

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

FILED
MOTION [REDACTED] ET

2021 JUN -9 PM 1:55
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM-PLAINTIFF AMBER
LAURA HEARD'S MOTION TO COMPEL RESPONSES TO TENTH
REQUESTS FOR PRODUCTION OF DOCUMENTS TO
PLAINTIFF AND COUNTERCLAIM-DEFENDANT JOHN C. DEPP, II**

COMES NOW Defendant and Counterclaim-Plaintiff Amber Laura Heard ("Ms. Heard"), by counsel, in accordance with Rule 4:12 of the Rules of the Supreme Court of Virginia, and moves this Court for entry of an Order compelling Plaintiff and Counterclaim-Defendant John C. Depp II to fully produce non-privileged documents in response to Defendant and Counterclaim Plaintiff's Tenth Set of Requests for Production of Documents.

The grounds for this Motion are set forth in the accompanying Memorandum.

CERTIFICATE UNDER RULE 4:12(A)(2)

Pursuant to Va. Sup. Ct. R's 4:1(b)(8) and 4:15(b), Defendant and Counterclaim-Plaintiff, by counsel, certifies that she has conferred with counsel for Plaintiff and Counterclaim-Defendant in an effort to resolve the issues addressed in this Motion prior to placing it on the docket. On January 28, Ms. Heard sent a highly detailed and specific discovery deficiency communication addressing these Requests, and sought meet and confer by phone, which then occurred on February 3, 2021. **Att. 1.** The meet and confer was not successful and Mr. Depp

refused to withdraw any of his objections, leading to this Motion. Ms. Heard therefore fully met and conferred on these Requests for Production by both email and telephone, including multiple follow-up emails in which Ms. Heard clearly asserted her position that the meet and confer was complete and this Motion would be filed unless Mr. Depp sought to reconsider his positions and produce additional documents. **Atts. 2-4.** Mr. Depp also “agreed to review the deposition transcripts from the other prior litigation and ensure that relevant deposition transcripts and/or any that would be used in a deposition in this case would be produced- this applies to Mandel, White, and Dembrowski,” but Mr. Depp produced nothing. **Att. 4, at 2.**

When counsel for Ms. Heard indicated we would be filing this motion and two others that had been in the queue for several months awaiting the transition to this Court, counsel for Mr. Depp falsely claimed that we had not met and conferred and demanded a meet and confer. Ironically, Mr. Depp’s counsel brought up two occasions on which he had previously represented to the Court, falsely, that we had failed to meet and confer. Because we wanted to avoid these false claims, yet again, Ms. Heard’s counsel spent a significant amount of time pulling the evidence reflecting all the communications supporting the meet and confers and email exchanges on each motion, and on June 7, 2021, Ms. Heard confirmed the documentation and history of the meet and confer efforts, but also offered a solution to resolve all of the outstanding motions without the need to file. **Att. 5.** Mr. Depp refused to substantively respond to the very specific issues and proposals in writing, was not prepared to resolve any of the discovery issues, and instead only sought to further delay Ms. Heard filing this Motion without any reason other than not wanting the Court to hear it. **Att. 6.** Significantly, Mr. Depp’s counsel finally admitted there had been meet and confers on the issues of all three motions, but now took issue with the quality and experience of the counsel, and the quality of the meet and confers. **Att. 7.** As was

evident from the communications, Mr. Depp's efforts were solely to delay and prevent these motions from being filed and heard by this Court.

June 9, 2021

Respectfully submitted,



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

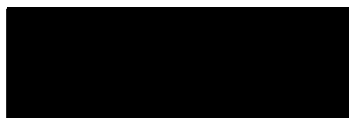
CERTIFICATE OF SERVICE

I certify that on this 9th day of June, 2021, a copy of the foregoing was served by email,
by agreement of the parties, addressed as follows:

Benjamin G. Chew, Esq.
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Counsel for Plaintiff and Counter-Defendant
John C. Depp, II



Elaine Charlson Bredehoft

ATTACHMENT 1

From: [Vasquez, Camille M.](mailto:CVasquez@brownrudnick.com)
To: [David Murphy](mailto:DMurphy@cbcblaw.com)
Cc: [Elaine Bredehoft](mailto:Elaine.Bredehoft@charlsonbredehoft.com); [Adam Nadelhaft](mailto:anadelhaft@cbcblaw.com); [Michelle Bredehoft](mailto:mbredehoft@charlsonbredehoft.com); brottenborn@woodsrogers.com; [Treece, Joshua](mailto:jtreece@woodsrogers.com); [Chew, Benjamin G.](mailto:BCChew@brownrudnick.com); [Crawford, Andrew C.](mailto:ACrawford@brownrudnick.com); [Moniz, Samuel A.](mailto:SMoniz@brownrudnick.com); [Suda, Casey](mailto:CSuda@brownrudnick.com)
Subject: Re: Depp v. Heard- Discovery Deficiency Communication on Ms. Heard's 10th Request for Production of Documents to Mr. Depp
Date: Tuesday, February 02, 2021 10:39:52 AM

David, we're spending an awful amount of time discussing how long the M&C call will be. As I've said previously, we are prepared to discuss each parties' issues tomorrow. If some of us need to jump off, others on the team can step in. We'll speak tomorrow.

On Feb 2, 2021, at 5:25 AM, David Murphy <DMurphy@cbcblaw.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.

Camille,

I would prefer a longer call to ensure we have the opportunity to fully meet and confer on this discovery, but if you contend only an hour is necessary we will work within that and schedule a follow-up meet and confer if necessary. But if you are only available for an hour tomorrow, then we must evenly apportion that hour between the parties. I therefore propose we meet and confer on the 4th RFPs from 12-12:30 with a hard stop at 12:30, then meet and confer on my emails on the 10th RFPs from 12:30-1 PM. Please confirm this understanding for the call.

David E. Murphy
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: Vasquez, Camille M. <CVasquez@brownrudnick.com>
Sent: Monday, February 01, 2021 5:07 PM
To: David Murphy <DMurphy@cbcblaw.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; Treece, Joshua <jtreece@woodsrogers.com>; Chew, Benjamin G. <BCChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>
Subject: RE: Depp v. Heard- Discovery Deficiency Communication on Ms. Heard's 10th Request for Production of Documents to Mr. Depp

David,

We do not believe it will take 2.5 hours to go through the parties' discovery responses. Nevertheless, we are prepared to fully meet and confer with Ms. Heard's attorneys on Wednesday at 9 a.m. PST.

From: David Murphy [mailto:DMurphy@cbcbllaw.com]
Sent: Monday, February 01, 2021 12:58 PM
To: Vasquez, Camille M.
Cc: Elaine Bredehoft; Adam Nadelhaft; Michelle Bredehoft;
brottenborn@woodsrogers.com<mailto:brottenborn@woodsrogers.com>; Treece, Joshua; Chew,
Benjamin G.; Crawford, Andrew C.; Moniz, Samuel A.; Suda, Casey
Subject: RE: Depp v. Heard- Discovery Deficiency Communication on Ms. Heard's 10th Request for
Production of Documents to Mr. Depp

CAUTION: External E-mail. Use caution accessing links or attachments.

Camille,

Thank you for the response. But I noticed the meet and confer was only scheduled for 1 hour. Can we agree to each block off 2.5 hours for this meet and confer call, and to evenly apportion 75 minutes to each parties' discovery? If you believe this is not sufficient time to address both sets of discovery, then we should schedule a longer block of time or at the end of the call agree to a date and time to continue the meet and confer. Please confirm.

Additionally, I inadvertently left out several of the Requests from Ms. Heard's 10th Requests for Production of Documents that are part of this meet and confer, which are addressed below.

1. Request No. 5 and Mr. Depp's 17th Document Production: Mr. Depp objected to this Request on relevance and vague/ambiguous, but included no specifics. If the same individuals who were deposed in the "Other Litigations" are being deposed in this case, the same subject matter is at issue and the documents are relevant. At the meet and confer, please state Mr. Depp's specific bases for these objections.

Mr. Depp also objected that the Court already ruled on this discovery, but the Court only ruled that the previous Request (which did not contain the specific topics) was overbroad. This Request is far more specific. Please also confirm whether Mr. Depp withheld the production of any responsive documents as the Response is unclear, and because Mr. Depp has already produced responsive documents.

This includes the production of deposition transcripts and exhibits from "Other Litigations" at 12:10 PM EST on Thursday, January 28. The timing of this production raises serious concerns, because Mr. Depp waited to produce these documents until after the deposition of Tracey Jacobs began, but still used them in his own examination. As you know, when Ms. Heard objected, Mr. Chew insisted the documents has been produced and Ms. Bredehoft should check with her assistant. But Mr. Chew omitted that they had only just been produced, and that Ms. Bredehoft's assistant was not a recipient of the production email.

All of these deposition transcripts also reveal that Mr. Chew appeared as counsel of record for Mr. Depp, so please identify Mr. Depp's basis for waiting to until after the deposition began. Mr. Depp followed a similar pattern for Trinity Esparza by waiting to produce documents responsive to this Request until less than 24 hours before today's deposition. We want to address and resolve this issue

now, so we can avoid it repeating for other witnesses. If you contend that anything about this record is inaccurate, please identify it at the meet and confer.

2. Request 11: This Request seeks publications evidencing or reflecting negatively on Mr. Depp's reputation. Mr. Depp objected as vague, ambiguous, lacking particularity, overly broad, unduly burdensome, and irrelevant, and because "publications" is undefined. First, Mr. Depp himself served highly similar Requests to this. Second, Mr. Depp alleged damages to his reputation, so these documents are relevant to his reputation at different points in time. Finally, Ms. Heard proposes defining the word "publication" as "any article, blog, or comments from any print or digital media source." At the meet and confer, please confirm whether Mr. Depp withheld the production of any documents based on these objections, as well as respond to these points.

3. Requests 24-25: These Requests seek documents that Mr. Depp contends relate to the Complaint, the Counterclaim, and any defenses (No. 24), and any documents relating to damages claimed by Mr. Depp (No. 25). Mr. Depp objected to these Requests as irrelevant, overly broad, unduly burdensome, vague, ambiguous, and lacking particularity. Mr. Depp then stood on his objections to these Requests and refused to produce documents. First, these Requests are clearly relevant because their plain language limits them to the claims, allegations, defenses, and damages in this case. Second, Mr. Depp himself has served highly similar Requests, including most recently Request No. 5 of Mr. Depp's 6th Request for Production of Documents. Is Mr. Depp agreeing to withdraw this Request and all other similar Requests served by him based on this objection? At the meet and confer, please also confirm whether Mr. Depp withheld the production of any documents based on these objections, as well as respond to these points.

Thank you for your attention to these issues, and I look forward to resolving as many of these issues as possible without having to burden the Court with another discovery Motion.

David E. Murphy
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FX: (703) 318-6808

From: Vasquez, Camille M.
<CVasquez@brownrudnick.com<mailto:CVasquez@brownrudnick.com>>
Sent: Sunday, January 31, 2021 3:07 PM
To: David Murphy <DMurphy@cbcblaw.com<mailto:DMurphy@cbcblaw.com>>
Cc: Elaine Bredehoff
<ebredehoff@charlsonbredehoff.com<mailto:ebredehoff@charlsonbredehoff.com>>; Adam
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<SMoniz@brownrudnick.com<mailto:SMoniz@brownrudnick.com>>; Suda, Casey
<CSuda@brownrudnick.com<mailto:CSuda@brownrudnick.com>>

Subject: RE: Depp v. Heard- Discovery Deficiency Communication on Ms. Heard's 10th Request for Production of Documents to Mr. Depp

David,

We're available for a call on Wednesday, February 3rd at 9 a.m. (PST)/12 p.m. EST.

My assistant, Casey, will circulate a dial in.

From: David Murphy [mailto:DMurphy@cbcbllaw.com]
Sent: Thursday, January 28, 2021 7:43 AM
To: Vasquez, Camille M.; Chew, Benjamin G.; Crawford, Andrew C.
Cc: Elaine Bredehoft; Adam Nadelhaft; Michelle Bredehoft;
brottenborn@woodsrogers.com<mailto:brottenborn@woodsrogers.com>; Treece, Joshua
Subject: Depp v. Heard- Discovery Deficiency Communication on Ms. Heard's 10th Request for Production of Documents to Mr. Depp

CAUTION: External E-mail. Use caution accessing links or attachments.

Camille,

This email serves as a request to meet and confer as to discovery deficiencies in Mr. Depp's objections and responses to Ms. Heard's 10th Requests for Production of Documents. Ms. Heard seeks to schedule a meet and confer on these issues next week on either February 2 (10 AM-4 PM EST), February 3 (10 AM-2:30 PM EST), or February 4 (10 AM-4 PM EST).

