

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

ANSWER AND GROUNDS OF DEFENSE

Defendant Amber Laura Heard, by counsel, hereby files this Answer and Grounds of Defense to the Complaint filed by Plaintiff John C. Depp, II. Defendant denies all allegations in the Complaint that are not specifically and expressly admitted below.

ANSWER

NATURE OF ACTION

1. With respect to ¶ 1 of the Complaint,¹ Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Answering further, Defendant states that the op-ed speaks for itself and the document reflects a complete and accurate statement of its contents. Defendant denies any mischaracterization of the op-ed and denies the remaining allegations in ¶ 1. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

2. With respect to ¶ 2, Defendant admits that the Superior Court of California, County of Los Angeles issued a Temporary Restraining Order against Plaintiff to restrain

¹All references to paragraphs (“¶”) are referencing the paragraphs of the Complaint dated March 1, 2019. Going forward, the references will be to ¶ without stating Complaint.

Plaintiff and protect Defendant from Plaintiff on May 27, 2016. The Temporary Restraining Order, and related records, speak for themselves. Defendant admits that the op-ed did not identify or name Plaintiff, and otherwise denies the remaining allegations of ¶ 2.

3. Defendant denies the allegations of ¶ 3 and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent ¶ 4 contains factual allegations, Defendant denies the allegations of ¶ 4 and demands strict proof thereof.

5. With respect to ¶ 5, Defendant admits that in May 2016 she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence and abuse. Defendant further admits that news sources publicly reported that Disney made an announcement relating to a reboot of the *Pirates of the Caribbean* franchise in 2018, and refers to those news sources for a complete and accurate statement of their contents and denies any mischaracterization thereof. Defendant otherwise denies the allegations in ¶ 5 and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and Defendant denies that Plaintiff is entitled to any relief, including damages, from Defendant.

6. Defendant denies the allegations of ¶ 6.

7. Defendant denies the allegations of ¶ 7. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and Defendant denies that Plaintiff is entitled to any relief, including damages, from Defendant.

PARTIES

8. With respect to ¶ 8, Defendant admits that Plaintiff is a prominent actor, that Defendant and Plaintiff had no children together, and that they were married February 3, 2015, that Defendant and Plaintiff were separated before May 23, 2016, and that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. Defendant lacks sufficient knowledge or information to admit or deny allegations as to the current location of Plaintiff's primary residence. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed targeting Plaintiff, and denies the remaining allegations of ¶ 8 and demands strict proof thereof.

9. With respect to ¶ 9, Defendant admits that she is an individual and a resident of the State of California, admits that she is an actor, and admits that she was formerly married to Plaintiff. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B, and that it was published in the Washington Post on page A21 on December 19, 2018. Answering further, Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff and denies any remaining allegations of ¶ 9 and demands strict proof thereof.

JURISDICTION AND VENUE

10. Paragraph 10 contains legal conclusions to which no response is required. To the extent ¶10 contains any factual allegations, Defendant denies those allegations and demands strict proof thereof. Answering further, Defendant specifically denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff.

[ALLEGED] FACTS

In response to the heading preceding ¶ 11, Defendant admits that she wrote the op-ed, with the assistance and advice of others, attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof.

11. Paragraph 11 is a legal conclusion to which no response is required.

12. With respect to ¶ 12, Defendant admits only that Plaintiff has appeared in various films and has portrayed the characters known as Edward Scissorhands, Willy Wonka, Captain Jack Sparrow, The Mad Hatter, Grindelwald, John Dellinger, and Whitey Bulger. Defendant lacks sufficient knowledge or information to admit or deny the remaining allegations in ¶ 12 and demands strict proof thereof.

13. With respect to ¶ 13, Defendant admits that she met Plaintiff in connection with her work on the film *The Rum Diary*. Defendant denies that she and Plaintiff were married on February 1, 2015, and states that they were married on February 3, 2015.

14. With respect to ¶ 14, Defendant states that Defendant and Plaintiff were married on February 3, 2015, that Defendant and Plaintiff were separated before May 23, 2016, and that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. To the extent ¶ 14 requires further response, Defendant denies the allegation and demands strict proof thereof.

15. With respect to ¶ 15, Defendant admits that a member of the building staff from the Eastern Columbia Building gave testimony in a case to which Defendant was not a party, and refers to the deposition transcripts for a complete account of the allegations therein. Defendant denies the remaining allegations of ¶ 15, and demands strict proof thereof, and further denies that

she injured Plaintiff's middle finger on his right hand and further states that Plaintiff caused the injuries he alleges through his own violent conduct. Defendant further denies that Mr. Musk visited Plaintiff's penthouse at any time in March 2015, or that this would relate to or justify Plaintiff's domestic abuse and violence against Defendant in any event.

