

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0008

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FAIRFAX, VA

**DEFENDANT'S MEMORANDUM IN SUPPORT OF HER MOTION TO STRIKE  
PLAINTIFF'S EXPERT DISCLOSURES AND FOR BIFURCATION**

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*Counsel to Defendant Amber Laura Heard*

Defendant Amber Laura Heard, by counsel, hereby files this Memorandum in Support of her Motion to Strike Plaintiff's expert disclosures and for Bifurcation (the "Motion").

### **ARGUMENT & AUTHORITIES**

Plaintiff's Designation/Identification of Expert Witnesses ("Expert Disclosures") (Ex. A) fails to identify a single statement of opinion on which his experts intend to testify, let alone the grounds on which any such opinion might be based. This failure is the latest in a pattern of Plaintiff's attempts to delay, withhold relevant documents, and kick the discovery can down the road, as we fast approach a February 3 trial date. Plaintiff's persistent delays and failures to meet his obligations prejudice Ms. Heard and her ability to present a defense. The Expert Disclosures should be stricken pursuant to Virginia Supreme Court Rule 4:1 and this Court's scheduling order.

Further, Plaintiff—who instigated this action against Ms. Heard claiming \$50 million in damages—has produced a grand total of zero relevant documents regarding his alleged damages, responding to an interrogatory seeking specifics by pointing to his non-existent document production. Obviously, it goes without saying that Ms. Heard cannot rebut Plaintiff's alleged damages without any documents or substantive expert disclosures.

Finally, since the merits of this case are entirely distinct from Plaintiff's alleged damages, and given Defendant's evident and prejudicial discovery deficiencies in this respect, the Court should bifurcate the merits and damages phases at trial to minimize prejudice to Ms. Heard.

### **The Expert Disclosures Violate Rule 4:1 and the Scheduling Order**

The Rules of the Supreme Court of Virginia require a party identifying an expert "*state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.*" Rule 4:1(b)(4)(A)(i) (emphasis added). This Court strictly

enforces the requirements of Rule 4:1.<sup>1</sup>

The scheduling order agreed to by the parties and ordered by the Court on June 27, 2019, in turn, stated that: plaintiff's "experts shall be identified on or before 90 days before trial"; defendant's "experts shall be identified on or before sixty (60) days before trial"; and "experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than forty-five (45) days before trial." Ex. B ("Scheduling Order") § III. It specifically provides that "all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia shall be provided *or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial.*" *Id.* (emphasis added).

Defendant's interrogatories specifically requested the information required in Rule 4:1(b)(4)(A)(i).<sup>2</sup> Plaintiff's Expert Disclosures listed 3 retained and 4 non-retained experts, but did not identify "the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion." Rule 4:1(b)(4)(A)(i); *see* Appendix; *see also* Ex. A. Plaintiff does not state what any of these experts' opinions actually are or the factual bases for them. For example, Plaintiff does not indicate the actual dollar amount of earnings Plaintiff claims to have lost in his disclosure of his Economic Damages Expert, Michael Spindler.<sup>3</sup> Such lack of

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<sup>1</sup> *See* § 2.09 of Section D of The Fairfax Circuit Court Practice Manual (2018 ed.) ("Manual") (Experts must be designated "consistent with the Scheduling Order (generally at least 90 days before trial, and must provide all information concerning those experts which is discoverable pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia). ***This requirement is strictly enforced by the court.***") (emphasis added).

<sup>2</sup> *See* Ex. C ¶ 15 ("For each . . . expert, state the subject matter in which the expert is expected to testify; the ***substance of the facts*** as to which the expert is expected to testify; the ***substance of the opinions*** which the expert is expected to give; ***a summary of the grounds for each such opinion . . .***") (emphases added).

<sup>3</sup> Defendant specifically asked for a calculation of damages in her Interrogatories, and Plaintiff failed to provide a response. *See* Ex. C. ¶ 16.

specificity violates Rule 4:1(b)(4)(A)(i) and the Scheduling Order. “Rule 4:1(b)(4)(A)(i) requires that the substance of opinions to be rendered be disclosed.” *John Crane, Inc. v. Jones*, 274 Va. 581, 593 (2007). Identifying the *topic* of an expert’s testimony is insufficient; a party must disclose the *substance* of the expert’s opinions. *See id.* Moreover, “a party is not relieved from its disclosure obligation . . . simply because the other party has some familiarity with the expert witness or the opportunity to depose the expert. Such a rule would impermissibly alter a party’s burden to disclose and impose an affirmative burden on the non-disclosing party to ascertain the substance of the expert’s testimony.” *Id.* at 592.

It is within the trial court’s discretion to strike expert opinions when a party fails to make the disclosures required by Rule 4:1(b)(4)(A)(i). *See John Crane*, 274 Va. at 593 (no abuse of discretion in excluding experts’ opinion testimony where party failed to comply with the disclosure requirement of Rule 4:1(b)(4)(A)(i)); *see also Emerald Point, LLC v. Hawkins*, 294 Va. 544, 555 (2017) (reversing and remanding for new trial where court failed to exclude non-disclosed opinion testimony and scheduling order stated that failure to comply with Rule 4:1 would lead to exclusion of testimony); *Mikhaylov v. Sales*, 291 Va. 349, 360-61 (2016) (trial court abused its discretion in permitting expert testimony not disclosed in accordance with the pre-trial scheduling order). Likewise, the Scheduling Order’s warning that failure to comply with Rule 4:1(b)(4)(A)(i) would result in the exclusion of non-disclosed opinions at trial “reinforces the trial court’s presumptive authority to prohibit a party in material breach of an order regulating discovery from ‘introducing designated matters in evidence.’” *Mikhaylov*, 291 Va. at 358-59 (citing Rule 4:12(b)(2)(B)). Even where “parties are under a continuing duty to supplement discovery[,] this does not obviate the requirement that the party under the obligation comply fully with the Rule in the first instance.” *WC Broad., Inc. v. Cox Radio, Inc.*, 71 Va. Cir. 5, 2006 WL 2024397, at \*1 (2006).

Plaintiff could have asked the Court for relief from the Scheduling Order, but instead made insufficient disclosures at significant prejudice to Ms. Heard, whose hands are now tied to prepare her own expert disclosures or engage rebuttal experts since she does not know what Plaintiff's experts will testify about and the foundations for their opinions. The Court should strike the Expert Disclosures to avoid undue prejudice and adhere to its practice of strictly enforcing the requirements of Rule 4:1. *See* Manual § 2.09. "To hold otherwise would reduce the expert disclosure obligation to the status of a mere recommendation or, worse, a juristic bluff—obeyed faithfully by conscientious litigants but ignored at will by those willing to run the risk of unpredictable enforcement." *Mikhaylov*, 291 Va. at 361.<sup>4</sup>

#### **The Merits and Damages Phases of the Trial Should Be Bifurcated**

"[B]ifurcation . . . is a matter for the trial court's discretion and requires consideration of whether any party would be prejudiced by granting or not granting such request, as well as the impact on judicial resources, expense, and unnecessary delay." *Allstate Ins. Co. v. Wade*, 265 Va. 383, 393 (2003); *see also Centra Health, Inc. v. Mullins*, 277 Va. 59, 79 (2009) (noting that "a defendant can obviate . . . potential for prejudice by requesting that the trial be bifurcated into separate proceedings to determine liability and damages").

Here, when it comes to the defamation allegations in this case, the merits and damages phases of this trial are completely distinct. In other words, whether Plaintiff suffered any alleged damages is totally irrelevant to the truth of the abuse allegations that Plaintiff claims Ms. Heard impliedly revived in her Op-Ed. *See Eubank v. Spencer*, 203 Va. 923, 927 (1962) (where liability

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<sup>4</sup> Should the Court decide not to exclude Plaintiffs' experts entirely, Ms. Heard seeks relief from the Scheduling Order's deadlines for serving her expert disclosures and rebuttal expert disclosures so that she actually has 30 days from any amended disclosures to designate her experts, and 15 additional days to designate rebuttal experts.

was admitted, such evidence was irrelevant to damages); *see also Wilson v. State Farm Fire & Cas. Co.*, 79 Va. Cir. 591, 2009 WL 7416543, at \*1 (Va. Cir. Ct. 2009) (bifurcating claim for bad faith from claim for breach of contract). Permitting introduction of damages evidence at trial would allow Plaintiff to make this a trial about his faltering career, which would risk confusing the jury and prejudice Ms. Heard. Moreover, bifurcating the trial here would promote judicial efficiency, since the merits stage of trial will determine whether or not a damages phase need actually take place. *See Adair v. EQT Prod. Co.*, 320 F.R.D. 379, 417 (W.D. Va. 2017) (bifurcating liability from damages in class action).

Plaintiff has had seven months since instigating this lawsuit to provide documents or expert opinion testimony regarding the claim that he lost his role in the *Pirates of the Caribbean* franchise and other lucrative roles because of Ms. Heard's Op-Ed. Instead of engaging in good faith discovery in the case he is prosecuting, Plaintiff has made only one production of documents, from a separate proceeding, which contains several iterations of a movie script, but no documents relevant to the allegations here. And Plaintiff has responded, improperly under Va. Sup. Ct. R. 4:8(d), to several of Defendant's interrogatories by stating that he will identify non-privileged responsive documents at some unknown later date. *See Ex. C ¶¶ 9, 14.* The problems with Plaintiff's discovery and expert disclosures make the argument for bifurcation here even stronger. Plaintiff's noncompliance with his discovery obligations has required Ms. Heard to subpoena numerous sophisticated non-parties in California who are likely to have separate counsel, such as Walt Disney Pictures, Jerry Bruckheimer, Inc., and the Management Group, which will only prolong discovery.

**CONCLUSION**

WHEREFORE, Ms. Heard respectfully requests that this Court grant her Motion and enter an Order (i) striking the Expert Disclosures and awarding costs and attorneys' fees (or in the alternative, modifying the Scheduling Order), and (ii) bifurcating the merits and damages phases of the trial.

Dated this 8th day of November 2019

Respectfully submitted  
Amber L. Heard

By Counsel: \_\_\_\_\_

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*Counsel to Defendant Amber Laura Heard*

## CERTIFICATE OF SERVICE

I certify that on this 8th day of November 2019, a copy of the foregoing shall be served by

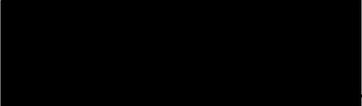
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## APPENDIX

- **Richard Marks**, “Entertainment Industry Expert,” “will testify concerning the impact of Ms. Beard’s defamatory statements in her 2018 *Washington Post* Op-Ed on Mr. Depp’s career,” on 6 broad topics of testimony (e.g., “How film studios and production companies evaluate whether, and on what terms, to hire an actor for film roles”).
- **Bryan Neumeister**, “Technical Forensics Expert,” “is expected to testify as to the characteristics of electronic data, in particular video, photographs, text messages and emails” produced in this case.
- **Michael Spindler**, “Economic Damages Expert,” “is expected to testify as to the economic damages Mr. Depp has suffered as a result of Ms. Heard’s defamatory statements in her 2018 *Washington Post* Op-Ed,” on 4 topics of testimony (e.g., “Mr. Depp’s earnings from his film career and product endorsements prior to Ms. Heard’s defamatory statements”).
- **Jack Wigham and Christian Carino, Edward White, and Robin Baum**, non-retained experts, “are expected to testify on the negative impact of Ms. Heard’s defamatory Op-Ed on Mr. Depp’s career – and that Ms. Heard’s Op-Ed referred to Mr. Depp – as well as the impact of a jury verdict in Mr. Depp’s favor on his career going forward.”

# EXHIBIT A

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff,*

v.

AMBER LAURA HEARD,

*Defendant.*

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Civil Action No.: CL-2019-0002911

**PLAINTIFF'S DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES**

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order, dated June 27, 2019, hereby designates and identifies his expert witnesses.

Given the preliminary state of discovery—in particular, that the parties have barely begun their document productions, non-parties have yet to make significant document productions, and no depositions have been taken—Plaintiff reserves the right to supplement these Expert Witness Designations, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

**Retained Experts**

1. **Richard Marks, Entertainment Industry Expert, The Point Media, 150 S. Rodeo Drive, Suite 220, Beverly Hills, California 90212.** Mr. Marks has had a long career as an executive and business lawyer in the entertainment industry.

