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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re the Marriage of

Petitioner: AMBER LAURA DEPP
and

Respondent: JOHN CHRISTOPHER DEPP
II (AKA JOHNNY DEPP)

CASE NO. BD641052

[Assigned to Dept. 6,
Hon. Carl H. Moor]

[PROPOSED] ORDER AFTER HEARING

Date: 9-8-2016
Dept: 6

Respondent John Christopher Depp II's Request for Order came on for hearing in
Department 6 of the above-entitled Court, the Honorable Carl H. Moor, Judge presiding. Petitioner
Amber Laura Depp was represented by her attorney of record, Samantha Spector, Esq., and
Respondent was represented by his attorney of record, Laura A. Wasser, Esq.

The Court having read and considered all papers filed in connection with the Respondent's
Request for Order, and the matter having been argued and submitted, and good cause appearing
therefor, **THE COURT ORDERS AS FOLLOWS:**

1 1. All documents produced by Respondent in this action and/or any third parties
2 subpoenaed in this action, including Edward White & Co., LLP, The Mandel Company, Inc., and
3 United Talent Agency, LLC, shall be designated as "Confidential Information" herein.

4 2. Confidential Information, the information contained therein, and any summaries,
5 copies, abstracts or other documents derived in whole or in part from Confidential Information, shall
6 be used by the parties in this action only in connection with matters and/or issues relating to the
7 subject litigation and for no other purpose.

8 3. If documents designated as CONFIDENTIAL are used as exhibits at a deposition,
9 arrangements shall be made with the court reporter to separately bind such portions of the transcript
10 or record containing documents designated as CONFIDENTIAL, and any testimony relating thereto,
11 and to label such portions appropriately.

12 4. If documents designated as CONFIDENTIAL are used as exhibits in settlement
13 conferences, mediation, arbitration or other dispute resolution, the documents shall be submitted in a
14 confidential manner.

15 5. Confidential Information produced pursuant to this Order may be disclosed or made
16 available only to the Court, to counsel for the parties in this action (including the paralegal, clerical
17 and secretarial staff employed by such counsel), and to the "qualified persons" designated below.

18 a. A party, or an officer, director or employee of the party deemed appropriate by
19 counsel to assist with respect to any matters and/or issues which are then pending or may arise in
20 connection with the subject litigation;

21 b. Experts or consultants (together with their clerical staff) retained by such
22 counsel to assist with respect to any matters and/or issues that are either pending or may arise in
23 connection with the subject litigation;

24 c. Court reporter(s) employed in this action;

25 d. A witness at any deposition or other proceeding in this action; and

26 e. Any other person as to whom the parties agree in writing or the Court permits
27 upon duly noticed Request for Order.

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1 6. Prior to receiving any Confidential Information, each "qualified person" shall be
2 provided with a copy of the Protective Order issued by the Court and shall execute a Non-Disclosure
3 Agreement in the form of Attachment "A" hereto.

4 7. In the event any Confidential Information is used in any court proceeding in this
5 action, it shall not lose its confidential status through such use. The parties hereto shall each bear the
6 responsibility of maintaining the confidentiality of the Confidential Information both during such use
7 and thereafter. In the event any of the parties hereto deem it appropriate, a request can be made to
8 the Court to incorporate the terms of the Protective Order covering any particular document or
9 information that constitutes Confidential Information.

10 8. The Subpoenas for Business Records served by Petitioner on third parties Edward
11 White & Co., LLP, The Mandel Company, Inc., and/or United Talent Agency, LLC shall be quashed
12 to the extent that they seek to discover information that is overly broad, unduly burdensome,
13 privileged and/or private, and/or not relevant to this matter, including records sought for several
14 years prior to the parties' marriage.

15 9. The deadlines for Respondent and third parties subpoenaed to produce documents and
16 responses shall be extended to ten days following the Court's ruling and execution of a protective
17 order.

18
19
20
21
22 DATED: _____

23 THE HONORABLE CARL H. MOOR
24 LOS ANGELES SUPERIOR COURT

ATTACHMENT "A"

I, _____, acknowledge receiving a copy of the Protective Order in the case entitled Marriage of Depp, bearing Case Number BD641052 in the files of the Los Angeles Superior Court, and hereby agree to comply with and be bound thereby.