Defendant further states that Plaintiff engaged in an extra-marital affair with Rochelle Hathaway, among others, throughout his relationship with Defendant, thus further exemplifying the absurdity of Plaintiff's false allegations with respect to Mr. Musk being included in the Complaint. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this full paragraph is expressly requested.

16. With respect to ¶ 16, Defendant admits that Defendant and Plaintiff were separated by May 23, 2016, and states that the stipulated judgment of dissolution of marriage was entered on January 13, 2017. Defendant admits that there was an incident on May 21, 2016 during which Plaintiff struck Defendant in the face with a cell phone, assaulted Defendant, and swung a magnum-sized bottle of wine into objects throughout part of the penthouse, and caused property damage to various parts of the penthouse. Defendant admits that there were multiple eyewitnesses to the incident and its aftermath, admits that certain police officers arrived following the incident, admits that the police officers observed the redness to Defendant's face and the property damage to parts of the penthouse and hallway. Defendant admits that Defendant declined to file a police report. Defendant admits that certain police officers testified during the divorce proceedings, and refers to the deposition transcripts for a complete account of the allegations therein. Defendant denies having knowledge or information sufficient to form a belief as to the allegations regarding certain officers' credentials, domestic abuse training or motivations for their testimony. Defendant denies that she or any of her friends provided false

testimony in support of the restraining order she received against Plaintiff, and denies the remaining allegations of ¶ 16, and demands strict proof thereof. Answering further, Defendant specifically denies that there was any hoax or any scheme to lure Plaintiff to the penthouse and denies that Defendant's testimony of events related to the incident are false.

17. With respect to ¶ 17, Defendant denies that there is any evidence that can or will disprove that Plaintiff committed domestic violence and abuse against Defendant because Plaintiff did, in fact, commit domestic violence and abuse against Defendant. Defendant denies knowledge or information sufficient to form a belief as to interactions between Plaintiff and his legal team and demands strict proof thereof. Defendant denies that documents in possession of Plaintiff's attorneys are not in Plaintiff's possession, denies that Defendant's 2016 allegations relating to domestic violence were false, denies that any evidence disproves Defendant's 2016 allegations, denies that the surveillance footage is exculpatory, and otherwise denies the remaining allegations of ¶ 17 and demands strict proof thereof.

18. With respect to ¶ 18, Defendant denies that she withdrew her allegations relating to Plaintiff's domestic violence and abuse and denies that her allegations of domestic violence and abuse by Plaintiff are false. Defendant admits that she voluntarily dismissed her petition for domestic violence restraining order as part of the January 13, 2017 stipulated judgment of dissolution of marriage, which finalized Defendant and Plaintiff's divorce.

19. With respect to ¶ 19, Defendant denies that she withdrew her allegations relating to domestic violence and abuse and denies that her allegations of domestic violence and abuse by Plaintiff are false. To the extent the allegations of ¶ 19 purport to refer to specific (but unidentified) publications, public service announcements, social media postings, speeches and/or interviews by Defendant, any such statement by Defendant speaks for itself, and Defendant

refers to each such statement by Defendant for a complete and accurate account of Defendant's statements therein and denies any mischaracterization thereof. Defendant denies any remaining allegations of ¶19 and demands strict proof thereof. Defendant further denies that the unidentified publications, public service announcements, social media postings, speeches and/or interviews by Defendant can form, support and/or establish any claim against Defendant.

20. With respect to ¶ 20, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title "Amber Heard: I spoke up against sexual violence – and faced our culture's wrath. This has to change." Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018 and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 20 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

21. With respect to the allegations of ¶ 21, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 21 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

22. With respect to the allegations of ¶ 22, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant admits the op-ed did not identify and name Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 22 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 22 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

23. With respect to the allegations of ¶ 23, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant further denies that she engaged in any attention-seeking hoax and further states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant. Defendant admits that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence, and based upon that evidence, the Court entered a Restraining Order against Plaintiff. Defendant also admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on

December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof.

Defendant states that ¶ 23 contains legal conclusions to which no response is required, denies that her May 2016 allegations relating to domestic violence and abuse were false and defamatory, and denies all remaining factual allegations in ¶ 23.

Defendant denies the allegations in the heading following ¶ 23.

