

[] 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: Elon Musk	
ADDRESS: 10911 Chalon Road	
Los Angeles, CA 90077	
<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

v./In re:

AMBER LAURA HEARD

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

ELON MUSK

NAME

10911 CHALON ROAD

STREET ADDRESS

LOS ANGELES

CA

90077

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
2020 SEP 23 PM 2:35
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Brown Rudnick LLP

at 2211 Michelson Drive, 7th Floor, Irvine, CA 92612

LOCATION

at December 7, 2020 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

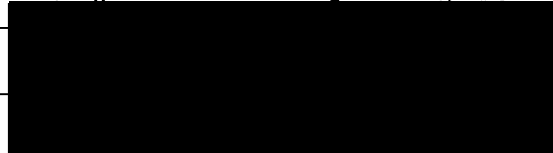
The requesting party has submitted to this Clerk's Office the foreign subpoena, copy attached, the terms of which are incorporated herein, and the written statement required by Virginia Code § 8.01-412.10.

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 on attached list.

9/28/2020
DATE ISSUED

JOHN T. FREY, CLERK

by



Benjamin G. Chew

NAME OF ATTORNEY FOR REQUESTING PARTY

29113

BAR NUMBER

VA

LICENSING STATE

601 Thirteenth Street, N.W., Suite 600

OFFICE ADDRESS

(202) 536-1700

TELEPHONE NUMBER OF ATTORNEY

Washington, DC 20005

OFFICE ADDRESS

(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

TELEPHONE NUMBER

STREET ADDRESS

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)
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601 Thirteenth Street, N.W., Suite 600
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Facsimile: (202) 536-1701
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acrawford@brownrudnick.com

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cvasquez@brownrudnick.com

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Telephone: (202) 715-0966
Facsimile: (202) 715-0964
awaldman@theendeavorgroup.com

Counsel for Plaintiff John C. Depp, II

SERVICE LIST

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WOODS ROGERS PLC
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P.O. Box 14125
Roanoke, VA 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)
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jcogger@grsm.com
kblocher@grsm.com

Counsel for Defendant Amber Laura Heard

1 ATTACHMENT A

2 DEFINITIONS

3 1. "YOU" and/or "YOUR" shall mean and refer to Elon Musk.

4 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to
5 any written and 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 medical records, drawings, graphs, charts, photographs, phone records, other data compilations or
5 storage devices from which information can be obtained (even if such information must be
6 translated into a reasonably usable form), magnetically recorded or stored information generated
7 by a computer, contracts, agreements, communications, correspondence, telegrams, memoranda,
8 records, reports, books, summaries or records of telephone conversations, summaries or records of
9 personal conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts,
10 accounts, analytical records, minutes or records of meetings or conferences, records, reports or
11 summaries of negotiations, brochures, pamphlets, circulars, calendars, notes, marginal notations,
12 bills, invoices, checks, lists, journals, advertising, and all other written, printed, recorded or
13 photographic matter or sound reproductions, or tangible representations of things, however
14 produced or reproduced, including ELECTRONICALLY STORED INFORMATION and all
15 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.

23 **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

	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.

DOCUMENT REQUESTS

REQUEST NO. 1:

25 All DOCUMENTS or COMMUNICATIONS YOU reviewed and/or relied upon in
26 preparation for YOUR deposition.

REQUEST NO. 2:

28 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO MR. DEPP.

1 **REQUEST NO. 3:**

2 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO allegations
3 of physical abuse or domestic violence committed by either MR. DEPP or MS. HEARD.

4 **REQUEST NO. 4:**

5 All COMMUNICATIONS between YOU and MS. HEARD between March 7, 2013 and
6 March 15, 2013.

7 **REQUEST NO. 5:**

8 All COMMUNICATIONS between YOU and MS. HEARD between May 23, 2014 and
9 June 1, 2014.

10 **REQUEST NO. 6:**

11 All COMMUNICATIONS between YOU and MS. HEARD between August 16, 2014 and
12 August 24, 2014.

13 **REQUEST NO. 7:**

14 All COMMUNICATIONS between YOU and MS. HEARD between December 24, 2014
15 and January 1, 2015.

16 **REQUEST NO. 8:**

17 All COMMUNICATIONS between YOU and MS. HEARD between January 24, 2015 and
18 February 4, 2015.

19 **REQUEST NO. 9:**

20 All COMMUNICATIONS between YOU and MS. HEARD in March 2015.

21 **REQUEST NO. 10:**

22 All COMMUNICATIONS between YOU and MS. HEARD in August 2015.

23 **REQUEST NO. 11:**

24 All COMMUNICATIONS between YOU and MS. HEARD between November 25, 2015
25 and January 1, 2016.

26 **REQUEST NO. 12:**

27 All COMMUNICATIONS between YOU and MS. HEARD between April 20, 2016 and
28 May 1, 2016.

1 **REQUEST NO. 13:**

2 All COMMUNICATIONS between YOU and MS. HEARD between May 20, 2016 and
3 June 15, 2016.

4 **REQUEST NO. 14:**

5 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
6 the present relating to MR. DEPP.