Mr. Marks has served as a business and legal affairs executive at Universal, Disney and Paramount, in addition to working as a business attorney in private practice at Greenberg Traurig

and, for the past decade, The Point Media, a boutique entertainment law firm. Mr. Marks has represented clients such as New Regency, Legendary, ITV, IDW, Machinima, Electus, DirecTV, Relativity, Ovation, Fabrik, Shout Factory and MRC in connection with their development and production of programming for exploitation in all media and on all platforms. He also has a reputation in the industry for his expert witness services and has been engaged as such by clients as varied as Warner Bros., ICM, HMRC and Celador. He has brokered carriage agreements with AOL, MTV, and domestic and foreign radio and television broadcasters; negotiated numerous sponsorship agreements; and notably assisted Robert Sillerman in the acquisition of "American Idol." Early in his career, he was responsible for business and legal affairs relating to the development, production, post-production, marketing and advertising for such feature films as "Beverly Hills Cop II," "Tucker" and "The Golden Child," and such television series' as "Cheers" and "Family Ties." Mr. Marks earned both his Bachelor's Degree and his Juris Doctor from the University of California Los Angeles. He is a member of the Writers Guild of America, the California Bar Association, and the Beverly Hills Bar Association.

Mr. Marks will testify concerning the impact of Ms. Heard's defamatory statements in her 2018 *Washington Post* Op-Ed on Mr. Depp's career. Specifically, Mr. Marks will draw on his experience and knowledge as a business executive with entertainment companies as well as his experience as an entertainment lawyer to testify as to the following facts and opinions:

- a. How film studios and production companies evaluate whether, and on what terms, to hire an actor for film roles;
- b. How companies looking to market products evaluate whether, and on what terms, to hire an actor to promote such products in advertising;

- c. The importance of reputation on an actor's selection for film roles and advertising campaigns;
- d. The impact of negative personal statements, in particular allegations of violence or abuse, on an actor's film career and advertising campaign prospects;
- e. A review and assessment of the entertainment industry's reaction and response to Mr. Heard's December 2018 Op-Ed in the *The Washington Post* in which she falsely portrayed herself as a victim of domestic abuse by Mr. Depp; and
- f. The significance of a jury verdict in Mr. Depp's favor on his career and reputation in the film industry going forward.

Mr. Marks' opinions will be based on a review of documentary evidence and deposition and trial testimony, as well as his extensive experience as an entertainment industry executive and attorney. Mr. Marks may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Marks' CV is attached hereto as **Exhibit A**. He is being compensated for his work at the rate of \$975 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

**2. Bryan Neumeister, Technical Forensics Expert, USA Forensics LLC, 44 W. Monroe St., 33<sup>rd</sup> Floor, Phoenix, Arizona 85003.** Mr. Neumeister is an electronic forensics and technical expert with extensive experience analyzing electronic evidence and data in law

enforcement and legal proceedings. As CEO of USA Forensics, Mr. Neumeister has over 34 years of experience testifying and consulting for federal and state governments, prosecutors, companies, and individuals, in a variety of aspects concerning analysis of video, photographs, phone and text messages, and other electronic data. He has worked on over 200 cases since 2010. He has worked as an Audio and Video Forensic Consultant for the U.S. Department of Defense, the U.S. Department of Justice, numerous large multinational companies such as Microsoft, Nike, Cox, Honeywell, U-Haul, Southwest Gas, Good Samaritan Hospitals, AvNet, Boeing, MD Helicopters, Intel, Weston Hotels, and various Las Vegas Casinos.

Mr. Neumeister is expected to testify as to the characteristics of electronic data, in particular video, photographs, text messages and emails, produced by Ms. Heard and/or non-parties during discovery in this case, on which Ms. Heard purports to rely for her allegations that Mr. Depp engaged in physical abuse or violence towards her. Specifically, Mr. Neumeister will use his extensive experience and technical know-how to assess the reliability and integrity of such data, whether any such data has been modified or altered, and the circumstances of such modifications or alterations.

Mr. Neumeister's opinions will be based on a review of the electronic data and evidence produced in this case. Mr. Neumeister may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Neumeister's CV is attached hereto as **Exhibit B**. He is being compensated for his work at the rate of \$550 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

**3. Michael Spindler, C.P.A., Economic Damages Expert, Glass Ratner Advisory & Capital Group LLC.** Michael Spindler is a CPA and Certified Fraud Examiner who brings more than 38 years of experience to complex disputes including matters related to forensic accounting and business fraud investigations across a wide range of industries. He has provided expert testimony on dozens of occasions in bench trials, jury trials and arbitration proceedings. He has provided Foreign Corrupt Practices Act investigations and training services in various countries around the world, including China, Russia, India and Saudi Arabia. Having conducted numerous high-profile investigations of public company financial statement fraud and other matters, Mr. Spindler has presented his findings to special committees and various government agencies on behalf of clients, including the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service and the Office of Thrift Supervision. His clients include law firms, corporations, individuals, government agencies and non-profit organizations.

Prior to joining GlassRatner, Michael held senior leadership positions with several forensic accounting firms and was a Partner at two national public accounting firms. An experienced public speaker, Michael has authored or co-authored a number of publications on fraud-related topics and developed and presented seminars and courses on forensic accounting and litigation support issues. He is a past President of the Los Angeles Chapter of CALCPA and of the Los Angeles Chapter of the Association of Certified Fraud Examiners. He is also a past member of the Board of Trustees of the CALCPA Education Foundation and of CALCPA Council. Michael is a Certified Public Accountant (licensed in California, New York, Nevada,

Arizona, Utah and Hawaii), is Certified in Financial Forensics, is Accredited in Business Valuation (both issued by the AICPA) is a Certified Fraud Examiner (issued by the Association of Certified Fraud Examiners) and is a Certified Anti-Money Laundering Specialist ("CAMS"). Mr. Spindler graduated from the State University of New York at Albany with a Bachelor of Science degree in accounting.

Mr. Spindler is expected to testify as to the economic damages Mr. Depp has suffered as a result of Ms. Heard's defamatory statements in her 2018 *Washington Post* Op-Ed. Specifically, Mr. Spindler is expected to draw upon his experience and expertise as a CPA and financial forensics professional to testify as to the following:

- a. Mr. Depp's earnings from his film career and product endorsements prior to Ms. Heard's defamatory statements;
- b. The lost earnings Mr. Depp suffered from being fired from the *Pirates of the Caribbean* Franchise in the wake of Ms. Heard's 2018 *Washington Post* Op-Ed; and
- c. The out of pocket costs Mr. Depp has incurred as a result of Ms. Heard's defamatory statements; and
- d. Any other economic and financial consequences Mr. Depp has suffered, and is likely to suffer going forward, as a result of Ms. Heard's defamatory statements.

Mr. Spindler is expected to perform calculations of the foregoing categories of damages to be presented at trial. While those calculations are still in process and will incorporate the results of information gathered from ongoing discovery and fact investigation efforts, it is expected that such damages calculations will be in excess of \$50 million. Mr. Spindler's opinions will be based on a review of documentary evidence, financial records, information conveyed from Mr. Depp's business manager and agent, and deposition and trial testimony, as

well as his extensive experience as a CPA and financial forensics professional. Mr. Spindler may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter.

Mr. Spindler's CV is attached hereto as **Exhibit C**. He is being compensated for his work at the rate of \$525 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

#### **Non-Retained Experts**

**1. and 2. Jack Whigham and Christian Carino, Creative Artists Agency, 2000 Avenue of the Stars, Los Angeles, CA 90067.** Mr. Whigham and Mr. Carino have served as Mr. Depp's agent since October 2016. Messrs. Whigham and Carino are regarded as two of the leading talent agents in Hollywood, with extensive experience in the film industry. Mr. Whigham and Mr. Carino are expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. Whigham and Mr. Carino may rely on their expertise in the entertainment industry and their experience as an agent and film industry executive.

**3. Edward White, C.P.A., Edward White & Co., LLP, Warner Center Towers, 21700 Oxnard Street, Suite 400, Woodland Hills, California 91367.** Mr. White has served as Mr. Depp's business manager and accountant since March 14, 2016. Mr. White is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career – and that

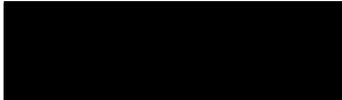
Ms. Heard's Op-Ed referred to Mr. Depp - and economic circumstances as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Mr. White may rely on his expertise in business and accounting and his experience as a business manager in the entertainment industry.

4. **Robin Baum, Partner, SLATE PR, LLC, 901 North Highland Avenue, Los Angeles, California 90038.** Ms. Baum is regarded as one of the leading publicists in Hollywood, with extensive experience in the film industry. She has served as Mr. Depp's publicist for over a decade. Ms. Baum is expected to testify on the negative impact of Ms. Heard's defamatory Op-Ed on Mr. Depp's career - and that Ms. Heard's Op-Ed referred to Mr. Depp - as well as the impact of a jury verdict in Mr. Depp's favor on his career going forward. In so doing, Ms. Baum may rely on her expertise in the entertainment industry and her experience as a publicist in that industry.

Respectfully submitted,

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Dated: November 4, 2019

# **EXHIBIT A**

**Richard Marks**  
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## **Career History**

### **The Point Media (2006 – Present)**

Beverly Hills, California  
An Entertainment Law Firm

Of Counsel in all aspects of small boutique entertainment law transactional practice, e.g., business affairs and legal work for development, production and exploitation of content in all media including new and traditional platforms for clients such as: Imperative, IMG, ITV, DirectTV, Electus, Fabrik, Mandalay, Ovation, Starz, WME. Engaged as forensic expert witness by clients such as Warner Bros., ICM, HMRC and Celador.

### **Greenberg Traurig, LLP (2004 – 2006)**

Santa Monica, California  
International Law Firm with over 1500 lawyers in 29 locations

Of Counsel in all aspects of large worldwide entertainment law transactional department, e.g., business affairs and legal work for programming development, production and exploitation in all media including network, syndication, foreign, home entertainment and new media for clients such as: Smith & Wesson, The Gurin Company, Smith & Weed Productions, Linda Ellman Productions, Summit Entertainment, and J. Walter Thompson; "Live 8" carriage agreements with AOL, MTV and domestic and foreign radio and television broadcasters as well as sponsorship agreements; Berry Gordy Jr. for development, production and exploitation of video, television and live theater projects; Downey Studios for leases to producer tenants; Direct TV for development and production of original programming; George Foreman for merchandising agreements; Robert Sillerman for acquisition of "American Idol"; Nat King Cole Estate for development, production and exploitation of television/video tribute project; and Lin TV for talent agreements.

### **Nickelodeon Movies (2003 – 2004)**

Los Angeles, California  
Business Affairs Consultant (*until outsourcing of legal and business servicing for division*).

Consultant in connection with development, production and distribution in all media of feature films for Paramount Pictures such "Barnyard", "Sponge Bob", and "Nacho Libre".

### **Universal Network Television (2002 – 2004)**

Universal City, California  
*Vice President of Business & Legal Affairs (until NBC purchase)*

Universal Network Television is a supplier of prime time live action television programming for the major networks. Supervised legal and business affairs work on network series such as "Mr. Sterling" and "Just Shoot Me" as well as for USA Network development of projects such as "Kojak".

### **Nelvana Communications (2001 – 2002)**

Los Angeles, California

*Vice President/LA General Counsel in charge of Business and Legal Affairs (until such operations re-located to Canada)*

Nelvana is a leading independent producer/distributor of animated programming for theatrical, video, and television worldwide exploitation as well as subsidiary and ancillary publishing and merchandising licensing.

- In charge of all business and legal affairs for development, domestic sales and licensing in all media for shows and properties such as "Babar", "Care Bears", "Berenstain Bears", "Little Bear", "Franklin" and "Rolie Polie Olie" to networks such as Nickelodeon, Disney Channel and PBS, toy manufacturers and publishers.
- Supervised in house staff and outside counsel.
- Managed transition of such services to Canadian counsel commencing as of 12/02.

**Kushner-Locke Company (1993 - 2001)**

Los Angeles, California

*Executive Vice President and General Counsel (until ceased operations)*

Kushner-Locke was an independent producer/distributor of feature and direct-to-video films, television series, made-for-television movies, mini-series and animated programming for theatrical, network and cable television worldwide exploitation such as "Pinocchio" starring Martin Landau and Jonathan Taylor Thomas, "Harts of The West", "Gun", "Cracker", "1<sup>st</sup> & Ten" (first HBO original series). It ceased operations in 2001.

