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**FILED**  
Superior Court of California  
County of Los Angeles  
**MAY 27 2016**

6 Attorneys for Respondent

Sherri R. G... Clerk  
By Manuel Almedras Deputy

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

12 In re the Marriage of )  
13 Petitioner: AMBER LAURA DEPP )  
14 and )  
15 Respondent: JOHN CHRISTOPHER DEPP II (AKA JOHNNY DEPP) )  
16 )  
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CASE NO. BD641052  
[Assigned to Dept. 6,  
Hon. Carl H. Moor]  
**OPPOSITION TO PETITIONER, AMBER  
LAURA DEPP'S EX PARTE  
APPLICATION; AND DECLARATION  
OF LAURA A. WASSER, ESQ.**  
Date: May 27, 2016  
Dept: 6  
Time: 8:30 A.M.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Respondent, John Christopher Depp II (hereinafter "Johnny") submits the within  
3 Memorandum of Points and Authorities in opposition to the ex parte application noticed by  
4 Petitioner, Amber Laura Depp (hereinafter "Amber") for hearing on May 27, 2016.

5 **I.**

6 **INTRODUCTION**

7 Ex parte applications are restricted for emergency situations where substantial injury, harm,  
8 or, at the very least, prejudice, would result if the matter were not either resolved immediately or on  
9 shortened time. Amber is nonetheless seeking ex parte relief for several matters which do not  
10 constitute an emergency, including the payment of spousal support and attorneys' fees.

11 Not only are such matters devoid of any exigency, but they are also wildly premature. This  
12 case commenced this week. Amber filed her Petition for Dissolution of Marriage this Monday, May  
13 23, 2016. Johnny filed his Response and Request for Dissolution of Marriage two days later, on May  
14 25, 2016. No discovery has been conducted. The parties have not yet had an opportunity to even  
15 informally exchange information. The Court therefore has no financial information upon which to  
16 make the financial orders requested at this time. Moreover, Amber is a successful model and actress  
17 who earns her own income and is capable of supporting herself. Although Amber is entitled to seek  
18 support, fees, and property orders, Johnny is likewise entitled to reasonable time to prepare his  
19 response.

20 Amber is attempting to secure a premature financial resolution by alleging abuse. Her current  
21 application for a temporary restraining order along with her financial requests appears to be in  
22 response to the negative media attention she received earlier this week after filing for divorce. Both  
23 Amber and Johnny are successful actors. Amber filed her Petition three days after the death of  
24 Johnny's mother. There has been significant commentary in the media as to this timing given that  
25 Johnny was very close to his mother. Yet Johnny cannot protect himself or Amber from media  
26 scrutiny, and Amber's anger certainly cannot drive this dissolution proceeding.

27 The actual issues in this case should be handled through properly noticed Requests for Orders  
28 and settlement efforts. The issues are limited as the parties were married for little more than one

1 year and have no children together. These issues can and will be resolved. Further, Johnny is  
2 willing to stipulate to mutual stay-away and personal conduct orders even though he and Amber are  
3 currently on different continents, as Amber is aware. There is therefore no basis, in law or in fact,  
4 upon which to issue the orders Amber seeks at this time.

5 **II.**

6 **AS A MATTER OF LAW, THE MAJORITY OF THE RELIEF REQUESTED**  
7 **CANNOT BE ORDERED ON AN EX PARTE BASIS**

8 Due process requires reasonable notice and an opportunity to be heard. Accordingly, ex parte  
9 orders are issued with extreme caution and only under extraordinary circumstances. California Rules  
10 of Court, Rule 3.1202(c) requires that an ex parte applicant "make an affirmative factual showing in  
11 a declaration containing competent testimony based on personal knowledge of irreparable harm,  
12 immediate danger, or any other statutory basis for granting relief ex parte." Amber cannot make  
13 such an affirmative showing because there is no risk of irreparable harm or immediate danger upon  
14 which to grant the majority of the relief she requests.

15 The majority of the relief she requests is purely financial in nature. Amber is seeking  
16 payments for spousal support, attorneys' fees, and accounting fees as well as the exclusive use and  
17 possession of particular real and personal property owned by the parties. Neither the parties nor this  
18 Court has any financial information upon which to grant such relief as this case commenced only  
19 four days ago. Moreover, as a successful actress with significant income of her own, there is no  
20 question that Amber can support herself until the parties have had a reasonable amount of time to  
21 assess their finances with the assistance of counsel and then negotiate a mutually agreeable  
22 resolution or seek regularly-noticed court orders.

23 **III.**

24 **ANY ISSUES FOR WHICH EX PARTE RELIEF MAY BE AVAILABLE HAVE ALREADY**  
25 **BEEN RESOLVED**

26 In addition to her numerous financial requests, Amber has also requested a temporary  
27 restraining order against Johnny. Johnny is currently out of the country for work. He is unable to  
28 attend the hearing on this matter and has not heard Amber's specific allegations against him. He

1 nonetheless has every intention of staying away from Amber and will stipulate to mutual stay-away  
2 and personal conduct orders.

3 **IV.**

4 **CONCLUSION**

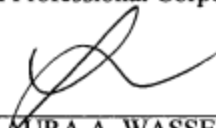
5 For all of the foregoing reasons, Johnny respectfully requests that Amber's ex parte  
6 application be denied in its entirety.

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8 DATED: May 26, 2016

Respectfully submitted,

9 WASSER, COOPERMAN & MANDLES  
10 A Professional Corporation

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12 By:

  
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14 LAURA A. WASSER, ESQ.  
15 Attorneys for Respondent  
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