24. With respect to the allegations of ¶ 24, Defendant admits that she was a “public figure representing domestic abuse,” but denies that her allegations of domestic violence and abuse by Plaintiff are false. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant states that the op-ed speaks for itself and refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Defendant admits that she has had prior experience with abuse, and refers to the op-ed for a description of that abuse. Defendant denies that she was in an abusive romantic relationship prior to her relationship with Plaintiff and further denies that she was “the abuser” in any prior relationship or with Plaintiff. To the extent ¶ 24 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

25. With respect to the allegations of ¶ 25, Defendant denies that she physically assaulted Tasya van Ree. Defendant admits that on September 24, 2009, she was arrested in connection with an incident at the Seattle airport, admits that she was initially booked for misdemeanor domestic violence, and admits that the authorities, in reviewing the facts and circumstances, declined to press charges and dropped all charges. Defendant denies all remaining allegations of ¶ 25. Answering further, Defendant specifically denies that the allegations of ¶ 25

are in any way relevant to or relate to *Plaintiff's* acts of domestic violence and abuse toward Defendant, or justify Plaintiff's acts of violence and abuse towards Defendant.

26. The allegations of ¶ 26 are denied and Defendant demands strict proof thereof.

27. Defendant denies the allegations of ¶ 27 and demands strict proof thereof.

28. Defendant denies the allegations of ¶ 28, and demands strict proof thereof, and further states that there were acts of domestic violence and abuse by Plaintiff against Defendant in March 2015 in Australia during which, among other things, Plaintiff ingested multiple ecstasy pills, violently and repeatedly assaulted Defendant, threw bottles at Defendant and broke windows, smashed a phone repeatedly against a wall, then Plaintiff wrote bizarre messages in blood, sometimes mixed with paint, on walls and lampshades, and other places in the Australia house, all of which it is believed to have resulted in the damage to Plaintiff's middle finger. Defendant denies throwing a bottle at Plaintiff's hand and denies playing any role in Plaintiff's injury to his finger or hand. To the extent ¶ 28 contains further factual allegations, they are denied and Defendant demands strict proof thereof.

29. Defendant denies the allegations of ¶ 29, and demands strict proof thereof.

Defendant further states that during the course of Defendant's relationship with Plaintiff, when Plaintiff would violently assault Defendant, Defendant would sometimes attempt to deflect the attacks, and take actions to attempt to protect herself, including throwing objects in Plaintiff's path to slow him in his chase of her, bat his hands away from a door so she could close and barricade herself from him, and use her arms and legs to try to protect herself against the onslaught of Plaintiff's physical violence and abuse towards her.

30. With respect to the allegations of ¶ 30, Defendant denies that she has pushed a false narrative of domestic abuse and denies that her May 26, 2016 Declaration (which Plaintiff

refers to as an “affidavit”) is false. Answering further, Defendant states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant and an accurate summary of the April 21, 2016 event is included in Defendant’s May 26, 2016 Declaration, which speaks for itself. Defendant presently lacks sufficient knowledge or information to admit or deny allegations the interactions between Plaintiff and Sean Bett, or as to Mr. Bett’s background, but Defendant denies that Mr. Bett’s photograph of Plaintiff was taken on December 15, 2015. Defendant further states that Plaintiff engaged in domestic abuse and violence towards Defendant on December 15, 2015 which is documented and the injury to Defendant and the property damage caused by Plaintiff were witnessed by others. Defendant denies any remaining allegations of ¶ 30 and demands strict proof thereof.

31. Defendant denies the allegations of ¶ 31 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 31.

32. Defendant denies the allegations of ¶ 32 and demands strict proof thereof.

33. With respect to the allegations of ¶ 33, Defendant denies that she made false abuse allegations in her May 26, 2016 declaration which was submitted in connection with the judicial proceeding that resulted in a Restraining Order being issued against Plaintiff and to protect Defendant from Plaintiff. Defendant states that Plaintiff did, in fact, commit domestic violence and abuse against Defendant and an accurate summary of the May 21, 2016 event is included in Defendant’s May 26, 2016 declaration, which speaks for itself. Defendant admits that she and eyewitnesses to the May 2016 incident provided additional testimony in legal proceedings relating to Defendant’s petition for a restraining order, and refers to the deposition transcripts for an accurate account of the allegations and testimony therein. Defendant further admits that building personnel gave testimony in a case to which Defendant was not a party, and

refers to the deposition transcripts for an account of the allegations therein. Defendant denies that she was uninjured prior to May 27, 2016, denies that surveillance videos show that she was uninjured, and denies the remaining factual allegations of ¶ 33 and demands strict proof thereof.

34. With respect to the allegations of ¶ 34, Defendant admits that Eastern Columbia building personnel testified in a case to which Defendant was not a party and refers to the deposition transcripts for an account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to Plaintiff's whereabouts following the May 2016 incident. To the extent ¶ 34 includes further factual allegations, Defendant denies these allegations and demands strict proof thereof.