- Managed all legal and business affairs for all divisions of publicly traded company (KLOC) including development, financing, production, post-production, marketing, advertising and distribution of all production and programming in all media.
- In charge of all personnel and labor issues and disputes and litigation.
- Supervised in house staff and worked with outside counsel on corporate matters including public filings and IPO for US Search.com (SRCH).

**Law Offices of Richard Marks (1992 - 1993)**

Los Angeles, California

Represented clients in all areas of entertainment law.

**Media Home Entertainment (1990 - 1992)**

Los Angeles, California

*Senior Vice President and General Counsel (until sale to Fox)*

Media Home Entertainment was one of the first and leading independent distributors Of home video entertainment product. In 1992, MHE's assets were acquired by Twentieth Century Fox Home Video, and it ceased operations.

- Member of Board of Directors involved in all strategic planning including Fox Acquisition Agreement.
- Negotiated the terms and documentation of all development, production, distribution and acquisition agreements for product such as the "Nightmare on Elm Street" series, "Blue Velvet", Kathy Smith and Jane Fonda exercise videos, NFL Films, and original children's videos such as "Baby Songs".
- In charge of all legal enforcement and administration of copyrights and trademarks.

- Supervised in house staff and outside counsel in all areas of business and legal affairs.

**Walt Disney Pictures, Touchstone and Animation (1990)**

Burbank, California

*Of Counsel (during Sr. V.P. Legal's leave of absence)*

Responsible for all development and production legal work and involved in all such business affairs for feature films such as "Beauty & The Beast" and "Rocketeer".

**Weintraub Entertainment Group, Motion Picture Division (1987 - 1990)**

Los Angeles, California

*Vice President in Charge of Business and Legal Affairs (until ceased operations)*

Weintraub Entertainment Group was founded by former manager, motion picture producer and President of United Artists, Jerry Weintraub to compete with the major motion picture studios in the production and distribution of theatrical motion pictures and television series and movies. WEG ceased operations in 1990.

- Created and administrated all business and legal forms and practices for the Motion Picture Division that produced such films as "Troop Beverly Hills" and "My Stepmother Is An Alien".
- Hired and supervised in house staff and outside counsel in all areas of business and legal affairs for the division.

**Paramount Pictures Corporation, Motion Picture and Network Television Divisions (1984 - 1987)**

Los Angeles, California

*Senior Counsel*

- Responsible for all legal work and involved in all business affairs from development, production, post-production, marketing and advertising for such feature films as "Beverly Hills Cop II", "Tucker" and "The Golden Child", and such television series as "Cheers" and "Family Ties".

**Law Offices of Richard Marks (1983 - 1984)**

Los Angeles, California

Represented clients in all areas of Entertainment Law

**Ziegler Agency (1978 - 1983)**

Los Angeles, California

*Vice President and General Counsel (until closure)*

- The Ziegler Agency was founded and run by Evarts Ziegler until it was acquired in 1983 by International Creative Management and ceased operations. It was one of the premiere boutique literary and talent agencies representing such clients as William Goldman, Sidney Pollack, Pat Conroy and the Estates of Raymond Chandler and John Steinbeck for employment and acquisition agreements. Packaged literary material from authors such as Irving Wallace and Ray Bradbury with producers such as Dick Berg and David Manson for television development and production.

- In charge of all business and legal affairs for agency including lease and personnel issues, supervising litigation and working with all senior agents and their clients including their outside counsel, managers, publicists, studio and independent employers, and guilds.

**Law Offices of Richard Marks (1977 – 1978)**

Los Angeles, California

Represented clients in all areas of Entertainment Law

**Pollock, Rigrod & Bloom (1974 – 1977)**

Los Angeles, California

Associate Attorney in all aspects of Entertainment Law

**Hahn, Cazier, Thornton, Hough & Leff (1973 - 1974)**

Los Angeles, California

Associate Attorney in Intellectual Property Litigation

**Education**

**UCLA School of Law**

Juris Doctor 1973

- Chief Justice in Charge of Moot Court Program
- Represented clients at Venice Legal Aid office

**UCLA**

Bachelor of Arts, Magna Cum Laude 1970

- Phi Beta Kappa
- Valedictory Speaker
- Swim Team
- Yell Leader
- Congressional Intern

**Community Service**

- Leo Baeck Temple, Member of Board of Trustees
- Junior Great Books, Shared Inquiry Leader
- Jewish Big Brothers, Member of Board of Directors

**Marathon Athletics**

- Completed 140.6 Mile "Ironman" Triathlon in Kona, Hawaii
- Swam Catalina Channel from Catalina Island to Palos Verdes
- 2nd Place in 28.5 Mile Manhattan Island Marathon Swim
- National Masters 10 Mile Open Water Champion

**Personal** Married, two daughters

Richard Marks/Testifying Expert Witness  
Complete List of Cases

1. Ballet Beauty v. Lions Gate Films – Jams Arbitration No. 1210034307 Los Angeles – I was engaged in mid-2018 and deposed in January 2019.
2. Geoffrey Roy Rush v. Nationwide News - Federal Court of Australian Proceeding No. NSD2179 – I was engaged by Defendant in July of 2018 and testified in November of that year.
3. Jennings v. O'Neal - L.A. Superior Court Case N. YC071356 – I was engaged by Plaintiff in May 2018 and was deposed in June of that year.
4. Devito v. Legendary – L.A. Superior Court Case No. BC 618465 – I was engaged by Defendant and deposed in February of 2018.
5. Le et al v. Zuffa, LLC – U.S. District Court, Nevada, Case 2:15-cv-01045-RFB-PAL – I was engaged by Defendant in 2017 and was deposed at the end of that year.
6. Peg Yorkin v. Bud Yorkin Productions – AAA Arbitration No. 011600041742 Los Angeles – I was engaged by Plaintiff in the Fall of 2016, was deposed and testified at arbitration in Spring 2017.
7. Jillian Michaels v. Lions Gate Films – Jams Arbitration No. 1220050580 Los Angeles – I was engaged by Plaintiffs at the end of July 2016, was deposed, and testified at arbitration in November 2016.
8. Frank Darabont v. AMC Networks – NY Supreme Court No. 654328/2013 – I was engaged by Plaintiffs in early 2016 and have been deposed.
9. Leslie Britton v. Conrad Riggs - L.A. Superior Court Case No. BC 496298 - I was engaged by Defendant in 2015, was deposed at the end of that year and testified at trial in early 2016.
10. Confidential AAA Arbitration – I was engaged by Claimant at the end of 2015, was deposed and soon thereafter testified at the arbitration. I can supply the name of the counsel that engaged me upon request.
11. Campbell et al v. Arenas Entertainment, LLC, et al – Nassau County Supreme Court, Case No. 019249/10 - I was engaged by Defendant and testified at trial in November of 2014.
12. George Litto Productions, Inc., v. L/F Productions, LLC, et al – LA Superior Court, Case No. BC484021 - I was engaged by Defendants and was deposed in February of 2014.

13. Atlantique Productions, S.A. v. Ion Media Networks, Inc. – US District Court, Central District of California, Case No. SACV 12-08632 DMG - I was engaged by Plaintiffs in late 2013 and was deposed in January 2014.
14. Goodness Films, LLC et al v. TV One LLC, et al – US District Court, Central District of California Case No. CV 12-08688-GW - I was engaged by Defendant in 2013 and was deposed in the Fall of that year.
15. Eclipse Film Partners No. 35 LLP v. The Commissioners For Her Majesty's Revenue and Customs - In the Upper Tribunal (Tax and Chancery Chamber) FTC/57/2012, London: I was engaged by HMRC in 2013 and testified via video conference at a hearing in November 2013.
16. Napoleon Pictures Limited vs. Fox Searchlight Pictures – Superior Court of State of California Case No. SC 113978, Los Angeles - I was engaged by Plaintiff, was deposed in the spring of 2012 and testified at a judicial reference hearing in the Summer of 2012.
17. MK Greentea vs. Maverick – JAMS Arbitration No. 1220042112, Los Angeles - I was engaged by Respondent, was deposed in early August 2011 and soon thereafter testified at the arbitration.
18. In the Bankruptcy of Louis J. Pearlman, Trustee vs. MTV - U.S. District Court, Case No. 10-CV181-Ori-28-DAB, Florida - I was engaged by the Trustee and was deposed in May 2011.
19. Celador et al vs. Walt Disney et al - US District Court Case No. CV04-3541-VAP, Riverside, CA - I was engaged by Plaintiff, was deposed in August of 2008 and testified at trial in the summer of 2010.
20. Joanne Siegel et al vs. Time Warner, Inc. et al – US District Court Case No. CV04-8440/CV04-87776 SGL, Los Angeles - I was engaged by Defendants and was deposed in February of 2007 and April of 2009.
21. Cookie Jar Entertainment vs. WGBH Education Foundation – AAA Arbitration No. 50-140-T-00173-08, Los Angeles: I was engaged by Claimant and testified at the arbitration at the end of 2008.
22. Monarch Consulting vs. Alliance Group Entertainment – LA Superior Court, Case No. BC 355 812: I was engaged by Defendant and was deposed in the summer of 2008.
23. Jim Preminger Agency et al vs. CBS Studios et al – JAMS Arbitration No. 1110010345, Los Angeles - I was engaged by Claimants, was deposed and then testified at the arbitration in the summer of 2007.

# **EXHIBIT B**



## **Bryan Neumeister**

**IEEE, IPVM, ABRE, DLA, AES, SAM, CAGE, ASCAP**

**Court Certified: Military, Federal, State, Civil US District Court, Department of Justice,**

**US Grand Jury, State, Civil & Aviation Audio, Video & Photographic Forensic Expert**

**39 EMMY AWARDS for Technical Excellence**

**38+ Years Professional Experience**

**USAForensic, llc. Court Certified Audio, Video, Computer, Cell Phone & Cell Tower Forensic Experts.**

**(602) 740-6128 : 44 W. Monroe St. 33<sup>rd</sup> floor, Phoenix, Az. 85003**

**[www.USAForensic.com](http://www.USAForensic.com)**

**United States District Courts: Contracted Technical Expert**

**US Department of Justice: Contracted Technical Expert**

**Defense, Law Enforcement and Government Agencies.**

**United States ARMY - (SAMS Forensic contract with C.I.D.)**

**Special Prosecutor's Office on Corruption - P.A.N.E.L. - US & Puerto Rico**

**Audio Engineering Society- Member & Lecturer**

**DLA- DARPA: Defense Advanced Research Projects Agency (classified)**

**Institute of Electrical and Electronics Engineers - Member**

**American Board of Recorded Evidence Standards**

**Technical work in 23 countries**

**Recipient of 12 Individual and 39 total EMMY AWARDS - National Association of Television Arts & Sciences for Technical Excellence**

**Gold at both the Cannes (Golden Lion) & Calgary film festivals for audio.**

### **Legal & Technical:**

**39+ Years Professional Full-time Audio & Video Experience**

**Professional Audio & Video Enhancement,**

**Computer Drive Recovery,**

**Cell Phone Forensics - Tower Analysis**

**Federal & State Government Agencies Computer Drive Recovery**

**DLA, DOE, DARPA: Defense Advanced Research Projects Agency (classified)**

**Law Enforcement Agencies, National, State & Local**

**8 Years Search & Helicopter Rescue (MCSO-DPS- Arizona)**

**Worked Internal Affairs cases for Phoenix Police Department & The AZ Department of Public Safety.**

**US Military - Army, Navy, Air Force, Marines & Coast Guard (SAM contract)**

**Los Angeles District Attorney's Office -NELOS**

**Department of Defense (classified & non-classified)**

**Beta Tester for Various Forensic Systems Manufacturers**

**United States District Court system: Forensic Consultant**

**United States Grand Jury system: Forensic Consultant**

**U.S. Department of Justice: Forensic Consultant- Audio forensic work**

**OPDS and Office of the Public Defender: Vendor number**

**Work with US Army CID Prosecutors Office & Maricopa County Prosecutors Office**

**Phoenix PD Homicide - Mesa PD Homicide- Case Video & Audio Evidence Enhancement**

**Work with various Innocence Projects - Nation wide**

**10 Years with NBC Television - Technical Video / Audio**

**Federal, State, Aviation and Civil Law cases - Court Certified Technical Expert**

**2 State of the Art Facilities. Over 75 custom Computers & Processors**

**State of the Art HD Video and Audio Gear.**

**Gear and Software Upgraded Continuously**

**3D Sonographs, Spectrographs, Spectral 3D -HD Video & 192kHz - 64-bit Audio**

**Expert Cell Phone Analysis (Oxygen): Towers, Transmitters, Phones & Software**

**D.O.E. Military Forensic High-Speed Video Expert**

**Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.**

## **ACLU, Innocence Project cases**

**Graduated Pi Sigma Alpha- California State University Northridge - 1980 (Political Science, emphasis on Journalism)**

**Have worked in 23 Countries as a Technical Expert**

**Published Nationally**

### Over 200+ Forensic Cases in the past 36 months:

Non-Military court cases include: Federal, US District, Grand Jury, RICO, Homicide, Murder for Hire, Fraud, Robbery, Armed Robbery, Assault with a Deadly Weapon, Arson, Kidnapping, Bank Robbery, DUI, DWI, Civil Cases...etc. Currently working over a dozen Homicide and Capital cases nationwide. For Defense, Prosecution, Civil and Insurance carriers.

