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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 OF LAW IN RESPONSE & OPPOSITION TO DEFENDANT AMBER LAURA HEARD'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES AND REQUESTS FOR ADMISSION**

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*Counsel for Plaintiff John C. Depp, II*

Plaintiff John C. Depp, II (“Mr. Depp”), hereby opposes Defendant Amber Laura Heard’s (“Ms. Heard”) Motion to Compel Production of Documents and Responses to Interrogatories and Requests for Admission (“Defendant’s Motion”):

## INTRODUCTION

Ms. Heard is overreaching, and the Court should set limits on her scorched earth discovery tactics and gratuitous motion practice. As with Ms. Heard’s penultimate motion to compel, Defendant’s Motion involves: discovery requests that Mr. Depp has already responded to; requests that Mr. Depp is willing to supplement (and would have agreed to do so if Ms. Heard had adequately met and conferred prior to bringing the Motion); and requests that are inappropriate and harassing. Though this time there was a cursory meet and confer, Ms. Heard’s counsel did not specifically discuss the requests referenced in her Motion.

The discovery sought is inappropriate. For example, Ms. Heard has served a series of requests regarding the finances of Mr. Depp and *dozens of third parties*, which are extraordinarily intrusive in scope. Ms. Heard has made no effort to tailor the scope of these requests to the subject matter of this action, *i.e.*, what did or not happen between two people during a brief, unhappy marriage from which there were no children. Though the scope of permissible discovery in Virginia is broad, it is not unlimited, and the Court should deny Defendant’s Motion.

## ARGUMENT

### **A. The Court Should Curtail Ms. Heard’s Overbroad Financial Discovery**

Ms. Heard’s overly aggressive discovery tactics are evidenced by discovery requests seeking improper discovery into the finances of Mr. Depp and numerous third parties. For example, Interrogatory No. 1 in her Second Set of Interrogatories demands the identification of

“any payments, gifts, or transfers of value”—of *any kind*, in *any amount* and for *any reason*—between Mr. Depp and *21 different persons* from 2012 through the present, including his former partner with whom he has two children, Vanessa Paradis and any other “romantic partner.” Similarly, Request No. 16 in the Second Set of Requests for Production demands documents reflecting “all transactions from January 1, 2010” between Mr. Depp and *33 different persons*, including his sister and former business manager.

Ms. Heard clearly propounded them to be as intrusive and harassing as possible, without making the slightest effort to tailor their scope to the subject matter of this action. The pretext offered is that Ms. Heard seeks to explore bias of potential witnesses, but that cannot justify such indiscriminate and invasive requests. Ms. Heard has no legitimate need for a list of every birthday or Christmas present Mr. Depp has given his ex-partner, or every “transaction”—whatever that means—in *any amount* and *in any context* that involved his sister, his business manager, *or 31 other persons over the past ten years*. Ms. Heard also asserts that “Mr. Depp himself has leaked declarations... [and] Ms. Heard has the right to test the credibility of these declarations with the information requested,” (Motion at p. 2.), a false, inflammatory and ironic *non sequitur*.

Ms. Hoard’s latest lead counsel, who is most capable, certainly can examine Mr. Depp or any other declarant without having a list of every gift that Mr. Depp has given his former “romantic partners” over a period of many years. Though broad in scope, Virginia discovery is not unlimited, and Ms. Heard has crossed the line into pure harassment. *See e.g.*, Va. S. Ct. R. 4:1(b)(1) (discovery can be limited if “the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient,” or if “the discovery is unduly burdensome”); *Reading and Language Learning Center v. Sturgull*, 94 Va.

Cir. 94 (2016) (commenting that requests for “financial information, mental health records, and other personal inquiries border[ed] on abusive discovery tactics” in the case before the court).

Similarly, Request No. 14 seeks documents reflecting Mr. Depp’s “income, all sources thereof, and any related expenses for each calendar year from 2010 to the present.” This is a blanket request for every aspect of Mr. Depp’s income—whether from investments, professional activities, or anything else—and *every single expense he has incurred over a ten year period*. This is inappropriate. Ms. Heard may be entitled to seek limited discovery into Mr. Depp’s finances to the extent necessary to explore damages from lost income,<sup>1</sup> but it does not follow that she is entitled to make a blanket request for “all sources” of income over a ten year period. Nor is there any valid basis for Ms. Heard to seek discovery into Mr. Depp’s expenses (*much less a blanket request for ten years of expenses*), which are irrelevant. The Court should deny the Motion as to such requests.<sup>2</sup>

**B. Mr. Depp Has Responded to Much of the Discovery Referenced in Defendant’s Motion**

Mr. Depp has already substantively responded to many of the requests supposedly at issue, Ms. Heard does not specify the alleged deficiencies, vaguely asserting that Mr. Depp has “not provided sufficient responses,” including to Interrogatory Nos. 1, 7, 12, and 13 from Ms. Heard’s First Interrogatories; Request Nos. 11 and 12, from her First Request for Production, and Request Nos. 10 and 13 from her Second Request for Production.