Dated: _____

PETITIONER: AMBER LAURA DEPP
 RESPONDENT: JOHN CHRISTOPHER DEPP II (aka JOHNNY DEPP)
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD641052

REQUEST FOR ORDER

Note: Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. ☒ **RESTRAINING ORDER INFORMATION**

One or more domestic violence restraining/protective orders are now in effect between (specify):

☒ Petitioner ☒ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. ☐ Criminal: County/state (specify): Case No. (if known):
 b. ☒ Family: County/state (specify): Los Angeles, CA Case No. (if known): BD641052
 c. ☐ Juvenile: County/state (specify): Case No. (if known):
 d. ☐ Other: County/state (specify): Case No. (if known):

2. ☐ **CHILD CUSTODY**

☐ I request temporary emergency orders

☐ **VISITATION (PARENTING TIME)**

a. I request that the court make orders about the following children (specify):

Child's Name

Date of Birth

☐ Legal Custody to (person who decides: health, education, etc):

☐ Physical Custody to (person with whom child lives):

b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:

(1) ☐ Specified in the attached forms:

☐ Form FL-305

☐ Form FL-311

☐ Form FL-312

☐ Form FL-341(C)

☐ Form FL-341(D)

☐ Form FL-341(E)

☐ Other (specify):

(2) ☐ As follows (specify):

☐ Attachment 2a.

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

☐ Attachment 2c.

d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).

(1) ☐ The order for legal or physical custody was filed on (date):

The court ordered (specify):

(2) ☐ The visitation (parenting time) order was filed on (date):

The court ordered (specify):

☐ Attachment 2d.

PETITIONER: AMBER LAURA DEPP
 RESPONDENT: JOHN CHRISTOPHER DEPP II (aka JOHNNY DEPP)
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD641052

3. ☐ CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

☐ I request support for each
 child based on the child support guideline.

☐ Monthly amount (\$) requested
 (if not by guideline)

☐ Attachment 3a.

b. ☐ I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

☐ Attachment 3d.

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a. ☐ Amount requested (monthly): \$

b. ☐ I want the court to ☐ change ☐ end the current support order filed on (date):
 The court ordered \$ per month for support.

c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.

I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

☐ Attachment 4e.

5. ☐ PROPERTY CONTROL

☐ I request temporary emergency orders

a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (specify):

b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

| | | | |
|---------------|------------|------------------|-----------------|
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |

c. ☐ This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: AMBER LAURA DEPP
 RESPONDENT: JOHN CHRISTOPHER DEPP II (aka JOHNNY DEPP)
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD641052

6. ☐ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$

I filed the following to support my request:

- A current *Income and Expense Declaration* (form FL-150).
- A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- I request that the court ☐ change ☐ end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- ☐ I request that the court make the following changes to the restraining orders (specify): ☐ Attachment 7c.
- I want the court to change or end the orders because (specify): ☐ Attachment 7d.

8. ☒ OTHER ORDERS REQUESTED (specify):

☒ Attachment 8.

That the Court issue a protective order regarding all confidential information in this action and quash subpoenas in part as set forth in Attachment 8 hereto.

9. ☐ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

- ☐ To serve the *Request for Order* no less than (number):
- ☐ The hearing date and service of the *Request for Order* to be sooner.
- I need the order because (specify):

court days before the hearing.

☐ Attachment 9c.

10. ☒ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.

☐ Attachment 10.

See attached Memorandum of Points and Authorities and Declaration of Laura A. Wasser, Esq.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: July 15, 2016

LAURA A. WASSER, ESQ.

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

ATTACHMENT 8 TO FORM FL-300

OTHER ORDERS REQUESTED

RESPONDENT REQUESTS THE FOLLOWING ORDERS AT THE TIME OF HEARING:

1. That all documents produced by Respondent in this action and/or any third parties subpoenaed in this action, including Edward White & Co., LLP, The Mandel Company, Inc., and United Talent Agency, LLC, shall be designated as "Confidential Information" herein.

2. That Confidential Information, the information contained therein, and any summaries, copies, abstracts or other documents derived in whole or in part from Confidential Information, shall be used by the parties in this action only in connection with matters and/or issues relating to the subject litigation and for no other purpose.

3. That if documents designated as CONFIDENTIAL are used as exhibits at a deposition, arrangements shall be made with the court reporter to separately bind such portions of the transcript or record containing documents designated as CONFIDENTIAL, and any testimony relating thereto, and to label such portions appropriately.

4. That if documents designated as CONFIDENTIAL are used as exhibits in settlement conferences, mediation, arbitration or other dispute resolution, the documents shall be submitted in a confidential manner.

