

1 McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
2 James P. Wagoner, #58553
jim.wagoner@mccormickbarstow.com
3 Nicholas H. Rasmussen, #285736
nrasmussen@mccormickbarstow.com
4 Graham A. Van Leuven, #295599
graham.vanleuven@mccormickbarstow.com
5 7647 North Fresno Street
Fresno, California 93720
6 Telephone: (559) 433-1300
Facsimile: (559) 433-2300
7

8 Attorneys for Plaintiff and Counter-
Defendant New York Marine and General
Insurance Company
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10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
11

12 NEW YORK MARINE AND
13 GENERAL INSURANCE COMPANY,
a New York corporation,,
14

15 Plaintiff,
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17 v.
18

19 AMBER HEARD, an individual,,
20

21 Defendant.
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Case No. 2:22-cv-04685-GW(PDx)

Consolidated for Pre-Trial Purposes
with 2:21-cv-5832-GW (PDx)

**DECLARATION OF JAMES P.
WAGONER IN SUPPORT OF NEW
YORK MARINE'S OPPOSITION
TO HEARD'S MOTION TO
DISMISS SECOND AMENDED
COMPLAINT**

Date: October 12, 2023
Time: 8:30 a.m.
Dept.: 9D

Hon. George H. Wu

23 AMBER HEARD, an individual,
24

25 Counter-Claimant
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27 v.
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NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York Corporation,
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30 Counter-Defendant

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DECLARATION OF JAMES P. WAGONER

I, James P. Wagoner, declare as follows:

1. I am an attorney duly admitted to practice before the Courts of the State of California and before this Court. I am a partner with McCormick, Barstow, Sheppard, Wayte & Carruth LLP, attorneys of record for Plaintiff and Counter-Defendant New York Marine and General Insurance Company in the above-entitled action.

2. If called as a witness, I would and could competently testify to all facts stated herein from my personal knowledge except where stated upon information and belief and, as to these matters, I am informed and believe them to be true. I am submitting this Declaration in support of New York Marine’s Opposition to Heard’s Motion to Dismiss Second Amended Complaint.

3. In Defendant and Cross-Complainant’s Amber Heard’s Initial Disclosures, she claims damages of “at least \$4,400,000 in unreimbursed legal fees and costs incurred by Ms. Heard in the defense of the Depp lawsuit.” (Ex. A, 8:6-7.) Of the invoices submitted, a number of them reflect costs and services incurred before Heard’s s September 4, 2019 tender of the *Depp v. Heard* action to NY Marine.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed by me on September 21, 2023 in Fresno, California.

/s/ James P. Wagoner
James P. Wagoner

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PROOF OF SERVICE

**New York Marine and General Insurance Company v. Amber Heard
USDC Central District of California, Case No. 2:22-cv-04685-GW-PD**

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On September 21, 2023, I served true copies of the following document(s) described as **DECLARATION OF JAMES P. WAGONER IN SUPPORT OF NEW YORK MARINE’S OPPOSITION TO HEARD’S MOTION TO DISMISS SECOND AMENDED COMPLAINT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE (E-MAIL): Based on a court order or an agreement of the parties to accept electronic service, my electronic service address is heather.ward@mccormickbarstow.com, and I caused the document(s) to be sent to the persons at the electronic service address(es) listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 21, 2023, at Fresno, California.

/s/ Heather Ward

Heather Ward

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SERVICE LIST

New York Marine and General Insurance Company v. Amber Heard
USDC Central District of California, Case No. 2:22-cv-04685-GW-PD

Kayla Robinson
Kirk A. Pasich
Pasich LLP
10880 Wilshire Blvd., Suite 2000
Telephone: (424) 313-7890
krobinson@pasichllp.com
kpasich@pasichllp.com

*Attorneys for Defendant and Counter
Claimant Amber Heard*

John T. Brooks
Jeffrey V. Commisso
Andrea S. Warren
Sheppard, Mullin, Richter & Hampton
LLP
501 W. Broadway, 19th Floor
San Diego, CA 92101
Telephone: (619) 338-6500
Email: jbrooks@sheppardmullin.com
Email: jcommisso@sheppardmullin.com
Email: awarren@sheppardmullin.com

Courtesy Copy – Via Email

*Attorneys for Plaintiff and
Counterclaimant Travelers Commercial
Insurance Company in USDC Central
District Case No. 2:21-cv-05832-GW,
consolidated for pre-trial purposes*