the extent that the Requests (including the "Definitions" and "Instructions" identified in the Requests) (a) are overly broad or unduly burdensome; (b) are vague, ambiguous, duplicative, cumulative, or do not identify with reasonable particularity the information sought; (c) call for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; (d) seek to impose obligations on Plaintiff beyond or inconsistent with those required by Virginia law and the rules of this Court ("Rules"); or (e) purport to seek documents or information not in Plaintiff's actual possession, custody, or control; any statement herein that Plaintiff will produce documents responsive to a specific Request means that Plaintiff will produce documents located through a reasonable search for documents in its possession, custody, and control.

3. Plaintiff objects to the extent that the discovery sought by the Requests is obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Plaintiff objects to the extent the discovery sought is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.

5. Plaintiff objects to each and every Request, Definition, and Instruction to the extent that they purport to require production of documents at a specified time or place, or in a specified manner. Plaintiff will make documents available in accordance with Rule 4:9 and any agreement among the parties or orders of the Court governing the conduct of discovery.

6. Plaintiff objects to the Requests to the extent that they seek documents or information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, protection, exemption or immunity. Plaintiff will produce only non-privileged information. Inadvertent disclosure of any privileged or otherwise protected

documents or information shall not constitute a waiver of any claim of privilege, protection, exemption or immunity. Plaintiff reserves the right to redact documents produced in response to the Requests.

7. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent they seek documents or information protected from disclosure as being a trade secret or other confidential business or proprietary information, or documents or information that, if produced or disclosed, would result in the violation of any contractual obligation to third parties, or any applicable right to privacy of Plaintiff or third parties.

8. Plaintiff objects to any Request seeking "all" documents on the grounds that Plaintiff cannot guarantee that he has located every single document responsive to a particular Request. Subject to the general objections and any qualifications below, Plaintiff will respond to any Request seeking "all" documents by producing the responsive, non-privileged documents within its possession, custody, and control that can be located after a reasonable search conducted in good faith.

9. Plaintiff reserves the right to produce documents responsive to the Requests on a rolling basis at a time, place, and manner to be agreed on by the parties.

10. Plaintiff objects to the Requests, including the Definitions and Instructions contained therein, to the extent that they are redundant or duplicative of other specific Requests. Where information or a document may be responsive to more than one Request, Plaintiff will provide that information or produce that document only once.

11. Plaintiff objects to the Requests to the extent that they purport to require the identification and/or restoration of any deleted, legacy, backup, or archival data, or otherwise

seek the production of any document that is not accessible without undue burden or unreasonable expense.

12. Plaintiff objects to each of the Requests to the extent that the Requests or related Instructions purport to impose any discovery obligations on Plaintiff beyond those already imposed by applicable law.

13. Plaintiff's responses to the Requests are not intended to be, nor shall be deemed, an admission of matters stated, implied, or assumed by any or all of the Requests. In responding to the Requests, Plaintiff neither waives nor intends to waive, but expressly reserves, any and all objections as to the authenticity, relevance, competency, materiality, or admissibility at trial or during any proceeding of any information or documents produced, set forth, or referred to herein.

14. Any response by Plaintiff stating that it will produce documents is not intended as a representation that such documents exist within any requested category or categories but solely as an assertion that Plaintiff will produce (consistent with these Responses and Objections) any non-privileged, responsive documents or information within its actual possession, custody, or control that can be located after a reasonable search conducted in good faith.

15. Plaintiff objects to any factual assumptions, implications, and explicit or implicit characterizations of facts, events, circumstances, or issues in the Requests. Plaintiff's responses herein are not intended to mean that Plaintiff agrees with any factual assumptions, implications, or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests, and are without prejudice to Plaintiff's right to dispute facts and legal conclusions assumed in the Requests.

16. These objections and responses are based on Plaintiff's present knowledge, information, and belief, and therefore remain subject to change or modification based on further

discovery of facts or circumstances that may come to Plaintiff's attention. Plaintiff reserves the right to rely on any facts, documents, evidence, or other contentions that may develop or come to its attention at a later time and to supplement or amend the responses at any time prior to the trial. Plaintiff further reserves the right to raise any additional objections deemed necessary or appropriate in light of any further review.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Instructions

1. In accordance with the Rules of this Court, You shall answer the following Requests separately and fully, in writing.

RESPONSE: No objection.

