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Katie Johnson v. Donald J. Trump and Jeffrey E. Epstein: Trump Child Rape Claim for \$100

Million Denied by Trump Attorney

By William Boardman

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"The allegations are not only categorically false, but disgusting at the highest level and clearly framed to solicit media attention or, more likely, are politically motivated. To be clear, there is absolutely no merit to these claims and, based on our investigation, no evidence that the person who has made these allegations actually exists." – Alan Garten, corporate attorney for Donald Trump, April 28, 2016

The federal lawsuit, titled Katie Johnson v. Donald J. Trump and Jeffrey E. Epstein, accuses Trump and Epstein of rape and other sexual assaults during the summer of 1994, when plaintiff was 13 years old. Attorney Garten denied the accusations and cast doubt on the existence of the plaintiff.

Attorney Garten's denial of rape claims against Donald Trump and Jeffrey Epstein dates from April 2016, when the case was filed by a "Katie Johnson," a possible pseudonym, on April 26 in U.S. District Court in Riverdale, California (home of plaintiff). The case, apparently filed pro se by the plaintiff, acting without a lawyer, sought \$100 million in damages from defendants for, among other things, violating her Civil Rights and "by making her their sex slave." The case appears to have been first reported online by DailyMail.com, which included Garten's denial as well as a sampling of the lurid details of the allegations. Other early coverage appears to have been limited to other online news sites including RADAR online, Winning Democrats, Sunday Express, AntiMedia.org, and NYDailyNews.com.

Less than a week after the case was filed under federal Civil Rights statutes, a federal judge ruled that it was a mistake and dismissed the case. On May 2, citing the Civil Rights basis of the suit, the judge wrote: "Even construing the ... pleading liberally, Plaintiff has not alleged any race-based or class-based animus against her, and consequently, her ... allegations fail to state a claim upon which relief may be granted." The dismissal received even less coverage than the filing. RADAR online reported: "Judge Trashes Bogus Donald Trump Rape Lawsuit," even though the judge had ruled only on the terms of the filing, not on any of the substance of the case as "bogus" or otherwise.

Once dismissed, however, the case was over, at least for the moment.

Plaintiff could have re-filed the complaint in correct form in California. Instead she apparently found a lawyer to file for her in New York, the home state of both defendants.

On June 20, seven weeks after the California dismissal, New Jersey attorney Thomas Francis Meagher filed the same case in revised form in U.S. District Court for the Southern District of New York on behalf of plaintiff "Jane Doe, proceeding under a pseudonym" and seeking a jury trial. The filing is titled:

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"Complaint for rape, sexual misconduct, criminal sexual acts, sexual abuse, forcible touching, assault, battery, intentional and reckless infliction of emotional distress, duress, false imprisonment, and defamation" The complaint outlines central issues in the case succinctly:

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"Plaintiff was subject to acts of rape, sexual misconduct, criminal sexual acts, sexual abuse, forcible touching, assault, battery, intentional and reckless infliction of emotional distress, duress, false imprisonment, and threats of death and/or serious bodily injury by the Defendants that took place at several parties during the summer months of 1994. The parties were held by Defendant Epstein at a New York City residence that was being used by Defendant Epstein at 9 E. 71st St. in Manhattan [known as the Wexler Mansion]. During this period, Plaintiff was a minor of age 13..."

According to the complaint: Plaintiff Jane Doe came to New York in the spring of 1994 in hope of starting a modeling career.

Professionally unprepared, she had little success and was headed home when she met Tiffany Doe, another pseudonym, who worked for

Epstein from 1990 to 2000, recruiting young women to attend his parties and entertain his guests. Tiffany Doe, age 26 in 1994, promised

Jane Doe that she would be paid to attend these parties at which she would meet people who could help her start her modeling career.

Jane Doe attended at least four of Epstein's parties at which she interacted with both Trump and Epstein sexually, as described

graphically in the complaint and in attached affidavits of the two women.

Tiffany Doe, in her affidavit, says she was a witness to the events

described by Jane Doe. To compensate for this treatment, Jane Doe seeks unspecified "special damages, compensatory damages, and punitive damages" (previously requested \$100 million).

The complaint makes several other requests of the court that have not yet been acted on:

To proceed anonymously – where Jane Doe's privacy outweighs any public interest and does not prejudice defendants.

To waive any statute of limitations – on the basis that Defendants' threats to harm plaintiff and/or her family effectively deprived plaintiff of the freedom to file her complaint earlier.

To issue a protective order – to protect plaintiff "from harm and harassment from Defendants and their agents and associates."

To find that Defendants have defamed Jane Doe – in particular in attorney Garten's April 28 statement (quoted above) because it "is libelous on its face, and clearly exposes Plaintiff to hatred, contempt, ridicule and obloquy."