7 **REQUEST NO. 15:**

8 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
9 the present relating to MS. HEARD'S relationship with MR. DEPP.

10 **REQUEST NO. 16:**

11 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
12 the present relating to the DIVORCE ACTION.

13 **REQUEST NO. 17:**

14 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
15 the present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE
16 ACTION to the American Civil Liberties Union.

17 **REQUEST NO. 18:**

18 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the
19 present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE ACTION
20 to Children's Hospital Los Angeles.

21 **REQUEST NO. 19:**

22 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the
23 present relating to the DIVORCE ACTION.

24 **REQUEST NO. 20:**

25 All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to
26 the present relating to the DEFAMATION ACTION.

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1 **REQUEST NO. 21:**

2 All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to
3 the present relating to the DEFAMATION ACTION.

4 **REQUEST NO. 22:**

5 All COMMUNICATIONS between YOU and MS. HEARD relating to THE SUN CASE.
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BROWN RUDNICK LLP CAMILLE M. VASQUEZ, #273377 2211 Michelson Drive, Seventh Floor Irvine, CA 92612 TELEPHONE NO.: (949) 752-7100 FAX NO.: (949) 252-1514 E-MAIL ADDRESS: cvasquez@brownrudnick.com ATTORNEY FOR (Name): John C. Depp, II	FOR COURT USE ONLY CALIFORNIA CASE NUMBER (if any assigned by court): CASE NUMBER (of action pending outside California): CL-2019-0002911
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 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: Name of Court: 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	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS IN ACTION PENDING OUTSIDE CALIFORNIA	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Elon Musk, 10911 Chalon Road, Los Angeles, CA 90077

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

Date: December 7, 2020 Time: 10:00 a.m. Address: Brown Rudnick LLP, 2211 Michelson Drive, 7th Floor
 Irvine, CA 92612

- 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 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents, electronically stored information, and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents, electronically stored information, and things to be produced and any testing or sampling being sought are described as follows (if electronically stored information is required, 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. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
- Continued on Attachment 4 (use form MC-025).
5. Attorneys for the parties to this action or parties without attorneys are (name, address, telephone number, and name of party represented): See Attachment 5
- Continued on Attachment 5 (use form MC-025).

PLAINTIFF/PETITIONER: John C. Depp, II	CASE NUMBER: CL-2019-0002911
DEFENDANT/RESPONDENT: Amber Laura Heard	

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).
7. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedures section 1985.3 or 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.
8. 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: September 22, 2020

[Redacted Signature]

(SIGNATURE OF PERSON ISSUING SUBPOENA)

CAMILLE M. VASQUEZ
(TYPE OR PRINT NAME)

Attorney for John C. Depp, II
(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents, Electronically Stored Information, and Things 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. 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 Elon Musk.

4 2. "COMMUNICATION" and/or "COMMUNICATIONS" shall mean and refer to
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9 INFORMATION.

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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.

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24 *Depp II v. Amber Laura Heard*, Circuit Court of Fairfax County Virginia Civil Action No. CL-
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27 *Marriage of Amber Laura Depp and John Christopher Depp II*, Los Angeles Superior Court Case
28 No. BD641052.

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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

	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.

DOCUMENT REQUESTS

REQUEST NO. 1:

25 All DOCUMENTS or COMMUNICATIONS YOU reviewed and/or relied upon in
26 preparation for YOUR deposition.

REQUEST NO. 2:

28 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO MR. DEPP.

1 **REQUEST NO. 3:**

2 All COMMUNICATIONS between YOU and MS. HEARD RELATING TO allegations
3 of physical abuse or domestic violence committed by either MR. DEPP or MS. HEARD.

