SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of: JOHN C. DEPP, II, Petitioner, v. AMERICAN CIVIL LIBERTIES UNION FOUNDATION, BENJAMIN WIZNER, and ANTHONY ROMERO, Respondents, For an Order to compel response to out-of-state subpoenas served in the action entitled *John C. Depp, II v. Amber Laura Heard*, No. CL2019-0002911 in the Circuit Court of Fairfax County in the Commonwealth of Virginia.	Index No. 154545/2021 Part 37 Hon. Arthur F. Engoron Motion Sequence No. 001

REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF PETITION TO COMPEL RESPONSE TO OUT-OF-STATE SUBPOENAS

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As the parties resisting compliance with the Subpoenas,[1] the ACLU Witnesses bear the burden of showing that the materials sought by the Subpoenas are utterly irrelevant to the Virginia Action. They have utterly failed to meet this burden. Rather than attempting to show irrelevancy, the ACLU Witnesses raise strawman arguments and distort the procedural history of the Virginia Action, the UK Action, and the parties' negotiations concerning the Subpoenas. In doing so, the ACLU Witnesses reveal their bias in favor of Ms. Heard and their complicity in Ms. Heard's increasingly desperate attempts to cover up her false testimony in the UK Action concerning charitable donations to the ACLU and the CHLA. Clearly, the ACLU and Ms. Heard understand how damaging the materials sought by the Subpoenas are to both of them; but that only enhances, not diminishes, their relevance.

Contrary to what one might glean from the ACLU Witnesses' opposition papers, the true state of play surrounding the Subpoenas is quite simple. Based on the ACLU Witnesses' admitted involvement in the publication of the Op-Ed that gave rise to the Virginia Action and Ms. Heard's defense of that action, Mr. Depp issued Subpoenas to the ACLU Witnesses seeking evidence that goes to the veracity of Ms. Heard's defamatory claim in the Op-Ed that Mr. Depp domestically abused her during their marriage. The ACLU Witnesses agreed to produce only a fraction of the discovery Mr. Depp sought, refusing to produce categories of documents that *the Virginia Court, and two other Courts,* have deemed relevant to Mr. Depp's defamation claims. Then, for the small subset of documents the ACLU Witnesses agreed to produce, they demanded confidentiality protections beyond those provided by the Protective Order already entered in the Virginia Action,

[1] Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in Mr. Depp's Memorandum of Law in Support of Petition to Compel Response to Out-of-State Subpoenas [NYSCEF No. 37].

including restrictions on the use of any *non-confidential* documents produced by the non-profit. When Mr. Depp agreed, consistent with Virginia and New York law, to expand the Protective Order's definition of "confidential" to include trade secrets and proprietary business information to assuage the ACLU Witnesses' concerns, the ACLU Witnesses refused and now attempt to paint Mr. Depp as refusing "standard confidentiality protections" because he would not agree to their baseless and *non-standard* demand for restrictions on the use of materials that are *not* confidential.

The ACLU Witnesses' obfuscations reveal precisely why the discovery Mr. Depp seeks is so critical to the claims and defenses in the Virginia Action. For several months now, the ACLU Witnesses have fought tooth and nail to obstruct the discovery Mr. Depp seeks from seeing the light of day precisely because they were so involved in, and knowledgeable about, the factual circumstances that gave rise to the Virginia Action. Throughout the Virginia Action, Ms. Heard has consistently relied upon the ACLU Foundation's involvement in drafting and placing the Op-Ed in her defense: Ms. Heard submitted the Wizner Declaration in support of her anti-SLAPP defense; and Ms. Heard relied so heavily on the advice she purportedly received from the ACLU in connection with the Op-Ed that Chief Judge Elect Penny S. Azcarate, who was recently assigned to preside over the Virginia Action, held that Ms. Heard waived any privilege over her communications with the ACLU on that subject. The ACLU Witnesses' involvement in Ms. Heard's defense in the Virginia Action is so pervasive that it begs the question of whether the ACLU Foundation is involved in a financial capacity as well, whether by funding Ms. Heard's defense or through an arrangement whereby the ACLU Foundation has indemnified Ms. Heard if she were to be adjudged liable on Mr. Depp's defamation claims.

