

David Murphy

From: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Sent: Tuesday, January 25, 2022 7:29 AM
To: David Murphy
Cc: Elaine Bredehoft; Adam Nadelhaft; [REDACTED]
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

Understood. I will review and do my best to be prepared to discuss.

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Tuesday, January 25, 2022 7:22 AM
To: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; [REDACTED]
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

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

Andrew,

As to the 3rd RFAs, they were served in October 2020, meet and confers occurred long ago, and we have been pursuing appropriate “admit or deny” responses from Mr. Depp for over 11 months. The relief sought by Ms. Heard could not be more straightforward, and is the same scope as recently Ordered by the Court. This should not be controversial. Either Mr. Depp will agree to this relief, or Ms. Heard will be forced to seek the same relief from the Court once again.

As we have repeatedly suggested in this email chain, please review Ms. Heard’s Consent Orders on these 14th, 16th, and 17th RFPs, as we are not intending to meet and confer on every RFP today. Some of the 14th and 16th RFPs are part of tomorrow’s Motion, and we are only including the 17th RFPs that overlap with the relief recently granted by the Court during Mr. Depp’s January 7 Motion. We will revisit the other 17th RFPs in a later meet and confer, followed by conciliation. Ms. Heard sent these Consent Orders weeks ago, which revise our RFPs to bring them within the scope of the Court’s recent discovery Orders. So Mr. Depp should be fully prepared to discuss them and attempt to reach resolution without Court intervention. This is the purpose of a meet and confer.

I have been asking for weeks for Mr. Depp to review these Consent Orders and be prepared to substantively discuss them, but unfortunately it appears Mr. Depp is not prepared to do so. These are very straightforward matters that do not require going back to “discuss internally,” nor do they require such an extensive review of the initially served RFPs.

Thank you,

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

From: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Sent: Tuesday, January 25, 2022 7:03 AM
To: David Murphy <DMurphy@cbcblaw.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

Thanks David. Stephanie may be joining but no one else from our side. FYI I will not be prepared to discuss the RFAs. I am prepared to discuss your 14th and 16th RFPs. I am trying to work through your 17th RFPs. As you know, there are nearly 300 of them.

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Tuesday, January 25, 2022 6:24 AM
To: Crawford, Andrew C. <ACrawford@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; [REDACTED]
[REDACTED]
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

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

Andrew,

9 AM today works. I will circulate a dial-in to this group, as I am not sure who is joining from your side. I look forward to working through the RFAs and each of the RFPs in Ms. Heard's proposed Consent Orders, and hope Mr. Depp will have specific responses or proposals on each Request so this can be a productive meet and confer. I also look forward to receiving Mr. Depp's revised 9th RFPs that comply with the Court's recent discovery Orders to further ensure a productive meet and confer.

Thank you,

David E. Murphy

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

From: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Sent: Monday, January 24, 2022 9:35 PM
To: David Murphy <DMurphy@cbcblaw.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; [REDACTED]
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

Hi David,

Are you available at 9:00 a.m. tomorrow for a call?

Thanks,
Andrew

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Monday, January 24, 2022 5:59 PM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production and Requests for Admission

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

Sam,

I suggest you re-read these emails before responding in haste. I have been proposing dates and times for this call for weeks, but you have repeatedly not responded with agreement to any. The most recent proposals were for a call this afternoon, along with any time tomorrow.

You also continue to ignore that you have never proposed any revisions to Mr. Depp's 9th RFPs to bring them into compliance with the Court's recent discovery Orders, and we again request you do so. Ms. Heard did this weeks ago, and you have possessed those draft Consent Orders for some time.

Once again, please let us know when you are available tomorrow, and we can follow up with a Conciliation call with [REDACTED] on Wednesday afternoon or Thursday if that works for [REDACTED]

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

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

Sent: Monday, January 24, 2022 5:38 PM

To: David Murphy <DMurphy@cbcblaw.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>

Subject: RE: Depp v. Heard- Conciliation on Requests for Production.

David—

Just propose a date and time for a call. There's no need for all this.

Unfortunately, I need to clarify some misstatements in your email. It is false of you to state that I "acknowledged" that our RFA responses were "deficient." Our RFA responses are fully appropriate, as I have previously explained to you on multiple occasions. Purely as a compromise, and to avoid giving Ms. Heard's counsel an opportunity to waste everyone's time with another pointless motion, we agreed to serve supplemental responses. That is not a concession that your position has merit.

It is also patently inaccurate of you to say that I never followed up on my email on our 9th RFPs, which has been sitting unanswered in your inbox since last October. I have repeatedly raised the 9th RFPs with your office, by phone and email, and you have repeatedly ignored emails and stated that you were unprepared to discuss them on calls. Never once have you provided a substantive response.

In addition, the Third RFAs are different from the Fourth and Fifth. The Third RFAs contain requests for admissions as to pictures taken by Ms. Heard, the veracity and authenticity of which we do not accept. They are also the subject of ongoing analysis by our experts. Our responses are appropriate and fully consistent with Virginia law, but we can discuss, if you would like to explain your position.

We also disagree that you are next in line to file, and object to your attempt to short circuit the conciliation process. You filed the most recent motion, which is set to be heard this week, and our RFPs predate yours.

Sam

brownrudnick

Samuel A. Moniz

Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: David Murphy <DMurphy@cbcblaw.com>

Sent: Monday, January 24, 2022 2:14 PM

To: Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>

Subject: RE: Depp v. Heard- Conciliation on Requests for Production.

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

[REDACTED] and Andrew,

On the 3rd RFAs, we again request you review the draft Consent Order attached to the below emails. It is the *verbatim* language from the Court's recent discovery order as to the 4th-5th RFAs, so we cannot understand any refusal from Mr. Depp when the Court has already ordered this. Mr. Depp's supplemental responses to the 4th-5th RFAs, despite being Court-Ordered, also remain deficient, as acknowledged by Sam when he agreed to serve supplemental responses, even though the date for doing so keeps shifting.

As to the RFPs, Mr. Depp has possessed Ms. Heard's proposed consent orders for some time now, which were revised to comply with the Court's recent discovery rulings. If Mr. Depp wishes to have a parties-only meet and confer tomorrow, we can do that, followed by a Conciliation call with [REDACTED] on either Wednesday or Thursday if [REDACTED] is available on those days. But Thursday is far too late for a phone meet and confer. We would also again request that Mr. Depp be prepared to substantively discuss the specifics of Ms. Heard's proposed Consent Orders, along with clear positions on either agreeing or not agreeing to Ms. Heard's proposals on each RFP. It is a waste of everyone's time for Mr. Depp to have to go back and discuss everything "internally" when Ms. Heard's proposals have been in black and white for weeks. [REDACTED] **Given that our Motion would be next in line for filing, and that we have attempted to meet and confer on these issues with Mr. Depp for 6 weeks, can you please provide a date this week before Friday for conciliation or permission to file our Motion?**

Finally, as noted in our email, Sam raised Mr. Depp's 9th RFPs in that one email and never substantively followed up. Also as noted, Mr. Depp declined to ever address the Court's recent rulings, which moot some of Mr. Depp's 9th RFPs or require revisions to bring them into compliance

with the Court's rulings, and declined to provide any narrowing proposals or reduce them to a consent order. Ms. Heard took all of these actions for her RFPs. We also repeatedly proposed dates and times for a meet and confer on *both parties* RFPs, and this morning was the first time Mr. Depp ever provided a specific date and time for a meet and confer.

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

From: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Sent: Monday, January 24, 2022 12:14 PM
To: David Murphy <DMurphy@cbcbllaw.com>; [REDACTED]
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production.

Hi David,

It is somewhat ironic that you are arguing we have delayed responding to your meet and confers given that you have had our meet and confer request on our 9th RFPs since October and still have not responded substantively, despite repeated requests.

As for the RFAs, please provide us with your position, as I don't believe we've seen any written meet and confer from you on those. Your correspondence has all focused on your RFPs.

If you are declining to meet and confer with us without [REDACTED] on the call, which we believe is a violation of the conciliation protocol entered by the Court, then we'll wait to hear from [REDACTED]

Thanks,
Andrew

From: David Murphy <DMurphy@cbcbllaw.com>
Sent: Monday, January 24, 2022 8:37 AM
To: Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production.

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

Andrew,

This email chain speaks for itself regarding Mr. Depp's attempts to delay this meet and confer and conciliation, and Thursday is far too late. Ms. Heard has been seeking a meet and confer since December 13, and Mr. Depp has possessed Ms. Heard's specific meet and confer proposals for some time but still declines to substantively respond. It is a waste of everyone's time to schedule a call without [REDACTED] where Mr. Depp will not commit to anything and have to "discuss internally," despite already possessing the exact narrowed relief sought by Ms. Heard that tracks the Court's prior discovery rulings. These matters are more than ripe for Conciliation, and we will schedule it around [REDACTED]'s availability.

