

brownrudnick

BENJAMIN G CHEW
bchew@brownrudnick.com

April 7, 2021

BY HAND DELIVERY

The Honorable John T. Frey
Clerk
Circuit Court of Fairfax County
4110 Chain Bridge Road, Ste 320
Fairfax, Virginia 22030

Re: Depp v. Heard, Case No. CL-2019-0002911

Dear Mr. Frey:

Enclosed for filing in the above-captioned matter please find my Declaration, submitted pursuant to the Order issued by the Honorable Bruce D. White, Chief Judge, on March 31, 2021.

Many thanks for your kind assistance in this matter.

Warm regards,



Benjamin G. Chew
VSB #29113

Enclosures

cc: All Counsel of Record

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2021 APR -7 PM 1:43
JUDITH A. NY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Time Records”), reflects time spent on any tasks other than Mr. Depp’s Motion to Quash and his defense to Ms. Heard’s Motion to Compel Mr. Waldman’s deposition. Moreover, for simplicity’s sake, this application does not include two hours of time recorded by associate Sam Moniz, one of which related to Mr. Depp’s Motion to Quash. Nor does it include time spent by Andrew Crawford assisting me before, and at, the January 8, 2021 hearing, for which he recorded one hour, or the time I spent preparing for, and participating in the Calendar Control hearing that occurred on Wednesday, December 30, 2020, relating to the remaining briefing on Plaintiff’s Motion to Quash or for Protective Order. Finally, as stated in paragraph 6 of my Original Declaration, Mr. Depp is not seeking reimbursement of the court reporter costs incurred for the January 8, 2021 hearing date, though Plaintiff in fact incurred such costs.

5. Set forth below is the Summary Chart:

Summary Chart of Time Records

<u>Timekeeper</u>	<u>Hourly Rate</u>	<u>Total Hours</u>	<u>Total Fees</u>
Benjamin G. Chew	\$804	22	\$17,688.00
Camille M. Vasquez	\$644	13	\$ 8,372.00
Andrew C. Crawford	\$616	1.70	\$ 1,047.20
		36.70	\$27,107.20

6. Set forth below are the Detailed Time Records:

Detailed Time Records Support Summary

<u>A. Benjamin G. Chew</u>					
<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Time</u>	<u>Rate</u>	<u>Total Charge</u>
12/21/20	BGC	Research re Opposition to Motion to Compel Waldman Notice	1.00	\$804	\$ 804.00

12/21/20	BGC	Research re Motion to Quash Waldman Notice	1.00	\$804	\$ 804.00
12/22/20	BGC	Revise Draft Motion to Quash, Auxiliary papers	2.00	\$804	\$1,608.00
12/23/20	BGC	Finalize Motion to Quash	2.00	\$804	\$1,608.00
12/28/20	BGC	Research re Opposition to Heard Motion to Compel Waldman Deposition	3.00	\$804	\$2,412.00
12/29/20	BGC	Review, finalize Opposition to Motion to Compel Waldman Deposition	3.50	\$804	\$2,814.00
1/4/21	BGC	Review Heard Opposition to Motion to Quash (1.00); Prepare for Oral Argument on Heard Motion to Compel (1.00)	2.00	\$804	\$1,608.00
1/5/21	BGC	Prepare for Oral Argument on Heard Motion to Compel, Depp Motion to Quash	1.00	\$804	\$ 804.00
1/6/21	BGC	Prepare for Oral Argument on Heard Motion to Compel, Depp Motion to Quash	1.00	\$804	\$ 804.00
1/7/21	BGC	Prepare for Oral Argument on Heard Motion to Compel, Depp Motion to Quash	2.50	\$804	\$2,010.00
1/8/21	BGC	Prepare for Oral Argument on Heard Motion to Compel, Depp Motion to Quash, Participate at Hearing	3.00	\$804	\$2,412.00
	BGC		22.00	\$804	\$17,688.00

B. Camille M. Vasquez					
<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Time</u>	<u>Rate</u>	<u>Total Charge</u>
12/21/20	CMV	Draft Motion to Quash Portion of Brief	4.00	\$644	\$2,576.00
12/22/20	CMV	Revise Motion to Quash Portion of Brief	2.50	\$644	\$1,610.00
12/28/20	CMV	Revise Opposition to Motion to Compel	4.00	\$644	\$2,576.00
1/4/21	CMV	Review Opposition to Motion to Quash Portion of Heard Opposition Brief	1.00	\$644	\$ 644.00


