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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 AMBER LAURA HEARD,  
11 Petitioner,  
12 vs.  
13 THE MANDEL COMPANY, INC., d/b/a  
THE MANAGEMENT GROUP, a California  
14 Corporation,  
15 Respondent.

CASE NO. 19STCP04763  
ASSIGNED FOR ALL PURPOSES TO  
HON. STEPHANIE M. BOWICK, DEPT. 19  
**OPPOSITION OF JOHN C. DEPP, II TO  
WARNER BROS. ENTERTAINMENT  
INC.'S MOTION TO QUASH  
SUBPOENAS; REQUEST FOR  
SANCTIONS; AND DECLARATION OF  
SAMUEL A. MONIZ IN SUPPORT**

16 JOHN C. DEPP, II,  
17 Plaintiff and Petitioner,  
18 vs.  
19 AMBER LAURA HEARD,  
20 Defendant and Respondent.  
21

DATE: July 19, 2022  
TIME: 8:30 a.m.  
DEPT: 19  
Fairfax County Circuit Court, Virginia  
Case No.: CL-2019-0002911  
Hon. Penney S. Azcarate Presiding

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1 Plaintiff John C. Depp, II (“Mr. Depp”) opposes the Motion to Quash Plaintiff’s  
2 Deposition Subpoena for Personal Appearance and Production of Documents or Protective Order  
3 (the “Motion”) filed by Warner Bros. Entertainment Inc. (“Warner Bros.” or “WBEI”) as follows:

4 1. INTRODUCTION

5 WBEI’s conduct in bringing the present Motion is indefensible and warrants sanctions.  
6 The Motion was filed without any valid basis in fact or law, for the improper purpose of running  
7 out the clock on facially appropriate discovery. Moreover, the Motion is the culmination of a  
8 series of questionable tactics on the part of WBEI to pressure the parties to this action to abandon  
9 legitimate efforts to depose WBEI by, among other actions, threatening to say “bad things” about  
10 Mr. Depp and Ms. Heard, and otherwise threatening to testify about the parties in a damaging  
11 manner. When those tactics failed, WBEI filed this Motion, effectively taking the extraordinary  
12 position that it is entitled to just ignore a subpoena. The Court should send a clear signal that  
13 WBEI is not above the law and is not exempt from relevant, targeted discovery. The Motion  
14 should be denied, WBEI should be ordered to produce a representative for deposition, and  
15 sanctions should be imposed against WBEI for its abuse of the discovery process in bringing this  
16 grossly improper Motion.

17 This is a defamation action brought by Mr. Depp against his former wife, Amber Laura  
18 Heard (“Ms. Heard”), on the grounds that she has falsely claimed to be a victim of domestic abuse.  
19 In turn, Ms. Heard has brought a \$100 million Counterclaim against Mr. Depp, contending that  
20 she has suffered damages to her career as a result of three allegedly defamatory statements by a  
21 lawyer associated with Mr. Depp, Adam Waldman (the “Counterclaim Statements”).

22 Consequently, a major disputed issue in this case is whether Ms. Heard can credibly claim  
23 to have suffered \$100 million (or any amount) in damages to her career. Ms. Heard is an actress  
24 whose roles include performing in WBEI’s major superhero films *Aquaman* (which preceded the  
25 Counterclaim Statements) and its sequel, *Aquaman and the Lost Kingdom* (“*Aquaman 2*”) (which  
26 postdates the Counterclaim Statements). Mr. Depp served subpoenas on WBEI which are attached  
27 to Motion, seeking documents (“Records Subpoena”) and testimony (“Deposition Subpoena,” and

28 ///

1 collectively, the “Subpoenas”) relevant to assessing whether Ms. Heard suffered any adverse  
2 consequences from WBEI as a result of the Counterclaim Statements.

3 Astoundingly, WBEI’s subsequent Motion seeking to quash the Subpoenas is based on  
4 *relevance*. But the relevance of the discovery sought by Mr. Depp is beyond any legitimate  
5 dispute. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

15 [REDACTED]

18 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

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Given that she is claiming career damage in this action, Ms. Heard’s role in *Aquaman 2* is a major issue in this litigation. Of note, WBEI’s counsel has represented in writing that Ms. Heard’s suffered no adverse consequence as a result of any statements by Mr. Depp; that any delays in picking Ms. Heard up for a role in *Aquaman 2* was either nonexistent or due to “creative issues” about Ms. Heard; and that WBEI would never have renegotiated her salary. ***WBEI has thereby conceded that WBEI is in possession of directly relevant, discoverable information about Ms. Heard’s lack of damages.***

A deposition of WBEI to explore those issues is manifestly appropriate. Yet, bafflingly, WBEI has refused point blank to produce anyone for deposition, on the apparent grounds that Ms. Heard’s claims are bogus and that WBEI should not have to be bothered with testifying about them. While Mr. Depp agrees that Ms. Heard’s claims are bogus, ***one of the basic purposes of discovery is to develop evidence to refute and disprove meritless claims.*** WBEI is not immune from discovery, and is not entitled to simply ignore the subpoena power of the Court. The discovery sought by Mr. Depp is indisputably relevant and narrowly tailored (and has been substantially narrowed in the meet and confer process).

The Motion should be denied. And because WBEI lacked substantial (or any) justification for filing it, Mr. Depp seeks appropriate sanctions.

///

1 2. BACKGROUND

2 A. Summary Of Action And Subpoenas

3 This is a defamation action pending in the Commonwealth of Virginia and is currently set  
4 to commence trial on April 11, 2022. See, Declaration of Samuel A. Moniz in Support of  
5 Opposition to Motion to Quash (“Moniz Decl.”) at ¶ 4. Mr. Depp commenced the action in March  
6 2019, with the filing of his Complaint, which alleges, among other things, that during Mr. Depp’s  
7 relationship and marriage to Ms. Heard, Ms. Heard was violent and abusive (once going so far as  
8 to cut off the tip of one of Mr. Depp’s fingers), and falsely accused Mr. Depp of committing  
9 abuse, causing him significant career and reputational harm. Ms. Heard, in turn, filed a  
10 Counterclaim, asserting that she has suffered \$100 million in damages from certain statements  
11 disputing her truthfulness, purportedly attributable to Mr. Depp. *Id.*

12 In an effort to explore Ms. Heard’s damages claims, and because Ms. Heard is known to be  
13 attached to the *Aquaman* and *Aquaman 2* films, Mr. Depp issued and served the Deposition  
14 Subpoena and the Records Subpoena on WBEI. *Id.* at ¶ 5. Thereafter, Mr. Depp’s counsel met  
15 and conferred with counsel for WBEI on a number of occasions in December 2021 and January  
16 and February of 2022. Because Ms. Heard is still attached to the *Aquaman* projects, Mr. Depp  
17 agreed in December 2021 to accept, initially, a minimal production of documents from WBEI (its  
18 contract with Ms. Heard), and further agreed to postpone a deposition of WBEI’s person most  
19 qualified (“PMQ”) until after Ms. Heard was deposed, to avoid burdening third-party WBEI with  
20 a deposition that might prove to be unnecessary. *Id.*

21 However, it very quickly became apparent that a deposition of WBEI is necessary. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

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[REDACTED]

*Id.* at ¶ 6.

Shortly thereafter, Ms. Heard was deposed in this action in January 2022. Following her testimony, counsel determined that a deposition of WBEI was needed. *Id.* at ¶ 7.

B. Mr. Depp’s Further Meet And Confer Efforts And Request For A Limited-Scope Deposition Of WBEI

Mr. Depp contacted counsel for WBEI by email on January 17, 2022, to request a further meet and confer. The parties subsequently met and conferred telephonically on or about January 19, 2022, and Mr. Depp’s counsel explained the need for a deposition of WBEI to explore Ms. Heard’s involvement in *Aquaman 2* and any damages or lack thereof, in order to prepare for trial and prepare a full damages analysis. Counsel for WBEI indicated that she would consult internally and with her client. (Moniz Decl. at ¶ 8.) Counsel subsequently met and conferred again on or about January 21, 2022. During these meet and confer calls, counsel for WBEI proposed providing a declaration that confirmed that Ms. Heard had suffered no adverse consequence as a result of any conduct by Mr. Depp, in lieu of deposition testimony; Mr. Depp’s counsel responded that such a declaration would be insufficient, and likely would not be accepted as admissible by the Virginia Court. *Id.* at ¶ 9. Also on January 21, 2022, counsel for Mr. Depp provided counsel for WBEI with a modified and narrowed list of proposed deposition topics and documents by email, with an offer for further discussion. *Id.* at ¶ 10.

Counsel for Mr. Depp followed up again with counsel for WBEI on several occasions by email, and was advised that WBEI was consulting with its client. *Id.*



1 C. WBEI's Letter

2 On or about February 3, 2022, counsel for WBEI sent counsel for Mr. Depp and for Ms.  
3 Heard, by simultaneous email, a letter, stating, in part, as follows:

4 To avoid the substantial burden of a WBEI deposition, whose  
5 employees are still largely working remotely because of the  
6 continuing COVID-19 pandemic, WBEI is willing to serve the  
parties with a sworn declaration setting forth the following facts:

- 7 • Any delay in WBEI picking up Heard's option for *Aquaman 2* was  
8 due to creative issues in casting Heard in the role of Mera for  
*Aquaman 2*, which were communicated to Heard's agent at the time.
- 9 • Any delay in WBEI picking up Heard's option for *Aquaman 2* was  
10 not due to Heard's dispute with Depp or any of the allegations in  
11 this lawsuit.
- WBEI would not have paid Heard more money on *Aquaman 2*,  
even if Heard had had more time to attempt to negotiate.

12 (Moniz Decl. at ¶ 11.)

13 Counsel for Mr. Depp responded the same day via email, to explain that the offered  
14 declaration was not sufficient, as follows:

15 We are in receipt of your letter today requesting that Warner Bros.  
16 proceed by declaration in lieu of deposition testimony. We fully  
17 appreciate your client's status as a third party, and have no wish to  
18 cause unnecessary expense or inconvenience. In light of the content  
19 of your letter, we will consider whether we can further narrow or  
20 withdraw some of our document requests, and we are open to further  
21 refinement of the deposition topics we have proposed. However,  
22 based on our understanding of Ms. Heard's contentions in this  
action, we believe evidence from Warner Bros. is essential to  
prepare our case for trial and to address Ms. Heard's anticipated  
contention at trial that she has suffered substantial monetary  
damages as a result of conduct she seeks to attribute to Mr. Depp.  
Moreover, we do not believe that the declaration you propose would  
be accepted as admissible by the Court in Virginia, particularly in  
the absence of any cross examination of the declarant.

23 *Id.* at ¶ 12.

24 D. Ms. Heard's Proposed Stipulation And Unacceptable Conditions

25 Presumably as a result of behind-the-scenes pressure by WBEI, Ms. Heard's Virginia  
26 counsel subsequently offered a stipulation [REDACTED]

27 [REDACTED] However, Ms. Heard's proposed stipulation included  
28 conditions that were entirely unacceptable to Mr. Depp, including an agreement that neither party

1 could even mention *Aquaman 2* at trial, and the further restriction that Mr. Depp could not  
2 mention at trial [REDACTED]

3 [REDACTED] Ms. Heard's proposed stipulation included the following  
4 limitations on the parties' ability to present evidence at trial and seek discovery:

5 The Parties agree that neither Ms. Heard nor Mr. Depp will include  
6 at trial any reference to *Aquaman II* for any reason, including but  
7 not limited to, any evidence or references supporting or disputing  
8 Ms. Heard's damages as it relates to her Counterclaims.

9 The Parties agree that neither Ms. Heard nor Mr. Depp will seek any  
10 additional discovery regarding *Aquaman II* for any reason, including  
11 but not limited to, agreeing not to depose Non-Party Warner Bros.  
12 Entertainment Inc. or seek any information relating to *Aquaman II*  
13 from WME or any of Ms. Heard's current or former agents or  
14 publicists.