As to Mr. Depp's 9th RFPs, unlike Ms. Heard, you never followed up by seeking or proposing dates and times for a meet and confer. Unlike Ms. Heard, you have not proposed a single narrowing proposal to reach resolution, nor have you revised Mr. Depp's 9th RFPs to reflect the Court's recent rulings. The Court's recent rulings moot some of your RFPs, and others require revisions to bring them into compliance. Both of these efforts by you would necessarily precede any meet and confer, because the purpose of the meet and confer is to try to resolve the issues, not delay bringing a motion. To enable a more productive call where we might actually reach resolutions without having to go back and "discuss internally," please review and revise your 9th RFPs for compliance with the Court's recent rulings. Then we will be happy to meet and confer with you on these. We have already gone through this process with ours, have already sent you proposed Consent Orders, and our RFAs all significantly pre-date your 9th RFPs (some by a year), and were the next on [REDACTED]'s list to be brought before him, and if not resolved, the subject of a motion to compel.

Ms. Heard respectfully reiterates her request for a Conciliation today after 12 PM, or at any time on Tuesday. [REDACTED] Please let us know when works for you.

Thank you for your consideration,

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

From: Crawford, Andrew C. <ACrawford@brownrudnick.com>
Sent: Monday, January 24, 2022 8:14 AM
To: David Murphy <DMurphy@cbcblaw.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>
Subject: FW: Depp v. Heard- Conciliation on Requests for Production.

Hi David,

Hope you had a nice weekend. Do you have availability on Thursday for a meet and confer?

Thanks,
Andrew

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Friday, January 21, 2022 6:31 PM
To: David Murphy <dmurphy@cbcblaw.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; Calnan, Stephanie <SCalnan@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Suda, Casey <CSuda@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>
Subject: RE: Depp v. Heard- Conciliation on Requests for Production.

David – Andrew or Stephanie will be in touch with you to set up a meet and confer next week. I trust that you will be prepared to discuss our 9th RFPs, which we have been seeking a meet and confer on since last October without success – see attached email.

I don't think there's any need to bother [REDACTED] with any of this at this stage, since there hasn't yet been a call with counsel.

Have a great weekend.

brownrudnick

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612
T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Friday, January 21, 2022 6:04 AM
To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. Heard- Conciliation on Requests for Production.
Importance: High

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

[REDACTED]

Ms. Heard again respectfully requests a Conciliation on these RFPs today. Mr. Depp continues to refuse to respond or provide any availability for a call on these matters, as he has refused to do since December 13. Ms. Heard is available at any time today, on Monday after 12 PM, or at any time on Tuesday. Please let us know if any of these dates are convenient for you.

Thank you for your consideration,

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

From: David Murphy
Sent: Wednesday, January 19, 2022 5:19 PM
To: 'Moniz, Samuel A.' <SMoniz@brownrudnick.com>; 'Chew, Benjamin G.' <BCheW@brownrudnick.com>; 'Vasquez, Camille M.' <CVasquez@brownrudnick.com>; 'Crawford, Andrew C.' <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; 'brottenborn@woodsrogers.com' <brottenborn@woodsrogers.com>; 'jtreece@woodsrogers.com' <jtreece@woodsrogers.com>
Subject: RE: Depp v. Heard- Consent Order Partially Resolving 17th RFPs and Request for Conciliation
Importance: High

[REDACTED]

Ms. Heard respectfully requests a conciliation this week on these RFPs.

The parties have now agreed on the Order from Mr. Depp's Motion to Compel 10th-11th RFPs, and have already met and conferred and conciliated Ms. Heard's 17th RFPs that directly overlap with portions of that Order. So Ms. Heard sent the attached Consent Order to Mr. Depp on January 17 in hopes of a quick resolution, but received no response.

Mr. Depp also continues to ignore Ms. Heard's attempts to resolve her 14th-16th RFPs that we have been attempting to resolve since December 13- five weeks ago (emails attached). So Ms. Heard sent Mr. Depp a Consent Order to resolve these, but received no response.

If the parties cannot agree on these RFPs, Ms. Heard requests permission to include them in a Motion with the 3rd RFAs that are next on your list of motions priority, as these RFAs were served in October 2020- *over 15 months ago*. Mr. Depp included RFPs along with his Interrogatories in his most recent Motion, so for purposes of efficiency Ms. Heard is requesting the same.

Thank you for your consideration,

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

From: David Murphy

Sent: Monday, January 17, 2022 2:07 PM

To: Moniz, Samuel A. <SMoniz@brownrudnick.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. Heard- Consent Order Partially Resolving 17th RFPs and Request for Conciliation

Sam,

During the meet and confer and conciliation process regarding Mr. Depp's 10th and 11th RFPs, we also met and conferred and conciliated regarding Ms. Heard's overlapping requests from her 17th RFPs. As you know, Ms. Heard attempted an efficient resolution to these RFPs by making the scope of relief in that Motion mutual, but Mr. Depp refused to agree and the Court then declined to hear Ms. Heard's overlapping RFPs at the time. Ms. Heard raised concerns that Mr. Depp would inevitably delay resolution of her overlapping RFPs and refuse to consent. Mr. Chew then responded to this concern by stating [REDACTED]

So we have taken Mr. Chew at his word, and drafted a Consent Order partially resolving the 17th RFPs, and took the RFPs the Court has already ruled upon addressing the incidents of abuse, and copied the

language from Ms. Heard's Conciliation Chart that the Court ruled on with approval at the January 7 hearing. Given that these issues have already been decided, we hope Mr. Depp will cooperate in timely reviewing this proposed Consent Order, and agree to its contents so we can submit to the Court. If there are any particular issues, please let us know right away. While these issues have already been conciliated, hopefully [REDACTED] can help us this week on any disagreements now that we know the Court's thinking on these issues.

Thank you for your consideration,

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

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

Sent: Thursday, January 06, 2022 3:25 PM

To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. Heard- Discovery Deficiency Email on Ms. Heard's 14th, 16th, and 17th Requests for Production of Documents

David –

Tomorrow doesn't work, but we'll get back to you with some times for a call next week.

We should also plan to discuss Mr. Depp's 9th RFPs, which substantially predate your discovery and on which we have been unsuccessfully requesting a meet and confer since last October. Please be prepared to address my email of October 29th on our call.

brownrudnick

Samuel A. Moniz
Associate

Brown Rudnick LLP
2211 Michelson Drive, Seventh Floor
Irvine CA 92612

T: 949-440-0234
F: 949-486-3671
smoniz@brownrudnick.com
www.brownrudnick.com

From: David Murphy <DMurphy@cbcblaw.com>

Sent: Tuesday, January 4, 2022 1:28 PM

To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. Heard- Discovery Deficiency Email on Ms. Heard's 14th, 16th, and 17th Requests for Production of Documents

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

Ben, Camille, and Sam,

We have still not received a response to the below attempts to meet and confer on these RFPs, despite these going back to December 13. Please let me know your availability for a 1.5 hour meet and confer on Friday afternoon between 3-4:30 PM EST or on Monday between 11 AM- 3 PM EST to ensure we can cover everything in these emails. As Mr. Depp has been on notice of Ms. Heard's disclosure of these very specific issues and proposals for resolution since December 13 and December 23, I respectfully request that Mr. Depp be prepared to respond specifically and substantively to each proposal to ensure a productive meet and confer.

I have also added [REDACTED] to this email chain so we can schedule a Conciliation call on either Tuesday, January 11 or Wednesday, January 12. [REDACTED] please let us know if you are available on those dates, and if so good times for you so we can get this scheduled.

Thank you,

David E. Murphy

Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.

11260 Roger Bacon Drive, Suite 201

Reston, Virginia 20190

PH: (703) 318-6800

FX: (703) 318-6808

From: David Murphy

Sent: Thursday, December 23, 2021 10:40 AM

To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M.

<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. heard- Discovery Deficiency Email on Ms. Heard's 14th and 16th Requests for Production of Documents

Ben, Camille, and Sam,

Ms. Heard has reviewed Mr. Depp's objections and responses to Ms. Heard's 17th Requests for Production of Documents, which are deficient for the reasons stated below, and for which Mr. Depp stood on all of his objections and refused to produce any documents.

As you know, we have been trying to schedule a meet and confer with you for the past several weeks, to not only discuss your email respecting Mr. Depp's 10th and 11th RFPs, but our 14th, 15th, and 16th RFPs. In spite of several requests for dates and times, you did not respond to us at all. We now add this additional 17th Set of RFPs to that list, and ask that you provide us with dates and times in this next week, as Mr. Chew represented that you would do, so we can have meaningful discussions and genuinely try to resolve some of the disputes.

1. **Mr. Depp's Overall Refusal to Produce Documents Supporting Factual Statements in Declarations and Witness Statements:** Mr. Depp refused to produce *any* responsive documents

supporting *any* of the specifically referenced and quoted factual statements from the parties' respective Declarations and UK Witness Statements as specifically referenced below. Yet Mr. Depp filed a Motion to Compel yesterday seeking to compel RFPs 1, 2, 5, 7, 10, 13, 14, 18, 22, 24, 26, 32, and 35 of his 11th RFPs that seek documents "that relate to" specific sections of Ms. Heard's UK Witness Statement. Mr. Depp's RFPs are far broader than the RFPs described below, as they include "relating to" as opposed to "supporting," are not limited to specifically quoted factual statements, and incorporate numerous paragraphs of the UK Witness Statement within a single RFP.

