

[REDACTED] (USAFLS)

From: Roy Black <[REDACTED]>
Sent: Wednesday, February 11, 2015 8:50 AM
To: [REDACTED] (USAFLS)
Subject: RE: Your phone call

Great. Speak to you then.

-----Original Message-----

From: [REDACTED] (USAFLS) [mailto:[REDACTED]]
Sent: Wednesday, February 11, 2015 8:49 AM
To: Roy Black
Subject: Re: Your phone call

Hi Roy. Thanks for your message. Dexter wants to participate in the call so it is helpful to have a roadmap of the discussion points. We will call your office at 2:00. If there is a better number to call, just shoot me an email.

Talk to you soon.

[REDACTED]
Assistant U.S. Attorney
Southern District of Florida
500 S. Australian Ave, Ste 400
West Palm Beach, FL 33401
[REDACTED]

On Feb 10, 2015, at 7:35 PM, "Roy Black" <[REDACTED]mailto:[REDACTED]> wrote:

Marie I was not calling you about the correspondence so don't worry about that. I called you to discuss the plaintiff's replies filed as dockets 310 and 311. We think there are serious misstatements by them in these pleadings. So I just wanted to let you know what our suggested responses are. I have decided to summarize them here because it is easier than going through it on the phone and I assume you need to discuss this with dexter. JD 3 is willing to sign any affidavit put before her and it is hard to stomach. Whenever they have a problem they just have her file a new affidavit. I admit I am steamed and biased about this because of the trashing of alan's reputation. This makes me sick. I don't mind defending almost any accusation but gratuitously destroying a man like alan is going beyond any ethical boundaries. How about if I call you at 2 tomorrow?

1. The CVRA case is a Complaint about whether certain statutory rights were violated by the Govt. The Govt not JE is the defendant. Whether JD 3 or JD 4 are or are not victims is not the test of whether they are proper petitioners: they also must allege a basis for the allegations that their rights to consultation and notification were violated. JD 4 was not even known to the Govt: by definition how could she have been notified or consulted? JD 3 informed the Govt in 2007 that she did not want to be contacted or "bothered" again, DKT 304-1. The FBI case agent participated in the conversation. The FBI provided JD 3 with their contact information. She did not contact the FBI or USAO again seeking to assert her rights as a crime victim until 4 years later. Again, by definition, she rejected rights to consultation and notification in this conversation with the Government and in her subsequent decision to avoid any involvement with the FBI until she was again interviewed in 2011;

2. JD 3 was not a minor during the critical time periods. She was 23 when interviewed by the FBI in 2007. She was 25 when she received a specific notification in September of 2008 (Dkt 290-1) that the federal investigation of JE had concluded with a state plea and sentence (this was only 2 months after the sentence and the beginning of state incarceration). Rather than contesting the resolution that the USAO reached with JE in a timely manner, she exploited it by suing JE as Jane Doe 102 and reaching a favorable financial settlement by taking advantage of the attorney representative and the waiver of liability provisions of the NPA. By the time of her lawsuit in early 2009, the NPA had been unsealed, was in the possession of her counsel, was mentioned in her lawsuit, and yet she did nothing for 5 years (other than receiving a monetary settlement) to pursue her alleged grievances in court;

3. The Complaint by JD 3 (then Jane Doe 102 as stipulated to by her counsel in Dkt 311 at 4) made all of the same factual allegations as she makes in 2014 and, importantly, in par 32, states that following an investigation by the FBI and USAO JE pled guilty to state offenses. . She had all the information available to her in early 2009 that she needed to contest the NPA and pleas of guilty if she so chose;

4. Judge Marra himself said "there is no logical reason to treat a 'non-prosecution agreement' which the government employs to dispose of contemplated federal charges any different from a 'plea agreement' employed to dispose of charged offenses in interpreting remedies available under the CVRA. Where the statute expressly contemplates that a 'plea' may be set aside if entered in violation of CVRA conferral rights, it necessary contemplates that a 'non-prosecution' agreement may be set aside if entered in violation of the government's conferral obligations", Dkt 189 at 9. In short, the law of the case dictates that the test for whether the Motion to Join is timely is the test that would apply to efforts to rescind a plea and sentence.

5. The proper test of the timing of the Motion to Join (or any later Complaint) is found within 18 USC 3771(d)(5) styled "Limitation of Relief" where a crime victim may make a motion to re-open a plea or sentence only if "the victim has asserted the right to be heard before or during the proceeding at issue ..". This provision is enacted to prevent delay and its concomitant prejudice to a defendant who is serving a sentence that the "victim" wishes to re-open or challenge. By delaying her attempt to re-open the NPA (which is not only analogous to a "plea and sentence" but expressly incorporates the imperative of JE pleading guilty in state court) JD 3 waived her right to contest the NPA;

6. JD 3 seeks to rescind the NPA (See Dkt 311 at 7). She therefore seeks to rescind the plea and state sentence. These were fully served during the very time she sought monetary benefits by delaying joining the ongoing CVRA case. Judge Marra found that the delay in proceeding on an expedited basis as to JD 1 and 2 was attributable to their prioritizing their monetary lawsuit, DKT 189 at 5 (finding that for 18 months the CVRA stalled as the petitioners pursued their collateral lawsuits against JE). These delays also contradicted a second statutory mandate - that district courts "decide any motion asserting a victim's rights forthwith" with a limit on continuances of 5 days and a short period to appeal adverse decisions, 18 USC 3771(d)(3). The entire statutory scheme is to avoid delay in part to vindicate claimed rights, in part to prevent a rescission or re-opening after the defendant has suffered the full prejudice of serving his sentence as JE has here. (See DKT 290 at 2-4)

7. The SOL is not the test for whether the Govt and JE has been prejudiced by delay. SOL are procedural which is why they can be extended after the date when the alleged offense occurred (if they were substantive, such an extension would constitute an ex post facto violation of a defendant's rights). If civil procedure is being used for purposes of broadening discovery (See Dkt 310 at 5), then the civil SOL should apply. The criminal SOL has nothing to do with the CVRA. Under the Petitioners theory, Jane Doe 3 could wait until she is 60 or 70 years old to bring the CVRA complaint (Dkt 311 at 9).

8. Jane Doe 3's residing in [REDACTED] did not prevent her from joining the CVRA case. The case was widely reported in the media as was the NPA (DKT 290 at 7 fn 7 where Govt identifies an internet search that would have disclosed the CVRA as of July of 2008). She herself gave media interviews as early as 2011. She was not too frightened to go on the offensive with [REDACTED]. She was never threatened. She could easily have asked to join the CVRA complaint as a "victim" living "[REDACTED]" but chose not to. (Dkt 311 at 11)

9. Jane Doe 3 claims she did not learn the specifics of the CVRA until 2014 (Dkt 311 at 11) but she knew about the NPA - which was made public and discussed by the media and was the basis of her 2009 lawsuit, she knew by her receipt of a letter from the USAO dated 9-3-08 that JE had pled guilty and was sentenced and that the USAO had "agreed to defer federal prosecution in favor of this state plea and sentence", Dkt 290 at 4, Dkt 290-1, she knew as of 9-3-08 that there was ongoing litigation involving two other victims (Dkt 290-1, Dkt 311 at 12), and she was making herself publicly available by giving interviews to the [REDACTED] and to Edwards and Scarola in 2011. She was an adult in 2008 (25) and 2011 (28). She has a responsibility to join the lawsuit prior to the completion of JE sentence. Principles of laches should estop this long delayed effort to rescind the very agreement that she benefited from via her earlier 2255 lawsuit.

From: [REDACTED] (USAFLS) [mailto:[REDACTED]]
Sent: Tuesday, February 10, 2015 3:37 PM
To: Roy Black
Subject: Your phone call

Hi Roy - I have been trying again to get an answer to your question from weeks ago about the correspondence before I called you back. I still do not have an answer. Why don't we set up a time tomorrow to talk, and hopefully I will have an answer by then.

I am free any time before 4:30.

Thanks.

[REDACTED]
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
[REDACTED]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 9:08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

↓

UNITED STATES

**JANE DOE NO. 1 AND JANE DOE NO. 2'S PROTECTIVE MOTION PURSUANT TO
RULE 15 TO AMEND THEIR PETITION TO CONFORM TO EXISTING EVIDENCE
AND TO ADD JANE DOE NO. 3 AND JANE DOE NO. 4 AS PETITIONERS**

COME NOW Jane Doe No. 1 and Jane Doe No. 2 (the "current victims"), by and through undersigned counsel, to file this protective motion pursuant to Federal Rule of Civil Procedure 15(a)(2) to amend the petition that they have filed in this case. The amendment would (1) conform their petition to the evidence in the case and (2) add Jane Doe No. 3 and Jane Doe No. 4 (the "new victims") as petitioners.

This motion is a "protective" motion because it may be unnecessary. With regard to amending to conform to the evidence, the current victims believe that their existing petition is broad enough to cover the developing evidence in this case. But the petition was filed on July 7, 2008, before the Government had even disclosed the existence of the non-prosecution agreement (NPA) in this case. The petition, accordingly, does not specifically discuss the Government's concealment of the NPA. To conform to that important fact in this case, it appears desirable to amend the petition to address the NPA.

With regard to amending to add new victims, the Government has argued that Rule 15 (addressing amending pleadings) rather than Rule 21 (addressing joinder of parties) is the applicable rule. While the victims have contested that view in their concurrently-filed Rule 21

reply brief, out of an abundance of caution, they explain here why a Rule 15 motion to amend should be granted. In addition, Rule 15(c)(1) allows an amended pleading to “relate back” to the date of an initial pleading, provided that the amendment asserts a claim “that arose out of the conduct, transaction or occurrence set out . . . in the original pleading.” Because the original petition in this case alleged that the Government violated the rights of all the girls who were Jeffrey Epstein’s victims, the proposed amendment in this case would relate back to the date the petition was filed: July 7, 2008. This relation back eliminates any statute of limitations or other timelessness concerns.

FACTUAL BACKGROUND

On July 7, 2008, Jane Doe No. 1 filed a petition under the Crime Victims’ Rights Act (CVRA), 18 U.S.C. § 3771. *See* DE 1. She sought to enforce both her CVRA rights – and the rights of other victims. As the Court is aware, when Jane Doe No. 1 filed her initial petition in this action, it was unclear whether the Government had even reached a plea arrangement with Jeffrey Epstein and, if so, what crimes were covered. Accordingly, the petition generally alleged that, “[u]pon information and belief, [Epstein] is engaged in plea negotiations with the Office of the United States Attorney for the Southern District of Florida concerning federal crimes he is alleged to have committed against *minor children, including Petitioner.*” DE 1 at 1-2 (emphasis added).¹ Jane Doe No. 1’s petition went on to quite specifically allege that the Government was violating not only her rights but the rights of other similarly-situated victims: “On information and belief, roughly the same crimes were committed [by Epstein] against several *other young females. These victims, too, are in danger of losing their right to confer* under the CVRA.” DE 1 at 7 n.2 (emphasis added).

¹ Obviously, at that point Jane Doe No. 1 did not know that the Government and Epstein had secretly concluded a non-prosecution deal some nine months earlier, in about October 2007.

The Government filed a response to the petition, and then Jane Doe No. 1 filed a reply in support of her petition. By this time, counsel for Jane Doe No. 1 had heard about the NPA, but had not seen the agreement. Once again, Jane Doe No. 1's pleading very directly mentioned other victims, alleging: "This deferred prosecution agreement was reached without conferral with [Jane Doe No. 1] – or, indeed, with the *many other young victims* of [Epstein's] crimes." DE 9 at 1 (emphasis added). The reply went on to explain that the agreement "remarkably allowed the defendant – a billionaire with extraordinary political connections – to escape all federal prosecutions for *dozens of serious federal sex offenses against minors*." *Id.* at 1-2. The reply explained the relief sought, specifically that "[t]he Court should therefore declare the proposed non-prosecution agreement an illegal one, since it was reached in violation of the CVRA, and order the Government to confer with Petitioner *and the other victims in this matter* before reaching any disposition in this case." *Id.* at 2 (emphasis added). The reply asked the Court to "hold that [Jane Doe No. 1] *and the other victims in this case* had the right to confer with the Government before it reached its non-prosecution agreement." *Id.* at 8 (emphasis added); *see also id.* (the Government kept Jane Doe No. 1 "and *the many other victims* of [Epstein's] federal sex offenses . . . in the dark about the fact that the Government was planning to reach a deal"); *id.* at 10 (the Government did not use "its 'best efforts' to protect the rights of [Jane Doe No. 1] (*and the other victims*) in this case when it failed to confer with her about the non-prosecution agreement"). Jane Doe No. 1 asked for the "obvious remedy" that would involve all the victims – i.e., that the court "declare the non-prosecution agreement illegal and direct that the Government proceed to negotiate a new agreement . . . in a process that respects [Jane Doe No. 1's] (*and the other victims*) rights." *Id.* at 12 (emphasis added).

The Court rapidly held a hearing. During that hearing, the Government agreed to add Jane Doe No. 2 into the case as a second petitioner. Counsel for Jane Doe No. 1 and No. 2 also began learning about broad outlines of the NPA the hearing. *See* DE 15 (tr. July 11, 2008) at 24 (court notes that victims' counsel "learned today . . . that the agreement was signed . . . in October").

As the case proceeded in the following months, the Court ordered the Government to produce the NPA to the victims (DE 26) and to attempt to reach a stipulated set of facts. Over the next several years, the Government took conflicting positions on whether it would stipulate to facts, ultimately refusing to stipulate to anything. *See generally* DE 225-1 at 2-4. Unable to obtain any stipulations, Jane Doe No. 1 and Jane Doe No. 2 filed a detailed summary judgment motion (DE 48). This motion relied in large measure on the Government's and Epstein's joint decision to conceal the NPA from the victims. *See, e.g.*, DE 48 at 10 (noting that "the U.S. Attorney's Office put itself in a position that conferring with the crime victims (including Jane Doe #1 and Jane Doe #2) about the non-prosecution agreement would violate the terms of the agreement"). In addition to discussing the situation of the two petitioners, the motion also raised very specific allegations about Jane Doe No. 3, i.e., that "Jeffrey Epstein flew at least one underage girl on his private jet for the purpose of forcing her to have sex with him and others. Epstein forced this underage girl to be sexually exploited by his adult male peers, including royalty, politicians, businessmen, and professional and personal acquaintances." DE 48 at 4 (citing complaint filed on behalf of Jane Doe No. 3, identified as "Jane Doe No. 102").

The Court ultimately denied the victims' motion for judgment on the pleadings, but allowed the case to move forward. DE 99. The victims then filed discovery requests. As the

Court is aware, discovery issues are currently pending before the Court. The Government has not yet fully answered the victims' discovery requests.

On December 30, 2014, two new victims filed a motion to join this case, pursuant to Fed. R. Civ. P. 21. DE 280. The Government objected to this motion. DE 290. One of the arguments that the Government made in its response was that the proper vehicle for adding new parties into this case is not a motion for joinder, but rather a motion to amend pleadings under Fed. R. Civ. P. 15. DE 290 at 2.² The Government then argued that the Court should deny the current victims leave to amend. *Id.*

In a concurrently-filed reply brief regarding the Rule 21 motion, the victims have replied to Government, arguing that Rule 21 is the proper vehicle for adding new parties to this case. But because of the Government's assertion that Rule 15 is the proper vehicle for adding parties, the current victims have filed this protective motion to amend under Rule 15.³

I. JANE DOE NO. 1 AND JANE DOE NO. 2 SHOULD BE ALLOWED TO AMEND THEIR CVRA ENFORCEMENT PETITION TO CONFORM TO THE EVIDENCE IN THIS CASE.

Given the way this case has proceeded, the current petition before the Court does not conform to the evidence that has developed. Indeed, the current petition does not even mention the NPA – which is central to this case – for the simple reason that the Government (and Epstein) had concealed the existence of the NPA at the time the petition was drafted.

² Although he has not yet been allowed to intervene, putative intervenor Alan Dershowitz also has argued that Rule 15 is appropriate vehicle for the new victims to seek to join the CVRA case. *See* DE 282 at 2.

³ To be clear, in conformance with Rule 15(a)(2), this motion to amend is technically filed by the two current victims – Jane Doe No. 1 and No. 2. However, Jane Doe No. 3 and No. 4 have requested the filing of this motion. In that sense, this motion is brought on behalf of all four victims. As indicated in their motion for joinder, all four victims (represented by the same legal counsel) intend to coordinate efforts and avoid duplicative pleadings.

In such circumstances, it is entirely appropriate for Jane Doe No. 1 and Jane Doe No. 2 to now seek to amend their petition to conform to the current state of the case. Of course, “the Federal Rules of Civil Procedure are to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits and to dispense with technical procedural problems.” *Staren v. Am. Nat. Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263 (7th Cir. 1976). Rule 15(a)(2) of the Federal Rules of Civil Procedure specifically allows an amendment, providing that a party may amend its pleading “with the opposing party’s written consent or the court’s leave. The court should *freely give leave* when justice so requires.” (emphasis added). For reasons that remain unclear to the current victims, the Government has declined to give its consent even to a basic amendment of the petition. Accordingly, the current victims seek leave of court to make such an amendment.

The text of Rule 15 itself reflects a liberal attitude towards amendment, starting with the clear direction that the court “should freely give leave when justice so requires.” The Supreme Court has admonished that “[i]f the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, [she] ought to be afforded an opportunity to test [her] claim on the merits.” *Foman v. [REDACTED]*, 371 U.S. 178, 182 (1962). The policy in favor of amendment “is to be applied with *extreme liberality*.” *C.F. ex rel. Farnan v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 985 (9th Cir.2011) (emphasis added).

The Government can have no good reason for opposing a basic amendment. If we understand the Government’s objection correctly, it does not deny that the proposed amendment conforms to the evidence that the victims have developed in this case. Instead, the Government apparently believes that the current victims should have filed a motion sooner. But “delay, by itself, is insufficient to justify denial of leave to amend.” *DCD Programs, Ltd. v. Leighton*, 833

F.2d 183, 186 (9th Cir. 1987). And the Government has clearly long been on notice that issues surrounding the NPA are at the heart of this case.

District courts “should freely allow an amendment when doing so will aid in presenting the merits and the objecting party fails to satisfy the court that the evidence would prejudice that party’s action or defense on the merits.” *Developers Sur. & Indem. Co. v. Bi-Tech Const., Inc.*, 979 F. Supp. 2d 1307, 1320 (S.D. Fla. 2013); *see, e.g., Baker v. Firestone Tire & Rubber Co.*, 793 F.2d 1196 (11th Cir.1986) (Fed.R.Civ.P. 15(b) instructs district courts to grant leave to conform the pleadings to the evidence freely, provided no prejudice to the defendant is shown). The current victims should be allowed to amend their petition to conform to the way the case has proceeded.

The Government cannot credibly claim that it is unaware that its concealment of the NPA is at issue here. For example, as long ago as April 8, 2011, the Government filed a pleading in which it defended its decision to conceal the NPA. *See* DE 62 at 42 (“ . . . there also was a possibility that Epstein would not perform the NPA. A determination was made to cease notifications”). And as the Court knows, the parties have briefed at length the issue of whether rescission of the NPA is a possible remedy in this case. *See* DE 119, 127, and 147. In rejecting the Government’s argument, the Court said “[t]he petitioners in this action seek to vacate a ‘non-prosecution agreement’ (‘the agreement’) between the United States Attorney’s Office for the Southern District of Florida . . . and Jeffrey Epstein” DE 189 at 1. The Court went on to rule for the victims on the rescission issue, explaining that “in their petition and supplemental pleadings, Jane Doe 1 and 2 have identified a remedy which is likely to redress the injury complained of – the setting aside of the non-prosecution agreement as a prelude to the full unfettered exercise of their conferral rights at a time that will enable the victims to exercise those

rights meaningfully.” *Id.* at 8. Clearly, the Government is not harmed from an amendment conforming to these rulings. A proposed first amended petition (previously provided to the Government) is attached to this pleading.⁴

II. JANE DOE NO. 1 AND JANE DOE NO. 2 SHOULD BE ALLOWED TO AMEND THEIR PETITION TO ADD JANE DOE NO. 3 AND JANE DOE NO. 4 INTO THIS CASE.

The current victims – Jane Doe No. 1 and Jane Doe No. 2 – should also be allowed to amend their petition to include two new parties as petitioners – Jane Doe No. 3 and Jane Doe No. 4. The current victims continue to believe that Rule 21 is the proper vehicle for joining new parties into the existing CVRA action. To protect their rights, however, Jane Doe No. 1 and Jane Doe No. 2 now file this protective motion for leave to amend to add two new parties under Rule 15(a)(2). Leave to amend should be granted because the interests of justice will be served by allowing these parallel claims of two additional victims to be litigated on the merits in a single action. There has been no undue delay, and the amendment “relates back” to the original filing date, obviating any statute of limitations or other timeliness concern.

A. Leave to Amend to Include New Plaintiffs Should be Freely Given.

As discussed above, courts freely grant leave to amend, because cases should be tried on their merits rather than the technicalities of pleadings. *See, e.g., Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419, 425 (6th Cir. 1999). This already-liberal policy is applied even more generously when the proposed amendment simply adds new plaintiffs, because prejudice to the other party is less likely to result from adding additional plaintiffs than from adding new

⁴ The proposed amended petition contains nine words in it referring to Jane Doe No. 3 and Jane Doe No. 4. As argued in the next section of this pleading, Jane Doe No. 1 and Jane Doe No. 2 believe that the two new victims should be added into this case. If the Court disagrees with this argument, then it should allow the amended pleading without those nine words in it.

defendants or new claims. *See King* ■, *Cessna Aircraft Co.*, 2010 WL 5253526, at *10 (S.D. Fla. 2010).