### Large Cases (Small Sample):

**State of Texas v. Fredrick Lee - (Capital Murder) - Retained by Defense as Surveillance Video Expert: V: Not Guilty**

**State of Arizona v. Keshawn Green (1<sup>st</sup> degree murder) - Retained by the Prosecution as Surveillance Video Expert: V: Guilty**

**US Government v U-Haul Philadelphia - Retained by Defense as Surveillance Video Expert: V: Settled**

**US Grand Jury Cleveland, Ohio: Hope Steffi - Retained as Surveillance Video Expert: V. Civil large settlement**

**Government of India: Sri Nithyananda Swami - Retained by Defense as Video Expert: V. Not Guilty**

**LA District Attorney's Office - USAForensic retained by Prosecution as Cell Tower Experts: V. Guilty**

**US Government v. Charles Keating - In Trial, Retained by Defense as Video Expert: V. Not Guilty**

**United Kingdom (London, Barrister) V. Tyrone Williams - Retained as Audio Expert: Civil Settlement**

**State of Arizona v. Michael Allen Voden- Retained by the Prosecution as Audio Expert: V. Guilty**

**US Government v. Charles Keating III - In Trial, Retained by Defense as Aerial Video Expert: V. Not Guilty**

**Scaffide v. Lincoln County Wyoming- Retained by Government as Surveillance Video Expert: V. Not Guilty**

**State of Arizona v. Jeffery Martinson - Retained by Defense as Video Expert**

**City of Phoenix v. Copeland: retained by City as Cell Tower Experts: V Civil, favorable settlement**

**State of Montana v. Daniel Pallet- Retained by Defense as Surveillance Video Expert: V. Dismissed with Prejudice**

**State of Arizona v. Pedro Barraza - Retained by Defense as Surveillance Video chain-of-custody Expert: V. Not Guilty**

**State of Arizona v. Alan Champagne (1<sup>st</sup> Degree Murder) - Retained by the Prosecution as Surveillance Video Expert: V. Guilty**

**State of Arizona v. Jadi Arias - Penalty Phase - Defense Computer Expert - "During the first trial in 2013 and earlier in this trial, Mesa police experts testified that there was no porn and or viruses on the computer. Martinez had used that testimony to impeach Arias' claims that there were both, and it furthered his portrayal of Arias as a liar. But defense experts subsequently found porn and the viruses associated with the device. Mesa police have since admitted it was there all along." -Gannett**

### Precedent Setting Cases:

**US v. Daniel Scott Palfett, CR 18-11-M-DLC** According to the federal rules of evidence 902-13/14 there must be metadata (hash values) connecting the submitted files presented to the original data. Since the original data was never presented and the original files never Hashed- there was a chain of custody issue. The Case was dismissed with prejudice Missoula, Montana on exactly those Daubert grounds. (Attorney Nick Kirby Brooke)

**State of AZ v. Pedro Barraza CR2016-002708** The judge dismissed several of the charges lodged against the defendant, as police could not authenticate the video which was the strongest evidence they had against Barraza. Proper procedures, protocols were not followed when they obtained it, the video was not allowed into evidence. Not guilty verdicts for four defendants. (Attorney Marcus Finefrock)

**State of AZ v. William James Hartwell CR2015-001482** When asked to preclude video in this trial, the judge (Sheri Stephens) ruled that because the video on a hard drive had been simply viewed without a write-blocker, the dates-last-modified were changed and the video wasn't valid in court. (Attorney Rick Poster)

### Books:

**"Earthbound Misfit"** (Helicopter Rescue, TV Helicopters, Medivac & work with Law Enforcement agencies)

591 pages - senior contributing author & consultant.

**"The Secrets of the Blue Oyster Cult"** - Bryan Neumeister discussed as Blue Oyster Cult musician & composer on "Curse of the Hidden Mirror" & "Heaven Forbid" Albums.

**"After You're Dead"** -Featured as Forensic expert character, "Bry", in #1 bestselling series of Crime/Fiction books by author Cary Allen Stone.

**"Career of Evil"** - Author J.K. Rowling (Harry Potter) - Lyrics used in book from Blue Oyster Cult album I co-wrote songs on.

**"S.E.E.D.S, The Journey Begins"** - Science Fiction. Character likeness and full name used in book as a scientist.  
-Autor #1 bestselling Amazon author Cary Allen Stone.

**National News Media: Forensic Analyst:**

**FOX Business Network:** Featured Forensic Expert 2018

**CNN:** Advisory Video Expert

**The Science Channel:** Six 1-hour Episodes on Video & Audio Forensics 2018

**Universal Studios/BBC & MSNBC:** Video Forensic Expert 2017: *Real, Fake or Unknown* TV series

Six 1-hour episodes of TV series analyzing viral videos with unknown metadata

**CNN: Jodi Arias:** Audio & Photographic Forensic Expert (in Trial testimony)

**FOX News: Boston Bombings:** Forensic Surveillance Expert (analyst)

**CNN: Trayvon Martin / Zimmerman:** Audio Forensic Expert (analyst)

**NBC/Gannett:** Forensic Surveillance Expert 2019

**Publications:**

Published Nationally

The Legal Investigator Magazine- Surveillance Systems - TV vs. Reality

High Tech, High Stakes Published in Expert Ease - National Forensic Publication.

Consultant to CPU Magazine as a Forensic Audio and Video Expert on Hardware and Software.

**Lectures:**

2019 State Bar of Arizona (CLE)

*Latest in forensic (beta) technology and what can now be done forensically with electronic data*

2018 Audio Engineering Society:

*Metadata and chain of custody of files: dithering / file conversion*

2018 CLA Conference:

*Digital Forensics (Facility) Cell phones, Towers, Metadata, Photos, Computers Audio & Video Forensic*

2018 AACJ Annual Attorney Winter Conference (Facility)

*Digital forensics: Audio, Video, Social Media, Cell Phones, Towers, Computers & Photography*

2107 Audio Engineering Society:

*Cellphone forensic audio re metadata, chain of custody, forensic acquisition of audio*

2016 Federal Habeas Conference

*Cellphone and Tower forensics*

2016 Audio Engineering Society:

*Topics: Multi-Pathing of Transmitted RF Signals, Forensic audio*

2015 Inns of Court:

*Topics: Cell Phone metadata, Audio & Video Forensics*

2015 Audio Engineering Society:

*Topics: Pareidolia, Dithering, Forensic Audio & Nyquist Theorem*

2014 Audio Engineering Society & Conservatory of Recording Arts

*Topics: Nyquist Theorem, Sample Dithering & Forensic Audio*

Opening of the 2013 APDA (Arizona Public Defenders Conference)

*Topics: Audio, Video, Photographic & Surveillance Forensics*

APDA Faculty Member - 1,550+ Attorneys attended conference (June 26-28, 2013)

**Television: National & International Broadcast:**

Recipient of **39 EMMY AWARDS** from The National Association of Television Arts and Sciences for Technical Excellence

40+ additional National & International Awards.

Winner **CANNES Film Festival (Gold) (Technical Audio Excellence)**

Winner **CALGARY Film Festival (Gold) (Technical Audio Excellence)**

Worked for NPR & NBC Television News stations for 12+ Years.

Phi Sigma Alpha - National Political Science Honor Society – Lifetime Member.

Member: NAB, BMI, ASCAP, AES, ERA, NATAS

Winner: Film Advisory Board Gold Medal, Parents Choice Award

**Film & Television Clients:**

NBC - ABC - CBS - PBS - BBC - FOX - DREAMWORKS - SCREEN GEMS FILMS - TOUCHSTONE FILMS - LUCASFILMS LTD. - LEVIS - COCA COLA - AMBLIN ENTERTAINMENT - PEPSI - VOLKSWAGEN - TOYOTA - CHEVROLET - NISSAN - AMERICAN EXPRESS - UNIVERSAL PICTURES - LORIMAR - TRIMARK FILMS - TRIMARK ENTERTAINMENT - GANNETT - A&E - DISCOVERY CHANNEL - FOX - DIAL SOAP - COORS BEER - BUDWEISER - MTV - PIZZA HUT - MOTOROLA - UNION CARBIDE - DISNEY - INTEL - MICROSOFT - VISA - MASTERCARD - ARMY - NAVY - AIR FORCE - MARINES - UNITED AIRLINES - CONTINENTAL AIRLINES - PARTNERS FILMS CANADA - PRTV - NATIONAL MEDIA - MOMENTUM FILMS - DFXTV - LOTTO/LOTTERY - GREYSTONE PICTURES - HISTORY CHANNEL - DISCOVERY CHANNEL - WARNER BROTHERS - DAIRY QUEEN - AT&T - MLB - NBA - NFL - SUPER BOWL XXX - ESPN - MAJOR LEAGUE BASEBALL - McDonald's - MCI - HARLEY DAVIDSON - STOUFFER'S - CARQUEST - MD HELICOPTERS - BOEING - "FUTUREWEAPONS", "MYTHBUSTERS" {THE LUXOR - FLAMINGO - STRATOSPHERE - CESAR'S PALACE - MGM GRAND - NYNY - The HARD ROCK...CASINOS all in LAS VEGAS} - NUMEROUS ADVERTISING AGENCIES...

#### Certified Cell Phone Forensics:

Latest Cellebrite Ultimate 4PC, Secure-View Forensics, Oxygen Detective & Analyst, APEX Laboratory and Field systems  
2019 Cellebrite Cloud Analyzer. Oxygen Detective Cloud Jet Extractor (Beta-Tester)

SV Striker box, PassWare Forensic, EnCase, etc.

D.A.R.T Tower Tracking and signal software- latest versions.

Official Beta-Tester for Oxygen Detective Phone & Tower forensic programs

Certified Oxygen Forensic Analyst & Detective cell phone analyst 14,000+ phones (PATC)

PassWare Complete Forensic Decryption of 280+ encryption methods using 16 core liquid cooled systems

Recovery of deleted apps and data from over 14,000 cell phones.

All cell phone communications Apps, iCloud, iOS9, Android Lollipop, Windows OS etc. Password decryption & recovery.

DCode, Plist, SQLite Browser, Opanda, Kies, EnCase Extractor, EnCase readers, FTK, Stellar Phoenix Professional data recovery

Six fly-pack MSI 8/12 Core multi SSD Field-Units for extraction at any location

#### CELL TOWERS & CDR:

D.A.R.T & 2019 Oxygen Detective Plotting

2016- Call Data Records & Towers (Lucent, Samsung, Nortel) PATC certification

AT&T, Verizon, Sprint, T-Mobile, Cricket, US Cellular, Tracfone, MetroPCS and subsidiaries...

Call Records Analysis - Switching analysis. Cloud, SMS, MMS E-Mail.

TOWER Dumps: Lucent, Samsung, Motorola, Ericsson etc. PATC 2016

Cellebrite Cloud analyzer. Oxygen Detective Jet

GPS, NELOS, WiFi and Blue tooth tracking and E911-FCC mandated data location logs.