15 [REDACTED]  
16 [REDACTED] and will not question Ms. Heard, any of  
17 Ms. Heard's experts, or any fact witnesses, regarding *Aquaman II* in  
18 either deposition or at trial.

19 (Moniz Decl. at ¶ 13.)

20 Since a major argument against the plausibility of Ms. Heard's damages is that she remains  
21 attached to *Aquaman 2* (and that fact must obviously be incorporated into any analysis of her  
22 claimed damages and presentation of evidence to a jury), [REDACTED]

23 [REDACTED]  
24 [REDACTED] Ms. Heard's proposed stipulation was an  
25 obvious nonstarter for Mr. Depp, and Mr. Depp rejected Ms. Heard's proposed stipulation. *Id.* at  
26 ¶ 13.

27 E. Ms. Heard's Subsequent Interrogatory Responses Under Penalty Of Perjury

28 Late on February 9, 2022, mere hours after offering her stipulation, Ms. Heard served  
sworn interrogatory responses in which she asserted, in part, as follows:

[REDACTED]

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(Moniz Decl. at ¶ 14.)

F. WBEI’s Threat To Give Harmful Testimony Against Mr. Depp, And Mr. Depp’s Final Meet And Confer Efforts

On Thursday, February 10, 2022, counsel for Mr. Depp met and conferred telephonically with counsel for WBEI. During that call, Mr. Depp’s counsel explained that Ms. Heard’s conditions for her stipulation were unacceptable, and that a short deposition of WBEI was necessary, largely to memorialize in the form of admissible testimony the factual assertions stated in counsel’s letter. Counsel for WBEI asserted that Mr. Depp had been “given a gift” as a result of Ms. Heard’s proposed stipulation, and that Mr. Depp’s counsel should “be careful what you wish for,” threatening that if forced to give a deposition WBEI would give testimony damaging or embarrassing to Mr. Depp. Mr. Depp’s counsel responded by reiterating that a deposition was needed, but agreed to further explore a possible stipulation with Ms. Heard’s counsel. Mr. Depp’s counsel requested that in the meantime WBEI identify a PMQ and propose convenient dates for a short deposition. (Moniz Decl. at ¶ 15.)

Mr. Depp subsequently offered a counterproposal to Ms. Heard’s stipulation, which Ms. Heard’s counsel ignored. *Id.* at ¶ 16.

1 On or about February 16, 2022, Mr. Depp’s lead Virginia counsel received an unsolicited  
2 telephone call from WBEI’s chief counsel, Wayne Smith, urging Mr. Depp to abandon any  
3 deposition of WBEI, and warning that WBEI’s representatives would say “bad things” about both  
4 Mr. Depp and Ms. Heard if a deposition took place. When Mr. Depp’s counsel did not accept,  
5 WBEI’s representatives warned that WBEI would move to quash. *Id.* at ¶ 17.

6 On February 17, 2022, Mr. Depp’s counsel received a final communication from WBEI’s  
7 outside litigation counsel threatening a motion to quash. Counsel for Mr. Depp responded the  
8 same date, rejecting WBEI’s arguments, explaining once again the reasons a short deposition is  
9 needed, and urging WBEI not to waste the parties’ time and money with useless motion practice.  
10 *Id.* at ¶ 18. No response was received from WBEI’s counsel, and the Motion was filed the  
11 following day.

12 G. Mr. Depp’s Proposed Narrowed Parameters Of A PMQ Deposition

13 Mr. Depp has repeatedly offered to narrow and refine the PMQ topics throughout the  
14 course of the meet and confer but has run into the solid wall of WBEI’s outright refusal to produce  
15 anyone to testify on any topic. Nonetheless, Mr. Depp’s final proposal for the PMQ topics, are set  
16 forth below, and are also reflected in an amended subpoena issued on February 22, 2022:

- 17 • Topic No. 1: Any of YOUR [i.e., WBEI’s] internal discussions as to whether to release  
18 or terminate MS. HEARD from AQUAMAN 2.
- 19 • Topic No. 2: The reasons for any release or termination of MS. HEARD from  
20 AQUAMAN 2.
- 21 • Topic No. 3: Any negotiations or communications with MS. HEARD or her agents  
22 regarding her release or termination from AQUAMAN 2.
- 23 • Topic No. 4: Any negotiations or communications with MS. HEARD or her agents  
24 regarding her compensation for AQUAMAN 2.
- 25 • Topic No. 5: All information regarding the decisions to cast and keep MS. HEARD in  
26 AQUAMAN 2.
- 27 • Topic No. 6: Any reduction in MS. HEARD’s role in AQUAMAN 2 as a result of  
28 negative publicity related to MR. DEPP.

- 1 • Topic No. 7: All reasons for any reduction in MS. HEARD’s role in AQUAMAN 2.
- 2 • Topic No. 8: The impact (if any) of publicity related to the relationship between MR.  
3 DEPP and MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.
- 4 • Topic No. 9: The impact (if any) of publicity surrounding any statements by MR.  
5 WALDMAN regarding MS. HEARD on whether to cast or release MS. HEARD from  
6 AQUAMAN 2.
- 7 • Topic No. 10: To the extent not covered by the preceding topics, the casting of MS.  
8 HEARD in AQUAMAN 2.
- 9 • Topic No. 11: Any creative concerns in continuing to cast MS. HEARD in  
10 AQUAMAN 2.
- 11 • Topic No. 12: Any creative concerns regarding MS. HEARD’s performance in the  
12 original AQUAMAN.
- 13 • Topic No. 13: All nonprivileged facts supporting the factual assertions contained in the  
14 letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3,  
15 2022, that “[a]ny delay in WBEI picking up Heard’s option for Aquaman 2 was due to  
16 creative issues in casting Ms. Heard[.]”
- 17 • Topic No. 14: All nonprivileged facts supporting the factual representations contained  
18 in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February  
19 3, 2022, that “[a]s WBEI communicated to Heard’s agent at the time, there were  
20 creative concerns with continuing to cast Heard in the role of Mera for Aquaman 2, the  
21 subject of which were communicated to Heard’s agent.”
- 22 • Topic No. 15: All nonprivileged facts supporting the factual representations contained  
23 in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February  
24 3, 2022, that “[a]s WBEI communicated to Heard’s agent at the time, there were  
25 creative concerns with continuing to cast Heard in the role of Mera for Aquaman 2, the  
26 subject of which were communicated to Heard’s agent.”
- 27 • Topic No. 16: All nonprivileged facts supporting the factual representations contained  
28 in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February

1 3, 2022, that “WBEI would not have paid Heard more money on Aquaman 2[.]”

- 2 • Topic No. 17: All nonprivileged facts supporting the factual representations contained  
3 in the letter from YOUR counsel to counsel for Mr. Depp and Ms. Heard on February  
4 3, 2022, that “[a]ny delay in picking up Heard’s option for Aquaman 2 was not due to  
5 Heard’s dispute with Depp or any of the allegations in this lawsuit.”

6 It is requested that the Motion be denied in its entirety and that compliance with the  
7 Subpoenas be directed (at minimum) in conformity with the revised scope of Mr. Depp’s amended  
8 subpoena on the topics listed above, all of which are clearly relevant and appropriate to exploring  
9 and establishing Ms. Heard’s complete lack of damages. Though WBEI’s arguments that it  
10 should not have to produce documents are frivolous, Mr. Depp is not seeking documents at this  
11 time – merely a short deposition. (Moniz Decl. at ¶ 19.)

12 3. ARGUMENT

13 A. WBEI’s Arguments Based On Relevance Are Frivolous

14 Incredibly, WBEI’s Motion is primarily based on relevance. WBEI argues that its  
15 deposition is not relevant, and that it is “harassment” for Mr. Depp to seek a deposition of WBEI  
16 “to obtain discovery pertaining to completely undisputed facts.” As WBEI knows quite well, its  
17 arguments are specious and blatantly misleading. In the first place, *as WBEI’s counsel well*  
18 *knows*, Ms. Heard’s stipulation was unacceptable, and the deposition of WBEI does *not* relate to  
19 “undisputed” facts. Quite the contrary, it relates to matters that are very much in dispute –  
20 whether Ms. Heard’s career prospects were harmed by the Counterclaim Statements. [REDACTED]

21 [REDACTED]  
22 [REDACTED]  
23 Moreover, and more fundamentally, the relevance and appropriateness of a deposition of  
24 WBEI under the circumstances of this case could not be clearer. Ms. Heard is alleging \$100  
25 million in damages to her career. Her relationship with WBEI and role in the *Aquaman 2* project  
26 are directly at issue. Under these circumstances, Mr. Depp’s right to take discovery from WBEI is  
27 not a close call. The scope of discovery in California is broad. As set forth in Code of Civil  
28 Procedure § 2017.010, “any party may obtain discovery regarding any matter, not privileged, that

1 is relevant to the subject matter involved in the pending action” or “reasonably calculated to lead  
2 to the discovery of admissible evidence.” Moreover, California courts give the discovery statutes a  
3 “liberal construction,” so as to uphold the right to discovery whenever possible. *See, e.g., Davies*  
4 *v. Superior Court* (1984) 36 Cal.3d 291, 299; *Greyhound Corp. v. Superior Court* (1961) 56  
5 Cal.2d 355, 357. Information will be found relevant to the subject matter if it “might reasonably  
6 assist a party in evaluating the case, preparing for trial, or facilitating settlement.” *Jessen v.*  
7 *Hartford Cas. Ins. Co.* (2003) 111 Cal. App. 4th 698, 711-712.

8 Here, the proposed deposition topics are all appropriately tailored to the issues in this  
9 action, and are directly relevant. For instance, [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED] So,  
13 Mr. Depp seeks to explore at deposition whether there was any delay or other controversy in  
14 casting Ms. Heard in *Aquaman 2*, and if so, the reasons. Similarly, [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 Mr. Depp seeks to explore at deposition the reasons for a reduction in Ms. Heard’s role, if any.

18 It is no answer for WBEI to argue that it should be entitled to submit a hearsay, un-cross-  
19 examined declaration instead of deposition testimony, since such a declaration would be useless at  
20 trial and would not enable Mr. Depp to fully explore the myriad issues involved through  
21 questioning a witness. Nor is it an answer for WBEI to argue that Ms. Heard has offered to  
22 eliminate *Aquaman 2* as an issue in this case—there is no agreement on that issue, and Mr. Depp  
23 is obviously entitled to explore in discovery and present evidence at trial that Ms. Heard has not  
24 suffered any adverse consequences as a result of the Counterclaim Statements. The fact that Ms.  
25 Heard has never been fired from *Aquaman 2* is directly relevant to the issue of damages. Mr. Depp  
26 is clearly entitled to explore the lack of damage to Ms. Heard’s involvement in *Aquaman 2* (not to  
27 mention any of WBEI’s creative concerns regarding casting her), since all of those issues are  
28 relevant to any damages analysis.

1 In short, the standard for discoverability is easily satisfied. Mr. Depp has no desire to  
2 unnecessarily burden a third party with discovery, and has bent over backwards to accommodate  
3 WBEI – but this deposition is vitally necessary, and WBEI’s apparent argument that the  
4 information sought does not meet the test for discoverability is not merely meritless but outright  
5 frivolous.

6 B. WBEI’s Arguments Based On Confidentiality Are Unfounded, And In Any Event  
7 The Discovery Sought Is Vitally Relevant And Outweighs Any Countervailing  
8 Considerations

9 As a fallback argument, WBEI argues – *with no supporting evidence whatsoever* – that  
10 the discovery sought implicates proprietary business information. This argument also offers no  
11 basis to refuse to produce a PMQ to testify regarding the narrowly tailored topics at issue.