Courts have frequently allowed plaintiffs to amend their pleading to add new plaintiffs. *See, e.g., Joshlin* ■, *Gannett River States Pub. Corp.*, 152 F.R.D. 577 (E.D. Ark. 1993) (amendment to name all purported class members as plaintiffs); *Otto* ■, *Milwaukee Cnty.*, No. 07-C-427, 2007 WL 3228118, at *2 (E.D. Wis. Oct. 30, 2007) (additional plaintiffs allowed); *Grand Lodge of Pennsylvania* ■, *Peters*, 560 F. Supp. 2d 1270, 1274 (M.D. Fla. 2008) (Eleventh Circuit Court test satisfied, additional plaintiffs allowed). And the Government appears to concede that a proper procedure vehicle for the victims to pursue is a motion to amend. *See* DE 290 at 2.

B. There Has Been No “Undue Delay” In Seeking to Amend.

In their parallel filing under Rule 21, the current victims have provided numerous reasons why participation by the new victims is desirable in this case. The Government does not appear to contest these reasons. Instead of dealing with the substance of the issue, the Government argues the victims have “unduly delayed” filing their motion to amend. Of course, “undue” delay requires some reference to some time when the new victims’ claims were, in fact, due. As discussed in the victims’ contemporaneously-filed reply regarding Rule 21, the statute of limitations for the crimes against minors at issue here has not yet expired. *See* 18 U.S.C. § 3283. And Congress has not seen fit to set a more restrictive time limit for victims to file CVRA enforcement actions, either in the CVRA itself or in civil statutes of limitations. Assessed under these congressional decisions, the motion to amend has not been unduly delayed.

Even more important, this Court has not yet set a time limit for adding new parties to this case. The Court would ordinarily establish such a limit as part of a Rule 16 Scheduling

Conference. *See* Local Rule 16.1 (a Joint Proposed Scheduling shall contain “[a] limitation of the time to join additional parties and to amend the pleadings”). In this case, Jane Doe No. 1 and Jane Doe No. 2 have tried to comply with the civil rules by, for example, providing their initial disclosures to the Government pursuant to Fed. R. Civ. P. 26(a)(1). The Government, however, has not even taken that limited step to move the case forward.

The Eleventh Circuit has highlighted the importance of scheduling orders in considering motions to amend. It has cautioned against “render[ing] scheduling orders meaningless” by granting leave to amend freely *after* a scheduling order deadline has passed. *See, e.g., Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1419 (11th Cir. 1998). But the converse must be true as well: It would likewise render scheduling orders meaningless if a party was denied a chance to freely add additional parties *before* a scheduling order deadline has passed – particularly where the Government has not sought entry of such a scheduling order and has refused to make its initial disclosures required by the civil rules. In the absence of any court-imposed time limit to add parties, it is hard to understand how the Government can argue that “undue” delay exists.

In assessing whether delay is or is not “undue,” the Court should also consider the state to which the case has progressed. Of prime importance is the ability of a party to conduct necessary discovery. *See, e.g., Olech v. Vill. of Willowbrook*, 138 F. Supp. 2d 1036, 1046 (N.D. Ill. 2000) (“The addition of a new party plaintiff can cause undue prejudice . . . where the proposed amendment does not afford defendant adequate time for discovery”). Where there is no evidence of prejudice due to lack of time for discovery, an amendment adding new parties should be freely granted. *Id.* At this juncture, the Government has not yet even produced all of the discovery that the Court has ordered it to produce. Moreover, the Government can clearly

pursue whatever discovery it needs to defend its position. (In its pleading, the Government does not claim that it needs any discovery). The Government suffers no harm from the amendment.

In addition, the new victims have not unduly delayed in seeking to join this action. With regard to Jane Doe No. 3, the Government's lead argument is the claim that "petitioners' counsel have been representing [Jane Doe No. 3] since at least as early as March 2011, yet they have waited more than three years to attempt to add her as a party." DE 290 at 8. This unsupported allegation is simply false. *See* Aff. of Jane Doe No. 3 at 7, Exhibit 1 to Victims' Reply in Support of Motion for Joinder (hereinafter "Jane Doe No. 3 Aff.") (responding to Government's claim of legal representation and attesting "[t]his is completely untrue, and I think the Government knows it is untrue. I was not represented by legal counsel in March 2011"). Undersigned counsel began representing Jane Doe No. 3 (pro bono) in around April 2014 and then contacted the Government over the summer about possibly adding her into the case. As recounted at greater length in an earlier pleading, counsel moved to add Jane Doe No. 3 into this case within seven days of receiving the Government's objection to her motion for joinder. *See* DE 291 at 5-6.

More important, Jane Doe No. 3 had good reason for not seeking to join this case until this past summer. As discussed in the Rule 21 reply brief, she was "██████████" – specifically in ██████████ from 2002 to 2013. Critically, Jane Doe No. 3 was hiding from Epstein. *See* Jane Doe No. 3 Aff. at 3. Her decision to live away from family and friends was not voluntary. *Id.* And living in ██████████ kept her from learning about how this CVRA action worked. *Id.* at 5-7. Jane Doe No. 3 did not learn about the specifics of this action – and thus the ability to enforce her rights – until 2014, *see id.* at 8, and she acted promptly at that point to obtain legal counsel and join this case.

With regard to Jane Doe No. 4, she filed her motion to join the case when she felt it was safe and appropriate to do so. Given the fact that sexual assault victims all have different reactions to the crimes committed against them, the Court should not conclude that she has unduly delayed.

In crafting its argument about undue delay, the Government relies heavily on a letter sent to Jane Doe No. 3 on September 3, 2008. *See* DE 290-1. As Jane Doe No. 3 explains in her affidavit, that letter did not directly say that Epstein's crimes against her were not going to be prosecuted. Instead, it said elliptically that "the United States has agreed to defer federal prosecution in favor of this state plea and sentence." Jane Doe No. 3 "did not know what that meant." Jane Doe No. 3 Aff. at 5. Significantly with regard to this CVRA litigation, the Government did *not* tell her (and other victims) that litigation was underway trying to invalidate the NPA. Instead, the Government misleadingly stated that "[t]here has been litigation between the United States and two other victims *regarding the disclosure* of the entire agreement between the United States and Mr. Epstein." DE 290-1 at 3 (emphasis added). This description of the litigation is, in the victims' view, quite deceptive. Of course, the point of the litigation was not to obtain the NPA's "disclosure" but rather the NPA's *invalidation*. Jane Doe No. 3 attests in her affidavit that "[u]nderstanding more about that case now, I realize that the letter did not explain that the real purpose of that litigation was not to get 'disclosure of the entire agreement' but instead to get criminal charges filed against Epstein. I wish that the Government had told me that was what was really going on." Jane Doe No. 3 Aff. at 5-6.

Compounding the confusion that the Government created through its letter, in 2011 FBI agents traveled to Sydney to interview Jane Doe No. 3. During that interview, they discussed her sexual abuse in Florida, giving the impression that criminal charges could still be brought in

Florida. The Government does not contend that it made clear to Jane Doe No. 3 during that interview that the NPA barred prosecutions in Florida. And Jane Doe No. 3 has flatly declared that “I was not told even at this point [in 2011] that [Epstein] could not be prosecuted for the crimes he committed in Florida.” Jane Doe No. 3 Aff. at 7. As a result, she left that meeting with the entirely reasonable impression that prosecuting Epstein in Florida was a real possibility. *Id.*

In light of all these facts, Jane Doe No. 3 and Jane Doe No. 4 did not unduly delay in seeking to join this case. But finally, the motion to amend is being filed by Jane Doe No. 1 and Jane Doe No. 2. It was difficult for them to work with Jane Doe No. 3 until her recent return to the United States. They did not unduly delay in filing their amendment by waiting until Jane Doe No. 3’s return to this country.

C. The Amended Pleading is Timely Because It “Relates Back” to the Filing of the Initial Pleading in 2008.

The Government’s main objection to any amended pleading containing new parties appears to be that it would be “futile.” The Government argues that such an amendment is barred by the six-year statute of limitations governing tort claims against the Government. *See* DE 290 at 8 (*citing* 28 U.S.C. § 2401(a)). In their contemporaneously-filed pleading on joinder, the victims have explained that the Government is simply wrong to assert that the limitation found in § 2401(a) applies to this case – specifically because this is not a “civil action” against the Government and (with regard to Jane Doe No. 3) the “██████████” tolling provision applies.⁵ But even if the limitation did apply, that would hardly make the victims’ proposed

⁵ The victims specifically adopt and incorporate by reference all their arguments against applying § 2401(a) to this case into this pleading as well.

amendment futile. The amendment here would “relate back” to the original petition, filed six-and-a-half years earlier, thereby satisfying any applicable statute of limitations.

Relation back is a concept specifically adopted in Fed. R. Civ. P. 15(c)(1)(B). Under that rule, an amended pleading “relates back to the date of the original pleading when . . . the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out – or attempted to be set out – in the original pleading” Relation back typically refers to adding new defendants to a case; nevertheless, the 1966 Amendment to Rule 15(c) confirms that relation back also “extends by analogy to amendments changing plaintiffs.” Fed. R. Civ. P. 15, Adv. Comm. Notes, 1966 Amend. According to the Advisory Committee, the new version of Rule 15(c) did not include express language about adding plaintiffs because that “problem is generally easier” than adding defendants. Fed. R. Civ. P. 15.

Circuit Courts have applied varying tests for articulating how to determine when an amendment relates back to the filing of the original pleading. In the Eleventh Circuit, the test for relation back has been generally understood as requiring the court to consider “(1) whether the amended claim arose out of the same conduct, transaction, or occurrence as the original pleading; (2) whether the amendment will unduly prejudice the defendant; and (3) whether the original [pleading] provided adequate notice of the new plaintiff.” See *King v. Cessna Aircraft Co.*, 2010 WL 5253526, at *10 (S.D. Fla. 2010) (magistrate judge recommendation), *adopted in relevant part*, 2010 WL 5173152 (S.D. Fla. 2010); *Grand Lodge of Pennsylvania*, 560 F. Supp. 2d 1270, 1274 (M.D. Fla. 2008). This victims’ motion to amend satisfies all three requirements of the Eleventh Circuit’s test for relation back.

1. The Proposed Amendment Arises Out of the Same Conduct as the Original Petition.

First, the claims of Jane Doe No. 3 and Jane Doe No. 4 arise out of the same operative facts as the original plaintiffs. In particular, both Jane Doe No. 3 and Jane Doe No. 4 challenge the same secret agreement – i.e., the NPA that the Government executed with Epstein and then concealed from the victims. This is made clear by the proposed amendment itself, in which all four victims simply allege the same general facts.

2. The Government Is Not Unduly Prejudiced by the Amendment.

Second, allowing the addition of two plaintiffs from the originally alleged victim class will not unduly prejudice the Government. Various district courts define prejudice with regards to relation back in terms of lost evidence due to the passage of time or inadequate time for discovery. *See Otto* █ *Milwaukee Cnty.*, 2007 WL 3228118, at *2 (E.D. Wis. 2007) (no evidence of prejudice; additional plaintiffs allowed). In fact, some jurisdictions require the opposing party to bear the burden of proving prejudice. *See, e.g., Padilla* █ *Sears, Roebuck & Co.*, 2012 WL 5505071, at *1 (N.D. Cal. 2012). In other jurisdictions, a defendant fails to prove prejudice unless it provides substantiated proof of harm. *See Green* █ *Wolf Corp.*, 50 F.R.D. 220, 224 (S.D.N.Y. 1970). These cases proceed from the premise that the concept of relation back would be undermined if defendants were allowed to bar plaintiffs from joining a case simply by proffering an unsupported protest of prejudice. *Id.*

Here, the Government advances such an unsupported claim of prejudice. The Government seems to be treating this case as no-holds-barred, adversary litigation. In its effort to keep the new victims out of this case, the Government remarkably appears to have forgotten *its* statutory obligations to *protect* the victims. Congress has directed that federal prosecutors “shall make their best efforts to see that crime victims are . . . accorded the rights described in

[the CVRA].” 18 U.S.C. § 3771(c)(1). In order for the Government to show “prejudice,” it must demonstrate “[d]amage or detriment to one’s legal rights or claims.” *Blacks’s Law Dictionary* 1218 (8th ed. 2004). Because the Government has a legal obligation to make its “best efforts” to protect the CVRA rights of victims, it does not suffer any undue prejudice from the addition of two new victims seeking to protect their rights – rights that the Government must also protect.

Turning to the specifics of the Government’s position, the only argument that the Government advances with respect to Jane Doe No. 3 is that her CVRA claim is “specious.” DE 290 at 12. This is, of course, an argument not about prejudice to the Government but rather about the merits of Jane Doe No. 3’s claims. But in considering a motion for joinder, the Court must assume as true all relevant factual allegations made by the party seeking to join. *See Lewis v. World Boxing Council*, 914 F. Supp. 1121, 1123 (D.N.J. 1996). Here, Jane Doe No. 3 has alleged – both in her initial affidavit and in her supplemental affidavit filed along with this pleading – that the Government did not properly confer with her or otherwise afford her rights under the CVRA. *See, e.g.*, DE 291-1 at 13 (alleging failure to confer on the NPA); Jane Doe No. 3 Aff. at 5 (“I was never offered a chance to meaningfully confer with the prosecutor for the Government, and I was never notified of any hearing that could affect me or my rights as a crime victim to ever bring charges”). And the proposed amendment would allege that the Government did not extend to her the rights promised in the CVRA. *See Exhibit I at 1-2.*

In contending that it will ultimately be able to prevail on such issues, the Government claims that Jane Doe No. 3 told “agents of the Government” not to bother her about the Epstein investigation. DE 290 at 12. The facts surrounding this alleged exchange are highly disputed. To begin with, it appears that the agent did not write any report surrounding this contact, *see* DE 304-1 at 1-3 (general affidavit that does not reference any specific dates) – a possible deviation

from standard procedure that raises questions about what exactly happened. More important, Jane Doe No. 3 strongly disputes that this brief contact was proper notification of her rights. As she explains at length in her affidavit, she had grave doubts about whether a person calling her out of the blue over the telephone and asking her about sex with Epstein was truly a law enforcement investigator. *See* Jane Doe No. 3 Aff. at 4-5. The fact that Epstein and his lawyer called her immediately after this contact only added to her suspicion. *Id.* at 5.

In such circumstances, it is hard to see how a brief telephone call from an FBI agent complies with the CVRA's command that crime victims be reasonably "notified" of their CVRA rights, 18 U.S.C. § 3771(c)(1), as well as actually afforded their rights – such as the right to confer with the prosecutor. Nor would it have been inconsistent with respect for the victims' "dignity and privacy," 18 U.S.C. § 3771(a)(8), for the Government to have followed its standard procedure of sending written notification of rights to Jane Doe No. 3.⁶ To be sure, federal prosecutors have "prosecutorial discretion" about which criminal charges to ultimately file. *See* 18 U.S.C. § 3771(d)(6). But that discretion is not a license for the Government to simply decide not to provide proper notification to a victim of serious federal crimes – particularly when that victim was clearly afraid of a dangerous criminal and hiding to escape his wrath. At the very least, the Government can simply deny Jane Doe No. 3 an opportunity to join this case through mere allegation that it complied with the CVRA. The Court should allow an amendment now and make a final determination on CVRA compliance based on an appropriate record.⁷

⁶ Much later, on September 3, 2008, the Government sent notification to Jane Doe No. 3, at her address in [REDACTED], of a possible civil remedy to be pursued. DE 290-1. But it never sent its standard victim notification letter to Jane Doe No. 3 – in contrast to what it did earlier for other victims.

⁷ The Court will have to make such determination even if it denies the motion to amend. Jane Doe No. 1 and Jane Doe No. 2 have already stated that they will call Jane Doe No. 3 as a witness at any trial to prove part of a common plan and scheme to deprive the victims of their

The Government will likewise not be prejudiced if Jane Doe No. 4 is added into the case. The initial petition alleged that the Government had no made adequate efforts to notify “victims” about the non-prosecution agreement. Jane Doe No. 4 was in the victim class. The Government churlishly contends that adding her into this case would require “a separate trial over whether or not Jane Doe #4 is a ‘victim’ who would have been entitled to any rights.” DE 290 at 10. Of course, the Government never denies that Jane Doe No. 4 is a victim in this case, presumably because it now possesses ample evidence that Epstein sexually abused her. Undersigned legal counsel has already provided ample information to the Government supporting this fact. The Government has an obligation to use its “best efforts” to protect the rights of victims. Simply demanding a “trial” when it knows what the real facts are is inconsistent with that obligation. The Government also makes other arguments about the merits of Jane Doe No. 4’s claims, but those can be handled in due course in this litigation.

3. The Government Is On Notice About Claims from Other Victims.

The third and final requirement of the Eleventh Circuit’s relation back test is adequate notice in the original complaint of the potential to add new plaintiffs. The Eleventh Circuit has said “the critical issue [regarding relation back] is whether the original complaint gave notice to the defendant of the claim now being asserted.” *Bloom* ■ *Alvereze*, 498 F. App’x 867, 883 (11th Cir. 2012). In *Bloom*, the Eleventh Circuit found that the motion to amend to add Mrs. Bloom to Mr. Bloom’s claim did not satisfy the relation back test because Mrs. Bloom was only mentioned in the original pleading vaguely in one instance as Mr. Bloom’s wife. *Id.* In contrast, as recounted in the Factual Background section above, the original petition and reply in this case clearly alleged that many victims – including Jane Doe No. 3 and Jane Doe No. 4 – were harmed

rights. See DE 291 at 25-26 (citing Fed. R. Evid. 404(b)).

by the Government. For example, the petition alleged “[o]n information and belief, roughly the same crimes were committed [by Epstein] against several *other young females*. *These victims, too, are in danger of losing their right to confer* under the CVRA.” DE 1 at 7 n.2 (emphasis added). And the reply supporting the petition asked the Court to “hold that [Jane Doe No. 1] *and the other victims in this case* had the right to confer with the Government before it reached its non-prosecution agreement.” DE 9 at 8 (emphasis added). The reply went on to explain relief sought, specifically that “[t]he Court should therefore declare the proposed non-prosecution agreement an illegal one, since it was reached in violation of the CVRA, and order the Government to confer with Petitioner *and the other victims in this matter* before reaching any disposition in this case.” *Id.* at 2 (emphasis added). Building on all these allegations, at the first hearing in this case, the Court allowed an additional victim – Jane Doe No. 2 – to join the action. *See* DE 115 (tr. July 11, 2008) at 14. The current motion for an amended pleading simply builds on that elaboration, naming two additional victims who were in the victim class alleged at the outset of this case. The courts have readily allowed relation back in such circumstances. *See, e.g., Paskuly v. Marshall Field & Co.*, 646 F.2d 1210, 1211 (7th Cir. 1981) (where “the original complaint alleged that defendant engaged in practices that discriminated against women because of their sex; the defendant was thereby on notice that it might be required to defend its employment practices from charges of class-based discrimination”).

Clearly the proposed amendment asserts a claim “that arose out of the conduct, transaction or occurrence set out – or attempted to be set out – in the original pleading.” Fed. R. Civ. P. 15(c)(1)(B). The adding of new “parties after the applicable statute of limitations may have run is not significant when the change is merely formal and in no way alters the known

facts and issues on which the action is based.” *Staren* [REDACTED] *Am. Nat. Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263 (7th Cir. 1976). The Court should accordingly allow an amended pleading.

CONCLUSION

Jane Doe No. 1 and Jane Doe No. 2 should be allowed to amend their initial petition, pursuant to Rule 15 of the Federal Rules of Civil Procedure to conform to the evidence in this case and to add Jane Doe No. 3 and Jane Doe No. 4 as petitioners. A proposed first amended petition is attached to this pleading.

DATED: February 6, 2015

Respectfully Submitted,

/s/ Bradley J. Edwards
Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.

[REDACTED]

and

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[REDACTED]

Attorneys for Jane Doe #1 and Jane Doe #2

* This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on February 6, 2015, on the following using the Court's CM/ECF system:

[REDACTED]
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500 S. Australian Ave., Suite 400
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Attorneys for the Government

/s/ Bradley J. Edwards

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:08-cv-80736-KAM

JANE DOE NO. 1 and JANE DOE NO. 2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

VICTIMS FIRST AMENDED PETITION FOR ENFORCEMENT
OF THE CRIME VICTIMS' RIGHTS ACT

COME NOW Jane Doe No. 1 and Jane Doe 2, to file this first amended petition for enforcement of rights under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771.

1. Petitioners Jane Doe No. 1, Jane Doe No. 2, Jane Doe, No. 3, and Jane Doe No. 4 (hereinafter collectively referred to as "the petitioners"), now adults, were as minor girls the victims of federal sex crimes committed by Jeffrey Epstein (hereinafter "Defendant") and by other co-conspirators between about 1998 and 2006. These crimes included sex trafficking of children (in violation of 18 U.S.C. § 1591), use of a means of interstate commerce entice a minor to commit prostitution (in violation of 18 U.S.C. § 2422), travel with intent to engage in illicit sexual conduct (in violation of 18 U.S.C. § 2423), wire fraud (in violation of 18 U.S.C. § 1343), and conspiracy to commit such crimes (in violation of 18 U.S.C. § 371). The Defendant and others committed these crimes within the jurisdiction of the Southern District of Florida in Palm Beach County,

Florida, as well as in other jurisdictions inside and outside the United States. The Defendant and his co-conspirators committed similar crimes against dozens of other victims.