Mr. Depp moving to compel these RFPs is particularly astounding, because Mr. Depp has repeatedly argued to the Court that Ms. Heard's RFPs seeking documents supporting one Defense, one Interrogatory response, or one paragraph of the Counterclaim are overbroad, unduly burdensome, and lack particularity- leading to the inescapable conclusion that even Mr. Depp must agree his own RFPs he moved to compel are overbroad, unduly burdensome, and lack particularity. These overlapping issues are why Ms. Heard seeks to meet and confer on both parties' RFPs during one meet and confer, followed by Conciliation.

2. **Revising Predicate Language of RFPs:** Ms. Heard will agree to strike the word "all" from all RFPs, along with revising the language "supporting, refuting, or otherwise relating to" to "supporting." We also expect Mr. Depp to do the same for his 10th-11th RFPs based on his own arguments and the Court's rulings on Ms. Heard's 11th-12th RFPs. If Mr. Depp will not agree, please explain how this is a tenable position based on Mr. Depp's prior arguments and the Court's recent rulings.
3. **RFPs 1-2:** RFP 1 seeks communications between Mr. Depp and Warner Bros. related to the letter posted to Mr. Depp's own Instagram account stating that Mr. Depp was "asked to resign by Warner Bros from my role as Grindelwald in Fantastic Beasts and I have respected and agreed to that request." RFP 2 then seeks communications between Mr. Depp and anyone related to this same request from Warner Bros. The relevance of these documents cannot be more obvious, including causation as Mr. Depp being fired from his role as Grindelwald immediately following the UK Court Judgment, and the RFP is specifically and narrowly tailored to the Grindelwald role, yet Mr. Depp asserted extensive boilerplate objections and refused to produce any documents. These objections are meritless, should be withdrawn, and all responsive documents produced immediately.
4. **RFPs 3-12, 14, 16, 18, 20, 22-25, 27-35, 37-38, 40-43:** RFP 3 seeks documents supporting Mr. Depp's Declaration. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Mr. Depp's Declaration. Mr. Depp has repeatedly taken the position that seeking documents supporting all statements in a document is overbroad and unduly burdensome, so Ms. Heard was forced to serve a different RFP for each specific paragraph of this document, along with all of the other Declarations and Witness Statements included in this 17th Set of RFPs as referenced below. But Mr. Depp still asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly

tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.

5. **RFPs 13, 15, 17, 19, 21, 26, 36, 39:** These RFPs seek production of Mr. Depp's Devices for forensic imaging and extraction of the multimedia referenced in and attached to Mr. Depp's Declaration as referenced in each RFP. If the Court grants Ms. Heard's Motion to Compel forensic discovery against Mr. Depp, we would hope Mr. Depp withdraws all of these objections as they will have been effectively overruled by the Court.
6. **RFPs 44-62:** RFP 44 seeks documents supporting Mr. Depp's Second Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Mr. Depp's Second Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
7. **RFPs 63-73:** RFP 63 seeks documents supporting Mr. Depp's Third Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Mr. Depp's Third Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
8. **RFPs 74-77:** RFP 74 seeks documents supporting Mr. Depp's Fifth Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Mr. Depp's Fifth Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
9. **RFPs 78-91:** RFP 78 seeks documents supporting Ms. Heard's Declaration. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Ms. Heard's Declaration. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
10. **RFPs 92-120:** RFP 92 seeks documents supporting Ms. Heard's Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual

statements in the referenced paragraphs of Heard's Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.

11. **RFPs 121-132:** RFP 121 seeks documents supporting Heard's Third Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Heard's Third Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
12. **RFPs 133-158:** RFP 133 seeks documents supporting Heard's Fifth Witness Statement in the UK litigation. The remaining RFPs in this group then seek documents supporting the specific factual statements in the referenced paragraphs of Heard's Fifth Witness Statement. Mr. Depp asserted his typical boilerplate objections to all of these Requests, which cannot be more specific or narrowly tailored, and refused to produce any documents. Mr. Depp's objections are meritless, should be withdrawn, and all responsive documents produced immediately.
13. **RFP 159:** This RFP seeks the documents relied upon or considered by any expert witness in Mr. Depp's Expert Designation. Mr. Depp also served similar RFPs, and Ms. Heard objected and responded by proposing the parties agree on a mutual procedure for production of documents relied on by their respective expert witnesses due to the limitations imposed by Virginia's Rules on expert discovery. Ms. Heard remains willing to engage in this mutual process, despite Mr. Depp prematurely moving to compel them without a meet and confer, conciliation, or even addressing Ms. Heard's proposal, which should then resolve this RFP and RFPs 160-217 below.
14. **RFPs 160-207:** These RFPs seek the documents supporting specific statements in Mr. Depp's disclosure of his expert witnesses:
 1. RFPs 160-173: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Mr. Marks as an expert witness.
 2. RFPs 174-179: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Mr. Spindler as an expert witness.

3. RFPs 180-184: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Mr. Bania as an expert witness.
4. RFPs 185-192: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Mr. Neumeister as an expert witness.
5. RFPs 193-197: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Dr. Curry as an expert witness.
6. RFPs 198-203: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Dr. Collins as an expert witness.
7. RFPs 204-207: These RFPs seek documents supporting the specifically referenced and quoted statements from Mr. Depp's disclosure of Ms. Frost as an expert witness.

Mr. Depp asserted his typical boilerplate objections and refused to produce any documents for any of these RFPs. Mr. Depp also served similar RFPs, and Ms. Heard objected and responded by proposing mutual procedure described above. Ms. Heard remains willing to engage in this mutual process, despite Mr. Depp prematurely moving to compel them without a meet and confer, conciliation, or even addressing Ms. Heard's proposal.

15. **RFPs 208-217**: These RFPs seek the documents supporting the specifically quoted statements in Mr. Depp's disclosure of Mr. Carino (RFPs 208-209), Mr. Whigham (RFPs 210-211), Mr. White (RFPs 212-213), Ms. Baum (214-215), and Dr. Kipper (RFPs 216-217) as non-retained experts who will testify at trial. Mr. Depp asserted his usual boilerplate objections and, which are meritless and should be withdrawn, and refused to produce any documents. All responsive documents should be produced immediately.

Please provide us with dates and times in this next week, as Mr. Chew represented that you would do, so we can have meaningful discussions and genuinely try to resolve some of the disputes. If those efforts are unsuccessful we will then schedule a call with the Conciliator before proceeding to Motions practice, which we hope will not be necessary.

Thank you for your consideration,

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: David Murphy

Sent: Monday, December 20, 2021 5:37 PM

To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M.

<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: RE: Depp v. heard- Discovery Deficiency Email on Ms. Heard's 14th and 16th Requests for Production of Documents

Ben, Camille, and Sam,

I am following up on my email below. Please let me know when you are available for a meet and confer on these RFPs. We are available on Thursday between 1-3 PM.

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: David Murphy

Sent: Monday, December 13, 2021 6:58 PM

To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M.

<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C.

<ACrawford@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>;

Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>;

brottenborn@woodsrogers.com; jtreece@woodsrogers.com

Subject: Depp v. heard- Discovery Deficiency Email on Ms. Heard's 14th and 16th Requests for Production of Documents

Ben, Camille, and Sam,

Ms. Heard has reviewed Mr. Depp's objections and responses to RFPs 1-3 and 13-14 of Ms. Heard's 14th Requests for Production of Documents and Ms. Heard's 16th Requests for Production of Documents, which are deficient for the reasons stated below.

14th Requests for Production of Documents

1. **RFPs 1-3:** These three RFPs seek documents related to Mr. Depp's statements to Mr. Carino in the audio recording produced as DEPP8296. The specific statements for these RFPs are that: 1) "have gotten emails from every fucking studio fucking head from every motherfucker, I didn't do a thing. 'I'm sorry you're going through this. I'm so sorry.'" Clearly she's out of her fucking mind. She is viewed as out of her fucking mind across the globe"; 2) "There ain't no motherfucker in this

business going to hire her”; 3) “Oh, she's ruined. For sure. She did that herself. In terms of the business, she's a wrap.”

Mr. Depp asserted and stood on extensive objections to RFPs 1-3, and refused to produce any documents. But these RFPs cannot possibly be any more specific. Mr. Depp also objected on relevance and harassment, despite these RFPs going to factual issues at the heart of the case – RFP 1 clearly going to causation of Mr. Depp’s alleged damages, and RFPs 2-3 going to causation of Ms. Heard’s damages.

As a compromise, Ms. Heard will agree to revise the predicate language of these Requests to the following: “Please produce documents supporting Mr. Depp’s statement to Christian Carino in the audio recording produced as DEPP8296 that _____.” Surely Mr. Depp cannot object to producing documents supporting his own statements on this relevant subject matter, including his own claim to receiving “emails” commenting on Ms. Heard’s allegations. The remaining objections should be withdrawn, and all documents responsive to this revised Request produced immediately.