35. Defendant denies the allegations of ¶ 35 and demands strict proof thereof.

36. Defendant admits that Mr. Baruch signed a declaration, clarifies that in fact Mr. Baruch signed two declarations, states that Mr. Baruch also provided deposition testimony in this case, and refers to those declarations and that deposition transcript for an account of the allegations therein. Defendant further states that there is other evidence that contradicts the declaration. Defendant denies any remaining allegations of ¶ 36 and demands strict proof thereof.

37. With respect to the allegations of ¶ 37, Defendant admits that Officers Saenz and Hadden arrived at Plaintiff's penthouse on May 21, 2016, and states that during the incident and prior to the officers' arrival, Plaintiff struck Defendant in the face with a cell phone, assaulted Defendant, and swung a magnum-sized bottle of wine into objects in the penthouse, among other things. Defendant denies the second sentence of ¶ 37, and states that after Plaintiff assaulted her, Mr. Wright asked his friend Ms. Shapiro to call 911, that two LAPD officers arrived at the penthouses at which Defendant was located at approximately 8:57pm on May 21, 2016, and that

two additional LAPD officers arrived at approximately 10:24pm on the same day. Defendant further states that the words “VERBAL ARGUMENT ONLY” appear in an LAPD Incident Recall document, but denies that she and Plaintiff were in a “verbal argument only” on the night of May 21, 2016, and reiterates that she declined to file a police report. Defendant lacks sufficient knowledge or information to admit or deny allegations regarding the two officers’ credentials, prior experience, or domestic abuse training. Defendant denies any remaining allegations of ¶ 37 and demands strict proof thereof.

38. With respect to the allegations of ¶ 38, Defendant admits that Officer Saenz and Officer Hadden provided testimony during the parties’ divorce proceedings, denies that ¶ 38 provides an accurate and complete description of their testimony, or what they actually witnessed, and further states that Officer Saenz and Officer Hadden were not cross-examined or presented with any photographs or the testimony of other witnesses during their depositions, and otherwise refers to the deposition transcripts, for an account of the allegations therein. Defendant further admits that eyewitnesses to the abuse on May 21, 2016 provided testimony during the parties’ divorce proceedings, and refers to the deposition transcripts for their account of the allegations therein. Defendant denies any allegation or implication that her allegations and testimony relating to Plaintiff’s abuse on May 21, 2016 were false, and denies that she was not visibly injured following the May 21, 2016 incident. Defendant denies any remaining allegations of ¶ 38 and demands strict proof thereof.

39. With respect to the allegations of ¶ 39, Defendant denies that she had no injuries, denies that there was no property damage and denies that there were no signs of an altercation. Defendant denies that ¶ 39 provides a complete and accurate description of the testimony of Officer Saenz or what Officer Saenz actually observed and witnessed, and refers to the

deposition transcript for their account of the allegations therein, and other evidence that more fully addresses the issues. Defendant denies the remaining factual allegations of ¶ 39 and demands strict proof thereof.

40. With respect to the allegations of ¶ 40, Defendant denies that she had no injuries and no sign of injury. Defendant admits that Eastern Columbia Building personnel gave testimony in a case to which Defendant was not a party, denies that ¶ 40 provides a complete and accurate description of their testimony, and refers to the deposition transcripts for their accounts of the allegations therein, and to other evidence that contradicts this testimony. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Eastern Columbia Building personnel knew Plaintiff personally, but to the extent an answer is required, denies the allegations and demands strict proof thereof. Defendant further denies that Eastern Columbia Building personnel “unambiguously debunked” Defendant’s claims of injuries on and after May 21, 2016, and denies any remaining allegations of ¶ 40 and demands strict proof thereof.

41. Defendant admits that Cornelius Harrell worked in the Eastern Columbia Building and that she interacted with Mr. Harrell in the days following May 21, 2016. Defendant further admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies the remaining allegations of ¶41 and demands strict proof thereof.

42. With respect to the allegations of ¶42, Defendant admits that Defendant approached Mr. Harrell, and that Defendant asked for a package that had been delivered to her. Defendant further admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny

allegations as to whether and what portion of this interaction was captured by surveillance cameras and saved, that it was an accurate and full depiction. Defendant denies the remaining allegations of ¶ 42 and demands strict proof thereof.

43. With respect to ¶ 43, Defendant admits that on January 31, 2019 Cornelius Harrell gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies that she did not have injuries on May 22, 2016. To the extent ¶ 43 contains further factual allegations, they are denied and Defendant demands strict proof thereof.