2. Upon information and belief, in and around 2005 to 2007, the Defendant and others were the subject of a federal criminal investigation conducted by the United States Attorney's Office for the Southern District of Florida (hereafter "the U.S. Attorney's Office") for crimes committed against the petitioners and other similarly situated victims. In around September 2007, the Defendant and the U.S. Attorney's Office entered a non-prosecution agreement ("NPA"), under which the Defendant and other potential co-conspirators would not be prosecuted for their federal crimes against petitioners and other similarly-situated victims, in exchange for the Defendant's guilty plea to two state offenses, including solicitation of a minor for prostitution. On June 30, 2008, in the Circuit Court for Palm Beach, the Defendant entered his guilty plea to the State offenses and, pursuant to the previous agreement, was sentenced to 18 months in jail.

3. Upon information and belief, around and after September 2007, the Defendant and the U.S. Attorney's Office conspired together to make the NPA confidential and thereafter conceal its existence from the petitioners and other similarly situated victims for as long as possible. This conspiracy was designed to prevent the outcry that would have resulted from awareness by the petitioners, other victims, and members of the public that a wealthy, politically-connected defendant was receiving only a short county jail sentence for hundreds of federal sex crimes committed against minor girls. Among the means used by the conspiracy to conceal the existence of the non-prosecution agreement were false statements directed by the Office that the case was "still under investigation"

and the Office was considering whether to file charges, when in fact the Office had already entered into the NPA.

4. Under the Crime Victims Rights Act (CVRA), 18 U.S.C. § 3771, when the investigation had focused on the Defendant – and at all times thereafter – the petitioners and other similarly-situated crime victims had the rights (among others) to notice of their rights under the CVRA, to reasonably confer with the prosecutors, to notice of court hearings involving them, and to be treated with fairness.

5. By cooperating together to conceal the NPA's existence until after it has become fully effective – and by taking other improper steps to prevent the investigation and prosecution of the Defendant and his co-conspirators – the U.S. Attorney's Office and the Defendant denied and continues to deny petitioners and other similarly-situated victims their rights (among others) to reasonably confer with prosecutors about the NPA and other aspects of the case, to notice that the June 30, 2008, hearing related to crimes committed against them, to restitution, and to be treated with fairness.

WHEREFORE, the petitioners respectfully request this Court grant them appropriate remedies to fully enforce their rights, including (1) a declaration that the NPA is illegal and was entered into in violation of their rights, (2) a declaration that if after consultation with the victims the U.S. Attorney's Office determines that prosecution of Epstein and of others is appropriate then prosecution is permitted, (3) a declaration that the Office shall reasonably confer with the petitioners and other similarly-situated victims about whether to prosecute Epstein and his co-conspirators, (4) a release of all information surrounding the circumstances of the Office's initial decision not to pursue

criminal prosecution, and (5) all other appropriate remedies that the Court deems just and proper.

The petitioners request appropriate discovery and an evidentiary hearing to prove their allegations and secure the relief requested above.

DATED: February 6, 2015

Respectfully Submitted,

/s/ Bradley J. Edwards

Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS &
LEHRMAN, P.L.

A large black rectangular redaction box covering the signature and contact information of Bradley J. Edwards.

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Attorneys for Victims

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served on February 6, 2015, on the following using the Court's CM/ECF system:

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Attorneys for the Government

/s/ Bradley J. Edwards

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 9:08-cv-80736-KAM

JANE DOE #1 and JANE DOE #2

UNITED STATES

JANE DOE NO. 3 AND JANE DOE NO. 4'S REPLY IN SUPPORT OF MOTION
PURSUANT TO RULE 21 FOR JOINDER IN ACTION

COME NOW Jane Doe No. 3 and Jane Doe No. 4 (also referred to as "the new victims"), by and through undersigned counsel, to file this reply in support of their motion pursuant to Federal Rule of Civil Procedure 21 to join this action (DE 280), on the condition that they not re-litigate any issues already litigated by Jane Doe No. 1 and Jane Doe No. 2 (also referred to as "the current victims"). The Government's response (DE 290) fails to contest the new victims' specific argument that good cause exists for allowing them to join. Instead, the Government raises technical arguments about allegedly applicable statutes of limitations found in the CVRA or in 28 U.S.C. § 2401(a). But the CVRA does not contain the time limit that the Government reads into the Act. And § 2401(a) does not bar the action here. The Court should accordingly allow joinder of the new victims.¹

I. THE GOVERNMENT HAS NOT CONTESTED THE VICTIMS' POSITION THAT GOOD CAUSE EXISTS FOR ALLOWING THEM TO JOIN THIS ACTION UNDER RULE 21.

¹ To be clear, this motion is brought on behalf of all four victims – Jane Does No. 1, 2, 3 and 4. As indicated throughout their pleadings, the victims do not seek to duplicate effort but rather (represented through the same legal counsel) to pursue a single, consolidated approach.

In their motion for joinder, the new victims advanced several specific reasons why joinder was appropriate under Fed. R. Civ. P. 21, including the facts that their participation would prove a consistent pattern of failing to notify victims, reinforce the relevancy of several document production requests currently pending before the Court, and elucidate the interface between the Government and the victims. DE 280 at 8-10. In a later pleading (responding to arguments from putative intervenor Alan Dershowitz), the new victims also advanced eight specific reasons why their allegations related specifically to current issues in the case, including issues of motive, the scope of any remedy that might be awarded, and the crime/fraud exception to the attorney-client privilege. DE 291 at 17-26.

Tellingly, the Government does not directly contest *any* of these assertions. Instead, the Government raises several technical objections as to why joinder is not possible. The victims respond to each and every objection in the pages that follow. But to the extent the question before the Court is one calling for an exercise of discretion, the Court should act against a backdrop of uncontested reasons demonstrating that joinder of the new victims would be useful.

II. THE CVRA DOES NOT CONTAIN A TIME LIMIT APPLICABLE TO THIS ENFORCEMENT ACTION.

Rather than contest the reasons for allowing two new crime victims to join this CVRA action, the Government attempts to manufacture a time limit out of the CVRA itself. The Government contends that the new victims' motion for joinder is "barred" by 18 U.S.C. § 3771(d)(5), which provides:

A victim may make a motion to *re-open a plea or sentence* only if—
(A) the victim has asserted the right to be heard before or during the proceeding at issue and such right was denied;

(B) the victim petitions the court of appeals for a writ of mandamus within 14 days; and

(C) in the case of a plea, the accused has not pled to the highest offense charged.

This paragraph does not affect the victim's right to restitution as provided in title 18, United States Code.

The Government's argument fails for the simple reason that the time limit applies only to a motion to "re-open a plea or sentence." The victims are seeking (among other things) rescission of an illegal non-prosecution agreement, not reopening of a "plea or sentence" – two different things. The Court has previously ruled to this effect, specifically discussing § 3771(d)(5). The Court held that "[a]lthough this particular statutory enforcement provision expressly refers to the re-opening of a 'plea' or 'sentence' – events falling in the post-charge stage of criminal proceedings – the court concludes that the statute is properly interpreted impliedly to authorize a 're-opening' or setting aside of pre-charge prosecutorial agreements made in derogations of the government's CRA conferral obligations as well." *See* DE 189 at 8.

Moreover, on the facts of this case, the Government's construction leads to an absurd result. As the Court is aware, the Government arranged for Epstein to execute his NPA on about September 24, 2007 – in secret. At that time, the victims could not "assert[] the right to be heard *before or during the proceeding*," 18 U.S.C. § 3771(d)(5) (emphasis added), because no "proceeding" was held and the Government concealed what it was doing from the victims. And, of course, the victims could not have then filed for mandamus appellate review "within 14 days" because the Government did not reveal the NPA until almost a year later, and only then after being compelled to do so. Section 3771(d)(5) should not be construed to demand the impossible of crime victims.

The CVRA's legislative history makes clear Congress did not intend for courts to construe § 3771(d)(5) in the perverse fashion advocated by the Government. Senator Kyl, one of the two co-sponsors of the Act, explained that "[t]his provision [§ 3771(d)(5)] is *not intended to prevent courts from vacating decisions in non-trial proceedings*, such as proceedings involving release, delay, plea, or sentencing, in which victims' rights were not protected, and ordering those proceedings to be redone." 150 CONG. REC. 22954 (Oct. 9, 2004) (statement of Sen. Kyl) (emphasis added). He went on to emphasize that "[i]t is important for victims' rights to be asserted and protected throughout the criminal justice process, and for courts to have the authority to redo proceedings such as release, delay, pleas, and sentencings, where victims' rights are abridged." *Id.*²

The Government also half-heartedly refers to various time limits in 18 U.S.C. § 3771(d)(3). *See* DE 290 at 3. But the only time limits applicable to the victims in that provision concern appellate relief *after* a district court has denied relief. Of course, proceedings before this Court are still continuing – no denial of relief has occurred to trigger any obligation by the victims.³ Simply put, nothing in the CVRA contains any limit that bars Jane Doe No. 3 and Jane

² Section 3771(d)(5) also does not bar *all* of the new victims' claims. By its plain terms, the provision is inapplicable to a request for restitution. The current victims have sought restitution, among other forms of relief, *see* DE 127 at 15, and the new victims seek to simply join in that claim.

³ The Government also argues that victims' counsel did not request "forthwith" action at the July 11, 2008, hearing in this case. DE 290 at 2 (*citing* DE 15 (tr. July 11, 2008) at 25-27). Of course, at that time the action had been pending for just four days. The Government had not provided the NPA to victims' counsel, and victims' counsel was only learning about broad outlines of the agreement during the hearing. *See* DE 15 (tr. July 11, 2008) at 24 (court notes that victims' counsel "learned today . . . that the agreement was signed . . . in October"). In such circumstances, victims' counsel's decision to seek release of the NPA's text instead of precipitously committing his clients to invalidating an agreement he had not even read yet was

Doe No. 4's motion for joinder in this case. And reading any such limitation into the Act would clearly contravene the obvious congressional purpose of giving victims the "right to participate in the system." 150 CONG. REC. S4263 (Apr. 22, 2004) (statement of Sen. Feinstein),

III. THE STATUTE OF LIMITATIONS FOUND IN 28 U.S.C. § 2401(A) DOES NOT APPLY TO THIS CVRA ENFORCEMENT ACTION.

The Government next resorts to a civil statute of limitation as a barrier to the new victims protecting their rights. This effort, too, is unavailing.

A. A CVRA Enforcement Action is not a "Civil Action" Against the United States.

The Government contends that the six-year statute of limitations contained in 28 U.S.C. § 2401(a) bars the new victims' entry into this case. The statute covers "civil actions," providing:

[E]very *civil action* commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or [REDACTED] at the time the claim accrues may be commenced within three years after the disability ceases.

This provision does not apply to this CVRA enforcement proceeding because it is not a "civil action" against the Government. To be sure, this Court has determined that convenience dictates that the Federal Rules of Civil Procedure "govern the general course of this proceeding." *See* DE 257 at 3. But that procedural determination does not alter the substance of this case. Indeed, the Government itself takes the position that this CVRA enforcement action is *not* a civil action, but rather is an "ancillary criminal proceeding[]." DE 290 at 2.⁴ The victims' all agree. Given

entirely reasonable. Indeed, any other course would have been foolhardy.

⁴ The Government's concession readily distinguishes *Center for Biological Diversity v. Hamilton*, 453 F.3d 1331 (11th Cir. 2006), which is clearly not an "ancillary criminal proceeding," but rather a civil enforcement action of the Endangered Species Act.

the agreement of both sides that this case is a “criminal” proceeding, it is hard to understand how there can even be any argument that § 2401(a)’s limitation for “civil actions” is applicable.

Confirming this conclusion is the standard definition of a “civil action,” which is commonly defined as “*a noncriminal litigation.*” *Black’s Law Dictionary* 34 (9th ed. 2009) (emphasis added). Indeed, as the case law interpreting § 2401(a) makes clear, the phrase “‘civil action’ as used in § 2401(a) is a term of art judicially and statutorily defined as one ‘commenced by filing a complaint with (a) court.’” *Oppenheim v. Campbell*, 571 F.2d 660, 663 (D.C. Cir. 1978) (quoting Fed. R. Civ. P. 3). In this case, the victims never filed a “complaint.” Instead, they filed a “Petition for Enforcement of Crime Victim’s Rights Act,” DE 1 – as language in the CVRA itself suggests was the proper procedure. *See* 18 U.S.C. § 3771(d)(3) (providing that crime victims’ rights “shall be asserted in the district court” and referring to a “motion” to protect rights).

The federal courts – including the Eleventh Circuit – have been unwilling to stretch the meaning of the phrase “civil action” so far as to cover proceedings ancillary to a criminal case. *See, e.g., In re Grand Jury Proceedings*, 832 F.2d 554, 557 (11th Cir. 1987) (“Just in terms of the plain meaning of words, it seems self-evident that an order denying a motion to quash a subpoena issued by a grand jury investigating possible criminal violations is not part of a ‘civil action.’”); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir.) (D.C. Cir. 1998) (“the courts have uniformly concluded that habeas corpus proceedings – and their cousins, section 2255 proceedings – are not ‘civil actions’”); *United States v. Soueiti*, 154 F.3d 1018, 1019 (9th Cir.) (finding deportation proceeding conducted as part of a criminal sentencing not a “civil action” because “one definition that is always correct is that civil actions are those that are not

criminal”); *In re Apr. 1977 Grand Jury Subpoenas*, 584 F.2d 1366, 1368 (6th Cir. 1978) (“From a simple reading of the statute itself, it seems self-evident that a grand jury investigation of possible criminal tax violations should not be characterized as a ‘civil action’”); *United States v. Wade*, 93 F. Supp. 2d 19, 21 (D.D.C. 2000), *aff’d*, 255 F.3d 833 (D.C. Cir. 2001) (third party intervention in criminal proceeding to oppose abatement order was not a “civil action” because “as the statute’s plain language excludes criminal cases, the Court will not parse criminal cases into criminal and ‘civil-like’ proceedings”); *Quinn v. Book Named “Sixty Erotic Drawings From Juliett.”* 316 F. Supp. 289, 292 (D. Mass. 1970) (where a proceeding to determine whether book is obscene is ancillary to a criminal prosecution and serves to aid in the enforcement of criminal law, such a proceeding does not come within the term ‘civil action’”).

A crime victim’s petition to enforce CVRA rights looks nothing like a conventional civil action against the Government. A CVRA enforcement proceeding does not grant any monetary relief to a victim. The CVRA directly bars a victim from “pursuing a damages action against the government for violation of the [CVRA], and there is no implied private right of action under the [CVRA].” 3B Wright & [REDACTED], *Fed. Prac. & Proc. Crim.* § 932 (4th ed. 2014); *see* 18 U.S.C. § 3771(d)(6) (“Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States . . . could be held liable in damages.”); *Cunningham v. U.S. Dept. of Justice*, 961 F. Supp. 2d. 226 (D.D.C. 2013) (“[The] CVRA expressly disallows a suit for damages against the federal government or its officials . . . and Mr. Cunningham has failed to carry his ‘heavy burden’ of demonstrating the requisite congressional intent necessary to establish an implied private right of action.”); *200,000 Towers Investors Restitution Victims v.*

U.S. ex rel. U.S. Prob. Office New York City Staff Breach of Crime Victims Act, 2013 WL 6673612, at *2 (S.D.N.Y. 2013) (“This petition is brought pursuant to the CVRA, which does not provide for a private right of action.”). Rather, the CVRA provides crime victims certain rights that are related to the prosecution of the accused and sentencing of the guilty. These rights are not civil, but criminal in nature. *See In re McNulty*, 597 F.3d 344, 352 n.8 (6th Cir. 2010) (“The CVRA was not enacted to short circuit civil litigation to those with valid civil remedies available.”).

Jane Doe No. 3 and Jane Doe No. 4 are seeking to enforce their rights as crime victims under the CVRA – rights that the Government should have provided to them during its criminal investigation. They are not seeking monetary damages from the government for the violation of their CVRA rights, but rather invalidation of an illegal non-prosecution agreement that bars criminal prosecution of Epstein and his potential co-conspirators. The victims’ rights are ultimately enforceable in, and inseparable from, a criminal proceeding. Their action is simply not the type of action covered by § 2401(a)’s six-year statute of limitations for “civil actions” against the Government.

The Government complains that the victims’ position means that no statute of limitations applies to CVRA cases. DE 290 at 506. Not true. The applicable statute of limitations in this “ancillary criminal proceeding” is to be found (appropriately enough) in the criminal code – i.e., Title 18 – not in the judicial code – Title 28, as the Government’s position would have it. Of course, the CVRA itself is found in Title 18. And for most crimes, the applicable statute of limitations will be the general five-year statute for filing criminal actions, 18 U.S.C. § 3282 – shorter than the six-year civil tort statute the Government points to. This case, however, involves

sexual offenses against children, and the Court should therefore look to the specific statute of limitations covering such crimes. *See Edwards v. Shalala*, 64 F.3d 601, 605 (11th Cir. 1995) (“[I]t appears contrary to the Supreme Court’s directives . . . to apply a statute [of limitations] of general applicability when there are other more relevant statutory provisions.”). In 18 U.S.C. § 3283, Congress has decreed that “[n]o statute of limitations that would otherwise preclude prosecution of an offense involving the sexual or physical abuse . . . of a child under the age of 18 shall preclude such prosecution during the life of the child, or for ten years after the offense, whichever is longer.”⁵ This statute of limitations governs the underlying criminal prosecution and thus this related CVRA case. Because this limitation period has not expired, Jane Doe No. 3 and 4’s motion to join is timely. Indeed, the Government’s position would create an absurd result – i.e., that even though the statute of limitations for prosecuting crimes against Jane Doe No. 3 and No. 4 has not yet expired, their ability to protect their CVRA rights in the investigative process of those crimes has somehow expired! Surely Congress did not intend such a bizarre result that would limit the CVRA’s effectiveness.

⁵ In 1994, this statute allowed prosecution of an offense against a child up until the child reached the age of 25. *See* 18 U.S.C. § 3283 (1994). In 2003, Congress passed the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act (the “PROTECT Act”), which further extended the statute of limitations for offenses involving the sexual or physical abuse of a child from when the child reaches the age of 25 years to “during the life of the child.” Pub. L. 108-21, Title II, § 202, 117 Stat. 660 (Apr. 30, 2003). *See* Joint Explanatory Statement of the Committee of Conference, 149 Cong. Rec. H2950-01 (2003) (Conf. Rep.), 2003 WL 1832092 (while the 25-year age limit “is better than a flat five-year rule, it remains inadequate in many cases”).

Because the crimes against Jane Doe No. 3 were committed while she was a minor between around 1999 to 2001 (*see* DE 291-1 at 1-12), the statute of limitations had not yet expired as to crimes against her in 2003 and therefore the PROTECT Act’s extension of the statute of limitations applies in this case. *See United States v. Vickers*, 2014 WL 1838255, at *9 (W.D.N.Y. 2014).

B. Because Jane Doe No. 3 Was “[REDACTED]” When Her Action First Accrued, She Has Timely Filed Her Motion.

Even if 28 U.S.C. § 2401(a) applies to the new victims’ claims, Jane Doe No. 3’s claim is still timely. Congress has written an express tolling provision into the statute: “The action of any person . . . [REDACTED] at the [REDACTED] may be commenced within three years [REDACTED] after the disability ceases.” 28 U.S.C. § 2401(a) (2012) (emphasis added). In this case, Jane Doe No. 3 was hiding from Jeffrey Epstein and his co-conspirators in [REDACTED] from the time her claim accrued until October 2013, when she returned to the United States. *See* Ex. 1 at 3 (“I was in [REDACTED] from late 2002 to October 2013. To be clear, I was never in the United States during these years, not even for a short trip to visit my mother.”). The Court can take judicial notice that the distance from West Palm Beach, Florida, to [REDACTED] and that travel between the two points would involve passing over the Pacific Ocean. Therefore, Jane Doe 3 was plainly “[REDACTED]” when the events giving rise to her claim occurred, and the running of the limitations period, if applicable, did not begin until she returned to Florida about 16 months ago, in October 2013. Jane Doe 3 has therefore filed her action within the three-year time period specified by § 2401(a) for persons returning to this country from [REDACTED].

Confirming the commonsense conclusion that Jane Doe No. 3 was [REDACTED], *Black’s Law Dictionary* (9th ed. 2009) defines “[REDACTED]” as: “(Of a person) Being absent from a jurisdiction or nation; out of the country, esp. across the ocean.”⁶ Moreover, Congress first crafted the “[REDACTED]” language in 1911, when it plainly referred to persons living outside the United States. The original tolling provision provided:

⁶ *Black’s Dictionary* gives the above-quoted definition for the phrase “beyond seas,” but

Provided, That the claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons [REDACTED] at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought with three years after the disability has ceased. . . .

Act of Mar. 3, 1911, ch. 231, § 24, para. 20, 36 Stat. 1093 (emphasis added). The decisive question when construing a statute is what did the words mean “at the time of the statute’s enactment.” *Taniguchi v. Kan Pac. Saipan, Ltd.*, 132 S. Ct. 1997, 2003 (2012). In 1911, the phrase “[REDACTED]” clearly embraced persons who were outside the United States, as previous court decisions had held. *See, e.g., Murray’s Lessee v. Baker*, 16 U.S. 541, 545 (1818) (concluding that “the words ‘[REDACTED]’ must be held to the equivalent to ‘without the limits of the state’”).