2. **RFP 13:** This RFP seeks communications between Mr. Depp (or any agents and employees) and any journalist, newspaper, or publication (including but not limited to The Daily Mail) referring, reflecting, or related to any audio or video recordings (or partial recordings) of Mr. Depp or Ms. Heard from 2008 to the present. Mr. Depp asserted and stood on extensive objections, and refused to produce any documents.

Mr. Depp’s team leaking recordings to the press of recordings of him or Ms. Heard relate to both Mr. Depp’s and Ms. Heard’s claims, as their reputations are at issue. Mr. Depp also objected that these RFPs lack particularity, are overbroad and unduly burdensome, and are vague/ambiguous, but this RFP only seeks communications with publications regarding recordings of Mr. Heard or Mr. Depp from 2008 to the present. If as Mr. Depp has previously contended he did not leak any recordings to any journalist, newspaper, or publication, then there should be no responsive documents for Mr. Depp to produce. If Mr. Depp did so, the documents are relevant.

As a compromise, Ms. Heard will agree to revise this Requests to the following: “Please produce communications between Mr. Depp (or any of Mr. Depp’s agents or employees on his behalf) and any journalist, newspaper, publication (including but not] limited to The Daily Mail) referring to or reflecting any audio or video recordings (or partial recordings) of Mr. Depp or Ms. Heard. The remaining objections should be withdrawn, and all documents responsive to this revised Request produced immediately.

3. **RFP 14:** This RFP seeks documents and communications relating to the purported investigation of Ms. Heard in Australia, including communications between Mr. Depp (or any agents and employees) and any journalist, newspaper, or publication on this subject matter. Mr. Depp asserted and stood on extensive objections, and refused to produce any documents.

The issue of Ms. Heard and Mr. Depp's dogs in Australia has arisen multiple times in this litigation, with the parties each blaming each other for the issue. So these documents and communications are relevant and are bound by particular subject matter, and Mr. Depp's objections on that basis are misplaced.

As a compromise, Ms. Heard will agree to revise this Requests to the following: "Please produce documents and communications referring to or reflecting any purported investigation of Ms. Heard in Australia, including but not limited to all communications sent or received between Mr. Depp (or any of Mr. Depp's agents or employees on his behalf) and any journalist, newspaper, or publication."

The remaining objections should be withdrawn, and all documents responsive to this revised Request produced immediately.

16th Requests for Production of Documents

1. **Objections to Definition of "Mr. Depp's Devices":** Mr. Depp objected to this definition on relevance and that it seeks documents not in Mr. Depp's possession, custody and control. But the bases for this definition are the exact devices and data that *Mr. Depp* confirmed in an Interrogatory response under oath were in his possession, custody, and control and contained ESI relevant to the claims and defenses in this case. Therefore, please explain how Mr. Depp can object on these basis.
2. **Objections to "Depp Alleged Abuse by Heard Dates":** Mr. Depp objected to this definition on grounds of overly broad, unduly burdensome, harassing, and relevance, but these date ranges are based on Mr. Depp's own allegations of abuse by Ms. Heard from his own Declaration submitted in this case and Witness Statements submitted in the UK litigation. Therefore, please identify your specific bases for any contention these date ranges are irrelevant, overly broad, or unduly burdensome.

3. **Confidential/Proprietary Objections:** Mr. Depp objected to all Requests on grounds of calling for confidential, proprietary, and private personal/business information, but we see no basis these documents would be covered by the protective order, and even if they were covered that would not be a basis to refuse production. At minimum, this objection cannot be used to withhold production, but only to designated documents as Confidential if they are within the scope of the protective order.

4. **RFP 1:** This RFPs seek documents and communications containing the word “monster” from January 1, 2012 to the present. Mr. Depp’s and Ms. Heard’s use of the word “monster” and what this word references is a very relevant issue in this case, with Mr. Depp contending his use of this word does not relate to his abuse of Ms. Heard. Mr. Depp then refused to produce any responsive documents. As a compromise, Ms. Heard is willing to revise this RFP to the following: “Please produce documents and communications referring to Mr. Depp as a ‘monster’ from January 1, 2012 to the present.” These objections should now be withdrawn, and all responsive documents to this revised Request produced immediately.

5. **RFPs 2-7:** These RFPs seek documents and communications related to the specific statements within Mr. Depp’s 4th and 5th Defenses to the counterclaim. As you know, Mr. Depp has repeatedly taken the position that Ms. Heard’s prior document Requests referencing Mr. Depp’s defenses to the Counterclaim lack specificity, so Ms. Heard served this Request directly quoting the factual statements from these Defenses.

As a compromise, Ms. Heard will agree to revise the predicate language of these Requests to the following: “Please produce documents and communications supporting or refuting the following statements” from either Mr. Depp’s 4th or 5th Defenses to the Counterclaim: ____.” All other objections should be withdrawn and all non-privileged, responsive documents produced immediately.

6. **RFPs 8-27:** RFPs 8-16 seek documents related to Mr. Depp’s specific repeated factual statements regarding whether “that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction” from ¶¶ 41-42 and 44-52 of Mr. Depp’s Answer to the Counterclaim. Mr. Depp stood on his objections, and refused to produce any responsive documents.

RFPs 17-27 then seek documents related to Mr. Depp’s similar repeated factual statement regarding whether “that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction” from ¶¶ 66-70 of Mr. Depp’s

Answer to the Counterclaim. Mr. Depp stood on his objections, and refused to produce any responsive documents.

As a compromise, Ms. Heard will agree to revise the predicate language of these Requests to the following: “Please produce documents and communications supporting the following statement in ¶ ___ of your Answer to the Counterclaim: ____.” All other objections should be withdrawn and all non-privileged, responsive documents produced immediately.

7. **RFPs 28-31:** RFPs 28-31 seek all photographs, video recordings, and audio recordings (and deleted) of Mr. Depp’s fingers, finger injury, severed finger, or hands on Mr. Depp’s Devices during the time period of March 1-19, 2015 in native form with all metadata, along with production of Mr. Depp’s Devices for purposes of extraction of these same photographs, video recordings, and audio recordings (and deleted) during the same time period.

Mr. Depp asserted extensive objections, and only agreed to produce photographs and video recordings of Mr. Depp’s finger injury or severed finger during this time period, but refused to produce photographs and video recordings of Mr. Depp’s finger or hands during this same time period. Mr. Depp also claims he is unaware of any “deleted” photographs or video recordings, but did not state if he has searched Mr. Depp’s Devices, cloud accounts, or backups for any deleted photographs or video recordings.

For RFP 30 seeking audio recordings, Mr. Depp stood on his objections and refused to produce any audio recordings, claiming the Request was “unintelligible.” But this objection does not make sense, as audio recordings related to Mr. Depp’s conduct in The Australia House have already been produced. Please explain the basis for this objection and refusal to produce.

These RFPs and Mr. Depp’s objections also raise the same issues the parties are currently meeting and conferring on regarding Ms. Heard’s 14th and 15th Requests, so we will include them in those meet and confers.

8. **RFPs 33-36:** These RFPs seek all photographs, video recordings, and audio recordings (and deleted) of Mr. Depp on Mr. Depp’s Devices during the time period of February 17-March 19, 2015 in native form with all metadata, along with production of Mr. Depp’s Devices for purposes of extraction of these same photographs, video recordings, and audio recordings (and deleted) during the same time period. Mr. Depp asserted extensive objections, and refused to produce any responsive multimedia. These RFPs and Mr. Depp’s objections raise the same issues the parties are currently meeting and conferring on regarding Ms. Heard’s 14th and 15th Requests, so we will include them in those meet and confers.

9. **RFP 32:** This RFP seek communications on Mr. Depp's Devices between February 17-March 19, 2015 relating to Mr. Dep's fingers, finger injury, severed finger, or hands. Mr. Depp's finger and its causation is a hotly disputed issue in this litigation, and all communications related to this injury are indisputably relevant.

Mr. Depp asserted extensive objections, and only agreed to produce documents and communications relating to his finger injury. But the RFP also seeks communications related to Mr. Depp's fingers, severed finger, or hands during this time period, because they would reveal relevant evidence about these specific body parts during a relevant time period, even if not directly related to Mr. Depp's finger injury. The objections should be withdrawn and all responsive documents produced immediately.

10. **RFPs 37, 44, 46:** These RFPs seek documents related to prior settlements of claims involving Mr. Depp. RFP 37 seeks payments made by Mr. Depp, Mr. Depp's entities, or his agents to anyone asserting claims against Mr. Depp. Mr. Depp asserted extensive objections and refused to produce any documents, but Ms. Heard is willing to narrow this RFP to only seeking documents "sufficient to reflect any payments" to anyone asserting claims against Mr. Depp.

RFP 46 then seeks documents reflecting the settlement terms in any litigation involving Mr. Depp, but Mr. Depp asserted extensive objections and refused to produce any documents. Ms. Heard is similarly willing to narrow this RFP to only seek documents "sufficient to reflect the settlement terms in any litigation involving Mr. Depp," which could be accomplished by producing the settlement agreements from any of these litigations.

