

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD,

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

FILED
MOTIONS DOCKET

2020 SEP -4 PM 2:39

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

**DEFENDANT AMBER LAURA HEARD'S OPPOSITION
TO PLAINTIFF JOHN C. DEPP'S MOTION FOR CONTINUANCE**

September 4, 2020

Elaine Charlson Bredehoff (VSB #23766)
Adam S. Nadelhaft (VSB #91717)
David E. Murphy (VSB #90938)
CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11260 Roger Bacon Drive, Suite 201
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J. Benjamin Rottenborn (VSB #84796)
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WOODS ROGERS PLC
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(540) 983-7540

Counsel for Defendant Amber Laura Heard

Plaintiff elected to bring this suit in Virginia, and as such, necessarily agreed to adhere to the Rules of this Court. This Court clearly communicated to the parties they would be treated the same as all litigants appearing in this Court. Yet Plaintiff now requests this Court to effectively stay these proceedings (and delay Plaintiff's deposition) for five months while he travels to the UK for business. This is not good cause under Fairfax Practice Rule F. 1.02(g), and granting the request would set a highly problematic precedent.

On August 7, 2020, Plaintiff was properly noticed for deposition lasting up to 5 days.¹ **Att. 1.** Plaintiff was invited to inform of any conflicts or alternative dates. **Att. 2.** Counsel for Defendant learned through Warner Bros' counsel, not through Plaintiff, that Plaintiff has no intention of appearing at his deposition.

When parties to litigation face conflicts, it is incumbent upon them to find solutions such that the judicially scheduled dates are prioritized for the effective administration of Justice. Yet Plaintiff made no effort whatsoever. After counsel for Defendant received no response to her questions about those efforts, **Att. 3,4**, she proactively reached out to Warner Bros. counsel. Although Plaintiff had been contacted in late June or July with the proposed filming dates, he did not alert them to the trial dates, or the deposition. Instead, he waited until now, and specially requested the letter attached to the Motion for Continuance. Plaintiff determined that, rather than speak with his employer to work his film commitments around his deposition and trial (Plaintiff is not filming throughout the entire five months – he has periods off), and in spite of his being the Plaintiff in this action, he asks this Court to subserviently reschedule around his employment and the entire film schedule and production.

¹ Plaintiff testified in the UK for 4 days, not including the substance of his 4 Witness Statements. He testified lethargically, causing defense counsel to assess that up to 5 days may be required.

Plaintiff also claims the Counterclaims justify continuing the trial. However, Plaintiff provides no basis for why he cannot adequately prepare with five months between the filing of the Counterclaims and trial, and refused to respond to Defendant's questions on this issue. **Att.3.** With respect to Count I of the Counterclaim, Plaintiff has indicated he is asserting the same claim against Defendant, Count II is effectively the mirror of Plaintiff's Defamation claims, and Count III is based on the conduct by Plaintiff and his counsel, Mr. Waldman, which is a daily campaign to destroy Defendant's reputation and career through social media, the internet and the press. Plaintiff should be well prepared to defend against these actions, which need to stop, and only a trial will effectively end this campaign of terror orchestrated by Plaintiff.

Prejudice is not a factor for the Court in determining whether to grant a continuance, but if it were, Defendant will be significantly prejudiced. She has expended a significant amount of legal fees and costs defending this litigation, which will only increase exponentially with a five-month hiatus and continuance. Defendant's career has virtually halted, with the exception of Aquaman II – which she was told months ago would begin filming in February 2021. Warner Bros counsel said they do not know when Aquaman II will begin filming, but it will be sometime in Spring of 2021, which is also a basis for denying the continuance – if filming of Plaintiff's movie is good cause, then this case could be continued again if Defendant's filming begins through its duration, and so on, establishing a slippery slope precedent. This Court recognized the importance of strict adherence to trial schedules in the Practice Manual:

The Judges of the Fairfax County Circuit Court believe that the maintenance of strict calendar control leads to a more expeditious and efficient administration of justice.

Section F – 1.00. This case has already been continued, twice because of COVID-19, which is good cause. Plaintiff's motion should be denied, and Plaintiff should be ordered to appear at his deposition as noticed, subject to reasonable COVID-19 protocols.

STATEMENT OF KEY FACTS/SUMMARY OF ISSUES

On May 18, 2020, Plaintiff participated in setting the January 11, 2021 trial date, estimated to last three weeks, **Att. 5**. On August 7, Defendant noticed Plaintiff's deposition for up to a week in Virginia beginning October 5, 2020, to which Defendant has not objected to place or dates, has provided no alternative dates or objected to the suggested protocol. **Atts.1,2**.

Plaintiff did not meet and confer before filing this motion, **Atts.3,4**, has refused to respond to Defendant's questions or provide any information on when Plaintiff first learned of the filming schedule, Plaintiff's efforts to schedule around his deposition and trial, and Plaintiff's time off during the filming. **Atts.3,4**. After Plaintiff refused to respond to these reasonable questions, Defendant issued expedited discovery requests, **Atts.6,7**, asking for the responses to be provided to Defendant by September 1 (otherwise due Sept 10). Plaintiff did not respond to the email request for information for a meet and confer, did not expedite any responses, and has not responded as of the filing of this Opposition two weeks later. With no information provided by Plaintiff, counsel for Defendant reached out to Warner Bros, **Att.8**, and learned that Plaintiff would have been contacted in late June or July to discuss the rescheduling of the filming, and that, contrary to Plaintiff's representation, he learned well before the August 19 letter – in fact, Plaintiff requested the letter from Warner Bros – it was not sent in the ordinary course of business, nor was this how or when Plaintiff learned of the filming schedule. Counsel for Defendant even then reached out and asked for all dates between August 26 and October 1 when Plaintiff would be available for deposition, and Plaintiff only suggested they were looking at

London in late September by Web X, but never provided any specifics. **Att.9.** This Court should not condone nor begin a precedent that a Plaintiff who chooses to bring an action in this Court will be entitled to continuances based on work schedules, particularly where Plaintiff has made no effort to work around the film schedule, refused to meet and confer, provided no evidence of efforts to adjust his work schedule, and is eschewing his deposition without even telling or working with counsel for Defendant when she reached out. Nor should this Court determine that an actor – who chose not to bring this case in California – is more important than any other employee in Virginia, and should receive special consideration. This Court takes pride in holding its trials within one year of filing, with rare exception. While the COVID-19 pandemic has caused unprecedented delays to ensure the safety of the judiciary, the staff and participants in the legal system, this Court should not dilute the significance of challenges facing the Court by granting a continuance for the wrong reasons. This is especially true where Plaintiff has not taken his responsibilities as a party seriously, has not complied with the Rules in bringing this motion, has not cooperated with Defendant in trying to work through the core issues, and has still, as of the filing of this motion, not provided even ONE document in response to 4 sets of RFPs (all served in July and long overdue), in spite of this Court’s admonitions that documents need to be produced in compliance with the Rules.**Att. 10** This includes the withholding of 50-51 tape recordings possessed by Plaintiff where Defendant is on the tapes (these were not produced in the UK proceedings, suggesting they are quite damaging to Plaintiff).

