
**IN THE
COURT OF APPEALS OF VIRGINIA**

Record No. 1062-22-4

AMBER LAURA HEARD,
Defendant-Appellant,

v.

JOHN C. DEPP, II,
Plaintiff-Appellee.

**MOTION FOR LEAVE TO FILE REPLY IN FURTHER SUPPORT OF
MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* SANCTUARY
FOR FAMILIES, THE VIRGINIA NATIONAL ORGANIZATION FOR
WOMEN, THE DC COALITION AGAINST DOMESTIC VIOLENCE,
EQUALITY NOW, ESPERANZA UNITED, THE FEMINIST MAJORITY
FOUNDATION, BATTERED WOMEN’S JUSTICE PROJECT, THE
WOMEN’S EQUAL JUSTICE PROJECT, NATIONAL CRIME VICTIM
LAW INSTITUTE, THE COALITION AGAINST TRAFFICKING IN
WOMEN AND PROFESSOR CATHARINE A. MACKINNON, *ET AL.*
IN SUPPORT OF THE DEFENDANT-APPELLANT**

Amici Curiae (“*Amici*”) Sanctuary for Families, the Virginia National Organization For Women, the DC Coalition Against Domestic Violence, Equality Now, Esperanza United, The Feminist Majority Foundation, Battered Women’s Justice Project, The Women’s Equal Justice Project, National Crime Victim Law

Institute, the Coalition Against Trafficking in Women, Professor Catharine A. MacKinnon and the organizations, individual professors, scholars, victim advocates and professionals listed in Appendix A of *Amici's* Motion for Leave to File Brief of *Amici Curiae*, by counsel, respectfully move this Honorable Court for leave to file the attached reply in further support to the motion for leave to file brief *amicus curiae*, pursuant to Rule 5A:23 of the Supreme Court of Virginia, in support of the Defendant-Appellant Amber Laura Heard. In support of this motion, *Amici* state as follows:

1. *Amici* are leading nonprofit organizations, professors, victim advocates and professionals around the world dedicated to advancing the safety and well-being of survivors of domestic violence. Collectively, *Amici* provide a broad range of legal and other services to victims of domestic violence, and are active contributors to, and experts in, the scholarship surrounding the dynamics of domestic violence.

2. *Amici* moved this Court for leave to file brief *amicus curiae* on November 23, 2022 (the "Motion"), explaining that the appeal presents issues regarding domestic violence that are important to Virginia law and concerns and implicates not only the rights of the parties to this case, but also the rights of numerous other citizens throughout the Commonwealth. *Amici's* brief reflects the important and unique perspective of these *Amici* on the question of why the jury verdict was plainly wrong to ignore uncontroverted evidence of widely-recognized

forms of abuse, including coercive tactics and non-physical forms of abuse that are a critical component of domestic violence.

3. On December 5, 2022, Mr. Depp filed an opposition to *Amici's* Motion. Mr. Depp's opposition makes several unsupported arguments regarding *Amici's* submission that, if not responded to, may incorrectly suggest that *Amici's* submission contained errors or should otherwise not be considered by this Honorable Court. For example, *Amici's* brief was submitted in 14-point font, not 12-point font as Mr. Depp argued, and *Amici* did not "coordinate" with Ms. Heard's counsel to "circumvent the page limits imposed on both parties." Opp. at 6.

4. To respond to the incorrect assertions in Mr. Depp's opposition, *Amici* have prepared a brief reply statement explaining why Mr. Depp's arguments lack merit.

WHEREFORE, for the reasons set forth above, *Amici* respectfully request that this Honorable Court permit them to file a reply in further support to the motion for leave to file brief *amicus curiae*.

Respectfully submitted:

/s/ Geoffrey Schmelkin

Geoffrey Schmelkin (VSB # 95967)

Counsel of Record

John Terzaken*

Geoff Schmelkin (VSB # 95967)

SIMPSON THACHER & BARTLETT LLP

900 G. Street, N.W.

Washington, D.C. 20001

Telephone: (202) 636-5500

Facsimile: (202) 636-5502

Email: john.terzaken@stblaw.com

geoffrey.schmelkin@stblaw.com

Sarah E. Phillips*

Jacob Lundqvist*

Eric Yang*

Damian P. Gallagher*

SIMPSON THACHER & BARTLETT LLP

425 Lexington Avenue

New York, N.Y. 10017-3954

Telephone: (212) 455-2000

Facsimile: (212) 455-2502

Email: sarah.phillips@stblaw.com

jacob.lundqvist@stblaw.com

eric.yang@stblaw.com

damian.gallagher@stblaw.com

Counsel to Amici

* Not actively admitted in Virginia

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 2022, pursuant to Rule 5A:1, an electronic copy of the Motion for Leave to File Reply of *Amici Curiae* has been filed with the Clerk of the Court of Appeals of Virginia, via VACES. On this same day, an electronic copy of the Motion for Leave to File Reply of *Amici Curiae* was served, via email, upon:

J. Benjamin Rottenborn (VSB No. 84796)
Joshua R. Treece (VSB No. 79149)
Elaine D. McCafferty (VSB No. 92395)
Karen M. Stemland (VSB #47167)
WOODS ROGERS PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24011
Tel.: (540) 983-7540
brottenborn@woodsrogers.com
jtreece@woodsrogers.com
emccafferty@woodsrogers.com
kstemland@woodsrogers.com

Jay Ward Brown (VSB No. 34355)
BALLARD SPAHR LLP
1909 K Street NW, 12th Floor
Washington, DC 20006-1157
Tel.: (202) 508-1136
Fax: (202) 661-2299
brownjay@ballardspahr.com

Benjamin G. Chew (VSB No. 29113)
Andrew C. Crawford (VSB No. 89093)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Tel.: (202) 536-1785
Fax: (617) 289-0717
bchew@brownrudnick.com
acrawford@brownrudnick.com

Jessica N. Meyers (*pro hac vice*)
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
Tel.: (212) 209-4800
jmeyers@brownrudnick.com

Wayne F. Dennison (*pro hac vice*)
Rebecca M. Lecaroz (*pro hac vice*)
Stephanie P. Calnan (*pro hac vice*)
BROWN RUDNICK LLP
One Financial Center
Boston, Massachusetts 02118
Tel.: (617) 856-8149
wdennison@brownrudnick.com
rlecaroz@brownrudnick.com
scalnan@brownrudnick.com

David L. Axelrod (*pro hac vice*)
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
Tel.: (215) 864-8639
axelrodd@ballardspahr.com

*Counsel for Appellant, Amber Laura
Heard*

Camille M. Vasquez (*pro hac vice*)
Samuel A. Moniz (*pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, California 92612
Tel.: (949) 752-7100
Fax: (949) 252-1514
cvasquez@brownrudnick.com
smoniz@brownrudnick.com

Counsel for Appellee, John C. Depp, II.

The foregoing contains 430 words.

/s/ Geoffrey Schmelkin
Geoffrey Schmelkin (VSB # 95967)