2. Where information in Your possession is requested, such request includes nonprivileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals not under Plaintiff's control. Plaintiff will produce documents from a limited number of custodians to be negotiated with Defendant in good faith.

3. 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.

RESPONSE: No objection.

4. 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.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents not within the possession, custody or control of Plaintiff. Plaintiff will produce documents from

a relevant time period to be negotiated with Defendant in good faith. Plaintiff further objects to this instruction as vague and ambiguous.

5. 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.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires production of documents from individuals and entities other than Plaintiff and/or documents that are not within Plaintiff's custody and control, and/or production of documents by or relating to entities not specifically referenced in the Requests below.

6. If You perceive any ambiguities in a question, instruction, definition, or other aspect of these discovery requests, set forth the matter deemed ambiguous and the construction used in answering.

RESPONSE: No objection.

7. 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 the Court to make 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. Reliance on any claim of privilege is subject to the Rules of this Court, including the production of a privilege log.

RESPONSE: Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to produce a privilege log in a specific manner at a specific time. Plaintiff will produce a privilege log at a time and in a manner to be negotiated with Defendant in good faith.

8. 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 that the Court will be permitted to make an informed ruling on the objection.

RESPONSE: No objection.

9. These Requests are continuing in character so as to require You to promptly amend or supplement Your responses in accordance with the Rules of the Supreme Court of Virginia within a reasonable time if You obtain or become aware of any further information responsive to these Requests. Ms. Heard reserves the right to propound additional Requests.

RESPONSE: No objection.

10. Unless otherwise indicated, these requests include the time from when the parties met, in 2008.

RESPONSE: Plaintiff objects to this instruction as overly broad, unduly burdensome, and harassing to the extent that it purports to require Plaintiff to produce documents from a twelve-year timeframe that encompasses documents that are not relevant to the subject matter of this action.

Definitions

a. ***Action.*** The term "Action" means the above-captioned action.

RESPONSE: No objection.

b. ***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).

RESPONSE: No objection.

c. ***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.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

d. ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is duplicative of the terms Document and Communication, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

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

RESPONSE: No objection.

f. **Concerning.** The term “concerning” includes relating to, referring to, describing, evidencing, or constituting.

RESPONSE: No objection.

g. **Including.** The term “including” means including but not limited to.

RESPONSE: No objection.

h. **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.

RESPONSE: No objection.

i. **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 unless privileged, all persons acting on her behalf.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, all persons acting on her behalf.”

j. **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.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and all persons acting on his behalf.” Plaintiff will interpret this term to exclude all privileged communications and documents.

k. **Complaint.** The term “Complaint” shall mean the Complaint filed by Plaintiff in this Action.

RESPONSE: No objection.

l. **You and/or Your.** The terms “You” and/or “Your” refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

RESPONSE: No objection.

REQUESTS

1. All telephone records and all text messages for the period January 2012-present.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, because, among other reasons, it seeks “all telephone records and text messages” without any limitations as to subject matter and without any attempt to tailor the scope of this Request to documents that might be relevant to the subject matter of this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks documents over a nearly 9-year period, without any appropriate limitations as to scope and subject matter. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action.

Defendant is not entitled to every private text message Plaintiff sent or received over a period of more than 9 years. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that due to its unlimited scope and lack of any nexus to the subject matter of this action, it appears calculated to harass.

Accordingly, Plaintiff will not produce documents in response to this Request.

2. All photographs taken of the rented home in Australia during the period March 1, 2015-March 15, 2015, with or without property damage, and all communications with the homeowner, the lease agreement, the full address, and all payments made to pay for the rent, as well as any damages, by whom paid, the amounts, any receipts and proof of payments, and dates.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks documents unconnected to the claims and defenses in this action regarding the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the terms "the rented home in Australia."

Subject to, and without waiver of the above-stated objections, Plaintiff will produce non-privileged documents and communications, if any, evidencing property damage at the rented home in Australia, and any payments made in connection with any such property damage.

3. All communications with the owner of the Australian house, Mick Doohan, from the period September 1, 2014 through September 1, 2017.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, as it is not tailored to the subject matter of this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks documents unconnected to the claims and defenses in this action regarding the relationship between Plaintiff and Defendant, and is unlimited in scope. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request to the extent that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the term "Australian house."