In 1948, Congress saw fit to re-codify this provision into Title 28 of the United States Code and replaced the statutory references to minors and mentally disabled persons with the consolidated term “under a legal disability.” *See* Act of June 25, 1948, Pub. L. No. 80-773, 62 Stat. 971 (codified as amended at 28 U.S.C § 2401(a)). But Congress chose to leave the words “[REDACTED]” unaltered – with the result that they continue to have the same meaning as they had in 1911. *See* 1A SUTHERLAND STATUTORY CONSTRUCTION § 22:33 (7th ed.) (“Provisions of the original act or section which are repeated in the body of an amendment, either in the same or equivalent words, are a continuation of the original law”).

Congress knows how to write statutes of limitations that do not toll the limitations period for persons “[REDACTED]” *Cf.* 18 U.S.C. 2255(b) (containing a tolling provision for crime victims “under a legal disability,” but not containing a tolling provision any other persons).

notes that the phrase “[REDACTED]” is an equivalent. *Id.*

Where Congress has deliberately chosen to toll the running of the limitations period while a claimant is “██████████,” as in 28 U.S.C. 2401(a), a court lacks the power to narrow the scope of the plain meaning of that phrase. *See CBS Inc. v. PrimeTime 24 Joint Venture*, 245 F.3d 1217, 1228 (11th Cir. 2001) (cautioning against allowing “clearly expressed legislative decisions. . . [to] be subject to the policy predilections of judges.”).

The Government may try to argue that, in its view, this tolling provision is now somehow outdated, given the arrival of technology permitting less expensive international telephone calls and the like. But the Government’s opinion about whether this tolling provision remains sound public policy is beside the point. Courts do not exist to “update” statutes in light of the latest technological developments. *See Myers v. ToonJay’s Mgmt. Corp.*, 640 F.3d 1278, 1286 (11th Cir. 2011) (courts “are not licensed to practice statutory remodeling”); *Wright v. Sec’y for Dep’t of Corrs.*, 278 F.3d 1245, 1255 (11th Cir.2002) (“Our function is to apply statutes, to carry out the expression of the legislative will that is embodied in them, not to ‘improve’ statutes by altering them.”); *see also Lyes v. City of Riviera Beach, Fla.*, 166 F.3d 1332, 1351-52 (11th Cir. 1999) (Edmonson, J., dissenting) (“it is the qualities of the text when it was written – and not our response to it as modern readers – that must be our guide. . . . [W]hat we personally might like this statute to mean . . . in the light of current circumstances . . . has no rightful place in our work . . .”). Whether to modernize a statute is Congress’ decision. *See City of Greenwood, Miss. v. Peacock*, 384 U.S. 808, 834 (1966) (“[I]f changes are to be made in the long-settled interpretation of the provisions of this century-old . . . statute, it is for Congress and not for this Court to make them.”). Put simply, while Jane Doe No. 3 was living in ██████████, she was

██████████ – i.e., outside of the borders of the United States – and section 2401(a)'s statute of limitations was tolled.⁷

C. Because Jane Doe No. 3 and Jane Doe No. 4 Were Unaware of Their Ability to File a CVRA Action Until Recently, They Timely Filed Their Motions.

In arguing that the statute of limitation has lapsed in this case for Jane Doe No. 3, the Government apparently starts the six-year clock running on September 3, 2008, when the U.S. Attorney's Office sent a letter to her in ██████████. *See* DE 290 at 3 (*citing* letter attached as DE 290-1).⁸ But that letter did not clearly communicate that a CVRA cause of action existed. To the contrary, the letter was quite misleading about what was happening. The Government told Jane Doe No. 3 only that "there has been litigation between the United States and two other victims regarding the *disclosure* of the entire agreement between the United States and Mr. Epstein." DE 290-1 at 3 (emphasis added). But the litigation did not involve *disclosing* the agreement; rather the goal was *invalidating* the agreement. The Government's intentionally deceptive description confused Jane Doe No. 3, who states that "[u]nderstanding more about that [CVRA] case now, I realize that the letter did not explain that the real purpose of that litigation was not to get 'disclosure of the entire agreement' but instead to get criminal charges filed against Epstein and to uphold the rights of Epstein's victims. I wish that the Government had

⁷ This case does not present any occasion for the Court to consider how § 2401(a)'s statute of limitations applies when a person is voluntarily absent from the United States. As Jane Doe No. 3 attests in her affidavit, she was involuntarily outside of the United States because she was concealing herself from Epstein. *See* Ex. 1 at 3 ("my absence from the United States was not voluntary – I was hiding from Epstein out of fear of what he would do to me if I returned to the United States.").

⁸ The Government also refers briefly to earlier events in the case. *See* DE 290 at 6-7. But clearly those earlier events did disclose to Jane Doe No. 3 the existence of a secret non-prosecution agreement. She first became aware of the existence of such an agreement through the Government's letter on September 3, 2008.

told me that was what was really going on.” Ex. 1 at 5-6. Given this deception, the Court should not conclude – on the basis of mere pleadings – that Jane Doe No. 3’s obligation to file began on September 3, 2008. Finally, the September letter informed Doe 3 to call an attorney in Miami who was assigned her representation by the Government through the NPA. That firm had to work within the confines of that Government assignment and direction and therefore could not, and did not, inform Jane Doe No. 3 of a right to participate in this CVRA case which was aimed at invalidating the very agreement through which this law firm was mandated to operate.

The Government’s position regarding Jane Doe No. 4 is also mystifying. The Government asserts that she had legal representation “as early as 2012.” DE 290 at 9. Of course, that date falls well inside the six-year period of limitations, so her claim would not be time barred in any event.

IV. THE GOVERNMENT PROVIDES NO PERSUASIVE ARGUMENT AGAINST RULE 21 JOINDER.

For the reasons just explained, neither the CVRA nor 28 U.S.C. § 2401(a) provides any barrier to Jane Doe No. 3 and Jane Doe No. 4 joining this case. As a result, the path would seem to be clear for the Court to simply grant the current victims’ motion for joining the new victims under Fed. R. Civ. P. 21. The Government, however, has several other arguments that it throws out. None of them is persuasive.

Perhaps recognizing that Rule 21 broadly allows for the addition of new parties, the Government contends that the Rules of Civil Procedure do not even govern this action. Proceeding from the premise that this case is an “ancillary criminal proceeding” (DE 290 at 2),

the Government points out that the Rules of Criminal Procedure lack a provision for adding new parties. Thus, the Government concludes, that no parties can be added here. *Id.*

The Government's hyper-technical argument suffers from two clear flaws. First, the Court has already ruled that, as to procedural matters in this case, the civil rules govern. *See* DE 257 at 3 ("As this Court has previously indicated, see DE 190, the Federal Rules of Civil Procedure govern the general course of this proceeding."); *see also* Local Rule 88.9 (motions in criminal cases governed by Local Rule 7.1, which parallels Fed. R. Civ. P. 7). Second and more fundamentally, the Government's crabbed interpretation of the CVRA would mean that a new victim should never be allowed to join a previously-filed CVRA action. This position is belied not only by the clear intent of Congress to create enforceable rights for crime victims, but also by the Government's own action in previously agreeing to Jane Doe No. 2's motion to join the case. *See* DE 15 (tr. July 11, 2008) at 14 (Court: "[D]o you have any objection to Jane Doe 2 being added as a petitioner in this case?" Government counsel: "No, I don't."). Clearly, as the Government's own previous agreement demonstrates, some procedural device should allow a new victim to be added to a previously-filed CVRA case, as otherwise the court's docket could be unnecessarily cluttered with separate actions.

As a fallback, the Government advances the claim that the rule of civil procedure controlling the pending motion is not Rule 21 (regarding joinder of parties), but rather Rule 15 (regarding amendments to pleadings). *See* DE 290 at 2. The Government's argument does not square with the plain language of the two provisions. While Rule 15 deals with amending pleadings, Rule 21 specifically indicates that, upon motion, the Court has power to "*add . . . a party.*" Of course, since the current motion involves an effort to add new parties, it is

appropriate for the Court to resolve the issue under Rule 21. As one court has explained, “Any conflict or ambiguity which results from a comparison of [Rule 15(a) and Rule 21] ... must be resolved in favor of the specific and against the general. Thus, when a proposed amendment to a complaint seeks to effect a change in the parties to the action, Rule 21 ... controls and, to that extent, limits Rule 15(a).” *Int’l Broth. of Teamsters v. AFL-CIO*, 32 F.R.D. 441, 442 (E.D. Mich. 1963). While the Government cites three cases allowing the addition of new parties through Rule 15 (DE 290 at 102), none of these cases address the issue of whether Rule 15 or Rule 21 is the proper vehicle to do so. Most cases that have discussed directly which of the two rules applies have concluded that Rule 21 is the appropriate vehicle for adding a party. *See, e.g., South Dakota ex rel. S. Dakota R.R. Auth. v. Burlington N. & Santa Fe Ry. Co.*, 280 F. Supp. 2d 919, 924 (D.S.D. 2003) (“Pleadings and Motions are dealt with under Part III of the Rules [i.e., Rules 8 to 16]. Parties are dealt with under Part IV of the Rules [i.e., Rules 17-25]. If a plaintiff could simply add a party by amending the complaint, there would be no purpose for Rule 19”); *Joseph v. House*, 353 F. Supp. 367, 371 (E.D. Va.), *aff’d sub nom. Joseph v. Blair*, 482 F.2d 575 (4th Cir. 1973) (“Rule 21 . . . provides that parties to an action may be added by order of the Court at any stage of the proceedings. This rule precludes the plaintiffs from being able to file their amended complaint as of right, which they seek to do. The plaintiffs would ordinarily be able to do so under Rule 15(a).”).

Because the Government has refused to stipulate to Jane Doe No. 3’s and Jane Doe No. 4’s entry into the case, the victims are contemporaneously filing with this reply a protective motion for amendment under Rule 15 to add the new victims. But the new victims continue to rely on Rule 21’s plain language as their primary argument to join this case.

The Court should apply Rule 21 and allow Jane Doe No. 3 and Jane Doe No. 4 to be added to this case at this time. It is well-settled that “[u]nder the Rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.” *United Mine Workers of Am.* █ *Gibbs*, 383 U.S. 715, 724 (1966). As discussed in Part I, above, the Government had not contested the reasons that support joining the new victims into this case. Instead, the Government’s only arguments pertain to the timing of the motion. But Rule 21 itself makes clear that new parties can be added “at any time.” Fed. R. Civ. P. 21. And the cases clearly demonstrate the joinder is appropriate, even at very late stages of a proceeding, if justice will be served. *See, e.g., Data General Corp.* █ *Grumman Sys. Support Corp.*, 825 F. Supp. 340, 344 (D. Mass. 1993) (where common question of fact existed about plaintiff student suing under the Civil Rights and two other students who were not parties to the suit, it was appropriate for the court to join the two other students at the conclusion of the trial when a portion of the relief request was granted). Of course, this case is not at a late stage, but is still in a discovery phase.

The Government’s arguments about undue delay and prejudice are meritless, as the victims discuss in their concurrently-filed motion for amendment under Rule 15.⁹ But for purposes of this Rule 21 motion, one point is decisive. If the Court does not allow the new victims to join this CVRA enforcement action, then they intend to file their own, separate enforcement actions. Because there is no statute of limitations for doing so, the separate actions would be proper. But the separate actions would produce entirely duplicative litigation over the

⁹ The victims specifically adopt and incorporate by reference here the arguments against undue delay and prejudice that they make in their Rule 15 pleading.

same set of facts. This reality should be the decisive factor in favor of allowing joinder here. *See Hawkins v. Fulton Cnty.*, 95 F.R.D. 88, 91 (N.D. Ga. 1982) (allowing new parties to be added under Rule 21 because denying motion “would only result in the filing of a second, possibly duplicative suit. This Court is duty bound to prevent that sort of duplication of effort which is a waste of judicial resources.”). Indeed, allowing joinder will clearly reduce litigation burdens – on both the Court and the Government. The motion seeks to have the new victims added into this action, conditioned on the requirement that they not re-litigate any issues previously litigated. Of course, if Jane Doe No. 3 and Jane Doe No. 4 were to file new lawsuits, they would not be subject to any such restriction.

Allowing joinder in this action is clearly consistent with the Crime Victims’ Rights Act. The CVRA – the most specific directive to this Court – commands that the Court “*shall ensure* that the crime victim is afforded the rights described [in the CVRA].” 18 U.S.C. § 3771(b)(1) (emphasis added). Congress intended that “the courts of this country . . . will be responsible for enforcing” victims’ rights provided in the CVRA. 150 CONG. REC. 22953 (Oct. 9, 2004) (statement of Sen. Kyl). The best way the Court can “ensure” that Jane Doe No. 3 and Jane Doe No. 4’s rights are afforded is by allowing them to join this enforcement action. The Court should accordingly allow them to join.

CONCLUSION

Jane Doe No. 3 and Jane Doe No. 4 should be allowed to join Jane Doe No. 1 and Jane Doe No. 2 in this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure. The joinder should be conditioned on the requirement that Jane Doe No. 3 and Jane Doe No. 4 not re-litigate any issues previously litigated by Jane Doe No. 1 and Jane Doe No. 2.

DATED: February 6, 2015

Respectfully Submitted,

/s/ Bradley J. Edwards
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FARMER, JAFFE, WEISSING,
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A large black rectangular redaction box covering the signature and contact information of Bradley J. Edwards.

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Attorneys for the victims

* This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on February 6, 2015, on the following using the Court's CM/ECF system:

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/s/ Bradley J. Edwards

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

DECLARATION OF JANE DOE 3

1. The Court is familiar with me from my previous declaration in this case. I am currently 31 years old and want to become a part of the case to enforce my rights and possibly allow criminal prosecution of Jeffrey Epstein and others who abused underage girls.
2. I have seen a Government filing saying that I waited too long before trying to become a part of this case. I don't think that the Government's position tells the full story about me. In fact, I believe the Government is hiding some of the things that it knows about me and about other powerful people involved in this case. I am filing this declaration so that the Court will have more facts to make the decision about whether to let me come into the case.
3. In its latest filing, the Government seems to be questioning why I was afraid and did not come forward to speak more quickly. To understand my reasons, it is important that I share at least some additional information about why I was so fearful after my abuse by Epstein and others.
4. The Court can best understand my situation by looking at my previous declaration and then understanding why I was afraid of Epstein, how I eventually escaped from him, and how I was forced to hide from him and others.
5. I first met Epstein when I was 15 years old. I have told the Court about some of my sexual and physical abuse in my earlier declaration.
6. As a result of that abuse and my considerable interactions with Epstein and his friends, I knew that Epstein was connected to some of the most powerful people in the world, including a member of the British Royal family, a former President of the United States, and other very powerful lawyers, politicians and businessmen. I was afraid of what would happen if I tried to escape from Epstein or report him to law enforcement.

7. I also knew what Epstein and Maxwell had been doing the years that I was with them. In addition to constantly finding underage girls to satisfy their personal sexual desires, Epstein and Maxwell also got girls for Epstein's powerful friends and acquaintances. Epstein specifically told me that the reason for him doing this was so that they would "owe him," they would "be in his pocket," and he would "have something on them." Epstein used to brag a lot to me about the important people that owed him favors.

8. Epstein said that he knew people that were very powerful and who were politically involved, and that consequently he was someone you didn't want to mess with. I also knew this to be true from my personal observations with him.

9. Epstein also apparently paid to get protection from authorities. For example, Epstein told me that he paid a substantial "donation" to the Palm Beach police every year to "keep their mouths shut" about his activities. I do not know if his claim is true, but it certainly added to my fear.

10. Epstein arranged for many politically powerful, older men to have sex with underage girls – including me. Because these were crimes – and because some of these men were married – this gave Epstein the ability to blackmail these men and obtain political and other favors. I believe that Epstein's connections and his ability to blackmail these other powerful people could have helped Epstein seek a plea bargain from the authorities that kept him out of prison. I also believe that these connections most likely have prevented him from being arrested in the other locations where he has committed similar offenses.

11. I also knew that Epstein maintained videos in some rooms where I had sex with other powerful people, and I believe that those videos could be used as further blackmail.

12. I have listed a few of the powerful people that Epstein forced me to have sex with in my earlier declaration. There were others, though, who I continue to refrain from naming publicly out of fear for physical repercussions.

13. Part of my fear comes from physical abuse that I suffered when Epstein forced me to have sex with other people. Without going into the details of the sexual activities I was forced to endure, there were times when I was physically abused to the point that I remember fearfully thinking that I didn't know whether I was going to survive.

14. Jeffrey Epstein knew about this physical and sexual abuse because I would detail it for him as part of my debriefing. Epstein didn't care. Epstein said things like, "You get that sometimes." I told him how much I hated having to be with some people, but Epstein still sent me back. I had no choice.

15. I give the Court this information so that it can better understand why I was so afraid of Epstein and what he could do to me. I could provide more details to the Court, if the Court needs more details on this issue. I also wanted to provide this information to the Court because I have been accused of being a "serial prostitute." I don't think that is a fair way to describe my situation, given that I was so young and so many powerful people were forcibly abusing me.

16. Epstein let me know one of his good friends was former President Bill Clinton. While I did not have sex with former President Clinton, Epstein clearly had access to this extremely powerful man. Epstein also made me sexually service other very powerful people, which made me more fearful and feeling like I had nobody to report to without putting myself in more danger. I don't think it is fair for the Government to talk about why I didn't try to join this case sooner without talking about these kinds of facts – facts that I believe it has been able to confirm.

17. After years of abuse and being lent out, I began to look for a way to escape. I had been first forced into all this because I wanted to be a massage therapist. Epstein had taken me into his clutches through promises and talk. But once he had me under his control, I felt trapped.

18. I kept asking Epstein for my promised training and education. Epstein finally got me a plane ticket to Thailand to go to Chaing Mai to learn Thai massage. This sounded like my chance to escape. In September 2002, I packed my bags for good. I knew this would be my only opportunity to break away from Epstein.

19. On September 27, 2002, I flew from JFK in New York to Chaing Mai, Thailand. I arrived around September 29 for my training. But Epstein was going to get something out of this as well. I was supposed to interview a girl to bring back to the United States for Epstein.

20. Exhibit 1 is a list of room charges in Thailand, with the charges going to Epstein's account. This exhibit shows Epstein's telephone numbers and is evidence that he paid for my hotel in Thailand.

21. Exhibit 2 is a set of documents showing my itinerary and flight plans for me going to Thailand, paid for by Epstein.

22. I did the massage training in Chiang Mai. I met a truly great and special guy and told him honestly what I was being forced to do. He told me I should get out of it. I told him that the people I was working for were very powerful and that I could not disobey them without risking my life. He told me he would protect me, and I had confidence in him. I saw my opportunity to escape and to be with someone who truly loved me and would protect me. To make a long story short, I married him and flew to [REDACTED].

23. I called Epstein and told him I was not coming back. He asked why? I said "I've fallen in love." And Epstein basically just said "good luck and have a good life." I could tell he was not happy. I was very afraid of what he was going to do to me. I thought Epstein or one of his powerful friends might send someone to have me killed.

24. I stayed in [REDACTED] from that point on, with my husband and away from the life I had been forced to live as Epstein's sex slave. I was in [REDACTED] from late 2002 to October 2013. To be clear, I was never in the United States during these years, not even for a short trip to visit my mother. And my absence from the United States was not voluntary – I was hiding from Epstein out of fear of what he would do to me if I returned to the United States.

25. In around 2007, after not hearing from anyone for years, out of the blue I was contacted by someone who identified himself with a plain sounding name and claimed he was with the FBI. It seemed very odd for someone doing an official criminal investigation to just call up on the phone like that. I hadn't heard Epstein's name for years. I didn't know who this person was and what it was really about. I wasn't sure what was going on.

26. This man said he was looking into Jeffrey Epstein. The man asked if I had been involved with Epstein. My first instinct was to say nothing, because I wasn't sure he was really with the FBI or any authorities. I did answer a few basic questions, telling him that I knew Jeffrey Epstein and met him at a young age. The whole conversation didn't feel like it was right. This man never offered to come and meet with me in person. He instead asked me right off the bat about Epstein's sexual practices. I thought it would be strange for a real law enforcement officer to behave that way. I became increasingly uncomfortable and suspicious about who was actually calling me.

27. The way the conversation was going made me doubt whether I was really talking to an FBI agent. It did not seem very official. I became very uncomfortable, so I told him nothing more about Epstein. The conversation probably didn't even last three minutes. The conversation immediately triggered all of the fears of Epstein and his powerful friends that had caused me to escape the first time. If the call accomplished anything, it only put me back in fear and told me that I could be found quite easily and had nobody official protecting me.

28. I suspected that the man who called me was working for Epstein or one of Epstein's powerful friends. If the man who called me was really an FBI agent and was interested in what I knew about Epstein, I thought he would have made some effort to see me personally. I believed that if this was really an agent who was investigating Epstein, then he knew who I was and how I fit into Epstein's sexual crimes in many different places. Such an agent would send someone to meet me in person (who could provide potential protection from Epstein). He never did.

29. Getting a call from this supposed FBI Agent made me very scared. I had left that old life behind me and started a new life in a new country in hopes that the powerful people whose illegal activities I knew all about would never find me. And now I had been tracked down by someone and was frightened.