12 First, WBEI has failed to meet its burden of establishing, as a threshold matter, that any  
13 confidential information is implicated. The initial burden falls to the party asserting a  
14 confidentiality interest in establishing the existence of that interest, which WBEI has failed to even  
15 attempt to do, beyond citing generic authorities on confidentiality in a two-paragraph argument in  
16 its brief. *See, e.g., Williams v. Superior Court* (2017) 3 Cal.5th 531, 556 (explaining that “Courts  
17 must instead place the burden on the party asserting a privacy interest to establish its extent and  
18 the seriousness of the prospective invasion, and against that showing must weigh the  
19 countervailing interests the opposing party identifies”). Indeed, WBEI identifies no specific  
20 confidential information that is at issue, nor does it present any evidence regarding the seriousness  
21 of any supposed invasion of privacy. And in any event, WBEI’s arguments are entirely  
22 speculative, since it has not yet been deposed and no questions have been posed to it.

23 Second, even if WBEI had met its initial burden (which it clearly has not), the information  
24 sought is not merely relevant, but directly so. Indeed, it is difficult to imagine more relevant or  
25 appropriately targeted discovery, given the nature of Ms. Heard’s allegations. Any confidentiality  
26 interest is far outweighed by Mr. Depp’s need for the information sought to prepare to dispute at  
27 trial Ms. Heard’s claim for \$100 million in damages. Deposing WBEI is the only reasonable

28 ///



1 course for Mr. Depp to take. And in any case, there is a Protective Order in effect in this action,  
2 and WBEI is free to designate its testimony as “Confidential” under the Protective Order.

3 C. WBEI Should Be Sanctioned

4 This Motion should never have been filed, and WBEI’s arguments are patently lacking in  
5 substantial (or any) justification. Pursuant to Code of Civil Procedure § 1987.2, “the court may in  
6 its discretion award the amount of the reasonable expenses incurred in making or opposing the  
7 motion [to quash], including reasonable attorney's fees, if the court finds the motion was made or  
8 opposed in bad faith or without substantial justification[.]” In addition, Code of Civil Procedure §  
9 2023.010(h) provides that “misuses of the discovery process include... making or opposing,  
10 unsuccessfully and without substantial justification, a motion to compel or to limit discovery.”  
11 And, to the extent that the Motion is characterized as a motion for protective order, Code of Civil  
12 Procedure § 2025.420(h) provides that “[t]he court shall impose a monetary sanction against any  
13 party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order,  
14 unless it finds that the one subject to the sanction acted with substantial justification or that other  
15 circumstances make the imposition of the sanction unjust.” The Motion is not supported by a  
16 single meritorious argument. Sanctions are appropriate and are requested in an amount no less  
17 than \$7,327.50. (Moniz Decl. at ¶ 20.)

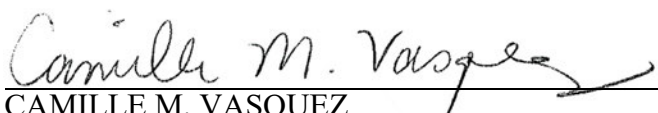
18 4. CONCLUSION

19 For all the foregoing reasons, Mr. Depp respectfully requests that the Motion be denied in  
20 its entirety; that WBEI be ordered to immediately produce its PMQ for deposition; and that WBEI  
21 be sanctioned in an amount sufficient to compensate Mr. Depp for the reasonable expense incurred  
22 in preparing this Opposition and supporting papers, in an amount no less than \$7,327.50.

23 DATED: February 22, 2022

Respectfully submitted,

BROWN RUDNICK LLP

24  
25  
26 By:   
27 CAMILLE M. VASQUEZ  
28 Attorneys for Plaintiff, JOHN C. DEPP, II



1           7.       Shortly thereafter, Ms. Heard was deposed in this action in January 2022. I was  
2 present during portions of Ms. Heard’s deposition, and following Ms. Heard’s testimony at  
3 deposition, and in view of other disclosures made by Ms. Heard in the case, it was determined by  
4 Mr. Depp’s counsel that a deposition of WBEI was needed.

5           8.       I contacted counsel for WBEI by email on January 17, 2022 to request a further  
6 meet and confer. I subsequently met and conferred telephonically with counsel for WBEI on or  
7 about January 19, 2022, and explained that following Ms. Heard’s deposition the determination  
8 had been made that Mr. Depp needed a short deposition of WBEI to prepare his case for trial.  
9 Counsel for WBEI indicated that she would consult internally and with her client and respond.

10          9.       I subsequently met and conferred telephonically with counsel for WBEI again on or  
11 about January 21, 2022. During either this call or the preceding call – I do not recall precisely  
12 which – counsel for WBEI proposed providing a declaration to confirm, in effect, that Ms. Heard  
13 had suffered no adverse consequences from WBEI as a result of any conduct by Mr. Depp, in lieu  
14 of deposition testimony. I responded that such a declaration would be insufficient, and likely  
15 would not be accepted as admissible by the Virginia Court.

16          10.      Also on January 21, 2022, I provided counsel for WBEI with a modified and  
17 narrowed list of proposed deposition topics and documents by email, with an offer for further  
18 discussion. A true and correct copy of my email of January 21, 2022 is attached as Exhibit 4. I  
19 subsequently followed up again with counsel for WBEI by email and was advised that WBEI was  
20 consulting with its client.

21          11.      On or about February 3, 2022, Ms. Cronin’s colleague Michael J. O’Connor, also  
22 counsel for WBEI, sent counsel for Mr. Depp and for Ms. Heard, by simultaneous email, a letter.  
23 I was copied on the transmission email. A copy of the February 3, 2022 letter was submitted as an  
24 attachment to WBEI’s moving papers, as Exhibit “E.”

25          12.      I responded the same day via email. A true and correct copy of my email response  
26 is attached as Exhibit 5.

27          13.      Presumably as a result of behind-the-scenes pressure by WBEI, Ms. Heard’s  
28 Virginia counsel subsequently offered a stipulation to eliminate *Aquaman 2* as an issue in the case.

1 However, Ms. Heard's proposed stipulation included conditions that were unacceptable to Mr.  
2 Depp, including a complete prohibition on mentioning *Aquaman 2* at trial. A true and correct  
3 copy of Ms. Heard's proposed stipulation is attached as Exhibit 6. Mr. Depp rejected Ms. Heard's  
4 stipulation.

5 14. On or about February 9, 2022, Ms. Heard served interrogatory responses. A true  
6 and correct copy of excerpts from Ms. Heard's interrogatory responses is attached as Exhibit 7.

7 15. On or about February 10, 2022, I met and conferred telephonically with Mr.  
8 O'Connor and Ms. Cronin. Also present from my office were my colleagues Camille M. Vasquez,  
9 and Benjamin G. Chew, lead trial counsel in the Virginia Action. During that call, I explained that  
10 Ms. Heard's conditions were unacceptable, and that a short deposition of WBEI was necessary.  
11 Counsel for WBEI stated words to the effect that Mr. Depp had been given a gift as a result of Ms.  
12 Heard's proposed stipulation, and that Mr. Depp and/or his counsel should be careful what we  
13 wished for. I interpreted counsel's statements to effectively be a threat that if forced to give a  
14 deposition WBEI would give testimony damaging or embarrassing to Mr. Depp. I responded by  
15 reiterating Mr. Depp's position that a deposition was needed and that WBEI had an obligation to  
16 respond to Mr. Depp's subpoena, but agreed to further explore a possible stipulation with Ms.  
17 Heard's counsel. I requested that in the meantime WBEI identify a PMQ and propose convenient  
18 dates for a short deposition.

19 16. My colleague Ms. Vasquez subsequently offered a counterproposal to Ms. Heard's  
20 stipulation. I have never seen a response from Ms. Heard's counsel to Ms. Vasquez's proposal.

21 17. I understand from Mr. Chew that on or about February 16, 2022, he received a  
22 telephone call from WBEI's chief counsel, Wayne Smith, urging Mr. Depp to abandon any  
23 deposition of WBEI, and warning that WBEI's representatives would say bad things about both  
24 Mr. Depp and Ms. Heard if a deposition took place. I further understand from Mr. Chew that  
25 WBEI's representatives warned that WBEI would move to quash.

26 18. On February 17, 2022, I received a final communication from WBEI's counsel  
27 advising me that WBEI would file a motion to quash if the Subpoenas were not withdrawn.  
28 I responded the same date, reiterating the appropriateness of Mr. Depp's discovery, and urging

1 counsel not to engage in motion practice. I received no response.

2 19. On February 22, 2022, Mr. Depp issued an amended subpoena seeking a deposition  
3 of WBEI, reflecting counsel's modified proposals for a narrowed deposition. It is requested that  
4 the Court direct WBEI to appear for deposition in conformity with the parameters of that amended  
5 subpoena, a copy of which is attached as Exhibit 8.

6 20. I spent no less than 6 hours preparing this Opposition and related papers. My  
7 billing rate is \$815 per hour. Leo J. Presiado is a partner in my office, whose billing rate is \$975  
8 per hour. I anticipate that Mr. Presiado will spend no less than 2.5 hours preparing for and  
9 appearing at the hearing on this Petition. Accordingly, sanctions are requested in an amount no  
10 less than \$7,327.50.

11 I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct.

13 Executed February 22, 2022, at Carmichael, California.

14   
15 SAMUEL A. MONIZ  
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# EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>BROWN RUDNICK LLP</b> LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377 SAMUEL A. MONIZ, #313274 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612 TELEPHONE NO.: (949) 752-7100 FAX NO.: (949) 252-1514 E-MAIL ADDRESS: lpresiado@brownrudnick.com /cvasquez@brownrudnick.com ATTORNEY FOR (Name): John C. Depp, II	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>  STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY, STATE, AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk	
Court in which action is pending: <b>Name of Court:</b> Circuit Court of Fairfax County STREET ADDRESS: 4110 Chain Bridge Road MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320 CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030 COUNTRY: United States	
PLAINTIFF/PETITIONER: John C. Depp, II  DEFENDANT/RESPONDENT: Amber Laura Heard	CALIFORNIA CASE NUMBER (if any assigned by court): <b>19STCP04763</b>
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS                  IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): <b>CL-2019-0002911</b>

**THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):**  
 Warner Bros. Entertainment Inc., c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700, Glendale, CA 91203

**1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To (name of deposition officer): First Legal Records On (date): January 10, 2022 <span style="float: right;">At (time): 10:00 a.m.</span> Location (address): 1511 Beverly Blvd., Los Angeles, CA 90026
<b>Do not release the requested records to the deposition officer prior to the date and time stated above.</b>

- a.  by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - b.  by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - c.  by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): See Attachment 3
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): See Attachment 4
- Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: John C. Depp, II	CASE NUMBER (of action pending outside California): CL-2019-0002911
DEFENDANT/RESPONDENT: Amber Laura Heard	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):  
See attached Fairfax County Circuit Court Subpoena

Continued on Attachment 6 (use form MC-025).

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: December 3, 2021

CAMILLE M. VASQUEZ  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ *Camille M. Vasquez*  
\_\_\_\_\_  
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for John C. Depp, II  
\_\_\_\_\_  
(TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records In Action Pending Outside California by personally delivering a copy to the person served as follows:

a. Person served (name):  
b. Address where served:

c. Date of delivery: d. Time of delivery:

e. Witness fees and mileage both ways (check one):

- (1)  were paid. Amount: .....\$ \_\_\_\_\_
- (2)  were not paid.
- (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_

f. Fee for service: .....\$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a.  Not a registered California process server
- b.  California sheriff or marshal
- c.  Registered California process server
- d.  Employee or independent contractor of a registered California process server
- e.  Exempt from registration under Business and Professions Code section 22350(b)
- f.  Registered professional photocopier
- g.  Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
▶ \_\_\_\_\_  
(SIGNATURE)

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date: \_\_\_\_\_  
▶ \_\_\_\_\_  
(SIGNATURE)



1 **ATTACHMENT 3**

2 **DEFINITIONS**

3 1. “YOU” and/or “YOUR” shall mean and refer to Warner Bros. Entertainment Inc.

4 2. “COMMUNICATION” and/or “COMMUNICATIONS” shall mean and refer to  
5 any written and/or verbal exchanges between any person or persons or entities, including but not  
6 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
7 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
8 written or verbal exchange, including applicable ELECTRONICALLY STORED  
9 INFORMATION.