D.A.R.T. advanced and HTCI Mapping to verify if a call did hit a specific Tower Switcher.

Paperwork for legal requests for all of the above available on [www.USAForensic.com](http://www.USAForensic.com) .

#### Forensic Video & Surveillance Video Recovery/ Analysis

DME Forensics DVR Examiner, iNput-Ace, Omnivore, D-plex Pro Forensic, D-Tective, ClearID Forensics and numerous forensic systems with over 200 clarification plug-ins

Latest computer and cell phone programs such as FTK, Autopsy, Cellebrite, Apex, Secure-view, Oxygen, EnCase...

Beta Tester of Software & Hardware for leading Forensic Companies (Clear-ID, iZotope, DC8 Forensics etc)

Hard drive recovery for US Military (SAMs vendor) - Forensic drive analysis.

Recover damaged files, Deleted files, Changes in Registry & Meta-Data, Hash values, SHA2 etc

All Surveillance Systems as well as Computer Drives

Validate video pixel by pixel with INPUT-ACE

Tampering or Keying detected.

Restore corrupted photographic or video files.

Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.

Working with computers since 1977. 3 Field Extraction teams available.

Network analysis, Tor tracing, Brute force & PassWare decryption etc.

PassWare Forensic Decryption of 280+ encryption methods using 16 core liquid cooled systems

Determining how files got onto a computer

Validating dates of files/ changes to files via Sha2 HASH values.

#### Computers

EnCase Ultimate, X-Ways, Autopsy, FTK and many other specialized tools:

PassWare Forensic decryption. Custom machines.

First code written in 1977 while attending Cal State University.  
Recovery using Tableau write-blockers USB 3.0 T8-R2 & T3SES-R2 Tableau & DME forensic Imaging.  
Beta tester of Software & Hardware for leading Forensic Companies (Clear-ID, iZotope, DC8 Forensics etc)  
Hard drive recovery for US Military (SAMs vendor) - Forensic drive analysis.  
Recover damaged files, Deleted files, Changes in Registry & Meta-Data, Hash values, SHA2 etc  
All Surveillance Systems as well as Computer Drives  
Restore corrupted photographic files.  
Photo Enhancement using Clear-ID, Pixel Stacking & Frame averaging etc.  
Working with computers since 1977. 3 Field Extraction teams available.  
Network analysis, Tor tracing, Brute force & PassWare decryption etc.  
PassWare Forensic Decryption of 280+ encryption methods using 28 core liquid cooled systems  
Determining how files got onto a computer  
Validating dates of files/ changes to files via Sha2 HASH values.  
Header Data verification

#### Forensic Photographic work:

Photographic clarification, metadata validation  
Lux, Luminance & RGB analysis  
Film, Digital, thermal imaging and infra-red cameras  
Clear ID Forensics, iNPUT-ACE, Omnivore, DeplexPro  
Vectorscope, Waveform scope, Luminance and RGB scopes in Lap  
Pixel data analysis / Frame & Field level analysis  
Lens and lens-aberration analytics  
Lens MM relations to chip size and format  
Lens wide-angle distortions correction using metadata  
Deleted or Damaged Photo data memory cards recovered  
Cellphone camera metadata work.  
Geo data verification  
Dozens of forensic photo analytical plug-ins  
Stills lifted from video and clarified to 600 or 1200 dpi 18 x 12-inch prints  
All 18x 12 inch stills printed on heavy photo stock at 600 or 1200 DPI.  
Studied from 1974-1979 with Dr Bill Wallner (co-inventor of infra-red photography)  
Cameras from high-end Hasselblad thru Panavision down to GoPro  
Ultra-High-speed camerawork with Phantom-V cameras  
Cineflex & Cine-Alta.  
Helicopter mounts 14,500 hours aerial cinematography  
Have shot professionally in 23 countries  
Complete 4K 4:4:4 in lab.  
Pantone charting and color correction in field and lab  
Lux and Luminance lighting measurement in accident or crime scene cases.  
3-axis gyro-stabilized cameras  
All available camera mounts for GoPro 4K cameras for accident and test work.  
DOD and DOE military testing high speed and aerial photography.  
FAA licensed 4K Drone operator  
Testified numerous times on photographic issues in Federal, Criminal, civil Military and aviation cases.  
Photo Work published internationally

#### Field Cameras

For evidence gathering and accident recreation include Sony 4K & HD cameras, DJI Osmo, 3Axis stabilized 4k system, GoPro 4Ks all mounts and FAA Licensed 4k Drone. Fuji 3D Camera. Ultra-slow-mo Phantom Cameras available. Mercalli stabilization and Re-SpeedR. Editing and all monitors are true 4k = 4086\*2160.  
Thermal Imaging.  
Thermal Video and still along with mixed format Thermal.  
Emmy Award winning crews for crime scene Recreation.

#### Professional Sound & Music:

Over 20,000 voice tracks professionally worked with since 1980

Federal, US District Court, State, US Military, Civil and Aviation cases to TV Network television, commercials, video games and films  
Sonographs, Spectrographs and 3D Audio Decibel and Frequency Mapping  
iZotope RX professional, 3D Spectral Audio, DC10 Forensics, Pro Tools, Plugins from Cedar, Waves, iZotope, Plugin-Alliance BX-Series, Bauer, SSL, NovellTech, BlueCat, SPL, FabFilters, Sony, Sequoia & Many others  
Over 200 forensic plugins and programs running on 16 core liquid cooled computers  
Federal and State voice comparison cases  
Set Daubert standard for voice comparison in Arizona  
Phonetic breakdown of spoken words on spectrograph.  
Sonographs, Spectrographs and 3D Spectral audio graphs printed and embedded in forensic reports.  
Human Voice separated from background noises and ambience  
Tampering detection  
Metadata analysis  
NyQuist Theorem analysis  
Edit detection  
Dithering analysis  
Re-sampling analysis  
Audio background continuity  
Sine wave detection or embedded frequency (agency)  
AC power ground loop & harmonics removal.  
Background noise removal.  
Phase cancelation and removal of music from dialog  
Voice clarification, harmonic enhancement for muffled audio  
Removal of reverb (jail hallways or lecture halls etc)  
Removal of mic thumps and clicks that can be misidentified as edits.  
Transfer of tape to HQ digital medium: cassette, micro cassette, reel to reel  
Police radlos split tracked  
32 bit audio running in 64 bit systems  
Conversion of any audio codec to another PROPERLY with correct dithering  
Time coding of audio for clients down to thousandths of a second for easy reference.  
IEEE engineering standards

6

Written & Recorded Music with Blue Oyster Cult, 24,000,000 (24 Million) albums sold - Gold & Platinum records & Credence Clear Water Revival recording artist Tom Fogerty (Movie Score).

-Mixed & Engineered for numerous top recording acts; Jazz, Rock & Classical.

-Written music for hundreds of commercials including music cuts for Super Bowl XXX

-Written Music/SFX for 5 popular Video Games.

-Worked "Live" sound as sound mixer for concerts with crowds up to 35,000. *Challenging live mixes like: Chick Corea, Return to Forever, Ronnie Laws, Gerald Wilson's 24 piece Big Band etc.*

-Recently won another Emmy Award for best music on a Television series (Written & Performed).

I have Mixed and Mastered hundreds of National, International & Regional Television Shows.

Aerial Photography / Rescue / Surveillance :

Over 14,000+ Flight Hours of Jet Helicopter Photography – Film, HD Video, Research, Surveillance, Search & Rescue for Law Enforcement & Wildlife Rescue - Civilian Military Contractor.

Currently: Advisory Partner & Photographer - 4:4:4 Professional Film & TV Helicopter (*SaberCat HD*)

Pilot received the Harmon Flight Trophy from President Reagan at the White house. The Trophy is currently on display in the Smithsonian Air and Space Museum.

FAA Licensed: AERIAL 4K GPS-guided VIDEO DRONE

FAA licensed 4K Video-drone, *Phantom Quadcopter*: Satellite-GPS controlled:

Owner & Operator); Mounted camera *GoPro Hero 4K Black Edition*

Thermal Imaging & Thermal Video Recording with image on image technology

Night Vision & Infra-Red

OSMO 3-axis stabilized 4k system, fully loaded.

Forensic Counter-Surveillance:

Radio Frequency Response 10MHz ~ 10GHz (20+ GHz if needed)  
Analog, Digital, WiFi, Cellular GSM/GPRS/EDGE/3G/4G signals all will set off alarms.  
Detection Frequencies: GSM 880-915MHz, CDMA 824-849MHz, WCDMA (1920-1980MHz), and DCS (1710-1785MHz)  
Digital 'Burst' Signal Detect for all GSM/3G/4G Trackers/SMS(Text) detection  
Series and Parallel transmitters  
Automobile GPS transmitters  
Transmitting GPS trackers (only when GPS device is transmitting signal location)  
Devices on internet phone and IP phone  
Detect & Prevent:  
Wire telephone tapping  
Laser tapping  
Recordings of a voice recorder, tape, digital and parabolic reflector using white noise & sibilance generators  
40HZ 100-watt sine-wave generators to eliminate laser recording from windows  
Thermal Imaging & Thermal Video Recording with image on image technology  
1080P Sony Night Vision Cameras & Infra-Red Lighting  
OSMO 3-axis stabilized 4k system

Weapons: Classified & Non-Classified:

- Worked many homicide cases involving gunfire sound analysis, frequency, location & Triangulated acoustics.
- Worked with numerous surveillance videos to enhance shooting scenes for law enforcement and attorneys.
- Gunshots analyzed, compared & enhanced from: cell phones, land lines, surveillance equipment, 2-way communication, Police Duplex & Simplex, etc.
- Worked numerous cases requiring gunfire video enhancement from surveillance systems, cell phones and various recording devices.
- Have access to many renown civilian & military firearms experts for testimony as needed.
- Over 2-million rounds fired for high speed filming and forensic testing over 33 years. Work & have worked with -US Navy Seal Teams 1, 2 & 6, SOCOM, DEVGRU, 160th Night Stalkers. US Army Sniper teams. DOD & DOE.
- Additionally, work with many US Government retained Military contractors.
- I currently have US Military SAMS / DUNS contract.
- Worked with numerous SWAT and TOU teams in actual field operations.
- Worked with LAPD, w/ Krav Maga training.
- MSCO Helicopter Rappel Trainer (1980s Tac-Ops-Unit) - MSCO Helicopter Search & Rescue = SKY12 & DPS
- Worked with Springfield Armory testing the initial launch of the entire XD Pistol line. 9 mm, .40, .357, .45
- Work often with DillonAero on the M-134 Mini-gun project (over 20 years working together).
- Analyze Muzzle flash and sound signature of McMillan Sniper rifles for US Army Snipers (over 10 years of work together).
- Air to Ground target acquisition and aerial sniper training documentation. Thousands of hours of aerial law enforcement, search & rescue & air to ground gunship work.
- Assigned to USS CVN70 Carl Vinson and Helicopter-Carrier USS New Orleans as civilian videographer.
- Have been a "go to" guy for live Weapons Photography & Sound Recording for The Military Channel, History Channel, MythBusters, Future Weapons, Discovery Channel, National Geographic, BBC and many others.
- Produced one of the largest selling automatic weapons DVDs ever made, "Firestorm in the Desert" &
- Produced one of the largest selling handgun training DVDs of all time with Rob Leatham, "Shooter Ready

Civilian Technical Advisor on the board of CowTown Range & Studios, which is an extremely active 88 acre Training facility for SOCOM, Swat Teams, Navy Seal Teams, DEVGRU, Homeland Security and many Special Operations teams. CowTown Range is currently under DOD and various Agency contracts for range work, tactical training and weapons development.

Weapon recording analysis for cases includes

Various rounds recorded over surveillance systems, cell phones, 4k, HD, SD and high speed Phantom video cameras.  
Diverse types of pressure, loads, powders, barrel length and calibers recorded for analysis.  
Cell phone cases include NyQuist Theorem frequencies relating to cell Phone FQ range, Sample Rate and Bit depth of recordings  
Cell phone line noise and background audio of conversations recovered from 911 calls.  
Dithering artifacts created during sample rate conversions.  
Dithering harmonics relating to audio captured by Cellebrite or Oxygen Forensics, when transferred to 44.1-16 bit for distribution.  
Cell call transmission, multi-pathing of signal, tower horn tracking v. switcher tracking, topographical anomalies of transmissions, transmission artifacts  
Phase cancellation of recordings due to microphone set ups.