44. With respect to ¶ 44, Defendant admits that Alejandro Romero worked in the Eastern Columbia Building. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Mr. Romero still works at the Eastern Columbia Building and as to his responsibilities and shifts. Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations. Defendant admits she may have had rare to very occasional interactions with Mr. Romero, but denies that she had “hundreds” of in-person interactions. Defendant denies the remaining allegations of ¶ 44 and demands strict proof thereof.

45. With respect to the allegations of ¶ 45, Defendant admits that she and Raquel Pennington may have had an interaction with Mr. Romero in the days following May 21, 2016 when she and Ms. Pennington were concerned someone had tried to get into one of the penthouses in the Eastern Columbia Building. Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant denies all remaining allegations of ¶ 45 and demands strict proof thereof.

46. With respect to the allegations of ¶ 46, Defendant admits that she may have interacted with Mr. Romero following May 21, 2016, admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies the remaining allegations of ¶ 46 and demands strict proof thereof.

47. With respect to the allegations of ¶ 47, Defendant admits that on January 30, 2019 Mr. Romero gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for his account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Mr. Romero knows Plaintiff personally, but if further response is required, denies the allegation that he does not and demands strict proof thereof. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies the remaining allegations of ¶ 47 and demands strict proof thereof.

48. With respect to the allegations of ¶ 48, Defendant admits that Trinity Esparza worked in the Eastern Columbia Building. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Ms. Esparza still works at the Eastern Columbia Building and as to her responsibilities and shifts. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Ms. Esparza knows Plaintiff personally, but if further response is required, denies the allegation and demands strict proof thereof. Defendant further denies any allegation or implication that she was uninjured following the

incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 48 and demands strict proof thereof.

49. With respect to the allegations of ¶ 49, Defendant admits that she may have had interactions with Ms. Esparza in the days following May 21, 2016, and admits that she has alleged and provided testimony that Plaintiff hit her and struck her in the face with a cell phone on May 21, 2016. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 49 and demands strict proof thereof.

50. With respect to the allegations of ¶ 50, Defendant admits that she obtained a Domestic Violence Restraining Order against Plaintiff on May 27, 2016. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her account of the allegations. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza thought and why. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 50 and demands strict proof thereof.

51. With respect to the allegations of ¶ 51, Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for a complete account of the allegations therein. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza thought, what Ms. Esparza did, what conversations Ms. Esparza had, and why. Defendant denies any allegation or

implication that she was uninjured following the incident on May 21, 2016, and further denies that any security footage shows otherwise. Defendant denies all remaining allegations of ¶ 51 and demands strict proof thereof.

52. With respect to the allegations of ¶ 52, Defendant lacks sufficient knowledge or information to admit or deny allegations as to Mr. Romero, Mr. Harrell, and Ms. Esparza's conversations. Defendant further denies any allegation or implication that she was uninjured following the incident on May 21, 2016. Defendant denies all remaining allegations of ¶ 52 and demands strict proof thereof.

53. With respect to the allegations of ¶ 53, Defendant lacks sufficient knowledge or information to admit or deny allegations as to what Ms. Esparza believes she may have seen on surveillance videos. Defendant denies any allegation or implication that she was uninjured following the incident on May 21, 2016, and further denies that any surveillance videos show that she was uninjured. Defendant denies all remaining allegations of ¶ 53 and demands strict proof thereof.

54. With respect to the allegations of ¶ 54, Defendant denies that the incident described in ¶ 54 took place. Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, denies that Paragraph 54 includes a complete and accurate description of her testimony, and refers to the deposition transcript for her account of the allegations therein. Defendant denies the allegations as to the alleged specific contents of surveillance video footage from May 24, 2016 described in ¶ 54, and further states that counsel for Mr. Depp has admitted it does not exist, and they do not possess such footage. Defendant denies all remaining allegations of ¶ 54 and demands strict proof thereof.

55. With respect to the allegations of ¶ 55, Defendant admits that in February 2019 Brandon Patterson provided a declaration in a case to which Defendant was not a party, and refers to the declaration for his version of the allegations. Defendant denies the remaining allegations of ¶ 55 and demands strict proof thereof. Defendant further incorporates her Answer to ¶ 54 and adopts it in response to this ¶ 55.

56. Paragraph 56 contains legal conclusions to which no response is required. Defendant admits that Brandon Patterson was the General Manager of the Eastern Columbia Building, that there were media reports purporting to provide accounts of certain events attributed to the employees of the Eastern Columbia Building, and that Defendant first learned from these media reports about such purported accounts. Defendant admits that in February 2019 Brandon Patterson provided a declaration in a case to which Defendant was not a party, and refers to the declaration for his version of the allegations. Defendant denies that she did not have any injuries as a result of the May 21, 2016 incident of domestic violence and abuse by Plaintiff. Defendant denies all remaining allegations of ¶ 56.