While Plaintiff now seeks a continuance of up to five months, with no intention of producing Plaintiff for deposition in the interim, Plaintiff’s counsel, Mr. Adam Waldman, who is thus far refusing to show up for his noticed Deposition in October, continues to disseminate false information in the media, and circulate “Declarations” with the header of this case, purporting to

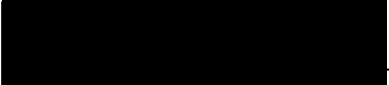
include highly inflammatory “testimony” that have never been filed with this Court or provided to counsel for Defendant. This case has generated an enormous amount of publicity, much of which was falsely created and disseminated by Mr. Depp and his agents, intended to inflict irreparable damage to Defendant in her reputation and profession. Plaintiff’s counsel continues to try to prejudice the Fairfax County jury pool and public opinion against Defendant through his constant, caustic, and inflammatory media commentary relating to this case. Just this summer, Mr. Waldman repeatedly referred to Defendant’s domestic violence allegations on social media as a “hoax,” has retweeted false and defamatory allegations about Defendant’s relationships with other people, and has attacked Defendant’s counsel, flagrantly disregarding this Court’s repeated admonitions to not litigate this case in the press rather than in a Fairfax courtroom. And, perhaps most concerning, Mr. Waldman has leaked documents that were clearly designated Confidential under the Protective Order in this case to the press in a further attempt to smear Defendant.

Defendant intends to vindicate herself at trial. Yet each day that passes before trial is a further opportunity for Mr. Waldman, on Plaintiff’s behalf, to smear Defendant’s name, tarnish her reputation, and irreparably damage her career. As alleged in Ms. Heard’s Counterclaim, this has long been Plaintiff’s stated goal. Plaintiff should not be permitted to delay the trial and continue causing this damage simply because there is a scheduled movie shoot conflicting with trial and for which he has made no effort to schedule around his deposition and this trial. This case needs to end, and to end soon. Defendant has the right to a prompt resolution of this matter, and this Court should not favor Plaintiff’s last-minute request in lieu of this Court’s policies and procedures, particularly where Plaintiff has engaged in a pattern and practice of arrogance and disregard for this Court’s Rules, policies and procedures. The Motion for Continuance should be denied and Plaintiff should be ordered to appear at his Deposition as noticed.

September 4, 2020

Respectfully submitted,

Amber L. Heard

By Counsel: 

Elaine Charlson Bredehoft (VSB #23766)
Adam S. Nadelhaft (VSB #91717)
David E. Murphy (VSB #90938)
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Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

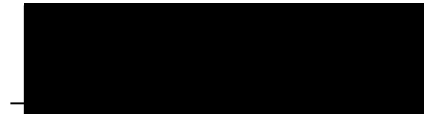
I certify that on this 4th day of September 2020, a copy of the foregoing was served by email, by agreement of the parties, addressed as follows:

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Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoff (VSB #23766)

ATTACHMENT 1

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911


NOTICE OF DEPOSITION BY VIDEO

PLEASE TAKE NOTICE that the Defendant, Amber Laura Heard, by counsel, will take the videotaped deposition upon oral examination of JOHN C. DEPP, II beginning at 9:30 a.m. on October 5, and each day at 9:30 a.m. through October 9, 2020, to be continued further if necessary and not completed. The deposition will be held at the offices of Charlson Bredehoff Cohen & Brown, P.C., 11260 Roger Bacon Drive, Suite 201, Reston, Virginia 20190. The deposition will be taken before an officer authorized by law to administer oaths and take testimony and will be transcribed by a certified Court Reporter and videographer. The deposition will continue until concluded, and will be used for all lawful purposes.

Dated this 7th day of August 2020

Respectfully submitted,

Amber L. Heard



Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
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Counsel to Defendant Amber Laura Heard

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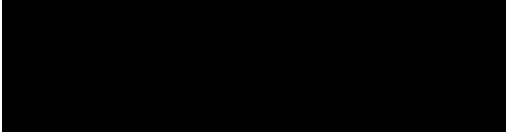
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Counsel for Plaintiff John C. Depp, II



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Carla D. Brown (VSB 44803)
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ATTACHMENT 2

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Friday, August 07, 2020 4:24 PM
To: bchew@brownrudnick.com; Vasquez, Camille M.
Cc: brottenborn@woodsrogers.com; Treece, Joshua; Adam Nadelhaft; David Murphy; Leslie Hoff; Michelle Bredehoft; awaldman@theendevorgroup.com
Subject: Deposition scheduling, Notice of Deposition, and suggested Protocol
Attachments: Notice of Dep Depp 8-7-20.pdf

TimeMattersID: MBFF3AC3997ED876
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Ben and Camille:

Given the fast-impending trial date and the deadlines associated with the trial date, we would like to take a significant portion of the depositions during the months of September and October, beginning immediately after the Labor Day weekend.

Many of these depositions will be taken in California. We recognize in light of COVID-19, we will need to cooperate fully, respect the legitimate concerns of deponents and counsel, and develop protocol to handle these depositions to maximize fairness and protections.

We would like to take the deposition of the Plaintiff, Mr. Depp, the week of October 5. We would like to set the entire week aside for his deposition. After watching him on the stand in London, I believe this is a reasonable amount of time for his deposition. Under the Rules, he is required to appear in our offices for his deposition. However, if the COVID-19 threat remains, and he is not comfortable appearing in person, then we will agree to take his deposition remotely, but it will have to be under the circumstances and protocols set forth below. Towards that end, I am attached a Notice of Deposition for Mr. Depp. I will be happy to work with you on this.

