

VIRGINIA:

FILED  
CIVIL PROCESSING  
IN THE CIRCUIT COURT OF FAIRFAX COUNTY

2022 MAY 24 P 2: 14

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant

JOHN T. FREY  
CL 2019-2911  
CIRCUIT COURT  
FAIRFAX, VA

**DECLARATION OF JASON BECKERMAN**

Jason Beckerman, pursuant to Va. Code Section 8.01-4.3, states as follows:

1. I am the Head of Business and Legal Affairs for EHM Productions Inc. ("EHM"). EHM is the owner and operator of the celebrity news website TMZ.com ("TMZ"), as well as a number of other television shows, websites, and social media channels that publish news content under the TMZ brand. I have held this same position under various titles since February 2009.

2. TMZ is a news organization that primarily covers entertainment and celebrity news.

3. From time to time, TMZ is offered information by sources who wish to remain confidential. TMZ often accepts that information with the express understanding that TMZ will treat the source's identity as strictly confidential.

4. In order to publish information in the public interest, TMZ and its journalists rely on the journalist's privilege – including as embodied in Virginia where this lawsuit is pending (Va. Code Section 19.2-271.5 and Virginia R. Evid. 2:508) and in California where TMZ obtained and published the information at issue here (Cal. Const. art. I, § 2(b) and Cal. Evidence Code § 1070) – to protect the identities of their sources. The media source privilege is central to the ability of journalists to properly investigate stories and to safeguard the individuals who

provide information to them. If TMZ's – or any media organization's – confidential sources were subject to disclosure in the ordinary course, they would be less willing to provide information.

5. On August 12, 2016, TMZ published an article titled "Johnny Depp Goes Off On Amber . . . Smashes Wine Glass, Bottle" (the "Article"). A video of Ms. Heard and Mr. Depp ("the Video") accompanied the Article. (The article and video may be seen here: <https://www.tMZ.com/2016/08/12/johnny-depp-amber-heard-throws-wine-glass-domestic-violence-video/>).

6. The Video was provided to journalists at TMZ by a confidential source. TMZ promised this source that it would maintain their confidentiality and would not disclose their name or other information about them.

7. This source has not, at any time since they provided the Video, waived their right to confidentiality or indicated to TMZ that it was released from its promise of confidentiality.

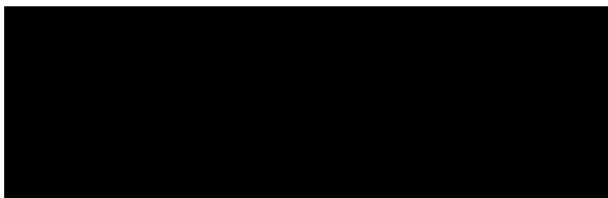
8. Morgan Tremaine was a field assignment manager with TMZ at the time the Article was published. He is no longer an employee of TMZ.

9. Mr. Tremaine had nothing to do with TMZ's receipt of the Video.

10. On information and belief, Mr. Tremaine lacks first-hand knowledge of the identity of the confidential source who provided TMZ with the Video. To the extent that Mr. Tremaine purports to know the identity of TMZ's confidential source, his information would be based on rumor and conjecture, at best.

11. Further, any information that Mr. Tremaine may provide concerning TMZ's confidential source was obtained in the course of his employment with TMZ, and he lacks the authority to breach TMZ's confidentiality agreement with its source, including by virtue of a confidentiality provision in his employment agreement.

Dated: May 24, 2022



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JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

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May 24, 2022

*VIA COURIER*

Chambers of The Honorable Penney Azcarate  
Chief Judge  
Circuit Court of Fairfax County  
Fairfax County Courthouse  
4110 Chain Bridge Road  
Fairfax, Virginia 22030.

***Re: Emergency Motion of TMZ for Protective Order / Depp v. Heard  
CL 2019-2011***

Dear Chief Judge Azcarate:

We represent EHM Productions Inc., the owner and operator of TMZ. Enclosed is a courtesy copy of the Emergency Motion for Protective Order that we are filing this afternoon with the Clerk of the Court in this matter. We would appreciate the opportunity to present our motion to the Court. We are available to attend the courtroom or appear by videoconference at the Court's convenience.

Respectfully,

  
Charles D. Tobin

Enclosure

cc: (via email) Counsel of Record