1/7/21	CMV	Strategize with BGC re 1/8 Oral Argument on Heard Motion to Compel, Depp Motion to Quash	1.5	\$644	\$966.00
			13.00	\$644	\$8,372.00

C. Andrew C. Crawford

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Time</u>	<u>Rate</u>	<u>Total Charge</u>
12/28/20	ACC	Review, finalize Opposition to Heard Motion to Compel Waldman Deposition	1.70	\$616	\$1,047.20
			1.70	\$616	\$1,047.20

7. The Court will see that the number of hours enumerated above for each of the three attorneys is identical to that set forth for each of the three attorneys: myself, Camille Vasquez, and Andrew Crawford in the Original Declaration. *See Exhibit A*, Original Declaration, ¶¶ 11-13. What accounts for the different amounts – \$21,972.50 in the Original Declaration as opposed to \$27,107.20 here - is the application of our actual billing rates to the number of hours billed.

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


 Benjamin G. Chew
 VSB #29113

Dated: April 7, 2021

EXHIBIT A

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY



FILED
SERVICES

2021 JAN 25 10 1:48

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

W. W. FREY
CIRCUIT COURT
FAIRFAX COUNTY, VA

Civil Action No.: CL-2019-0002911

DECLARATION OF BENJAMIN G. CHEW

1. My name is Benjamin G. Chew. All of the statements in this declaration are based on my personal knowledge and are true and correct to the best of my information and belief.

2. I received my degree of Juris Doctor from the University of Virginia School of Law on May 22, 1988, and have been an active member of the Virginia State Bar since November 14, 1988. Prior to that, I graduated from Princeton University in 1984.

3. I am a partner at Brown Rudnick LLP ("BR") and am honored to represent the Plaintiff John C. Depp, II in the above-captioned action.

4. I submit this Declaration pursuant to this Honorable Court's Order of January 14, 2021 granting Plaintiff an award of reasonable attorneys' fees and costs expended in opposing Defendant's Motion to Compel the Deposition of Adam R. Waldman ("Defendant's Motion") and prosecuting Mr. Depp's Motion to Quash or for a Protective Order as to that same deposition ("Plaintiff's Motion").

5. The principal attorneys at BR involved in the defense of Defendant's Motion and prosecution of Plaintiff's Motion were associates Camille M. Vasquez, Andrew C. Crawford and me.

6. I have carefully reviewed all of the relevant BR billing records relating to the defense of Defendant's Motion and prosecution of Plaintiff's Motion. Further, I have exercised billing discretion and have not claimed herein all time incurred by the attorneys who worked on these matters. Nor have I claimed time associated with the preparation of this Declaration, including reviewing the time and calculating the amounts. And I have excluded all together time spent by certain other attorneys and legal assistants who worked on these matters in the interests of fairness and simplicity. I also have not claimed any costs associated with these matters even though Plaintiff in fact incurred copying and court reporter disbursements.

7. I believe that the hourly rates for the attorneys assigned herein are reasonable for a case of this complexity and magnitude in the Northern Virginia/Washington D.C. area. See *Vienna Metro LLC v. Pulte Home Corp.*, No. 1:10-CV-00502, 2011 WL 13369780, at *6 (E.D. Va. Aug. 24, 2011) (recognizing reasonable rates for litigation matters in Northern Virginia); *Bethune-Hill v. Virginia State Bd. of Elections*, No. 3:14CV852, 2020 WL 5577824, at *8, *9 (E.D. Va. Sept. 17, 2020).

8. I regularly practice in Virginia courts and have served as counsel in several defamation cases here and in other jurisdictions.

9. Camille M. Vasquez, Esq. has been practicing law for ten years, specializing in commercial/civil litigation. Ms. Vasquez received her undergraduate degree from the University of Southern California earned her J.D. from Southwestern Law School.

10. Andrew C. Crawford, Esq. is in his sixth year of practice. Mr. Crawford is admitted to practice in Virginia and the District of Columbia and has experience in commercial/civil litigation matters. He earned his undergraduate degree at Wake Forest University and received his J.D. from Boston College Law School.