5. That Confidential Information produced pursuant to this Order may be disclosed or made available only to the Court, to counsel for the parties in this action (including the paralegal, clerical and secretarial staff employed by such counsel), and to the "qualified persons" designated below.

a. A party, or an officer, director or employee of the party deemed appropriate by counsel to assist with respect to any matters and/or issues which are then pending or may arise in connection with the subject litigation;

b. Experts or consultants (together with their clerical staff) retained by such counsel to assist with respect to any matters and/or issues that are either pending or may arise in connection with the subject litigation;

///

1 c. Court reporter(s) employed in this action;
2 d. A witness at any deposition or other proceeding in this action; and
3 e. Any other person as to whom the parties agree in writing or the Court permits
4 upon duly noticed Request for Order.

5 6. That prior to receiving any Confidential Information, each "qualified person" shall be
6 provided with a copy of the Protective Order issued by the Court and shall execute a Non-Disclosure
7 Agreement in the form of Attachment "A" hereto.

8 7. That in the event any Confidential Information is used in any court proceeding in this
9 action, it shall not lose its confidential status through such use. The parties hereto shall each bear the
10 responsibility of maintaining the confidentiality of the Confidential Information both during such use
11 and thereafter. In the event any of the parties hereto deem it appropriate, a request can be made to
12 the Court to incorporate the terms of the Protective Order covering any particular document or
13 information that constitutes Confidential Information.

14 8. That the Subpoenas for Business Records served by Petitioner on third parties Edward
15 White & Co., LLP, The Mandel Company, Inc., and/or United Talent Agency, LLC be quashed to
16 the extent that they seek to discover information that is overly broad, unduly burdensome, privileged
17 and/or private, and/or not relevant to this matter, including records sought for several years prior to
18 the parties' marriage.

19 9. That the deadlines for Respondent and third parties subpoenaed to produce documents
20 and responses be extended to ten days following the Court's ruling and execution of a protective
21 order.

22 10. Such other and further orders as are reasonably required to fully implement such
23 orders as are made by the Court herein.

ATTACHMENT "A"

I, _____, acknowledge receiving a copy of the Protective Order in the case entitled Marriage of Depp, bearing Case Number BD641052 in the files of the Los Angeles Superior Court, and hereby agree to comply with and be bound thereby.

Dated: _____

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Respondent John Christopher Depp II ("Johnny") submits the within Memorandum of Points
3 and Authorities in support of his request that the Court issue a protective order and quash subpoenas in
4 part.

5 **I.**

6 **INTRODUCTION**

7 Johnny and Petitioner Amber Laura Depp ("Amber") were married for less than 1.5 years.
8 They have no children together. Amber initiated this dissolution action on May 23, 2016. She issued
9 substantial discovery requests in June, including a Demand for Production and Inspection of
10 Documents, Form Interrogatories, a Demand for Preliminary Declaration of Disclosure, and
11 Deposition Subpoenas for Production of Business Records from Johnny's past and present financial
12 advisors as well as his talent agents.

13 Both the discovery requests and the subpoenas encompass comprehensive financial
14 information, including business and personal income tax returns, bank and brokerage statements,
15 general ledgers, balance sheets, and credit card records. Johnny does not dispute that Amber is entitled
16 to the majority of the information sought in her discovery requests and subpoenas. He is willing to
17 produce the documents necessary for Amber's evaluation of the relevant issues in this case, such as
18 division of the community estate and spousal support. He has asked, however, that a confidentiality
19 agreement be executed prior to the production of documents in order to protect the parties' privacy.
20 This case has been extraordinarily public since its inception. There have been daily articles in the
21 domestic and foreign press about this proceeding and the parties' lives. Every detail of this action has
22 been chronicled by the media and it has become one of the most heavily publicized celebrity divorces
23 in recent memory.

24 Amber's need for financial information to resolve this case is distinct from the public's appetite
25 for information about celebrity divorces. Yet Amber has inexplicably refused to sign any agreement to
26 maintain confidentiality in this action. Johnny has proposed two different versions of a confidentiality
27 agreement and has expressed his willingness to consider revisions and/or an alternate agreement
28 drafted by Amber's counsel. No such revisions nor alternate agreement has been provided. Amber

1 and/or her counsel have already participated in at least one media story which contained specific
2 provisions from prior settlement communications. Johnny is therefore asking the Court to issue a
3 protective order as set forth in Attachment 8 which will require that the parties maintain the privacy
4 and confidentiality of the financial information produced in this matter.

5 Johnny is also asking the Court to quash the subpoenas issued to the extent they are overly
6 broad, unduly burdensome, seek private and/or privileged information, and/or seek information not
7 relevant to this action. The time period for the documents encompassed by the subpoenas begins
8 before the parties married, in some instances several years. The subpoenas encompass extraordinarily
9 voluminous records given the complexity of Johnny's financial estate. They also encompass Johnny's
10 employment contracts and agreements with movie studios and fashion designers which involve
11 proprietary information and therefore particular privacy and confidentiality issues regarding various
12 trade secrets. Furthermore, the subpoenas encompass financial records of third parties, such as
13 Johnny's bandmates, which are not only private but also irrelevant to the instant dissolution
14 proceeding.