The meet and confer should also include your January 25 email. To ensure we can work through all of these matters during this call and meet our meet and confer obligations, I suggest we each block off 2.5 hours, and we can evenly apportion 75 minutes to each parties' discovery. If necessary, we can then schedule a follow-up call to complete the meet and confer on both sides' discovery matters.

As you know, counsel for Ms. Heard is unavailable for Motions on February 12, and with a Motion already on the docket for February 19, that leaves February 26 as the next available hearing date. This leaves us with sufficient time to fully meet and confer on these issues, which we hope we can resolve.

Mr. Depp's General Objections & Objections to Definitions

1. 7th General Objection: Mr. Depp's 7th General Objection objects to producing documents that Mr. Depp contends "are protected from disclosure as being a trade secret or other confidential business or proprietary information...or any applicably right to privacy of Plaintiff or third parties." First, are there actually documents that Mr. Depp is refusing to produce based on this objection? Second, I am not aware that this is a valid objection in Virginia in the first place, and if you contend it is please be prepared to identify authority supporting that position. Third, some of these documents would be covered by the Protective Order in this case. Finally, to the extent any types of documents described in this objection are not covered by the Protective Order, that is no basis to refuse to produce them, particularly because Mr. Depp was the party who refused to extend the protections provided by that Protective Order. Mr. Depp cannot have it both ways by refusing to expand those protections and then use that as a reason to object and refuse to produce documents. Please withdraw this objection and produce any documents withheld based on it.

2. 9th General Objection: Mr. Depp's 9th General Objection reserves the right to produce documents

on a rolling basis, but your January 25 email simultaneously complains about Mr. Heard not yet producing documents in response to the Defendants' 4th Requests for Production. The Defendants cannot have it both ways. Instead, I suggest we agree on a date by which both parties will produce the documents within their custody and control in response to Mr. Depp's 4th Requests and Ms. Heard's 10th Requests, and thereafter supplement based on our duties to do so, which should resolve this issue.

3. Objection j to "Plaintiff and/or Mr. Depp": Mr. Depp objected to this definition including "agents, representatives, employees, assigns, and all persons acting on his behalf." It is unclear if Mr. Depp is just objecting to the extent this definition includes his attorneys as "agents," or if the objection is broader. Ms. Heard does not seek the production of privileged communications and documents exchanged between Mr. Depp and his litigation counsel, but does to the extent this objection goes beyond that. Please clarify the scope of this objection, and if Mr. Depp is refusing to produce documents based on this objection.

Mr. Depp's Identical Boilerplate Objections Made to Many Discovery Requests

1. Boilerplate Objection to Producing "confidential, proprietary, and private personal and/or business information": Mr. Depp asserted this objection to nearly every Request, without any specificity whatsoever. Ms. Heard incorporates by reference her response to Mr. Depp's 7th General Objection identified above.

2. Boilerplate Objection on "any other applicable privilege, immunity, or protection": Mr. Depp asserted this objection to nearly every Request, without any specificity whatsoever. As Mr. Depp specifically asserted an attorney-client privilege and work product objection to every Request, it is unclear what this boilerplate objection addresses. The objection also does not meet the specificity requirements of Va. Sup. Ct. R. 4:9(b)(ii): "If objection is made to part of an item or category, the part shall be specified and production shall be permitted as to the remaining parts. An objection must state whether any responsive materials are being withheld on the basis of that objection."

While Ms. Heard contends any specificity on this objection is now waived, please be prepared to specifically identify the "other applicable privilege, immunity or protection" upon which Mr. Depp is relying for each Request containing this objection so we can fully meet and confer on the issue and Ms. Heard can evaluate whether it is covered by this boilerplate objection. Otherwise, these objections should be withdrawn.

3. Boilerplate Objection on "Vague and Ambiguous": Mr. Depp asserted this objection to nearly every Request, but declined to identify what was vague or ambiguous about any of the Requests, so this objection does not meet the specificity requirements of Va. Sup. Ct. R. 4:9(b)(ii) and is waived. However, at the meet and confer please be prepared to specifically identify what Mr. Depp contends is vague or ambiguous about each Request, so we can fully meet and confer on the issue and Ms. Heard can evaluate whether it is covered by this boilerplate objection. Otherwise, these objections should be withdrawn.

4. Boilerplate Objection on "lacking in reasonable particularity": Mr. Depp asserted this objection to nearly every Request, but declined to identify what portion of each Request lacked reasonable particularity, so this objection does not meet the specificity requirements of Va. Sup. Ct. R. 4:9(b)(ii) and is waived. However, at the meet and confer please be prepared to specifically identify what Mr. Depp contends lacks reasonable particularity about each Request, so we can fully meet and confer on

the issue and Ms. Heard can evaluate whether it is covered by this boilerplate objection. Otherwise, these objections should be withdrawn.

Mr. Depp's Further Objections to Numbered Discovery Requests

1. Requests 1-4: In addition to what is addressed above, Mr. Depp objected to these Requests as seeking irrelevant information and not being narrowly tailored to the claims and defenses in this case. First, Requests 1 and 3 only seek documents "relating in any manner to Ms. Heard, and are therefore narrowly tailored to seeking documents relevant to the claims and defenses in this case.

Second, Requests 2 and 4 seeking contracts between Mr. Depp and these entities are relevant to any property damage or physical harm/injuries caused by Mr. Depp while traveling under any arrangements made by ALTOUR or Eyes on U, LLC- for example, Mr. Depp's conduct on the Boston Plane Incident. They are also relevant to the fees charged to Mr. Depp for these travel arrangements to discover whether they increased as a result of Mr. Depp's past conduct while traveling, including any costs of insurance or required insurance that Mr. Depp must obtain on his own behalf for the same reasons.

2. Request 6: This Request only seeks the documents upon which Mr. White relied in preparing and then producing documents EWC 1-52. First, I do not understand the Defendants' objection that this Request "amounts to a blanket request for documents related to Plaintiff's income over a period of many years," unless those are the documents upon which Mr. White relied in preparing EWC 1-52.

Second, documents Mr. White "relied on" in preparing EWC 1-52 have clearly already been excerpted and organized- otherwise, how else could Mr. White have relied on them? This also takes care of the "unduly burdensome to compile" objection, because if relied on by Mr. White they have already been "compiled," and if he relied on them to prepare documents produced by Mr. Depp they are clearly relevant.

Third, please identify why the attorney-client privilege or work-product would apply to these documents, as Mr. White is not Mr. Depp's attorney, nor were the documents he apparently relied on prepared in anticipation of litigation.

Fourth, the Defendants objected that this Request seeks "expert discovery that is premature," which Ms. Heard reads as an indication that Mr. White will be designated as an expert for Mr. Depp. If that is the case, this is yet another basis that those "relied on" documents should be produced, and Mr. Depp cannot rest on waiting to produce underlying factual documents just because they might be referred to in a future expert report. The Court has already explicitly ruled on this issue on July 10 2020 ("I understand that the opinions of an expert don't need to be disclosed at this time unless those opinions have been disclosed to counsel...But the underlying facts as to damages, those are certainly some things that are within his knowledge at this time").

3. Requests 7, 9: Mr. Depp confusingly objected to Request 7 seeking documents consulted or relied

upon by an expert identified by you as overbroad, burdensome, harassing, irrelevant, privileged, work product, and “beyond the scope of discovery.” Mr. Depp also objected to Request 9 seeking the cv’s or resumes of any identified experts, and Mr. Depp objected for the same reasons. Ms. Heard incorporates by reference her fourth argument in response to Request No. 6, and these documents should be produced. Otherwise, please explain how Mr. Depp can maintain these objections.

4. Request 8: This Request seeks the production of documents supporting Mr. Depp’s claim for attorney’s fees, which he has now explicitly asserted as his Eleventh Defense. Given that Mr. Depp’s anti-SLAPP defense has now been dismissed, we will not seek any such documents. If you are contending that Mr. Depp is still entitled to attorneys’ fees, please state your reasons. Note that if you are maintaining that Mr. Depp is still entitled to attorneys’ fees, Ms. Heard does not seek the production of these documents now, but if Mr. Depp does not withdraw this Eleventh Defense he must produce these documents at the appropriate time. Please clarify the objections based on these points.

5. Request 10: This Request seeks documents supporting or relating to each Defense asserted by Mr. Depp. Because Mr. Depp objected to this Request as overbroad, burdensome, relevance, and lacking particularity, Ms. Heard has now served a specific Request for each Defense asserted by Mr. Depp in her 11th Requests for Production. If the Defendants also object to those Requests when due, we will be in another situation where the Defendants are attempting to have it both ways. However specifically styled, it should not be objectionable for Mr. Depp to produce documents supporting or relating to his own Defenses. Please clarify how Mr. Depp will produce these documents whether in response to this Request or the served 11th Set of Requests.

6. Requests 12-14: These Requests seek documents reflecting the reasons for any loss of reputation, loss of roles, or loss of commercial opportunities from the date of the op-ed through the present. Despite Mr. Depp’s objections, these are the exact damages alleged by Mr. Depp himself in ¶¶ 83, 95, and 105 of the Complaint. If Mr. Depp is withdrawing his demand for these alleged damages, please clarify that in writing so there is an appropriate record. If Mr. Depp is not withdrawing his demand for these damages, please explain how he can claim these documents are not relevant, vague and ambiguous, and lack reasonable particularity.

7. Requests 15-18: Requests 15-16 seek communications from studios, companies, producers, directors, or other potential sources of income in response to the divorce action filed by Ms. Heard in May 2016 and the 2018 Sun Article. Request 18 seeks these same communications in response to the November 2, 2020 UK Court Judgment. Finally, Request 17 seeks these same communications in response to the op-ed at issue in this case. As Mr. Depp is alleging that he was damaged solely as a result of Ms. Heard’s December 18, 2018 op-ed, any damage to Mr. Depp’s career between May 2016 through December 17, 2018 (Nos. 15-16) or damage caused by the UK Court Judgment (No. 18) is relevant to testing Mr. Depp’s own damages causation theory and burden in this case, and Ms. Heard is entitled to these documents to test that theory.

8. Requests 19-20: These Requests seek payments made by Mr. Depp to David Kipper (No. 19) and a specific list of individuals (No. 20). The Court has already ruled that payments to individuals who may be “potential witnesses” are relevant and discoverable in this case (“The transactions where they might be receiving money, that would be appropriate, I think, if they’re going to be potential witnesses and they’re being paid or they have a source of income.”). Therefore, any witness identified as having relevant knowledge by Mr. Depp in response to a witness interrogatory is subject to this discovery, and these documents should be produced. If Mr. Depp intends to contest this prior ruling from the Court or that it somehow does not apply, please be prepared to identify the reasons for this position.

9. Request 21: This Request seeks all photographs, video tapes, audio tapes, or any other recordings "that include Ms. Heard." Mr. Depp objected on relevance, overly broad, burdensome, and harassing, but any of these documents that include Ms. Heard are clearly relevant. Please be prepared to explain at the meet and confer why this Request is subject to these objections when only requested if including Ms. Heard.

10. Requests 22-23: These Requests seek documents on agreements, payments, and communications to computer, internet, or social media services (including twitter, Instagram, Facebook, and LinkedIn) from January 1, 2016 to the present. The Defendants objected, but these Requests are relevant to Ms. Heard's allegations concerning Mr. Depp's (and his agents') social media conduct and its relationship to Ms. Heard's allegations of malice for purposes of both defamation and punitive damages. Counterclaim, ¶¶ 6-16, 67-72. Please produce these documents, or at the meet and confer explain why these documents are not relevant to those specific allegations from the Counterclaim.

Thank you for your attention to these issues, and I look forward to resolving as many of these issues as possible without having to burden the Court with another discovery Motion.

David E. Murphy
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Reston, Virginia 20190
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this communication in error, please notify Brown Rudnick LLP, (617) 856-8200 (if dialing from outside the US, 001-(617)-856-8200) and purge the communication immediately without making any copy or distribution.

To the extent Brown Rudnick is a "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) you have provided to us in this and other communications between us, please see our privacy statement and summary here<<http://www.brownrudnick.com/privacy-policy/>> which sets out details of the controller, the personal data we have collected, the purposes for which we use it (including any legitimate interests on which we rely), the persons to whom we may transfer the data and when and how we intend to transfer it outside the European Economic Area.

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ATTACHMENT 2

From: Elaine Bredehoft
To: Chew, Benjamin G.
Cc: Adam Nadelhaft; Ben Rottenborn; Joshua Treece; David Murphy; Vasquez, Camille M.; Crawford, Andrew C.
Subject: RE: Meet and Confer re Purported Service of the Waldman Subpoenas in D.C.
Date: Thursday, February 18, 2021 11:04:39 AM

Ben: I do not know how you could have met and conferred with me on Waldman's DC deposition, given that you claimed yesterday to have never received it, so we re-forwarded you the email David Murphy sent you on January 28 with all the materials. If you are trying to refer to our discussion in December, that was addressing 1) whether we would withdraw our Motion to Compel and instead, serve Mr. Waldman at his address in DC, which you and Camille confirmed was the correct one; and 2) whether we would agree not to take Mr. Waldman's deposition at all. We then had a Court hearing on this, and the Court agreed with you that we needed to serve a subpoena, and disagreed with you that Mr. Waldman was immune from being deposed.

