

This SUBPOENA/SUBPOENA DUCES TECUM TO PERSON UNDER FOREIGN SUBPOENA 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: <u>Brandon McCulloch</u>	
ADDRESS: <u>1245 Vine St., Apt. 2, Los Angeles, CA 90038</u>	
<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 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

**JOHN T. FREY, CLERK  
FAIRFAX COUNTY CIRCUIT COURT  
4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030**

**SUBPOENA/SUBPOENA DUCES TECUM  
TO PERSON UNDER FOREIGN SUBPOENA**

File No. CL-2019-0002911

Commonwealth of Virginia VA CODE §§ 8.01-412.8—8.01-412.15; Rule 4:9

**FAIRFAX COUNTY**

Circuit Court

**4110 CHAIN BRIDGE ROAD, FAIRFAX, VIRGINIA 22030**

ADDRESS OF COURT

**JOHN C. DEPP, II**

**AMBER LAURA HEARD**

v./In re:

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

You are commanded to summon

**Brandon McCulloch**

NAME

**1245 Vine St., Apt. 2**

STREET ADDRESS

**Los Angeles**

**CA**

**90038**

CITY

STATE

ZIP

**TO THE PERSON SUMMONED:** You are commanded to

attend and give testimony at a deposition

produce the books, documents, records, electronically stored information, and tangible things designated and described below

**See Attachment A**

FILED  
CIVIL INTAKE  
2021 OCT 15 P 1:15  
JOHN T. FREY  
CLERK CIRCUIT COURT  
FAIRFAX, VA

**First Legal Records**

at **1511 Beverly Blvd., Los Angeles, CA 90026**

LOCATION

at **November 29, 2021 at 10:00 a.m.**

DATE AND TIME

and to permit inspection and copying by the requesting party or someone acting in his or her behalf of the designated items in your possession, custody or control

[ ] permit inspection of the premises

at the following location

LOCATION

on

DATE AND TIME

This subpoena is issued upon the request of the party named below

**John C. Depp, II**

NAME OF REQUESTING PARTY

**c/o Benjamin G. Chew, 601 Thirteenth Street, N.W., Suite 600**

STREET ADDRESS

**Washington**

**DC**

**20005**

**(202) 536-1700**

CITY

STATE

ZIP

TELEPHONE NUMBER

The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided [ ] below [x] on attached list

October 29, 2021

DATE ISSUED

JOHN

by

Benjamin G. Chew

NAME OF ATTORNEY FOR REQUESTING PARTY

601 Thirteenth Street, N.W., Suite 600

OFFICE ADDRESS

Washington, DC 20005

OFFICE ADDRESS

29113

BAR NUMBER

TELEPHONE NUMBER OF ATTORNEY

(202) 536-1701

FACSIMILE NUMBER OF ATTORNEY

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

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FACSIMILE NUMBER

NAME

BAR NUMBER

LICENSING STATE

STREET ADDRESS

TELEPHONE NUMBER

STREET ADDRESS

FACSIMILE NUMBER

RETURN OF SERVICE (see page three of this form)

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are:

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  
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Leo J. Presiado (*pro hac vice*)  
Camille M. Vasquez (*pro hac vice*)  
Samuel A. Moniz Vasquez (*pro hac vice*)  
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Irvine, CA 92612  
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Facsimile: (949) 252-1514  
lpresiado@brownrudnick.com  
cvasquez@brownrudnick.com  
smoniz@brownrudnick.com

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Facsimile: (212) 209-4801  
jmeyers@brownrudnick.com

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

SERVICE LIST

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WOODS ROGERS PLC  
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Roanoke, VA 24011  
Telephone: (540) 983-7540  
brottenborn@woodsrogers.com  
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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  
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anadelhaft@cbcblaw.com  
cpintado@cbcblaw.com  
dmurphy@cbcblaw.com

Craig J. Mariam  
John P. Cogger  
Kristin Blocher  
Hazel Mae Pangan  
Michael J. Dailey  
Gordon Rees Scully Mansukhani, LLP  
633 West Fifth Street, 52nd floor  
Los Angeles, CA 90071  
Telephone: (213) 576-5000  
Facsimile: (877) 306-0043  
cmariam@grsm.com  
jcogger@grsm.com  
kblocher@grsm.com  
hpangan@grsm.com  
mdailey@grsm.com

*Counsel for Defendant and Counterclaim  
Plaintiff Amber Laura Heard*

1   ATTACHMENT A

2   DEFINITIONS

3             1.       “YOU” and/or “YOUR” shall mean and refer to Brandon McCulloch.