15 II.

16 A PROTECTIVE ORDER IS NECESSARY TO PROTECT THE PRIVACY RIGHTS OF 17 JOHNNY AND THIRD PARTIES

18 A. Amber is seeing private financial information.

19 The documents Amber seeks from Johnny and/or third parties encompass private financial
20 information. One of the fundamental rights protected by the California Constitution is the right of
21 privacy. Article I, Section I of the California Constitution declares the right to privacy to be one of the
22 enumerated rights which are "inalienable" under California law. Personal financial information falls
23 within the scope of such privacy rights. *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d
24 652; *Moskowitz v. Superior Court* (1982) 137 Cal. App.3d 313. California courts have consistently
25 relied upon both those constitutional protections and the statutory restrictions on discovery imposed by
26 California law to approve limitations on access to financial information. See, e.g., *Moskowitz v.*
27 *Superior Court*, supra; *Richards v. Superior Court* (1978) 86 Cal. App.3d 265.

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Amber's discovery requests and subpoenas served upon third parties involve not only Johnny's private financial information but also the private financial information of third parties, such as his bandmates. In *Moskowitz v. Superior Court*, supra, the Court held that third parties whose financial records are sought are presumptively entitled to a protective order preserving the confidentiality of those records.

B. Johnny will comply with Amber's discovery requests once an order is executed limiting the use of information and documents produced to this dissolution action.

Amber's requests include Johnny's personal and business income tax returns, general ledgers, balance sheets, bank and brokerage records, and employment contracts and agreements, among other items. Johnny does not dispute that Amber and her attorneys and accountants have a right to review the majority of these documents in conjunction with this dissolution proceeding. He is not trying to prevent Amber from accessing the financial information she needs to determine relevant issues, such as the division of the community estate and spousal support.

Johnny is merely trying to protect the documents and information Amber seeks from unwarranted disclosure to the media and other individuals not involved in this case. He respects Amber's need for the information. The protective order Johnny seeks with respect to the discovery requests served upon him is intended only to prohibit the parties from using the information and documents produced for purposes outside of this dissolution action.

C. The subpoenas issued upon third parties should be quashed in part as they are overly broad, unduly burdensome, and seek private and/or privilege information, as well as information not relevant to this dissolution action.

Amber has served subpoenas for business records upon Johnny's past and present financial advisors as well as his talent agents. In these subpoenas, she seeks the entirety of each third party's file with respect to Johnny. Responsive documents necessarily include much of the financial information already requested in discovery Amber issued upon Johnny. The documents requested are voluminous and encompass tens of thousands of pages. They encompass private financial records of third parties, such as the members in Johnny's band. Certainly, the personal finances of these band members are not relevant to Amber and Johnny's divorce. Moreover, the subpoenas encompass documents which are

1 confidential and privileged, such as employment agreements containing express confidentiality
2 provisions to protect proprietary information and industry trade secrets. The subpoenas also
3 improperly reach back several years before the parties married. The Court has jurisdiction only over
4 issues arising during the parties' marriage.

5 The Court has clear authority to quash part or all of the requests in Amber's subpoenas.
6 California Code of Civil Procedure section 1985.3(g) provides that the party whose personal records
7 are being sought may bring a motion to quash or modify the subpoena at any time prior to the date
8 specified in a subpoena duces tecum for the production of documents. Code of Civil Procedure section
9 1987.1 then authorizes the trial court to modify the subpoena or direct compliance with it upon such
10 terms or conditions as the Court shall declare, including protective orders. Section 1987.1 expressly
11 provides that the Court may make orders that it deems to be appropriate to protect the parties' rights of
12 privacy.

13 Both Johnny's own privacy and the privacy rights of third parties are implicated by the
14 subpoenas. Johnny is therefore requesting that the Court not only issue a protective order to maintain
15 the confidentiality of all documents produced in this action, but also quash in part the Deposition
16 Subpoenas for Production of Business Records served upon Edward White & Co., LLP; The Mandel
17 Company, Inc.; and United Talent Agency, LLC, as follows:

- 18 1. All requests be quashed to the extent that they seek records before the parties' date of
19 marriage on February 3, 2015.
- 20 2. All requests be quashed to the extent that they seek records involving the financial
21 affairs of third parties.
- 22 3. All requests be quashed to the extent that they seek Johnny's employment contracts or
23 other agreements which contain confidential information and privileged trade secrets.

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