Distances of cell phone to firearm (FARO 130 system)

Shootings captured by police wire or boomerang unit

Sonographs and spectrographs along with 3D Spectral recording to narrow down gunshots to 1,000ths of a second.

Shooting weapons in range shoot houses or gun ranges recorded over cell phones.

Shots recorded over cell phones in cars, houses, open acoustic spaces

Ambiance and acoustics graphed and measured of gunshots on surveillance and cell phone

Certified Oxygen Cell Phone Forensics (PATC) Two Forensic Cell phone systems used 3 to 6 times a week on cases.

Working with Cell tower experts from Verizon currently on Federal case

Currently working with Court Certified retired US Navy Seal Team 6 and DEVGRU weapons expert, Craig Sawyer on two cases

Currently working with Law Enforcement and Prosecutor on a Homicide investigation involving shooting on surveillance.

Have worked with Phoenix Homicide quite often to assist with clarification of recorded audio on both homicide and cold cases.

**USA FORENSIC: AUDIO & VIDEO FORENSIC LABS**

USA Forensic, llc. (38 Years Professional Experience)

Certified Audio & Video Forensic Experts: Federal, Military, State, Civil & Aviation

United States District Courts - U.S. Grand Jury- DOJ, - DOE (Classified-Unclassified)

IEEE, IPVM, ABRE, DLA, AES, SAM, CAGE, ASCAP



# **EXHIBIT C**

## Biography:

# MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL



vCard

Michael Spindler is a CPA and Certified Fraud Examiner who brings more than 36 years of experience to complex disputes including matters related to forensic accounting and business fraud investigations in the entertainment industry as well as countless other industry sectors. He has provided expert testimony on dozens of occasions in bench trials, jury trials and arbitration proceedings. He has provided Foreign Corrupt Practices Act investigations and training services in various countries around the world, including China, Russia, India and Saudi Arabia. Having conducted numerous high-profile investigations of public company financial statement fraud and other matters, Mr. Spindler has presented his findings to special committees and various government agencies on behalf of clients, including the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service and the Office of Thrift Supervision.

Michael's clients include law firms, corporations, individuals, government agencies and non-profit organizations.

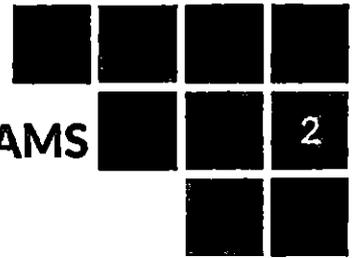
Prior to joining GlassRatner, Michael held senior leadership positions with several forensic accounting firms and was a Partner at two national public accounting firms. An experienced public speaker, Michael has authored or co-authored a number of publications on fraud-related topics and developed and presented seminars and courses on forensic accounting and litigation support issues. He is a past President of the Los Angeles Chapter of CALCPA and a past member of the Board of Trustees of the CALCPA Education Foundation. Currently, Michael is the President of the Los Angeles Chapter of the Association of Certified Fraud Examiners.

Michael is a Certified Public Accountant (licensed in California, New York, Nevada, Arizona, Utah and Hawaii), is Certified in Financial Forensics, is Accredited in Business Valuation (both issued by the AICPA) is a Certified Fraud Examiner (issued by the Association of Certified Fraud Examiners) and is a Certified Anti-Money Laundering Specialist ("CAMS"). Mr. Spindler graduated from the State University of New York at Albany with a bachelor of science degree in accounting in 1981.

We have included a representative list of Mr. Spindler's entertainment/media engagements on the following page.

## Biography:

# MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL



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- Performed numerous forensic accounting engagements in the entertainment industry, including assessing lost profits related to production of a television series, performing the build-up of a financial statement related to the distribution of a major motion picture, assessing lost profits related to the production and distribution of a special interest video, assessing allegations of financial statement fraud related to a video distribution business and analysis of the operations of a video production and distribution joint venture.
- Provided trial testimony on issues of alter ego, film costs and motion picture economics on behalf of the writer and director of a motion picture.
- Served as a litigation consultant in a major royalty dispute between a Mexican media company and a major U.S. Spanish-language broadcaster. Analyzed various issues in the litigation, including valuation of commercial airtimes and slots and other accounting issues.
- Retained as an expert in a dispute over master tapes and royalties related to a series of made for television movies aired on broadcast and cable networks. Analyzed issues related to the value of the master tapes, assessing business plans for use of the tapes and assessing calculations of royalties.
- Served as a rebuttal expert on alleged damages related to the valuation of an alleged \$50 million film library.
- Provided litigation consulting related to an intellectual property dispute alleging infringement of patents for on-line home video services.
- Conducted forensic accounting reviews of business managers on behalf of prominent screenwriters, actors, television and film producers.
- Performed numerous royalty inspections, film audits, participation audits and most favored nations inspections.
- Performed a forensic accounting investigation into costs related to development of video games.
- Served as an expert on the film costs incurred in connection with a major motion picture.
- Performed a "most favored nations" clause audit of a replicator on behalf of a major film studio. Findings resulted in a seven-figure settlement with the replicator.
- Performed an audit of billings from an advertising agency, identifying overcharges and contract breaches. Findings led to a seven-figure settlement and a renegotiation of contract terms.
- Testified as to damages related to mismanagement of a California casino. Damages were awarded of nearly \$100 million.
- Performed a forensic analysis of allegations of overstatement of circulation figures on behalf of a major newspaper and of a magazine publication.
- Investigated allegations of self-dealing and financial improprieties by the general manager of a newspaper publication.
- Performed a forensic accounting of a business manager on behalf of a television actor, uncovering instances of self-dealing by the business manager and inappropriate investments.
- Performed a forensic accounting of a film director's personal investments in connection with a litigation matter.

## Biography:

# MICHAEL SPINDLER - CPA, CFE, ABV, CFF, CAMS PRINCIPAL

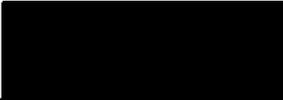


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- Provided litigation consulting on behalf of the seller in connection with litigation related to the sale of a major film studio.
- Provided litigation consulting in connection with the alleged failure to exploit a cartoon character.
- Performed a forensic accounting related to an investment by a major film studio in a straight-to-video joint venture.
- Performed due diligence procedures in connection with the acquisition of a film library.
- Performed a business review of a joint venture in the home video industry.
- Performed litigation consulting in connection with a contract dispute between a broadcast network and the provider of television programming.
- Provided litigation consulting in connection with allegations of anti-competitive actions in the satellite television industry.
- Served as an expert in connection with litigation between a satellite television broadcaster and a content provider.
- Provided litigation consulting on behalf of the provider of a comfort letter in connection with the sale of a major film studio.
- Provided litigation consulting in connection with an AFMA arbitration related to the failure to accept a film in an international output deal.
- Provided deposition testimony on film finance issues related to a litigation matter alleging inflation of film budgets.
- Provided litigation consulting on behalf of insurance companies related to disability claims by film actors.
- Provided litigation consulting related to the write-down of a slate of films after the acquisition of a major film studio.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4th day of November, 2019, I caused a copy of the foregoing Plaintiff's Designation/Identification of Expert Witnesses to be served by email and first class mail pursuant to Rule 1:12 of the Supreme Court of Virginia to all of Defendant's counsel of record.

  
Benjamin G. Chew

# EXHIBIT C



**RESPONSE:** No objection.

2. The answers You provide are to be signed by You.

**RESPONSE:** No objection.

3. Where knowledge or information in Your possession is requested, such request includes knowledge of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.

**RESPONSE:** Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires knowledge from individuals not under Plaintiff's control. Plaintiff will provide information based on his personal knowledge.

4. Whenever appropriate in these Interrogatories, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.

**RESPONSE:** No objection.

5. Unless otherwise indicated, these Interrogatories refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.

**RESPONSE:** No objection.

6. All references to an entity include the entity and its agents, officers, employees, representatives, subsidiaries, divisions, successors, predecessors, assigns, parents, affiliates, and unless privileged, its attorneys and accountants.

**RESPONSE:** Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to provide information from individuals and entities not under Plaintiff's control. Plaintiff will provide information based on his personal knowledge.

7. If You perceive any ambiguities in a question, instruction, definition, or other aspect of these discovery requests, set forth the matter deemed ambiguous and the construction used in answering.

**RESPONSE:** No objection.

8. If You assert a claim of privilege as to any of Your responses to the Interrogatories, state the basis for the asserted privilege, specify the privilege claimed, and include in Your answer sufficient information to permit the Court to make an informed ruling on the claim of privilege. If the claim relates to a privileged document, state the date, person or persons who prepared or participated in preparing the document, the name and address of any person to whom the document was shown or sent, the general subject matter of the document, the present or last known location and custodian of the original of the document, and the basis for the claim of privilege with respect to the document. If the claim of privilege relates to a communication, state the date(s), place(s) and person(s) involved in the communication, the subject matter of the communication, and the basis for the claim of privilege with respect to that communication. Reliance on any claim of privilege is subject to the Rules of this Court, including the production of a privilege log.

**RESPONSE:** Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to produce a privilege log in a specific manner at a specific time. Plaintiff will produce a privilege log at a time and in a manner to be negotiated with Defendant in good faith.

9. If You perceive any discovery request to be overly broad, unduly burdensome, or objectionable for any other reason, respond to the fullest extent possible and clearly note any objection so that the Court will be permitted to make an informed ruling on the objection.

**RESPONSE:** No objection.

10. In answering each interrogatory:

- a state whether the answer is within the personal knowledge of the person answering the interrogatory and identify each person known to have personal knowledge of the answer; and
- b identify each document that was used in any way to formulate the answer.

**RESPONSE:** Plaintiff objects to this instruction as overly broad and unduly burdensome, to the extent that it requires Plaintiff to provide information from individuals and entities not under Plaintiff's control. Plaintiff will provide information based on his personal knowledge

11. If, after a reasonable and thorough investigation, using due diligence, You are unable to answer any interrogatory, or any part of an interrogatory, on the grounds of lack of information available to You, specify why the information is not available to You and what has been done to locate such information

**RESPONSE:** No objection.

12. These interrogatories are continuing in character so as to require You to promptly amend or supplement Your responses in accordance with the Rules of the Supreme Court of Virginia within a reasonable time if You obtain or become aware of any further information responsive to these interrogatories. Ms. Heard reserves the right to propound additional interrogatories.

**RESPONSE:** No objection.

**Definitions**

- a ***Action.*** The Term "Action" means the above-captioned action.

**RESPONSE:** No objection.

- b ***And/or.*** The use of "and/or" shall be interpreted in every instance both conjunctively and disjunctively in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope.

**RESPONSE:** No objection.

c     ***Chat Application.*** The term “Chat Application” means 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, Facebook Messenger, WhatsApp, WeChat, Slack, Twitter, Skype, Instagram, Kik, Signal, Telegram, Viber, Threema, Dust, and Wickr.

**RESPONSE:** No objection.

d     ***Communication.*** The term “communication” means any oral or written exchange of words, thoughts, or ideas to another person, whether person-to-person, in a group, by phone, text (SMS), letter, fax, e-mail, internet post or correspondence, social networking post or correspondence or by any other process, electric, electronic, or otherwise. All such Communications are included without regard to the storage or transmission medium (electronically stored information and hard copies are included within this definition).

**RESPONSE:** No objection.

e     ***Complaint.*** The term “Complaint” shall mean the Complaint filed by Plaintiff in this matter, currently pending before this Court.

**RESPONSE:** No objection.

f     ***Concerning.*** The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

**RESPONSE:** No objection.

g     ***Correspondence.*** The term “correspondence” means any document(s) and/or communication(s) sent to or received from another entity and/or person.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is duplicative of the terms Document and

Communication, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

h ***Defendant and/or Ms. Heard.*** The terms “Defendant” and/or “Ms. Heard” refer to Defendant Amber Laura Heard, including her agents, representatives, employees, assigns, and unless privileged, all persons acting on her behalf.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, all persons acting on her behalf.”

i ***Depp Declaration.*** The term “Depp Declaration” shall mean the Declaration filed by Plaintiff in this matter as Exhibit 1 to Plaintiff’s Opposition to the Motion to Dismiss.