So we served the subpoena in DC at the address you and Camille confirmed Mr. Waldman could be found. We have had no discussion since then, and you asked us to re-send you the papers that were earlier sent to you.

David Murphy will be back on Monday. I did not conduct the research and cannot address the legal issues, and do not have the "bread crumbs" to be versed in this, and there is no reason you cannot wait two business days to speak with David.

I do not have an army of lawyers. Instead, we are a very small firm, and I have many times expressed how I wish I could steal a few of your lawyers. Ben and Josh have been very busy on other cases, and have had limited ability to step in, and I am grateful when they can. You have three lawyers in each of our depositions, to our one. You have just entered the appearance of even more lawyers in this case. So the claim of disparity is quite the opposite. And not really germane to the issue.

Once you have had a chance to speak with David and learn of the legal bases for our believing we have properly served Mr. Waldman, hopefully that will resolve the issue. We also indicated that we are happy to work with Mr. Waldman and

his counsel on any scheduling issues. So there is no reason to rush to file a motion before the requisite meet and confer.

You and I talked about sharing the motions docket back in September and agreed that we would seek to even out the dates. If you review the motions, including two dates you asked us to reserve for your motions and then you did not file any, you will see that I have honored our agreed to share equally the Fridays. I am asking you to continue to honor that agreement, and based on that agreement, we are entitled to the next two available Fridays, since you scheduled the Feb. 26 and March 19 Fridays. Again, if you do not agree to this, let me know what day next week you are available for Calendar Control, so we can schedule this for Chief Judge White to resolve.

On the motions we would like you to reserve for March 26 and April 9 (the next two Fridays available after your two motions the previous available Fridays), and we have indicated which motions we plan to file.

We have already had a meet and confer on the 10th RFPs. We want to include the 11th RFPs – these were predominantly asking for your documents supporting your Affirmative Defenses and denials on the Counterclaim. You provided no documents. We have asked to include that in the Meet and Confer this Friday, so it will be ripe for filing, unless you agree to produce these documents.

On the expert witnesses, we have already indicated the issues, and asked for the meet and confer. This is not a surprise to you, as when you earlier filed an Expert Designation in this case, Ms. Heard's counsel filed a motion to strike, citing the specific controlling Virginia case law (i.e., Crane v. Jones) and the Rules. Your Expert Designation changed little from the earlier one, other than adding more experts with the same flaw of not providing the opinions and bases for the Opinions.

I hope this clarifies for you and you reconsider. If not, please let me know your availability for Calendar Control next week.

Thanks Ben. Elaine

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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Thursday, February 18, 2021 10:14 AM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Adam Nadelhaft <anadelhaft@cbcblaw.com>; Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; David Murphy <DMurphy@cbcblaw.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Subject: Meet and Confer re Purported Service of the Waldman Subpoenas in D.C.

Dear Elaine,

We have already met and conferred with you twice on the improper Waldman D.C. subpoena, so we have discharged our obligation. Moreover you have a small army of attorneys at at least two law firms working on this case, so Mr. Murphy's absence should not preclude your doing the right thing and acknowledging that Ms. Heard needs to serve Mr. Waldman as the Rule clearly states. (And in this age of computers, Mr. Murphy doubtless left sufficient electronic bread crumbs you could follow as to his research of an issue that is anything but complex.) Finally, the immediacy of the return dates for the Waldman documents and deposition mandate Mr. Depp's proceeding right away, as he is the holder of the attorney-client privilege Ms. Heard improperly seeks to invade.

With respect to taking up motions days, Ms. Heard, as you know, has practically monopolized the calendar, often with frivolous motions like the one she set for this Friday. Appoint a conciliator at this stage, which I told you right after you suggested it Mr. Depp does not want, really? It was Ms. Heard who, at the beginning of the case, moved Chief Judge White to assign a judge to this case, which he did, so she is estopped from complaining about the consequences of her choice.

We would have to litigate this case for years- which no one wants- for Mr. Depp to catch up in terms of the number of Friday motions, so we do NOT agree to your proposed schedule, nor do we reserve

those dates, especially as we have not even met and conferred about the 11th and 12th RFP's and Mr. Depp's expert designations, which we served fewer than 40 hours ago.

Best regards,

Ben

Sent from my iPhone

On Feb 18, 2021, at 9:41 AM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.

Ben: The attorney responsible for research and able to discuss the legal bases for the service on Waldman, David Murphy, is on vacation this week and will be returning on Monday, so we request that you schedule a meet and confer with David when he returns before filing any motion.

In addition, you have taken the next two available Fridays for your Motions (without even consulting us on availability, I might add). Per our earlier agreement, we are supposed to split up and evenly distribute our Friday motions. We plan to file a Motion to Compel based on the 10th and 11th RFPs and set that down for Friday, March 26, and to file a Motion to Strike your Experts (to the extent we cannot agree) and set that down for April 9. This will even out the Fridays to that point. Then you can schedule your next motion for April 16 and we would get April 23. Please reserve March 26 and April 9 for our motions. If you are not in agreement with this, please let me know your availability for a Calendar Control call with Chief Judge White for early next week to address this.

Thank you for your anticipated cooperation. Elaine

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From: Chew, Benjamin G. <BCheW@brownrudnick.com>
Sent: Thursday, February 18, 2021 9:27 AM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Ben Rottenborn <broddenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Carla Brown <cbrown@charlsonbredehoft.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Subject: Meet and Confer re Purported Service of the Waldman Subpoenas in D.C.

Good morning, Elaine,

Mr. Depp plans to file tomorrow a motion to quash the Waldman subpoena (for documents and testimony) because effective service has not been made under the D.C. Rules. I am reaching out in accordance with D.C. Rule 12-I which requires that we ascertain whether you will consent to the relief sought prior to filing our motion. Please advise if you will consent and proceed with proper service of Mr. Waldman under the D.C. Rules.

As you know, the subpoena was issued pursuant to D.C. Code Section 13-443 and Rule 28-I. Those rules require that subpoenas be served in accordance with Rule 45. See, e.g., Rule 28-I ("A subpoena issued by a clerk under Rule 28-I(b)(1) must be served in compliance with D.C. Code § 11-942 (2012 Repl.) and Rule 45."). Rule 45 in turn states "Serving a subpoena requires delivering a copy to the named person..." This requires personal service. See, e.g. Pulley v. U.S., 532 A.2d 651 (D.C. 1987), which we attach hereto for your convenience.

It appears that by mailing copies of the subpoena to Mr. Waldman and leaving a copy on the Superior Court's drop box, you are purporting to rely on D.C. Superior Court Rule 5, which is NOT the applicable rule here.

If you have any authority supporting your contention that Mr. Waldman was validly served, please provide it ASAP. Otherwise we ask that you send us written confirmation that the subpoena has not yet been validly served and that you will proceed, if at all, with in person service as is required.

If you force us to file the motion to quash, we will seek sanctions, as we did the last time Ms. Heard sought to enforce an improper notice of deposition compelling Mr. Waldman's appearance, and Chief Judge White granted Mr. Depp's motion to quash, denied Ms. Heard's motion to compel, and ordered your client to reimburse Mr. Depp's costs and attorneys' fees incurred in prosecuting that motion and in defending Ms. Heard's motion.

Best regards,

Ben

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ATTACHMENT 3

From: Elaine Bredehoff
To: bc Chew@brownrudnick.com; Vasquez, Camille M.; Crawford, Andrew C.; Moniz, Samuel A.; Presiado, Leo J.
Cc: Adam Nadelhaft; David Murphy; btrottenborn@woodsrogers.com; jtreece@woodsrogers.com; cmariam@qrsn.com; Michael Dailey; Hazel Mae Pangan; jcoogger@qrsn.com; Kristin Blocher; Michelle Bredehoff
Subject: 10th RFPs, 11th RFPs, Expert Witness RFPs, and Scheduling Expert Witnesses
Date: Thursday, February 18, 2021 8:20:28 AM

Ben et al:

We are following up on the meet and confer respecting the 10th RFPs. We have not received any documents in response to the 10th RFPs. Please let us know if you plan to produce anything responsive to these, what and when.

We have received your objections to the 11th RFPs. These are the requests primarily dealing with your evidence/documents supporting your Affirmative Defenses and select denials to the Counterclaims. Clearly these are relevant and should be produced. We would like to schedule a meet and confer on these asap. I note you suggested on another email Friday afternoon. Let's add these to the list.

We have also received your Expert Designations. We believe these are not compliant with the requirements of the Virginia Supreme Court Rules and we ask you to withdraw them. Specifically, they do not provide the specific opinions of the experts and the bases for their opinions. We would like to include this in the meet and confer as well. For those you do not agree to withdraw, we are requesting dates for their depositions. In addition, we have a number of expert witness requests outstanding that should have been provided with your Expert Designations, as your responses to these indicated they would be produced in accordance with the scheduling order. The requests are as follows:

2nd RFP 17, 18

17 - Copies of any reports, written memoranda or notes prepared by each expert witness
You will or may call as a witness at trial of this matter.

18 - Copies of any journal articles, learned treatises, periodicals, pamphlets, or any other

type

of publication that each of Your expert witnesses or specialists has used or relied upon in forming his or her opinions in this case, or that You otherwise will or may use at trial.

10th RFP 7.9

7 - All documents consulted and/or relied upon by any expert identified by you, in providing any opinions in this case, including anything supporting the bases for such opinions.

9 - To the extent not already produced, copies of all current c.v.s or resumes of any expert witness identified by you.

Plaintiff will comply with his obligations with respect to expert discovery in accordance with the timelines and parameters of Virginia law.

We would appreciate your letting us know when you intend to produce these materials. In the event you are not producing them forthwith, we would like to include these in the meet and confer as well.

Thank you for your consideration. I look forward to hearing from you on these issues, including dates and specific positions.

Elaine

Elaine Charlson Bredehoft

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ATTACHMENT 4

4



From: Hazel Mae Pangan
To: "Moniz, Samuel A."; "Chew, Benjamin G."; "Crawford, Andrew C."; "Presiado, Leo J."; "Vasquez, Camille M."; "Suda, Casey"; "Meyers, Jessica N."
Cc: Craig Mariam; Elaine Bredehoft; Sonia Chen; Sebastian van Roundsbury; John Cogger; "brottenborn@woodsrogers.com"; Kristin Blocher; "jtreece@woodsrogers.com"; Carla Brown; Adam Nadelhaft; David Murphy; Michael Dailey
Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP
Date: Friday, February 19, 2021 9:38:47 PM

Sam and Camille,

Thanks for your time this afternoon. Here's a recap of our discussion:

1. Edward White/Edward White & Co. LLP:

- a. You agreed to provide a deposition date during the first week of April and asked us to propose dates during that week that work for us; we will revert with dates. We indicated that any apparent disagreement on the PMK designee topics does not preclude setting and confirming a deposition date.
- b. On the issue of privilege logs, your position is that communications with litigation counsel dating back to the divorce action need not be logged. Mr. Depp maintains that communications between him and Mr. White may be privileged if they are communicating information obtained from an attorney, and that Mr. White did engage in these types of discussions with Mr. Depp because White acted as Mr. Depp's business manager. We indicated our disagreement with our position on the applicability of the privilege and requested that you provide the authority citations for such. You proposed producing documents falling into these communications categories with redactions along with a privilege log corresponding to the redactions, and that the privilege log will include information about the redacted document that permits us to evaluate whether the privilege (without conceding the propriety of its application) is appropriately asserted. You agreed to provide a proposed privilege log protocol in writing with the next week. You indicated that Mr. Depp is taking this position on privilege on communications not just between him and Mr. White (and his company) but also between Mr. Depp and Ms. Baum, Mr. Carino, and Mr. Wigham. Again, we disagree with the privilege assertions, and we reserve Ms. Heard's rights to challenge the same. We will confer with our VA colleagues on your proposal on the privilege log protocol.

2. **Walt Disney Motion Pictures Group, Inc. ("Disney"):** This deposition has been rescheduled for April 7 at 9 a.m. PT/noon ET, as agreed by the parties. We have informed Disney of this date and will issue an amended deposition notice.
3. **Sean Bett document production and deposition:** We indicated that we need to move this deposition and proposed March 15, but you indicated that right now, that date is not open because you are noticing other depositions for that date. You also agreed to check with Mr. Bett to see if he is available on March 15 or other dates. Please provide Mr. Bett's availability as soon as possible. On his document production, you stated that you are not done looking for documents but that your assessment is that Mr. Bett did not keep many documents. You agreed to complete his production or otherwise provide a declaration that the production is complete within the next week, and in any event, well in advance of Bett's deposition.
4. **Stephen Deuters document production and deposition:** You represented that it is your

understanding that Mr. Deuters's production is complete and agreed to provide a declaration to this effect within the week. You noted that although his deposition is confirmed for March 16, Mr. Deuters has alerted you that he is scheduled to have surgery, which may occur on a date that might affect his ability to appear on March 16 and may have to reschedule. You will let us know as soon as possible if there is a scheduling conflict.