30. Shortly after this purported FBI call, I was contacted by someone who was clearly working for Epstein. This person discussed an investigation into Epstein, and said that some of the girls were saying Epstein had sexual contact with them. After they made those allegations, they were being discredited as drug addicts and prostitutes. But, on the other hand, if I were to keep quiet, I would "be looked after." The fact that this call came in right after the FBI call reinforced my concern that the man I had talked to earlier was not really working for the FBI, but was really working for Epstein. I didn't think that the FBI and Epstein would both be working together and would both get my phone number at almost exactly the same time. I played along and told this person that I had gotten a call from the "FBI" but that I didn't tell them anything. The person was pleased with that.

31. A short time later, one of Epstein lawyers (not Alan Dershowitz) called me, and then got Epstein on the line at the same time. Epstein and his lawyer basically asked again if I was going to say anything. The clear implication was that I should not say anything. The way they were approaching me, I was afraid of what would happen if I didn't keep quiet. My thought was that if I didn't say the right things, I might get hurt.

32. I promised Epstein and his lawyer that I would keep quiet. They seemed happy with that and that seemed to me the way to most likely keep me and my family safe. And I did what Epstein and his lawyer told me – I kept quiet.

33. I now understand that Epstein reached a non-prosecution agreement with the federal government in 2007 and pled guilty to two state crimes in June 2008. No one told me anything about those events until much later. In fact, nobody called or came to see me to explain what a non-prosecution agreement was, what crimes Epstein could have been charged with, why he was not being charged with the crimes he committed, or anything whatsoever about the case. I was never offered a chance to meaningfully confer with the prosecutor for the Government, and I was never notified of any hearing that could affect me or my rights as a crime victim to ever bring charges.

34. On September 3, 2008, the FBI sent a victim notification letter to me. This was the first written communication I had received from the FBI. The letter was attached as Exhibit 1 to my earlier statement. This kind of written communication, on official FBI stationery, is the way that I thought the FBI really communicated with people that they wanted to talk to. The fact that I got this official letter from them made me wonder even more whether that the call I had received earlier was really from the FBI. The letter that I got did not mention that anyone from the FBI had ever called me before.

35. The letter started off with the sentence: "By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice because you are an identified victim of a federal offense." That sentence (among others) made it seem like this was the first time the FBI was officially contacting me. That was the first time I was told about my rights as a crime victim.

36. I did not know what was happening about any criminal prosecution of Epstein at this time. I wanted him prosecuted. And given his constant illegal sexual behavior, I thought it was obvious that he should be prosecuted. But after reading the letter, I was confused. The letter did not explain what was actually happening or what role, if any, that I could play. In fact, the letter thanked me for my assistance during the investigations, yet it wasn't clear what that was referring to.

37. Also, the letter did not directly say that Epstein's crimes against me were not going to be prosecuted. It just said that "the United States has agreed to defer federal prosecution in favor of this state plea and sentence . . ." I did not know what that meant. The letter did not inform me how it applied to me. The letter also said that there was "litigation between the United States and two other victims regarding the disclosure of the entire agreement between the United States and Mr. Epstein." Understanding more about that case now, I realize that the letter did not

explain that the real purpose of that litigation was not to get "disclosure of the entire agreement" but instead to get criminal charges filed against Epstein and to uphold the rights of Epstein's victims. I wish that the Government had told me that was what was really going on.

38. I saw on the letter that I could call a lawyer. The letter also mentioned Jack Goldberger, who I knew to be Epstein's attorney, which scared me. I first got in touch with the attorneys at the Podhurst Orseck firm. My lawyers filed a lawsuit against Epstein for me, which mentioned that I was abused by Epstein and other powerful people. I was hoping that the information I gave as part of my lawsuit might help to put Epstein away in prison -- where he belongs. But the lawsuit ended up just being about money, which Epstein paid to settle.

39. I continued living in [REDACTED] and, in 2011, was contacted by a journalist, who told me she was working for a British newspaper. She asked me if I had information about Prince Andrew. When I said that I did, she came out to [REDACTED] to meet with me.

40. At this point, since nothing else seemed to be working to get Epstein and his associates held accountable, I wanted to try by myself to get a message out to the public about what terrible things Epstein and his friends had done to me and other girls. I was very disturbed about how no one was prosecuting Epstein for these crimes. I was also very scared. It seemed that law enforcement was not doing anything with the information they knew about me, which left me and my family more vulnerable and scared.

41. The journalist printed an article using some of the information I told her. Shortly after the article was published, I talked on the phone to Marie Villafaña, a federal prosecutor from Florida. I had seen her name on the official letter from the FBI, so she seemed legitimate. Villafaña seemed very interested in my case and seemed like she really wanted to do something.

42. Within a few weeks of the newspaper article being published, two FBI agents also called me in [REDACTED] and then came to meet me. In around March 2011, they met me at the U.S. Consulate in [REDACTED]. They seemed to be very professional and hard working. I thought to myself that I had finally gotten the attention of the people that I wanted to and that these people would do the right things against Epstein and the other criminals. I also thought that they could protect me.

43. When I met with the agents, they mainly focused on Epstein. But while there, I provided them some information about some of the others who were involved in illegal acts as well. I was aware that a false statement to these law enforcement officers was a crime and I told the truth -- giving them the information that I could recall at the time about the individuals they inquired about.

44. The agents were clearly prepared to meet me and already knew a lot about Epstein's crimes. The agents appeared to be very good at investigating and seemed like they really knew how to piece together the whole story. But at the same time, they seemed like they were being blocked from doing what they wanted to do -- which I thought was to arrest Epstein and his powerful friends for all of their illegal sexual crimes.

45. During my interview with the real FBI agents, I told them about my contact from the purported FBI agent. They did not tell me that it had been a legitimate call from the FBI.

46. The interview I did with these FBI agents was very stressful for me. My meeting lasted for several hours. It was not easy to talk about all these difficult things, but I went through it. I was crying at points in the interview. The interview also placed stress on my marriage, because my husband had to listen to all the terrible things that happened to me. It was difficult for me to have to discuss being passed around as a sex object among powerful people. It was very hard for both of us.

47. The agents had come from Florida to meet with me in [REDACTED] and took my information which gave me reason to believe that Epstein could still be prosecuted for the crimes he committed against me. I was not told even at that point that he could not be prosecuted for the crimes he committed in Florida. I was not told about the CVRA case or that there was any other option for me to enforce my rights. In fact, by the agents meeting with me I believed I was doing exactly what I needed to do to enforce my rights and assist in the prosecution.

48. I have seen the Government's recent brief trying to keep me from joining this case. In that brief, the Government says about me "the Government is aware that petitioners' counsel have been representing her [that is, me] since at least as early as March 2011." This is completely untrue, and I think the Government knows it is untrue. I was not represented by legal counsel in March 2011. The Government has to know that I didn't have an attorney then, because I didn't have an attorney when I met the agents in Sydney. I don't understand why the Government is giving false facts to the court.

49. In around 2011, I spoke to attorney Brad Edwards. He told me he had been sued by Jeffrey Epstein and wanted to know what I knew about Epstein and his associates' involvement with sexually abusing underage girls. I told him about my abuse and trafficking by Epstein. I also told him at that time that I had been sexually abused by Prince Andrew, Ghislaine Maxwell, Jean Luc Brunel, Alan Dershowitz, and other powerful people.

50. In around April 2011, as a follow-up to my earlier call with Brad Edwards, I got a telephone call from him and another attorney, Jack Scarola. They just wanted general information about whether various people had information relevant to the lawsuit. They told me that they were taping the conversation, and I had no problem with that. I cooperated with them and gave them information about which people had information relevant about Epstein's crimes. Because it was over the phone and we did not know each other very well, they were very polite and did not ask me a lot of details about specifically who I had sex with and what sexual activities I was forced to participate in. It was a general, background interview.

51. As the months following the FBI meeting in Sydney passed, I was trying to be patient but I began wondering what was going on about prosecuting Epstein. I continued to be very confused about what was happening. I was hoping that some kind of prosecution would come out of it. But when nothing came of it, I got very upset. I wanted to do something to stop Epstein and the other people he associates with from sexually abusing girls. Law enforcement

had taken my detailed statements, but nothing seemed to be happening. I wasn't sure what to do. While I wanted to do all that I could to get justice for what had happened to me, it was very hard for me to figure out how to get something done in the United States while I was living in a foreign country; especially after I had already gave information to the FBI that I believed they were using to investigate and eventually arrest Epstein.

52. In October 2013, I returned to the United States for the first time since I had left for Thailand.

53. In April 2014, I decided to get back in touch with the FBI. In Sydney, the FBI had seemed like they wanted to be helpful to me, and I have great respect for the FBI agents who met me. It appeared to me they wanted to do the right thing in this case. But my feeling was once the agents collected information about crimes committed against me, someone else stepped in and blocked them from getting charges filed. I also thought that Marie Villafaña really wanted to do the right thing and hold Epstein accountable for the horrible crimes he committed. But, it seemed like the hands of [REDACTED] and the FBI were always tied by someone else with more authority.

54. I have never been able to figure out who was (and still is) stopping a prosecution. I also haven't been able to figure out who is trying to stop me from being able to participate in a court case to have a judge determine whether my rights have been violated. It doesn't seem fair to me that the Government can argue that I don't even get the opportunity for a judge review the issue. To me, this is further verification of Epstein's power, which continues to make me very scared.

55. I have asked the FBI to show me the video surveillance and other pictures of me that I believe they have in their possession. They said that I would have to go to the prosecutors to get them. But the prosecutors will not share anything with me. I believe that the prosecutors have lots of information that will support what I have been saying about Epstein and his associates.

56. Based on my knowledge of Epstein and his organization, as well as discussions with the FBI, it is my belief that federal prosecutors likely possess videotapes and photographic images of me as an underage girl having sex with Epstein and some of his powerful friends. I don't understand why they aren't moving forward with what the FBI has given to them. I also don't understand why these pictures haven't been given to me nor why law enforcement officers from any other jurisdictions have never contacted me.

57. It was not until 2014 that I first understood about the way in which Jane Doe No. 1 and Jane Doe No. 2 were trying to invalidate the non-prosecution agreement to allow prosecution of Epstein for crimes he committed against them, and me. I had never really heard anything significant about this case while I was in [REDACTED], and it was hard to get information about what was happening in Florida while I was overseas. Once I heard about the case, I quickly wanted to become a part of it.

58. In light of the way everything has played out, I believe that my rights as a crime victim have been violated. It was never my choice to become the victim of crimes by Epstein and the

people he forced me to have sex with. Epstein dragged me into his web when I was very young and, after that, it was hard for me to escape. After I ran away to [REDACTED], it appears that Epstein reached an agreement in 2007 with the federal prosecutors in Florida blocking him from being prosecuted for the crimes he committed against me.

59. When Epstein pled guilty to two low level crimes in 2008 as part of his agreement, no one told me what was happening or that this plea had anything to do with preventing prosecution of crimes against me or the hundreds of other girls he abused. Nobody told me that I could speak to the Judge or that a hearing was even taking place.

60. Based on all the facts I have described here, I believe some kind of major cover-up is going on to protect Epstein. As I look back on what Epstein and his friends have done, I see a lot of powerful people who knew what they were doing to me and other girls was wrong. But they also seemed to think that they were above the law and they had nothing to worry about. From what I can see, that turned out to be true. There are less powerful people -- like the FBI agents and Marie Villafaña -- that seem like they are trying to get the right thing done. But nothing happens.

61. Because nothing is being done, it makes me think that Epstein was right when he told me he had so many people in his pocket. Maybe those people are still helping him escape being prosecuted for what he did against me. The justice system doesn't seem to respond to the victims in this case. It seems to favor those who have the most money and power and influence.

62. I am also worried that this is a very dangerous circuit. By standing up for what is right, I'm worried that Epstein, or others named here, will come after me. I wonder where this is going to go if the United States government is not on my side. I am intent on seeing this through so that Epstein isn't allowed to hurt other young girls. I can't stop abuse everywhere in the world. But if I help one victim then I have made a positive difference.

63. In April 2014, I asked two good attorneys -- Brad Edwards and Paul Cassell -- to see if they could help me bring Epstein and his friends to justice. They agreed to add me to the existing case. They explained to me that the lawsuit was not asking to get money from Epstein or others. I understand and have always understood that the goal of the case is to simply enforce my rights as a crime victim -- rights that were wrongly taken from me.

64. I want Epstein and the others who committed crimes against me to be punished fairly -- the way other less powerful would be. I also want to be added to the suit filed by the two girls, Jane Doe Number 1 and Jane Doe Number 2, and I want to have rights the way a victim of a less wealthy and powerful criminal would have.

65. Epstein and his friends sexually and physically abused many other girls. They did this in many places around the world. I personally observed this. There are also many people who could confirm what I am saying. I hope that these people will come forward and tell the truth. I hope that they will call my attorney in Fort Lauderdale, Florida -- Brad Edwards -- so that all of the information can be presented to the court about what has happened to me and others.

66. Because of how often Epstein and others were having sex with young girls, and how much it was a centerpiece of their lives, I doubt they have just stopped. It also seems to me that, when I knew them, they believed that they were above the law – too powerful to be prosecuted. That feeling has no doubt been reinforced by the fact Epstein has escaped real punishment with his plea bargain, and the others with whom he traveled have completely escaped. I hope that I can join this case and try to bring them to justice.

67. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of February, 2015. (Location of signature left undisclosed for security reasons)

JANE DOE 3

EXHIBIT 1



ROYAL PRINCESS

CHIANG MAI
 112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thai
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 112 ถนนช้างคลาน อ.ช้างคลาน เชียงใหม่ จ.เชียงใหม่ 50100
 โทร: (053) 281-033 โทรสาร: (053) 281-044
 หมายเลขการศุลกากรที่ 60 14 02627
 เลขประจำตัวผู้เสียภาษี 3 10 1 81770 2

J.EPSTEIN
 Royal Princess, Chiang Mai, 18/10/02 12:51
 188785
 Room No. : 923 Page No. : 1
 Arr. Date : 29/09/02 Dept Date : 19/10/02
 Guest : 1 Cashier : 11 CHFGAGNT03

Guest Name : DOE 3 USA

DATE	DESCRIPTION	CHARGE	CREDIT
08/10	Room Charges		
08/10	Service charge 10%	2700.00	
08/10	Government Tax	270.00	
08/10	Provincial Tax (Rm)	207.90	
09/10	Room Charges	21.60	
09/10	Service charge 10%	2700.00	
09/10	Government Tax	270.00	
09/10	Provincial Tax (Rm)	207.90	
09/10	Room Service B/F #923 : CHECK #2098	21.60	
09/10	Minibar #923 :	376.64	
09/10	Long Distance #923 : [REDACTED]	120.00	
09/10	Overseas #923 : [REDACTED]	45.00	
09/10	Overseas #923 : [REDACTED]	384.00	
09/10	Overseas #923 : [REDACTED]	177.00	
09/10	Overseas #923 : [REDACTED]	177.00	
10/10	Room Charges		
10/10	Service charge 10%	2700.00	
10/10	Government Tax	270.00	
10/10	Provincial Tax (Rm)	207.90	
10/10	Room Service B/F #923 : CHECK #2106	21.60	
10/10	Local Call #923 : [REDACTED]	129.47	
10/10	Overseas #923 [REDACTED]	10.00	
10/10	Overseas #923 [REDACTED]	177.00	
10/10	Overseas #923 [REDACTED]	118.00	
11/10	Room Charges		
11/10	Service charge 10%	2700.00	
11/10	Government Tax	270.00	
11/10	Provincial Tax (Rm)	207.90	
11/10	Long Distance #923 : [REDACTED]	21.60	
11/10	Long Distance #923 : [REDACTED]	15.00	
11/10	Long Distance #923 : [REDACTED]	15.00	
11/10	Long Distance #923 : [REDACTED]	15.00	
11/10	Long Distance #923 : [REDACTED]	15.00	
11/10	Overseas #923 : [REDACTED]	15.00	
11/10	Overseas #923 : [REDACTED]	266.00	
11/10	Overseas #923 : [REDACTED]	59.00	
11/10	Laundry/Valet 01699 pia	1912.70	
12/10	Room Charges		
12/10	Service charge 10%	2700.00	
12/10	Government Tax	270.00	
12/10	Government Tax	207.90	

Guest's signature _____

Date _____



ROYAL PRINCESS

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 ทะเบียนการค้าเลขที่ 50 14 02527
 เลขประจำตัวผู้เสียภาษี 3 10 1 61770 2

J.EPSTEIN
 Royal Princess, Chiang Mai, 18/10/02 12:51
 188785
 Room No. : 923 Page No. : 2
 Arr. Date : 29/09/02 Dept Date : 19/10/02
 Guest : 1 Cashier : 31 CHFGAGN103

Guest Name : DOE 3 USA
 USA

DATE	DESCRIPTION	CHARGE	CREDIT
12/10	Provincial Tax (Rm)		
12/10	Long Distance #923 : [REDACTED]	21.60	
12/10	Overseas #923 : [REDACTED]	30.00	
12/10	Overseas #923 : [REDACTED]	913.00	
12/10	Overseas #923 : [REDACTED]	30.00	
12/10	Overseas #923 : [REDACTED]	89.00	
13/10	Room Charges	2700.00	
13/10	Service charge 10%	270.00	
13/10	Government Tax	207.90	
13/10	Provincial Tax (Rm)	21.60	
13/10	Room Service B/F #923 : CHECK # 117	153.01	
13/10	Long Distance #923 : [REDACTED]	45.00	
13/10	Long Distance #923 : [REDACTED]	30.00	
13/10	Long Distance #923 : [REDACTED]	15.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	560.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	30.00	
13/10	Overseas #923 : [REDACTED]	59.00	
13/10	Overseas #923 : [REDACTED]	384.00	
13/10	Overseas #923 : [REDACTED]	89.00	
14/10	Room Charges	2700.00	
14/10	Service charge 10%	270.00	
14/10	Government Tax	207.90	
14/10	Provincial Tax (Rm)	21.60	
14/10	Room Service B/F #923 : CHECK # 129	294.25	
14/10	Minibar #923 :	290.00	
14/10	Overseas #923 : [REDACTED]	59.00	
14/10	Overseas #923 : [REDACTED]	59.00	
14/10	Overseas #923 : [REDACTED]	59.00	
14/10	Overseas #923 : [REDACTED]	59.00	
15/10	Room Charges	30.00	
15/10	Service charge 10%	2700.00	
15/10	Government Tax	270.00	
15/10	Provincial Tax (Rm)	207.90	
15/10	Minibar #923 :	21.60	
15/10		120.00	

Guest's signature _____
 Date _____



ROYAL PRINCESS

CHIANG MAI
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 ทะเบียนการค้าเลขที่ 50 14 02527
 เลขประจำตัวผู้เสียภาษี 3 10 1 61730 2

J.EPSTEIN
 Royal Princess, Chiang Mai, 18/10/02 12:51
 188785
 Room No. : 923 Page No. : 3
 Arr. Date : 29/09/02 Dept Date : 19/10/02
 Guest : 1 Cashier : 11 CHFGAGNT03

Guest Name : DOE 3
 USA

USA

DATE	DESCRIPTION	CHARGE	CREDIT
15/10	Overseas #923 : [REDACTED]	796.00	
15/10	Overseas #923 : [REDACTED]	118.00	
15/10	Overseas #923 : [REDACTED]	354.00	
16/10	Room Charges	2700.00	
16/10	Service charge 10%	270.00	
16/10	Government Tax	207.90	
16/10	Provincial Tax (Rm)	21.60	
16/10	Poolside p.m. #923 : CHECK # 621	29.43	
16/10	Room Service B/F #923 : CHECK # 143	282.43	
16/10	Room Service B/F #923 : CHECK # 147	918.06	
16/10	Minibar #923 :	180.00	
16/10	Local Call #923	10.00	
16/10	Overseas #923 : [REDACTED]	89.00	
16/10	Overseas #923 : [REDACTED]	325.00	
16/10	Overseas #923 : [REDACTED]	148.00	
16/10	Overseas #923 : [REDACTED]	118.00	
16/10	Overseas #923 : [REDACTED]	295.00	
16/10	Overseas #923 : [REDACTED]	30.00	
16/10	Overseas #923 : [REDACTED]	30.00	
16/10	Overseas #923 : [REDACTED]	59.00	
17/10	Room Charges	2700.00	
17/10	Service charge 10%	270.00	
17/10	Government Tax	207.90	
17/10	Provincial tax (Rm)	21.60	
17/10	Room Service B/F #923 : CHECK #2160	306.02	
17/10	Room Service B/F #923 : CHECK # 161	94.16	
17/10	Room Service B/F #923 : CHECK # 162	94.16	
17/10	Minibar #923 :	160.00	
17/10	Overseas #923 : [REDACTED]	30.00	
17/10	Overseas #923 : [REDACTED]	148.00	
17/10	Overseas #923 : [REDACTED]	30.00	
17/10	Overseas #923 : [REDACTED]	59.00	
17/10	Overseas #923 : [REDACTED]	471.00	
17/10	Overseas #923 : [REDACTED]	89.00	
18/10	Room Charges	2700.00	
18/10	Service charge 10%	270.00	