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           6. "DOCUMENT" and/or "DOCUMENTS" unless otherwise indicated, are used in  
2 their customarily broad sense and shall refer to and mean all writings and other tangible things of  
3 any nature whatsoever, and shall include, but not be limited to, all writings (or drafts thereof),  
4 COMMUNICATIONS, medical records, drawings, graphs, charts, photographs, phone records,  
5 other data compilations or storage devices from which information can be obtained (even if such  
6 information must be translated into a reasonably usable form), magnetically recorded or stored  
7 information generated by a computer, contracts, agreements, communications, correspondence,  
8 telegrams, memoranda, records, reports, books, summaries or records of telephone conversations,  
9 summaries or records of personal conversations or interviews, diaries, forecasts, statistical  
10 statements, work papers, drafts, accounts, analytical records, minutes or records of meetings or  
11 conferences, records, reports or summaries of negotiations, brochures, pamphlets, circulars,  
12 calendars, notes, marginal notations, bills, invoices, checks, lists, journals, advertising, and all  
13 other written, printed, recorded or photographic matter or sound reproductions, or tangible  
14 representations of things, however produced or reproduced, including ELECTRONICALLY  
15 STORED INFORMATION and all nonidentical copies of the foregoing.

16           7. "MR. DEPP" means and refers to Plaintiff John C. Depp, II.

17           8. "MS. HEARD" means and refers to Defendant Amber Laura Heard.

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

20           10. "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.

### INSTRUCTIONS

24           11. When necessary, the singular form of a word shall be interpreted as plural, and the  
25 masculine gender shall be deemed to include the feminine, in order to bring within the scope any  
26 DOCUMENTS which might otherwise be construed to be outside the scope of these Requests.  
27 The terms, "and" and "or," have both conjunctive and disjunctive meanings, and "each," "any,"  
28 and "all" mean "each and every."

1 12. All undefined terms shall be interpreted according to their plain and commonsense  
2 meaning.

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

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

13 15. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
14 in the form of a .dat file. The metadata should include the following fields, to the extent such  
15 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
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)



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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

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	document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

16. 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.

17. 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).

18. 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.

19. 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 responsive or in a load file identifying the same.

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

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

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

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

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

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**DOCUMENT REQUESTS**

**REQUEST NO. 1:**

All DOCUMENTS and COMMUNICATIONS that refer or relate to any alleged abuse or violence involving MS. HEARD.

**REQUEST NO. 2:**

All DOCUMENTS and COMMUNICATIONS that refer or relate to any alleged abuse or violence involving MR. DEPP.

**REQUEST NO. 3:**

All DOCUMENTS and COMMUNICATIONS concerning the relationship between MR. DEPP and MS. HEARD.

**REQUEST NO. 4:**

All DOCUMENTS and COMMUNICATIONS concerning any alleged or actual fights, altercations, or violence between MR. DEPP and MS. HEARD.

**REQUEST NO. 5:**

All DOCUMENTS and COMMUNICATIONS regarding the DIVORCE ACTION.

**REQUEST NO. 6:**

All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD's alleged donations of the proceeds of the settlement from the DIVORCE ACTION to charity.

**REQUEST NO. 7:**

All DOCUMENTS and COMMUNICATIONS concerning the SUN CASE.

**REQUEST NO. 8:**

All COMMUNICATIONS with MS. HEARD concerning the SUN CASE.

**REQUEST NO. 9:**

All DOCUMENTS and COMMUNICATIONS regarding any of the testimony given in the SUN CASE, including without limitation the testimony by MS. HEARD.

**REQUEST NO. 10:**

All DOCUMENTS and COMMUNICATIONS concerning the DEFAMATION ACTION.

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1 **REQUEST NO. 11:**

2 All COMMUNICATIONS with MS. HEARD concerning the DEFAMATION ACTION.

3 **REQUEST NO. 12:**

4 All COMMUNICATIONS between YOU and MS. HEARD that refer or relate to any  
5 physical or mental injuries MS. HEARD claimed or claims to have suffered as a result of any  
6 conduct by MR. DEPP.

7 **REQUEST NO. 13:**

8 All DOCUMENTS and COMMUNICATIONS regarding any physical or mental injuries  
9 MS. HEARD claimed or claims to have sustained as a result of any conduct by MR. DEPP.

10 **REQUEST NO. 14:**

11 All COMMUNICATIONS between YOU and MS. HEARD regarding MR. DEPP.

12 **REQUEST NO. 15:**

13 All DOCUMENTS and COMMUNICATIONS regarding any alleged drug or alcohol use  
14 or abuse by MS. HEARD.

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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):  
 Brandon McCulloch, 1245 Vine St., Apt. 2, Los Angeles, CA 90038

**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): November 29, 2021 Location (address): 1511 Beverly Blvd., Los Angeles, CA 90026	At (time): 10:00 a.m.
<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.