With respect to the other depositions, we would like to schedule the following during the month of September, beginning after September 8, 2020. I am suggesting dates, and would like you to let me know if you and your team have any conflicts with these dates. I plan to issue the subpoenas for those requiring subpoenas next week, so I would appreciate your letting me know your conflicts as soon as possible. I have doubled up where I believe we can take more than one in a day:

September 8, 2020: Brandon Patterson, Corporate Designee of ECB (9:00 a.m.; 1:00 p.m.)
September 9, 2020: Sean Bett (I understand you have agreed to accept service for him, and assuming you have produced the documents from his subpoena in sufficient time);
September 10, 2020: Stephen Deuters (same as above with Sean Bett);

September 11, 2020 Christy Dembrowski (assuming she has complied fully with the subpoenas duces teca by that time);
September 14, 2020 – LAPD Corporate Designee
September 15, 2020 - Officer Melissa Saenz, Officer Tyler Hadden;
September 16, 2020 – Ben King
September 17, 2020 – Robin Baum
September 18, 2020 – Malcolm Connolly; Nathan Holmes
September 21, 2020 – Trinity Esparza; Cornelius Harrell
September 22, 2020 – Joel Mandel
September 23, 2020 – Laura Wasser, Corporate Designee Wasser, Cooperman & Mandles
September 24, 2020 – Samantha McMillen
September 25, 2020 – CJ Roberts, Tara Roberts
September 28, 2020 – Edward White; Corporate Designee for Edward White;
September 29, 2020 – Keenan Wyatt
September 30, 2020 – Alejandro Romero; Laura Divenere

We obviously need to take more depositions, but we will await your supplementation to determine who, what, where and why.

On protocols: Please tell us which depositions you will attend in person. For any deposition you attend in person, we will also be present. If you do not tell us within 2 business days of our issuing the Notices or Subpoenas, we will ASSUME you intend to attend in person. We will provide you exactly the same courtesy. We need this much time, because of scheduling flights. If you do not inform us within 2 days, and inform us differently later, we will request reimbursement for any costs associated with the change and/or increase in flights and accommodations and will seek these from the Court in the event of disagreement. We will agree to the same standards on our end.

We will require the deponent to have the court reporter and the videographer present in the same room with the deponent regardless of whether counsel is remote. They can practice social distancing, and wear masks, but we need to ensure the deponent is free of any type of device to assist them in a manner which would be prohibited. If there are exceptions because of remoteness, we should discuss those asap and work out a mutually agreeable solution.

Please let me know as soon as possible whether any of these dates do not work for you and alternative dates in that event, and whether you represent any of the individuals (other than Mr. Depp, Mr. Betts and Mr. Deuters) so we can send you the Notice rather than issue subpoenas, and work directly through you on those.

Please also let me know as soon as possible whether you are in agreement with the suggested protocol, and if not, your suggested alternative protocols.

Thank you for your anticipated cooperation. We have a very intensive five months ahead of us before trial. I am hopeful we can work together in a professional manner to accomplish the objectives of both sides.

Elaine

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Dated this 7th day of August 2020

Respectfully submitted,

Amber L. Heard


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Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

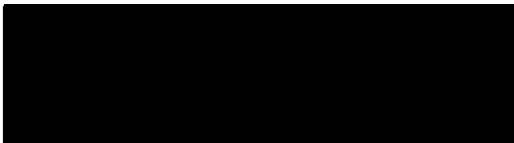
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dmurphy@cbcblaw.com

ATTACHMENT 3

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Wednesday, August 19, 2020 3:35 PM
To: Chew, Benjamin G.
Cc: Vasquez, Camille M.; Crawford, Andrew C.; brottenborn@woodsrogers.com; Joshua Treece; Adam Nadelhaft; David Murphy; Leslie Hoff; Michelle Bredehoft
Subject: RE: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

TimeMattersID: MABF4AC442D41941
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Ben: Yes, I think it may be helpful for us to have a conversation to discuss the fee issue. We also need to talk about the 7th RFPs, and I would like to discuss some other issues that are coming up in the California subpoenas to see if we can resolve them.

On your request for a continuance of the trial, what is the filming schedule for Mr. Depp and when did he learn of this? Also, what is it that you think requires more time based on the Counterclaims?

I am fine with your taking the September 11 Friday hearing date. We would like to schedule our motions for the 18th and 25th. Since no one needs to file their motions this Friday and my Thursday is pretty tight, may I suggest we have the meet and confer Friday after our motions? Alternatively, if you are not available, how about Monday – I can be available Monday afternoon.

Let me know on the questions above and your availability Friday and Monday.

Elaine

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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Wednesday, August 19, 2020 12:52 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

Dear Elaine:

I confess to being unfamiliar with this procedure and request that we have a meet and confer on this tomorrow at your convenience.

At the same time I would like to discuss whether Ms. Heard would agree to Mr. Depp's forthcoming motion to continue the existing trial date based on, inter alia, the conflict with the shooting of Fantastic Beasts 3 and the \$ 100 million Counterclaims you filed just last week (August 10). We plan to file the motion this Friday and set it for hearing on Friday, September 11.

I look forward to discussing these matters with you tomorrow.

Best regards,

Ben

Sent from my iPhone

On Aug 17, 2020, at 6:26 PM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:

External E-mail. Use caution accessing links or attachments.

Ben: May I have a response to this please? Thank you. Elaine

Elaine Charlson Bredehoft
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(703) 919-2735 (mobile)
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From: Elaine Bredehoft
Sent: Thursday, August 13, 2020 4:29 PM
To: bchew@brownrudnick.com; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>

Cc: brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award

Ben, Camille and Andrew: Attached for your review is a Consent Order respecting the treatment of attorneys' fees and costs by the Court in the event Ms. Heard prevails, and the Court determines an award of fees and costs are reasonable. Under Rule 3:25(D), any party may request this, or the Court may sua sponte order it. As you know, Ms. Heard has pleaded the Anti Slapp provision, and under the statute, if she prevails and the Court determines it qualifies under the First Amendment, she would be entitled to fees and costs.