The degree to which the ACLU Witnesses were involved in circumstances leading to the Virginia Action and Ms. Heard's defense belie their arguments that the Subpoenas are somehow

overreaching or intended to harass. The ACLU Witnesses' relevancy arguments are frivolous and their "concerns" surrounding Mr. Depp's proposed confidentiality arrangement are red herrings, both propounded only to thwart the disclosure of relevant information harmful to Ms. Heard's interests in the Virginia Action and, by extension, their own.

I. The ACLU Witnesses Attempt to Re-Write History

As a threshold matter, Mr. Depp addresses below the ACLU Witnesses' regrettable misrepresentations and omissions concerning the procedural history of the Virginia Action, UK Action, and the parties' negotiations concerning the Subpoenas:

First, the ACLU Witnesses refer to Ms. Heard's counterclaims against Mr. Depp which allege that he "'engaged in an ongoing online smear campaign . . . including by making defamatory statements about her in an interview with *GQ* magazine." NYSCEF No. 54 ("Opp.") at 4 (citing *Depp v. Heard*, No. CL-2019-2911, 2021 Va. Cir. LEXIS 1, at *2 (Va. Cir. Ct. Fairfax Cnty. Jan. 4, 2021)). The ACLU Witnesses fail to mention, however, is that the very order they cite to for Ms. Heard's counterclaims is the Virginia Court's order *dismissing* most of Ms. Heard's counterclaims against Mr. Depp, including the counterclaim based on Mr. Depp's interview with *GQ* magazine.

Second, in citing to the UK appeals court's denial of Mr. Depp's request to appeal and adduce new evidence (Opp. at 5), the ACLU Witnesses, for albeit obvious reasons, fail to mention that the UK appeals court explicitly found that Ms. Heard's testimony in her Witness Statement that she had "donated" her entire $7 million divorce settlement to charity was "misleading." *See* NYSCEF No. 3 ("Aff.") at ¶ 20, NYSCEF No. 19 (Ex. 16).

Third, the ACLU Witnesses' contention that Mr. Depp "seeks testimony from Mr. Romero and Ms. Wizner without limitation" and that "Mr. Depp's counsel . . . did not explain why multiple

depositions were necessary or appropriate" is completely disingenuous. Opp. at 7-8. As Mr. Depp's counsel relayed during the parties meet and confers, Mr. Depp sought to depose Mr. Romero and Mr. Wizner on the topics reflected in in the respective Subpoenas *duces tecum*, which, collectively, overlapped with the topics identified in the Subpoena *ad testificandum* to the ACLU Foundation. *See* NYSCEF Nos. 21, 22, 23, 24, 25, 26 (Exs. 18-23). Based on the Wizner Declaration, it appeared that Mr. Wizner was uniquely knowledgeable about Ms. Heard's role as an ambassador for the ACLU and the drafting of the Op-Ed; whereas, based on the Production, Mr. Romero appears to be uniquely knowledgeable concerning the donations made to the ACLU by Ms. Heard and others on her behalf. *See* Aff. ¶¶ 19, 21, NYSCEF Nos. 17, 20 (Exs. 14, 17). Mr. Depp's counsel relayed to ACLU Counsel that, if Mr. Wizner and Mr. Romero could collectively testify as to the topics in the Subpoena *ad testificandum* to the ACLU Foundation, Mr. Depp would consider deposing each witness once to dispense of all the Subpoenas *ad testificandum* to the ACLU Witnesses. Reply Aff.[2] at ¶ 3. However, Mr. Depp was unwilling to commit to this approach until he received the ACLU Witnesses' document productions, which might reveal more knowledgeable witnesses. *Id.* Thus, Mr. Depp's counsel proposed that the parties hold off on scheduling any of the depositions until after the ACLU Witnesses had made their document productions. *Id.*, Ex. 1.

Fourth, the ACLU Witnesses' representation that "Mr. Depp's counsel did not articulate any gaps in Ms. Heard's production [with respect to donation information] or explain what additional information he required" is patently untrue. *See* Opp. at 8. Mr. Depp's counsel made clear to ACLU Counsel on multiple occasions that there were gaps in Ms. Heard's production with

[2] The Affirmation of Jessica N. Meyers in Further Support of Petition to Compel Response to Out-of-State Subpoenas, dated June 8, 2021 shall be cited herein as "Reply Aff."

respect to the Ms. Heard's purported donations to the ACLU Foundation. Reply Aff. at ¶¶ 4-5. In fact, these gaps were identified as a topic for discussion at the parties' April 5, 2021 meet and confer, and Mr. Depp's counsel did identify these gaps in further detail at that time. *Id.*, Ex. 2 The most problematic gap in Ms. Heard's Production, *which Mr. Depp's counsel discussed with ACLU Counsel on the April 5th meet and confer*, is that Ms. Heard's ACLU Pledge (NYSCEF No. 17 (Ex. 14) at ALH_00010359) is undated and was produced without any transmittal e-mail, cover letter, or metadata that would show when, if ever, the ACLU Pledge was provided to the ACLU Foundation. Reply Aff. at ¶ 5.