11. I spent a total of 22 hours on these matters. Calculated at Ms. Bredehoft's hourly billing rate of \$700.00 - as set forth in her Declaration dated October 22, 2020 previously submitted in this case - my actual billing rate is higher - the total claimed for purposes of Plaintiff's fee petition is \$15,400.00.

12. Ms. Vasquez spent a total of 13 hours on these matters. Calculated at the hourly rate of \$450 per hour - her actual rate is higher - the total claimed for purposes of this fee petition is \$5,850.00.

13. Mr. Crawford spent a total of 1.70 hours on these matters. Calculated at a rate of \$425 per hour - his actual rate is higher - the total claimed for purposes of this fee petition is \$722.50.

14. The total amount of fees for which reimbursement is sought in connection with defending Defendant's Motion and prosecuting Plaintiff's Motion is \$21,972.50.

15. Though Plaintiff also incurred costs relating to these matters described in paragraph 6 above, he is not seeking reimbursement of them in this petition.

16. The time expended was reasonable and necessary to achieve the results obtained.

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



Benjamin G. Chew
VSB # 29113

1/25/21

EXHIBIT B

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff and Counter-defendant,

v.

AMBER LAURA HEARD

Defendant and Counter-plaintiff.

Civil Action No.: CL-2019-0002911

ORDER

Upon consideration of Defendant's Motion to Compel the Deposition of Adam Waldman ("Defendant's Motion"), and Plaintiff's Motion to Quash or for a Protective Order as to that deposition ("Plaintiff's Motion"), the parties' respective briefs, and being fully advised, it is, this 4th day of January, 2021 hereby ORDERED as follows:

1. Defendant's Motion is DENIED;
2. Plaintiff's Motion to Quash is GRANTED; Plaintiff's Motion for Protective Order is DENIED;
3. Adam R. Waldman was never properly served with a subpoena. Service of a notice of deposition on Plaintiff's counsel for Mr. Waldman's deposition was invalid. Mr. Waldman can be deposed if properly served with a subpoena.
4. Defendant shall reimburse Plaintiff for his reasonable attorneys' fees expended in responding to Defendant's Motion and in preparing Plaintiff's Motion to Quash.
5. Counsel for Plaintiff shall submit a Declaration of fees and costs within seven (7) days; and Defendant may submit any Opposition to the reasonableness of the fees and costs within

No Exec.

seven (7) days thereafter; and the Defendant shall pay to counsel for Plaintiff the amount set by the Court within seven (7) days after receipt of the Court's ruling on reasonableness.


ENTERED this 14th day of January, 2021.



The Honorable Bruce D. White
CHIEF JUDGE


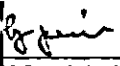
Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

WE ASK FOR THIS EXCEPT AS TO THE COURT'S RULING ON PLAINTIFF'S MOTION FOR PROTECTIVE ORDER:


Benjamin G. Chew, Esq. (VSB No. 29113)
Camille M. Vasquez (*pro hac vice*)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
Facsimile: (202) 536-1701
Email: bchew@brownrudnick.com

Counsel for Plaintiff and Counter-defendant, John C. Depp II

**SEEN AND EXCEPTED TO FOR THE REASONS STATED IN DEFENDANT'S BRIEFS
AND DURING THE HEARING, EXCEPT AS TO THE COURT'S RULING ON
PLAINTIFF'S MOTION FOR PROTECTIVE ORDER:**

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

Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11260 Roger Bacon Dr., Suite 201
Reston, VA 20190
Phone: 703-318-6800
Fax: 703-318-6808
ebredehoft@cbcblaw.com
cbrown@cbcblaw.com
anadelhaft@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant and Counter-plaintiff, Amber Laura Heard

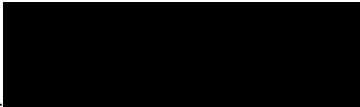
CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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

Elaine Charlson Bredehoft (VSB No. 23766)
Carla D. Brown (VSB No. 44803)
Adam S. Nadelhaft (VSB No. 91717)
David E. Murphy (VSB No. 90938)
CHARLSON BREDEHOFT COHEN &
BROWN, P.C.
11260 Roger Bacon Dr., Suite 201
Reston, VA 20190
Phone: 703-318-6800
Fax: 703-318-6808
ebredehoft@cbcblaw.com
cbrown@cbcblaw.com
anadelhaft@cbcblaw.com
dmurphy@cbcblaw.com

Counsel for Defendant Amber Laura Heard


Benjamin G. Chew