Accordingly, Plaintiff will not produce documents in response to this Request.

4. All receipts, invoices, descriptions of work, and records of payment for any cleaning, repair or replacement of any aspect of the Australian home owned by Mick Doohan and rented by Mr. Depp in 2015.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, as it is not tailored to the subject matter of this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing, because it seeks documents unconnected to the claims and defenses in this action regarding the relationship between Plaintiff and Defendant. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request to the extent that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action.

Subject to, and without waiver of the above-stated objections, Plaintiff will produce non-privileged documents and communications, if any, evidencing property damage at the rented home in Australia, and any payments made in connection with any such property damage.

5. Mr. Depp and Ms. Heard's shared notebook/diary, unredacted.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request to the extent that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action. Responding Party further objects to this Request on the grounds that it is vague and ambiguous as to the term "notebook/diary." Responding Party further objects to this Request on the grounds that it seeks

materials that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of the above-stated objections, Responding Party will produce non-privileged materials responsive to this Request.

6. All documents reflecting all efforts by Mr. Depp, or on his behalf, to preserve all video footage from Eastern Columbia Building during the week of May 21, 2016-May 28, 2016.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection.

Accordingly, Plaintiff will not produce documents in response to this Request.

7. All documents supporting in any manner the allegation of the “fake punch” incident as specifically alleged in Paragraph 54 of Complaint.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege.

Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it is overly broad, vague, and ambiguous, including as to the phrase "support in any manner."

Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection.

Subject to, and without waiver of the above-stated objections, Responding Party will produce non-privileged documents responsive to this Request.

8. All communications and drafts relating in any manner to any pre-nuptial agreement between Mr. Depp and Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine, including and especially to the extent that it seeks drafts of legal documents prepared by Plaintiff's attorneys. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it seeks documents that are already in Defendant's possession and/or are equally available to Defendant.

Accordingly, Plaintiff will not produce documents in response to this Request.

9. All communications and drafts relating in any manner to any post-nuptial agreement between Mr. Depp and Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it seeks documents that are already in Defendant's possession and/or are equally available to Defendant.

Accordingly, Plaintiff will not produce documents in response to this Request.

10. Copies of all Wills of Mr. Depp during the period of the marriage with Ms. Heard.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, because, among other reasons, Plaintiff's estate planning is not at issue in this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing. Plaintiff further objects to this Request on the grounds and to the extent that it seeks documents protected by the attorney-client privilege, the work-product doctrine, and any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it seeks confidential,

proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action, including protected financial and estate-planning information.

Accordingly, Plaintiff will not produce documents in response to this Request.

11. All records of the Hicksville trip, including but not limited to, the reservations, pictures and descriptions of accommodations, any pictures of damage to property, all receipts, records of payment and communications relating to the stay, all monies paid, and the reasons for such payments.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing on its face, because, among other reasons, it seeks a vast array of documents that have no legitimate nexus to this action, including a blanket request for "all monies paid," for any reason, "the reasons for such payments," and "all receipts," without any appropriate limitations as to scope. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the meaning of the term "the Hicksville trip," which is not defined.

Accordingly, Plaintiff will not produce documents in response to this Request.

12. Copies of all communications with the hotel in NYC, believed to be the Mark Hotel, in which Mr. Depp stayed with Ms. Kate Moss, including documents and communications relating to the reservations, property damage, receipts, records of payments, and the criminal charges and resolution.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and is not tailored to the subject matter of this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing on its face, because, among other reasons, it seeks a wide array of documents that have no legitimate nexus to this action, including a blanket request for “all communications,” “records of payments,” and “receipts,” without any appropriate limitations as to scope or time. Plaintiff further objects to this Request to the extent that it could be construed to seek documents protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the meaning of the terms “the hotel in NYC,” “the reservations,” and “the criminal charges and resolution,” none of which terms are defined.

Accordingly, Plaintiff will not produce documents in response to this Request.

13. All communications with any third party, including the press, relating to the reasons for Mr. Depp’s upset leading to the property damage at the NYC hotel, including any efforts to “correct” any prior representations.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the meaning of the terms “Mr. Depp’s upset,” “the property damage at the NYC hotel,” which terms are not defined. Plaintiff further objects to this Request on the grounds that it assumes facts not in evidence and lacks foundation for the same.