Fifth, the ACLU Witnesses' contention that Mr. Depp "inexplicably rejected" their offer to stipulate to the amounts and dates of all donations to the ACLU Foundation by Ms. Heard or on her behalf is also false. *See* Opp. at 8, 13. Mr. Depp's counsel provided ACLU Counsel with an explanation, by email, as to why the offer to stipulate was rejected; ACLU Counsel, simply, chose not to put this explanatory email before the Court. *See* Reply Aff. at ¶ 8, Ex. 4.

Finally, the ACLU Witnesses' selective recitation of the parties' negotiations concerning confidentiality protections for documents produced by the ACLU Witnesses is, at best, incomplete and, at worst, intentionally misleading. While complaining that Mr. Depp would not agree to expand the definition of "confidential" information in the Protective Order using the precise language they requested, the ACLU Witnesses fail to mention that Mr. Depp *did agree* to expand the Protective Order's definition of "confidential" information to include "information protected from disclosure by statute, trade secrets, and proprietary business information" to address the ACLU Witnesses' concerns. *Compare* Opp. at 9-10 *with* Aff. ¶¶ 30, 32, NYSCEF No. 36 (Ex. 33). Then, in describing Mr. Depp's "troubling" refusal to agree that any documents or testimony provided by the ACLU Witnesses would not be "shared, or disclosed for any purpose other than

preparing for or conducting the [Virginia Action]," the ACLU Witnesses fail to make clear that they were seeking this treatment for any *non-confidential* documents they produce and that Mr. Depp was only refusing to agree to this treatment for such *non-confidential* documents.[3] *Compare* Opp. at 10 *with* Aff. ¶¶ 30, 32, NYSCEF No. 32, 36 (Exs. 29, 33). Contrary to the ACLU Witnesses' assertions, Mr. Depp is *not* refusing to agree to restricted use of *confidential* information produced by the ACLU Witnesses; Mr. Depp and his counsel have always intended to limit their use of *confidential* information produced by the ACLU Witnesses consistent with the terms of the Protective Order.[4]

II. The ACLU Witnesses Have Failed to Satisfy Their Burden of Demonstrating that the Materials Sought by the Subpoenas are Utterly Irrelevant to the Virginia Action

The New York Court of Appeals has held that the party resisting compliance with a subpoena bears the burden of establishing "the futility of the process to uncover anything legitimate is inevitable or obvious" or that the information sought is "utterly irrelevant." *Kapon v. Koch*, 23 N.Y.3d 32, 38-39 (2014). Although a subpoenaing party must provide, with the subpoena, notice of the circumstances or reasons the requested disclosure is required, this *notice*

[3] The claim in the Teplin Affirmation (NYSCEF No. 40 at ¶ 25), that Mr. Depp's counsel stated he "intended" to use documents and testimony from the ACLU Witnesses in "unspecified current or future proceedings," is also overstated. Mr. Depp's counsel did not state that he "intended" to use documents in other proceedings, only that Mr. Depp would not agree to foreclose his ability to adduce *non-confidential* information in other proceedings. Reply Aff. at ¶ 6. When the parties were first discussing the question of confidential treatment for the ACLU Witnesses' documents and testimony, it was no secret that Mr. Depp had sought leave to adduce new evidence concerning Ms. Heard's purported donation of her divorce settlement on appeal and, had leave been granted, it was contemplated that evidence from the ACLU Witness would be offered on appeal. However, when Mr. Depp was denied leave to appeal in the middle of the parties' negotiations, Mr. Depp and his counsel continued to consider his options in light of the decisions in the UK Action, which Mr. Depp's counsel had no obligation to, and indeed had an obligation *not to*, disclose to ACLU Counsel.