RFP 44 then seeks documents related to any legal matter, demands, claims, or allegations made against or involving Mr. Depp from 2009 to the present. Ms. Heard will revise this Request to state "Documents referring to any legal matter, demands, claims, or allegations made against, about, or involving Mr. Depp respecting or by any person or entity from January 1, 2009 to the present."

Documents responsive to these revised RFPs should be produced.

11. **RFP 38:** This RFP seek documents related to any video and audio recordings, photographs, or images of Ms. Heard, including anything recorded by Mr. Depp or any of his entities, representatives, or agents. Mr. Depp asserted extensive objections and refused to produce any documents. As a compromise, Ms. Heard is willing to revise this RFP to the following: "Any video

recordings, audio recordings, photographs, or images of Ms. Heard, including copies of anything recorded by Mr. Depp or any of his entities, representatives, or agents from January 1, 2012 to the present.” The objections should now be withdrawn, and all responsive documents produced immediately.

12. **RFP 39:** This RFP seek documents relating to any consumption or possible consumption of alcohol or drug use, or abuse, by Mr. Depp. Mr. Depp’s use and abuse of alcohol and drugs is clearly relevant to this case, especially during the specific time periods the parties accuse each other of abuse and property damage. But Mr. Depp asserted extensive objections and refused to produce any documents.

As a compromise, Ms. Heard is willing to revise this RFP to seeking “documents that refer to any consumption or possible consumption of alcohol or drug use, or abuse, by Mr. Depp during any of the Depp Abuse of Heard Dates, the Depp Alleged Abuse by Heard Dates, or the “Property Damage Dates” (defined as: February 26-March 18, 2013; July 1-5, 2013; May 22-26, 2014; August 1-31, 2014; March 1-31, 2015; December 10-31, 2015; April 15-27, 2016; and May 15-27, 2016). Responsive documents to this revised RFP should be produced immediately.

13. **RFP 40:** This RFP seek documents relating to Mr. Depp’s issues with anger, verbal abuse or similar conduct by Mr. Depp- subject matter clearly relevant to the issues at the heart of this case. Mr. Depp asserted extensive objections and refused to produce any documents. As a compromise, Ms. Heard is willing to revise this Request to the following: “Documents referring to any instances of anger, anger management, shouting, yelling, scolding or speaking in a harsh tone, by Mr. Depp toward any person, including Ms. Heard or other females, any acquaintances, friends, dates, employees, or contractors of Mr. Depp or his companies, photographers, videographers, news reporters, and/or strangers.” The objections should now be withdrawn, and all responsive documents produced immediately.

14. **RFP 41:** This RFP seek documents relating to Mr. Depp’s efforts to cover up, deny, falsify, or misrepresent facts or events reflecting negatively upon him. Mr. Depp asserted extensive objections and refused to produce any documents. A myriad of testimony and evidence produced in this case has revealed Mr. Depp’s and his agents significant efforts to cover up and falsify facts or events reflecting negatively upon Mr. Depp, so documents containing some of this subject matter have already been produced and/or testified to. These efforts overlap with Mr. Depp’s substantial efforts to cover up and conceal his abuse of Ms. Heard, and reveal a pattern of Mr. Depp’s agents protecting him from the consequences of his own actions and behavior.

As a compromise, Ms. Heard is willing to revise this Request to the following: “Documents supporting Mr. Depp’s efforts to cover up, deny, falsify, or misrepresent facts or events reflecting negatively upon him.” The objections should now be withdrawn, and all responsive documents produced immediately.

15. **RFP 42:** This RFP seek documents relating to instances of physical violence by Mr. Depp towards any person or property, including multimedia. Mr. Depp asserted extensive objections and refused to produce any documents. As a compromise, Ms. Heard is willing to revise this Request to the following: “Documents referring to or reflecting any instances of physical violence by Mr. Depp towards any person or property, including any photographs, videos, drawings, or descriptions of any such physical violence.” The objections should now be withdrawn, and all responsive documents produced immediately.

16. **RFP 43:** This RFP seek documents relating to complaints or criticisms against Mr. Depp from 2009 to the present. Mr. Depp asserted extensive objections and refused to produce any documents. As a compromise, Ms. Heard is willing to revise this Request to the following: “Documents referring to any complaints and/or criticisms of Mr. Depp for any conduct involving violence, abuse, damage to property, alcohol or drug use or abuse, intoxication on drugs or alcohol, lateness, or tardiness.” The objections should now be withdrawn, and all responsive documents produced immediately.

17. **RFP 45:** This RFP seek documents that negatively impact Mr. Depp’s reputation. Mr. Depp asserted extensive objections and refused to produce any documents. But Mr. Depp successfully moved to compel RFPs 5-9 of his 4th Set of Requests for Production, all of which sought documents reflecting Ms. Heard’s reputation. So this RFP only seeking documents that reflect *negatively* on Mr. Depp’s reputation is narrower and more specific than the RFPs Mr. Depp moved to compel. These objections should be withdrawn, and all responsive documents produced.

Please let us know your availability to meet and confer on these RFPs within the next week, and if those efforts are unsuccessful we will then schedule a call with the Conciliator before proceeding to Motions practice, which we hope will not be necessary.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**CONSENT ORDER PARTIALLY RESOLVING PORTIONS OF MS.
HEARD'S 17th REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant and Counterclaim Plaintiff Amber Laura Heard (“Ms. Heard”) and Plaintiff and Counterclaim Defendant John C. Depp, II (“Ms. Depp”), by counsel, having engaged in meet and confers respecting portions of Ms. Heard’s 17th Requests for Production of Documents to Mr. Depp, and having consented to an Order respecting certain of these discovery requests, as evidenced by their signatures below, it is hereby:

ORDERED that as to the following Requests of Ms. Heard’s 17th Set of Requests for Production of Documents, Mr. Depp shall produce the following non-privileged documents within his possession, custody, and control:

With respect to Requests 48-59, Mr. Depp shall produce any responsive, non-privileged documents referring to or reflecting the incidents described in the paragraphs of Mr. Depp’s 2nd Witness Statement described in those Requests;

With respect to Requests 65-72, Mr. Depp shall produce any responsive, non-privileged documents referring to or reflecting the incidents described in the paragraphs of Mr. Depp’s 3rd Witness Statement described in those Requests;

With respect to Requests 79-91, Mr. Depp shall produce any responsive, non-privileged documents referring to or reflecting the incidents described in the paragraphs of the Declaration of Ms. Heard described in those Requests;

With respect to Requests 106-119, Mr. Depp shall produce any responsive, non-privileged documents referring to or reflecting the incidents described in the paragraphs of Ms. Heard's Witness Statement described in those Requests;

; and it is further

ORDERED that Mr. Depp shall produce any documents responsive to the above Orders within 30 days of entry of this Order.

SO ORDERED.

January __, 2022

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

David Murphy

From: David Murphy
Sent: Tuesday, January 18, 2022 11:05 AM
To: Moniz, Samuel A.; Chew, Benjamin G.; Vasquez, Camille M.; Crawford, Andrew C.; [REDACTED]
Cc: Elaine Bredehoft; Adam Nadelhaft; Clarissa Pintado; Michelle Bredehoft; brottenborn@woodsrogers.com; jtreece@woodsrogers.com
Subject: RE: Depp v. Heard- Consent Order Partially Resolving 14th and 16th RFPs and Request for Conciliation
Attachments: Consent Order- Partially Resolving Heard's 14th and 16th RFPs.docx

Sam,

Despite multiple representations of providing dates for a meet and confer on RFPs that Ms. Heard has been seeking since December 13, we still have not received a specific response. Therefore, Ms. Heard prepared the attached proposed consent order regarding the portions of the 14th and 16th RFPs not included in Ms. Heard's pending Motion, so the parties can more efficiently attempt to resolve them. Based on Mr. Depp's repeated refusal to meet and confer since December 13, we are now requesting a conciliation call with [REDACTED] on these specific RFPs and Consent Order this week.

Thank you for your anticipated cooperation,

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

From: Moniz, Samuel A. <SMoniz@brownrudnick.com>
Sent: Thursday, January 06, 2022 3:25 PM
To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; [REDACTED]
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com
Subject: RE: Depp v. Heard- Discovery Deficiency Email on Ms. Heard's 14th, 16th, and 17th Requests for Production of Documents

David –

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

CONSENT ORDER PARTIALLY RESOLVING PORTIONS OF MS. HEARD'S 14th AND 16th REQUESTS FOR PRODUCTION OF DOCUMENTS

Defendant and Counterclaim Plaintiff Amber Laura Heard ("Ms. Heard") and Plaintiff and Counterclaim Defendant John C. Depp, II ("Ms. Depp"), by counsel, having engaged in meet and confers respecting portions of Ms. Heard's Fourteenth and Sixteenth Requests for Production of Documents¹ to Mr. Depp, and having consented to an Order respecting certain of these discovery requests, as evidenced by their signatures below, it is hereby:

ORDERED that as to the following Requests of Ms. Heard's 14th Set of Requests for Production of Documents, Mr. Depp shall produce any non-privileged documents within his possession, custody, and control responsive to the following revised Requests:

Revised Request 1: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "[I] have gotten emails from every fucking studio fucking head from every motherfucker, I didn't do a thing. 'I'm sorry you're going through this. I'm so sorry.' Clearly she's out of her fucking mind. She is viewed as out of her fucking mind across the globe."

