

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

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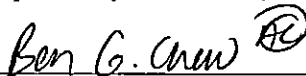
PLAINTIFF JOHN C. DEPP, II'S MOTION TO COMPEL DEFENDANT AMBER LAURA HEARD TO RESPOND TO MR. DEPP'S FOURTH INTERROGATORIES AND TENTH AND ELEVENTH REQUESTS FOR PRODUCTION

Plaintiff John C. Depp, II, by and through his undersigned counsel; hereby moves this Honorable Court to compel Defendant Amber Laura Heard to respond to Mr. Depp's Fourth Interrogatories and to produce documents in response to Mr. Depp's tenth and eleventh requests for production.

Counsel for Plaintiff hereby certifies that they have in good faith conferred with opposing counsel in an effort to resolve this dispute without court action.

A memorandum in support of this motion and proposed Order are filed herewith for the Court's consideration.

Respectfully submitted,



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*Counsel for Plaintiff and
Counterclaim Defendant John C. Depp, II*

Dated: December 22, 2021

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

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****UNDER SEAL****

**PLAINTIFF JOHN C. DEPP, II'S MEMORANDUM IN SUPPORT OF OMNIBUS
MOTION TO COMPEL DEFENDANT AMBER LAURA HEARD TO RESPOND TO
MR. DEPP'S FOURTH INTERROGATORIES AND TENTH AND ELEVENTH
REQUESTS FOR PRODUCTION**

I. Mr. Depp's Fourth Interrogatories

Mr. Depp's Fourth Interrogatories (Ex. 1) have been pending since February 2021 and could not be more basic and appropriate. They are set forth below verbatim:

1. Describe in detail each and every incident during which You contend that You suffered any form of violence or abuse at the hands of Mr. Depp.
2. Identify all Persons with firsthand personal knowledge of any of the incidents described in Your response to the preceding Interrogatory.
3. Describe in detail each and every injury You contend You received as a result of any conduct by Mr. Depp.
4. Identify all Persons that have firsthand personal knowledge of any injuries You received as a result of any conduct by Mr. Depp.
5. Describe in detail any and all medical or psychological treatment You received as a result of any injury caused by Mr. Depp.
6. State all facts that support any contention that You have suffered damages, whether monetary, emotional, or otherwise, as a result of any allegedly defamatory statements by Mr. Depp and/or Adam Waldman.

These interrogatories obviously go to the heart of the case, particularly Ms. Heard's \$100 million Counterclaim. Ms. Heard should *want* to answer these questions regarding her own abuse and damages allegations, and she certainly cannot expect to be able to proceed to trial without disclosing this information in discovery. Yet mystifyingly, Ms. Heard has refused to agree to provide full and complete responses. Instead, Ms. Heard objected (incorrectly) that Mr. Depp had already served in excess of 30 interrogatories; Mr. Depp disagrees with Ms. Heard's count (the actual number of prior interrogatories is 18),¹ but in an effort to compromise, Mr. Depp offered to stipulate to additional interrogatories for both parties if Ms. Heard would serve full and complete responses. Ms. Heard's counsel indicated they would agree to additional

¹ Even if the Court agreed with Ms. Heard's assertion that the number of interrogatories exceeds 30, the Court can and should allow additional interrogatories for good cause shown. Va. R. S. Ct. 4:8(g). Here, *Mr. Depp served his Fourth Interrogatories after Ms. Heard dramatically altered this case by serving her \$100 million Counterclaim*, and good cause clearly exists to require Ms. Heard to answer these basic questions under the circumstances. Accordingly, even if the Court accepts Ms. Heard's (erroneous) calculation, it should enter an Order authorizing these interrogatories, deem them re-served as of the date of the hearing on this Motion, and direct that full and complete responses be provided on shortened time.

interrogatories and would serve some type of substantive responses to these interrogatories – only to refuse point blank to enter into a Consent Order to provide full and complete substantive responses. Troublingly, Ms. Heard’s counsel would not even make a simple *representation* that they would provide “full and complete” responses to the Fourth Interrogatories, forcing Mr. Depp to conclude that they intended to serve responses that were *not* full and complete, and that their offer was nothing more than a delay tactic. Full and complete responses should be ordered.

II. Mr. Depp’s Tenth RFPs

Ms. Heard is also stonewalling on Mr. Depp’s Tenth RFPs. (Ex. 2.)

Mr. Depp’s Tenth RFP Nos. 1-18 seek records relevant to Ms. Heard’s allegations of psychological damages and harm, including PTSD. Ms. Heard alleges that she is suffering from a range of mental and emotional injuries that she contends are attributable to abuse from Mr. Depp, and she is using that contention to bolster both her underlying factual allegations to have been abused, and her claim to have suffered \$100 million in damages. Accordingly, she has placed her mental and emotional condition squarely at issue. These RFPs seek a range of medical and psychological records—including records of Ms. Heard’s “forensic psychological evaluation” that she underwent for use in this case, as well as past and present diagnoses and treatments, with a particular emphasis on exploring *whether* Ms. Heard actually does exhibit any such symptoms or has ever received treatment for them; and, if so, *when and why* she began suffering from these psychological issues. The relevance of this is self-evident; Ms. Heard has publicly claimed to have been a victim of abuse from a very young age (indeed, she made that public assertion in the very Op-Ed at issue in this case), so if she is actually suffering any form of psychological trauma, it could have a number of historical causes. Given the nature of Ms. Heard’s allegations, Mr. Depp must unfortunately explore the history of her mental condition

and treatments, including her condition before she met Mr. Depp, in order to address at trial Ms. Heard's anticipated efforts to present evidence that the Depp/Heard relationship was somehow the cause of psychological harm. Mr. Depp must also explore alternate causes and whether such issues predated the relationship. Mr. Depp recognizes the sensitivity of the information sought and will stipulate to its confidentiality, but has no realistic alternative to seeking this discovery, given the nature of Ms. Heard's allegations.