Accordingly, Plaintiff will not produce documents in response to this Request.

14. All communications by Mr. Depp, Mr. Waldman, or anyone on Mr. Depp’s behalf, to any member of the press, or any twitter account or other social media account or the holder or owner of such accounts.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, because, among other reasons, it seeks “all communications” by Plaintiff, one of his attorneys, or anyone acting on Plaintiff’s behalf, with any member of the press or anyone with a social media account, on any topic whatsoever,

and without any limitations as to time. No reasonable attempt has been made to tailor this Request to seek documents relevant to this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing on its face, because, among other reasons, it seeks any and all communications with third parties including the press or any holder of a social media account, without any appropriate limitations as to scope and subject matter. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds and to the extent it seeks documents and communications by persons other than Plaintiff. Plaintiff further objects to this Request on the grounds that due to its unlimited scope and lack of any nexus to the subject matter of this action, it appears calculated to harass.

Accordingly, Plaintiff will not produce documents in response to this Request.

15. All communications by Mr. Depp, Mr. Waldman, or anyone on Mr. Depp's behalf, to any member of social media.

RESPONSE:

Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, because, among other reasons, it seeks "all communications" by Plaintiff, one of his attorneys, or anyone acting on Plaintiff's behalf,

with anyone with a social media account, on any topic whatsoever, and without any limitations as to time. No reasonable attempt has been made to tailor this Request to seek documents relevant to this action. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing on its face, because, among other reasons, it seeks any and all communications with any holder of a social media account, without any appropriate limitations as to scope and subject matter. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information of Plaintiff and third parties to this action, which are not subject to discovery in this action. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds and to the extent it seeks documents and communications by persons other than Plaintiff. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the phrase "member of social media." Plaintiff further objects to this Request on the grounds that due to its unlimited scope and lack of any nexus to the subject matter of this action, it appears calculated to harass.

Accordingly, Plaintiff will not produce documents in response to this Request.

16. All documents, including photographs, invoices, descriptions of work, receipts and records of payments for any repairs to the bed located in Penthouse 3 of the Eastern Columbia Building, at any time during the year 2016.

RESPONSE:

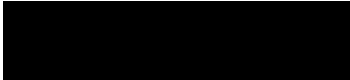
Plaintiff repeats and incorporates by this reference the above-stated General Objections and Objections to Definitions and Instructions as though set forth in full. Plaintiff further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably

calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request on the grounds that it is overly broad, unduly burdensome, and harassing. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege. Plaintiff further objects to this Request on the grounds that it seeks documents protected by the work-product doctrine. Plaintiff further objects to this Request on the grounds that it seeks confidential, proprietary, and private personal and/or business information. Plaintiff further objects to this Request to the extent that it implicates any applicable privilege, immunity, or protection. Plaintiff further objects to this Request on the grounds that it is vague and ambiguous, including as to the phrase "all documents," which does not specify the subject matter of the Request.

Subject to and without waiver of the above-stated objections, Plaintiff will produce non-privileged documents evidencing any repairs to the bed located at Penthouse 3 of the Eastern Columbia Building during the year 2016

Dated: August 3, 2020

Respectfully submitted,



Benjamin G. Chew (VSB #29113)
Camille M. Vasquez (*pro hac vice*)
Andrew C. Crawford (VSB #89093)
BROWN RUDNICK, LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com

- and -

Adam R. Waldman
THE ENDEAVOR GROUP LAW FIRM, P.C.
1775 Pennsylvania Avenue NW, Suite 350
Washington, DC 20006

Counsel for Plaintiff John C. Depp, II

CERTIFICATE OF SERVICE

I hereby certify that on this 31 day of August, 2020, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

A. 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
jtreece@woodsrogers.com

Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT COHEN &
BROWN, P.C.
11260 Roger Bacon Dr., Suite 201
Reston, VA 20190
Phone: 703-318-6800
Fax: 703-318-6808
ebredehoft@cbcblaw.com
cbrown@cbcblaw.com
anahelhaft@cbcblaw.com
dmurphy@cbcblaw.com


Benjamin G. Chew