Revised Request 2: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "There ain't no motherfucker in this business going to hire her."

¹ The portions of Ms. Heard's 14th and 16th Requests for Production of Documents not included in this Consent Order are part of Ms. Heard's pending Motion to Compel set for argument on January 26, 2022.

Revised Request 3: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "Oh, she's ruined. For sure. She did that herself. In terms of the business, she's a wrap."

Revised Request 13: Please produce any communications between Mr. Depp (or any of Mr. Depp's agents or employees on his behalf) and any journalist, newspaper, publication (including but not limited to The Daily Mail) referring to or reflecting any audio or video recordings (or partial recordings) of Mr. Depp or Ms. Heard.

Revised Request 14: Please produce any documents and communications referring to or reflecting any purported investigation of Ms. Heard in Australia, including but not limited to any communications sent or received between Mr. Depp (or any of Mr. Depp's agents or employees on his behalf) and any journalist, newspaper, or publication.

; and it is further

ORDERED that as to the following Requests of Ms. Heard's 16th Set of Requests for Production of Documents, Mr. Depp shall produce any non-privileged documents within his possession, custody, and control responsive to the following revised Requests:

Revised Request 1: Please produce any communications "monster" from January 1, 2012 to the present.

Revised Request 2: Please produce any documents and communications supporting the following statement from Mr. Depp's 4th Defense to the Counterclaim: "The statements forming the basis of the counterclaim are not false and defamatory because they were truthful."

Revised Requests 3-7: Please produce any documents and communications supporting the following statements from Mr. Depp's 5th Defense to the Counterclaim:

- (a) "whether or not there was authorization from Counterclaim Defendant to, or a conspiracy with, Mr. Waldman to make the statements forming the basis of the Counterclaim";
- (b) "Counterclaim Defendant's lack of direction as to the subject statements";
- (c) "Counterclaim Defendant's lack of direction or control of a third party as to the subject statements";
- (d) "a third party exceed[ed] the scope of employment or agency relationship as to the subject statements"; and
- (e) The "statements [were] made by an independent contractor."

Combined Revised Requests 8-16: Please produce any documents and communications supporting the following statement in ¶¶ 41, 42, 44-49, and 52 of your Answer to the Counterclaim- whether “that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction.”

Combined Revised Requests 17-27: Please produce any documents and communications supporting the following statement in ¶¶ 66, 66(a-f), and 67-70 of your Answer to the Counterclaim- whether “that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction.”

Revised Request 32: Please produce any communications on Mr. Depp’s Devices between February 17-March 19, 2015 referring to or reflecting Mr. Depp’s fingers, finger injury, severed finger, or hands.

Revised Request 37: Documents sufficient to reflect any payments made by Mr. Depp, any of Mr. Depp’s entities, or agents, to anyone asserting claims against Mr. Depp for any claims relating to the subject matter contained in Revised RFP 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 44: Documents referring to any legal matter, demands, claims or allegations made against, about or involving Mr. Depp respecting or by any person or entity from January 1, 2009 until the present relating to the subject matter contained in Revised RFP 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 46: Documents sufficient to reflect the settlement terms in any litigation involving Mr. Depp relating to the subject matter contained in Revised RFP 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 38: Any video recordings, audio recordings, photographs, or images of Ms. Heard, including any copies of anything recorded by Mr. Depp or any of his entities, representatives or agents, from January 1, 2012 to the present.

Revised Request 39: Any documents that refer to or reflect any consumption or possible consumption of alcohol or drug use, or abuse, by Mr. Depp during any of the Depp Abuse of Heard Dates, the Depp Alleged Abuse by Heard Dates, or the Property Damage Dates.²

Revised Request 40: Any documents referring to or reflecting any instances of anger, anger management, shouting, yelling, scolding or speaking in a harsh tone, by Mr. Depp toward any person, including Ms. Heard or other females, any acquaintances, friends,

² For purposes of this Request, the phrases Depp Abuse of Heard Dates and the Depp Alleged Abuse by Heard Dates” are defined in the 16th Requests for Production of Documents. “Property Damage Dates” is defined as: “February 26-March 18, 2013; July 1-5, 2013; May 22-26, 2014; August 1-31, 2014; March 1-31, 2015; December 10-31, 2015; April 15-27, 2016; and May 15-27, 2016.”

dates, employees, or contractors of Mr. Depp or his companies, photographers, videographers, news reporters, and/or strangers.

Revised Request 41: Documents referring to or reflecting any efforts by Mr. Depp to cover up, deny, falsify, or misrepresent facts or events reflecting negatively upon him.

Revised Request 42: Any documents referring to or reflecting any instances or possible instances of physical violence by Mr. Depp toward any person or property, including any photographs, videos, drawings, or descriptions of any such physical violence.

Revised Request 43: Any documents referring to or reflecting any complaints against and/or criticisms of Mr. Depp for any conduct involving violence, abuse, damage to property, alcohol or drug use or abuse, intoxicated on drugs or alcohol, lateness, or tardiness from January 1, 2009 to the present.

Revised Request 45: Any documents referring to or reflecting any negative impact of the Divorce Action, the U.K. Action, and/or Ms. Heard's allegations of abuse against You on your reputation and/or career.

; and it is further

ORDERED that Mr. Depp shall produce any documents responsive to the above Orders within 30 days of entry of this Order.

SO ORDERED.

January __, 2022

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

ORDER

Upon consideration of Plaintiff's Motion to Compel Defendant's Further Responses Without Objections and Production of Documents in Response to His Fourth Request for Production ("Plaintiff's Motion"), the parties' respective briefs, arguments of counsel on April 30, 2021, and being fully advised, it is, this 12 day of May, 2021 hereby ORDERED as follows:

1. Plaintiff's Motion is GRANTED in part, and DENIED in part.
2. Defendant shall produce to Plaintiff by no later than Friday, May 28, 2021, all non-privileged documents responsive to the following requests contained in Plaintiff's Fourth Set of Requests for Production ("RFP's"): 2-4, 5-9, 11-14, 16, 18, 20, 22, 24, 26, 28, and 29-33. All of Defendant's objections to these requests are OVERRULED, and the temporal scope of her production shall be from January 1, 2010 forward.
3. Defendant's objections to RFP Nos. 37, 38, and 42 are OVERRULED, and Defendant shall produce all non-privileged documents responsive to these requests by no later than May 28, 2021.
4. Defendant's objections to RFP Nos. 39-41 are SUSTAINED.

5. Defendant's objections to RFP Nos. 18 and 19 are OVERRULED. By asserting defense of counsel as an affirmative defense, Defendant waived her attorney-client privilege with respect to the Op-Ed at issue in the Complaint. Accordingly, her communications on that subject are not privileged, and Defendant shall produce all communications to or from anyone, including but not limited to any of her legal counsel and/or anyone associated with the ACLU, relating in any way to the Op-Ed, and shall produce by no later than Friday, May 28 all drafts of the Op-Ed and any and all other documents responsive to RFP Nos. 18 and 19.

6. With respect to the tax returns, Defendant shall produce all information showing gross income, but may otherwise redact.

7. Defendant represents she has produced all non-privileged documents responsive to RFP Nos. 5, 7, 8 and 37.



The Honorable Penney S. Azcarate
CHIEF JUDGE -ELECT

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S FOURTH SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT AMBER LAURA HEARD**

Pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, Plaintiff John C. Depp, II, by and through his undersigned counsel, requests that Defendant Amber Laura Heard produce the documents identified below for inspection and copying at the offices of Brown Rudnick LLP, 601 Thirteenth Street NW Suite 600, Washington, DC 20005, within twenty-one (21) days of service.

DEFINITIONS AND INSTRUCTIONS

Definitions

1. The term "Action" shall mean this litigation pending in the Circuit Court for Fairfax County captioned, *John C. Depp, II v. Amber Laura Heard*, Case No. CL-2019-0002911.

2. The term "Chat Application" shall mean any electronic program or application, usable on any device or platform, that allows the user to communicate with another person by way of exchange of text messages and/or images, including, but not limited to, iMessage,

RESPONSE:

5. All Documents and Communications that evidence or reflect the impact of Your relationship with Mr. Depp on Your reputation and/or career.

RESPONSE:

6. All Documents and Communications that evidence or reflect the impact of the Divorce Action on Your reputation and/or career.

RESPONSE:

7. All Documents and Communications that evidence or reflect the impact of the U.K. Action on Your reputation and/or career.

RESPONSE:

8. All Documents and Communications that evidence or reflect the impact of Your allegations of abuse against Mr. Depp on Your reputation and/or career.