57. With respect to the allegations of ¶ 57, Defendant admits that she interacted with Ms. Esparza and Mr. Patterson approximately a week after filing a Petition for a Domestic Violence Restraining Order, and that she asked Ms. Esparza and Mr. Patterson to provide a statement clarifying that the building staff would not make public comments about building residents. Defendant further admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, denies that ¶ 57 includes a complete and accurate description of her testimony, and refers to the deposition transcript for her version of the allegations. Defendant denies all remaining allegations of ¶ 57 and demands strict proof thereof.

58. With respect to the allegations of ¶ 58, Defendant admits that on January 25, 2019 Ms. Esparza gave testimony in a case to which Defendant was not a party, and refers to the deposition transcript for her version of the allegations. Defendant denies all remaining allegations of ¶ 58 and demands strict proof thereof.

59. Defendant denies the allegations of ¶ 59 and demands strict proof thereof.

60. Defendant denies the allegations of ¶ 60 and demands strict proof thereof.

61. Defendant denies the allegations of ¶ 61 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 61 and demands strict proof thereof.

62. Defendant denies the allegations of ¶ 62 and demands strict proof thereof.

63. Defendant denies the allegations of ¶ 63 and demands strict proof thereof.

64. Defendant denies the allegations of ¶ 64 and demands strict proof thereof.

65. Defendant admits that she is a Human Rights Champion of the United Nations Office of the High Commissioner for Human Rights, a Woman's Rights Ambassador for the American Civil Liberties Union, and a spokesperson for L'Oréal Paris, but otherwise denies the allegations of ¶ 65 and demands strict proof thereof.

66. Defendant denies the allegations of ¶ 66 and demands strict proof thereof.

67. With respect to the allegations of ¶ 67, Defendant admits that *Aquaman* made over \$1 billion at the box office globally. Defendant denies that *Aquaman* premiered in theatres across the United States on December 21, 2019, and states that *Aquaman* premiered in theaters across the United States on December 21, 2018. To the extent there are further factual allegations of ¶ 67, Defendant denies and demands strict proof thereof.

68. With respect to ¶ 68, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents. Defendant admits that the op-ed as it appeared in the Washington Post's online edition was accompanied by a picture of Ms. Heard on the red carpet at *Aquaman's* Los Angeles premiere, and denies the remaining allegations of ¶ 68 and demands strict proof thereof.

Defendant denies the allegations in the heading following ¶ 68 and demands strict proof thereof.

69. Defendant denies the allegations of ¶ 69 and demands strict proof thereof.

70. Defendant denies that her domestic abuse and violence allegations respecting Mr. Depp are false, and is without sufficient knowledge as to the remaining allegations of ¶ 70 and demands strict proof thereof.

71. With respect to the allegations of ¶ 71, Defendant denies that her 2016 domestic violence and abuse allegations were false. Defendant is without sufficient knowledge to admit or deny the remaining allegations of ¶ 71 and demands strict proof thereof.

72. With respect to the allegations of ¶ 72, Defendant denies that her 2016 domestic violence and abuse allegations were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to whether Defendant had a successful film release in November 2019, but denies that a film released in November 2019 could have been playing on screens across Virginia when the December 2018 op-ed was published. To the extent there are any remaining factual allegations in ¶ 72, Defendant denies and demands strict proof thereof.

73. With respect to the allegations of ¶ 73, Defendant admits that there were news reports that Disney made an announcement relating to a reboot of the *Pirates of the Caribbean* franchise in December 2018 and refers to those news reports for a complete and accurate statement of their contents. Paragraph 73 contains legal conclusions to which no response is required, but to the extent a response is required, Defendant denies that the op-ed was false and defamatory, denies that the op-ed caused Disney to decide that Plaintiff would no longer be a part of the *Pirates of the Caribbean* franchise, and lacks sufficient knowledge or information to admit or deny allegations as to whether Captain Jack Sparrow is one of Plaintiff's "most iconic roles," or how much money it generated for Disney. Defendant denies any remaining allegations of ¶ 73 and demands strict proof thereof.

COUNT ONE—DEFAMATION FOR STATEMENTS IN MS. HEARD'S DECEMBER 18, 2018 OP-ED IN THE ONLINE EDITION OF THE WASHINGTON POST

74. With respect to the allegations of ¶ 74, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

75. With respect to the allegations of ¶ 75, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website, as shown in Exhibit A, on December 18, 2018 with a title that Defendant did not write. Defendant denies that she wrote or authored the title "Amber Heard: I spoke up against sexual violence – and faced our culture's wrath. This has to change." Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. To the extent ¶ 75 contains further factual allegations, those are denied and Defendant demands strict proof thereof.

