

This SUBPOENA/SUBPOENA DUCES TECUM TO PERSON UNDER FOREIGN SUBPOENA is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the Clerk of Court.

NAME: <u>American Civil Liberties Union, Inc.</u>	
ADDRESS: <u>125 Broad Street</u> <u>New York, NY 10004</u>	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: _____ _____	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	_____, Sheriff
_____ DATE	by _____, Deputy Sheriff

JOHN T. FREY, CLERK  
 FAIRFAX COUNTY CIRCUIT COURT  
 4110 CHAIN BRIDGE ROAD  
 FAIRFAX, VIRGINIA 22030

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

File No. 2019-0002911

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

FAIRFAX COUNTY

Circuit Court

4110 Chain Bridge Rd., Fairfax, VA 22030

ADDRESS OF COURT

John C. Depp, II

v./In re: Amber Laura Heard

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

American Civil Liberties Union, Inc.

NAME

125 Broad Street

STREET ADDRESS

New York

NY

CITY

STATE

10004

ZIP

FILED  
CIVIL INTAKE  
2021 FEB -5 PM 5:16  
JOHN C. DEPP  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

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

attend and give testimony at a deposition

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

See Exhibit A

at Brown Rudnick LLP, 601 13th St. NW, Suite 600, Washington, D.C. 20005

LOCATION

at

March 9, 2021

DATE AND TIME

and to permit inspection and copying by the requesting party or someone acting in his or her behalf of the designated items in your possession, custody or control

permit inspection of the premises

at the following location

LOCATION

on

DATE AND TIME

This subpoena is issued upon the request of the party named below

Plaintiff John C. Depp, II

NAME OF REQUESTING PARTY

c/o Benjamin G. Chew, Brown Rudnick LLP, 601 13th St. NW, Suite 600

STREET ADDRESS

Washington

D.C.

20005

202-536-1785

CITY

STATE

ZIP

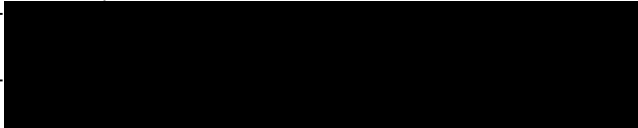
TELEPHONE NUMBER

The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided [ ] below [X] on attached list.

February 8<sup>th</sup>, 2021  
DATE ISSUED

**JOHN T. FREY, CLERK**

by 

Benjamin G, Chew  
NAME OF ATTORNEY FOR REQUESTING PARTY

29113 BAR NUMBER VA LICENSING STATE

601 13th Street NW, Suite 600  
OFFICE ADDRESS

202-536-1785  
TELEPHONE NUMBER OF ATTORNEY

Washington, D.C. 20005  
OFFICE ADDRESS

202-536-1701  
FACSIMILE NUMBER OF ATTORNEY

NAME

BAR NUMBER LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

**RETURN OF SERVICE (see page three of this form)**

CL-2019-0002911

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are:

Benjamin G. Chew (VSB No. 29113)  
Andrew C. Crawford (VSB No. 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W., Suite 600  
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Telephone: (202) 536-1700  
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Camille M. Vasquez (*pro hac vice*)  
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Seventh Floor  
Irvine, CA 92612  
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*Counsel for Plaintiff John C. Depp, II*

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Carla D. Brown (VSB No. 44803)  
Adam S. Nadellaft (VSB No. 91717)  
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11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
Telephone: (703) 318-6800  
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ebredehoff@cbcbllaw.com  
cbrown@cbcbllaw.com  
anadellaft@cbcbllaw.com  
dmurphy@cbcbllaw.com

*Counsel for Defendant Amber Laura Heard*

**EXHIBIT A**  
**DEFINITIONS**

1. “YOU,” “YOUR,” or “ACLU” shall mean and refer to American Civil Liberties Union Inc., and its parents, subsidiaries, affiliates, agents, officers, directors, employees, and/or any other PERSON acting on its behalf, including but not limited to YOUR affiliated entities or state or local branches.