Guest's signature _____

Date _____



ROYAL PRINCESS

CHIANG MAI
 312 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thailand
 Tel: (053) 281-033 Fax: (053) 281-044
 บริษัท รอยัลพริ้นเซส จำกัด (มหาชน)
 สาขาโรงแรมรอยัลพริ้นเซส เชียงใหม่
 112 ค.ช้างกลาง อ.ช้างกลาง จ.เชียงใหม่ 50100
 โทร: (053) 281-033 โทรสาร: (053) 281-044
 ทะเบียนการค้าเลขที่ 80 14 02527
 เลขประจำตัวผู้เสียภาษี 3 10 1 61770 2

J.EPSTEIN
 Royal Princess, Chiang Mai, 18/10/02 12:51
 188785
 Room No. : 923 Page No. : 4
 Arr. Date : 29/09/02 Dept Date : 19/10/02
 Guest : 1 Cashier : 11 CHFGAGNT03

Guest Name : DOE 3 USA
 USA

DATE	DESCRIPTION	CHARGE	CREDIT
18/10	Government Tax	207.90	
18/10	Provincial Tax (Rm)	21.60	
18/10	Room Service B/F #923 : CHECK # 171	294.25	
18/10	Room Service B/F #923 : CHECK # 172	188.32	
18/10	Overseas #923 : XXXXXXXXXX	207.00	
18/10	Cash PHET		48587.45
Total		48587.45	48587.45

Balance 0.00 Baht

Total including VAT 48349.85 Baht
 Total without VAT 237.60 Baht
 Folio amount net 45424.38 Baht
 VAT 7.00% 3163.07 Baht (48349.85)

TAX ID NO. 3 1 0 1 6 1 7 7 0 2
 RD NO. 5 0 1 4 9 1 0 0 0 2 3 5
 TAX INVOICE NO. 13489
 TAX INVOICE(ABB)

Guest's signature _____
 Date _____



ROYAL PRINCESS

CHANG MAI

112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thailand.
Tel: (053) 281-033 Fax: (053) 281-044

บริษัท รอยัลพรีนเซส จำกัด (มหาชน)
สาขาโรงแรมรอยัลพรีนเซส เชียงใหม่
112 ถนนท่าช้าง ต.ท่าช้าง อ.เมือง จ.เชียงใหม่ 50100
โทร: (053) 281-033 โทรสาร: (053) 281-044
ทะเบียนการค้าเลขที่ 50 14 02627
เลขประจำตัวผู้เสียภาษี 3 10 1 61770 2

1129-1131
Royal Princess Chiang Mai, 112/Chang Klan Rd.
Chiang Mai, Thailand 50100
Tel: (053) 281-033 Fax: (053) 281-044
E-mail: rpr@royalprincess.com
www.royalprincess.com

DOE 3

Room No.	Name	Room No.	Name
1129	DOE 3	1130	DOE 3
1131	DOE 3	1132	DOE 3
1133	DOE 3	1134	DOE 3
1135	DOE 3	1136	DOE 3
1137	DOE 3	1138	DOE 3
1139	DOE 3	1140	DOE 3
1141	DOE 3	1142	DOE 3
1143	DOE 3	1144	DOE 3
1145	DOE 3	1146	DOE 3
1147	DOE 3	1148	DOE 3
1149	DOE 3	1150	DOE 3
1151	DOE 3	1152	DOE 3
1153	DOE 3	1154	DOE 3
1155	DOE 3	1156	DOE 3
1157	DOE 3	1158	DOE 3
1159	DOE 3	1160	DOE 3
1161	DOE 3	1162	DOE 3
1163	DOE 3	1164	DOE 3
1165	DOE 3	1166	DOE 3
1167	DOE 3	1168	DOE 3
1169	DOE 3	1170	DOE 3
1171	DOE 3	1172	DOE 3
1173	DOE 3	1174	DOE 3
1175	DOE 3	1176	DOE 3
1177	DOE 3	1178	DOE 3
1179	DOE 3	1180	DOE 3
1181	DOE 3	1182	DOE 3
1183	DOE 3	1184	DOE 3
1185	DOE 3	1186	DOE 3
1187	DOE 3	1188	DOE 3
1189	DOE 3	1190	DOE 3
1191	DOE 3	1192	DOE 3
1193	DOE 3	1194	DOE 3
1195	DOE 3	1196	DOE 3
1197	DOE 3	1198	DOE 3
1199	DOE 3	1200	DOE 3

Guest's signature _____
Date _____



ROYAL PRINCESS

CHANG ANU
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Tel: (053) 281-033 Fax: (053) 281-044
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อาคารโรงแรมรอยัลพริ้นเซส เชียงใหม่
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โทร: (053) 281-033 โทรสาร: (053) 281-044
ทะเบียนการค้าเลขที่ 80 14 02527
เลขประจำตัวผู้เสียภาษีอากร 3 10 1 61770 2

DOE 3

NO.	NAME	ROOM NO.	ROOM TYPE	PRICE
1	DOE 3	101	Single	100
2	DOE 3	102	Double	150
3	DOE 3	103	Triple	200
4	DOE 3	104	Quadruple	250
5	DOE 3	105	Single	100
6	DOE 3	106	Double	150
7	DOE 3	107	Triple	200
8	DOE 3	108	Quadruple	250
9	DOE 3	109	Single	100
10	DOE 3	110	Double	150
11	DOE 3	111	Triple	200
12	DOE 3	112	Quadruple	250
13	DOE 3	113	Single	100
14	DOE 3	114	Double	150
15	DOE 3	115	Triple	200
16	DOE 3	116	Quadruple	250
17	DOE 3	117	Single	100
18	DOE 3	118	Double	150
19	DOE 3	119	Triple	200
20	DOE 3	120	Quadruple	250

Guest's signature _____
Date _____



ROYAL PRINCESS

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112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thailand
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บริษัท รอยัลพรีมเชส จำกัด (มหาชน)
อาคารโรงแรมรอยัลพรีมเชส เชียงใหม่
112 ถนนช้างคลาน อ.เมือง เชียงใหม่ 50100
โทร: (053) 281-033 โทรสาร: (053) 281-044
ทะเบียนการค้าเลขที่ 50 14 02527
เลขประจำตัวผู้เสียภาษีอากร 3 10 1 61770 2

Mr. Doe
112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thailand
Tel: (053) 281-033 Fax: (053) 281-044

DOE 3

Mr. Doe
112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thailand
Tel: (053) 281-033 Fax: (053) 281-044

PAID

Guest's signature _____
Date _____



ROYAL PRINCESS

CHIANG MAI
 112 Chang Klan Road, T.Chang Klan, A.Muang, Chiang Mai 50100, Thaila
 Tel: (053) 281-033 Fax: (053) 281-044
 บริษัท รอยัลพรีนเซส จำกัด (มหาชน)
 สาขาโรงแรมรอยัลพรีนเซส เชียงใหม่
 112 ถนนช้างคลาน อ.เมือง จ.เชียงใหม่ 50100
 โทร: (053) 281-033 โทรสาร: (053) 281-044
 ทะเบียนการค้าเลขที่ 50 14 02527
 เลขประจำตัวผู้เสียภาษี 3 10 1 81770 2

J.EPSTEIN
 Royal Princess, Chiang Mai, 19/10/02 13:07

Room No. : 923 Page No. : 1
 Arr. Date : 29/09/02 Dept Date : 19/10/02
 Guest : 1 Cashier : 11 CHFGA6NT03

Guest Name : DOE 3 USA
 USA

DATE	DESCRIPTION	CHARGE	CREBIT
18/10	Room Service B/F #923 : CHECK # 171	294.25	
18/10	Room Service B/F #923 : CHECK # 172	188.32	
18/10	Long Distance #923 : [REDACTED]	15.00	
18/10	Long Distance #923 : [REDACTED]	60.00	
18/10	Overseas #923 : [REDACTED]	207.00	
18/10	Overseas #923 : [REDACTED]	384.00	
18/10	Overseas #923 : [REDACTED]	833.00	
19/10	Room Service B/F #923 : CHECK # 183	400.18	
19/10	Minibar	220.00	

Total 2651.75

Balance 2651.75 Baht

Total including VAT 2651.75 Baht
 Folio amount net 2472.77 Baht
 ■ A T 7.00% 178.98 Baht (2651.75)

TAX ID NO. 3 1 0 1 6 1 / 7 0
 RD NO. 5 0 1 4 9 1 0 0 0 3 5

TAX INVOICE(ABB)

PAID

Guest's signature _____

Date _____

EXHIBIT 2

DOE 3

Travel Documents

FOR:

Jane Doe 3

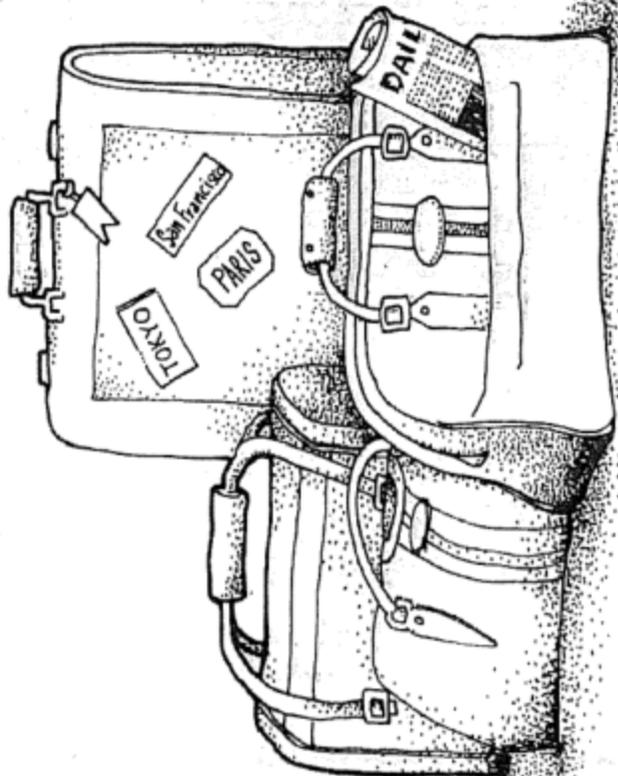


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If the person doing the re-ticketing releases your request, obtain a name or an identification and advise us of details upon return.

TICKET - Cancelled or unused tickets must be returned for proper credit. Lost, stolen or destroyed tickets must be paid for until refund is received from the issuing carrier, subject to an airline imposed service charge.

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NEW YORK NY 10027
ATT: KIMBERLY

TERMS: PAYMENT DUE UPON PRESENTATION

RECORD

AIRLINE	FLT	CL	DATE	FROM	TO	LI	AR	ST
DATE: SEP 27 2002								
SINGAPORE AIRLINES	27SEP			NEW YORK NY	SINGAPORE	945P	635A	
SQ 25	Q		FRI	JOHN F KENNEDY	CHANGI		29SEP	
		NON SMOKING		TERMINAL 1	TERMINAL 2			
				MEAL				
				RESERVATION CONFIRMED		1 STOP		
						20:50 DURATION		
		NEW YORK		FRANKFURT				
		FRANKFURT		SINGAPORE				
				AIRCRAFT: BOEING 747-400				
SINGAPORE AIRLINES	29SEP			SINGAPORE	BANGKOK	850A	1010A	
SQ 62	Q		SUN	CHANGI	BANGKOK INTL			
		NON SMOKING		TERMINAL 2	TERMINAL 2			
				MEAL				
				RESERVATION CONFIRMED		NON STOP		
				AIRCRAFT: BOEING 747-400		2:20 DURATION		
THAI AIRWAYS INTL	29SEP			BANGKOK	CHIANG MAI	1215P	125P	
TG 110	Y		SUN	BANGKOK INTL	INTERNATIONAL			
		NON SMOKING		TERMINAL DOM				
				RESERVATION CONFIRMED		NON STOP		
				AIRCRAFT: AIRBUS INDUSTRIE A300-600/600C		1:10 DURATION		
HOTEL	29SEP			ROYAL PRINCESS CHIANGMAI				
	19OCT			112 CHANGMAI ROAD				
				HIPHUB NIANG				
				CHIANG MAI 50100				
				THAILAND				



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NEW YORK

AGENT RS/RS BOOKING REF ZXLL07

NY10016

DOE 3

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457 MADISON AVE
4TH FLOOR
NEWYORK NY 10027
ATT:KIMBERLY

TERMS: PAYMENT DUE UPON PRESENTATION

RECORD

AIRLINE	FLT	CL	DATE	FROM	TO	LV	AR	ST
---------	-----	----	------	------	----	----	----	----

DATE: SEP 27 2002

SINGAPORE AIRLINES	27SEP			NEW YORK NY	SINGAPORE	945P	635A	
SQ 25	Q	FRI		JOHN F KENNEDY	CHANGI		29SEP	
				TERMINAL 1	TERMINAL 2			
				MEAL				1 STOP
				RESERVATION CONFIRMED				20:50 DURATION
NEW YORK				FRANKFURT				
FRANKFURT				SINGAPORE				
				AIRCRAFT: BOEING 747-400				

SINGAPORE AIRLINES	29SEP			SINGAPORE	BANGKOK	850A	1010A	
SQ 62	Q	SUN		CHANGI	BANGKOK INTL			
				TERMINAL 2	TERMINAL 2			
				MEAL				NON STOP
				RESERVATION CONFIRMED				2:20 DURATION
				AIRCRAFT: BOEING 747-400				

THAI AIRWAYS INTL	29SEP			BANGKOK	CHIANG MAI	1215P	125P	
TG 110	Y	SUN		BANGKOK INTL	INTERNATIONAL			
				TERMINAL DOM				
				RESERVATION CONFIRMED				NON STOP
				AIRCRAFT: AIRBUS INDUSTRIE A300-600/600C				1:10 DURATION

HOTEL

29SEP ROYAL PRINCESS CHIANGMAI
1900T ~~112 CHANDANAN ROAD~~

~~AMPHUR MUANG~~
~~CHIANG MAI, 50100~~
~~THAILAND~~

~~TELEPHONE: 66 53281033-43~~

~~FAX: 66 53281044~~

TELEX: NONE

CONFIRMATION: 102520345

REFERENCE: A03A00

SINGLE ROOM TWIN BED

RATE: COR THB 2700.00 PER NIGHT

GUARANTEE GIVEN

CANCELLATION POLICY:

BY 1600 22SEP2002 LOCAL PROPERTY TIME

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DOE 3

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4TH FLOOR
NEWYORK NY 10027
ATT:KIMBERLY

TERMS: PAYMENT DUE UPON PRESENTATION

RECORD

AIRLINE	FLT	CL	DATE	FROM	TO	LV	AR	ST
DATE: SEP 27 2002								
THAI AIRWAYS INTL	19OCT		CHIANG MAI	BANGKOK		315P	425P	
TG 113	Y	SAT	INTERNATIONAL	BANGKOK INTL				
			NON SMOKING	TERMINAL DOM				
				RESERVATION CONFIRMED			NON STOP	
				AIRCRAFT: AIRBUS INDUSTRIE A300-600/600C			1:10 DURATION	
SINGAPORE AIRLINES	19OCT		BANGKOK	SINGAPORE		630P	955P	
SQ 67	Q	SAT	BANGKOK INTL	CHANGI				
			NON SMOKING	TERMINAL 2	TERMINAL 2			
				MEAL			NON STOP	
				RESERVATION CONFIRMED			2:25 DURATION	
				AIRCRAFT: BOEING 747-400				
SINGAPORE AIRLINES	19OCT		SINGAPORE	NEW YORK NY		1150P	1040A	
SQ 26	Q	SAT	CHANGI	JOHN F KENNEDY			200CT	
			NON SMOKING	TERMINAL 2	TERMINAL 1			
				MEAL			1 STOP	
				RESERVATION CONFIRMED			22:50 DURATION	
				SINGAPORE FRANKFURT				
				FRANKFURT NEW YORK				
				AIRCRAFT: BOEING 747-400				
AMERICAN AIRLINES	20OCT		NEW YORK NY	MIAMI FL		250P	606P	
AA 1701	N	SUN	JOHN F KENNEDY	MIAMI INTL				
			NON SMOKING	TERMINAL B				
				RESERVATION CONFIRMED			NON STOP	
				AIRCRAFT: BOEING 757-200/300			3:16 DURATION	
MISCELLANEOUS	27JUL		CHIANG MAI					
	SUN		SHOPPERS TRAVEL					
RESERVATION NUMBER(S) AA/DFNKAZ SQ/JC5MU4 TG/L2QHI4								
THIS TICKET IS NONREFUNDABLE/NONCHANGEABLE								
PENALTY MAY APPLY FOR ANY CHANGE/CANCELLATION								
CHECKIN 2 HOURS BEFORE SCHEDULED DEPARTURE								
RECONFIRM RETURN FLIGHTS 72HOURS IN ADVANCE								
WE SUGGEST YOU CARRY TRAVEL INSURANCE FOR YOUR TRIP								
INTERNATIONAL TRAVEL MAY BE SUBJECT TO ADDITIONAL REQUIREMENTS								
IT IS YOUR RESPONSIBILITY TO VERIFY THE FLIGHT STATUS								

THANK YOU

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ATT:KIMBERLY

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RECORD

AIRLINE	FLT	CL	DATE	FROM	TO	LV	AR	ST
---------	-----	----	------	------	----	----	----	----

DATE: SEP 27 2002

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6. These times, flights and fares are based on current tariffs that are subject to change without notice.
7. TICKETS - Cancelled or unused tickets must be returned for proper credit to your account. Lost, stolen or destroyed tickets must be paid for until refund is received from the issuing carrier, subject to an airline imposed service charge.
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11. We reserve the right to charge processing fees in the event of refunds, cancellations or special services.
12. **DISCLAIMER OF LIABILITY** - This Travel Agency is acting as a mere agent for suppliers in selling travel-related services, or in accepting reservations or bookings for services that are not directly supplied by this travel agency (such as air and ground transportation, hotel accommodations, meals, tours, cruises, etc.). This agency, therefore, shall not be responsible for breach of contract or any intentional or careless actions or omissions on part of such suppliers, which result in any loss, damage, delay, or injury to you or your travel companions or group members. Unless the term "guaranteed" is specifically stated in writing on your tickets, invoice, or reservation itinerary, we do not guarantee any of such suppliers' rates, bookings, reservations, connections, scheduling, or handling of personal effects. Travel agent shall not be responsible for any injuries, damages, or losses caused to any traveler in connection with terrorist activities, social or labor unrest, mechanical or construction failures or difficulties, diseases, local laws, climatic conditions, criminal acts or abnormal conditions or developments, or any other actions, omissions, or conditions outside the travel agent's control. Traveler assumes complete and full responsibility for, and hereby releases the agent from any duty of, checking and verifying any and all passport, visa, vaccination, or other entry requirements of each destination, and all safety or security conditions at such destinations, during the length of the proposed travel. For information concerning possible dangers at international destinations, contact the Travel Advisory Section of the U.S. State Department. For medical information, call the Public Health Service. By embarking upon his/her travel, the traveler voluntarily assumes all risks involved in such travel, whether expected or unexpected. Traveler is hereby warned of such risks, and is advised to obtain appropriate insurance coverage against them. Traveler's retention of tickets, reservations, or bookings after issuance shall constitute a consent to the above, and an agreement on his/her part to convey the contents hereto to his/her travel companions or group members.
13. Proof of identity is required for international travel. Without proper identification, a passport and necessary visas you will not be permitted to depart. It is your responsibility to verify your necessary travel documents.

WE STRONGLY RECOMMEND TRAVEL INSURANCE.

WHAT YOU SHOULD KNOW ABOUT THE POSSIBILITY OF AIRLINE BANKRUPTCIES.

Hopefully there will not be any more airline bankruptcies, but it has to be recognized that they might occur. You should know how they might affect you.

1. If an airline declares bankruptcy, it is not obligated to carry you or to refund tickets issued before the bankruptcy.
2. Travel agents are not allowed to refund tickets on airlines which have declared bankruptcy. Money given to a travel agent immediately becomes the property of the airlines and we are required by laws to comply with the airlines' orders.
3. If an airline declares bankruptcy it might continue service, limit service, or stop completely. Other airlines might accept passengers under limited circumstances or may refuse to accept any passengers from the defaulted carrier.
4. Meanwhile there are fine travel insurance plans available for passengers to protect themselves in case of airline bankruptcies.

IMPORTANT NOTICE

This agency and its agents have endeavored to secure the lowest possible fare, suitable for your travel requirements, based on space available at the time of booking, accessible sources of information, and knowledge of agents involved.

This agency cannot guarantee, in view of the deregulation of airline fares, that the fare indicated on ticket will be the lowest possible fare at departure date. Please contact this agency before departure if you wish to recheck any newly introduced fare, that may correspond with your specific travel requirements.

PLEASE NOTE that retention of tickets, reservations or bookings after issuance shall constitute acceptance of all the provisions in the conditions listed hereto, as well as those terms and conditions set forth in the announcements and circulars of the tour/package, cruise or service.

JOY TRAVEL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

I.