Please review and let me know if you have any suggested edits and agree. If you are unwilling to enter into a Consent Order, please also let me know, so we can file the appropriate motion and schedule this before the Court. I hope that will not be necessary, as this is the preferred practice and one the Court suggests we resolve early on.

Please feel free to give me a call to discuss. I look forward to hearing from you. Elaine

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ATTACHMENT 4

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Thursday, August 20, 2020 9:37 AM
To: Chew, Benjamin G.
Cc: Vasquez, Camille M.; Crawford, Andrew C.; brottenborn@woodsrogers.com; Joshua Treece; Adam Nadelhaft; David Murphy; Leslie Hoff; Michelle Bredehoft
Subject: RE: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

TimeMattersID: M87EFAC44F853293
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Ben: Happy Birthday early!

Please forward to me all communications between Warner Brothers and Mr. Depp, or anyone on his behalf, relating to restarting and scheduling of the filming of Fantastic Beasts 3, and specifically Mr. Depp's filming schedule, and any efforts Mr. Depp made to work around his scheduled deposition and the trial. This will assist us on our end in fully reviewing and evaluating the situation.

Your supplemental interrogatory responses are due tomorrow which we have been eagerly awaiting to obtain more information for those you believe have knowledge in this case. This will assist us in determining the number of depositions we still need to take, in addition to those we have scheduled for September and October.

Once we have all of the above information, let's schedule a call to discuss. Elaine

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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Wednesday, August 19, 2020 6:29 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

Good evening, Elaine,

Thanks for your message and for agreeing to leave open September 11 for the hearing on Mr. Depp's forthcoming motion for continuance. (That is three days after my birthday in case anyone is in a giving mood. 😊)

Mr. White was informed today by Warner Bros. that shooting of *Fantastic Beasts 3* will commence in early October 2020 and run through the middle of February 2021. Accordingly, Mr. Depp plans to seek a continuance of the trial date to sometime between March and June 2021. Obviously we are willing to discuss your scheduling preferences if your client is amenable to what would be a relatively brief continuance from January 11.

On another subject, approximately how depositions does Ms. Heard plan to notice (understanding that your estimate is subject to change)?

Please let me know what time tomorrow would be most convenient to discuss this and the other issues you raised below.

Best regards,

Ben

brownrudnick

Benjamin G. Chew
Partner

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bchew@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Elaine Bredehoft [<mailto:ebredehoft@charlsonbredehoft.com>]
Sent: Wednesday, August 19, 2020 3:35 PM
To: Chew, Benjamin G.

Cc: Vasquez, Camille M.; Crawford, Andrew C.; brottenborn@woodsrogers.com; Joshua Treece; Adam Nadelhaft; David Murphy; Leslie Hoff; Michelle Bredehoft

Subject: RE: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

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Ben: Yes, I think it may be helpful for us to have a conversation to discuss the fee issue. We also need to talk about the 7th RFPs, and I would like to discuss some other issues that are coming up in the California subpoenas to see if we can resolve them.

On your request for a continuance of the trial, what is the filming schedule for Mr. Depp and when did he learn of this? Also, what is it that you think requires more time based on the Counterclaims?

I am fine with your taking the September 11 Friday hearing date. We would like to schedule our motions for the 18th and 25th. Since no one needs to file their motions this Friday and my Thursday is pretty tight, may I suggest we have the meet and confer Friday after our motions? Alternatively, if you are not available, how about Monday – I can be available Monday afternoon.

Let me know on the questions above and your availability Friday and Monday.

Elaine

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From: Chew, Benjamin G. <BCChew@brownrudnick.com>

Sent: Wednesday, August 19, 2020 12:52 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

Dear Elaine:

I confess to being unfamiliar with this procedure and request that we have a meet and confer on this tomorrow at your convenience.

At the same time I would like to discuss whether Ms. Heard would agree to Mr. Depp's forthcoming motion to continue the existing trial date based on, inter alia, the conflict with the shooting of Fantastic Beasts 3 and the \$ 100 million Counterclaims you filed just last week (August 10). We plan to file the motion this Friday and set it for hearing on Friday, September 11.

I look forward to discussing these matters with you tomorrow.

Best regards,

Ben

Sent from my iPhone

On Aug 17, 2020, at 6:26 PM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:

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Ben: May I have a response to this please? Thank you. Elaine

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Sent: Thursday, August 13, 2020 4:29 PM
To: bcjew@brownrudnick.com; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>
Cc: brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award

Ben, Camille and Andrew: Attached for your review is a Consent Order respecting the treatment of attorneys' fees and costs by the Court in the event Ms. Heard prevails, and the Court determines an award of fees and costs are reasonable. Under Rule 3:25(D), any party may request this, or the Court may sua sponte order it. As you know, Ms. Heard has pleaded the Anti Slapp provision, and under the statute, if she prevails and the Court determines it qualifies under the First Amendment, she would be entitled to fees and costs.

Please review and let me know if you have any suggested edits and agree. If you are unwilling to enter into a

Consent Order, please also let me know, so we can file the appropriate motion and schedule this before the Court. I hope that will not be necessary, as this is the preferred practice and one the Court suggests we resolve early on.

Please feel free to give me a call to discuss. I look forward to hearing from you. Elaine

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ATTACHMENT 5

CIRCUIT COURT OF FAIRFAX COUNTY
CALENDAR CONTROL ORDER

PART ONE - TO BE COMPLETED BY THE PARTIES

Case number(s): CL 2019-2911

JOHN DEPP, III v. AMBER HEARD
Benjamin Chew Benjamin Potchenbom
Counsel for Plaintiff Pro Se Counsel for Defendant Pro Se

Signature By telephone / VSB No. Signature By telephone / VSB No.

Email Address / Telephone Number Email Address / Telephone Number

Action Requested by: Plaintiff Defendant
Notice of Calendar Control Appearance provided to opposing party on _____ (date)
by _____ (method). **Attach copy of notice if opposing party is not present.**

Action Requested: COVID + LA COURTS CLOSING

Has a substantially similar request previously been made? No Yes, on _____
How did the Court rule on the previous request? _____

PART TWO - TO BE COMPLETED BY THE CALENDAR CONTROL JUDGE

The action requested is DENIED GRANTED, as follows _____

The hearing presently set for _____ (date) is removed from the docket.