76. With respect to the allegations of ¶ 76, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff, and further states that the quoted statements in ¶ 76 are not false or defamatory. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 76 contains legal conclusions to which no response is required, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 76 contains further factual allegations, Defendant denies and demands strict proof thereof.

77. With respect to the allegations of ¶ 77, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to

Plaintiff. To the extent ¶ 77 includes further factual allegations, Defendant denies and demands strict proof thereof.

78. Defendant denies the allegations of ¶ 78 and demands strict proof thereof.

79. Defendant denies the allegations of ¶ 79 and demands strict proof thereof.

80. Defendant denies the allegations of ¶ 80 and demands strict proof thereof.

81. Defendant denies the allegations of ¶ 81 and demands strict proof thereof.

82. The allegations of ¶ 82 call for legal conclusions and require no response. To the extent ¶ 82 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

83. Defendant denies the allegations of ¶ 83 and demands strict proof thereof.

84. Defendant denies the allegations of ¶ 84 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 84, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

COUNT TWO—DEFAMATION FOR STATEMENTS IN MS. HEARD'S DECEMBER 19, 2018 OP-ED IN THE PRINT EDITION OF THE WASHINGTON POST

85. With respect to ¶ 85, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

86. With respect to the allegations of ¶ 86, Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization

thereof. Defendant admits that the Washington Post distributes its hardcopy editions to readers in Virginia, and is without sufficient knowledge as to whether the Washington Post distributes its hardcopy editions to readers across the nation, and around the world and demands strict proof thereof.

87. With respect to the allegations of ¶ 87, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote the op-ed, with the assistance and advice of others, attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 87 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement. To the extent ¶ 87 contains further factual allegations, Defendant denies and demands strict proof thereof.

88. With respect to the allegations of ¶ 88, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or

information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to Plaintiff. To the extent ¶ 88 includes further factual allegations, Defendant denies and demands strict proof thereof.

89. Defendant denies the allegations of ¶ 89 and demands strict proof thereof.

90. Defendant denies the allegations of ¶ 90 and demands strict proof thereof.

91. Defendant denies the allegations of ¶ 91 and demands strict proof thereof.

92. Defendant denies the allegations of ¶ 92 and demands strict proof thereof.

93. The allegations of ¶ 93 call for legal conclusions and require no response. To the extent ¶ 93 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

94. Defendant denies the allegations of ¶ 94 and demands strict proof thereof.

95. Defendant denies the allegations of ¶ 95 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 95, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

**COUNT THREE—DEFAMATION FOR STATEMENTS IN MS. HEARD'S OP-ED
WHICH HEARD REPUBLISHED WHEN SHE TWEETED A LINK
TO THE OP-ED ON DECEMBER 19, 2018**

96. With respect to ¶ 96, Defendant repeats and incorporates each of her responses to the allegations contained in the foregoing paragraphs as if set forth fully herein.

97. Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit A and that it was published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she tweeted a link to the online version of the op-ed on December 19, 2018, and that Exhibit C is a true and accurate copy of that tweet.

98. With respect to ¶ 98, Defendant denies that she defamed Plaintiff or made false statements or implications in the op-ed relating to Plaintiff. Defendant denies that she wrote or authored the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant admits that she wrote, with the assistance and advice of others, the op-ed attached to the Complaint as Exhibit B and that it was published in the Washington Post on page A21 on December 19, 2018, and it was also published by the Washington Post on its website on December 18, 2018 with a title that Defendant did not write. Defendant refers to the op-ed for a complete and accurate statement of its contents and denies any mischaracterization thereof. Answering further, Defendant states that ¶ 98 contains legal conclusions to which no response is required, denies that the quoted statements are false and defamatory, and further states that the fourth statement is not actionable, as a matter of law, in accordance with the Court’s April 1, 2020 Order sustaining Defendant’s Demurrer as to that statement.

99. With respect to the allegations of ¶ 99, Defendant admits that Plaintiff is Defendant’s former husband, and that in May 2016, she alleged and provided evidence in a legal proceeding that Plaintiff had committed domestic violence against her and obtained a Temporary

Restraining Order against Plaintiff to protect Defendant from Plaintiff. Defendant denies that her domestic abuse allegations from May 2016 were false. Defendant lacks sufficient knowledge or information to admit or deny allegations as to what readers knew or understood before or when reading the op-ed. Defendant denies that she intended to refer to Plaintiff in the op-ed, states that Plaintiff was not named in the op-ed, and states that the op-ed was not intended to refer to Plaintiff. To the extent ¶ 99 includes further factual allegations, Defendant denies and demands strict proof thereof.