5. **Jennifer Howell:** Ms. Howell's deposition is confirmed for February 26 at 10:30 a.m. PT/ 1:30 p.m. ET – this time is agreed. You stated and will confirm that Ms. Howell did not make any production to Brown Rudnick and that she provided a declaration that was also disclosed to us.
6. **Erin Boerum:** You confirmed receipt of Ms. Boerum's document production.
7. **Redactions to text messages between Mr. Depp and Ms. Baum:** See above discussion as to privilege regarding Mr. White and his company. You indicated your refusal to produce these texts without redactions, which Mr. Depp claims are based on privilege. We asked for, and you agreed to provide, further information about the redactions so we can evaluate their propriety. You agreed to supply this information on the nature of the redactions as soon as possible, recognizing the time urgency given that Ms. Baum's deposition is on Wednesday, Feb. 24. As for the search and production of text messages, you represented that you performed a complete forensic imaging of Mr. Depp's devices, including i-Cloud accounts without regard to time restrictions. You stated that if there are time gaps between text messages, then no messages were exchanged during that time period.
8. **Expert Designations:** We requested that Mr. Depp withdraw his expert designations served on February 16, 2021 on the grounds that they fail to comply with Rule 4:1 and decisional law because the designations do not sufficiently substantively state the experts' opinions, conclusions, and their factual grounds. You declined to withdraw the designations. We informed you that Ms. Heard intends to move to strike the designations. We note your proposal for a further conference between Ms. Bredehoft and Mr. Chew, and indicated your availability over the weekend.
9. **Mr. Depp's responses to 10th RFP:** You will not agree to produce documents to the requests as phrased, and offered to meet and confer on any proposed narrowing of the requests. You agreed to review the deposition transcripts from the other prior litigation and ensure that relevant deposition transcripts and/or any that will be used in a deposition in this case will be produced – this applies to Mandel, White, and Dembrowski.
10. **Mr. Depp's responses to 11th RFP:** You agreed to produce responsive documents to the extent not already produced. You will confer internally and get back to us over the weekend on the timing of the production. We conferred over Mr. Depp's responses to the document requests regarding the affirmative defenses and denials. You indicated that the requests, namely No. 19, et seq., as they relate to allegations dismissed per the plea in bar against Ms. Heard's counterclaims were not in the scope of discovery. We disagreed with your position on discoverability and/or relatedness to the issues in this case.
11. **Brandon Patterson:** We informed you that we followed up with him recently and he indicated he is still ill and asked us to check back with him in the coming weeks. We will follow up with him next week.

Regards,
Hazel

HAZEL MAE B. PANGAN | Partner

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From: Hazel Mae Pangan
Sent: Thursday, February 18, 2021 4:22 PM
To: 'Moniz, Samuel A.' <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft' <ebredehoft@charlsonbredehoft.com>; Sonia Chen <schen@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; John Cogger <jcogger@grsm.com>; 'brottenborn@woodsrogers.com' <brottenborn@woodsrogers.com>; Kristin Blocher <kblocher@grsm.com>; 'jtreece@woodsrogers.com' <jtreece@woodsrogers.com>; 'cbrown@cbcblaw.com' <cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com' <anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com' <dmurphy@cbcblaw.com>; Michael Dailey <mdailey@grsm.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

Thanks, Sam. We will confirm April 7 with Disney. I am also sending a conference bridge for our meet and confer tomorrow.

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Thursday, February 18, 2021 4:09 PM
To: Hazel Mae Pangan <hpangan@grsm.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft' <ebredehoft@charlsonbredehoft.com>; Sonia Chen <schen@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; John Cogger <jcogger@grsm.com>; 'brottenborn@woodsrogers.com' <brottenborn@woodsrogers.com>; Kristin Blocher

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'cbrown@cbcblaw.com' <cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com'
<anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com' <dmurphy@cbcblaw.com>;
Michael Dailey <mdailey@grsm.com>

Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

Thank you, Hazel. April 7 would work for us for Disney.

brownrudnick

Samuel A. Moniz
Associate

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From: Hazel Mae Pangan [<mailto:hpangan@grsm.com>]
Sent: Thursday, February 18, 2021 10:16 AM
To: Moniz, Samuel A.; Chew, Benjamin G.; Crawford, Andrew C.; Presiado, Leo J.; Vasquez, Camille M.; Suda, Casey; Meyers, Jessica N.
Cc: Craig Mariam; 'Elaine Bredehoft'; Sonia Chen; Sebastian van Roundsburg; John Cogger; 'brottenborn@woodsrogers.com'; Kristin Blocher; 'jtreece@woodsrogers.com'; 'cbrown@cbcblaw.com'; 'anadelhaft@cbcblaw.com'; 'dmurphy@cbcblaw.com'; Michael Dailey
Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

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Sam,

Modification to the proposed Disney dates as follows:

- March 2
- April 5, 6, 7, or 8

I understand that there is proceeding scheduled in the VA court on March 10 that probably affects your side's availability on that day, too.

Thanks.

From: Hazel Mae Pangan
Sent: Thursday, February 18, 2021 10:03 AM
To: 'Moniz, Samuel A.' <SMoniz@brownrudnick.com>; 'Chew, Benjamin G.' <BCheW@brownrudnick.com>; 'Crawford, Andrew C.' <ACrawford@brownrudnick.com>; 'Presiado, Leo J.' <LPresiado@brownrudnick.com>; 'Vasquez, Camille M.' <CVasquez@brownrudnick.com>; 'Suda, Casey' <CSuda@brownrudnick.com>; 'Meyers, Jessica N.' <JMeyers@brownrudnick.com>
Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft' <ebredehoft@charlsonbredehoft.com>; Sonia Chen <schen@grsm.com>; Sebastian van Roundsburg <sroundsburg@grsm.com>; John Cogger <jcogger@grsm.com>; 'brottenborn@woodsrogers.com' <brottenborn@woodsrogers.com>; Kristin Blocher <kblocher@grsm.com>; 'jtreece@woodsrogers.com' <jtreece@woodsrogers.com>; 'cbrown@cbcblaw.com' <cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com' <anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com' <dmurphy@cbcblaw.com>; Michael Dailey <mdailey@grsm.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

Sam,

Further to my email below and regarding Disney's PMQ deposition, we are informed that Disney's witness is out of town between March 19 and April 2. Accordingly, we propose the following dates for the Disney deposition; please advise which date works for your side and we'll notice and confirm same with Disney:

- March 2
- March 10
- March 15

Thanks,
Hazel

From: Hazel Mae Pangan
Sent: Thursday, February 18, 2021 9:21 AM
To: 'Moniz, Samuel A.' <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Suda, Casey

<CSuda@brownrudnick.com>; Meyers, Jessica N.
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Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft'
<ebredehoft@charlsonbredehoft.com>; Sonia Chen
<schen@grsm.com>; Sebastian van Roundsburg
<sroundsburg@grsm.com>; John Cogger
<jcogger@grsm.com>; 'brottenborn@woodsrogers.com'
<brottenborn@woodsrogers.com>; Kristin Blocher
<kblocher@grsm.com>; 'jtreece@woodsrogers.com'
<jtreece@woodsrogers.com>; 'cbrown@cbcblaw.com'
<cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com'
<anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com'
<dmurphy@cbcblaw.com>; Michael Dailey
<mdailey@grsm.com>
Subject: RE: John C. Depp, II v. Amber Laura Heard /
Objections to Subpoena to Edward White and Edward White
& Co., LLP

Sam,

Thank you for adding me to your service list. We are available to confer tomorrow between 2:30 p.m. and 4:30 p.m. Please pick a time in that range and we'll send a meeting notice with a conference bridge.

For Ms. Howell's deposition on February 26 – yes we are in agreement on that date. However, we do require the start time to be 10:30 a.m. PT/1:30 p.m. ET because of a motion hearing also scheduled that day in VA. The deposition will start after the conclusion of the hearing. Please confirm your agreement on the 10:30 a.m. PT start time.

In addition to the items listed in my email, please be prepared to confer tomorrow on the outstanding issues related to expert discovery and the 10th and 11th RFPs as outlined in Elaine's emails from this morning.

Thanks,
Hazel

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Wednesday, February 17, 2021 7:55 PM
To: Hazel Mae Pangan <hpangan@grsm.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Presiado, Leo

J. <LPresiado@brownrudnick.com>; Vasquez, Camille M.
<CVasquez@brownrudnick.com>; Suda, Casey
<CSuda@brownrudnick.com>; Meyers, Jessica N.
<JMeyers@brownrudnick.com>

Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft'
<ebredehoft@charlsonbredehoft.com>; Sonia Chen
<schen@grsm.com>; Sebastian van Roundsburg
<sroundsburg@grsm.com>; John Cogger
<jcogger@grsm.com>; 'brottenborn@woodsrogers.com'
<brottenborn@woodsrogers.com>; Kristin Blocher
<kblocher@grsm.com>; 'jtreece@woodsrogers.com'
<jtreece@woodsrogers.com>; 'cbrown@cbcblaw.com'
<cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com'
<anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com'
<dmurphy@cbcblaw.com>; Michael Dailey
<mdailey@grsm.com>

Subject: RE: John C. Depp, II v. Amber Laura Heard /
Objections to Subpoena to Edward White and Edward White
& Co., LLP

Hazel,

We will add you to our service list in California.

We agree that we should set up a meet and confer, as there are a number of topics that we would like to discuss. What is your availability on Friday afternoon?

With respect to the deposition of Edward White and the PMQ of EWC, we cannot yet identify the designee(s) or provide dates, because we have not yet reached an agreement on the PMQ categories. And to the extent that Edward White is designated to testify on any topics, he will not be produced twice.

With respect to Sean Bett and Stephen Deuters, I believe (but will confirm) that the Deuters production is complete, and will provide you with an update on the Bett production on Friday. We can discuss any issues you have regarding Robin Baum on Friday also.

In addition, we also need to confer regarding a number of other matters, including the following:

- We are still waiting for your office to provide us with dates for the Whitney Henriquez deposition, which were last requested on February 4th. We ask that you please do so as soon as possible.
- Various depositions have been postponed, including the deposition of Disney's PMQ and Brandon Patterson, and we ask that you provide an update on your office's efforts to reschedule.
- We previously noticed the Jennifer Howell deposition for 9:00 a.m. on February 26th. Based on the amended notices received from your office this afternoon, I assume that we are now in agreement that the deposition will proceed on that date, but I note that our notice sets a start time of 9:00 and yours of 10:30 -- please advise if there is any reason why you are requesting a later start time.
- We understand that Erin Boerum previously made a document production to Ms. Heard, which we have not received. Please confirm whether any documents from Ms. Boerum (or any other third party) have been received by Ms. Heard without production to us, and immediately produce any such documents. We would like confirmation on Friday that no third party productions are still being withheld.

Thank you,
Sam

brownrudnick

Samuel A. Moniz
Associate

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smoniz@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Hazel Mae Pangan [<mailto:hpangan@grsm.com>]
Sent: Wednesday, February 17, 2021 1:57 PM
To: Chew, Benjamin G.; Crawford, Andrew C.; Presiado, Leo J.; Vasquez, Camille M.; Moniz, Samuel A.

Cc: Craig Mariam; 'Elaine Bredehoft'; Sonia Chen; Sebastian van Roundsburg; John Cogger; 'brottenborn@woodsrogers.com'; Kristin Blocher; 'jtreece@woodsrogers.com'; 'cbrown@cbcbllaw.com'; 'anadelhaft@cbcbllaw.com'; 'dmurphy@cbcbllaw.com'; Michael Dailey
Subject: RE: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

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Dear Counsel:

We have not received a response from you on the items outlined below. Please advise ASAP, especially as to the scheduling of Mr. White and his company's depositions, which were supposed to occur today. We also need your proposed privilege log protocols.

Separately, please provide your availability for a meet and confer telephone conference to discuss the redactions and time gaps in the production of text messages between Mr. Depp and Ms. Baum. As you know, Ms. Baum's deposition was rescheduled because of the eleventh hour production of these text messages during yesterday's deposition. We agreed to discuss these redactions before her rescheduled deposition.

Thank you.