8/3/20 Existing Date 11/11/2021 New Hearing Date Hearing Time Judge Assigned 12 days of trial Hearing Length

Jury Trial? No Yes, by request of Plaintiff Defendant

Two-week motion One-week motion with a judge without a judge

Long briefs approved: No Yes (attach Long Brief Form)

Is a necessary party incarcerated? No Yes, in _____

Interpreter Needed? No Yes _____ (language)

The Scheduling Order deadlines are MODIFIED and calculated from the new trial date
 are NOT MODIFIED by this Order shall be addressed by motion to be heard _____

Entered: 5/18/20 _____
Calendar Control Judge

ATTACHMENT 6

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Thursday, August 20, 2020 5:01 PM
To: Chew, Benjamin G.
Cc: Vasquez, Camille M.; Crawford, Andrew C.; brottenborn@woodsrogers.com; Joshua Treece; Adam Nadelhaft; David Murphy; Leslie Hoff; Michelle Bredehoft
Subject: RE: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date
Attachments: 9th RFP - Expedited 8-20-20.pdf
TimeMattersID: MFEB1AC45D071233
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Ben: I have not heard back from you on the specifics I earlier requested relating to this sudden restart of filming during Depp's deposition and the trial. I have therefore drafted RFPs on this issue. I have asked for them to be expedited, asking you to respond by Sept. 1, to give us sufficient time to fully assess and respond. If you are not in agreement with the expedited responses, then they will be due Sept. 10, so we would ask that you move the motion back to another Friday to give us sufficient time (or we will request this of the Court). I hope you will consider expediting so we can resolve this more quickly.

Please let me know if you have any questions. I would happily accept this information sooner as well, so we can try to determine how to respond. Elaine

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From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Wednesday, August 19, 2020 6:29 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft

<anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: Request for Meet and Confer re 1) Consent Order respecting Rule 3:25(D) Attorneys' fees and costs award; and 2) Mr. Depp's Forthcoming Motion to Continue the Current Trial Date

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Mr. White was informed today by Warner Bros. that shooting of *Fantastic Beasts 3* will commence in early October 2020 and run through the middle of February 2021. Accordingly, Mr. Depp plans to seek a continuance of the trial date to sometime between March and June 2021. Obviously we are willing to discuss your scheduling preferences if your client is amenable to what would be a relatively brief continuance from January 11.

On another subject, approximately how depositions does Ms. Heard plan to notice (understanding that your estimate is subject to change)?

Please let me know what time tomorrow would be most convenient to discuss this and the other issues you raised below.

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Let me know on the questions above and your availability Friday and Monday.

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Cc: brottenborn@woodsrogers.com; Joshua Treece <jtreece@woodsrogers.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; David Murphy <DMurphy@cbcblaw.com>; Leslie Hoff <lhoff@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

DEFENDANT AMBER LAURA HEARD'S EXPEDITED REQUEST - NINTH SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF JOHN C. DEPP, II

Defendant Amber Laura Heard, by counsel, pursuant to Rules 4: 1 and 4:9 of the Rules of the Supreme Court of Virginia, requests that Plaintiff John C. Depp, II, respond to the following Requests for Production ("Requests") on an expedited basis, no later than September 1, 2020, in accordance with the Instructions and Definitions set forth below.

INSTRUCTIONS

1. In accordance with the Rules of this Court, You shall answer the following Requests separately and fully, in writing.
2. Where information in Your possession is requested, such request includes nonprivileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.
3. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests
any information which might otherwise be construed to be outside their scope.
4. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.
5. 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.

6. 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.

7. If You assert a claim of privilege as to any of Your responses to the Requests, 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.

8. If You perceive any 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.

9. These Requests 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 Requests. Ms. Heard reserves the right to propound additional Requests.

10. Unless otherwise indicated, these requests include the time from when the parties met, in 2008.

DEFINITIONS

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

b. **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).

c. **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.

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

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

f. **Concerning.** The term "concerning" includes relating to, referring to, describing, evidencing, or constituting.

g. **Including.** The term "including" means including but not limited to.

h. **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.

i. **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 all persons acting on her behalf.

j. **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 all persons acting on his behalf.

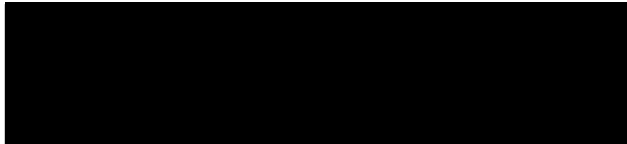
k. **Complaint.** The term "Complaint" shall mean the Complaint filed by Plaintiff in this Action.

l. **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.

REQUESTS

1. All communications between Warner Bros. Entertainment Inc. and Mr. Depp, or anyone on his behalf, relating to restarting and scheduling of the filming of Fantastic Beasts 3 in 2020 and 2021.
2. All communications between Warner Bros. Entertainment Inc. and Mr. Depp, or anyone on his behalf, relating to Mr. Depp's specific filming schedule.
3. All communications between Warner Bros. Entertainment Inc. and Mr. Depp, or anyone on his behalf, relating to any efforts by Mr. Depp to work around his scheduled deposition and trial.
4. All communications between Warner Bros. Entertainment Inc. and Mr. Depp, or anyone on his behalf, relating to and including Mr. Depp's call sheet.
5. All insurance forms and doctor's reports relating to whether Mr. Depp has been cleared for and is fit to film Fantastic Beasts 3.
6. A sworn statement or Declaration by Mr. Depp stating when he has to report to the set of Fantastic Beasts 3, his very specific schedule for filming, his efforts to work around his scheduled Deposition in this case and the trial, and when he learned of his specific shooting schedule.