UNITED STATES
_____ /

**JANE DOE #3 AND JANE DOE #4'S MOTION PURSUANT TO RULE 21 FOR
JOINDER IN ACTION**

COME NOW Jane Doe #3 and Jane Doe #4 (also referred to as "the new victims"), by and through undersigned counsel, to file this motion pursuant to Federal Rule of Civil Procedure 21 to join this action, on the condition that they not re-litigate any issues already litigated by Jane Doe #1 and Jane Doe #2 (also referred to as "the current victims"). The new victims have suffered the same violations of their rights under the Crime Victims' Rights Act (CVRA) as the current victims. Accordingly, they desire to join in this action to vindicate their rights as well. Because the new victims will not re-litigate any issues previously litigated by the current victims (and because they are represented by the same legal counsel as the current victims), the Government will not be prejudiced if the Court grants the motion. The Court may "at any time" add new parties to the action, Fed. R. Civ. P. 21. Accordingly, the Court should grant the motion.¹

¹ As minor victims of sexual offenses, Jane Doe #3 and Jane Doe #4 desire to proceed by way of pseudonym for the same reasons that Jane Doe #1 and Jane Doe #2 proceeded in this

FACTUAL BACKGROUND

As the Court is aware, more than six years ago, Jane Doe #1 filed the present action against the Government, alleging a violation of her rights under the CVRA, 18 U.S.C. § 3771. DE1. She alleged that Jeffrey Epstein had sexually abused her and that the United States had entered into a secret non-prosecution agreement (NPA) regarding those crimes in violation of her rights. At the first court hearing on the case, the Court allowed Jane Doe #2 to also join the action. Both Jane Doe #1 and Jane Doe #2 specifically argued that the government had failed to protect their CVRA rights (inter alia) to confer, to reasonable notice, and to be treated with fairness. In response, the Government argued that the CVRA rights did not apply to Jane Doe #1 and Jane Doe #2 because no federal charges had ever been filed against Jeffrey Epstein.

The Court has firmly rejected the United States' position. In a detailed ruling, the Court concluded that the CVRA extended rights to Jane Doe #1 and Jane Doe #2 even though federal charges were never filed. DE 189. The Court explained that because the NPA barred prosecution of crimes committed against them by Epstein, they had "standing" to assert violations of the CVRA rights. *Id.* The Court deferred ruling on whether the two victims would be entitled to relief, pending development of a fuller evidentiary record. *Id.*

Two other victims, who are in many respects similarly situated to the current victims, now wish to join this action. The new victims joining at this stage will not cause any delay and their joinder in this case is the most expeditious manner in which to pursue their rights. Because the background regarding their abuse is relevant to the Court's assessment of whether to allow them to join, their circumstances are recounted here briefly.

fashion. Counsel for the new victims have made their true identities known to the Government.

Jane Doe #3's Circumstances

As with Jane Doe #1 and Jane Doe #2, Jane Doe #3 was repeatedly sexually abused by Epstein. The Government then concealed from Jane Doe #3 the existence of its NPA from Jane Doe #3, in violation of her rights under the CVRA. If allowed to join this action, Jane Doe #3 would prove the following:

In 1999, Jane Doe #3 was approached by Ghislaine Maxwell, one of the main women whom Epstein used to procure under-aged girls for sexual activities and a primary co-conspirator in his sexual abuse and sex trafficking scheme. In fact, it became known to the government that Maxwell herself regularly participated in Epstein's sexual exploitation of minors, including Jane Doe #3. Maxwell persuaded Jane Doe #3 (who was then fifteen years old) to come to Epstein's mansion in a fashion very similar to the manner in which Epstein and his other co-conspirators coerced dozens of other children (including Jane Doe #1 and Jane Doe #2). When Jane Doe #3 began giving Epstein a "massage," Epstein and Maxwell turned it into a sexual encounter, as they had done with many other victims. Epstein then became enamored with Jane Doe #3, and with the assistance of Maxwell converted her into what is commonly referred to as a "sex slave." Epstein kept Jane Doe #3 as his sex slave from about 1999 through 2002, when she managed to escape to a foreign country and hide out from Epstein and his co-conspirators for years. From 1999 through 2002, Epstein frequently sexually abused Jane Doe #3, not only in West Palm Beach, but also in New York, New Mexico, the U.S. Virgin Islands, in international airspace on his Epstein's private planes, and elsewhere.

Epstein also sexually trafficked the then-minor Jane Doe, making her available for sex to politically-connected and financially-powerful people. Epstein's purposes in "lending" Jane Doe

(along with other young girls) to such powerful people were to ingratiate himself with them for business, personal, political, and financial gain, as well as to obtain potential blackmail information.

One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin Islands. In addition to being a participant in the abuse of Jane Doe #3 and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's co-conspirators. Dershowitz would later play a significant role in negotiating the NPA on Epstein's behalf. Indeed, Dershowitz helped negotiate an agreement that provided immunity from federal prosecution in the Southern District of Florida not only to Epstein, but also to "any potential co-conspirators of Epstein." NPA at 5. Thus, Dershowitz helped negotiate an agreement with a provision that provided protection for himself against criminal prosecution in Florida for sexually abusing Jane Doe #3. Because this broad immunity would have been controversial if disclosed, Dershowitz (along with other members of Epstein's defense team) and the Government tried to keep the immunity provision secret from all of Epstein's victims and the general public, even though such secrecy violated the Crime Victims' Rights Act.

Ghislaine Maxwell was another person in Epstein's inner circle and a co-conspirator in Epstein's sexual abuse. She was someone who consequently also appreciated the immunity granted by the NPA for the crimes she committed in Florida. In addition to participating in the

sexual abuse of Jane Doe #3 and others, Maxwell also took numerous sexually explicit pictures of underage girls involved in sexual activities, including Jane Doe #3. She shared these photographs (which constituted child pornography under applicable federal laws) with Epstein. The Government is apparently aware of, and in certain instances possesses some of these photographs.

Perhaps even more important to her role in Epstein's sexual abuse ring, Maxwell had direct connections to other powerful individuals with whom she could connect Epstein. For instance, one such powerful individual Epstein forced Jane Doe #3 to have sexual relations with was a member of the British Royal Family, Prince Andrew (a/k/a Duke of York). Jane Doe #3 was forced to have sexual relations with this Prince when she was a minor in three separate geographical locations: in London (at Ghislaine Maxwell's apartment), in New York, and on Epstein's private island in the U.S. Virgin Islands (in an orgy with numerous other under-aged girls). Epstein instructed Jane Doe #3 that she was to give the Prince whatever he demanded and required Jane Doe #3 to report back to him on the details of the sexual abuse. Maxwell facilitated Prince Andrew's acts of sexual abuse by acting as a "madame" for Epstein, thereby assisting in internationally trafficking Jane Doe #3 (and numerous other young girls) for sexual purposes.

Another person in Epstein's inner circle of friends (who becomes apparent with almost no investigative effort) is Jean Luc Brunel. Epstein sexually trafficked Jane Doe #3 to Jean Luc Brunel many times. Brunel was another of Epstein's closest friends and a regular traveling companion, who had many contacts with young girls throughout the world. Brunel has been a model scout for various modeling agencies for many years and apparently was able to get U.S.

passports for young girls to “work” as models. He would bring young girls (ranging to ages as young as twelve) to the United States for sexual purposes and farm them out to his friends, especially Epstein. Brunel would offer the girls “modeling” jobs. Many of the girls came from poor countries or impoverished backgrounds, and he lured them in with a promise of making good money. Epstein forced Jane Doe #3 to observe him, Brunel and Maxwell engage in illegal sexual acts with dozens of underage girls. Epstein also forced Jane Doe #3 to have sex with Brunel on numerous occasions, at places including Epstein’s mansion in West Palm Beach, Little St. James Island in the U.S. Virgin Islands (many including orgies that were comprised of other underage girls), New York City, New Mexico, Paris, the south of France, and California.

Epstein also trafficked Jane Doe #3 for sexual purposes to many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders. Epstein required Jane Doe #3 to describe the events that she had with these men so that he could potentially blackmail them.

The Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA. Moreover, even a rudimentary investigation of Jane Doe #3’s relationship to Epstein would have revealed the fact that she had been trafficked throughout the United States and internationally for sexual purposes. Nonetheless, the Government secretly negotiated a non-prosecution agreement with Epstein precluding any Federal prosecution in the Southern District of Florida of Epstein and his co-conspirators. As with Jane Doe #1, and Jane Doe #2, the Government concealed the non-prosecution agreement from Jane Doe #3 – all in violation of her rights under the CVRA – to avoid Jane Doe #3 from raising powerful objections to the NPA that would have shed tremendous public light on Epstein

and other powerful individuals and that would likely have been prevented it from being concluded in the secretive manner in which it was.

Jane Doe #4's Circumstances

If permitted to join this action, Jane Doe #4 would allege, and could prove at trial, that she has CVRA claims similar to those advanced by Jane Doe #1 and Jane Doe #2, based on the following:

As with the other Jane Does, Jane Doe #4 was repeatedly sexually abused by Epstein. In or around the summer of 2002, Jane Doe #4, an economically poor and vulnerable sixteen-year-old child, was told by another one of Epstein's underage minor sex abuse victims, that she could make \$300 cash by giving an old man a massage on Palm Beach. An acquaintance of Jane Doe #4 (also a minor sexual abuse victim of Epstein) telephoned Epstein and scheduled Jane Doe #4 to go to Epstein's house to give him a massage. During that call, Epstein himself got on the phone (a means of interstate communication) with Jane Doe #4, asking her personally to come to his mansion in Palm Beach.

Jane Doe #4 then went to Epstein's mansion and was escorted upstairs to Epstein's large bathroom by one of Epstein's assistants. Shortly thereafter Jeffrey Epstein emerged and lay face down on the table and told Jane Doe #4 to start massaging him. Epstein asked Jane Doe #3 her age and she told him she had recently turned sixteen. Epstein subsequently committed illegal sexual acts against Jane Doe #4 on many occasions.

Epstein used a means of interstate communication (i.e., a cell phone) to arrange for these sexual encounters. Epstein also frequently travelled in interstate commerce (i.e., on his personal jet) for purposes of illegally sexually abusing Jane Doe #4.

The acts Epstein committed against Jane Doe #4, constituted numerous federal sex offenses, some of which do not carry a statute of limitations and thus are not time-barred. *See* 18 U.S.C. § 3283. And these offenses were the kinds of offenses that the Federal Bureau of Investigation (FBI) and U.S. Attorney's Office for the Southern District of Florida were pursuing in 2007. So far as Jane Doe #4 is aware, the U.S. Attorney's Office made no serious effort to locate her. Instead, after identifying approximately forty separate underage sexually abused victims, and apparently preparing a 53-page federal indictment and with full awareness of the existence of many victims like Jane Doe #4 – unidentified and not interviewed – it entered into a non-prosecution agreement barring prosecution of Epstein's federal crimes against these victims. This is contrary to the Government's normal approach in prosecuting federal sex offenses. It also violated Jane Doe #4's rights under the CVRA, including the fact that she had a "reasonable" right to confer with the U.S. Attorney's Office before they entered into an agreement with a sex offender barring prosecution of him for the crimes he committed against her. 18 U.S.C. § 3771(a)(5).

MOTION FOR JOINDER

Jane Doe #3 and Jane Doe #4 now both move to join this action filed by Jane Doe #1 and Jane Doe #2, pursuant to Rule 21 of the Federal Rules of Civil Procedure. Rule 21 provides that "[o]n motion or on its own, the court may at any time, on just terms, add . . . a party." Rule 21 "grants the court broad discretion to permit a change in the parties at any stage of a litigation." *Ford v. Air Line Pilots Ass'n Int'l*, 268 F. Supp. 2d 271, 295 (E.D.N.Y. 2003) (internal quotation omitted). The new victims should be allowed to join the current victims in this action under Rule 21.

The new victims will establish at trial that the Government violated their CVRA rights in the same way as it violated the rights of the other victims. The new victims' participation in this case is important because it appears that the Government intends to raise a factual defense that somehow it did keep Jane Doe #1 and Jane Doe #2 properly informed of what was happening in the criminal prosecution. Of course, if four victims all testify consistently that they were not properly informed by the Government (as we believe they will), that provides a stronger case for a CVRA violation.

In addition, Jane Doe #3 and Jane Doe #4's participation is relevant to a defense the Court has allowed the Government to raise. The Court has previously ruled that the victims' request for rescission of the NPA "implicates a fact-sensitive equitable defense which must be considered in the historical factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims – including an assessment of the allegation of a deliberate conspiracy between Epstein and federal prosecutors to keep the victims in the dark on the pendency of negotiations between Epstein and federal authorities until well after the fact and presentation of the non-prosecution agreement to them as *a fait accompli*." DE 189 at 12 n.6 (emphasis added). Jane Doe #3's and Jane Doe #4's participation in this case will help to show what the "entire interface" was between the Government and the victims and thus to respond to the Government's estoppel arguments as well as other defenses that it appears to be preparing to raise. *See, e.g.*, DE 62 (52-page response from the Government to the victim's summary judgment motion, raising numerous factually-based and other arguments against the victim's position).

Jane Doe #3's and Jane Doe #4's participation is also directly relevant to the discovery disputes currently pending in this case. The Government has raised various relevancy objections to the documents that Jane Doe #1 and Jane Doe #2 are attempting to obtain. The current victims have responded by explaining how these documents are relevant, including explaining how these documents might bear on the way in which Epstein used his powerful political and social connections to secure a favorable plea deal, as well as provide proof of the Government's motive to deliberately fail to investigate certain aspects of the victims' claims in an effort to maintain the secrecy of the facts and resolve the case without the victims' knowledge. *See, e.g.*, DE 266 at 6-10. Jane Doe #3 and Jane Doe #4's participation will help prove the relevancy of these requests, as well as the need for those requests.

One clear example is Request for Production No. 8, which seeks documents regarding Epstein's lobbying efforts to persuade the Government to give him a more favorable plea arrangement and/or non-prosecution agreement, including efforts on his behalf by Prince Andrew and former Harvard Law Professor Alan Dershowitz. Jane Doe #1 and Jane Doe #2 have alleged these materials are needed to prove their allegations that, after Epstein signed the non-prosecution agreement, his performance was delayed while he used his significant social and political connections to lobby the Justice Department to obtain a more favorable plea deal. *See, e.g.*, DE 225 at 7-8 (discussing DE 48 at 16-18). Jane Doe #3 has directly person knowledge of Epstein's connection with some of these powerful people and thus how Epstein might have used them to secure favorable treatment.

Adding two new victims to this case will not delay any of the proceedings. They will simply join in motions that the current victims were going to file in any event. For example, the

new victims will simply join in a single summary judgment motion that the current victims anticipate filing after discovery has been completed.

Nor will adding the new victims prejudice the United States. As the court is aware, this Court is still in its initial discovery stage. The Court is currently considering whether to reject the Government's assertion of privilege over documents regarding the case. *See* DE 265 (victims' reassertion of objections to the Government privilege claims). The new victims do not seek any additional discovery beyond that previously sought by the current victims.² Accordingly, the United States will not be prejudiced or burdened by adding them to this case.

The CVRA does not contain any statute of limitations for filing an action to enforce rights under the statute. Accordingly, were the Court to deny this motion, the result might be that the new victims would then be forced to file a separate suit raising their claims, which would then possibly proceed on a separate litigation track. Rather than require duplicative litigation, the Court should simply grant their motion to join.

Jane Doe #1 and Jane Doe #2 support the joinder motion. Counsel for the victims have discussed this motion with the Government at length in an effort to avoid any need to file a substantive pleading on the issue. Counsel for the victims asked the Government during the summer for its position on joinder. The Government, however, took the matter under advisement for months. Ultimately, after several inquiries from victims counsel, the Government indicated without explanation that it opposes this motion. Counsel for the victims has requested a meeting with the Government on this issue, which will hopefully occur in

² Jane Doe #3 and Jane Doe #4 have asked the Government to provide them with the record of their statements that they provided to the FBI. These FBI 302's should be only a few pages long.

January. In the meantime, however, counsel for the victims believe that it is no longer appropriate to delay filing this motion and accordingly file it at this time. Because the Government is apparently opposing this motion, Jane Doe #3 and Jane Doe #4 have described the circumstances surrounding their claims so that the Court has appropriate information to rule on the motion.

CONCLUSION

Jane Doe #3 and Jane Doe #4 should be allowed to join this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure. Their joinder should be conditioned on the requirement that they not re-litigate any issues previously litigated by Jane Doe #1 and Jane Doe #2. A proposed order to that effect is attached to this pleading.

DATED: December 30, 2014

Respectfully Submitted,

/s/ Bradley J. Edwards
Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.

And

Paul G. Cassell
Pro Hac Vice
S.J. Quinney College of Law at the
University of Utah

[REDACTED]

Attorneys for Jane Doe #1 and Jane Doe #2

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on December 30, 2014, on the following using the Court's CM/ECF system:

[REDACTED]

500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401

[REDACTED]

Attorneys for the Government

/s/ Bradley J. Edwards

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

■

UNITED STATES
_____ /

**ORDER GRANTING JANE DOE #3 AND JANE DOE #4's MOTION PURSUANT TO
RULE 21 FOR JOINDER IN ACTION**

This matter is before the Court on JANE DOE #3 AND JANE DOE #4 **MOTION PURSUANT TO RULE 21 FOR JOINDER IN ACTION**. Having carefully considered the same and finding good cause show, it is

ORDERED AND ADJUDGED that Jane Doe #3 and Jane Doe #4 are allowed to join this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure. They are ordered not to re-litigate any issues previously litigated by Jane Doe #1 and Jane Doe #2 in this action.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this ____ day of _____, 201 ____.

KENNETH A. MARRA
UNITED STATES DISTRICT JUDGE

cc: All counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-CIV-MARRA/JOHNSON

JANE DOE #1 AND JANE DOE #2,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

MOTION FOR LIMITED INTERVENTION BY ALAN M. DERSHOWITZ

Alan M. Dershowitz (herein, "Prof. Dershowitz"), a nonparty to this litigation, is the victim of scurrilous allegations made in Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in the Action (the "Joinder Motion"), filed as of record at DE 279. Having no remedy in this proceeding for the harm to his reputational interest, Prof. Dershowitz hereby seeks to intervene in this action, both as of right under Fed. R. Civ. P. 24(a) and permissively under Fed. R. Civ. P. 24(b), for the limited purposes of moving to strike the outrageous and impertinent allegations made against him and requesting a show cause order to the attorneys that have made them.

With respect to the legal framework for intervention, Prof. Dershowitz agrees with the general principles stated by this Court in its earlier Order on intervention dated September 26, 2011 (DE 99), including the broad discretion afforded district courts concerning intervention. However, as is summarized in the paragraphs that follow, this motion for intervention stands upon dramatically different circumstances than the prior motion, which was denied. The proposed Plaintiffs' and their counsel's defamatory falsehoods about Prof. Dershowitz are of an

entirely different order of magnitude, and they have spread around the world.

What makes them doubly troubling is their irrelevancy: although categorically false, the allegations against Prof. Dershowitz have absolutely nothing to do with whether the United States government violated its duty to confer with the Plaintiffs prior to entering into the non-prosecution agreement with Jeffrey Epstein, and, if so, what remedies might apply. Because those are the issues to be adjudicated by the Court in the underlying lawsuit, it is apparent that the broadside against Prof. Dershowitz was ginned up for reasons having nothing to do with the merits of this case. Prof. Dershowitz must be given the opportunity to defend himself through intervention in this action.

I. The Joinder Motion is nothing more than a vehicle to impugn the reputation of Prof. Dershowitz, filed with the certain result of stirring up media interest.

The Joinder Motion purports to seek to add two new plaintiffs as parties to this litigation, but does not even attach a proposed amended complaint in violation of the local rules. *See* S.D. Fla. L.R. 15.1 (requiring a party who moves to amend a pleading to attach the original of the amendment to the motion). Instead, the paper simply proffers various salacious allegations as quotable tabloid fodder. Specifically naming Prof. Dershowitz, and identifying him as Mr. Epstein's counsel, Plaintiffs' counsel allege that Jane Doe #3 was "required" to have sexual relations with Prof. Dershowitz "on numerous occasions while she was a minor," and, in addition, that Prof. Dershowitz was "an eyewitness to the sexual abuse of many other minors." (DE 279 at 4.) The Motion goes on to state that Prof. Dershowitz was involved in the negotiation of the non-prosecution agreement for Jeffrey Epstein which "provided protection for [Prof. Dershowitz] against criminal prosecution in Florida for sexually abusing Jane Doe #3." (*Id.*)

To the great detriment of Prof. Dershowitz, and as Plaintiffs' counsel surely anticipated, the contemptible allegations against Prof. Dershowitz and others have created a media firestorm. Over the weekend of January 3 and 4, 2015, major media outlets—including the Miami Herald, the Washington Post, the Wall Street Journal, the New York Times, and the Jerusalem Post—picked up the story and highlighted the most libelous allegations against Prof. Dershowitz.

Yet, as stated above, the allegations against Prof. Dershowitz are completely irrelevant to this case. The issue to be determined on the Plaintiffs' Petition is whether, in violation of the Crime Victims' Rights Act, the United States Attorney's Office breached its obligations to meet and confer with the Plaintiffs—including proposed plaintiff Jane Doe # 3, who has made the accusations against Prof. Dershowitz—prior to entering into a non-prosecution agreement with Jeffrey Epstein on September 24, 2007. That issue turns on the government's knowledge of Jane Doe # 3's allegation at the time of the agreement, including, for example, whether she was designated as a witness by the government. What has been levelled against Prof. Dershowitz simply has nothing to do with any relevant issues in this case. In short, there was no legitimate purpose for including these extremely harmful allegations in the Joinder Motion.

II. The allegations made against Prof. Dershowitz are outrageously false.

Besides being wholly irrelevant, the allegations made in the Joinder Motion with respect to Prof. Dershowitz are categorically false. *See* Declaration of Alan Dershowitz, attached hereto as Exhibit A.