10 3. “ELECTRONICALLY STORED INFORMATION” means data that is stored in an  
11 electronic medium and shall include, by way of example only, computer programs, electronic mail  
12 (including message contents, header information and logs of electronic mail usage), output  
13 resulting from the use of any software program, including electronic, digital, or any other recorded  
14 material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits,  
15 statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts,  
16 agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars,  
17 recordings and transcriptions of recordings, voice mail messages recorded electronically and in  
18 writing, email messages and printouts, photographs, diagrams, or any other writings, however  
19 produced or reproduced, word processing documents, spreadsheets, databases, telephone logs,  
20 contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files,  
21 batch files, ASCII files, and any and all miscellaneous files and data and shall include all active  
22 data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

23 4. “DEFAMATION ACTION” shall mean and refer to the action entitled *John C.*  
24 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
25 2019-0002911.

26 5. “DIVORCE ACTION” shall mean and refer to the action entitled *In re the*  
27 *Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case  
28 No. BD641052.



1 masculine gender shall be deemed to include the feminine, in order to bring within the scope any  
2 DOCUMENTS which might otherwise be construed to be outside the scope of these Requests.  
3 The terms, “and” and “or,” have both conjunctive and disjunctive meanings, and “each,” “any,”  
4 and “all” mean “each and every.”

5 14. All undefined terms shall be interpreted according to their plain and commonsense  
6 meaning.

7 15. DOCUMENTS should be produced as single page .tiff format files imaged at 300  
8 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide  
9 presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native  
10 format. Each .tiff file should have a unique name matching the Bates number labeled on the  
11 corresponding page. Color DOCUMENTS should be produced in color.

12 16. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an  
13 image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the  
14 corresponding image load file. The total number of documents referenced in a production’s data  
15 load file should match the total number of designated document breaks in the image load file for  
16 the production.

17 17. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
18 in the form of a .dat file. The metadata should include the following fields, to the extent such  
19 fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message

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Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained

File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

18. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

19. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term “control,” a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

20. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

21. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is

1 responsive or in a load file identifying the same.

2 22. A Request for a DOCUMENT shall be deemed to include a request for any and all  
3 file folders within which the DOCUMENT was contained, transmittal sheets, cover letters,  
4 exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

5 23. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of  
6 permissible discovery (including but not limited to any claim of privilege or confidentiality),  
7 specify in detail each and every ground on which such claim rests and identify generally what the  
8 document is. If you assert any claim of privilege, then at the time of production you are to furnish  
9 a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b)  
10 author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the  
11 DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such  
12 privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log  
13 should contain enough specificity, but without disclosing privileged information, to allow  
14 Plaintiffs and the Court to adequately assess the privilege claimed.

15 24. To the extent you consider any portion of the following Requests to be  
16 objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the  
17 nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of  
18 such Request that is not claimed to be objectionable.

19 25. If you believe that any Request is unclear, unintelligible, or because of its wording  
20 otherwise prevents you from responding fully to that Request, identify the ambiguity or source of  
21 confusion and explain the definition and understanding that you relied upon in responding. It shall  
22 be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or  
23 otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

24 26. Unless otherwise stated, the timeframe of these requests is January 1, 2010 through  
25 and including the present.

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1 **DOCUMENT REQUESTS**

2 **REQUEST NO. 1:**

3 All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity  
4 from the SUN CASE and/or the DEFAMATION ACTION on any of YOUR films, specifically  
5 including “Aquaman” or any sequel.

6 **REQUEST NO. 2:**

7 All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity  
8 related to any public statements about MS. HEARD by MR. DEPP or MR. WALDMAN on any of  
9 YOUR films, specifically including “Aquaman” or any sequel.

10 **REQUEST NO. 3:**

11 All DOCUMENTS and COMMUNICATIONS regarding MR. DEPP’s allegations of  
12 abuse against MS. HEARD.

13 **REQUEST NO. 4:**

14 All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD’s allegations of  
15 abuse against MR. DEPP.

16 **REQUEST NO. 5:**

17 All DOCUMENTS and COMMUNICATIONS concerning the casting of MS. HEARD in  
18 any film, including without limitation Aquaman or any sequel to Aquaman.

19 **REQUEST NO. 6:**

20 All DOCUMENTS and COMMUNICATIONS concerning any posts on Twitter or other  
21 public statements by MR. WALDMAN.

22 **REQUEST NO. 7:**

23 All DOCUMENTS that evidence or reflect any assessments or analysis by YOU of the  
24 impact of casting MS. HEARD on the commercial success of any films, including without  
25 limitation Aquaman.

26 **REQUEST NO. 8:**

27 DOCUMENTS sufficient to show the compensation paid to MS. HEARD for appearing in  
28 any films, including without limitation Aquaman and any sequel.

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**REQUEST NO. 9:**

All contracts with MS. HEARD or any entity acting on her behalf.

**REQUEST NO. 10:**

All DOCUMENTS and COMMUNICATIONS concerning any decision to cast or not cast MS. HEARD in any film, from January 1, 2010 through and including the present.

**REQUEST NO. 11:**

All DOCUMENTS and COMMUNICATIONS that contain, constitute, evidence, or reflect any assessment, analysis, or review of any performance given by MS. HEARD in any film, from January 1, 2010 through and including the present.

**REQUEST NO. 12:**

All DOCUMENTS and COMMUNICATIONS that evidence or reflect the role played by MS. HEARD in marketing, promoting, or otherwise publicizing any of YOUR films, including without limitation Aquaman and any sequel.



SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

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 ebredehoft@cbcbllaw.com  
 anadelhaft@cbcbllaw.com  
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Craig J. Mariam  
 Michael J. Dailey  
 Hazel Mae Pangan  
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 633 West Fifth Street, 52nd floor  
 Los Angeles, CA 90071  
 Telephone: (213) 576-5000  
 Facsimile: (877) 306-0043  
 cmariam@grsm.com  
 mdailey@grsm.com  
 hpangan@grsm.com  
 sroundsburg@grsm.com

*Counsel for Defendant and Counterclaim  
 Plaintiff Amber Laura Heard*

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1

(Add pages as required)

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1-4, 4-9

Case No.: CL-2019-0002911

FAIRFAX COUNTY CIRCUIT Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030-2000

COURT ADDRESS

JOHN C. DEPP, II

v./In re:

AMBER LAURA HEARD

FILED  
HEARING DATE AND TIME  
CIVIL PROCESSING

W/RECORD-22-011:01

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Warner Bros. Entertainment Inc.

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700

Glendale

STREET ADDRESS

CA

91203

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

See Attachment A

at First Legal Records, 1511 Beverly Blvd., Los Angeles, CA 90026 at January 10, 2022 at 10:00 a.m. PT

LOCATION

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

John C. Depp, II

PARTY NAME

Andrew C. Crawford

89093

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

601 Thirteenth Street, N.W., Suite 600

(202) 536-1700

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

Washington, DC 20005

(202) 536-1701

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

December 3, 2021

DATE ISSUED

*Andrew Crawford*  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

**This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
DATE .....	by ..... Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena duces tecum was e-mailed to all counsel of record for Amber Laura Heard on the 3rd day of December, 2021.

*Andrew Crawford*  
 \_\_\_\_\_  
 SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

1 **ATTACHMENT A**

2 **DEFINITIONS**

3 1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

4 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to  
5 any written and/or verbal exchanges between any person or persons or entities, including but not  
6 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
7 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
8 written or verbal exchange, including applicable ELECTRONICALLY STORED  
9 INFORMATION.

10 3. "ELECTRONICALLY STORED INFORMATION" means data that is stored in an  
11 electronic medium and shall include, by way of example only, computer programs, electronic mail  
12 (including message contents, header information and logs of electronic mail usage), output  
13 resulting from the use of any software program, including electronic, digital, or any other recorded  
14 material whatsoever, including but not limited to, any notes, memoranda, videotapes, affidavits,  
15 statements, papers, files, forms, data, tapes, printouts, letters, reports, communications, contracts,  
16 agreements, telegrams, records, financial records, applications, correspondence, diaries, calendars,  
17 recordings and transcriptions of recordings, voice mail messages recorded electronically and in  
18 writing, email messages and printouts, photographs, diagrams, or any other writings, however  
19 produced or reproduced, word processing documents, spreadsheets, databases, telephone logs,  
20 contact manager information, Internet usage files, PDF files, .JPG files, .TIF files, .TXT files,  
21 batch files, ASCII files, and any and all miscellaneous files and data and shall include all active  
22 data, deleted data, file fragments, metadata, native file formats and forensic images thereof.

23 4. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
24 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
25 2019-0002911.

26 5. "DIVORCE ACTION" shall mean and refer to the action entitled *In re the*  
27 *Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case  
28 No. BD641052.



1 masculine gender shall be deemed to include the feminine, in order to bring within the scope any  
2 DOCUMENTS which might otherwise be construed to be outside the scope of these Requests.  
3 The terms, “and” and “or,” have both conjunctive and disjunctive meanings, and “each,” “any,”  
4 and “all” mean “each and every.”

5 14. All undefined terms shall be interpreted according to their plain and commonsense  
6 meaning.

7 15. DOCUMENTS should be produced as single page .tiff format files imaged at 300  
8 dpi, with the exception of stand-alone Databases (e.g., Access), spreadsheets (e.g., Excel), slide  
9 presentations (e.g., PowerPoint), video files, and audio files, which should be produced in native  
10 format. Each .tiff file should have a unique name matching the Bates number labeled on the  
11 corresponding page. Color DOCUMENTS should be produced in color.

12 16. DOCUMENTS should be produced with (a) a delimited data file (.dat), and (b) an  
13 image load file (.opt and/or .lfp). Each .tiff in a production must be referenced in the  
14 corresponding image load file. The total number of documents referenced in a production’s data  
15 load file should match the total number of designated document breaks in the image load file for  
16 the production.

17 17. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
18 in the form of a .dat file. The metadata should include the following fields, to the extent such  
19 fields are available in the original DOCUMENT as it originally existed in its native format:

Field	Description
Bates_Begin	The bates label of the first page of the document
Bates_End	The bates label of the last page of the document
Attach_Begin	The bates label of the first page of a family of documents (e.g., email and attachment)
Attach_End	The bates label of the last page of a family of documents
Sent_Date	For email, the sent date of the message

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Sent_Time	For email, the sent time of the message converted to GMT
Email_Author	The sender of an email message (email FROM)
Recipient	The recipients of an email message (email TO)
CC	The recipients of a copy of an email message (email CC)
BCC	The recipients of a blind copy of an email message (email BCC)
Custodian	The custodian in whose file the document was found, including all duplicate custodians
Datercvd	Date received
Datesent	Date sent
Subject	E-mail subject
Author	The person who created the document
Modifier	The person who last modified the document
Created	The creation date of the document
Last_Modified	The last modified date of the document
Title	The title of the document
File_Name	The name of the file
File_Extension	The file extension of the document
MD5Hash	The MD5 Hash Value of the document
Message_ID	The Message ID of the email and/or attachment
Mailstore	The name of the Mailstore in which the email and/or attachment is contained

File_Size	The size of the file
File_Path	Original file path of the document as it existed in the normal course of business or the folder location if the document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

18. All DOCUMENTS attached to and/or embedded in an e-mail and/or other DOCUMENT must be produced contemporaneously and sequentially after the parent e-mail/document.

19. In producing DOCUMENTS, you shall furnish all DOCUMENTS in your possession, custody, or control. Without limitation of the term "control," a DOCUMENT is deemed to be in your control if you have the right to secure the DOCUMENT or a copy thereof from another person or public or private entity having actual possession thereof, or if you have the practical ability to obtain the DOCUMENT from a third-party, irrespective of any legal entitlement to the DOCUMENT. If any original DOCUMENT requested is not in your possession, custody, or control, then you are required to produce the best available copy, and to state, to the best of your knowledge, the name and address of the person in possession and/or control of the original. The fact that a DOCUMENT is in possession of another person or entity does not relieve you of the obligation to produce your copy of the DOCUMENT, even if the two DOCUMENTS are identical. In addition, any copy of a DOCUMENT shall be produced if it differs in any respect from the original (e.g., by reason of handwritten notes or comments having been added to copy which do not appear on the original or otherwise).