**RESPONSE:** No objection.

j ***Document.*** The term “document” is defined in its broadest terms currently recognized. The term shall include, without limitations: any written or other compilation of information (whether printed, handwritten, recorded, or encoded, produced, reproduced, or reproducible by any other process), drafts (revisions or finals), original or preliminary notes, and summaries of other documents, communications of any type (e-mail, text messages, blog posts, social media posts or other similar communications or correspondence), computer tape, computer files, and including all of their contents and attached files. The term “document” shall also include but not be limited to: correspondence, memoranda, contractual documents, specifications, drawings, photographs, images, aperture cards, notices of revisions, test reports, inspection reports, evaluations, technical reports, schedules, agreements, reports, studies, analyses, projections, forecasts, summaries, records of conversations or interviews, minutes or records of conferences or meetings, manuals, handbooks, brochures, pamphlets, advertisements,

circulars, press releases, financial statements, calendars, diaries, trip reports, etc. A draft of a non-identical copy is a separate document within the meaning of this term.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

k ***ESI.*** “ESI” means electronically stored information.

**RESPONSE:** No objection.

l ***Heard Declaration.*** The term “Heard Declaration” shall mean the Declaration filed by Ms. Heard and dated April 10, 2019.

**RESPONSE:** No objection

m ***Identify (with respect to documents).*** When referring to documents, to “identify” means to give, to the extent known, the (i) type and title of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the Rules.

n ***Identify (with respect to persons).*** When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, telephone number, and email address, and when referring to a natural person, additionally, the present or last known home address and telephone number. Once a person has been identified in accordance with this definition, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

**RESPONSE:** No objection.

o ***Identify (with respect to things).*** When referring to tangible or intangible things, to “identify” means to describe, to the extent known, the (i) type of thing; (ii) any unique identifiers pertaining to that thing (including, for example, corporate registration number, registered

name, account number, username, serial number, email address, or any other unique characteristic); and  
(iii) the owner or controller of the thing.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, and to the extent that it seeks to impose burdens beyond what are required by the rules.

p ***Including.*** The term “including” means including but not limited to.

**RESPONSE:** No objection.

q ***Person.*** The term “person” is defined as any natural person, business, company, partnership, legal entity, governmental entity, and/or association.

**RESPONSE:** No objection.

r ***Plaintiff and/or Mr. Depp.*** The terms “Plaintiff” and/or “Mr. Depp” refer to Plaintiff John C. Depp, II, including his agents, representatives, employees, assigns, and unless privileged, all persons acting on his behalf.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, to the extent that it is inclusive of “agents, representatives, employees, assigns, and unless privileged, all persons acting on his behalf.”

s ***Romantic Partners.*** The term “Romantic Partners” shall mean any persons You have touched in a sexual manner in the past ten (10) years, meaning: (a) direct contact between any part of your body and another person’s genitalia, anus, groin, breast, inner thigh, or buttocks; or (b) direct contact between any part of a third party’s body and your genitalia, anus, groin, breast, inner thigh, or buttocks.

**RESPONSE:** Plaintiff objects to this definition as overly broad and unduly burdensome, vague and ambiguous to the extent it seeks to impose burdens beyond those required by the Rules. This term is overly broad in its ten year scope, and vague and ambiguous in its use of the terms “direct contact” and “sexual manner.” Plaintiff further objects to this term to the extent that it is inflammatory and harassing, assumes facts not in evidence, lacks foundation, calls for a medical and/or legal conclusion and seeks information unrelated to this case and that is unlikely to lead to the discovery of admissible evidence. Plaintiff will agree to meet and confer with Defendant regarding this term.

t        *You and/or Your*. The terms “You” and/or “Your” refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has “control” as understood by the Rules of this Court.

**RESPONSE:** No objection.

### **INTERROGATORIES**

1. Identify each person having any knowledge or information about any of the claims or defenses in this case, including but not limited to Your (a) substance abuse, (b) damage of property, (c) acts of violence, (d) abuse in any form of any Romantic Partner, and (e) relationship with Ms. Heard. The answer to this Interrogatory should include contact information, to the extent known, for the following: Alejandro Romero, Ben King, Bobby de Leon, Brandon Patterson, Bruce Witkin, Christi Dembrowski, C.J. Roberts, Dr. Connell Cowan, Cornelius Harrell, Dr. David Kipper, Debbie Lloyd, Erin Boerum (Falati), Isaac Baruch, Joel Mandel, Kevin Murphy, Jerry Judge, Josh Drew, Keenan Wyatt, Laura Divenere, Lisa Beane, Malcolm Connolly, Melissa Saenz, Nathan Holmes, Samantha McMillan, Sam Sarkar, Sean Bett, Stephen Deuters, Tara Roberts, Todd Norman, Trinity Esparza, Trudy Salven, Tyler Hadden.

### **ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff’s purported substance abuse, damage of property, acts of violence, and “abuse in any form” are irrelevant to the claims or defenses in this case. Plaintiff further objects to the extent that this Interrogatory assumes facts not in evidence, and contains allegations that Mr. Depp intends to disprove.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following individuals with knowledge of the claims or defenses in this case:

<b>Person</b>	<b>Contact Information</b>
Isaac Baruch	Unknown
Lisa Beane	Unknown
Sean Bett	Contact through Plaintiff's counsel.
Robin Baum	901 Highland Ave, Los Angeles , CA 90038 (310) 461-0100
Erin Boerum	Unknown
Malcolm Connolly	Unknown
Dr. Connell Cowan	Unknown
Bobby de Leon	Unknown
Elisa "Christi" Dembrowski	To be contacted through counsel Dylan Ruga, Stalwart Law Group, 1100 Glendon Ave., 17th Floor Los Angeles, CA 90024, 310-954-2000
Gina Deuters	Contact through Plaintiff's counsel.
Stephen Deuters	Contact through Plaintiff's counsel.
Laura Divenere	Unknown
Josh Drew	Unknown
Trinity Esparza	Unknown
Tyler Hadden	Unknown
Cornelius Harrell	Unknown
Nathan Holmes	Unknown
Jerry Judge	Deceased
Ben King	Unknown
Dr. David Kipper	Unknown

Debbie Lloyd	Unknown
Joel Mandel	To be contacted through Michael Kump and Suann MacIsaac, Kinsella Weitzman Iser Kump & Aldisert LLP, 808 Wilshire Blvd., Santa Monica, CA 90401, 310-566-9800
Samantha McMillen	Unknown
Kevin Murphy	Unknown
Todd Norman	Unknown
Brandon Patterson	Unknown
C.J. Roberts	Unknown
Tara Roberts	Unknown
Alejandro Romero	Unknown
Anthony Romero	Unknown
Melissa Saenz	Unknown
Trudy Salven	Unknown
Sam Sarkar	Unknown
Robin Schulman	Unknown
Doug Stanhope	Unknown
Laura Wasser	2049 Century Park East, Suite 800 Los Angeles, CA 90067, (310) 277-7117
Wasser, Cooperman & Mandles, P.C.	2049 Century Park East, Suite 800 Los Angeles, CA 90067, (310) 277-7117
Jessica Weitz	Unknown
Bruce Witkin	Unknown
Keenan Wyatt	Unknown

Blair Berk	Unknown
Jacob Bloom	Unknown

2. State whether You or anyone acting on Your behalf, including Your attorneys or investigator(s), have ever taken, received or assisted in drafting or preparing any declaration, affidavit, or other written statement of any person relating to this lawsuit and/or the factual allegations that are the substance of this suit. If so, please provide the names, current addresses, telephone numbers and occupation of each such person giving a statement, and the date of each such statement.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following statements: Plaintiff's declaration in support of his opposition to the motion to dismiss and Kevin Murphy's (Plaintiff's former estate manager) declaration in support of Plaintiff's opposition to the motion to dismiss.

3. Identify all devices in Your possession, custody, or control in which ESI that relates to the claims or defenses in this case, or is reasonably likely to lead to the discovery of admissible evidence, is or is reasonably likely to be stored. For the avoidance of doubt, include in your response all devices in your possession, custody, or control that are or were owned or used by Ms. Heard.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity,

or protection. Plaintiff further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge, and within the personal knowledge of Ms. Heard.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following devices: iPhone, iPad, MacBook Pro, an iCloud account, and the devices and data belonging to Stephen Deuters collected in May 2017 (iPad and iPhone) and Nathan Holmes collected in March 2018 (iPhone).

4. Identify all email addresses, social media accounts, and Chat Applications that You have used to communicate in relation to this Action or the claims and defenses therein.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following accounts: dictator3@aol.com (email account) and him@infinitum-nihil.com (email account). Mr. Depp uses his mobile phone to communicate on iMessage and WhatsApp.

5. Identify all pseudonyms, nicknames, handles, stage names, or other names that You have used in referring to Yourself, or which any person identified in Your answer to Interrogatory No. 2, has used in referring to You. For each, describe the context in which the name was used.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the production of documents or communications protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity,

or protection. Plaintiff further objects to this Interrogatory as referring to “any person identified in Your answer to Interrogatory No. 2” as vague and ambiguous. Plaintiff will interpret this phrase to mean “any person identified in Your answer to Interrogatory No. 1.”

Subject to and without waiving the foregoing objections, Plaintiff identifies the following: “J,” “JD,” “Johnny,” “Sparrow,” “Steve,” “Him,” “David Michael,” and “Peter D.”.

6. Identify each private aircraft company that You used for travel between January 1, 2010 to the present.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Not every private aircraft used by Mr. Depp is relevant to this case.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following: TourJet, Trans-Exec Air Service, Inc., FreeSpeed Aviation, LLC, and ExecuJet Aviation Group.

7. Identify each entity (including, without limitation, corporation, company, partnership, or any other kind of business association) under Your direct or indirect control, or over which You hold a direct or indirect ownership interest.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further

objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Not every entity in which Mr. Depp holds an interest is relevant to this case.

Subject to and without waiving the foregoing objections, Plaintiff identifies the following: A Contrario, Brave Pictures, Inc., Contre Courant, The Depp Irrevocable Trust, HST Archives, LLC, Scaramanga Bros., Inc., L.R.D. Productions, Inc., Infinitum Nihil, Inc., Infinitum Nihil Publishing, LLC, Infinitum Nihil Records, LLC, Infinitum Nihil Media, LLC, Infinitum Nihil Music, LLC, JDM Ventures, LLC, John C. Depp II Insurance Trust, John C. Depp II Living Trust, L.R.D. Productions, Inc., Le Hameau du Bebe, LLC, Stratton Films, Inc., The Mooh Investment Trust, P Music Group, LLC, Versailles Road Trust, Sweetzer Trust, LLC, SCI La Pierre, Stratton Films, Inc., and Vajoliroja, LLC.

8. Identify and describe any and all electronic systems You and/or any entities listed in Your answer to Interrogatory No. 7 use to effect, track, monitor, or create records of incoming and outgoing payments, including without limitation any system maintained with or having any relation to City National Bank. Further identify and describe any and all outgoing and incoming payments, from 2010 to the present, to or from the individuals listed in Defendant's Request for Production No. 16 made using each such system, including the amount and purpose of each such payment.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case.

In light of the foregoing objections, Plaintiff will not be responding to this Interrogatory.

9. Identify each mental and/or physical health care provider (including drug and/or alcohol addiction/dependency care or treatment providers, counselors or therapists) that You saw or consulted or who examined You or provided treatment or services to You from

January 1, 2010 to the present and state the reason and duration You saw or consulted or received treatment or services from each identified provider. The answer to this Interrogatory should include visits to emergency rooms; any addiction, drug or alcohol treatment or therapy session(s); and visits with or physical or mental health treatment from any doctor, surgeon, psychiatrist, nurse, psychologist, therapist, counselor, medical advisor, specialist, or other provider.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Not all of Mr. Depp's medical treatment is relevant to this Action. Plaintiff further objects to this Interrogatory to the extent it calls for confidential, personal business, financial, medical, or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Plaintiff further objects on the grounds that this Interrogatory calls for a medical and/or legal conclusion. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery.

Subject to and without waiving the foregoing objections, Plaintiff will identify non-privileged documents responsive to this Interrogatory, if any, by Bates number following document production, in accordance with Rule 4.8(f).