Defendants have not yet filed a response to the June 20 claim in court. Nor has there apparently been any public response from Attorney

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Garten, the Trump campaign, Epstein, or others associated with Defendants.

While it remains possible that this version of the case may

be dismissed like the California filing, the New York version has already survived twice as long, with less pushback from Trump

representatives, and with some hints of more serious media attention (as well as satiric exposure on Redacted Tonight June 24).

Trump rape case has strange context, proving nothing, but ...

The first, fundamental question about this case is whether it's credible, and the metaphorical jury is still out on that. But we're looking at

Trump rape allegations in the aftermath of the Bill Cosby multi-scandal, which serves as a caution for anyone wanting to rush to judgment.

And with Trump, there's already a context in sharp contrast with what we thought about Cosby before we knew about Cosby.

Trump's co-defendant, billionaire Jeffrey Epstein, is a convicted sex offender who has served jail time, after pleading guilty to reduced

charges. Yes, that's guilt-by-association, but there's little doubt that their association was lengthy and cordial. According to the Mirror.com:

Trump's co-accused, Epstein, who was once a close friend of the Duke of York, pleaded guilty to two [Florida] state charges of soliciting a

minor for prostitution and soliciting prostitution. He served 13 months after being sentenced in 2008.

Investigators suspected the former New York financier of abusing 34 underage girls but lawyers failed to charge him or any of his "coconspirators"

and instead offered him a secret plea bargain.

Epstein has dubiously defended himself by telling the N.Y. Post in 2011:

"I'm not a sexual predator, I'm an 'offender.' It's the difference between a murderer and a person who steals a bagel... The crime that was supposedly committed in Florida is not a crime in New York."

The court has ruled that Epstein is a Level 3 offender, the highest level, who is a "high risk" to repeat his offense and "a threat to public

safety." Before his plea bargain, Epstein faced 10 years in prison on charges of statutory rape. He served 13 months. Now the Daily Beast

is arguing (June 30) that "billionaire sicko Jeffrey Epstein" is a political time bomb "who could bring down Donald Trump and Hillary

Clinton."

Trump has recently downplayed and minimized his relationship with Epstein, who once taught rich teenagers at the posh Dalton School in

New York. A New York Magazine profile of Epstein in 2014 presented a different perspective:

Epstein likes to tell people that he's a loner, a man who's never touched alcohol or drugs, and one whose nightlife is far from energetic.

And yet if you talk to Donald Trump, a different Epstein emerges. "I've known Jeff for fifteen years. Terrific guy," Trump booms from a

speakerphone. "He's a lot of fun to be with. It is even said that he likes beautiful women as much as I do, and many of them are on the

younger side. No doubt about it – Jeffrey enjoys his social life.” There’s also at least one other Trump sex case, dating from 1997 and reported on by Law Newz in February 2016. On April 25, 1997, Jill Harth, then in her early thirties, filed for \$125 million in damages caused by Trump’s alleged sexual assaults (short of rape). She said that Trump told her he “would be the best lover you ever had.” At the time, her husband and Trump were in a breach-of contract dispute. Trump denied Harth’s claims, but she withdrew her suit after Trump settled his dispute with her husband. The record of the case has been sealed, but the detailed 12-page complaint offers a lurid portrait of Trump behavior. Harth has been ambiguous about the case recently, telling Law Newz in February: “Everything could be looked at in different way.... I have nothing but good things to say about Donald.” At about the same time, Harth told the Guardian that she stands by her allegations against Trump in the 1997 lawsuit. That’s more or less what Trump’s ex-wife Ivana says now, too, though she accused him of raping her in 1989. A Trump spokesman said at one point, “You cannot rape your spouse,” although it’s illegal in 50 states. Ivana Trump made the allegation in a sworn deposition that was reported in 1993 in “Lost Tycoon: The Many Lives of Donald J. Trump,” by Harry Hurt III, who wrote that Ivana told friends that Donald “raped me.” But Trump had that covered, according to the Mirror: Before Lost Tycoon was printed, Trump and his lawyers provided a statement from Ivana, published beneath the allegation of rape. It read: “During a deposition given by me in connection with my matrimonial case, I stated that my husband had raped me. I wish to say that on one occasion during 1989, Mr. Trump and I had marital relations in which he behaved very differently toward me than he had during our marriage. As a woman, I felt violated, as the love and tenderness which he normally exhibited toward me, was absent. I referred to this as a “rape,” but I do not want my words to be interpreted in a literal or criminal sense. Any contrary conclusion would be an incorrect and most unfortunate interpretation of my statement which I do not want to be interpreted in a speculative fashion and I do not want the press or media to misconstrue any of the facts set forth above. All I wish is for this matter to be put to rest. Will the Trump rape lawsuit gain significant media traction? Since the June 20 filing in New York there has been some increase in considered coverage of the accusations against Trump, but the story remains a sideshow with little traction in early July. Snopes.com looked at the case (June 23) broadly but inconclusively and without new insight. “Yes, Donald Trump was accused of raping a 13 year old, but this lawsuit has little chance of succeeding,” argued Law Newz on June 21, the day after the New York filing. Reporter Rachel Stockman noted that electronic summonses have been sent to co-defendants Trump and Epstein, but she devoted most of her article to speculative arguments that the lawsuit will fail, apparently reflecting the views of Trump’s attorney Alan Garten, who “is threatening to file for sanctions against [Attorney] Meagher if he even proceeds with the lawsuit.” Meagher was unavailable for comment. Calling the allegations “unequivocally