20. If responsive DOCUMENTS no longer exist because they have been destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control, identify each DOCUMENT and describe the circumstances under which it was lost or destroyed.

21. All DOCUMENTS should be organized and labeled to correspond by number with the numbered categories set forth in these Requests. If a DOCUMENT is responsive to more than one Request, reference that DOCUMENT in your written response to each Request to which it is



1 responsive or in a load file identifying the same.

2 22. A Request for a DOCUMENT shall be deemed to include a request for any and all  
3 file folders within which the DOCUMENT was contained, transmittal sheets, cover letters,  
4 exhibits, enclosures, or attachments to the DOCUMENT in addition to the DOCUMENT itself.

5 23. If you claim that any DOCUMENT is, in whole or in part, beyond the scope of  
6 permissible discovery (including but not limited to any claim of privilege or confidentiality),  
7 specify in detail each and every ground on which such claim rests and identify generally what the  
8 document is. If you assert any claim of privilege, then at the time of production you are to furnish  
9 a privilege log that specifically identifies each DOCUMENT (or portion) withheld by (a) date, (b)  
10 author, (c) recipient, (d) persons copied, (e) general description of the subject matter of the  
11 DOCUMENT, and (f) a statement of the specific privilege claimed and the basis upon which such  
12 privilege is claimed as to each separate DOCUMENT (or portion) withheld. The privilege log  
13 should contain enough specificity, but without disclosing privileged information, to allow  
14 Plaintiffs and the Court to adequately assess the privilege claimed.

15 24. To the extent you consider any portion of the following Requests to be  
16 objectionable, (a) identify the portion of the Request claimed to be objectionable, (b) state the  
17 nature and basis of the objection, and (c) produce DOCUMENTS responsive to any portion of  
18 such Request that is not claimed to be objectionable.

19 25. If you believe that any Request is unclear, unintelligible, or because of its wording  
20 otherwise prevents you from responding fully to that Request, identify the ambiguity or source of  
21 confusion and explain the definition and understanding that you relied upon in responding. It shall  
22 be insufficient to object to a particular Request on the grounds that it is vague, ambiguous, or  
23 otherwise unclear, and withhold DOCUMENTS on that basis without seeking clarification.

24 26. Unless otherwise stated, the timeframe of these requests is January 1, 2010 through  
25 and including the present.

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1 **DOCUMENT REQUESTS**

2 **REQUEST NO. 1:**

3 All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity  
4 from the SUN CASE and/or the DEFAMATION ACTION on any of YOUR films, specifically  
5 including “Aquaman” or any sequel.

6 **REQUEST NO. 2:**

7 All DOCUMENTS and COMMUNICATIONS concerning the impact of any publicity  
8 related to any public statements about MS. HEARD by MR. DEPP or MR. WALDMAN on any of  
9 YOUR films, specifically including “Aquaman” or any sequel.

10 **REQUEST NO. 3:**

11 All DOCUMENTS and COMMUNICATIONS regarding MR. DEPP’s allegations of  
12 abuse against MS. HEARD.

13 **REQUEST NO. 4:**

14 All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD’s allegations of  
15 abuse against MR. DEPP.

16 **REQUEST NO. 5:**

17 All DOCUMENTS and COMMUNICATIONS concerning the casting of MS. HEARD in  
18 any film, including without limitation Aquaman or any sequel to Aquaman.

19 **REQUEST NO. 6:**

20 All DOCUMENTS and COMMUNICATIONS concerning any posts on Twitter or other  
21 public statements by MR. WALDMAN.

22 **REQUEST NO. 7:**

23 All DOCUMENTS that evidence or reflect any assessments or analysis by YOU of the  
24 impact of casting MS. HEARD on the commercial success of any films, including without  
25 limitation Aquaman.

26 **REQUEST NO. 8:**

27 DOCUMENTS sufficient to show the compensation paid to MS. HEARD for appearing in  
28 any films, including without limitation Aquaman and any sequel.

1 **REQUEST NO. 9:**

2 All contracts with MS. HEARD or any entity acting on her behalf.

3 **REQUEST NO. 10:**

4 All DOCUMENTS and COMMUNICATIONS concerning any decision to cast or not cast  
5 MS. HEARD in any film, from January 1, 2010 through and including the present.

6 **REQUEST NO. 11:**

7 All DOCUMENTS and COMMUNICATIONS that contain, constitute, evidence, or reflect  
8 any assessment, analysis, or review of any performance given by MS. HEARD in any film, from  
9 January 1, 2010 through and including the present.

10 **REQUEST NO. 12:**

11 All DOCUMENTS and COMMUNICATIONS that evidence or reflect the role played by  
12 MS. HEARD in marketing, promoting, or otherwise publicizing any of YOUR films, including  
13 without limitation Aquaman and any sequel.

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# EXHIBIT 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>BROWN RUDNICK LLP</b> <b>LEO J. PRESIADO, #166721 / CAMILLE M. VASQUEZ, #273377</b> <b>SAMUEL A. MONIZ, #313274</b> 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612 TELEPHONE NO.: (949) 752-7100 FAX NO. (Optional): (949) 252-1514 E-MAIL ADDRESS (Optional): lpresiado@brownrudnick.com/cvasquez@brownrudnick.com ATTORNEY FOR (Name): John C. Depp, II	<b>FOR COURT USE ONLY</b>
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk	
Court in which action is pending: <b>Name of Court:</b> Circuit Court of Fairfax County STREET ADDRESS: 4110 Chain Bridge Road MAILING ADDRESS: 4110 Chain Bridge Road, Suite 320 CITY, STATE, AND ZIP CODE: Fairfax, Virginia 22030 COUNTRY: United States	
PLAINTIFF/PETITIONER: John C. Depp, II DEFENDANT/RESPONDENT: Amber Laura Heard	CALIFORNIA CASE NUMBER (if any assigned by court): 19STCP04763
<b>DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): CL-2019-0002911

**THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):**

Person Most Qualified at Warner Bros. Entertainment Inc., c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700, Glendale, CA 91203

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in the action specified above at the following date, time, and place:**

Date: January 28, 2022	Time: 10:00 a.m.	Address: 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference
---------------------------	---------------------	---

- a.  As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)
- b. This deposition will be recorded stenographically  through the instant visual display of testimony and by  audiotape  videotape.
2.  If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

See Attachment 2

 Continued on Attachment 2 (use form MC-025).

3. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):

See Attachment 3

 Continued on Attachment 3 (use form MC-025).

PLAINTIFF/PETITIONER: John C. Depp, II	CASE NUMBER (of action pending outside California): CL-2019-0002911
DEFENDANT/RESPONDENT: Amber Laura Heard	

4.  Other terms or provisions from out-of-state subpoena, if any (*specify*):  
See attached Fairfax County Circuit Court Subpoena

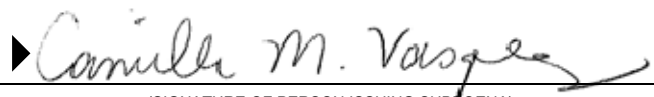
Continued on Attachment 4 (*use form MC-025*).

5. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: November 3, 2021

CAMILLE M. VASQUEZ  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
 Attorney for John C. Depp, II  
 \_\_\_\_\_  
 (TITLE)

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE**

1. I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:

- a. Person served
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees and mileage both ways (*check one*):
  - (1)  were paid. Amount: ..... \$ \_\_\_\_\_
  - (2)  were not paid.
  - (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ \_\_\_\_\_
- f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (*date*):

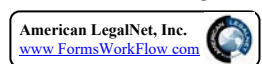
3. Person serving:
- a.  Not a registered California process server
  - b.  California sheriff or marshal
  - c.  Registered California process server
  - d.  Employee or independent contractor of a registered California process server
  - e.  Exempt from registration under Business and Professions Code section 22350(b)
  - f. Name, address, telephone number, and, if applicable, county of registration and number:

**I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**(For California sheriff or marshal use only)**  
**I certify** that the foregoing is true and correct.

Date:  
 \_\_\_\_\_  
 (SIGNATURE)

Date:  
 \_\_\_\_\_  
 (SIGNATURE)



1 **ATTACHMENT 2**

2 **DEFINITIONS**

3 1. “YOU” and/or “YOUR” shall mean and refer to Warner Bros. Entertainment Inc.

4 2. “COMMUNICATION” and/or “COMMUNICATIONS” shall mean and refer to  
5 any written and/or verbal exchanges between any person or persons or entities, including but not  
6 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
7 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
8 written or verbal exchange.

9 3. “DEFAMATION ACTION” shall mean and refer to the action entitled *John C.*  
10 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
11 2019-0002911.

12 4. “MR. DEPP” means and refers to Plaintiff John C. Depp, II.

13 5. “MS. HEARD” means and refers to Defendant Amber Laura Heard.

14 6. “OP-ED” means and refers to the op-ed authored by MS. HEARD and published in  
15 *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the  
16 DEFAMATION ACTION.

17 7. “PERSON” and/or “PERSONS” shall be broadly construed to include all natural  
18 and artificial persons.

19 8. “THE SUN CASE” shall mean and refer to the action entitled *John Christopher*  
20 *Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen’s  
21 Bench Division Media and Communications List, Claim No. QB-2018-006323.

22 9. “MR. WALDMAN” shall mean and refer to Adam Waldman.

23 **PERSON MOST QUALIFIED DESCRIPTIONS**

24  
25 YOU hereby requested and required to designate and produce those of YOUR officers,  
26 directors, managing agents, employees, or other agents who are most qualified to testify on YOUR  
27 behalf as to the following subjects:

28 ///

1 **REQUEST NO. 1:**

2 The decision to cast MS. HEARD in “Aquaman.”

3 **REQUEST NO. 2:**

4 The decision to cast (or not cast) MS. HEARD in any sequel to “Aquaman.”

5 **REQUEST NO. 3:**

6 The decision to cast (or not cast) MS. HEARD in any other film.

7 **REQUEST NO. 4:**

8 All YOUR internal and external COMMUNICATIONS regarding any posts on Twitter by  
9 MR. WALDMAN.

10 **REQUEST NO. 5:**

11 All YOUR internal and external COMMUNICATIONS regarding MR. WALDMAN.

12 **REQUEST NO. 6:**

13 Any actions YOU have taken in response to any publicity related to the SUN CASE.

14 **REQUEST NO. 7:**

15 Any actions YOU have taken in response to any publicity related to the DEFAMATION  
16 ACTION.

17 **REQUEST NO. 8:**

18 Any actions YOU have taken in response to any publicity related to the OP-ED.

19 **REQUEST NO. 9:**

20 Any actions YOU have taken in response to any publicity related to any public statements  
21 by MR. DEPP and/or MR. WALDMAN concerning MS. HEARD.

22 **REQUEST NO. 10:**

23 MS. HEARD’s compensation from “Aquaman.”

24 **REQUEST NO. 11:**

25 MS. HEARD’s anticipated compensation from any sequel to “Aquaman.”

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1 **REQUEST NO. 12:**

2 All negotiations or other COMMUNICATIONS between YOU, on the one hand, and MS.  
3 HEARD, her agents, attorneys, or other representatives, on the other hand, related to MR. DEPP  
4 or MR. WALDMAN.

5 **REQUEST NO. 13:**

6 Any assessments or analysis by YOU of the impact of casting MS. HEARD on the  
7 commercial success of any films, including without limitation Aquaman.

8 **REQUEST NO. 14:**

9 Any assessments, analysis, or review of the quality of any performance(s) given by MS.  
10 HEARD in any films, including without limitation Aquaman.

11 **REQUEST NO. 15:**

12 YOUR efforts to market, promote, or publicize Aquaman or any sequel to Aquaman,  
13 specifically including the role played or to be played by MS. HEARD.