[4] The ACLU Witnesses' reference to Mr. Depp's personal attorney (Opp. at 20), who is unaffiliated with Mr. Depp's lead counsel in the Virginia Action and the counsel who issued the Subpoenas, is another red herring. Reply Aff. at ¶ 1.

requirement, which is most often satisfied by affixing the complaint for the underlying action to the subpoena, does not shift the *burden* from the party resisting compliance with the subpoena. *Id.* at 39 (citing CPLR § 3101(a)(4)). Here, Mr. Depp's Complaint was attached as an exhibit to each of the Subpoenas, which is undoubtedly sufficient to satisfy the notice requirements imposed by CPLR § 3101(a)(4), particularly where the ACLU Witnesses were no "strangers" to the Virginia Action at the time they were served with the Subpoenas due to their participation in the conduct giving rise to the Virginia Action as well as the Virginia Action itself. *See id.* Under blackletter New York law, the ACLU Witness bear the burden of demonstrating that they should not be compelled to comply with the Subpoenas because the materials sought are utterly irrelevant. *See id.* They have utterly failed to satisfy this burden.

A. The Context Surrounding Ms. Heard's Donations to the ACLU is Material and Necessary to the Prosecution of Mr. Depp's Claims

The ACLU Witnesses' contention that the requested discovery concerning Ms. Heard's purported donations to the ACLU is irrelevant to the Virginia Action, *see* Opp. at 12, flies in the face of the sound judgment of *three courts, including the presiding Virginia Court*, that these donations are relevant to the veracity of Ms. Heard's claims of abuse at the hands of Mr. Depp. *See* Aff. ¶¶ 15-18, NYSCEF Nos. 11, 12, 13, 14, 15, 16 (Exs. 8-13). Tellingly, the ACLU Witnesses do not spill much ink on their frivolous claims of irrelevancy, but rather claim that they should not be compelled to produce the materials requested by the Subpoenas because "Mr. Depp already has the information from Ms. Heard about what she donated and when." Opp. at 13. Setting aside the fact that the ACLU Witnesses are not excused from compliance with the Subpoenas merely because some of the requested material are available from Ms. Heard, *see Kapon*, 23 N.Y.3d at 38 (citing CPLR § 3101(a)(4)), Mr. Depp *does not* already have the full universe of relevant information concerning Ms. Heard's donations. As Mr. Depp's counsel

explained in rejecting the ACLU Witnesses' offer to stipulate to the amounts and dates of all payments made to the ACLU (Reply Aff. at ¶ 8, Ex. 4), the context surrounding these payments – when and why they were made, and with what understanding or intent – is relevant to Mr. Depp's theory that Ms. Heard never intended to donate her entire divorce settlement to charity because *it was* about the money for her. These contextual materials have not yet been produced.

Contrary to the ACLU Witnesses' characterizations, the ACLU Pledge produced by Ms. Heard does not "confirm" that "Ms. Heard made a pledge in or around August 2016 to give $3.5 million to the ACLU." *See* Opp. at 13. It is an undated form that could have been filled out at any time (including after Ms. Heard was ordered by the Virginia Court to produce documents related to her purported donations to the ACLU), unaccompanied by any transmittal letter or metadata that shows when, if ever, it was submitted to the ACLU Foundation. *See* NYSCEF No. 17 (Ex. 14) at ALH_00010359.

ACLU Counsel claims that, had Mr. Depp's counsel raised questions concerning the date of the ACLU Pledge during the parties' meet and confers, they would have explained that the Centennial Campaign logo on the ACLU Pledge has been in circulation since 2014 and is, thus, "consistent with" a 2016 pledge. *See* Opp. at 13 n.5. However, as stated above, Mr. Depp's counsel *did* raise, on the parties April 5th meet and confer, that the ACLU Pledge was undated. Reply Aff. at ¶ 5. ALCU Counsel did not provide the explanation that appears in the Opposition and, even if they had, this would in no way obviate the need for the discovery Mr. Depp seeks. Even if it is true that the Centennial Campaign logo has been used since 2014, the ACLU Pledge remains undated, devoid of any context revealing when it was actually made, and ACLU Counsel's representation as to the ACLU's use of the logo is devoid of any evidentiary value.