August 20, 2020



Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen & Brown, P.C.
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ebredehoft@cbcblaw.com
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dmurphy@cbcblaw.com

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Roanoke, Virginia 24011
Telephone: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com

Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

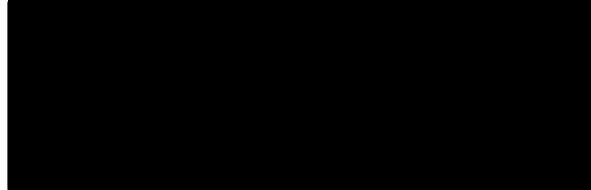
I hereby certify that a true and correct copy of the foregoing was served this 20th day of August 2020, by email, by agreement of the parties, addressed as follows:

Benjamin G. Chew, Esq.
Andrew C. Crawford, Esq.
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
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cvasquez@brownrudnick.com

Adam R. Waldman, Esq.
THE ENDEAVOR LAW FIRM, P.C.
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Washington, DC 20006
awaldman@theendeavorgroup.com

Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoff (VSB No. 23766)

ATTACHMENT 7

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

DEFENDANT AMBER LAURA HEARD'S EXPEDITED REQUEST - NINTH SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF JOHN C. DEPP, II

Defendant Amber Laura Heard, by counsel, pursuant to Rules 4: 1 and 4:9 of the Rules of the Supreme Court of Virginia, requests that Plaintiff John C. Depp, II, respond to the following Requests for Production ("Requests") on an expedited basis, no later than September 1, 2020, in accordance with the Instructions and Definitions set forth below.

INSTRUCTIONS

1. In accordance with the Rules of this Court, You shall answer the following Requests separately and fully, in writing.
2. Where information in Your possession is requested, such request includes nonprivileged information in the possession of Your agent(s), employee(s), assign(s), representative(s), and all others acting on Your behalf.
3. Whenever appropriate in these Requests, the singular form of a word shall be interpreted as its plural to whatever extent is necessary to bring within the scope of these Requests
any information which might otherwise be construed to be outside their scope.
4. Unless otherwise indicated, these Requests refer to the time, place, and circumstances of the occurrences mentioned or complained of in the pleadings in this case.
5. 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.

6. 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.

7. If You assert a claim of privilege as to any of Your responses to the Requests, 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.

8. If You perceive any 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.

9. These Requests 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 Requests. Ms. Heard reserves the right to propound additional Requests.

10. Unless otherwise indicated, these requests include the time from when the parties met, in 2008.

DEFINITIONS

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

b. **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).

c. **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.

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

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

f. **Concerning.** The term "concerning" includes relating to, referring to, describing, evidencing, or constituting.

g. **Including.** The term "including" means including but not limited to.

h. **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.

i. **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 all persons acting on her behalf.

j. **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 all persons acting on his behalf.

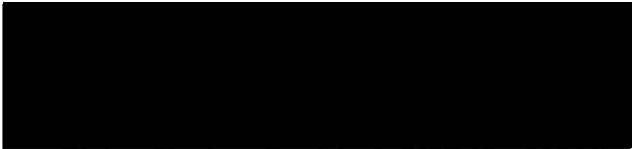
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August 20, 2020



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Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
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Counsel to Defendant Amber Laura Heard

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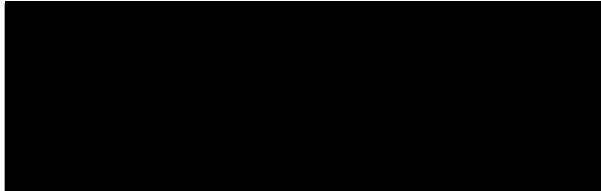
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Washington, DC 20006
awaldman@theendeavorgroup.com

Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoft (VSB No. 23766)

ATTACHMENT 8

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Monday, August 24, 2020 9:41 AM
To: glenn.eckerle@warnerbros.com
Subject: Depp v. Heard litigation and Filming of the Fantastic Beasts 3
Attachments: Ltr from Glenn Eckerle 8-19-20.pdf; Notice of Dep Depp 8-7-20.pdf; Calendar Control Scheduling Order 5-18-20 re new Trial date.pdf

TimeMattersID: M73D8AC46E7AC149
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Mr. Eckerle:

I represent Amber Heard. I have been provided a copy of your letter to Mr. Edward White dated August 19, 2020, a copy of which I am attaching.

As you are surely aware, Mr. Depp filed suit against Amber Heard in Virginia in March 2018 and the trial date was set for February 3, 2020. That trial date was then continued -- on May 18, 2020, the Court set the new trial date beginning January 11, 2021. The good faith estimate of the parties is the trial, by jury, will last three weeks. I am attaching the Court's May 18, 2020 Scheduling Order setting the January trial date. Please note that Mr. Depp's counsel was present by telephone for the setting of the trial date and agreed with those dates for trial.

In preparation for trial, Mr. Depp's Deposition was properly noticed for October 5-9, 2020 in Virginia, where he brought the lawsuit. A copy of the Notice of Deposition of Mr. Depp, dated August 7, 2020, is attached for your ready reference.

I am sure you appreciate that these are serious legal obligations, to which Mr. Depp has agreed to adhere in filing and pursuing his lawsuit in our jurisdiction.

As we are all aware, studios attempt to work with their actors on scheduling filming. I am assuming Mr. Depp and his representatives have provided these documents (Notice of Deposition and Scheduling Order setting the January trial date) to you and brought to your attention that these may potentially conflict with the filming schedule. I would appreciate your confirming that Warner Bros. Pictures will be flexible with Mr. Depp's filming schedule to ensure he meets his legal obligations in Virginia and is able to attend his Deposition from October 5-9, 2020 and he will be available for trial during the period January 11-29, 2021.

Toward that end, I would appreciate your providing me with a copy of the current Shooting Schedule and Mr. Depp's Day Out of Days (DOOD). If for any reason the deposition or trial dates conflict with actual filming of Mr. Depp's parts, please let me know if you are able to reschedule to accommodate Mr. Depp's legal obligations. As I am sure you can appreciate, we are highly motivated for this trial to take place as quickly as possible.

Please feel free to contact me by telephone if you would like to discuss this further or need additional information. I greatly appreciate your assistance in navigating these apparently now competing schedules so that we may both achieve our desired goals.

Thank you for your cooperation and consideration.

Elaine

Elaine Charlson Bredehoft
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive
Suite 201
Reston, VA 20190
(703) 318-6800
(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcblaw.com



WARNER BROS.
PICTURES

Glenn A. Eckerle
Senior Vice President, Legal Affairs

August 19, 2020

Edward White
Edward White & Co., LLP
Certified Public Accountants
Warner Center Towers
21700 Oxnard Street, Suite 400
Woodland Hills, California 91367

BY EMAIL

Re: "FANTASTIC BEASTS 3" / Johnny Depp / Actor

Dear Edward:

The theatrical motion picture presently entitled "Fantastic Beasts 3" (the "Picture") is being produced by Number Three Films Limited ("Company") for distribution by Warner Bros. Pictures.