false" and "politically motivated," Garten told Law Newz: "I don't know of any attorney – in this country worthy of being admitted by any bar – who would sign legal papers – attesting to such outrageous facts."

The National Review (June 21) also minimizes the prospects for Jane Doe's case, saying falsely that it is "without any sort of supporting evidence." National Review omits, or suppresses, the eyewitness affidavit that confirms Jane Doe's claims and is part of the June 20 filing.

Able to exonerate Trump by denying evidence that exists, National Review's defense is also circumstantially weak:

As a thrice-married admitted adulterer, Trump's history doesn't inspire a lot of confidence in this area, from bragging about bedding married women to his comments to Howard Stern about watching Paris Hilton's sex tape to his weird habit of commenting on the sex appeal of his own daughter to embracing convicted rapist Mike Tyson to defending Bill Clinton himself in his sex scandals in the 1990s, just to pick a few examples.

"Why the New Child Rape Case Filed Against Donald Trump Should Not Be Ignored" was the headline on attorney and NBC News analyst

Lisa Bloom's piece at the Huffington Post (June 29). Bloom wrote: "The mainstream media ignored the [June 20] filing. If the Bill Cosby case has taught us anything, it is to not disregard rape cases against famous men. Serious journalists have publicly apologized for turning a blind eye to the Cosby accusers for over a decade..."

Bloom outlined three factors that justify a closer examination of Trump's behavior. First there is his ongoing disrespect for women including Rosie O'Donnell, Arianna Huffington, Bette Midler, and Megyn Kelly. "Decades of abusive language does not make him a rapist.

But it does show us who the man is: a callous, meanspirited misogynist who no sane person would leave alone with her daughter," Bloom wrote. A second factor that adds credibility to Jane Doe's claim is the pattern suggested by Trump's behavior with his ex-wife Ivana and his dealings with Jill Harth (both discussed above). Bloom reinforced Harth's credibility:

Recently Donald Trump issued a statement that women's claims of sexual harassment, documented in a lengthy New York Times investigation (May 15) which included Ms. Harth's lawsuit, were "made up." Jill Harth responded angrily on Twitter last week: "My part was true. I didn't talk. As usual you opened your big mouth." In other words, she is standing by her story.

The third factor adding credibility to the allegations against Trump, Bloom argued, was the internal consistency of Jane Doe's complaint as well as its correspondence to verifiable facts outside the case. After analyzing Jane Doe's complaint, her affidavit, and her witness affidavit – "it is exceedingly rare for a sexual assault victim to have a witness" – Bloom concluded:

... based on the record thus far, Jane Doe's claims appear credible. Mr. Epstein's own sexual crimes and parties with underage girls are well documented, as is Mr. Trump's relationship with him two decades ago in New York City... Powerfully, Jane Doe appears to have an eyewitness to all aspects of her claim, a witness who appears to have put

herself in substantial danger by coming forward, because at a minimum Mr. Epstein knows her true identity. Bloom is almost alone in saying Jane Doe's "claims merit sober consideration and investigation." The Intercept (June 30) explores Trump's frequent rhetorical use of rape imagery – the Trans-Pacific Partnership is "a rape of our country" – and wonders if he really understands what rape is. While the Intercept refers to Bloom's article, it does not call for further examination of Trump's actions, providing an ironic illustration of Bloom's closing argument: "What do you call a nation that refuses even to look at sexual assault claims against a man seeking to lead the free world? Rape culture."

Any court trial of Jane Doe's claims, if there ever is one, will be much further in the future than the next presidential election. President Clinton's ugly sexual history offers a stark warning to victims as to just how hard it is to get a fair hearing against sexual predators at the pinnacle of American power. Clinton's abiding popularity is a measure of the extent to which the U.S. is a rape culture. Even if the child rape charges against Trump were proved beyond a reasonable doubt tomorrow, there's no assurance that would hurt him in the polls.

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