4 **REQUEST NO. 4:**

5 All COMMUNICATIONS between YOU and MS. HEARD between March 7, 2013 and
6 March 15, 2013.

7 **REQUEST NO. 5:**

8 All COMMUNICATIONS between YOU and MS. HEARD between May 23, 2014 and
9 June 1, 2014.

10 **REQUEST NO. 6:**

11 All COMMUNICATIONS between YOU and MS. HEARD between August 16, 2014 and
12 August 24, 2014.

13 **REQUEST NO. 7:**

14 All COMMUNICATIONS between YOU and MS. HEARD between December 24, 2014
15 and January 1, 2015.

16 **REQUEST NO. 8:**

17 All COMMUNICATIONS between YOU and MS. HEARD between January 24, 2015 and
18 February 4, 2015.

19 **REQUEST NO. 9:**

20 All COMMUNICATIONS between YOU and MS. HEARD in March 2015.

21 **REQUEST NO. 10:**

22 All COMMUNICATIONS between YOU and MS. HEARD in August 2015.

23 **REQUEST NO. 11:**

24 All COMMUNICATIONS between YOU and MS. HEARD between November 25, 2015
25 and January 1, 2016.

26 **REQUEST NO. 12:**

27 All COMMUNICATIONS between YOU and MS. HEARD between April 20, 2016 and
28 May 1, 2016.

1 **REQUEST NO. 13:**

2 All COMMUNICATIONS between YOU and MS. HEARD between May 20, 2016 and
3 June 15, 2016.

4 **REQUEST NO. 14:**

5 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
6 the present relating to MR. DEPP.

7 **REQUEST NO. 15:**

8 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
9 the present relating to MS. HEARD'S relationship with MR. DEPP.

10 **REQUEST NO. 16:**

11 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
12 the present relating to the DIVORCE ACTION.

13 **REQUEST NO. 17:**

14 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 and
15 the present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE
16 ACTION to the American Civil Liberties Union.

17 **REQUEST NO. 18:**

18 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the
19 present relating to MS. HEARD'S alleged donation of the proceeds from the DIVORCE ACTION
20 to Children's Hospital Los Angeles.

21 **REQUEST NO. 19:**

22 All COMMUNICATIONS between YOU and MS. HEARD between June 15, 2016 to the
23 present relating to the DIVORCE ACTION.

24 **REQUEST NO. 20:**

25 All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to
26 the present relating to the DEFAMATION ACTION.

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REQUEST NO. 21:

All COMMUNICATIONS between YOU and MS. HEARD between November 1, 2018 to the present relating to the DEFAMATION ACTION.

REQUEST NO. 22:

All COMMUNICATIONS between YOU and MS. HEARD relating to THE SUN CASE.

SHORT TITLE: John C. Depp, II v. Amber Laura Heard	CASE NUMBER: CL-2019-0002911
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ATTACHMENT (Number): 5

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

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Counsel for Defendant 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)

FILED
CIVIL INTAKE

2020 SEP 23 PM 2:35

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA
JONATHAN T. AREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD


Defendant.

Civil Action No.: CL-2019-0002911

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the enclosed Subpoena/Subpoena Duces Tecum to Person Under Foreign Subpoena and Deposition Subpoena for Personal Appearance in Action Pending Outside California to be sent via email (per written agreement between the Parties), on this 22nd day of September 2020, to counsel of record.

23x2


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September 23, 2020

VIA HAND DELIVERY

Mr. John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road, Suite 320
Fairfax, Virginia 22030

RE: *John C. Depp, II v. Amber Laura Heard,*
Case No. CL-2019-0002911
Subpoena: Elon Musk

FILED
CIVIL INTAKE
2020 SEP 23 PM 2:35
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA


Dear Mr. Frey,

Please find enclosed an original attorney-issued foreign subpoena for deposition of third party witness Elon Musk issued pursuant to Virginia Code Section 8.01-412.10 and California Civil Procedure Code Section 2029.100 et seq. The enclosed deposition subpoena has been issued in accordance with both Acts and the reciprocal privileges included therein.

The enclosed documents will be served by private process server. Please file these documents with the Court's papers in this case and return a file-stamped copy of the same in the enclosed self-addressed envelope. Thank you for your assistance.

Regards,

BROWN RUDNICK LLP


Benjamin G. Chew

USB #29113

Enclosures

Fairfax Circuit Court
Circuit Court
Receipt No. 905666
Receipt Date: 09/23/2020 02:40 PM

Received of: Chew, Benjamin \$ 7.00

Seven and 00/100
John C Depp II vs. Amber Laura Heard

Filer(s): Depp, John C II

Case	Amount
CL-2019-0002911	
Copy - Certified	2.00
Subpoena Duces Tecum Clerks Fee	5.00

Total: 7.00

Balance due court: \$ 0.00

Next fine/fee due date:

Next restitution due date:

Cash
Amount Tendered: 7.00
Overage: 0.00
Change Due: 0.00

John T. Frey, Clerk of Circuit Court

By: _____
Deputy Clerk
Clerk: JCALLI