Pursuant to the Agreements between Company and LRD Productions, Inc. ("Lender") f/s/o Johnny Depp ("Artist"), Artist is currently scheduled to render services on the Picture in London on an exclusive basis commencing in early October, 2020 and running through and including the middle of February, 2021.

Of course, as is normal for film production, these dates are subject to production exigencies and further scheduling changes, and Company may require Artist's services on the Picture for additional period of time (before and after such time periods) in order for Artist to complete his required services on the Picture.

Very truly yours,

Glenn A. Eckerle

cc: Lawrence Leavitt (all by email)
Bryan Lourd
Sheldon Sroloff
Jodi Levinson
Nigel McCorry

A Division of WB Studio Enterprises Inc.
A Warner Bros. Entertainment Company

4000 Warner Boulevard, Burbank, California 91522
(818) 954-4911 • Fax: (818) 954-3490 • glenn.eckerle@warnerbros.com

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911


NOTICE OF DEPOSITION BY VIDEO

PLEASE TAKE NOTICE that the Defendant, Amber Laura Heard, by counsel, will take the videotaped deposition upon oral examination of JOHN C. DEPP, II beginning at 9:30 a.m. on October 5, and each day at 9:30 a.m. through October 9, 2020, to be continued further if necessary and not completed. The deposition will be held at the offices of Charlson Bredehoft Cohen & Brown, P.C., 11260 Roger Bacon Drive, Suite 201, Reston, Virginia 20190. The deposition will be taken before an officer authorized by law to administer oaths and take testimony and will be transcribed by a certified Court Reporter and videographer. The deposition will continue until concluded, and will be used for all lawful purposes.

Dated this 7th day of August 2020

Respectfully submitted,

Amber L. Heard


Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen & Brown, P.C.
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Counsel to Defendant Amber Laura Heard

CERTIFICATE OF SERVICE

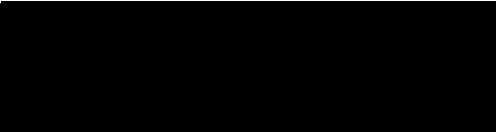
I certify that on this 7th day of August 2020, a copy of the foregoing shall be served by email, pursuant to agreement and Court Order, as follows:

Benjamin G. Chew, Esq.
Andrew C. Crawford, Esq.
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
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Washington, DC 20006
awaldman@theendevorgroup.com

Counsel for Plaintiff John C. Depp, II



Elaine Charlson Bredehoft (VSB No. 23766)
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CIRCUIT COURT OF FAIRFAX COUNTY
CALENDAR CONTROL ORDER

PART ONE - TO BE COMPLETED BY THE PARTIES

Case number(s): CL 2019-2911

JOHN DEPP, III v. AMBER HEARD

Benjamin Chew Counsel for Plaintiff Pro Se Benjamin Robertson Counsel for Defendant Pro Se

Signature By telephone VSB No. Signature By telephone VSB No.

Email Address / Telephone Number Email Address / Telephone Number

Action Requested by: Plaintiff Defendant
Notice of Calendar Control Appearance provided to opposing party on _____ (date)
by _____ (method). *Attach copy of notice if opposing party is not present.*
Action Requested: COVID + LA COURTS CLOSING

Has a substantially similar request previously been made? No Yes, on _____
How did the Court rule on the previous request? _____

PART TWO - TO BE COMPLETED BY THE CALENDAR CONTROL JUDGE

The action requested is DENIED GRANTED, as follows _____

The hearing presently set for _____ (date) is removed from the docket.
8/3/20 Existing Date 11/11/2021 New Hearing Date 12 days of Hearing Length trial

Jury Trial? No Yes, by request of Plaintiff Defendant

Two-week motion One-week motion with a judge without a judge

Long briefs approved: No Yes (attach Long Brief Form)

Is a necessary party incarcerated? No Yes, in _____

Interpreter Needed? No Yes _____ (language)

The Scheduling Order deadlines are MODIFIED and calculated from the new trial date
 are NOT MODIFIED by this Order shall be addressed by motion to be heard

Entered: 5/18/20 _____
Calendar Control Judge

ATTACHMENT 9

Elaine Bredehoft

From: Elaine Bredehoft
Sent: Thursday, August 27, 2020 9:52 AM
To: Chew, Benjamin G.
Cc: brottenborn@woodsrogers.com; Treece, Joshua; Adam Nadelhaft; David Murphy; Michelle Bredehoft; Leslie Hoff; Vasquez, Camille M.; cmariam@grsm.com; jcogger@grsm.com; Kristin Blocher; Crawford, Andrew C.
Subject: RE: Depp deposition and location

TimeMattersID: M3798AC46D655701
TM Contact: Heard, Amber
TM Matter No: 20-5294
TM Matter Reference: Heard, Amber

Ben: I have added the remainder of the team to this email chain, given the breadth of the issue.

Thanks for your response, but there is much more to this than a mere suggestion that you may make the Plaintiff in this case available by Web X in London in late September. Mr. Depp is currently under an obligation to appear in our offices the week of October 5. I am attempting to explore all potential alternatives in light of your motion for continuance (which, frankly, is your obligation, not mine, but I am genuinely trying to work this through).

First, you have 50-51 tapes between Ms. Heard and Mr. Depp that you have promised to produce, were due in July, and Chief Judge White told you that you cannot produce on a rolling basis, you need to produce them within the Rules. If we do not receive those today or tomorrow, so we can listen to them and transcribe, then it will be virtually impossible for us to be able to depose Mr. Depp before October 5, and likely we will have to move it later or leave the deposition open. That is not the only request that is far overdue now, and many others also are necessary for his deposition, but I think the tape recordings highlight the timing issue best.

Second, we will need to have a court reporter and a videographer present (unless the parties can agree to an alternative protocol, which I invited in early August and you have not proposed any protocols contrary to my suggestions). We also will require an attorney to be present, especially if Mr. Depp has one present. This would rule out London, because if the UK allows US citizens to enter in the country, there will be a 14 day quarantine rule in effect.