Mr. Depp's Tenth **RFP Nos. 19-32** seek crucial documents supporting Ms. Heard's allegations of damages in her \$100 million Counterclaim. For instance, **RFP No. 19** seeks documents that support Ms. Heard's contention that she has suffered \$100 million in damages; **RFP Nos. 20-22** seek documents that evidence or support Ms. Heard's claim to have lost career opportunities such as endorsement deals as a result of the statements at issue in her Counterclaim; and **RFP Nos. 23-24** seek documents evidencing Ms. Heard's compensation from endorsement deals, all of which is relevant to assessing challenging the plausibility of her damages claims. **RFP Nos. 25-27** seek documents supporting Ms. Heard's claim to have received box office acclaim, which also goes to the core of her damages claim, since the plausibility of her \$100 million Counterclaim is contingent on the theory that she is a major box office draw and would have enjoyed truly spectacular professional success but for three statements by Adam Waldman. **RFP Nos. 28-29** seek documents and communications regarding the eight statements alleged in Ms. Heard's Counterclaim; which is about as basic as discovery can be, and **RFP Nos. 30-32** seek communications with Ms. Heard's employers regarding various potential causes of the reputational harm she is claiming, including Mr. Depp's allegations in this action in the UK action, as well as Adam Waldman. Again, Ms. Heard is

claiming damage to career prospects, and cannot avoid turning over communications with her employers on these topics.

Finally, **RFP No. 33** seeks communications between Ms. Heard and her close friends and confidantes regarding her relationship with Mr. Depp after January 2014 – by which point Ms. Heard has claimed to have disclosed her abuse claims to some or all of these individuals. These documents are reasonably calculated to lead to admissible evidence of any discussions among these persons of her abuse claims or (just as significantly), the lack of such discussions.

III. Mr. Depp's Eleventh RFPs

Ms. Heard's also failed to respond appropriately to Mr. Depp's Eleventh RFPs (**Ex. 3**.)

RFP Nos. 1, 2, 5, 7, 10, 13, 14, 18, 22, 24, 26, 32, and 35 seek documents that relate to particular incidents of alleged abuse described in Ms. Heard's UK Witness Statement (at paragraphs 44-51, 52-64, 65-83, 84-92, 94-96, 97-98, 99-130, 131-134, 135, 136, 137-147). Ms. Heard inappropriately limited the scope of her response with ambiguous language that she will produce documents "that refer to or reflect *the paragraphs*... referred to in this request, if any." But the RFPs in question are not focused on the drafting of the *paragraphs*, but on the particular *events alleged in* those paragraphs. This limiting language is improper and leaves Mr. Depp in the dark as to what (if anything) Ms. Heard intends to produce.

RFP Nos. 3, 6, 11, 15, 20, 23, 27, and 36 seek documents and communications that mention or refer to Mr. Depp on dates of alleged instances of abuse. Ms. Heard's responses improperly limit the scope of her production, stating only (subject to objections) that she will produce documents that "mention or refer to [each particular alleged incident of abuse]." But the RFPs are broader than that. Documents that mention abuse on those dates would no doubt be relevant, but references to Mr. Depp on those dates that do not mention abuse are also relevant to

undercutting her allegation that she was abused on those dates. Ms. Heard must produce all responsive documents, without her qualifying language. **RFP No. 4** seeks communications among a list of Ms. Heard's close friends regarding her relationship with Mr. Depp during a timeframe (post-2014) when they are alleged to have been aware of her abuse allegations. **RFP No. 12** seeks communications among Ms. Heard's friends regarding her wedding to Mr. Depp, when Ms. Heard contends that her confidantes were aware of her claims, and when it has been alleged that some friends were attempting to dissuade Ms. Heard from marrying Mr. Depp because of her abuse claims. Again, the relevance of such requests is clear.

RFP Nos. 16, 21, 25, 28, seek documents that refer to Mr. Depp close to particular alleged incidents of abuse. These are reasonably calculated to lead to the discovery of admissible evidence that could shed light on Ms. Heard's attitude toward Mr. Depp in the days following supposed incidents of abuse, and are relevant to Ms. Heard's credibility. **RFP No. 17** seeks photographs taken during the timeframe of an alleged incident in Australia. Ms. Heard improperly objects and limits the scope of her response to pictures of the alleged incident – but the scope of the request is broader than that, and Mr. Depp is entitled to explore the entirety of the trip to Australia, to put Ms. Heard's allegations in context and assess their credibility. **RFP No. 29** seeks documents related to Ms. Heard's appearance on the Late Late Show with James Corden, when Ms. Heard alleges she had extensive injuries to her face during an appearance on public television when she appeared without any visible injury. Again, the relevance is obvious, but Ms. Heard stands on her improper objections. **RFP No. 31, 33, and 34** seek communications among Ms. Heard and certain of her friends (to whom she contends she disclosed her purported injuries) during particular key timeframes. Ms. Heard improperly limits the scope of her responses with improper qualifying language.

Dated: December 22, 2021

Respectfully submitted,

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