For instance, in response to Interrogatory No. 1, which seeks the identification of potential witnesses, Mr. Depp identified 42 potential witnesses. In response to Interrogatory No. 7, which seeks the identification of Mr. Depp’s entities, Mr. Depp identified 25 entities and

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<sup>1</sup> On that point, Mr. Depp has *already agreed* to produce documents reflecting his fees from performances (See Ms. Heard’s Third Request for Production, No. 3), and will agree to supplement his response to Ms. Heard’s Second Interrogatories, No. 2, seeking information on his fees from performances.

<sup>2</sup> See also, First Set of Interrogatories No. 8 (seeking information regarding financial transactions with third parties).

trusts. As for Interrogatory No. 13, which seeks agreements with former “romantic partners,” Mr. Depp has already produced to Ms. Heard the only two such agreements in his possession (other than agreements with Ms. Heard herself).<sup>3</sup>

Similarly, with respect to Request Nos. 11 and 12 from Ms. Heard’s First Set of Requests for Production, and Nos. 10 and 13 in Ms. Heard’s Second Requests for Production, Mr. Depp has already agreed to gather and produce responsive documents, which process is ongoing.

### **C. Ms. Heard’s Requests Are Objectionable**

Ms. Heard’s other requests are objectionable in several respects, but Mr. Depp is willing to supplement a number of additional requests (and if Ms. Heard had properly conferred prior to bringing the Motion, many issues could have been resolved). For example, Interrogatory No. 16 in Ms. Heard’s First Interrogatories seeks “an itemization of all damages,” claimed by Mr. Depp in this action, including “an explanation of how the damages were computed,” and “all assumptions made in computing the damages, and the basis for such assumptions[.]” On its face, this seeks premature expert discovery. However, based on the Court’s prior instruction, Mr. Depp agrees to supplement his response to state the factual information that underlies his damages claims.

Request No. 4 in Ms. Heard’s Second Requests for Production is objectionable as ambiguous and overly broad: it seeks communications with “anyone not listed in Request 51” (Request 51 does not exist) related to Mr. Depp *or* Ms. Heard *or* any act of violence *or* the claims and defenses in this action. Nevertheless, Mr. Depp agrees to produce non-privileged documents related to his relationship with Ms. Heard, claims of violence against other romantic

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<sup>3</sup> Mr. Depp also responded to Interrogatory No. 12, seeking the identity of his “romantic partners,” but will agree to supplement this response with additional information.

partners – no other romantic partner or any other woman has ever claimed that Mr. Depp committed any violence against her – and the claims and defenses in this action.<sup>4</sup>

Request for Admission Nos. 11-15, are objectionable for several reasons (for instance, Request No. 11 asks Mr. Depp to admit that he “damaged property” in Ms. Heard’s presence, without specifying *what* property, the nature of the damage, the context, or *when* this is supposed to have occurred—rendering the request vague to the point of uselessness). Nevertheless, Mr. Depp agrees to supplement Request for Admission Nos. 11-15.

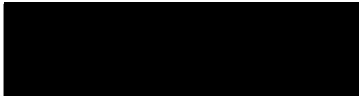
Ms. Heard’s Third Request for Production, No. 4, is an open-ended request for documents dated 2010-present that could be construed to contain “discussion of” a bizarre laundry list of “misogyny, sexism... racism... homophobia... violence toward women,” etc., most of which has nothing to do with this case. This request is overbroad: taken literally, it would encompass every document Mr. Depp has sent or received that related in any way to numerous matters of public concern—a document that merely happened to mention the “me too” movement, would technically be responsive. But such documents have nothing to do with this case.

Based on the foregoing, the Court should deny Defendant’s Motion.

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<sup>4</sup> Mr. Depp does *not* agree to produce all communications with an unspecified list of people that relate to Mr. Depp himself; the request, taken literally, remains nonsensical.

Respectfully submitted,

  
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Dated: July 20, 2020

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of July 2020, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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