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SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
---	---------------------------------

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

Benjamin G. Chew  
Andrew C. Crawford  
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*Counsel for Plaintiff and Counterclaim  
Defendant John C. Depp, II*

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Roanoke, VA 24011  
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brottenborn@woodsrogers.com  
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633 West Fifth Street, 52nd floor  
Los Angeles, CA 90071  
Telephone: (213) 576-5000  
Facsimile: (877) 306-0043  
cmariam@grsm.com  
mdailey@grsm.com  
hpangan@grsm.com  
sroundsburg@grsm.com

*Counsel for Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1

(Add pages as required)

**SUBPOENA FOR WITNESS (CIVIL) –  
ATTORNEY ISSUED**

Commonwealth of Virginia  
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. CL-2019-0002911

FILED  
CIVIL PROCESSING

HEARING DATE AND TIME

701 SEP 3 P 12 02

FAIRFAX COUNTY CIRCUIT

Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030

ADDRESS OF COURT

FILED  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

JOHN C. DEPP, II

v./In re:

AMBER LAURA HEARD

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Person Most Qualified at Warner Bros. Entertainment Inc.

NAME

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700

STREET ADDRESS

Glendale

CA

91203

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to appear

[ ] in the \_\_\_\_\_ Court

[X] at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference

ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on January 28, 2022 at 10:00 a.m. PT to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

John C. Depp, II

PARTY NAME

Andrew C. Crawford

89093

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

601 Thirteenth Street, N.W., Suite 600

(202) 536-1700

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

Washington, DC 20005

(202) 536-1701

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

November 3, 2021

*Andrew Crawford*

DATE ISSUED

SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

**[X] This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: ..... .....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	....., Sheriff
..... DATE	By ....., Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena for witness was e-mailed DELIVERY METHOD to all counsel of record for Amber Laura Heard, on the 3rd day of November, 2021.

Andrew Crawford  
SIGNATURE OF ATTORNEY

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD

Defendant and Counterclaim Plaintiff.

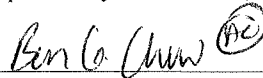
Civil Action No.: CL-2019-0002911

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that the Plaintiff and Counterclaim Defendant, by and through his counsel, pursuant to the Rules of the Supreme Court of Virginia, will take the deposition upon oral examination of Person Most Qualified at Warner Bros. Entertainment Inc., beginning at 10:00 a.m. on January 28, 2022, to be continued further from day to day, if necessary, until completed. The deposition will be held at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference, before a court reporter or other person authorized to administer oaths within the State of California. The examination, taken by stenographic and audio-visual means, will be for the purposes of discovery, trial, and/or any other purpose permitted by law.

Dated: November 3, 2021

Respectfully submitted,

 (Handwritten signature of Benjamin G. Chew)

Benjamin G. Chew (VSB No. 29113)  
Andrew C. Crawford (VSB No. 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005

Telephone: (202) 536-1700  
Facsimile: (202) 536-1701  
bchew@brownrudnick.com  
acrawford@brownrudnick.com

Leo J. Presiado (*pro hac vice*)  
Camille M. Vasquez (*pro hac vice*)  
Samuel A. Moniz (*pro hac vice*)  
BROWN RUDNICK, LLP  
2211 Michelson Drive, Seventh Floor  
Irvine, CA 92612  
Phone: (949) 752-7100  
Fax: (949) 252-1514  
lpresiado@brownrudnick.com  
cvasquez@brownrudnick.com  
smoniz@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)  
BROWN RUDNICK LLP  
7 Times Square  
New York, New York 10036  
Phone: (212) 209-4938  
Fax: (212) 209-4801  
jmeyers@brownrudnick.com

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


**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn  
Joshua R. Treece  
WOODS ROGERS PLC  
10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, VA 24011  
Telephone: (540) 983-7540  
brottenborn@woodsrogers.com  
jtreece@woodsrogers.com

Elaine Charlson Bredehoft  
Adam S. Nadelhaft  
Clarissa K. Pintado  
David E. Murphy  
Charlson Bredehoft Cohen & Brown, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
Telephone: (703) 318-6800  
Facsimile: (703) 318-6808  
ebredehoft@cbcblaw.com  
anadelhaft@cbcblaw.com  
cpintado@cbcblaw.com  
dmurphy@cbcblaw.com

*Counsel for Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

  
\_\_\_\_\_  
Andrew C. Crawford (VSB No. 89093)

1 ATTACHMENT A

2 DEFINITIONS

3 1. "YOU" and/or "YOUR" shall mean and refer to Warner Bros. Entertainment Inc.

4 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to  
5 any written and/or verbal exchanges between any person or persons or entities, including but not  
6 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
7 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
8 written or verbal exchange.

9 3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
10 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
11 2019-0002911.

12 4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

13 5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

14 6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in  
15 *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the  
16 DEFAMATION ACTION.

17 7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural  
18 and artificial persons.

19 8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher*  
20 *Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's  
21 Bench Division Media and Communications List, Claim No. QB-2018-006323.

22 9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

23 PERSON MOST QUALIFIED DESCRIPTIONS

24  
25 YOU hereby requested and required to designate and produce those of YOUR officers,  
26 directors, managing agents, employees, or other agents who are most qualified to testify on YOUR  
27 behalf as to the following subjects:

28 ///



1 **REQUEST NO. 1:**

2 The decision to cast MS. HEARD in “Aquaman.”

3 **REQUEST NO. 2:**

4 The decision to cast (or not cast) MS. HEARD in any sequel to “Aquaman.”

5 **REQUEST NO. 3:**

6 The decision to cast (or not cast) MS. HEARD in any other film.

7 **REQUEST NO. 4:**

8 All YOUR internal and external COMMUNICATIONS regarding any posts on Twitter by  
9 MR. WALDMAN.

10 **REQUEST NO. 5:**

11 All YOUR internal and external COMMUNICATIONS regarding MR. WALDMAN.

12 **REQUEST NO. 6:**

13 Any actions YOU have taken in response to any publicity related to the SUN CASE.

14 **REQUEST NO. 7:**

15 Any actions YOU have taken in response to any publicity related to the DEFAMATION  
16 ACTION.

17 **REQUEST NO. 8:**

18 Any actions YOU have taken in response to any publicity related to the OP-ED.

19 **REQUEST NO. 9:**

20 Any actions YOU have taken in response to any publicity related to any public statements  
21 by MR. DEPP and/or MR. WALDMAN concerning MS. HEARD.

22 **REQUEST NO. 10:**

23 MS. HEARD’s compensation from “Aquaman.”

24 **REQUEST NO. 11:**

25 MS. HEARD’s anticipated compensation from any sequel to “Aquaman.”

26 ///

27 ///

28 ///

1 **REQUEST NO. 12:**

2 All negotiations or other COMMUNICATIONS between YOU, on the one hand, and MS.  
3 HEARD, her agents, attorneys, or other representatives, on the other hand, related to MR. DEPP  
4 or MR. WALDMAN.

5 **REQUEST NO. 13:**

6 Any assessments or analysis by YOU of the impact of casting MS. HEARD on the  
7 commercial success of any films, including without limitation Aquaman.

8 **REQUEST NO. 14:**

9 Any assessments, analysis, or review of the quality of any performance(s) given by MS.  
10 HEARD in any films, including without limitation Aquaman.

11 **REQUEST NO. 15:**

12 YOUR efforts to market, promote, or publicize Aquaman or any sequel to Aquaman,  
13 specifically including the role played or to be played by MS. HEARD.

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23  
24  
25  
26  
27  
28

# EXHIBIT 3

CONDITIONALLY UNDER SEAL

# EXHIBIT 4

**From:** [Moniz, Samuel A.](#)  
**To:** [Cronin, Sarah L.](#)  
**Cc:** [Vasquez, Camille M.](#); [Calnan, Stephanie](#); [Udenka, Honieh](#); [O'Connor, Michael J.](#); [Diamond, Sarah E.](#)  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.  
**Date:** Friday, January 21, 2022 11:49:05 AM

---

Thanks, Sarah.

As discussed, I'm setting forth below the basic parameters of what I think we're looking for from a Warner Bros. PMK (subject to further revision/discussion):

- Any internal discussions at Warner Bros. as to whether to release or terminate Ms. Heard from Aquaman 2;
- The reasons for any release or termination of Ms. Heard from Aquaman 2;
- Any negotiations or communications with Ms. Heard or her agents regarding her release or termination from Aquaman 2;
- Any negotiations or communications with Ms. Heard or her agents regarding her compensation for Aquaman 2;
- The decision to keep Ms. Heard in Aquaman 2;
- Any reduction in Ms. Heard's role in Aquaman 2 as a result of negative publicity related to Mr. Depp;
- The impact (if any) of publicity surrounding the Depp/Heard relationship and litigations on whether to cast or release Ms. Heard from Aquaman 2; and
- The impact (if any) of publicity surrounding any statements by Adam Waldman regarding Ms. Heard on whether to cast or release Ms. Heard from Aquaman 2.

Of course, we're happy to further discuss.

Thanks,  
Sam



**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Cronin, Sarah L. <SLCronin@Venable.com>  
**Sent:** Friday, January 21, 2022 8:30 AM  
**To:** Moniz, Samuel A. <SMoniz@brownrudnick.com>  
**Cc:** Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor,

Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**CAUTION: External E-mail. Use caution accessing links or attachments.**

---

Your call-in number works, I will call-in at 3 p.m. today

Sarah L. Cronin, Esq. | Partner | Venable LLP  
t 310.229.0391 | f 310.229.9901 | m 415.302.0611  
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

[SLCronin@Venable.com](mailto:SLCronin@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Sent:** Thursday, January 20, 2022 9:53 PM  
**To:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <[SEDiamond@Venable.com](mailto:SEDiamond@Venable.com)>  
**Subject:** Re: Depp v. Heard - subpoenas to Warner Bros.

**Caution: External Email**

Thanks, Sarah. We can use my call in number, but feel free to send a zoom link if you prefer.

On Jan 20, 2022, at 9:54 AM, Cronin, Sarah L. <[SLCronin@venable.com](mailto:SLCronin@venable.com)> wrote:

**CAUTION: External E-mail. Use caution accessing links or attachments.**

---

3 p.m. tomorrow works for me. I can circulate a Zoom link, or happy to use your conference line.

Sarah L. Cronin, Esq. | Partner | Venable LLP  
t 310.229.0391 | f 310.229.9901 | m 415.302.0611  
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

[SLCronin@Venable.com](mailto:SLCronin@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Sent:** Thursday, January 20, 2022 9:47 AM  
**To:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>

O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>

**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**Caution: External Email**

Sarah, how about tomorrow afternoon, maybe around 3? I'll send you a summary of what we're focused on today or tomorrow morning.

<image001.jpg>

**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Cronin, Sarah L. <SLCronin@Venable.com>

**Sent:** Thursday, January 20, 2022 9:46 AM

**To:** Moniz, Samuel A. <SMoniz@brownrudnick.com>

**Cc:** Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; O'Connor, Michael J. <MJO'Connor@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>

**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**CAUTION: External E-mail. Use caution accessing links or attachments.**

---

Sam, we had two quick follow up questions after yesterday's call. Are you available today or tomorrow for a quick call? Also, please send those categories of testimony and documents regarding Aquaman II that you referred to yesterday.

Best regards,

Sarah

Sarah L. Cronin, Esq. | Partner | Venable LLP  
t 310.229.0391 | f 310.229.9901 | m 415.302.0611  
2049 Century Park East, Suite 2300, Los Angeles, CA 90067



[SLCronin@Venable.com](mailto:SLCronin@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Sent:** Tuesday, January 18, 2022 10:46 AM  
**To:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; O'Connor, Michael J. <[MJO'Connor@Venable.com](mailto:MJO'Connor@Venable.com)>; Diamond, Sarah E. <[SEDiamond@Venable.com](mailto:SEDiamond@Venable.com)>  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**Caution: External Email**

That works. Thanks. I'll send around a call invite.