RESPONSE:

9. All Documents and Communications that evidence or reflect the impact of any and all public statements by Adam Waldman on Your reputation and/or career.

RESPONSE:

10. All Documents and Communications that evidence or reflect the impact of any and all public statements by Mr. Depp on Your reputation and/or career.

RESPONSE:

11. All Documents and Communications that refer, reflect, or relate to any contention that You have suffered damages as a result of any alleged statement by Mr. Depp or Adam Waldman.

RESPONSE:

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,)

Plaintiff,)

v.)

Amber Laura Heard,)

Defendant.)

Civil Action No.: CL-2019-0002911

**PLAINTIFF JOHN C. DEPP, II'S MEMORANDUM IN SUPPORT OF MOTION TO
COMPEL DEFENDANT AMBER LAURA HEARD'S FURTHER RESPONSES
WITHOUT OBJECTIONS AND PRODUCTION OF DOCUMENTS IN RESPONSE TO
FOURTH REQUESTS FOR PRODUCTION**

Benjamin G. Chew (VSB #29113)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Phone: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez (*pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
cvasquez@brownrudnick.com

Counsel for Plaintiff John C. Depp, II

RFP No. 18 seeks drafts of Ms. Heard's op-ed in the *Washington Post*, which forms the basis of Mr. Depp's Complaint for defamation. Ms. Heard's response limits the scope of production to "non-privileged" drafts. But Ms. Heard asserted the defense of advice of counsel in her fourth affirmative defense in her Answer ("Defendant relied upon counsel in writing and publishing the Op-Ed..."), which waives the privilege. Having asserted a defense that she relied on counsel in drafting the Op-ed, Ms. Heard cannot withhold drafts of the Op-ed on privilege grounds. *See, e.g., 7600 Limited Partnership v. QuesTech, Inc.*, 41 Va. Cir. 60 (1996).

RFP No. 19 seeks documents and communications regarding the op-ed in *The Washington Post* that forms the basis of Mr. Depp's Complaint in this action. The request clearly seeks directly relevant, discoverable information. Incredibly, Ms. Heard only agreed to produce drafts of the op-ed, but no communications or other documents.

III. Ms. Heard's Document Production Is Long Overdue

Ms. Heard's documents were due on January 19, 2021. Va. R. Sup. Ct. 4:9. No documents have been produced. The parties are in the midst of depositions, and the discovery cutoff is a bare two months away. Immediate production should be ordered.

IV. Ms. Heard Refuses Outright To Produce Any Documents In Response To RFP Nos. 3, 4, 5-8, 10, 15, 17, 19, 21, 23, 25, 27, and 34-42

Ms. Heard's objections to the RFPs set forth below should be overruled:

RFP Nos. 3 and 4 seek documents and contracts reflecting Ms. Heard's compensation from professional projects (i.e., acting jobs). Mr. Depp cannot properly evaluate and present evidence as to whether Ms. Heard's claim to have suffered \$100 million in damages is plausible without taking discovery as to her actual and projected income and career prospects.

RFP Nos. 5, 6, 7, 8, 10 seek documents reflecting the impact of the Depp/Heard relationship, the parties' divorce, the parties' subsequent litigation, and Ms. Heard's public abuse

allegations against Mr. Depp on Ms. Heard's reputation and career. By asserting a \$100 million Counterclaim for defamation, Ms. Heard put her reputation directly at issue. Mr. Depp is entitled to explore the relative impact of each of these events on Ms. Heard's career and reputation. For instance, if documents suggest that Ms. Heard's career was damaged more by the parties' widely publicized litigation than by a few tweets from Mr. Waldman, that fact would be relevant to challenge her claimed damages. Mr. Depp also contends that Ms. Heard manipulated the public and the press to falsely portray herself as a heroic survivor of abuse, in part to burnish her reputation and raise her profile, and is entitled to seek discovery to support that contention.

RFP No. 15 seeks documents related to the domestic violence restraining order sought by Ms. Heard when the parties divorced, *in which Ms. Heard publicly alleged in court filings that she had been abused by Mr. Depp*. While a subset of responsive documents might be privileged, any non-privileged documents that pertain to the restraining order or its contents are directly relevant. To state the obvious, *the truth or falsity of Ms. Heard's abuse allegations are at the heart of this case*. Documents and communications regarding the restraining order are reasonably calculated to lead to admissible evidence on that issue, and cannot be withheld.

RFP No. 17, 21, 23, 25, and 27 seek documents related to any contention that Ms. Heard suffered damages as a result of statements by Mr. Depp and Mr. Waldman that have now been eliminated as part of Ms. Heard's Counterclaim by Mr. Depp's Plea in Bar. However, the information sought by these RFPs remains relevant to a damages analysis. Mr. Depp is entitled to explore how much of Ms. Heard's \$100 million in alleged damages was claimed to be attributable to the five statements that are no longer part of Ms. Heard's Counterclaim. In other words, Mr. Depp is entitled to explore issues such as whether Ms. Heard's claimed damages are attributable, in whole or in part, to earlier statements as to which any claim is time-barred.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

ORDER

THIS MATTER CAME TO BE HEARD upon Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Ms. Heard") Motion to Compel Responses to Tenth Requests for Production of Documents to Plaintiff and Counterclaim Defendant John C. Depp II, pursuant to Rule 4:12 of the Rules of the Virginia Supreme Court; and upon consideration of the briefs, exhibits, and argument of counsel on August 6, 2021, it is hereby:

ORDERED that Ms. Heard's Motion is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 5 of Ms. Heard's Tenth Requests for Production of Documents:

Portions of non-privileged deposition transcripts, written discovery responses (including responses to interrogatories, requests for production, and requests for admission), pleadings, exhibits to pleadings, and deposition exhibits referenced in responsive portions of deposition testimony provided in any of the "Other Litigation" [as defined in the 10th Requests for Production] relating to:

- a. Ms. Heard's relationship with Mr. Depp;
- b. To the extent not covered by the preceding category, Mr. Depp's and Ms. Heard's respective allegations of physical or emotional domestic abuse/violence;

no enr 9/23/21

- c. Any alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, as a result of alleged tardiness or behavior on set;
- d. Any allegations of reputational harm, alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, caused by the defendants in the Other Litigation;
- e. Any allegations by the defendants in the Other Litigation of damage to Mr. Depp's career prospects, damage to his career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity;
- f. Any allegations by anyone of drug and alcohol use or abuse by Mr. Depp or Ms. Heard;
- g. Anything related to Mr. Depp committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial remuneration as a result of the property damage committed;
- h. Anything related to Ms. Heard committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial enumeration as a result of the property damage committed;
- i. Anything related to Mr. Depp's injury to his finger in March 2015; and
- j. Anything related to Mr. Depp's efforts to obtain a pre-nuptial or post-nuptial agreement from Ms. Heard and any communications in connection therewith.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 6 of Ms. Heard's Tenth Requests for Production of Documents:

All financial documents relied upon by Mr. White, or anyone else who may have been involved or participated (collectively, "Mr. White"), in preparing the documents bates numbered EWC 1-52. For purposes of clarity, this request is only seeking all underlying financial documents relied upon or referred to by Mr. White to prepare the numbers and calculations included in EWC 1-52.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 20 of Ms. Heard's Tenth Requests for Production of Documents:

Please provide documents sufficient to reflect all loans, benefits, perks, expenses, or payments for any other reason in excess of \$5,000 in either cash or value made by You from May 21, 2016 through the present, to the following (for each person the request includes if paid to an entity or someone on their behalf): Debbie Lloyd, Christi Dembrowski, Trinity Esparza, Brandon Patterson, Cornelius Harrell, Alejandro Romero, Robin Baum, Laura Divenere, Christian Carino, Jack Whigham, Tracy Jacob, Melanie Inglessis, Stephen Deuters, Sean Bett, Malcolm Connolly, Nathan Holmes, Raquel Pennington, Kate James, Jennifer Howell, Michele Mulrooney, Edward White, Melissa Saenz, Tyler Hadden, Isaac Baruch, Lisa Beane, Erin Boerum, Connell Cowan, Bobby de Leon, Gina Deuters, Josh Drew, Ben King, David Kipper, Joel Mandel, Samantha McMillen, Kevin Murphy, Todd Norman, C.J. Roberts, Tara Roberts, Anthony Romero, Trudy Salven, Sam Sarkar, Robin Schulman, Doug Stanhope, Jessica Weitz, Bruce Witkin, Keenan Wyatt, and Blair Berk.

The foregoing shall not require the production of documents reflecting payments to Mr. Depp's attorneys. Mr. Depp shall also identify, in the affirmative and without stating any amounts, whether any of the above identified individuals received any salary, commissions, bonuses, or advances ("Salary") from him.

and it is further

ORDERED that Mr. Depp shall produce all documents responsive to the above Requests no later than September 17, 2021; and it is further

ORDERED that Ms. Heard's Motion to Compel Requests 10, 24 and 25 of the Tenth Requests for Production of Documents is **DENIED** as overbroad.

SO ORDERED.