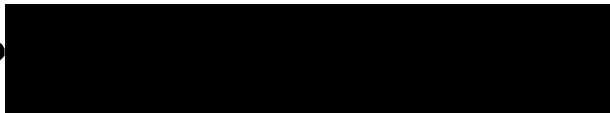
6.  Other terms or provisions from out-of-state subpoena, if any (specify):  
See attached Fairfax County Circuit Court Subpoena

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: October 13, 2021

CAMILLE M. VASQUEZ  
(TYPE OR PRINT NAME)



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.

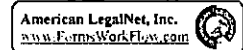
4. Person serving:
- a.  Not a registered California process server
  - b.  California sheriff or marshal
  - c.  Registered California process server
  - d.  Employee or independent contractor of a registered California process server
  - e.  Exempt from registration under Business and Professions Code 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 Brandon McCulloch.

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 12. All undefined terms shall be interpreted according to their plain and commonsense  
2 meaning.

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

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

13 15. DOCUMENTS should be produced with extracted metadata for each DOCUMENT  
14 in the form of a .dat file. The metadata should include the following fields, to the extent such  
15 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
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)

1	CC	The recipients of a copy of an email message (email CC)
2		
3	BCC	The recipients of a blind copy of an email message (email
4		BCC)
5	Custodian	The custodian in whose file the document was found,
6		including all duplicate custodians
7	Datercvd	Date received
8	Datesent	Date sent
9		
10	Subject	E-mail subject
11	Author	The person who created the document
12	Modifier	The person who last modified the document
13		
14	Created	The creation date of the document
15	Last_Modified	The last modified date of the document
16	Title	The title of the document
17	File_Name	The name of the file
18		
19	File_Extension	The file extension of the document
20	MD5Hash	The MD5 Hash Value of the document
21	Message_ID	The Message ID of the email and/or attachment
22	Mailstore	The name of the Mailstore in which the email and/or
23		attachment is contained
24		
25	File_Size	The size of the file
26	File_Path	Original file-path of the document as it existed in the normal
27		course of business or the folder location if the
28		

	document/email is contained in a Mailstore
Number_Pages	The number of pages in the document

16. 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.

17. 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).

18. 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.

19. 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 responsive or in a load file identifying the same.

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

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

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

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

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

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1 DOCUMENT REQUESTS

2 REQUEST NO. 1:

3 All DOCUMENTS and COMMUNICATIONS that refer or relate to any alleged abuse or  
4 violence involving MS. HEARD.

5 REQUEST NO. 2:

6 All DOCUMENTS and COMMUNICATIONS that refer or relate to any alleged abuse or  
7 violence involving MR. DEPP.

8 REQUEST NO. 3:

9 All DOCUMENTS and COMMUNICATIONS concerning the relationship between MR.  
10 DEPP and MS. HEARD.

11 REQUEST NO. 4:

12 All DOCUMENTS and COMMUNICATIONS concerning any alleged or actual fights,  
13 altercations, or violence between MR. DEPP and MS. HEARD.

14 REQUEST NO. 5:

15 All DOCUMENTS and COMMUNICATIONS regarding the DIVORCE ACTION.

16 REQUEST NO. 6:

17 All DOCUMENTS and COMMUNICATIONS regarding MS. HEARD's alleged  
18 donations of the proceeds of the settlement from the DIVORCE ACTION to charity.

19 REQUEST NO. 7:

20 All DOCUMENTS and COMMUNICATIONS concerning the SUN CASE.

21 REQUEST NO. 8:

22 All COMMUNICATIONS with MS. HEARD concerning the SUN CASE.

23 REQUEST NO. 9:

24 All DOCUMENTS and COMMUNICATIONS regarding any of the testimony given in the  
25 SUN CASE, including without limitation the testimony by MS. HEARD.

26 REQUEST NO. 10:

27 All DOCUMENTS and COMMUNICATIONS concerning the DEFAMATION ACTION.

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1 **REQUEST NO. 11:**

2 All COMMUNICATIONS with MS. HEARD concerning the DEFAMATION ACTION.

3 **REQUEST NO. 12:**

4 All COMMUNICATIONS between YOU and MS. HEARD that refer or relate to any  
5 physical or mental injuries MS. HEARD claimed or claims to have suffered as a result of any  
6 conduct by MR. DEPP.

7 **REQUEST NO. 13:**

8 All DOCUMENTS and COMMUNICATIONS regarding any physical or mental injuries  
9 MS. HEARD claimed or claims to have sustained as a result of any conduct by MR. DEPP.

10 **REQUEST NO. 14:**

11 All COMMUNICATIONS between YOU and MS. HEARD regarding MR. DEPP.

12 **REQUEST NO. 15:**

13 All DOCUMENTS and COMMUNICATIONS regarding any alleged drug or alcohol use  
14 or abuse by MS. HEARD.

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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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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)*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of October 2021, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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