2. “COMMUNICATION” and/or “COMMUNICATIONS” shall mean and refer to any written and verbal exchanges between any person or persons or entities, including but not limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs, faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the written or verbal exchange, including applicable ELECTRONICALLY STORED INFORMATION.

3. “DECLARATION” means the “Declaration of Ben Wizner,” dated January 22, 2021, that was submitted by MS. HEARD in the VIRGINIA ACTION.

4. “DIVORCE ACTION” shall mean and refer to the action entitled *In re the Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case No. BD641052.

5. “DOCUMENT” and/or “DOCUMENTS” unless otherwise indicated, are used in their customarily broad sense and shall refer to and mean all writings and other tangible things of any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof), medical records, drawings, graphs, charts, photographs, phone records, other data compilations or storage devices from which information can be obtained (even if such information must be translated into a reasonably usable form), magnetically recorded or stored information generated by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts, accounts, analytical records, minutes or records of meetings or conferences, records,

reports or summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

6. “ELECTRONICALLY STORED INFORMATION” means data that is stored in an electronic medium and shall include, by way of example only, computer programs, electronic mail (including message contents, header information and logs of electronic mail usage), output resulting from the use of any software program, including electronic, digital, or any other recorded material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits, statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts, agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars, recordings and transcriptions of recordings, voice mail messages recorded electronically and in writing, email messages and printouts, photographs, diagrams, or any other writings, however produced or reproduced, word processing documents, spreadsheets, databases, telephone logs, contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files, batch files, ASCII files, and any and all miscellaneous files and data and shall include all active data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

7. “MR. DEPP” means and refers to Plaintiff John C. Depp, II.

8. “MS. HEARD” means and refers to Defendant Amber Laura Heard.

9. “OP-ED” means and refers to the op-ed MS. HEARD published in the *Washington Post* on December 18, 2018 with the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.”

10. The term “PERSON” and/or “PERSONS” shall be broadly construed to include all natural and artificial persons.

11. “VIRGINIA ACTION” means and refers to the action entitled *John C. Depp, II*

v. *Amber Laura Heard*, Circuit Court of Fairfax County, Virginia, CL-2019-0002911.

### INSTRUCTIONS

1. When necessary, the singular form of a word shall be interpreted as plural, and the masculine gender shall be deemed to include the feminine, in order to bring within the scope any DOCUMENTS which might otherwise be construed to be outside the scope of these Requests. The terms, “and” and “or,” have both conjunctive and disjunctive meanings, and “each,” “any,” and “all” mean “each and every.”

2. All undefined terms shall be interpreted according to their plain and commonsense meaning.

3. DOCUMENTS should be produced as single page .tiff format files imaged at 300 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native format. Each .tiff file should have a unique name matching the Bates number labeled on the corresponding page. Color DOCUMENTS should be produced in color.

4. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production’s data load file should match the total number of designated document breaks in the image load file for the production.

5. DOCUMENTS should be produced with extracted metadata for each DOCUMENT in the form of a .dat file. The metadata should include the following fields, to the extent such fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
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Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message
Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document

Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained
File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

6. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

7. In producing DOCUMENTS, you shall furnish all DOCUMENTS in YOUR possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in YOUR control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity

does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

8. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

9. A Request for a DOCUMENT shall be deemed to include a request for any and all file folders within which the DOCUMENT was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

10. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of permissible discovery (including but not limited to any claim of privilege or confidentiality), specify in detail each and every ground on which such claim rests and identify generally what the document is. If you assert any claim of privilege, then at the time of production you are to furnish a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b) author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log should contain enough specificity, but without disclosing privileged information, to allow Plaintiffs and the Court to adequately assess the privilege claimed.

11. To the extent you consider any portion of the following Requests to be objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of such Request that is not claimed to be objectionable.

12. If you believe that any Request is unclear, unintelligible, or because of its wording otherwise prevents you from responding fully to that Request, identify the ambiguity or source of confusion and explain the definition and understanding that you relied upon in

responding. It shall be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

## **DOCUMENT REQUESTS**

### **REQUEST NO. 1:**

All DOCUMENTS that refer, reflect, or relate to any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

### **REQUEST NO. 2:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf regarding any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

### **REQUEST NO. 3:**

All DOCUMENTS and COMMUNICATIONS, that refer, reflect, or relate to any press releases, public statements, or other publicity related to any donations made by MS. HEARD or other PERSONS on MS. HEARD's behalf to YOU or for YOUR benefit, from January 1, 2016 through and including the present.

