

VIRGINIA:

FILED
COURT SERVICES

IN THE CIRCUIT COURT OF FAIRFAX COUNTY 2020 JAN 21 PM 12: 23

John C. Depp, II,)
)
 Plaintiff,)
)
 v.)
)
 Amber Laura Heard,)
)
 Defendant.)

JOHN E. FOLEY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Civil Action No.: CL-2019-0002911

**PLAINTIFF'S RESPONSE TO DEFENDANT'S
NOTICE OF SUPPLEMENTAL AUTHORITY**


Plaintiff John C. Depp, II hereby responds to Defendant's Notice of Supplemental Authority, dated January 14, 2020 ("Notice"):

1. The case Defendant attached to her Notice, *Morrissey v. WTVR, LLC, et al.*, Case No. 3:19 cv 747-HEH (E.D. VA. 2020) ("*Morrissey*") is neither binding nor applicable here:

a. In *Morrissey*, the court, in dismissing the defamation claims, relied on extrinsic evidence showing the truthfulness of the complained of allegations. Here, the extrinsic evidence, to the extent it could be considered on demurrer, such as the police officers' testimony from the divorce case, shows the falsity of Ms. Heard's allegations of domestic abuse; and

b. nothing in the report at issue in *Morrissey* "kindled a suggestion" of defamation, whereas here Mr. Depp alleged in the Complaint that Ms. Heard's allegations were defamatory and clearly referred to him. Complaint, ¶¶ 2-7, 22, 28, 77.

Respectfully submitted,


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Dated: January 21, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January 2020, I caused copies of the foregoing to be served via email (per written agreement between the parties) on the following:

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