Regards,
Hazel Pangan

From: Hazel Mae Pangan
Sent: Friday, February 12, 2021 1:52 PM
To: 'BChew@brownrudnick.com' <BChew@brownrudnick.com>; 'ACrawford@brownrudnick.com' <ACrawford@brownrudnick.com>; 'LPresiado@brownrudnick.com' <LPresiado@brownrudnick.com>; 'CVasquez@brownrudnick.com' <CVasquez@brownrudnick.com>; 'SMoniz@brownrudnick.com' <SMoniz@brownrudnick.com>
Cc: Craig Mariam <cmariam@grsm.com>; 'Elaine Bredehoft'

<ebredehoft@charlsonbredehoft.com>; Sonia Chen
<schen@grsm.com>; Sebastian van Roundsburg
<sroundsburg@grsm.com>; John Cogger
<jcogger@grsm.com>; 'brottenborn@woodsrogers.com'
<brottenborn@woodsrogers.com>; Kristin Blocher
<kblocher@grsm.com>; 'jtreece@woodsrogers.com'
<jtreece@woodsrogers.com>; 'cbrown@cbcblaw.com'
<cbrown@cbcblaw.com>; 'anadelhaft@cbcblaw.com'
<anadelhaft@cbcblaw.com>; 'dmurphy@cbcblaw.com'
<dmurphy@cbcblaw.com>

Subject: RE: John C. Depp, II v. Amber Laura Heard /
Objections to Subpoena to Edward White and Edward White
& Co., LLP

Dear Counsel:

We write to meet and confer regarding your objections to the deposition notices to Edward White, Edward White & Co. LLP, and Disney. We also require your response as to certain outstanding discovery items outlined below.

1. Edward White/Edward White & Co. LLP

- a. You have objected to the February 17, 2021 deposition dates for these third parties whom you represent, indicating neither you nor the witness(es) are available on that date. So that we can promptly reschedule, please provide alternative dates on which you, Mr. White, and the corporate designee of his company are available for deposition.
- b. You have repeatedly demanded protocols privilege log protocols be in place prior to your production of any log in conjunction with the document production of Mr. White and Edward White & Co. LLP. As previously requested, please provide proposed protocols as soon as possible so that we may evaluate same and come to an agreement regarding such protocols. Agreed-upon protocols and a privilege log issued thereunder should be provided immediately, and well in advance of Mr. White and his company's deposition. Ms. Heard reserves all rights to seek appropriate relief from the court in the event of any irregularities with

respect to the privilege log and production (including any documents improperly withheld).

2. **Walt Disney Motion Pictures Group, Inc. ("Disney")** – although you have objected to Disney's deposition, you have also cross-noticed it for the same date. Notwithstanding, Disney informed us today that its witness(es) are no longer available on February 18, and the deposition is not going forward on this date. Disney has promised to provide alternative dates by February 17. Please also provide your dates of availability for the Disney deposition to facilitate rescheduling.
3. **Sean Bett document production and deposition**
 - a. We have received approximately 30 pages of documents comprising Mr. Bett's document production to date. Please advise when the remainder will be produced.
 - b. Please confirm that Mr. Bett's deposition is going forward on March 17, 2021 at 8:00 a.m. PT as noticed.
4. **Stephen Deuters document production and deposition**
 - a. On January 28, 2021, Mr. Deuters produced documents Bates-stamped DEUTERS00000001 through DEUTERS00000414 (Plaintiff's Production No. 18) in response to the subpoena issued to him. Mr. Deuters appears to have responded, at least in part, to categories 1-3 of the document requests in the subpoena. However, Mr. Deuters has not indicated whether he has any other responsive documents, including specifically in response to document request categories 4-6 and 9. Mr. Deuters also failed to include a Cal. Evid. Code declaration regarding his production. Please confirm whether Mr. Deuters's production is complete, and if so, provide a declaration. If any documents are being withheld, please provide the privilege log protocols ASAP. See also Point 1(b) above, incorporated here by reference, regarding privilege log protocols and Ms. Heard's reservation of rights.

b. Please confirm that Mr. Deuters's deposition is going forward on March 16, 2021 at 9:00 a.m. PT as noticed.

We look forward to your prompt response to the foregoing no later than COB on Tuesday, February 16. Going forward, please include me on your service list for documents served on or otherwise transmitted to my colleagues in California. Thank you.

Regards,
Hazel Pangan

HAZEL MAE B. PANGAN | Partner

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From: Suda, Casey <CSuda@brownrudnick.com>

Sent: Wednesday, February 10, 2021 4:15 PM

To: brottenborn@woodsrogers.com;

'jtreece@woodsrogers.com' <jtreece@woodsrogers.com>;

'ebredehoft@cbcblaw.com' <ebredehoft@cbcblaw.com>;

'cbrown@cbcblaw.com' <cbrown@cbcblaw.com>;

'anadelhaft@cbcblaw.com' <anadelhaft@cbcblaw.com>;

'dmurphy@cbcblaw.com' <dmurphy@cbcblaw.com>; Craig

Mariam <cmariam@grsm.com>; John Cogger

<jcogger@grsm.com>; Kristin Blocher

<kblocher@grsm.com>

Cc: Chew, Benjamin G. <BCheW@brownrudnick.com>;

Crawford, Andrew C. <ACrawford@brownrudnick.com>;

Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez,

Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel

A. <SMoniz@brownrudnick.com>

Subject: John C. Depp, II v. Amber Laura Heard / Objections to Subpoena to Edward White and Edward White & Co., LLP

Counsel,

Please find attached: (1) Objections to Defendant Amber Laura Heard's Notice of Deposition and Deposition Subpoena to Edward White In Action Pending Outside California and (2) Objections to Defendant Amber Laura Heard's Notice of Deposition and Deposition Subpoena to Corporate Designee of Edward White & Co., LLP in Action Pending Outside California.

Thank you,

brownrudnick

Casey Suda
Legal Executive Assistant

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To the extent Brown Rudnick is a "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) you have provided to us in this and other communications between us, please see our privacy statement and summary [here](#) which sets out details of the controller, the personal data we have collected, the purposes for which we use it (including any legitimate interests on which we rely), the persons to whom we may transfer the data and when and how we intend to transfer it outside the European Economic Area.

ATTACHMENT 5

From: [Elaine Bredehoft](#)
To: [Chew, Benjamin G.](#); [Adam Nadelhaft](#)
Cc: [Ben Rottenborn](#); [Joshua Treece](#); [Vasquez, Camille M.](#); [Moniz, Samuel A.](#); [Clarissa Pintado](#); [David Murphy](#); [Michelle Bredehoft](#); cmariam@grsm.com; mdailey@grsm.com; [Hazel Mae Pangan](#)
Subject: RE: Depp v. Heard - detailed documentation of efforts to resolve, meet and confers, and a renewed offer to resolve our outstanding discovery issues ripe for filing
Date: Monday, June 07, 2021 4:10:40 PM

Ben: You completely ignored my detailed, thorough capturing of the history of the communications, including the meet and confers, the dates of the emails and meet and confers and the status. In addition, you ignored my offers to resolve these issues before filing, even though we are absolutely, 100% entitled to file them.

Instead of citing to your client's films, and including extraneous irrelevant information to try to divert, please review my email again – We spent a LOT of time researching the emails and time records to provide a detailed and thorough trail, which we are prepared to share with the Court, reflecting our efforts to resolve and meet and confer. We have documented the meets and confers, so you cannot claim, falsely, that we did not meet and confer. We do not want to request sanctions, but we will, if you falsely claim again, that we did not meet and confer.

Your efforts to request another meet and confer, rather than simply respond to my suggested offers of compromise before filing, evidences that you have no intention of displaying any good faith. Either you will agree to our requested relief on Tracey Jacobs, or you will not. Either you will agree to withdraw objections and produce documents to some or all of the requests, or you will not. We have already gone through this entire process with you, some more than once, MONTHS AGO. We have fully complied with the Rules and we will move forward if you are not interested in changing your earlier positions.

I look forward to hearing from you with specific, direct responses. Elaine

Elaine Charlson Bredehoft
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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Monday, June 07, 2021 2:33 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>
Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; Hazel Mae Pangan <hpangan@grsm.com>
Subject: RE: Depp v. Heard - detailed documentation of efforts to resolve, meet and confers, and a renewed offer to resolve our outstanding discovery issues ripe for filing

Dear Elaine,

Your message belongs in *Through the Looking Glass*, as it does violence to the objectively provable record. To your credit, you start out in a promising vein, acknowledging that Chief Judge *twice* denied Ms. Heard's motions to compel on the ground that you did not bother to meet and confer with us prior to filing as the Rules explicitly require. From there it's all Lewis Carroll, as you suggest without any basis that Chief Judge White was somehow incorrect in his rulings- in fact he relied on emails between counsel- and that I need to double up on my Prevegen because I plumb forgot these chimerical meet and confers.

In fact, you were the one who forgot or chose to ignore Sam Moniz' email to you of last Wednesday requesting a meet and confer about certain discovery deficiencies in Ms. Heard's production, as well as my subsequent message to you that Ms. Heard appears to be in contempt of Chief Judge Azcarate's Order of May 12, 2021, ordering that she produce by no later than Friday, May 28, 2021, all non-privileged documents responsive to Request Nos. 2-4, 5-9, 11-14, 16, 18- 20, 22, 24, 26, 28, 29-33, 37, 38 and 42 of Plaintiff's Fourth Set of RFP's. As to RFP Nos. 18 and 19, the Court overruled Defendant's objections and ruled that, by asserting the advice of counsel defense, Ms. Heard "waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint." Ms. Heard was supposed to have produced all of those documents more than ten days ago.

Equally disturbing, you ignore all together my message to you of 8:22 a.m. today, when I proposed that we "have an omnibus call on outstanding discovery issues on both [sides], to include potential motions and the equitable sequencing of same."

I again invite you and your team to please have a meet and confer so we may talk through these issues and decide upon a sequence for any necessary motions. If Ms. Heard proceeds *for a third time* without a proper meet and confer, and again misrepresents to the Court, that "we have no issues" on our (Plaintiff's) side, Mr. Depp will seek sanctions as he will if you ignore the Court's words at our last hearing and proceed with what would be a "futile" and frivolous plea in bar, which would also be a third strike for Ms. Heard.

I look forward to your prompt response to my repeated invitation. Anytime Wednesday prior to 3:30 p.m. is convenient for me. (I would have recommended tomorrow, but have end-of-school events with both of our sons throughout the day.)

Best regards,

Ben

brownrudnick

Benjamin G. Chew

Partner

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From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Monday, June 7, 2021 1:44 PM
To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbclaw.com>
Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Clarissa Pintado <cpintado@cbclaw.com>; David Murphy <dmurphy@cbclaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; cmariam@grsm.com; mdailey@grsm.com; Hazel Mae Pangan <hpangan@grsm.com>
Subject: Depp v. Heard - detailed documentation of efforts to resolve, meet and confers, and a renewed offer to resolve our outstanding discovery issues ripe for filing

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Ben: This follows my email on Friday. As promised, I have researched the prior emails

and time records reflecting our prior efforts to resolve our discovery issues, including the meet and confers. As you may recall, in the past you have been mistaken in your memory of meet and confers. On one occasion, you convinced Judge White, incorrectly, that there had been no meet and confer, when we had actually had a meet and confer that lasted over two hours. On another occasion, you convinced Judge White, incorrectly, that there had been no meet and confer, when we had TWO meet and confers on the subject. My concern is that you have completely forgotten these, and emphatically claimed otherwise, successfully, to Judge White. I would like to avoid such incorrect claims before Chief Judge Azcarate, and therefore am taking the time to document the history of the meet and confers, so your recollection will be refreshed and you will not claim to the Court, incorrectly, that there has been no meet and confer.

Tracey Jacobs Depositions and Document Production:

To refresh your recollection, your paralegal emailed an unidentified document production with a password protect, leaving out our primary paralegal, while I was taking the deposition of Tracey Jacobs with you. There was no way I would see the document production because I was in the deposition. The omission of the primary paralegal in the case also ensured that I would not become aware of the production during the deposition. The document production included TWO depositions YOU had taken of Tracey Jacobs in the Mandal case and the Bloom case, along with communications with Tracey Jacobs and studios, Depp, and others, all significantly relating to the issues in our case, Depp's drug and alcohol use, lateness and not showing up at all in filming, studios' unhappiness with Depp, significant financial issues surrounding the times of some of the beatings Depp inflicted on Amber Heard, even Tracey's knowledge of issues relating to Depp's conduct. They were extremely significant to our case and I would have definitely used them, had I been aware of them. During the deposition, you introduced some of these documents. When I questioned you on these and said I had not seen them, you very disingenuously, in a patronizing manner, suggested I check with my assistant, suggesting that I and my assistant had them and had just missed them.

We immediately issued RFAs to have you admit the authenticity of the documents, because we were unable to do so because the deposition of Tracey Jacobs had already been taken. You declined to admit the authenticity of any of the documents.

We are seeking your turning over the video depositions of each, and the ability to use the two other deposition transcripts the same as the one taken in this case, for designation purposes in our case. We are also seeking to be able to introduce the

documents produced late without any authenticity or foundation objections.