100. Defendant denies the allegations of ¶ 100 and demands strict proof thereof.

101. Defendant denies the allegations of ¶ 101 and demands strict proof thereof.

102. Defendant denies the allegations of ¶ 102 and demands strict proof thereof.

103. Defendant denies the allegations of ¶ 103 and demands strict proof thereof.

104. The allegations of ¶ 104 call for legal conclusions and require no response. To the extent ¶ 104 includes factual allegations, Defendant denies the allegations, and demands strict proof thereof.

105. Defendant denies the allegations of ¶ 105 and demands strict proof thereof.

106. Defendant denies the allegations of ¶ 106 and demands strict proof thereof.

With respect to the allegations contained in Plaintiff's requests for relief following ¶ 106, Defendant denies any legal assertions therein, and denies that Plaintiff is entitled to any relief from Defendant in this action, and demands strict proof thereof. Defendant further denies that Plaintiff would be entitled to expenses and costs, including attorneys' fees, under any legal theory.

**GROUNDS OF DEFENSE
(Affirmative and Other Defenses)**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted and requests relief which is not permitted as a matter of law.

2. The Op-Ed was not false and defamatory because any statements this Court has held relate to Plaintiff were true.

3. Plaintiff is a public figure, and any defamatory statements in the Op-Ed were not made with actual malice.

4. Defendant relied upon counsel in writing and publishing the Op-Ed. Therefore, there can be no malice as a matter of law, and therefore no action for Defamation.

5. The statements in the op-ed are expressions of opinion that are protected by the First Amendment to the United States Constitution and Article I, Section 12 of the Constitution of Virginia. Defendant requests an award of her reasonable attorneys' fees and costs pursuant to Virginia's Anti-SLAPP Statute, including § 8.01-223.2, and/or any amendments thereto. Pursuant to Virginia Supreme Court Rule 3:25, Defendant requests this Court establish a procedure post trial for the submission of Defendant's attorneys' fees and costs under Rule 3:25(d) of the Rules of the Virginia Supreme Court of Virginia.

6. Any alleged injuries suffered by Plaintiff were not caused by Defendant, but instead were caused by Plaintiff's negligence, conduct, actions, or inactions, or were as a result of other alternative causes, or a combination thereof.

7. Plaintiff's claims and alleged damages are barred by his failure to mitigate his damages.

8. Plaintiff is barred from recovery based on the Doctrine of Unclean Hands.

9. Plaintiff cannot state any claim based the title “Amber Heard: I spoke up against sexual violence – and faced our culture’s wrath. This has to change.” Defendant did not write or author this title. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

10. Plaintiff is barred by the statute of limitations from relying on statements Plaintiff made in 2016 for any claim or form of relief in this action.

11. Plaintiff’s claims are based on the allegation that Defendant should be held liable for “reviv[ing]”—by implication—statements that she made in 2016.” *See* Compl. ¶ 72. The op-
ed is not a republication of Defendant’s statements in 2016. Plaintiff’s claims, therefore, are barred by the applicable 1-year statute of limitations. *See* Virginia Code §8.01-247.1. Pursuant to Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

12. Defendant’s judicial statements in 2016 cannot form the basis of any claim for relief or otherwise support any claim for relief by Plaintiff against Defendant because such statements are not actionable as a matter of law, are absolutely privileged and are judicially immune from supporting a claim for defamation.

13. Defendant reserves the right to raise further defenses, as the evidence develops and warrants.

WHEREFORE, Defendant respectfully requests that the Complaint be dismissed with prejudice, and Defendant be awarded her reasonable attorneys’ fees and costs pursuant to Virginia Code § 8.01-223.2, and otherwise.

August 10, 2020

Respectfully submitted,



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

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

Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

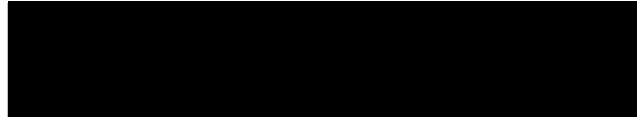
I certify that on this 10th day of August 2020, a copy of the foregoing was served by email, as agreed upon by counsel and Court Order, upon:

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

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

Adam R. Waldman, Esq.
THE ENDEAVOR LAW FIRM, P.C.
1775 Pennsylvania Avenue, N.W., Suite 350
Washington, DC 20006
awaldman@theendeavorgroup.com

Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoff (VSB No. ~~23766~~)