10. For each prescription drug You have been prescribed to take since 2010 or that you currently take: (a) identify the physician and/or health care provider who wrote the prescription; (b) state the name of the drug and the dosage to be taken; and (c) identify

each pharmacist who filled the prescription and such pharmacist's pharmacy and/or place of employment.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Not all of Mr. Depp's medical treatment is relevant to this Action. Plaintiff further objects to this Interrogatory to the extent it calls for confidential, personal business, financial, medical, or other proprietary information protected by law, including information that may be protected by the physician-patient privilege and/or the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Plaintiff further objects on the grounds that this Interrogatory calls for a medical and/or legal conclusion. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery.

Subject to and without waiving the foregoing objections, Plaintiff will identify non-privileged documents responsive to this Interrogatory, if any, by Bates number following document production, in accordance with Rule 4.8(f).

11. For each instance of physical violence or abuse alleged in Ms. Heard's Declaration, state whether You were under the influence of or had consumed any alcohol, medication, or drugs on the days of each such incident, and, if so, state as to each substance consumed (including alcohol) the identity of the substance consumed, the amount of the substance consumed, the date and time each such substance was consumed, the name and address of the place(s) where the substance was consumed, the location and person from which the substance was acquired or obtained, any witnesses present at the time of consumption, and the effect of the substance on You.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff further objects to this Interrogatory because it assumes facts not in evidence, and assumes the truth of Ms. Heard's Declaration. Mr. Depp disputes the allegations of Ms. Heard's allegations. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Interrogatory because it calls for a legal conclusion. Plaintiff further objects to this Interrogatory because it is compound.

In light of the foregoing objections, Plaintiff will not respond Interrogatory because he denies all allegations of physical violence and abuse in Ms. Heard's declaration.

12. Identify each Romantic Partner, other than Ms. Heard, that You have had in the past 10 years.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to

this case. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case.

Subject to and without waiving the foregoing objections, none of Mr. Depp's prior Romantic Partners have ever alleged any acts of physical violence or abuse by Mr. Depp other than Ms. Heard. Notwithstanding the foregoing, Mr. Depp has had romantic relationships in the past ten years with Vanessa Paradis and Polina Glen.

13. Describe in detail any separation agreements, settlements, releases, tolling agreements, confidentiality and/or non-disclosure agreements, forbearance agreements, Mary Carter agreements, or any other agreements of any kind which You have negotiated with any Romantic Partner. Your answer should include any such agreements that have been negotiated in order to gain the assistance or compliance of another person and/or entity with regard to this or any other matter.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case.

Subject to and without waiving the foregoing objections, Plaintiff identifies the divorce settlement with Ms. Heard. As Ms. Heard is a party to that agreement, Mr. Depp will not further describe that agreement. Plaintiff also identifies the Settlement Agreement with Ms. Vanessa Paradis with respect to the parentage, custody and support of their two minor children, Lily-Rose Depp and [REDACTED]. No agreements with any Romantic Partners have ever been negotiated in order to gain the assistance or compliance of another person and/or entity with regard to this matter.

14. Identify and describe facts relating to each instance where any person, other than Ms. Heard, alleged (publicly or privately) that You engaged in any act of physical violence, abuse, or destruction of property at any point in the past 15 years, including (i) the identity of the person(s) that accused You of such conduct; (ii) the person and/or property toward which Your alleged conduct was directed; (iii) whether You were, or were alleged to have been, under the influence of alcohol, medication or illegal drugs at the time of Your alleged conduct; (iv) the date, time and location(s) of each such instance; and (v) the identity of all persons present at the time of the alleged incident.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff further objects to this Interrogatory because it assumes facts not in evidence, and characterizes Plaintiff as engaging in acts of violence. Plaintiff denies any allegation that he engaged in an act of violence. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff vehemently denies all of Ms. Heard's allegations of physical violence, abuse, and destruction of property. Plaintiff also denies Gregg "Rocky" Brooks' allegations of physical violence. Specifically, on the evening of April 12, 2017, Mr. Brooks was working as a location manager on the set of a film that has not yet been released, entitled "City of Lies." Mr. Brooks was involved in a series of altercations with persons on set, including a security guard for a nearby property whom Mr. Brooks flipped off; and a woman who was present on set, with whom Mr. Brooks became verbally abusive. Mr. Depp, who was also present on set, eventually intervened and verbally reprimanded Mr. Brooks for his misbehavior. Mr. Brooks claims that during this exchange, Mr. Depp punched him twice. That is categorically false. Mr. Depp, along with multiple eyewitnesses, including Ms. Emma Danoff, Mr. Sean Bett and Mr. Brad Furman who were standing close by and had an unimpeded view of the exchange, have either testified in deposition and/or will testify at trial that Mr. Depp never even touched (and certainly did not punch) Mr. Brooks. Plaintiff reserves his right to supplement his answer to this Interrogatory by identifying non-privileged documents responsive to this Interrogatory, if any, by Bates number following document production, in accordance with Rule 4.8(f).

15. Provide the name, address, profession, and qualifications of each expert witness who You intend to call to testify at the trial of this case, including any rebuttal experts and/or experts to address any alleged new matters raised in Defendant's designation of experts. For each such expert, state the subject matter in which the expert is expected to testify; the substance of the facts as to which the expert is expected to testify; the substance of the opinions which the expert is expected to give; a summary of the grounds for each such opinion; the terms of the expert's compensation, and attach to Your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's findings and opinions in this matter.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as premature given the early stage of discovery.

In light of the foregoing objections, Plaintiff will respond to this Interrogatory in accordance with his obligations under a Stipulation and Order Governing Expert Discovery in this Action and according to a schedule to be agreed upon by the parties or entered by the Court.

16. State in detail all facts which support and/or otherwise relate to any claim for monetary relief as part of this matter. Include in Your answer: (i) an itemization of all damages, loss or injury for which You are claiming or seeking to recover in this action—including each and every employment opportunity which You claim You have lost as a result of the actions complained of; (ii) an explanation of how the damages were computed; (iii) all assumptions made in computing the damages, and the basis for such assumptions; (iv) an explanation of how the damages are attributable to Defendant; and (v) all efforts to mitigate the damages.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory because it would be more appropriately addressed by other means including expert discovery.

In light of the foregoing objections, Plaintiff will not be responding to this Interrogatory at this time, and reserves his right to supplement this response to the extent necessary following the completion of fact and expert discovery.

17. Identify each judicial or administrative proceeding (including all details needed to locate the docket) in which You have had any involvement (including as a party, witness, or

nonparty) from January 1, 2010 to the present, and include a description of (i) the nature of each proceeding; (ii) the court in which the proceeding was/is maintained; (iii) Your involvement in the proceeding, (iv) the status of the proceeding; and (v) the result, if the proceeding has concluded.

**ANSWER:**

In addition to the foregoing General Objections and Objections to Definitions and Instructions, Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that it seeks the information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff further objects to this Interrogatory as calling for information that is neither relevant nor proportional to this case. Plaintiff's other legal proceedings not involving Ms. Heard are not relevant to this Action. Plaintiff further objects to this Interrogatory because it seeks information more readily obtained by other means, including by way to deposition testimony and/or document discovery. Plaintiff further objects to this Interrogatory to the extent it is intended to harass Plaintiff, and constitutes an invasion of privacy.

Subject to and without waiving the foregoing objections, Plaintiff identifies the divorce proceedings with Ms. Heard. Because Ms. Heard was a party to those proceedings, Mr. Depp will not describe them further. Plaintiff further identifies:

<b>Judicial/Administrative Proceeding</b>	<b>Nature of Proceeding</b>	<b>The Court in Which the Proceeding Was/Is Maintained</b>	<b>Plaintiff's Involvement</b>	<b>Status/Result</b>
John C. Depp, II, et al. v. The Mandel Company, Inc. dba The Management Group, et al. (Case No. BC682487)	Civil	LASC	Plaintiff and Cross-Defendant	Resolved
John C. Depp, II, et al. v. Bloom Hergott Diemer Rosenthal Laviolette	Civil	LASC	Plaintiff and Cross-Defendant	Ongoing

Feldman Schenkman & Goodman, LLP, et al. (BC680066)				
Gregg "Rocky" Brooks v. John C. Depp, et al. (Case No. BC713123)	Civil	LASC	Defendant	Trial set for May 11, 2020
Jane Doe v. John Christopher Depp, et al. (Case No. BC482823)	Civil	LASC	Defendant	Court-Ordered Dismissal
Eugene Arreola, et al. v. John C. Depp, II, et al. (BC704539)	Civil	LASC	Defendant	Resolved
John Christopher Depp II and News Group Newspapers LTD and Dan Wootton (Claim No. Hq18m01923)	Libel	In The High Court Of Justice Queen's Bench Division Media And Communications List	Claimant	Ongoing
Buckley LLP v. John C. Depp, II, et al. (Case No. 19STCV17470)	Civil	LASC	Defendant	Ongoing
Amber Heard v. John Christopher Depp II (Case No. 9DLP7)	Purported Arbitration Demand	Signature Resolution	Purported Respondent	Denied
In re the Marriage of Amber Laura Depp and John Christopher Depp II (BD641052)	Family	LASC	Respondent	Resolved

Dated: October 28, 2019

Respectfully submitted,



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*Counsel for Plaintiff John C. Depp, II*

**CERTIFICATE OF SERVICE**

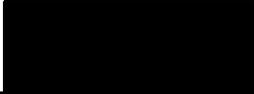
I hereby certify that on this 28th day of October 2019, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
John C. Quinn (*pro hac vice*)  
Joshua Matz (*pro hac vice*)  
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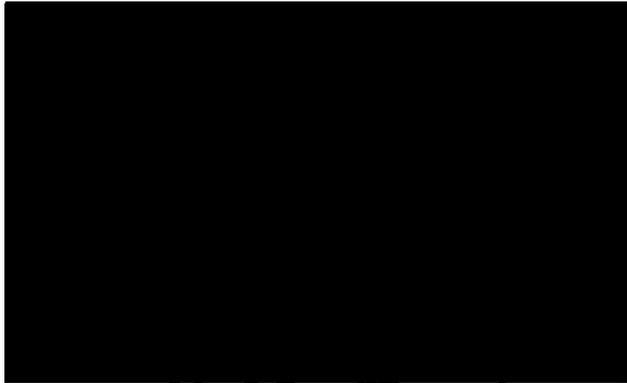
  
Benjamin G. Chew

**CERTIFICATION**

I hereby certify under penalty of perjury that the contents of the foregoing are true and accurate to the best of my knowledge, information and belief.

Dated: 28 Oct., 2019

Location: \_\_\_\_\_



John C. Depp, N



# EXHIBIT B

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp  
Plaintiff(s)

versus

Case No. CL 2019 - 2911

Amber Heard  
Defendant(s)

**SCHEDULING ORDER**

THE SCHEDULING CONFERENCE was held June 27, 2019.

After discussing the various issues presented, it was ORDERED:

I. Trial

The trial date is 2/3/2020 (with a jury) (~~without a jury~~). The estimated length of the trial is 3 weeks.

II. Discovery

The parties shall complete discovery, including depositions, by thirty (30) days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until fifteen (15) days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1 (e) of the Rules of the Supreme Court of Virginia. "Seasonably" means as soon as practical. No provision of this Order supersedes the Rules of the Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

### III. Designation of Experts

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's and cross-claimant's experts shall be identified on or before 90 days before trial. If requested in discovery, defendants and all other opposing experts shall be identified on or before sixty (60) days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than forty-five (45) days before trial. If requested, all information discoverable under Rule 4:1 (b) (4) (A) (1) of the Rules of the Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1 (e).

### IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than sixty (60) days after being filed.

### V. Exhibit and Witness List

Counsel of record shall exchange fifteen (15) days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefore except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five (5) days before trial or the objections will be deemed waived absent leave of court for good cause shown.

### VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

### VII. Motions *in Limine*

Absent leave of court, any motion *in limine* which requires argument exceeding five (5) minutes shall be duly noticed and heard before the day of trial.

VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least ten (10) days before trial.

IX. Continuances

Continuances will only be granted by the court for good cause shown.

X. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall, two (2) business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 15 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial, and to counter-designate any additional portions of designated depositions at least 5 days before such hearing.

XII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTERED this 27<sup>th</sup> day of June, 2019.

  
JUDGE

 (USB#29113)  
Counsel for Plaintiff(s)

 (USB#71412)  
Counsel for Defendant(s)