There have been two meet and confers on this issue: One on February 3 (with David Murphy, Camille Vasquez, Sam Moniz and Andrew Crawford) that lasted 1.5 hours, and one on March 3 that lasted an hour (with me, Adam Nadelhaft, Camille Vasquez, Sam Moniz, Jessica Meyers, and you). When I raised this with you on the March 3 call, Camille said the reason the Tracey Jacobs depositions and documents were produced so late, and during the deposition when I would have no knowledge of or opportunity to review or use, is because you “just became aware of them.” I questioned you on how you could even claim that, given that you, Ben Chew, took both depositions. You did not respond.

I am happy to resolve this – If you will agree, in a Consent Order, that you will produce the video depositions within 10 days, and that you will agree we can use the depositions for designation purposes in the same manner we would be able to use them in this case (and we are fine with you having counter designations), and you will not raise, and will waive, any objections to any of the documents produced on the basis of foundation or authenticity, then we can resolve this. We would require you to confirm your agreement by COB tomorrow, and the Consent Order to be signed no later than Thursday of this week.

10th REQUEST FOR PRODUCTION OF DOCUMENTS:

The Corrected 10th RFPs were served on January 1, 2021 and due January 25, 2021. You served Objections and no responses and have, to date, provided no responsive documents to these RFPs.

David Murphy sent you a very detailed and specific emails on January 28 and February 1, 2021 identifying all of the deficiencies and issues with Mr. Depp’s objections and responses, and requested a meet and confer call where your team would be prepared with responses to those issues. David then conducted that meet and confer with Camille Vasquez, Sam Moniz, and Andrew Crawford, on February 3 for 1.5 hours (the Tracey Jacobs issues were included in this meet and confer as well). Your colleagues refused to withdraw any of the objections or provide any documents.

This February 3 meet and confer also included Mr. Depp’s 4th RFPs, and you then filed a Motion on February 12, nine days later, even though we had agreed to produce

documents. You did not even wait for us to produce the documents, and then, when the Court asked you to re-file your motion with Chief Judge Azcarate, you did not even take into consideration the massive amount of documents we had produced, and our-98 page supplementation.

The status of Mr. Depp's objections and document production to the 10th RFPs and that the parties already met and conferred were also discussed in emails on February 18, February 19, and more recently on April 8. The 10th RFPs are more than ripe for a Motion to Compel.

However, we remain willing to resolve these. Please let us know if you are willing to withdraw your objections to any of these RFPs and produce responsive documents, which ones, and when you would be able to produce, and whether you will enter into a Consent Order respecting the same. Given that we have been discussing these for more than 4 months, you should be able to review and determine this also by COB tomorrow, so we can incorporate into the same Consent Order relating to Tracey Jacobs.

11th Requests for Production of Documents:

The 11th RFPs were served on January 26, and responses and objections were due February 16, 2021. You served only Objections and no responses. To date, you have provided no responsive documents.

On February 18, our California legal team requested adding Mr. Depp's objections to the 11th RFPs to a call they had scheduled for the next day. On February 19, Ms. Pangan, our California counsel, summarized the meet and confer she had with Camille Vasquez and Sam Moniz, confirming they would respond on the timing of any supplemental production. They never responded with any supplemental production. On April 8, in an email to you, I confirmed we had already met and conferred on the 11th RFPs and were prepared to file a Motion "unless you want to reconsider your positions." You did not reconsider your positions, nor did you deny the meet and confer had already taken place.

Again, we remain willing to resolve these. Please let us know if you are willing to withdraw your objections to any of these RFPs and produce responsive documents, which ones, and when you would be able to produce, and whether you will enter into a Consent Order respecting the same. While we have asked for you to provide responses

on the Tracey Jacobs issues and the 10th RFPs by COB tomorrow with a Consent Order executed by Thursday, if you need more time to review and provide us a response to the 11th RFPs, we can agree to that. How about Friday, with an executed Consent Order by next Tuesday, June 15?

12th Request for Production:

These were served on February 8, 2021 and responses and objections were due on March 1. You objected, but provided no responses.

On March 2, I requested a meet and confer to include the 12th RFPs (it also included a follow up on Tracey Jacobs, the ALCU depositions, and the new Scheduling Order). On March 3, 2021, Adam Nadelhaft and I held an hour-long meet and confer with you, Camille Vasquez, Sam Moniz and one other member of your team. On March 3 I emailed you confirming you were no longer taking Ms. Heard's deposition on March 30, 31 and April 1 (which was also discussed in the call) or Mr. Wizner's deposition, of the ACLU. In an email on April 8, while agreeing to provide bates stamp numbers to your 4th RFPs that you were planning to re-file, I wrote the following:

"On the other motions in the queue:

We have already met and conferred on the 10th, 11th, and 12th RFPs and the related RFAs. We have also met and conferred on using Tracey Jacobs' other depositions and documents that were sent during Ms. Jacobs' deposition. All of these are motions we were prepared to file, and intend to bring in turn, unless you want to reconsider your earlier positions."

Again, we remain willing to resolve these. Please let us know if you are willing to withdraw your objections to any of these RFPs and produce responsive documents, which ones, and when you would be able to produce, and whether you will enter into a Consent Order respecting the same. We would be willing to combine these with any agreement and Consent Order respecting the 11th RFPs. Again, how about telling us which objections you will withdraw and documents you will produce, and when by Friday, with an executed Consent Order by next Tuesday, June 15?

4th-5th RFAs: We also discussed these in the March 3 meet and confer, and Sam Moniz

is correct that I indicated I would revisit some of these, especially in light of how the other motions may turn out. We do not intend to file a Motion to Compel on these, because the resolution of the other motions may render many of these moot and we would prefer to not waste the parties' and the Court's time if it is not necessary.

During our hearing on May 28, I correctly stated on the record that the only motions in the queue were ours, and there were 6. You nonetheless opposed the Motion to Stay.

As you may expect, researching and pulling this history, and compiling this detailed email, has taken an extensive amount of time. I felt it was important, in light of the history I referenced above, and to ensure there is a full, accurate record, and to attempt, one more time, to resolve these outstanding discovery issues, ripe for motions.

I will be responding to Sam's Friday email separately, as it involves separate issues.

I look forward to hearing from you. Elaine

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From: Elaine Bredehoft

Sent: Friday, June 04, 2021 11:57 AM

To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece

<jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel

A. <SMoniz@brownrudnick.com>; Clarissa Pintado <cpintado@cbcbllaw.com>; David Murphy

<DMurphy@cbcbllaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: RE: Depp v. Heard

Ben: Your series of email today suggest you are having a really tough day. I have a hearing this afternoon, but I will collect all the evidence of our prior meet and confers on these issues, and respond in detail to your incorrect statements when I have the opportunity.

As to Sam's email, he sent out many, many emails to many people in a short period of time, apparently at your direction, demanding many things from everyone. No one on your team has made even the slightest attempt to convey what you believe is deficient or "in contempt of Court," or what any of your issues are. Sam's email does not list EVEN ONE specific allegedly deficient response. I genuinely believe the email by Sam, followed by yours below, are sent solely for the purpose of harassment and delay, after securing the ruling from the Court not to stay discovery, and knowing we have 6 motions in the queue -- which we have patiently waited to place on the docket, until the Court was able to hear the motions. You succeeded in preventing the stay, so now our motions - covered in meet and confers more than three months ago -- are ripe for resolution.

I suggest you review your emails, time records and notes before further claiming we have not held genuine meet and confers on our 6 discovery topics and confirmed they were ripe for bringing motions. If you believe you have informed us of any specific alleged deficiency in our discovery, please send me the communications. If you confirm you have not -- please do so, and then we can follow the process of trying to resolve the issues, and schedule a meet and confer.

Elaine

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11260 Roger Bacon Drive
Suite 201

Reston, VA 20190
(703) 318-6800
(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcbllaw.com

From: Chew, Benjamin G. <BCheW@brownrudnick.com>
Sent: Friday, June 04, 2021 11:09 AM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>
Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>
Subject: Depp v. Heard

Elaine,

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You misstated the status of discovery to the Court, and if you file a motion today without properly meeting and conferring- something which Chief Judge White found to be the case previously- we will immediately seek sanctions:

This is getting tired and is a terrible example to the junior attorneys.

Ben

Sent from my iPhone

Begin forwarded message:

From: "Vasquez, Camille M." <CVasquez@brownrudnick.com>
Date: June 4, 2021 at 11:00:16 AM EDT
To: "Chew, Benjamin G." <BCheW@brownrudnick.com>
Subject: Fwd: Depp v. Heard

Begin forwarded message:

From: "Moniz, Samuel A." <SMoniz@brownrudnick.com>
Date: June 2, 2021 at 11:03:50 AM PDT
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, mbredehoft@cbcblaw.com, brottenborn@woodsrogers.com, jtreece@woodsrogers.com
Cc: "Chew, Benjamin G." <BCheW@brownrudnick.com>, "Vasquez, Camille M." <CVasquez@brownrudnick.com>, "Meyers, Jessica N." <JMeyers@brownrudnick.com>, "Suda, Casey" <CSuda@brownrudnick.com>
Subject: **Depp v. Heard**

Elaine,

We would like to set up a call in the next week or so to discuss a number of pending issues, including the sufficiency/completeness of Ms. Heard's Court-ordered production this past Friday; Ms. Heard's responses to Mr. Depp's Seventh Requests for Production; Ms. Heard's responses to Mr. Depp's Fourth Set of Interrogatories; and Ms. Heard's ongoing privilege objections with respect to her communications with Eric George.

We also understand that you have a number of discovery motions planned, and would like to meet and confer with you regarding those as well, in an effort to avoid motion practice, or at least narrow the issues to be resolved by the Court.

Please let us know some convenient times this week or next week for a call. Thank you.

Best,
Sam

brownrudnick

Samuel A. Moniz
Associate

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2211 Michelson Drive, Seventh Floor
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ATTACHMENT 6

From: [Elaine Bredehoft](#)
To: [Chew, Benjamin G.](#); [Moniz, Samuel A.](#); [Adam Nadelhaft](#)
Cc: [Ben Rottenborn](#); [Joshua Treece](#); [Vasquez, Camille M.](#); [Clarissa Pintado](#); [David Murphy](#); [Michelle Bredehoft](#); [Presiado, Leo J.](#); [Meyers, Jessica N.](#); [Crawford, Andrew C.](#); cmariam@grsm.com; mdailey@grsm.com; [Hazel Mae Pangan](#)
Subject: RE: Depp v. Heard - Exposing your true motivations for the emails requesting a meet and confer
Date: Monday, June 07, 2021 4:37:57 PM

Ben: Again, you completely ignored my email to Sam, in which I painstakingly parsed through every claim Sam raised, and showed how it was false, not well-grounded, he had obviously not reviewed our discovery responses, objections or documents before sending, and I provided a roadmap for him to review our responses, objections and documents, and then to approach us, in writing, with any specific issues he still has once he has read everything, and then if a meet and confer is appropriate, we will be happy to move forward. In short, your team is nowhere near ready for a meet and confer on the issues Sam raised, and it is obvious they have never reviewed our responses, objections or documents.

In the May 28 hearing, I specifically stated to the Court that we had 6 motions in the queue, ready to file. You opposed a Motion to Stay, but did not claim to have any motions in the queue, because, frankly, you have none. You also said nothing about wanting to move forward with motions or depositions (I re-read the transcript after reading your email – it is not there). Since the Court denied our request for a stay, and we have many motions in the queue, it makes sense to get them on the docket and decided. Placing them on the docket now will also resolve other pending motions, so the timing makes sense.

February, March and April – the months in which we engaged in written emails, meet and confers, and confirmation of the motions in the queue, all come before June 2. So does May 28, where again, we raised that we have these motions ready to file. Once the motion to stay was denied, you realized we would be moving forward with our motions, so you directed Sam to try to create discovery issues and rush a meet and confer, so that you could quick file your motions first, even though ours were ripe and ready for filing literally months ago. You are now trying to do that again through asking for an “omnibus” meet and confer. What would be the point? We have already engaged in multiple meet and confers and our motions are ready to file, and

you are clearly not ready for a meet and confer on any of your issues, since your team has never read any of our responses, objections or documents produced. There is nothing fair, reasonable, or right about your suggestion or conduct.

Notwithstanding, I also provided you with a roadmap to resolve our outstanding motions that have been ready for filing for months. They do not require another meet and confer, and nothing you have said in any of these emails provides any reason why a meet and confer would be at all productive, especially since in all other meet and confers, you have simply refused to provide anything, or have said you would think about it, and then did not provide anything. That is why they are all ripe for filing. We cannot advance the ball without placing them on the docket, unless you change your positions, and enter into Consent Orders to protect our clients.