Indeed, it is passing strange that, in response to Mr. Depp's valid concerns about the authenticity of the ACLU Pledge, *counsel* for the ACLU Witnesses, *not one of the ACLU Witnesses*, testifies that "the ACLU began its Centennial Campaign and use of the 'ACLU Centennial Campaign' logo in 2014." NYSCEF No. 40 at ¶ 31. This testimony is not only inconsistent with New York's Rules of Professional Conduct, which provide that a lawyer shall not, in appearing before a tribunal on behalf of a client, assert personal knowledge of facts in issue,[5] it is presumably, not based on personal knowledge and, thus, of no evidentiary value to Mr. Depp or the Virginia Court. *See Zuckerman v. City of New York*, 49 N.Y.2d 557, 563 (1980) (finding affirmation by counsel with no personal knowledge of the underlying facts to be "without evidentiary value"); *Israelson v. Rubin*, 20 A.D.2d 668, 669 (2d Dep't) ("Since it does not appear that defendant's attorney has any personal knowledge of the facts, his affidavit has no probative value and should be disregarded."), *aff'd*, 14 N.Y.2d 887 (1964). Mr. Depp need not accept this affirmation by ACLU Counsel in lieu of the requested discovery directly from the ACLU Witnesses.

The ACLU Witnesses' invocation of First Amendment principles is equally unavailing and does not preclude the discovery Mr. Depp seeks concerning Ms. Heard's purported donations. *See* Opp. at 14. Neither case cited by the ACLU Witnesses hold that information concerning the donations of a single donor, who publicly disclosed her donations, is immune from discovery in a civil action. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958) (holding that an order requiring an association to produce records of all members and agents was a denial of due process); *Citizens Union of N.Y. v. Attorney Gen. of N.Y.*, 408 F. Supp. 3d 478, 494 (S.D.N.Y. 2019) (holding that an

[5] *See* Rule 3.4(d)(2), New York State Unified Court System, Part 1200 Rules of Professional Conduct.

ethics law that required exempt entities to publicly report all of their donors under certain circumstances were invalid). Conceding Ms. Heard has already publicly acknowledged her donations, the ACLU Witnesses cite to the other information sought by the Subpoenas, beyond "mere confirmation of Ms. Heard's donations" as running afoul of First Amendment protections. The ACLU Witnesses, however, cite no authority to support their apparent contention that this type of peripheral information would be subject to First Amendment protection.

Try as they might to distinguish the holdings of the presiding Virginia Court and the California Court (and conveniently ignoring the UK Judgment), *see* Opp. at 14-15, the inescapable conclusion from these decisions is that evidence concerning Ms. Heard's purported donations to the ACLU is relevant to the Virginia Action and discoverable, including from third parties. *See* Aff. ¶¶15, 18. Ms. Heard put the donation of her divorce settlement at issue in the Virginia Action and she, and her partners at the ACLU, must live by the consequences. The ACLU Witnesses should not be wasting this Court's and the parties' time relitigating this decided issue.

B. The Other Discovery Sought by the Subpoenas is Relevant to the Claims and Defenses in the Virginia Action

The ACLU Witnesses' arguments against the relevancy of the other topics of discovery Mr. Depp seeks discovery unravel when the ACLU Witnesses' participation in drafting and placing the defamatory Op-Ed is accounted for. The ACLU Witnesses argue that, to the extent that Ms. Heard discussed her relationship with or divorce from Mr. Depp in connection with the preparation of the Op-Ed, the ACLU Witnesses will produce these materials; but, a broader search for documents related to these topics, "untethered to the conception or preparation of the Op-Ed," goes too far. *See* Opp. at 15. They also argue that communications concerning the Virginia Action could not possibly be relevant to Mr. Depp's claim that Ms. Heard made false statements in the Op-Ed, because the Virginia Action was commenced after the Op-Ed was published. *Id.* at 16.

These arguments, however, ignore the import of the fact that *Ms. Heard was sued for the Op-Ed that the ACLU helped her write*. It is hardly a "fishing expedition" to seek discovery into whether Ms. Heard and the ACLU Witnesses communicated about the fodder for the Op-Ed, such as Ms. Heard's relationship and divorce from Mr. Depp, after the Op-Ed was published, when Ms. Heard was then *sued* for the statements therein.

