

Transcript of Hearing (Excerpt - Preliminary Matter)  
Conducted on April 15, 2022

1 VIRGINIA:  
2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY  
3 -----x  
4 JOHN C. DEPP, II,  
5 Plaintiff,  
6 v. Case No. CL2019-0002911  
7 AMBER LAURA HEARD,  
8 Defendant.  
9 -----x  
10  
11 HEARING - EXCERPT  
12 Before the HONORABLE PENNEY S. AZCARATE, Judge  
13 Fairfax, Virginia  
14 Friday, April 15, 2022  
15 10:03 a.m. EST  
16  
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19  
20 Job No.: 443884  
21 Pages: 1 - 15  
22 Transcribed by: Bobbi J. Fisher, RPR

1 Hearing held at:  
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3 Fairfax County Circuit Court  
4 4110 Chain Bridge Road  
5 Fairfax, Virginia 22030  
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7  
8 Pursuant to Docketing, before Ashley Meredith,  
9 Digital Court Reporter and Notary Public in the  
10 Commonwealth of Virginia.  
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1 APPEARANCES  
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6 EXHIBITS  
7 (None.)  
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1 PROCEEDINGS

2 [Excerpt Portion:]

3 THE COURT: Okay. We have got the court

4 reporter.

5 All right. Is this your matter?

6 MR. CHEW: Yes, Your Honor, very briefly.

7 Good morning, Your Honor. May it please the Court?

8 Ben Chew -- have we sworn in...

9 I apologize.

10 THE COURT: Raise your right hand.

11 Please stand for me. I just can't see you. Thank

12 you.

13 (The court reporter was duly sworn.)

14 THE COURT: Sorry. I apologize. Thank

15 you.

16 MR. CHEW: Good morning, Your Honor. May

17 it please the Court? Ben Chew for Johnny Depp. I

18 have a preliminary matter, but it's a very serious

19 one.

20 THE COURT: Okay.

21 MR. CHEW: It won't take much time.

22 THE COURT: Okay.

6

1 MR. CHEW: May I approach?

2 THE COURT: Yes, sir.

3 MR. CHEW: Your Honor, we are moving or

4 Mr. Depp is moving for the permanent exclusion of

5 Eve Barlow from --

6 THE COURT: Eve Barlow? Who is Eve

7 Barlow?

8 MR. CHEW: Eve Barlow is a journalist and

9 Ms. Heard's current girlfriend who was sitting in

10 the front row --

11 THE COURT: Okay.

12 MR. CHEW: -- yesterday and the Court

13 ordered to the back row, and then she was later, as

14 I will discuss in a minute, thrown out at 4:31 p.m.

15 by Lieutenant Porter. But if I could explain to

16 the Court --

17 THE COURT: Okay.

18 MR. CHEW: -- what the Court is seeing.

19 You will recall yesterday, Mr. Rottenborn came up

20 with what was Ms. Barlow's phone.

21 THE COURT: Okay.

22 MR. CHEW: And he showed you the first

7

1 document that you're looking at, the shorter

2 version.

3 THE COURT: Right.

4 MR. CHEW: The text. This is a text from

5 Ms. Deuters -- Gina Deuters. We're not -- we

6 understand that she was properly excluded. But

7 this is what he showed Your Honor saying to the

8 Court -- representing to the Court that Ms. Deuters

9 had texted since the start of this trial. And Your

10 Honor will see that what Mr. Rottenborn showed you

11 did not have the date.

12 If you look at the second document, you

13 will see -- Your Honor will see -- I'm sorry; it's

14 an Instagram post. It's an Instagram post. So

15 Mr. Rottenborn --

16 THE COURT: It's not like I would know

17 the difference, but I thank you for the

18 clarification.

19 MS. MEYERS: You're welcome.

20 MR. CHEW: I didn't, given my age, but --

21 so what Mr. Rottenborn showed you was Ms. Deuters'

22 Instagram post without the date.

8

1 And the second document you're looking at

2 was her post, and it shows the date, which makes it

3 very clear that this was January 8, 2021. That is

4 the material misrepresentation Ms. Deuters posted

5 this during the London trial.

6 THE COURT: Okay.

7 MR. CHEW: That was very disturbing. We

8 believe it was a fraud upon the Court. We believe

9 that Mr. Rottenborn, as an officer of the Court,

10 should have taken a look at what he was handing up

11 to the Court, especially since it was handed to him

12 by someone improperly sitting in the first row, a

13 reporter and Ms. Heard's girlfriend.

14 And that's not -- that's not where it

15 ends, Your Honor, unfortunately. Ms. Barlow has

16 been passing notes to and from Ms. Heard from the

17 beginning of the trial, and she's been sending out

18 live tweets throughout the trial.

19 THE COURT: Is she still sending out

20 tweets?

21 MR. CHEW: She was as of 4:31 p.m.

22 yesterday when she was removed by this Court. If I

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1 might approach, and I'll do it one more time.  
 2 This was Ms. Barlow's post during  
 3 Ms. Vasquez's opening, and you'll see her --  
 4 THE COURT: So she was tweeting from the  
 5 courtroom?  
 6 MR. CHEW: She was tweeting in the  
 7 courtroom. She was sitting right there, tweeting,  
 8 during Ms. Vasquez's opening. Your Honor may  
 9 remember that Ms. Vasquez said that Ms. Heard was  
 10 giving the performance -- would be giving the  
 11 performance of her lifetime. So she says, in  
 12 real-time, actually, it was Vasquez who was giving  
 13 the performance of a lifetime -- of her life.  
 14 So this is contemporaneous with my  
 15 colleague's opening. She's live tweeting and  
 16 getting it all out to the public.  
 17 And, finally -- and this is the last  
 18 time, I'm sorry. Your Honor will remember that,  
 19 when we first raised this issue, Your Honor ordered  
 20 people to the back. So Ms. Barlow reluctantly left  
 21 the first seat and went to the back. And this is  
 22 the tweet that got her thrown out the last time:

10

1 "What does Amber Heard hope to achieve? She has a  
 2 gorgeous one-year-old daughter and she said she was  
 3 beginning the rest of my life in 2021, 12 months  
 4 after her mother died." And it was at that point  
 5 that Lieutenant Porter saw her violating the  
 6 Court's order and asked her to leave.  
 7 Now, Your Honor, if this were just an  
 8 isolated -- well, actually, I'll take that back.  
 9 It's more --  
 10 THE COURT: If you violate the order, you  
 11 violate the order.  
 12 MR. CHEW: It's more than enough to get  
 13 her thrown out permanently, but it also -- it takes  
 14 place in a context. Your Honor will remember the  
 15 inappropriate disclosure of the sexual assault  
 16 violations in violation of the protective order  
 17 perhaps more egregiously because people weren't on  
 18 -- participating by Webex in this one.  
 19 Two days before the trial, Ms. Heard  
 20 posted on Instagram her opening argument. And I  
 21 understand none of the jurors referred to it, but  
 22 she made very clear in her Instagram post that

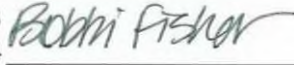
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1 Mr. Depp's name wasn't mentioned in her op-ed,  
 2 which was the primary feature of Mr. Rottenborn's  
 3 opening. That was really egregious.  
 4 Then, during my opening, to try to throw  
 5 me off, Ms. Bredehoff made an improper objection  
 6 saying -- you know, and she tried to mention it.  
 7 The point is, Your Honor, the Court's  
 8 orders must mean something. We're trying to play  
 9 by the rules here, and it is outrageous what  
 10 Ms. Barlow has done. She was thrown out yesterday.  
 11 And all we're asking, a very limited form of  
 12 relief, is that she be barred from attending for  
 13 the rest of the trial.  
 14 THE COURT: All right. Ms. Bredehoff?  
 15 MS. BREDEHOFT: Thank you, Your Honor. I  
 16 actually had absolutely no clue that he was going  
 17 to raise this this morning, so I am responding to  
 18 it cold.  
 19 First of all, Eve Barlow is not a  
 20 journalist. Second of all, she's not  
 21 Ms. Heard's --  
 22 THE COURT: Well, you know, I really

12

1 don't care all about that. She was tweeting live  
 2 in my courtroom. This is 4:31 --  
 3 MS. BREDEHOFT: I don't know about that,  
 4 Your Honor.  
 5 THE COURT: Well, I do. I can read it.  
 6 4:31 on April 14th, 2022.  
 7 MS. BREDEHOFT: I know she --  
 8 THE COURT: And I know the deputies took  
 9 her out because she was texting. That's against  
 10 the court order. I don't let anybody -- if I find  
 11 anybody else texting, they don't get to come back  
 12 in. So why would she be able to come back in?  
 13 MS. BREDEHOFT: And I -- I have no  
 14 knowledge of this, Your Honor.  
 15 THE COURT: And I know you didn't. And I  
 16 understand that. And I -- I mean, the -- like I  
 17 say, when people were passing notes, I thought,  
 18 well, legal teams. That's why I gave you the first  
 19 row, because of legal teams. And then more  
 20 information comes to me in bits and pieces that  
 21 it's not the legal team. Okay. So move back --  
 22 MS. BREDEHOFT: And then --

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<p style="text-align: right;">13</p> <p>1 THE COURT: But then she's still texting, 2 so -- 3 MS. BREDEHOFT: And let me back up just a 4 little bit. Ms. Barlow was not here during the 5 opening. She was not present in the courtroom and 6 so -- 7 THE COURT: Well, she was present when 8 she did this live tweet in my courtroom. 9 MS. BREDEHOFT: And that may be, Your 10 Honor. I have no knowledge of it. I had no 11 knowledge of it. And I have no way to address 12 that, Your Honor. 13 THE COURT: Well, I do. Ms. Barlow is 14 not coming back into the courtroom during this 15 trial. 16 MS. BREDEHOFT: Okay. 17 THE COURT: Okay? 18 MS. BREDEHOFT: All right. Thank you, 19 Your Honor. 20 THE COURT: Thank you. 21 MR. CHEW: Thank you, Your Honor. 22 (This concludes the excerpt portion.)</p>	<p style="text-align: right;">15</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 3 I, Bobbi J. Fisher, do hereby certify that 4 the foregoing transcript is a true and correct 5 record of the recorded proceedings; that said 6 proceedings were transcribed to the best of my 7 ability from the audio recording and supporting 8 information; and that I am neither counsel for, 9 related to, nor employed by any of the parties to 10 this case, and I have no interest, financial or 11 otherwise, in its outcome. 12 13  14 _____ 15 Bobbi J. Fisher, RPR 16 NCRA Registered Professional Reporter (RPR) 17 Prepared: April 15, 2022 18 19 20 21 22</p>
<p style="text-align: right;">14</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 3 I, Ashley Meredith, the officer before 4 whom the foregoing deposition was taken, do hereby 5 certify that said proceedings were electronically 6 recorded by me; and that I am neither counsel for, 7 related to, nor employed by any of the parties to 8 this case and have no interest, financial or 9 otherwise, in its outcome. 10 IN WITNESS WHEREOF, I have hereunto set my 11 hand and affixed my notarial seal this 15th day of 12 April, 2022. 13 14 15 _____ 16 Ashley Meredith, Notary Public 17 for the Commonwealth of Virginia 18 19 Virginia Notary No. 7930582 20 Virginia Notary Expires: 6/30/2025 21 22</p>	