<image001.jpg>

**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Sent:** Tuesday, January 18, 2022 10:45 AM  
**To:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; O'Connor, Michael J. <[MJO'Connor@Venable.com](mailto:MJO'Connor@Venable.com)>; Diamond, Sarah E. <[SEDiamond@Venable.com](mailto:SEDiamond@Venable.com)>  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**CAUTION: External E-mail. Use caution accessing links or attachments.**

---

I could do 1:30 p.m. tomorrow. Does that work for you?

Sarah L. Cronin, Esq. | Partner | Venable LLP  
t 310.229.0391 | f 310.229.9901 | m 415.302.0611  
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

[SLCronin@Venable.com](mailto:SLCronin@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Sent:** Tuesday, January 18, 2022 9:40 AM  
**To:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; O'Connor, Michael J. <[MJO'Connor@Venable.com](mailto:MJO'Connor@Venable.com)>; Diamond, Sarah E. <[SEDiamond@Venable.com](mailto:SEDiamond@Venable.com)>  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**Caution: External Email**

Thanks, Sarah. How about tomorrow afternoon around 1?

<image001.jpg>

**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Sent:** Tuesday, January 18, 2022 8:50 AM  
**To:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>; Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>; Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>; O'Connor, Michael J. <[MJO'Connor@Venable.com](mailto:MJO'Connor@Venable.com)>; Diamond, Sarah E. <[SEDiamond@Venable.com](mailto:SEDiamond@Venable.com)>  
**Subject:** RE: Depp v. Heard - subpoenas to Warner Bros.

**CAUTION: External E-mail. Use caution accessing links or attachments.**

---

Sam, I can do a call this afternoon or tomorrow afternoon. I am also generally free on Thursday.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Moniz, Samuel A. <[SMoniz@brownrudnick.com](mailto:SMoniz@brownrudnick.com)>  
**Date:** Monday, Jan 17, 2022, 11:24 AM  
**To:** Cronin, Sarah L. <[SLCronin@Venable.com](mailto:SLCronin@Venable.com)>  
**Cc:** Vasquez, Camille M. <[CVasquez@brownrudnick.com](mailto:CVasquez@brownrudnick.com)>, Calnan, Stephanie <[SCalnan@brownrudnick.com](mailto:SCalnan@brownrudnick.com)>, Udenka, Honieh <[HUdenka@brownrudnick.com](mailto:HUdenka@brownrudnick.com)>  
**Subject:** Depp v. Heard - subpoenas to Warner Bros.

**Caution: External Email**

Sarah,

I hope you're doing well. Please let me know a convenient time this week for a call to discuss our position on the subpoenas to Warner Bros. following Ms. Heard's deposition last week.

Thank you,  
Sam

<image001.jpg>

**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

\*\*\*\*\*

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To the extent Brown Rudnick is a "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) 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 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 when and how we intend to transfer it outside the European Economic Area.

\*\*\*\*\*

\*\*\*\*\*  
\*\*\*\*\*  
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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 "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) 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 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 when and how we intend to transfer it outside the European Economic Area.

\*\*\*\*\*  
\*\*\*\*\*  
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This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.  
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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 "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) 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 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 when and how we intend to transfer it outside the European Economic Area.

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This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

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\*\*\*\*\*

\*\*\*\*\*

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\*\*\*\*\*

# EXHIBIT 5

**From:** [Moniz, Samuel A.](#)  
**To:** [O'Connor, Michael J.](#); [Cronin, Sarah L.](#); [Diamond, Sarah E.](#)  
**Cc:** [Presiado, Leo J.](#); [Vasquez, Camille M.](#); [Udenka, Honieh](#); [Messiha, Tess M.](#); [Suda, Casey](#); [Chew, Benjamin G.](#)  
**Subject:** FW: Depp v. Heard - Warner Bros. Deposition  
**Date:** Thursday, February 3, 2022 12:55:53 PM

---

Mr. O'Connor,

We are in receipt of your letter today requesting that Warner Bros. proceed by declaration in lieu of deposition testimony. We fully appreciate your client's status as a third party, and have no wish to cause unnecessary expense or inconvenience. In light of the content of your letter, we will consider whether we can further narrow or withdraw some of our document requests, and we are open to further refinement of the deposition topics we have proposed. However, based on our understanding of Ms. Heard's contentions in this action, we believe evidence from Warner Bros. is essential to prepare our case for trial and to address Ms. Heard's anticipated contention at trial that she has suffered substantial monetary damages as a result of conduct she seeks to attribute to Mr. Depp. Moreover, we do not believe that the declaration you propose would be accepted as admissible by the Court in Virginia, particularly in the absence of any cross examination of the declarant. Under the circumstances, and absent a withdrawal by Ms. Heard of her damages claims and her stipulation to the facts stated in your letter – which I do not anticipate will be forthcoming – we unfortunately see no alternative but to proceed with the deposition.

With that said, we will do whatever we can to accommodate your client, including setting the deposition by Zoom on a mutually convenient date. Given the content of your letter, I would expect it to be a short, straightforward deposition.

Please propose some dates in the next few weeks when you can make someone available for a short deposition. Should you wish to further discuss this matter, please feel free to contact me by telephone.

Best regards,  
Sam

**brownrudnick**

**Samuel A. Moniz**

Associate

Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine CA 92612  
T: 949-440-0234  
F: 949-486-3671  
[smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com)  
[www.brownrudnick.com](http://www.brownrudnick.com)

---

**From:** Tjaden, Karen M. <KMTjaden@Venable.com>  
**Sent:** Thursday, February 3, 2022 11:05 AM  
**To:** Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M.



<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Udenka, Honieh <HUdenka@brownrudnick.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; cpintado@cbcblaw.com; cmariam@grsm.com; mdailey@grsm.com  
**Cc:** O'Connor, Michael J. <MJO'Connor@Venable.com>; Cronin, Sarah L. <SLCronin@Venable.com>; Diamond, Sarah E. <SEDiamond@Venable.com>  
**Subject:** Depp v. Heard

**CAUTION: External E-mail. Use caution accessing links or attachments.**

Counsel:

Attached is Michael O'Connor's February 3<sup>rd</sup> letter with regard to the above matter.

[Karen M. Tjaden](#) | Legal Administrative Assistant | [Venable LLP](#)  
t 310.229.0367 | f 310.229.9901  
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

[KMTjaden@Venable.com](mailto:KMTjaden@Venable.com) | [www.Venable.com](http://www.Venable.com)

\*\*\*\*\*  
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\*\*\*\*\*

# EXHIBIT 6

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-0002911

**STIPULATION**

Defendant and Counterclaim-Plaintiff Amber Laura Heard (“Ms. Heard”) and Plaintiff and Counterclaim-Defendant John C. Depp (“Mr. Depp”) (collectively, the “Parties”) hereby stipulate and agree to the following as it relates to discovery and trial in this matter:

1. The Parties agree that neither Ms. Heard nor Mr. Depp will include at trial any reference to Aquaman II for any reason, including but not limited to, any evidence or references supporting or disputing Ms. Heard’s damages as it relates to her Counterclaims.

2. The Parties agree that neither Ms. Heard nor Mr. Depp will seek any additional discovery regarding Aquaman II for any reason, including but not limited to, agreeing not to depose Non-Party Warner Bros. Entertainment Inc. or seek any information relating to Aquaman II from WME or any of Ms. Heard’s current or former agents or publicists.

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**AGREED, STIPULATED, AND ACCEPTED:**

---

Elaine Charlson Bredehoft (VSB No. 23766)  
Adam S. Nadelhaft (VSB No. 91717)  
Clarissa K. Pintado (VSB No. 86882)  
David E. Murphy (VSB No. 90938)  
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, Virginia 20190  
Telephone: (703) 318-6800  
[ebredehoft@cbcblaw.com](mailto:ebredehoft@cbcblaw.com)  
[anadelhaft@cbcblaw.com](mailto:anadelhaft@cbcblaw.com)  
[cpintado@cbcblaw.com](mailto:cpintado@cbcblaw.com)  
[dmurphy@cbcblaw.com](mailto: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](mailto:brottenborn@woodsrogers.com)  
[jtreece@woodsrogers.com](mailto:jtreece@woodsrogers.com)

*Counsel to Defendant/Counterclaim Plaintiff, Amber Laura Heard*

**AGREED, STIPULATED, AND ACCEPTED:**

---

Benjamin G. Chew (VSB 29113)  
Andrew C. Crawford (VSB 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 536-1700  
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[bchew@brownrudnick.com](mailto:bchew@brownrudnick.com)  
[acrawford@brownrudnick.com](mailto:acrawford@brownrudnick.com)

Camille M. Vasquez (admitted *pro hac vice*)  
BROWN RUDNICK LLP  
2211 Michelson Drive  
Irvine, CA 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
[cvasquez@brownrudnick.com](mailto:cvasquez@brownrudnick.com)

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

# EXHIBIT 7

CONDITIONALLY UNDER SEAL

# EXHIBIT 8





PLAINTIFF/PETITIONER: John C. Depp, II	CASE NUMBER (of action pending outside California): CL-2019-0002911
DEFENDANT/RESPONDENT: Amber Laura Heard	

4.  Other terms or provisions from out-of-state subpoena, if any (specify):  
See attached Fairfax County Circuit Court Subpoena

Continued on Attachment 4 (use form MC-025).

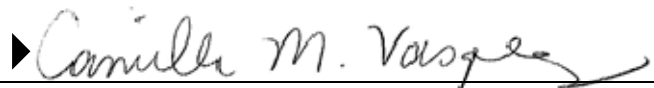
5. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: February 22, 2022

CAMILLE M. VASQUEZ

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for John C. Depp, II

(TITLE)

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE**

1. I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:

- a. Person served
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

- (1)  were paid. Amount: ..... \$ \_\_\_\_\_
- (2)  were not paid.
- (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3. Person serving:

- a.  Not a registered California process server
- b.  California sheriff or marshal
- c.  Registered California process server
- d.  Employee or independent contractor of a registered California process server
- e.  Exempt from registration under Business and Professions Code section 22350(b)
- f. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date:

Date:



(SIGNATURE)

(SIGNATURE)

1 **ATTACHMENT 2**

2 **DEFINITIONS**

3 1. "YOU," "YOUR," "WARNER BROS." and/or "WBEI" shall mean and refer to  
4 Warner Bros. Entertainment Inc., and its subsidiaries and affiliates.

5 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to  
6 any written and/or verbal exchanges between any person or persons or entities, including but not  
7 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
8 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
9 written or verbal exchange.

10 3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
11 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
12 2019-0002911.

13 4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

14 5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

15 6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in  
16 *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the  
17 DEFAMATION ACTION.

18 7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural  
19 and artificial persons.

20 8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher*  
21 *Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's  
22 Bench Division Media and Communications List, Claim No. QB-2018-006323.

23 9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

24 10. "AQUAMAN" shall mean and refer to the film "Aquaman."

25 11. "AQUAMAN 2" shall mean and refer to the sequel to AQUAMAN, "Aquaman and  
26 the Lost Kingdom."

27 ///

28 ///

1 **PERSON MOST QUALIFIED DESCRIPTIONS**

2 YOU hereby requested and required to designate and produce those of YOUR officers,  
3 directors, managing agents, employees, or other agents who are most qualified to testify on YOUR  
4 behalf as to the following subjects:

5 **REQUEST NO. 1:**

6 Any of YOUR internal discussions as to whether to release or terminate MS. HEARD from  
7 AQUAMAN 2.

8 **REQUEST NO. 2:**

9 The reasons for any release or termination of MS. HEARD from AQUAMAN 2.

10 **REQUEST NO. 3:**

11 Any negotiations or communications with MS. HEARD or her agents regarding her release  
12 or termination from AQUAMAN 2.