### **REQUEST NO. 4:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf regarding the relationship between MR. DEPP and MS. HEARD.

### **REQUEST NO. 5:**

All DOCUMENTS or COMMUNICATIONS, concerning MS. HEARD's work as an "ambassador" for the ACLU on women's rights.

### **REQUEST NO. 6:**

All DOCUMENTS or COMMUNICATIONS concerning the approval, conception, preparation, drafting, and/or publication of the OP-ED.

**REQUEST NO. 7:**

All DOCUMENTS or COMMUNICATIONS concerning the approval, preparation, drafting and/or execution of the DECLARATION.

**REQUEST NO. 8:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf concerning: (i) the DIVORCE ACTION; (ii) the OP-ED; (iii) the VIRGINIA ACTION; and/or (iv) the DECLARATION.

Superior Court of the District of Columbia
CIVIL DIVISION

Check One:

- Civil Actions Branch
Landlord & Tenant Branch
Small Claims & Conciliation Branch

John C. Depp, II
Plaintiff

SUBPOENA FOR A CIVIL CASE

Amber Laura Heard
Defendant

CASE NUMBER:

To: American Civil Liberties Union, Inc.

Check box if medical records are being requested

YOU ARE COMMANDED to appear in this Court at the place, date, and time specified below to testify in the above case.

Table with 3 columns: COURTROOM AND ADDRESS, DATE, TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Table with 3 columns: PLACE OF DEPOSITION, DATE, TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition must designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which each person will testify. Super. Ct. Civ. R. 30(b)(6).

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Table with 3 columns: DOCUMENTS OR OBJECTS, PLACE OF PRODUCTION, DATE, TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date, and time specified below.

Table with 3 columns: PREMISES, DATE, TIME

Table with 2 columns: ISSUING PERSON'S SIGNATURE AND TITLE (indicate if attorney for plaintiff or defendant), DATE

Table with 1 column: ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER

Authorization as required by D.C. Code §14-307 and Brown v. U.S., 567 A.2d 426 (D.C. 1989), is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege related to such records.

JUDGE

(See Super. Ct. Civ. R. 45 (c) and (d) on the reverse side)
WHITE - FOR RETURN OF SERVICE YELLOW - FOR SERVICE

Case Number: \_\_\_\_\_ Court Date: \_\_\_\_\_

**PROOF OF SERVICE**

Served	Date	Time	Place
--------	------	------	-------

Served on (Print Name)	Title
------------------------	-------

MANNER OF SERVICE (attach the return receipt if service was made by registered or certified mail) I served the subpoena by delivering a copy to the named person as follows:

\_\_\_\_\_

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled case and that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_ Signature of Server \_\_\_\_\_

\_\_\_\_\_  
Address of Server

**Super. Ct. Civ. R. 45(c) and (d):**

**(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA; ENFORCEMENT.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney’s fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents, electronically stored information, or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 25 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place to the place of trial;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 25 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**EXHIBIT A**  
**DEFINITIONS**

1. “YOU,” “YOUR,” or “ACLU” shall mean and refer to American Civil Liberties Union Inc., and its parents, subsidiaries, affiliates, agents, officers, directors, employees, and/or any other PERSON acting on its behalf, including but not limited to YOUR affiliated entities or state or local branches.

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reports or summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or photographic matter or sound reproductions, or tangible representations of things, however produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all nonidentical copies of the foregoing.

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8. “MS. HEARD” means and refers to Defendant Amber Laura Heard.

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v. *Amber Laura Heard*, Circuit Court of Fairfax County, Virginia, CL-2019-0002911.

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2. All undefined terms shall be interpreted according to their plain and commonsense meaning.

3. DOCUMENTS should be produced as single page .tiff format files imaged at 300 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native format. Each .tiff file should have a unique name matching the Bates number labeled on the corresponding page. Color DOCUMENTS should be produced in color.

4. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production’s data load file should match the total number of designated document breaks in the image load file for the production.

5. DOCUMENTS should be produced with extracted metadata for each DOCUMENT in the form of a .dat file. The metadata should include the following fields, to the extent such fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
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Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message
Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document

Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained
File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

6. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

7. In producing DOCUMENTS, you shall furnish all DOCUMENTS in YOUR possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in YOUR control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity

does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

8. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

9. A Request for a DOCUMENT shall be deemed to include a request for any and all file folders within which the DOCUMENT was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

10. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of permissible discovery (including but not limited to any claim of privilege or confidentiality), specify in detail each and every ground on which such claim rests and identify generally what the document is. If you assert any claim of privilege, then at the time of production you are to furnish a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b) author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log should contain enough specificity, but without disclosing privileged information, to allow Plaintiffs and the Court to adequately assess the privilege claimed.

11. To the extent you consider any portion of the following Requests to be objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of such Request that is not claimed to be objectionable.

12. If you believe that any Request is unclear, unintelligible, or because of its wording otherwise prevents you from responding fully to that Request, identify the ambiguity or source of confusion and explain the definition and understanding that you relied upon in

responding. It shall be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

## **DOCUMENT REQUESTS**

### **REQUEST NO. 1:**

All DOCUMENTS that refer, reflect, or relate to any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

### **REQUEST NO. 2:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf regarding any donations made to YOU or for YOUR benefit by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

### **REQUEST NO. 3:**

All DOCUMENTS and COMMUNICATIONS, that refer, reflect, or relate to any press releases, public statements, or other publicity related to any donations made by MS. HEARD or other PERSONS on MS. HEARD's behalf to YOU or for YOUR benefit, from January 1, 2016 through and including the present.

### **REQUEST NO. 4:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf regarding the relationship between MR. DEPP and MS. HEARD.

### **REQUEST NO. 5:**

All DOCUMENTS or COMMUNICATIONS, concerning MS. HEARD's work as an "ambassador" for the ACLU on women's rights.

### **REQUEST NO. 6:**

All DOCUMENTS or COMMUNICATIONS concerning the approval, conception, preparation, drafting, and/or publication of the OP-ED.

**REQUEST NO. 7:**

All DOCUMENTS or COMMUNICATIONS concerning the approval, preparation, drafting and/or execution of the DECLARATION.

**REQUEST NO. 8:**

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf concerning: (i) the DIVORCE ACTION; (ii) the OP-ED; (iii) the VIRGINIA ACTION; and/or (iv) the DECLARATION.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5<sup>th</sup> day of February 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Elaine Charlson Bredehoft (VSB No. 23766)  
Carla D. Brown (VSB No. 44803)  
Adam S. Nadelhaft (VSB No. 91717)  
David E. Murphy (VSB No. 90938)  
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A. Benjamin Rottenborn (VSB No. 84796)  
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*Counsel for Defendant Amber Laura Heard*

  
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2021 FEB -5 PM 5:15

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

February 5, 2021

**VIA HAND DELIVERY**

The Honorable John T. Frey, Clerk  
Fairfax County Circuit Court  
4110 Chain Bridge Road, Suite 320  
Fairfax, Virginia 22030

**RE: *John C. Depp, II v. Amber Laura Heard***  
**Case No. CL-2019-0002911**  
**Subpoena: American Civil Liberties Union, Inc.**

Dear Mr. Frey,

Please find enclosed two copies each of an original foreign subpoena and an original foreign subpoena duces tecum of third-party witness American Civil Liberties Union, Inc. (a company registered in the District of Columbia) pursuant to Virginia Code Section 8.01-412.10 and District of Columbia code Section 13-441, et seq. The enclosed subpoenas have been issued in accordance with both Acts and the reciprocal privileges included therein.

The enclosed documents will be served by private process server. Please file one copy of each subpoena with the Court's papers in this case and issue one copy in accordance with the Uniform Interstate Depositions and Discovery Act. Also enclosed is a check for the Court's fee. Thank you for your assistance.

Regards,

**BROWN RUDNICK LLP**



Benjamin G. Chew

Enclosures