Presumably, the ACLU Witnesses and Ms. Heard would have discussed the basis and veracity of the statements in the Op-Ed in assessing and marshalling her defense and, by extension, the ACLU's. The ACLU's participation in Ms. Heard's defense, including by submitting the Wizner Declaration on her behalf, confirms that this type of coordination likely occurred. Moreover, the Virginia Court recently recognized the ACLU's role in Ms. Heard's defense strategy, holding that Ms. Heard had waived any privilege over communications with the ACLU by invoking their advice as a defense to Mr. Depp's defamation claims. Reply Aff. at ¶ 7, Ex. 3. Any admissions by Ms. Heard that she lied about Mr. Depp abusing her, any expressions of doubt by the ACLU concerning Ms. Heard's claims of abuse or concerns that they participated in the publication of Ms. Heard's false claims is highly probative of, what the ALCU Witnesses admit is the "only issue in the Virginia Action[:] whether Ms. Heard made false statements *when she wrote the Op-Ed*." *See* Opp. at 16.

III. The Subpoenas Ad Testificandum Seek Information Relevant to the Virginia Action

As set forth above, in resisting the depositions Mr. Depp seeks, the ACLU Witnesses have failed to mention that Mr. Depp's counsel made clear that he is not insisting on taking the deposition of an ACLU corporate representative if Mr. Wizner and Mr. Romero can, collectively, cover the topics in the Subpoena *ad testificandum* to the ACLU Foundation. Reply Aff. at ¶ 3. In fact, to avoid any unnecessary burden and duplication, Mr. Depp's counsel proposed a wait-and-see approach that the ACLU Witnesses appear to have conveniently forgotten. *Id.* at ¶¶ 2-3, Ex.

1. In any event, the ACLU Witnesses' contention that Mr. Depp's insistence on deposing Mr. Romero's is "particularly egregious," Opp. at 17, is, rather, pure hyperbole. As the ACLU Witnesses concede, there is documentary evidence that Mr. Romero is the individual with whom Ms. Heard communicated concerning her donations to the ACLU. *See* Opp. at 18. In fact, based on Ms. Heard's Production, it appears that Mr. Romero was the *only* individual at the ACLU to communicate with Ms. Heard regarding her donations. *See* NYSCEF No. 17 (Ex. 14). Moreover, based on single email chain produced by Ms. Heard, it appears that she and Mr. Romero had a close, friendly relationship: they stated that they "missed" each other, Ms. Heard discusses her plans with "E[lon]," with whom she was believed to be in a romantic relationship at the time, and Mr. Romero responds, "Love that guy [Elon]. Love you too." *See id.* at ALH_00010361. Accordingly, Mr. Romero's knowledge concerning Ms. Heard's donations and her romantic relationships appear unique or, at the very least, superior to that of anyone else at the ACLU. Pursuing his deposition is not "egregious," but warranted.

IV. Mr. Depp's Proposed Confidentiality Protections are Reasonable and Consistent with Applicable Law

As detailed above, the ACLU Witnesses attempt to distract from their unfounded demands for special confidential treatment by reframing Mr. Depp's position on confidentiality as unreasonable. Contrary to the ACLU Witnesses' obfuscations, Mr. Depp has, consistent with New York law, agreed to standard confidential protections for any trade secrets or proprietary business information produced by the ACLU Witnesses. *See, e.g.*, *Mann v. Cooper Tire Co.*, 33 A.D.3d 24, 36 (1st Dep't 2006) ("[P]rotective orders should be limited to trade or business secrets and are required to be specific."). Mr. Depp's insistence that no use restrictions apply to *non-confidential* information produced by the ACLU Witnesses also comports with New York law. Indeed, the ACLU Witnesses have not identified a *single authority* supporting their demand for restricted use

of any *non-confidential* materials they produce*;* and the three model confidentiality orders they rely upon do not provide any such protection for *non-confidential* information either. *See* Opp at 18-21; NYSCEF Nos. 47, 48, 49. It is the ACLU Witnesses who are refusing to agree to standard confidentiality protections, not Mr. Depp, and he should not be required to acquiesce to their unreasonable and baseless demands in order to discover the relevant evidence he seeks in the Subpoenas.

Dated: New York, New York
June 8, 2021

Respectfully submitted,

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CERTIFICATION OF COMPLIANCE

In accordance with Section 202.8-b of the Uniform Civil Rules for the Supreme Court & the County Court, I certify that this foregoing Memorandum of Law contains 4,184 words, exclusive of the caption, table of contents, table of authorities, the cover page and the signature block, based on a Word Count check performed by our word processing system.

Dated: June 8, 2021

/s/ Jessica N. Meyers
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