13 **REQUEST NO. 4:**

14 Any negotiations or communications with MS. HEARD or her agents regarding her  
15 compensation for AQUAMAN 2.

16 **REQUEST NO. 5:**

17 All information regarding the decisions to cast and keep MS. HEARD in AQUAMAN 2.

18 **REQUEST NO. 6:**

19 Any reduction in MS. HEARD's role in AQUAMAN 2 as a result of negative publicity  
20 related to MR. DEPP.

21 **REQUEST NO. 7:**

22 All reasons for any reduction in MS. HEARD's role in AQUAMAN 2.

23 **REQUEST NO. 8:**

24 The impact (if any) of publicity related to the relationship between MR. DEPP and MS.  
25 HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

26 **REQUEST NO. 9:**

27 The impact (if any) of publicity surrounding any statements by MR. WALDMAN  
28 regarding MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

1 **REQUEST NO. 10:**

2 To the extent not covered by the preceding topics, the casting of MS. HEARD in  
3 AQUAMAN 2.

4 **REQUEST NO. 11:**

5 Any creative concerns in continuing to cast MS. HEARD in AQUAMAN 2.

6 **REQUEST NO. 12:**

7 Any creative concerns regarding MS. HEARD's performance in the original AQUAMAN.

8 **REQUEST NO. 13:**

9 All nonprivileged facts supporting the factual assertions contained in the letter from  
10 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in  
11 WBEI picking up Heard's option for Aquaman 2 was due to creative issues in casting Ms.  
12 Heard[.]"

13 **REQUEST NO. 14:**

14 All nonprivileged facts supporting the factual representations contained in the letter from  
15 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
16 communicated to Heard's agent at the time, there were creative concerns with continuing to cast  
17 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's  
18 agent."

19 **REQUEST NO. 15:**

20 All nonprivileged facts supporting the factual representations contained in the letter from  
21 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
22 communicated to Heard's agent at the time, there were creative concerns with continuing to cast  
23 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's  
24 agent."

25 **REQUEST NO. 16:**

26 All nonprivileged facts supporting the factual representations contained in the letter from  
27 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
28 communicated to Heard's agent at the time, there were creative concerns with continuing to cast

1 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard’s  
2 agent.”

3 **REQUEST NO. 17:**

4 All nonprivileged facts supporting the factual representations contained in the letter from  
5 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that “WBEI would  
6 not have paid Heard more money on *Aquaman 2*[.]”

7 **REQUEST NO. 18:**

8 All nonprivileged facts supporting the factual representations contained in the letter from  
9 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that “[a]ny delay in  
10 [icking up Heard’s option for *Aquaman 2* was not due to Heard’s dispute with Depp or any of the  
11 allegations in this lawsuit.”

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SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
---	---------------------------------

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

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

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Joshua R. Treece  
Karen Stemland  
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10 S. Jefferson Street, Suite 1400  
P.O. Box 14125  
Roanoke, VA 24011  
Telephone: (540) 983-7540  
brottenborn@woodsrogers.com  
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kstemland@woodrogers.com

Elaine Charlson Bredehoft  
Adam S. Nadelhaft  
Clarissa K. Pintado  
David E. Murphy  
Charlson Bredehoft Cohen & Brown, P.C.  
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Hazel Mae Pangan  
Sebastian van Roundsburg  
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Facsimile: (877) 306-0043  
cmariam@grsm.com  
mdailey@grsm.com  
hpangan@grsm.com  
sroundsburg@grsm.com

*Counsel for Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1

(Add pages as required)

**SUBPOENA FOR WITNESS (CIVIL) –  
ATTORNEY ISSUED**

Case No. CL-2019-0002911

Commonwealth of Virginia  
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

FILED  
CIVIL HEARING DATE AND TIME

FAIRFAX COUNTY CIRCUIT Court

4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030 3:04

ADDRESS OF COURT

JOHN C. DEPP, II

v./In re:

AMBER LAURA HEARD

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Person Most Qualified at Warner Bros. Entertainment Inc.

NAME

c/o C T Corporation System, 330 N. Brand Blvd., Ste. 700

STREET ADDRESS

Glendale

CA

91203

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to appear

in the \_\_\_\_\_ Court

at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference

ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on March 7, 2022 at 10:00 a.m. PT to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

John C. Depp, II

PARTY NAME

Andrew C. Crawford

89093

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

601 Thirteenth Street, N.W., Suite 600

(202) 536-1700

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

Washington, DC 20005

(202) 536-1701

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

February 22, 2022

*Andrew Crawford*

DATE ISSUED

SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)



**TO the person summoned:**

If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

**[X] This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: ..... .....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> not found	....., Sheriff
DATE .....	By ....., Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Andrew C. Crawford, counsel for John C. Depp, II, hereby certify that a copy of the foregoing subpoena for witness was e-mailed DELIVERY METHOD to all counsel of record for Amber Laura Heard, on the 22nd day of February, 2022.

*Andrew Crawford*

SIGNATURE OF ATTORNEY

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II

Plaintiff and Counterclaim Defendant,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD

Defendant and Counterclaim Plaintiff.

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that the Plaintiff and Counterclaim Defendant, by and through his counsel, pursuant to the Rules of the Supreme Court of Virginia, will take the deposition upon oral examination of Person Most Qualified at Warner Bros. Entertainment Inc., beginning at 10:00 a.m. on March 7, 2022, to be continued further from day to day, if necessary, until completed. The deposition will be held at 1100 Glendon Avenue, Suite 1840, Los Angeles, CA 90024 or remote via video conference, before a court reporter or other person authorized to administer oaths within the State of California. The examination, taken by stenographic and audio-visual means, will be for the purposes of discovery, trial, and/or any other purpose permitted by law.

Dated: February 22, 2022

Respectfully submitted,



---

Benjamin G. Chew (VSB No. 29113)  
Andrew C. Crawford (VSB No. 89093)  
BROWN RUDNICK LLP  
601 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005

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bchew@brownrudnick.com  
acrawford@brownrudnick.com

Leo J. Presiado (*pro hac vice*)  
Camille M. Vasquez (*pro hac vice*)  
Samuel A. Moniz (*pro hac vice*)  
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Fax: (949) 252-1514  
lpresiado@brownrudnick.com  
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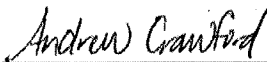
**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of February 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

J. Benjamin Rottenborn  
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*Counsel for Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

  
\_\_\_\_\_  
Andrew C. Crawford (VSB No. 89093)

1 **ATTACHMENT A**

2 **DEFINITIONS**

3 1. "YOU," "YOUR," "WARNER BROS." and/or "WBEI" shall mean and refer to  
4 Warner Bros. Entertainment Inc., and its subsidiaries and affiliates.

5 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to  
6 any written and/or verbal exchanges between any person or persons or entities, including but not  
7 limited to verbal conversations, telephone calls, letters, e-mails, memoranda, reports, telegraphs,  
8 faxes, exhibits, drawings, text messages, and any other documents which confirm or relate to the  
9 written or verbal exchange.

10 3. "DEFAMATION ACTION" shall mean and refer to the action entitled *John C.*  
11 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-  
12 2019-0002911.

13 4. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

14 5. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

15 6. "OP-ED" means and refers to the op-ed authored by MS. HEARD and published in  
16 *The Washington Post* on or about December 18, 2018, which is the subject, at least in part, of the  
17 DEFAMATION ACTION.

18 7. "PERSON" and/or "PERSONS" shall be broadly construed to include all natural  
19 and artificial persons.

20 8. "THE SUN CASE" shall mean and refer to the action entitled *John Christopher*  
21 *Depp II and News Group Newspapers LTD and Dan Wooton*, The High Court of Justice Queen's  
22 Bench Division Media and Communications List, Claim No. QB-2018-006323.

23 9. "MR. WALDMAN" shall mean and refer to Adam Waldman.

24 10. "AQUAMAN" shall mean and refer to the film "Aquaman."

25 11. "AQUAMAN 2" shall mean and refer to the sequel to AQUAMAN, "Aquaman and  
26 the Lost Kingdom."

27 ///

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1 **PERSON MOST QUALIFIED DESCRIPTIONS**

2 YOU hereby requested and required to designate and produce those of YOUR officers,  
3 directors, managing agents, employees, or other agents who are most qualified to testify on YOUR  
4 behalf as to the following subjects:

5 **REQUEST NO. 1:**

6 Any of YOUR internal discussions as to whether to release or terminate MS. HEARD from  
7 AQUAMAN 2.

8 **REQUEST NO. 2:**

9 The reasons for any release or termination of MS. HEARD from AQUAMAN 2.

10 **REQUEST NO. 3:**

11 Any negotiations or communications with MS. HEARD or her agents regarding her release  
12 or termination from AQUAMAN 2.

13 **REQUEST NO. 4:**

14 Any negotiations or communications with MS. HEARD or her agents regarding her  
15 compensation for AQUAMAN 2.

16 **REQUEST NO. 5:**

17 All information regarding the decisions to cast and keep MS. HEARD in AQUAMAN 2.

18 **REQUEST NO. 6:**

19 Any reduction in MS. HEARD's role in AQUAMAN 2 as a result of negative publicity  
20 related to MR. DEPP.

21 **REQUEST NO. 7:**

22 All reasons for any reduction in MS. HEARD's role in AQUAMAN 2.

23 **REQUEST NO. 8:**

24 The impact (if any) of publicity related to the relationship between MR. DEPP and MS.  
25 HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

26 **REQUEST NO. 9:**

27 The impact (if any) of publicity surrounding any statements by MR. WALDMAN  
28 regarding MS. HEARD on whether to cast or release MS. HEARD from AQUAMAN 2.

1 **REQUEST NO. 10:**

2 To the extent not covered by the preceding topics, the casting of MS. HEARD in  
3 AQUAMAN 2.

4 **REQUEST NO. 11:**

5 Any creative concerns in continuing to cast MS. HEARD in AQUAMAN 2.

6 **REQUEST NO. 12:**

7 Any creative concerns regarding MS. HEARD's performance in the original AQUAMAN.

8 **REQUEST NO. 13:**

9 All nonprivileged facts supporting the factual assertions contained in the letter from  
10 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in  
11 WBEI picking up Heard's option for Aquaman 2 was due to creative issues in casting Ms.  
12 Heard[.]"

13 **REQUEST NO. 14:**

14 All nonprivileged facts supporting the factual representations contained in the letter from  
15 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
16 communicated to Heard's agent at the time, there were creative concerns with continuing to cast  
17 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's  
18 agent."

19 **REQUEST NO. 15:**

20 All nonprivileged facts supporting the factual representations contained in the letter from  
21 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
22 communicated to Heard's agent at the time, there were creative concerns with continuing to cast  
23 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's  
24 agent."

25 **REQUEST NO. 16:**

26 All nonprivileged facts supporting the factual representations contained in the letter from  
27 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]s WBEI  
28 communicated to Heard's agent at the time, there were creative concerns with continuing to cast

1 Heard in the role of Mera for *Aquaman 2*, the subject of which were communicated to Heard's  
2 agent."

3 **REQUEST NO. 17:**

4 All nonprivileged facts supporting the factual representations contained in the letter from  
5 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "WBEI would  
6 not have paid Heard more money on *Aquaman 2*[".]"

7 **REQUEST NO. 18:**

8 All nonprivileged facts supporting the factual representations contained in the letter from  
9 YOUR counsel to counsel for Mr. Depp and Ms. Heard on February 3, 2022, that "[a]ny delay in  
10 [icking up Heard's option for *Aquaman 2* was not due to Heard's dispute with Depp or any of the  
11 allegations in this lawsuit."

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA,**  
**COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612.


On February 22, 2022, I served true copies of the following document(s) described as **PUBLIC REDACTED OPPOSITION OF JOHN C. DEPP, II TO WARNER BROS. ENTERTAINMENT INC.'S MOTION TO QUASH SUBPOENAS; REQUEST FOR SANCTIONS; AND DECLARATION OF SAMUEL A. MONIZ IN SUPPORT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address csuda@brownrudnick.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 22, 2022, at Fullerton, California.

  
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CASEY SUDA

**SERVICE LIST**  
**AMBER LAURA HEARD V. THE MANDEL COMPANY, INC.**  
**CASE NO. 19STCP04763**

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Entertainment Inc.

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