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JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

VIA HAND DELIVERY

The Honorable Bruce D. White, Chief Judge
Judges' Chambers - 5th Floor
Circuit Court of Fairfax County
4110 Chain Bridge Road
Fairfax, Virginia 22030

RE: *John C. Depp, II v. Amber Laura Heard, Civil Action No. CL-2019-0002911*

Dear Chief Judge White,

This responds to Ms. Heard's unsolicited letter to the Court dated December 2. As a threshold matter:

1. Ms. Heard's counsel made no attempt to contact us prior to sending her letter.
2. We understand that the proper way for a party to seek relief is through the established motions procedures, rather than via *ad hoc* letters to the Court.

However, because the letter makes serious and inaccurate representations, Mr. Depp hereby respectfully corrects the record. Had Ms. Heard truly believed Mr. Depp had violated a Court Order, her phalanx of counsel doubtless would have filed a motion for order to show cause. In fact, it appears that neither side violated Your Honor's Order to refrain from spinning the continuance.¹ News reports covering the continuance noted that the parties declined comment. The media articles conveyed the rationale promoted by Ms. Heard in her moving papers (*i.e.*, that Mr. Depp was in default in his discovery obligations), with which Mr. Depp did *not* agree. Some articles leavened that thesis by mentioning the Court's finding of good cause, which conveyed a more accurate message. On balance, if anyone was disadvantaged by the press, it was Mr. Depp.

Ms. Heard's gratuitous comments in her letter about discovery are belied by Mr. Depp's actual document production, and the parties' cooperation as to a substantial completion date, on which agreement is imminent. Indeed, the *only* discovery dispute on the horizon relates to the blizzard of 31 oppressive third-party subpoenas issued by Ms. Heard to date, seeking to complicate what is simple.

¹ The declaration of David J. Killackey, dated November 22, 2019, which has been produced to Ms. Heard, is a *non sequitur*, as it in no way relates to the Court's ruling barring spin of the trial continuance, which occurred at Calendar Control several days later (November 27). But even here Ms. Heard misleads, as, according to Mr. Killackey, the explicit cause of Mr. Heard's wrath had nothing to do with his daughter's false claims of abuse, but rather related to Mr. Heard's own frustrated financial interests.



In this context, Ms. Heard's letter appears to be her latest of many attempts to distract from the merits of the case. As Your Honor is aware, Mr. Depp has moved the Court to permit the use of the depositions of Officers Melissa Saenz and Officer Tyler Hadden taken less than two months after the May 21, 2016 incident when Ms. Heard alleges Mr. Depp abused her, which motion will be heard next Friday. The testimony of these officers of the Los Angeles Police Department, for which Ms. Heard's counsel was present, and which Ms. Heard now seeks to suppress - coupled with security camera videos from the Eastern Columbia Building where Mr. Depp and Ms. Heard were living - contradict Ms. Heard's claims that she had marks on her face on the night of, and in the days after, the alleged assault. The officers also testified that they made security sweeps of the penthouses and found no signs of the massive property damage she alleged took place that night.

Warm regards



Benjamin G. Chew
VSB # 29113