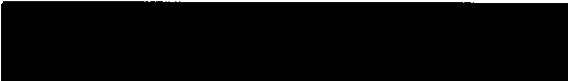
August 19, 2021



The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:



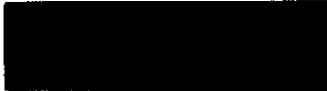
(by permission)

Elaine Charlson Bredehoff (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
Charlson Bredehoff Cohen & Brown, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
Telephone: (703) 318-6800
ebredehoff@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

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

Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

**SEEN AND PARTIALLY OBJECTED TO FOR THE
REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:**



Benjamin G. Chew (VSB 29113)
Andrew C. Crawford (VSB 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez (admitted *pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
cvasquez@brownrudnick.com

Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

ORDER

THIS MATTER CAME TO BE HEARD upon Defendant and Counterclaim-Plaintiff Amber Laura Heard's ("Ms. Heard") Motion to Compel Responses to Third Requests for Admissions and Responses and Full Production of Non-privileged Documents Responsive to Ms. Heard's Fourteenth, Sixteenth, and Seventeenth Requests for Production of Documents to Plaintiff and Counterclaim-Defendant John C. Depp, II ("Mr. Depp") (the "Motion"); and upon consideration of the briefs and argument of counsel, it is hereby:

ORDERED Mr. Depp shall admit or deny the authenticity of the documents included in Ms. Heard's 3rd Requests for Admissions, and for those denied by Mr. Depp, shall produce all non-privileged documents, if any, supporting such denials; and it is further

ORDERED that as to the following Requests in Ms. Heard's 17th Requests for Production of Documents brought in this Motion, Mr. Depp's objections are overruled and he shall produce the following non-privileged documents within his possession, custody, and control:

With respect to Requests 48-59, Mr. Depp shall produce any responsive documents referring to or reflecting the incidents described in the paragraphs of Mr. Depp's 2nd Witness Statement described in those Requests;

With respect to Requests 65-72, Mr. Depp shall produce any responsive documents referring to or reflecting the incidents described in the paragraphs of Mr. Depp's 3rd Witness Statement described in those Requests;

With respect to Requests 79-91, Mr. Depp shall produce any responsive documents referring to or reflecting the incidents described in the paragraphs of the Declaration of Ms. Heard described in those Requests;

With respect to Requests 106-19, Mr. Depp shall produce any responsive documents referring to or reflecting the incidents described in the paragraphs of Ms. Heard's Witness Statement described in those Requests;

and it is further

ORDERED that as to the following Requests of Ms. Heard's 14th Requests for Production of Documents, Mr. Depp's objections are overruled and he shall produce any non-privileged documents within his possession, custody, and control responsive to the following revised Requests:

Revised Request 1: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "[I] have gotten emails from every fucking studio fucking head from every motherfucker, I didn't do a thing. 'I'm sorry you're going through this. I'm so sorry.' Clearly she's out of her fucking mind. She is viewed as out of her fucking mind across the globe."

Revised Request 2: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "There ain't no motherfucker in this business going to hire her."

Revised Request 3: Please produce any documents supporting Mr. Depp's statement to Christian Carino in the audio recording produced as DEPP8296 that "Oh, she's ruined. For sure. She did that herself. In terms of the business, she's a wrap."

Revised Request 13: Please produce any communications between Mr. Depp (or any of Mr. Depp's agents or employees on his behalf) and any journalist, newspaper, publication (including but not limited to The Daily Mail) referring to or reflecting any audio or video recordings (or partial recordings) of Mr. Depp or Ms. Heard.

Revised Request 14: Please produce any documents and communications referring to or reflecting any purported investigation of Ms. Heard in Australia, including but not limited to any communications sent or received between Mr. Depp (or any of Mr. Depp's agents or employees on his behalf) and any journalist, newspaper, or publication;

and it is further

ORDERED that as to the following requests in Ms. Heard's 16th Requests for Production of Documents, Mr. Depp's objections are overruled and he shall produce any non-privileged documents within his possession, custody, and control responsive to the following revised Requests:

Revised Request 1: Please produce any communications containing the word "monster" from January 1, 2012 to the present.

Revised Request 2: Please produce any documents and communications supporting the following statement from Mr. Depp's 4th Defense to the Counterclaim: "The statements forming the basis of the counterclaim were not made by the Counterclaim Defendant."

Revised Requests 3-7: Please produce any documents and communications supporting the following statements from Mr. Depp's 5th Defense to the Counterclaim:

- (a) "whether or not there was authorization from Counterclaim Defendant to, or a conspiracy with, Mr. Waldman to make the statements forming the basis of the Counterclaim";
- (b) "Counterclaim Defendant's lack of direction as to the subject statements";
- (c) "Counterclaim Defendant's lack of direction or control of a third party as to the subject statements";
- (d) "a third party exceed[ed] the scope of employment or agency relationship as to the subject statements"; and
- (e) The "statements [were] made by an independent contractor."

Combined Revised Requests 8-16: Please produce any documents and communications supporting the following statement in ¶¶ 41, 42, 44-49, and 52 of your Answer to the Counterclaim- whether "that particular conduct by Mr. Waldman was authorized by Counterclaim Defendant or done at his direction."

Combined Revised Requests 17-27: Please produce any documents and communications supporting the following statement in ¶¶ 66, 66(a-f), and 67-70 of your Answer to the Counterclaim- whether "that particular conduct by Mr. Waldman was performed as an agent or was authorized by Counterclaim Defendant or done at his direction."

Revised Request 32: Please produce any communications on Mr. Depp's Devices between February 17-March 19, 2015 referring to or reflecting Mr. Depp's fingers, finger injury, severed finger, or hands.

Revised Request 37: Documents sufficient to reflect any payments made by Mr. Depp, any of Mr. Depp's entities, or agents, to anyone asserting claims against Mr. Depp for

any claims relating to the subject matter contained in Revised Request 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 44: Documents referring to any legal matter, demands, claims or allegations made against, about or involving Mr. Depp respecting or by any person or entity from January 1, 2009 until the present relating to the subject matter contained in Revised Request 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 46: Documents sufficient to reflect the settlement terms in any litigation involving Mr. Depp relating to the subject matter contained in Revised Request 5 regarding “Other Litigations” of the Court’s August 19, 2021 Order.

Revised Request 38: Any video recordings, audio recordings, photographs, or images of Ms. Heard, including any copies of anything recorded by Mr. Depp or any of his entities, representatives or agents, from January 1, 2012 to the present.

Revised Request 39: Any documents that refer to or reflect any consumption or possible consumption of alcohol or drug use, or abuse, by Mr. Depp during any of the Depp Abuse of Heard Dates, the Depp Alleged Abuse by Heard Dates, or the Property Damage Dates.¹

Revised Request 40: Any documents referring to or reflecting any instances of anger, anger management, shouting, yelling, scolding or speaking in a harsh tone, by Mr. Depp toward any person, including Ms. Heard or other females, any acquaintances, friends, dates, employees, or contractors of Mr. Depp or his companies, photographers, videographers, news reporters, and/or strangers.

Revised Request 41: Documents referring to or reflecting any efforts by Mr. Depp to cover up, deny, falsify, or misrepresent facts or events reflecting negatively upon him.

Revised Request 42: Any documents referring to or reflecting any instances or possible instances of physical violence by Mr. Depp toward any person or property, including any photographs, videos, drawings, or descriptions of any such physical violence.

Revised Request 43: Any documents referring to or reflecting any complaints against and/or criticisms of Mr. Depp for any conduct involving violence, abuse, damage to property, alcohol or drug use or abuse, intoxicated on drugs or alcohol, lateness, or tardiness from January 1, 2009 to the present.

¹ For purposes of this Request, the phrases Depp Abuse of Heard Dates and the Depp Alleged Abuse by Heard Dates” are defined in the 16th Requests for Production of Documents. “Property Damage Dates” is defined as: “February 26-March 18, 2013; July 1-5, 2013; May 22-26, 2014; August 1-31, 2014; March 1-31, 2015; December 10-31, 2015; April 15-27, 2016; and May 15-27, 2016.”

Revised Request 45: Any documents referring to or reflecting any negative impact of the Divorce Action, the U.K. Action, and/or Ms. Heard's allegations of abuse against You on your reputation and/or career;

and it is further

ORDERED that Mr. Depp comply with the above Orders, including the production of any responsive documents, no later than 5 P.M. February 28, 2022, except that for Revised Requests 2-17 of Ms. Heard's 16th Set of Requests for Production of Documents Mr. Depp shall produce any responsive documents by 5 P.M. on February 14, 2022.

SO ORDERED.

February __, 2022

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

WE ASK FOR THIS:

Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
Telephone: (703) 318-6800
ebredehoft@cbcblaw.com
anadelhaft@cbcblaw.com
cpintado@cbcblaw.com
dmurphy@cbcblaw.com

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

Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard

SEEN AND _____ :

Benjamin G. Chew (VSB 29113)
Andrew C. Crawford (VSB 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez (admitted *pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
cvasquez@brownrudnick.com

Counsel for Plaintiff/Counterclaim Defendant, John C. Depp, II