Third, we need sufficient facilities to be able to show and discuss documents, photographs, videos and audio recordings. Fairfax Circuit Court has recognized the limitations of the Web X system for these, and as a practical matter, the best way to accomplish this is for many of those documents and media to be presented in the room with the deponent. This is why I

asked for Mr. Depp's location from now until his travels for the filming – if, for example, he is in California, although he is obligated to appear in Fairfax County, we would be amenable to working with you to take his deposition there, because we have counsel present in California and could make all of this work through a combination of technology (zoom) and our legal team's conference room (assuming you deliver the far overdue documents and tapes asap).

So I again ask, where is Mr. Depp located, and what dates is he available between now and his travel to the UK? I also repeat my requests for you to provide the responses to my specific requests about this filming issue, both my email questions and the 9th Set of RFPs that I asked to be expedited. This entire issue is quiet serious, and we ask you to take this seriously and provide us with the requested information.

Thank you for your attention and consideration. Elaine

Elaine Charlson Bredehoft
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11260 Roger Bacon Drive
Suite 201
Reston, VA 20190
(703) 318-6800
(703) 919-2735 (mobile)
(703) 318-6808 (fax)
www.cbcblaw.com

From: Chew, Benjamin G. <BChew@brownrudnick.com>
Sent: Wednesday, August 26, 2020 5:50 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Subject: Depp deposition and location

Good evening, Elaine,

Without prejudice:

I am researching possible availability in late September prior to shooting of Beasts in October, likely via Webex or London.

Hope to have more information by the time of our call Friday.

Best regards,

Ben

Sent from my iPhone

On Aug 26, 2020, at 1:12 PM, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com> wrote:

External E-mail. Use caution accessing links or attachments.

Ben: I am trying to work through all of the potential solutions relating to your motion for continuance. Where is Mr. Depp physically located currently? In other words, is he in L.A., Washington D.C., in some other country and if so, which one? What is Mr. Depp's availability to be deposed between now and October 1, 2020, and suggested locations for any/each dates? Thanks. Elaine

Elaine Charlson Bredehoft
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The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Brown Rudnick LLP, (617) 856-8200 (if dialing from outside the US, 001-(617)-856-8200) and purge the communication immediately without making any copy or distribution.

To the extent Brown Rudnick is a "data controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation) you have provided to us in this and other communications between us, please see our privacy statement and summary [here](#) which sets out details of the data controller, the personal data we have collected, the purposes for which we use it (including any legitimate interests on which we rely), the persons to whom we may transfer the data and how we intend to transfer it outside the European Economic Area.

ATTACHMENT 10



Planet Depos
We Make It *Happen*

Transcript of Hearing

Date: August 21, 2020
Case: Depp, II -v- Heard

Planet Depos
Phone: 888.433.3767
Email: transcripts@planetdepos.com
www.planetdepos.com

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1 on both sides of this equation.

2 And what I want you to convey to your
3 clients or your co-counsel or whatever you think
4 needs to be conveyed is the attorneys' fees are in
5 the picture. I've trying to avoid doing that on
6 discovery. I don't like to do that on discovery,
7 but that, apparently, is going to be the only
8 thing I can do to change the way the case has been
9 litigated so far.

10 MS. BREDEHOFT: Your Honor, may I ask one
11 question that I think has been an ongoing issue in
12 this case that will help us in this and we will
13 absolutely do exactly what your Honor has
14 directed. The plaintiffs in this case have said
15 we will produce on an ongoing rolling basis.
16 That's in every single one of their responses.
17 And then they --

18 THE COURT: Say produce pursuant to the
19 Virginia Rules, and the Virginia Rules have a
20 requirement that you continue to supplement, but
21 they don't say you can wait until you feel like it
22 to roll things out. So simply saying, "I'll --

1 we'll look at it and if we find something on
2 Tuesday, we'll give it to you on Wednesday," well,
3 that's fine, but it doesn't remove you of the
4 obligation to try and get everything you can as
5 soon as you can under the rules.

6 MR. CHEW: Understood, your Honor.

7 MS. BREDEHOFT: Thank you, your Honor.
8 That's helpful, very helpful.

9 THE COURT: Okay. Anything else that I
10 can help you with on the discovery side in the
11 context of what we've been talking about today?

12 MR. CHEW: No. Thank you, your Honor. We
13 understand your clear direction.

14 MS. BREDEHOFT: Your Honor, there is
15 something that's going to come up with your Honor
16 that Mr. Chew brought to our attention yesterday
17 and, I guess, the night before, that they are
18 going to attempt to move to continue the trial.

19 THE COURT: Well, when they do that, then
20 I'll hear it when they do it. I'm not going to
21 let you now argue against a motion he hasn't filed
22 yet.

1 CERTIFICATE OF SHORTHAND REPORTER-E-NOTARY PUBLIC
2 I, Victoria Lynn Wilson, the officer
3 before whom the foregoing proceedings were taken,
4 do hereby certify that the foregoing transcript is
5 a true and correct record of the proceedings; that
6 said proceedings were taken by me stenographically
7 and thereafter reduced to typewriting under my
8 direction; and that I am neither counsel for,
9 related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 28th day of
14 August 2020.

15 My commission expires May 31, 2023.

16

17

18

19

VICTORIA LYNN WILSON

20

E-NOTARY PUBLIC IN AND FOR

21

THE COMMONWEALTH OF VIRGINIA

22

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CLERK, CIRCUIT COURT
FAIRFAX, VA

September 4, 2020

BY MESSENGER

John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road, 3rd Floor
Fairfax, VA 22030

Re: *Case No. CL-2019-0002911 – John C. Depp, II v. Amber Laura Heard*

Dear Mr. Frey:

Enclosed for filing in the above referenced matter, please find the following:

- Defendant Amber Laura Heard's Motion for Sanctions & Motion in Limine;
- Defendant Amber Laura Heard's Motion to Compel Production of Documents in Response to Defendant's Fourth, Fifth, Sixth, and Seventh Request for Production of Documents;
- ~~Defendant Amber Laura Heard's Opposition to Plaintiff John C. Depp, II's Motion for Continuance~~

Also enclosed are extra copies of each filing, which we would appreciate being date-stamped and returned to us via the awaiting messenger.

Thank you very much for your assistance.

Very truly yours,


Elaine Charlson Bredehoft