Please read my email to Sam very carefully. Then please rethink your approach and motivations, and follow the right path forward. Elaine

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www.cbcblaw.com

From: Chew, Benjamin G. <BChew@brownrudnick.com>

Sent: Monday, June 07, 2021 2:47 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>;

cmariam@grsm.com; mdailey@grsm.com; Hazel Mae Pangan <hpangan@grsm.com>

Subject: RE: Depp v. Heard - Exposing your true motivations for the emails requesting a meet and confer

Elaine,

Your message merely underscores the need for the omnibus meet and confer I requested take place Wednesday.

With respect, what you say is not logical:

1. On the one hand you claim to have exigent discovery issues, while on the other you sought a stay so neither side could proceed with discovery, which we opposed base on the fact that we wish to proceed with our pending issues, and depositions, and the fact that Ms. Heard's new plea in bar is completely without merit;
2. Sam Moniz requested a meet and confer two days before you proposed to jump the gun with a motion to compel of your own, and now somehow maintain that he was seeking to manufacture an issue.

Sam is a gifted attorney, but he is not clairvoyant. Nor does Mr. Depp, who actually pays his own legal bills, have any incentive to create discovery issues. Methinks this smacks of projection.

Best regards,

Ben

brownrudnick

Benjamin G. Chew
Partner

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bchew@brownrudnick.com
www.brownrudnick.com



Fellow,
American College
of Trial Lawyers

Please consider the environment before printing this e-mail

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Sent: Monday, June 7, 2021 2:20 PM

To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; cmariam@grsm.com; mdailey@grsm.com; Hazel Mae Pangan <hpangan@grsm.com>

Subject: Depp v. Heard - Exposing your true motivations for the emails requesting a meet and confer

CAUTION: External E-mail. Use caution accessing links or attachments.

Sam: I am disappointed that your email confirms my suspicion that the sole purpose of the earlier email and this one was to quickly “create” a discovery issue or two to rush to file motions to attempt to prevent us from filing the motions we have had in the queue for several months, awaiting the reassignment of the case to Chief Judge Azcarate and then the ruling on the stay of discovery, which you opposed.

I am going to address each of your points below separately:

- “Ms. Heard served blanket objections to our last set of interrogatories”;

It is obvious you never even looked at our Objections to your Fourth Set of Interrogatories before writing this email. The primary objections, upon which we relied and stood, were that Depp has already exceeded the permissible number of Interrogatories under Rule 4:8(g) of the Rules of the Virginia Supreme Court. If you contend you have not exceeded the permissible number, including parts and subparts, please tell me what your count reveals, and how you arrived at that count. Then we may have something to discuss, although I think the counting is pretty clear.

- “Ms. Heard served blanket objections to the majority of our last set of RFPs”; and

Note this is the exact phrase you used for your first point, suggesting this was written as hastily and without ever looking at the Objections and responses. Moreover, what does it even mean? We both have general objections and

specific objections to discovery. Which ones of yours do you consider to be valid? Which do you consider to be blanket? This is hardly a description warranting a meet and confer. If you have specific Requests that you believe we have incorrectly objected to, please let us know, we will review, and if we disagree, we will be happy to discuss in a meet and confer.

- “Ms. Heard appears not to have produced all (or any) documents that were ordered to be produced following the last motion to compel, despite requesting an extra thirty days for that production.”

This one is the most outrageous of all the statements. First, your admission that “Ms. Heard **appears not to have produced all (or any) documents**” says it all. You never even looked at our Second Supplemental responses, or the documents produced, or you would have known this statement is false. Apparently, however, you conveyed this false statement to Ben Chew, resulting in his claiming that we were “in contempt of court.” We take accusations of this nature very seriously and especially when it is obvious on the face of your email that you never, ever, even reviewed our responses, or the earlier responses, or the **IN EXCESS OF ONE MILLION DOCUMENTS we produced that are responsive to these RFPs**. This is while you claim we have not produced “any” documents. We even provided the bate stamp numbers, which you have refused to provide to us in any of your discovery pleadings.

Take the time to review our responses, both the Supplemental and Second Supplemental and be sure to review ALL the documents we provided. If, after you have taken the time to review these, you still believe we have not produced responsive documents in our possession, please let me know which Requests and why you believe this. We will review and consider, and if we disagree, we will be happy to schedule a meet and confer.

“During our meet and confer three months ago, you specifically indicated that you intended to reassess a number of your requests, and would undertake to consider whether some of them could be narrowed to address our concerns. We never heard back from you.”

I have already addressed this in my email to Ben, and cited record evidence contradicting you. However, you are correct that I indicated that with respect

to some of the Requests **FOR ADMISSIONS**, I would re-evaluate in light of how the other motions turned out, as many may be mooted. You conveniently left out the words "for Admissions" in your email. We do not intend to bring any motions to compel on the Requests for Admissions because we believe the other motions need to be resolved first, and may resolve the issues with many of the Requests for Admissions.

"However, we have in fact assessed some of our responses and believe that compromise should be possible on at least some of the requests at issue, warranting further discussion before the Court is burdened with motion practice."

Excellent! Then you should be able to provide us by COB tomorrow with your response to the Tracey Jacobs issues and the 10th RFPs you are now withdrawing your objections to, when you will be able to provide the documents, and enter into Consent Orders reflecting these new positions by you, and for the 11th RFPs and 12th RFPs by Friday, with a Consent Order by next Tuesday. I am glad you are willing to now resolve some of these, after literally months of us trying, without any success.

In the future, I would ask that you take the time to look at the documents and pleadings we have sent you, before making allegations and accusations that are demonstrably false and would have been obvious to you if you had simply taken the time to review them before writing and sending emails of this nature.

Thank you for your anticipated consideration in the future. Elaine

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Reston, VA 20190
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(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcbjlaw.com

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>

Sent: Friday, June 04, 2021 1:12 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>

Subject: RE: Depp v. Heard

Elaine,

I am quite puzzled at your characterization of a standard request for a meet and confer as "harassment." If you were concerned that a phone call with us would cause undue delay, you could have responded promptly, set the meet and confer for this week, and had it over done with by now. Instead, your below email suggests that a deliberate decision has been made—and not for the first time—to simply ignore our request to meet and confer, and proceed full steam ahead with your motions, without making any genuine effort to determine if a compromise is possible.

We will certainly be pleased to send you a more detailed summary of our concerns with Ms. Heard's discovery responses in advance of a meet and confer. In brief, however, our concerns cannot possibly come as a surprise:

- Ms. Heard served blanket objections to our last set of interrogatories;
- Ms. Heard served blanket objections to the majority of our last set of RFPs; and
- Ms. Heard appears not to have produced all (or any) documents that were ordered to be produced following the last motion to compel, despite requesting an extra thirty days for that production.

As for your representation that the meet and confer process on your proposed motions was completed three months ago, we respectfully disagree. During our meet and confer three months ago, you specifically indicated that you intended to reassess a number of your requests, and would undertake to consider whether some of them could be narrowed to address our concerns. We never heard back from you.

However, we have in fact assessed some of our responses and believe that compromise should be possible on at least some of the requests at issue, warranting further discussion before the Court is burdened with motion practice.

Again, we invite you to provide your availability next week to meet and confer. Thank you.

Best,
Sam

brownrudnick

Samuel A. Moniz
Associate

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Best,
Sam

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ATTACHMENT 7

From: [Moniz, Samuel A.](#)
To: [Elaine Bredehoft](#); [Chew, Benjamin G.](#); [Adam Nadelhaft](#)
Cc: [Ben Rottenborn](#); [Joshua Treece](#); [Vasquez, Camille M.](#); [Clarissa Pintado](#); [David Murphy](#); [Michelle Bredehoft](#); [Presiado, Leo J.](#); [Meyers, Jessica N.](#); [Crawford, Andrew C.](#); cmariam@grsm.com; mdailey@grsm.com; [Hazel Mae Pangan](#)
Subject: RE: Depp v. Heard
Date: Tuesday, June 08, 2021 12:59:33 AM

Elaine,

I am in receipt of your emails to me and to Ben Chew earlier today.

First, I take issue with the repeated insinuations of bad faith in your emails over the past several days. It is noteworthy that you have even gone so far as to edit the subject line of your responsive email below so that it reads "exposing your true motivations for the emails requesting a meet and confer." To say that this is a bizarre response to a commonplace request for a meet and confer is an understatement. I am not sure why you now seem to feel the need to litter your professional correspondence with such accusatory language (or what you think this hyperaggressive language accomplishes), but your insinuations are baseless, pointless, and, quite frankly, offensive. The needlessly aggressive tone and content of your emails is all the more puzzling and inappropriate because you have, in fact, failed to adequately meet and confer regarding your proposed motions, as detailed more fully below.

It is our hope that counsel for the parties will be able to engage in a cooperative, productive, and respectful conversation by phone, and that we can work together to at least narrow the discovery issues to be resolved by the Court. To that end, I invite you (now for the third time) to let us know your availability this week to meet and confer by telephone. We will do our best to accommodate your schedule.

In the meantime, please allow the below to briefly address some of our disagreements and the contentions in your prior correspondence.

Ms. Heard's "Corrected" Tenth RFPs

We respectfully disagree that you have adequately met and conferred with respect to the Tenth RFPs. A meet and confer was briefly conducted with David Murphy from your office on or about February 3, 2021, which primarily focused on completely different requests, and a second brief conversation was held with your California co-counsel, Hazel Pangan, later in February. I do not consider either of these conversations sufficient to satisfy your obligation to meet and confer. During our meet and confer on February 3, Mr. Murphy briefly discussed our general objections to the Tenth RFPs, but, to the best of my recollection did not delve into the specifics of the requests in any meaningful way, and made no serious effort to explore a compromise on any request.

Similarly, although we briefly discussed the Tenth RFPs with Ms. Pangan (among numerous other issues), there was no meaningful discussion of any potential compromise. As Ms. Pangan's

subsequent email on February 19, 2021 concedes, we specifically “offered to meet and confer on any proposed narrowing of the requests.” Ms. Pangan apparently did not have authority to offer any meaningful concessions without checking with you – and I do not believe you ever proposed any narrowing of these requests or otherwise followed up (if I have overlooked a substantive proposal from your office, please forward it to me so that I may review it).

That also raises another issue on these meet and confers – quite frequently, we find ourselves talking to attorneys who seem to lack any authority to negotiate anything that does not amount to a complete surrender of our position. Mr. Murphy and Ms. Pangan are undoubtedly both fine attorneys, but I have consistently come away from our conversations with the impression that all decisions on your team, no matter how trivial, are required to be run through you – in which case a meet and confer with anyone else seems to be an exercise in futility, because no one seems to have authority to compromise.

In short, we do not believe that there has ever been a serious engagement on your part in connection with the substance of the Tenth RFPs. That lack of engagement is all the more troubling, considering the patently overbroad and harassing scope of many of the requests. By way of example, the Tenth RFPs include the following requests:

- “All agreements, payments, and communications with anyone providing any type of computer, internet or social media services of any kind to You or on Your behalf, including directed at, to or on behalf of others, from January 1, 2016 through the present.”
- “All communications of any kind with or relating to Twitter, Instagram, Facebook, LinkedIn, and any internet service provider....”

Incredibly, your requests even seek attorney time records and invoices from this litigation:

- “All detailed time and billing records, underlying receipts supporting each expense, and all invoices prepared and billed, from any person or entity providing legal services to you in connection with this Action...”

And, you have asked for a very wide range of documents from multiple other litigations involving Mr. Depp, including litigations with his former attorneys that raise substantial privilege concerns. The overbroad and irrelevant nature of these requests is apparent on their face. Yet we have never received any proposals from you to narrow the scope, or to meaningfully respond to our substantive objections.

Nonetheless, we believe that a compromise on some of these requests ought to be possible, particularly if you are prepared to moderate your positions even slightly. For instance, we may be able to reach agreement on a reasonable subset of documents from other litigations that can be produced, provided that there is a clear nexus between such documents and the issues in this action (See, Request No. 5). If you can articulate an explanation of the relevance of Request Nos. 1-4 (which you have never explained), we are prepared to further discuss those, and may be able to reach

agreement to produce responsive documents (if any). Similarly, an accommodation should be achievable on Request No. 20. And, we remain willing to discuss potential narrowed versions of the remaining requests.

-
Ms. Heard's Eleventh RFPs

-
We are unclear what your specific concerns are with respect to these RFPs. However, to the extent that you are basing your contention that we have sufficiently met and conferred in a brief conversation with your California counsel; I will note the same concern I already noted above—that other than you, no one your team seems to have the authority to make concessions or meaningfully negotiate.

However, we may be willing to reach agreement to supplement our responses to a number of these requests, provided that we can reach some clarity on their scope (see, e.g., Request Nos. 1-14).

-
Ms. Heard's Twelfth RFPs

-
You and I specifically discussed the Twelfth RFPs in March. During that call, you specifically represented that you would undertake to modify or rethink certain requests. For instance, you commented that you agreed that some of the interrogatories/RFAs your predecessor counsel had served may have been inappropriate or tangential to the issues, and agreed to consider revisiting requests such as RFP No. 7 ("Please produce all documents supporting, refuting, or otherwise relating to any of Your responses to Ms. Heard's First Set of Interrogatories"). Similarly, you indicated you would consider the arguments we made during the call that requests related to Mr. Depp's charitable donations were irrelevant.

I do not believe you ever followed up on these points. If you believe that I have missed a substantive communication from your office in which you did so, please forward it to me so that I can consider it.

On a side note, I refer you to the following comment in your email to me below:

"you are correct that I indicated that with respect to some of the Requests FOR ADMISSIONS, I would re-evaluate in light of how the other motions turned out, as many may be mooted. You conveniently left out the words "for Admissions" in your email."

When drafting your email this morning you apparently forgot that you had also indicated that you would revisit the RFPs.

Tracey Jacobs

-
Your arguments regarding the Tracey Jacobs deposition are unfounded and, once again, have not been preceded by an appropriate meet and confer regarding the substantive relief you are apparently seeking in your anticipated motion.

Your concern over the purported inability to authenticate Ms. Jacobs' emails is easily remedied without motion practice. Indeed, there are a number of ways in which you have the ability to authenticate Ms. Jacobs' emails. To state the obvious, Ms. Jacobs was not sending emails to herself; she was emailing other persons, such as Edward White and Joel Mandel, both of whom you have already subpoenaed for deposition. You can authenticate those emails through other witnesses on your deposition list. It is unclear why you believe you need a motion to authenticate these documents, but we can certainly further discuss the issue with you.

We have previously addressed your other complaints about the timing of the Tracey Jacobs document production on several occasions, and have explained that the documents were produced promptly once they were identified as potentially relevant to this action (although it is not clear that they are even responsive to your requests).

Mr. Depp's anticipated motions

Finally, with respect to our own anticipated motions, please allow the below to briefly summarize our concerns.

First, we did in fact review your responses to our Fourth Set of Interrogatories. You did not respond to a single one. We believe that your objection that Mr. Depp has served more than thirty interrogatories is simply incorrect. We are, however, prepared to consider your arguments in defense of that position in the course of our meet and confer.

Second, we similarly reviewed your responses to our last set of RFPs. You objected and failed to respond to 10 out of 12 requests. Again, we do not believe that any of your objections are well-taken, as these RFPs are all directed to core issues in this case, including and especially the authenticity and truthfulness of critical documents purportedly supporting Ms. Heard's claims of abuse.

Third, at the hearing on Mr. Depp's recent motion to compel, and in its subsequent Order, the Court overruled all of Ms. Heard's objections to the discovery at issue, with the exception of three requests (Nos. 39-41). In the subsequent document production, however, Ms. Heard failed to produce categories of documents that are clearly called for in the motion. By way of example, Ms. Heard did not produce any new communications with Eric George, despite the Court's rejection of Ms. Heard's construction of scope of the waiver of the attorney-client privilege associated with her assertion of the defense of advice of counsel. In fact, with the exception of a couple of tax returns, the production you recently made appears to consist of documents that have nothing to do whatsoever with our recent motion.

-
We look forward to your providing a date and time to further meet and confer regarding these issues.

Sam

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Samuel A. Moniz

Associate

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From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Sent: Monday, June 7, 2021 11:20 AM

To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; cmariam@grsm.com; mdailey@grsm.com; Hazel Mae Pangan <hpangan@grsm.com>

Subject: Depp v. Heard - Exposing your true motivations for the emails requesting a meet and confer

CAUTION: External E-mail. Use caution accessing links or attachments.

Sam: I am disappointed that your email confirms my suspicion that the sole purpose of the earlier email and this one was to quickly “create” a discovery issue or two to rush to file motions to attempt to prevent us from filing the motions we have had in the queue for several months, awaiting the reassignment of the case to Chief Judge Azcarate and then the ruling on the stay of discovery, which you opposed.

I am going to address each of your points below separately:

- “Ms. Heard served blanket objections to our last set of interrogatories”;

It is obvious you never even looked at our Objections to your Fourth Set of Interrogatories before writing this email. The primary objections, upon which we relied and stood, were that Depp has already exceeded the permissible number of Interrogatories under Rule 4:8(g) of the Rules of the Virginia Supreme Court. If you contend you have not exceeded the permissible number, including parts and subparts, please tell me what your count reveals,

and how you arrived at that count. Then we may have something to discuss, although I think the counting is pretty clear.

- “Ms. Heard served blanket objections to the majority of our last set of RFPs”; and

Note this is the exact phrase you used for your first point, suggesting this was written as hastily and without ever looking at the Objections and responses. Moreover, what does it even mean? We both have general objections and specific objections to discovery. Which ones of yours do you consider to be valid? Which do you consider to be blanket? This is hardly a description warranting a meet and confer. If you have specific Requests that you believe we have incorrectly objected to, please let us know, we will review, and if we disagree, we will be happy to discuss in a meet and confer.

- “Ms. Heard appears not to have produced all (or any) documents that were ordered to be produced following the last motion to compel, despite requesting an extra thirty days for that production.”

This one is the most outrageous of all the statements. First, your admission that “Ms. Heard **appears not to have produced all (or any) documents**” says it all. You never even looked at our Second Supplemental responses, or the documents produced, or you would have known this statement is false. Apparently, however, you conveyed this false statement to Ben Chew, resulting in his claiming that we were “in contempt of court.” We take accusations of this nature very seriously and especially when it is obvious on the face of your email that you never, ever, even reviewed our responses, or the earlier responses, or the **IN EXCESS OF ONE MILLION DOCUMENTS we produced that are responsive to these RFPs**. This is while you claim we have not produced “any” documents. We even provided the Bates stamp numbers, which you have refused to provide to us in any of your discovery pleadings.

Take the time to review our responses, both the Supplemental and Second Supplemental and be sure to review ALL the documents we provided. If, after you have taken the time to review these, you still believe we have not produced responsive documents in our possession, please let me know which Requests and why you believe this. We will review and consider, and if we

disagree, we will be happy to schedule a meet and confer.

“During our meet and confer three months ago, you specifically indicated that you intended to reassess a number of your requests, and would undertake to consider whether some of them could be narrowed to address our concerns. We never heard back from you.”

I have already addressed this in my email to Ben, and cited record evidence contradicting you. However, you are correct that I indicated that with respect to some of the Requests **FOR ADMISSIONS**, I would re-evaluate in light of how the other motions turned out, as many may be mooted. You conveniently left out the words “for Admissions” in your email. We do not intend to bring any motions to compel on the Requests for Admissions because we believe the other motions need to be resolved first, and may resolve the issues with many of the Requests for Admissions.

“However, we have in fact assessed some of our responses and believe that compromise should be possible on at least some of the requests at issue, warranting further discussion before the Court is burdened with motion practice.”

Excellent! Then you should be able to provide us by COB tomorrow with your response to the Tracey Jacobs issues and the 10th RFPs you are now withdrawing your objections to, when you will be able to provide the documents, and enter into Consent Orders reflecting these new positions by you, and for the 11th RFPs and 12th RFPs by Friday, with a Consent Order by next Tuesday. I am glad you are willing to now resolve some of these, after literally months of us trying, without any success.

In the future, I would ask that you take the time to look at the documents and pleadings we have sent you, before making allegations and accusations that are demonstrably false and would have been obvious to you if you had simply taken the time to review them before writing and sending emails of this nature.

Thank you for your anticipated consideration in the future. Elaine

Elaine Charlson Bredehoft

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From: Moniz, Samuel A. <SMoniz@brownrudnick.com>

Sent: Friday, June 04, 2021 1:12 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Clarissa Pintado <cpintado@cbcbllaw.com>; David Murphy <DMurphy@cbcbllaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>

Subject: RE: Depp v. Heard

Elaine,

I am quite puzzled at your characterization of a standard request for a meet and confer as “harassment.” If you were concerned that a phone call with us would cause undue delay, you could have responded promptly, set the meet and confer for this week, and had it over done with by now. Instead, your below email suggests that a deliberate decision has been made—and not for the first time—to simply ignore our request to meet and confer, and proceed full steam ahead with your motions, without making any genuine effort to determine if a compromise is possible.

We will certainly be pleased to send you a more detailed summary of our concerns with Ms. Heard’s discovery responses in advance of a meet and confer. In brief, however, our concerns cannot possibly come as a surprise:

- Ms. Heard served blanket objections to our last set of interrogatories;
- Ms. Heard served blanket objections to the majority of our last set of RFPs; and
- Ms. Heard appears not to have produced all (or any) documents that were ordered to be produced following the last motion to compel, despite requesting an extra thirty days for that production.

As for your representation that the meet and confer process on your proposed motions was completed three months ago, we respectfully disagree. During our meet and confer three months

ago, you specifically indicated that you intended to reassess a number of your requests, and would undertake to consider whether some of them could be narrowed to address our concerns. We never heard back from you.

However, we have in fact assessed some of our responses and believe that compromise should be possible on at least some of the requests at issue, warranting further discussion before the Court is burdened with motion practice.

Again, we invite you to provide your availability next week to meet and confer. Thank you.

Best,
Sam

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Samuel A. Moniz
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From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Sent: Friday, June 4, 2021 8:57 AM
To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>
Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Clarissa Pintado <cpintado@cbcblaw.com>; David Murphy <dmurphy@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard

CAUTION: External E-mail. Use caution accessing links or attachments.

Ben: Your series of email today suggest you are having a really tough day. I have a hearing this afternoon, but I will collect all the evidence of our prior meet and confers on these issues, and respond in detail to your incorrect statements when I have the opportunity.

As to Sam's email, he sent out many, many emails to many people in a short period of time, apparently at your direction, demanding many things from everyone. No one on your team has made even the slightest attempt to

convey what you believe is deficient or “in contempt of Court,” or what any of your issues are. Sam’s email does not list EVEN ONE specific allegedly deficient response. I genuinely believe the email by Sam, followed by yours below, are sent solely for the purpose of harassment and delay, after securing the ruling from the Court not to stay discovery, and knowing we have 6 motions in the queue -- which we have patiently waited to place on the docket, until the Court was able to hear the motions. You succeeded in preventing the stay, so now our motions - covered in meet and confers more than three months ago – are ripe for resolution.

I suggest you review your emails, time records and notes before further claiming we have not held genuine meet and confers on our 6 discovery topics and confirmed they were ripe for bringing motions. If you believe you have informed us of any specific alleged deficiency in our discovery, please send me the communications. If you confirm you have not – please do so, and then we can follow the process of trying to resolve the issues, and schedule a meet and confer.

Elaine

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From: Chew, Benjamin G. <BCheW@brownrudnick.com>

Sent: Friday, June 04, 2021 11:09 AM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft

<anadelhaft@cbcblaw.com>

Cc: Ben Rottenborn <brottenborn@woodsrogers.com>; Joshua Treece <jtreece@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>

Subject: Depp v. Heard

Elaine,

You failed to respond to our request for a meet and confer- please see below- and Defendant is in contempt of the Court's most recent Order compelling her further production of documents.

You misstated the status of discovery to the Court, and if you file a motion today without properly meeting and conferring- something which Chief Judge White found to be the case previously- we will immediately seek sanctions:

This is getting tired and is a terrible example to the junior attorneys.

Ben

Sent from my iPhone

Begin forwarded message:

From: "Vasquez, Camille M." <CVasquez@brownrudnick.com>

Date: June 4, 2021 at 11:00:16 AM EDT

To: "Chew, Benjamin G." <BCheW@brownrudnick.com>

Subject: Fwd: Depp v. Heard

Begin forwarded message:

From: "Moniz, Samuel A." <SMoniz@brownrudnick.com>

Date: June 2, 2021 at 11:03:50 AM PDT

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, mbredehoft@cbcblaw.com, brottenborn@woodsrogers.com, jtreece@woodsrogers.com

Cc: "Chew, Benjamin G." <BCheW@brownrudnick.com>, "Vasquez, Camille M." <CVasquez@brownrudnick.com>, "Meyers, Jessica N." <JMeyers@brownrudnick.com>, "Suda, Casey"

<CSuda@brownrudnick.com>

Subject: Depp v. Heard

Elaine,

We would like to set up a call in the next week or so to discuss a number of pending issues, including the sufficiency/completeness of Ms. Heard's Court-ordered production this past Friday; Ms. Heard's responses to Mr. Depp's Seventh Requests for Production; Ms. Heard's responses to Mr. Depp's Fourth Set of Interrogatories; and Ms. Heard's ongoing privilege objections with respect to her communications with Eric George.

We also understand that you have a number of discovery motions planned, and would like to meet and confer with you regarding those as well, in an effort to avoid motion practice, or at least narrow the issues to be resolved by the Court.

Please let us know some convenient times this week or next week for a call. Thank you.

Best,
Sam

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Samuel A. Moniz
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the persons to whom we may transfer the data and when and how we intend to transfer it outside the European Economic Area.

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