In fact, they are absolutely outrageous. Prof. Dershowitz is married and has three children and two grandchildren. He is the Felix Frankfurter Professor of Law, Emeritus, at Harvard Law School. Prof. Dershowitz, a graduate of Brooklyn College and Yale Law School, joined the Harvard Law School faculty at age 25 after clerking for Judge David Bazelon and Justice Arthur

Goldberg. Prof. Dershowitz is, among other things, a civil liberties attorney. During his long and distinguished career, he has published more than one thousand articles in newspapers, journals and magazines on a variety of topics. He has published fiction and non-fiction works and law review articles about criminal and constitutional law. He has received awards from many institutions and organizations for his work, including the Anti-Defamation League. In his private legal practice he represents individuals and corporations, and even provides counsel to various world leaders. Prof. Dershowitz's reputation, which is sterling, is at the core of his remarkable career.

III. Prof. Dershowitz should be allowed to intervene under these circumstances.

It is to protect his reputation for which Prof. Dershowitz seeks to intervene in this action. He is entitled to do so under these circumstances, both as of right and with the permission of the Court.

Intervention as of right is governed by Federal Rule of Civil Procedure 24(a)(2). Rule 24(a)(2) requires the Court to allow anyone to intervene who claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest. Among the interests that satisfy these criteria are injury to reputation. *Sackman v. Liggett Grp., Inc.*, 167 F.R.D. 6, 20-21 (E.D.N.Y. 1996) (citing *Penthouse Int'l, Ltd. v. Playboy Enterprises, Inc.*, 663 F.2d 371, 373, 392 (2d Cir. 1981)). The burden of demonstrating an interest relating to the subject of the action that cannot be adequately represented by others is minimal. *Georgia v. U.S. Army Corps of Engineers*, 302 F.3d 1242, 1255 (11th Cir. 2002).

Clearly, Plaintiffs' and Plaintiffs' counsel's accusations of sex with minors and

conspiracy to violate the law are injurious to Prof. Dershowitz's reputation—indeed, they constitute libel *per se*—such that he has an interest relating to the subject matter of this action. It is far from certain, however, that the defendant in this action, United States of America, has the same interest as Prof. Dershowitz in disproving the preposterous allegations that have been made against him. For example, in defending the suit that Plaintiffs have brought, the United States of America will not necessarily need to defend against or seek to disprove the allegations that Prof. Dershowitz had sex with minors in concert with Mr. Epstein. Only Prof. Dershowitz is situated to protect his reputational interest here.

This Court's recently-published and fully-considered reasoning in *Krauser v. Evolution Holdings, Inc.*, 975 F.Supp. 2d 1247 (S.D. Fla. 2013) (finding inventor had standing to challenge a patent application which denied his contribution, based on inventor's reputational interest) supports this notion: "The common law recognized that a man's reputation was possibly his most valuable asset, that vindicating that reputation in the face of one who sought to defame it was of paramount importance, and that such vindication need not unnecessarily punish the defamer because a judgment in favor of the plaintiff that simply established the falsity of the defamation—and nothing more—was vindication enough." *Id.* at 1260. That is essentially what Prof. Dershowitz seeks here.

Furthermore, permissive intervention under Rule 24(b) is also appropriate. *See Walker v. Jim Dandy Co.*, 747 F.2d 1360, 1365 (11th Cir. 1984).

IV. These facts are distinguishable from those presented by the earlier intervenor motion filed by Bruce Reinhart.

Prof. Dershowitz acknowledges that this Court earlier denied a motion to intervene by former Assistant United States Attorney Bruce E. Reinhart in 2011. (*See* DE 99 at 12-13.) Back

then, Plaintiffs alleged that Mr. Reinhart gave “at least the improper appearance” of having made a decision in Mr. Epstein’s favor in his own self-interest, specifically to obtain “favorable employment” from Mr. Epstein in the future as an attorney in private practice. Mr. Reinhart moved to intervene for purposes of seeking sanctions against Plaintiff for this accusation. (*See* DE 79.) This Court held that intervention for purposes of filing a motion for sanctions was denied, finding that it “cannot permit anyone slighted by allegations in court pleadings to intervene and conduct mini-trials to vindicate their reputation. Absent some other concrete interest in these proceedings, the Court **does not believe that the allegations here are sufficiently harmful** to justify permissive intervention.” (DE 99 at 13 (emphasis added).)

Apparently, counsel for Plaintiffs have taken this Court’s order denying intervention as to Mr. Reinhart to mean that defamatory and unsupportable allegations can be made in court papers in this action with complete impunity. Counsel for Plaintiffs have scandalously and improperly published falsehoods, abusing the litigation privilege, as well as this Court’s rulings. But the docket sheets and courtrooms of the United States District Court for the Southern District of Florida should not be used as a bulletin board to which irrelevant, baseless, and ill-willed reputational attacks can be tacked up without consequence.

Moreover, contrary to what Plaintiffs and their counsel appear to think, this situation is fundamentally distinguishable from that presented by the Reinhart motion, simply by virtue of the harmfulness of the allegations made. Few accusations, if any, can launch such an immediate sensation as well as an enduring taint, notwithstanding their utter falsity and the impeccable reputation of the accused. And, in contrast to the Reinhart motion, which presented a potential intervenor who had previously had the opportunity to defend his reputation “in this docket” and before this Court, no such opportunity has yet been afforded Prof. Dershowitz.

Additionally, unlike Mr. Reinhart, who sought to add the fact-driven dynamics of Rule 11 to this case, Prof. Dershowitz seeks simply to end the potential license for character assassination created by the continued dwelling of those allegations in this Court's filings. If allowed to intervene, Prof. Dershowitz would seek to strike the outrageous allegations based on this Court's authority to strike material that is "scandalous, immaterial or redundant." *Asay* ■, *Hallmark Cards, Inc.*, 594 F.2d 692, 697 n.2 (8th Cir. 1978) (citing *Skolnick* ■, *Hallett*, 350 F.2d 861 (7th Cir. 1975)). In fact, the Court has the authority to strike such material on its own. Fed. R. Civ. P. 12(f)(1). Alternatively, if intervention were granted, he would request that the Court grant intervention for purposes of submitting a request for a show cause order to Plaintiffs' counsel with respect to their investigation of and justification for including the allegations against Prof. Dershowitz in the Joinder Motion. In sum, Prof. Dershowitz submits that the remedy to be afforded a leading public figure deeply maligned by the under-handed techniques employed by Plaintiffs' counsel in this case should not be limited to wounded resignation and public denials. Intervention is due here.

WHEREFORE Alan M. Dershowitz respectfully requests that the Court enter an order granting his limited motion to intervene for such purposes as may be appropriate including submitting a motion to strike the allegations made against him and requesting the issuance of a show cause order against Plaintiffs' counsel, and awarding such other relief that the Court deems just and proper under these unfortunate circumstances.

Respectfully submitted,

Thomas Scott, Fla. Bar No. 149100


COLE, SCOTT & KISSANE, P.A.

-and-

/s/ Kendall Coffey

Kendall Coffey, Fla. Bar No. 259681


Benjamin H. Brodsky, Fla. Bar No. 73748


Counsel for Prof. Alan M. Dershowitz

**CERTIFICATE OF REASONABLE CONFERRAL
WITH COUNSEL FOR THE PARTIES**

I hereby certify that counsel for the movant has made reasonable efforts to confer with all parties who may be affected by the relief sought in the motion—including phone calls and emails on today's date. Counsel for Plaintiffs have indicated that they do not oppose movant's intervention in the case, but that their non-opposition is "limited" and "does not extend to the merits of any arguments on procedural or substantive issues in the case." Counsel for Defendant have not responded to movant's request for consent to his proposed intervention.

/s/ Kendall Coffey

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by Notice of Electronic Filing generated by CM/ECF, on this 5th day of January, 2015, on all counsel or parties of record on the Service List below.

/s/ Kendall Coffey

SERVICE LIST

Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.

[REDACTED]

[REDACTED]
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500 S. Australian Ave., Suite 400
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[REDACTED]

and

Paul G. Cassell
Pro Hac Vice
S.J. Quinney College of Law at the
University of Utah

[REDACTED]

Attorneys for the Government

Attorneys for Jane Doe #1, 2, 3, and 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

DECLARATION OF ALAN M. DERSHOWITZ

1. My name is Alan M. Dershowitz. I make this declaration on personal knowledge and pursuant to the provisions of 28 U.S.C. § 1746, and in response to a pleading in which the lawyers for Jane Doe #3, without benefit of an affidavit, leveled totally false and outrageous charges against me that have been reported around the world and threaten to damage my reputation irrevocably.

2. Never under any circumstance have I ever had any sexual contact of any kind, which includes massages or any physical contact whatsoever, with Jane Doe #3, whose identity has been referenced by the BBC. (Her identity was disclosed because she “waived her anonymity in an interview with *The Mail* on Sunday in 2011.”)

3. Specifically, Jane Doe #3 has alleged that she had sex with me on Mr. Epstein’s Carribean island. That is a deliberate lie. I was on that island only once in my life, for approximately one day. I was with my wife and daughter during the entire day. My wife, daughter and I slept overnight in the same room. We had dinner with Mr. Epstein and a distinguished professor from the Harvard Business School, his wife, her sister, brother-in-law,

their kids, and an older woman. During our entire stay on the island, we never saw any young woman that fit the description of Jane Doe #3. Indeed we do not recall seeing any young women during our entire visit to the island. The older woman showed us around the island. There is no conceivable possibility that I could have had any sexual encounter with Jane Doe #3 during that period. Her lawyers could have easily learned this by simply calling and asking me for the specifics. I would have then provided them with the names of unimpeachable witnesses who would have contradicted Jane Doe #3's false account.

4. Second, Jane Doe #3 has alleged that she had sex with me in Mr. Epstein's house in New Mexico. That is a deliberate lie. I was in that house only once while it was under construction. My wife, daughter and I were driven there by a New Mexico businessman and his wife, whom we were visiting. Mr. Epstein was not there. Nor were there any young girls visible at any time. We were shown around the house for about an hour and then drove back with our friends. Jane Doe #3's lawyers could have easily learned this by simply calling and asking me for the specifics. I would have then provided them with the names of unimpeachable witnesses who would have contradicted Jane Doe #3's false account.

5. Third, Jane Doe #3 has accused me of having sex with her on Jeffrey Epstein's plane. That is a deliberate lie. I was on that plane on several occasions as the manifests will show, but never under circumstances where it would have been possible to have sex with Jane Doe #3. On a couple of occasions I was on his plane with my wife and daughter. On another occasion, I was on the plane with my nephew and several older people going to see a launch at Cape Kennedy. On several other occasions, after the alleged events at issue, I was on the plane with members of Mr. Epstein's legal team flying down to perform legal services. Had his

lawyers called me, I would have provided them this information and told them to check the manifests. There were never any young girls on the plane during any of my trips.

6. As to Mr. Epstein's homes in New York City and Palm Beach, I categorically state that I never had any sexual contact with Jane Doe #3.

7. In a statement issued to the press, Jane Doe #3's lawyers, Brad Edwards and Paul Cassell, have falsely stated that "they tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests." By using the term "these subjects" in a statement about the sexual abuse charges recently made against me, these lawyers have falsely implied that they sought to depose me on allegations regarding my own conduct. That is a total and categorical lie. Several years ago they wrote, asking to depose me on Jeffrey Epstein's activities and whether I ever witnessed any of his alleged crimes. I recall responding that I could not testify as to any privileged information and that I was not a witness to any alleged crimes. They did not follow up with a subpoena. Any suggestion that I refused to respond to questions about any allegations regarding my own alleged sexual conduct is totally and categorically false. The lawyers know this and yet continue to perpetuate the false impression that I was somehow given an opportunity to respond to these false and salacious charges against me and refused to do so. The written record will bear out the truth of what I am declaring and demonstrate the deliberate falsity of what they have suggested.

8. Jane Doe #3 knows that the charges she has leveled against me are totally false and she has alleged them with complete knowledge of their falsity. I believe and allege that her lawyers, Brad Edwards and Paul Cassell, also knew or could have easily learned, that I could not have done and did not do any of the heinous things they allege I did in the pleading. If they had done any reasonable investigation of their client's false allegations, they would have found

absolute proof that I did not. They claim in a written statement that they "investigate" before filing. But they did not specifically state that they investigated this claim against me before filing this false and scurrilous charge. They could not have, because even the most minimal of investigation would have proven conclusively that I could not have had sex with their client on Mr. Epstein's island, in New Mexico or on the airplanes; and that I did not have sex with her in his New York or Palm Beach homes. They would also have learned, if they did not already know, that Jane Doe #3 is a serial liar, whose uncorrobrated word should never be credited. She has claimed to have been with former President Clinton on Mr. Epstein's island. She has provided specific and detailed information about Mr. Clinton's activities on the island. Yet, on information and belief, I have been advised that Secret Service records would confirm that President Clinton has never set foot on that island. It has also been reported that she told her father that she met Queen Elizabeth. On information and belief, a check of the records of Buckingham Palace would disclose that Jane Doe #3 lied to her father about such a visit. On information and belief, she has also told lies about many world leaders. Finally, on information and belief, the State Attorney in Palm Beach County dropped a case that she sought to bring based on an assessment by the investigating detective regarding the "victim's lack of credibility." A copy of the letter reflecting this decision was forwarded to central records. Her lawyers knew or should have known about her history of lying and her utter lack of credibility before filing an allegedly privileged legal statement that asserts false and defamatory information about a fellow lawyer based on her word alone.

9. I believe and allege that Jane Doe #3's lawyers deliberately inserted this false and defamatory charge, which they knew or should have known to be false and defamatory, in a legal pleading that does not seek an evidentiary hearing or provide for any other opportunity for me to

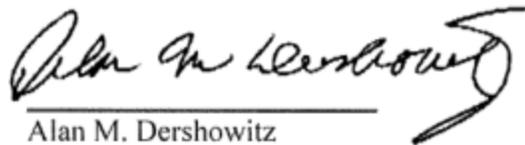
respond to, rebut or disprove their knowingly false charge. They placed it in a legal proceeding, in a public filing, in bad faith in an effort to have the media report it, while they attempt to hide behind claims of litigation and journalistic privilege. I believe and allege that their bad faith purpose was to have this false charge made public, while attempting to deny me any legal recourse. There is no realistic possibility that this pre-New Year's filing would have been picked up by the media had they or someone on their behalf not deliberately alerted the media to its existence.

10. These lawyers have now repeatedly spoken to the media about their false allegations against me, asserting that what they alleged against me had a "factual" basis and providing the BBC with a list of questions they should ask me. I answered all of their questions. These lawyers have studiously tried to avoid repeating the specific false charges publically, in an attempt to shield themselves from a defamation claim.

11. Again, let me assert categorically, without reservation and with full awareness of the risks of perjury, that I did not ever, under any circumstances, have any sexual contact of any kind with Jane Doe #3.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of January, 2015, in Miami Beach, Florida.


Alan M. Dershowitz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:08-cv-80736-KAM

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

**PLAINTIFFS RESPONSE TO MOTION FOR
LIMITED INTERVENTION BY ALAN M. DERSHOWITZ**

COME NOW petitioners Jane Doe No. 1 and Jane Doe 2, as well as movants Jane Doe No. 3 and Jane Doe No. 4 (“the victims”¹), to respond in opposition to Mr. Dershowitz’s motion for limited intervention (DE 282). Dershowitz moves to intervene to strike a proffer made by Jane Doe No. 3 of facts that support her pending motion to join this action. The Court should deny the motion. Dershowitz has not established any direct interest in this Crime Victims’ Rights Act (CVRA) action that would entitle him to intervene as of right under Fed. R. Civ. P. 24(a). Nor has he met Rule 24(b)’s standards for discretionary intervention for four reasons: First, Dershowitz has another forum in which to litigate and defend his reputational interests – a pending defamation action regarding this very case; second, Dershowitz (and other persons Jane Doe No. 3 specifically alleged abused her) have not availed themselves of other opportunities to defend their reputational interests; third, Dershowitz lacks any basis to strike allegations that are directly relevant to pending issues in this case; and fourth and finally, Jane Doe No. 3 attests in a

¹ As promised in their motion to join (DE 280), Jane Doe No. 3 and Jane Doe No. 4 do not seek to expand the number of pleadings filed in this case. If allowed to join this action, they would simply support the pleadings already being filed by Jane Doe No. 1 and Jane Doe No. 2 – including this opposition.

sworn affidavit (attached as Exhibit 1) that all her allegations are true – an affidavit consistent with compelling corroborating evidence.

BACKGROUND AND COURSE OF PROCEEDINGS

Because this case has been proceeding for more than six-and-a-half years, it is useful to summarize some of the events pertinent to Dershowitz's intervention motion and Jane Doe No. 3's related and pending motion for joinder. As the Court is aware, on July 7, 2008, a young woman identified as Jane Doe No. 1 filed an emergency petition to enforce her rights under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, alleging that the Government had failed to provide her rights with regard to a plea arrangement it was pursuing with Jeffrey Epstein. The Court rapidly held a hearing. During that hearing, victim's counsel (having previously made a proffer of the relevant circumstances to Government counsel) orally moved to have Jane Doe No. 2 added into the case as another "victim" under the CVRA. Government counsel had no objection to adding her to the case, apparently believing that, in light of the sexual abuse perpetrated against her, she met the "victim" definition in the statute. DE 15 (Tr. July 11, 2008) at 14.

The Court then instructed the parties to attempt to reach a stipulated set of facts. Over the next several years, the Government took conflicting positions on whether it would stipulate to facts provided by Jane Doe No. 1 and Jane Do. 2, ultimately refusing to stipulate to any facts. *See generally* DE 225-1 at 2-4. Unable to obtain stipulations by the Government, in 2011 the victims filed a summary judgment motion alleging 53 proposed undisputed facts (DE 48), along with a motion to have the Court accept those facts because of the Government's failure to contest them (DE 49). On September 26, 2011, the Court allowed the case to move forward. DE 99. The Court, however, declined to accept victims' argument that it should simply accept their facts

because of the Government's failure to contest their facts, directing instead that discovery should proceed. *Id.* at 11.

In light of the Court's direction, on October 11, 2011, the victims filed discovery requests with the Government, including requests specifically seeking information about Dershowitz, Prince Andrew, and others. Further efforts from the Government to avoid any discovery followed (*see generally* DE 225-1 at 4-5),² ultimately leading to a further Court ruling in June 2013 that the Government should produce documents. DE 189. The Government then produced about 1,500 pages of irrelevant materials to the victims (DE 225-1 at 5), while simultaneously submitting 14,825 pages of relevant materials under seal to the Court. The Government claimed that these pages were "privileged" for various reasons, attaching an abbreviated privilege log. Jane Doe No. 1 and Jane No. 2 objected to those claims of privilege, *see generally* DE 225 and DE 265, and also to the Government's failure to specify in its privilege log the names of all the persons involved in the materials (DE 265 at 1-2). These issues remain pending today.³

In the summer of 2014, undersigned counsel for Jane Doe No. 1 and Jane Doe No. 2 contacted Government counsel to request their agreement to add an additional victim to this case: a young woman Jeffrey Epstein sexual abused when she was under age. On August 20, 2014, counsel sent a letter to U.S. Attorney Wilfredo Ferrer requesting the Government's consent to a stipulated motion to simply add her into the case (as had been done earlier with Jane Doe No. 2). Counsel attached a draft proposed motion that would have blandly recounted that she was similarly situated to Jane Doe No. 1 and Jane Doe No. 2. *See* Exhibit 2. The proposed motion

² Jeffrey Epstein also attempted to block discovery of materials in this case, leading to an Eleventh Circuit ruling that the victims' discovery efforts were proper. *Doe v. Epstein*, 749 F.3d 999 (11th Cir. 2014).

³ Remarkably, even though the Court directed the Government to begin producing discovery in June 2013, the Government has yet to finish that production some 19 months later.

did not include any of the facts surrounding her abuse, relying instead on a stipulation to secure the Court's anticipated approval.

Three months later, having received no response from the Government, victims' counsel sent an additional letter to Mr. Ferrer, requesting agreement to add an additional victim to the case – a young woman identified in current pleadings as Jane Doe No. 3⁴:

Dear Mr. Ferrer:

I sent you a letter in August requesting your office's stipulation to our adding Jane Doe #[4] in this case. Unfortunately, we did not receive a response from your office. We are hopeful that your lack of a response was simple oversight.

In addition to following up on the August letter, we are now requesting your Stipulation to the adding of Jane Doe #[3] as well. Her true name is [redacted].... As we expressed in our personal meetings a couple years ago, we don't understand the tactical decision to be adversarial to victims of known sexual abuse on every point in this litigation. Now that many of those issues we discussed have been resolved in our favor, it seems to make even more sense to avoid engaging in unnecessary battles that could only serve the purpose of delaying the victims' rights to have this case resolved on its merits.

As I indicated in my August letter requesting your stipulation to the adding of Jane Doe #[4], adding Jane Doe #[3] will also not delay matters, so long as we can stipulate to her being added. Without a stipulation, we foresee litigation over this point, which will produce nothing but additional delay – and further question about your Office's commitment to full protection of victims' rights under the Crime Victims Rights Act.

Your office is very familiar with [redacted] and her circumstance. She was sexually trafficked and abused by Mr. Epstein (and others at the direction of Mr. Epstein) not only in this jurisdiction but throughout the United States and beyond. . . .

. . . [E]ven if you were to object and prevail on the motion to add her to the current litigation, the only consequence would be that Ms. [name redacted] would then file a separate CVRA lawsuit, something she is entitled to do because the CVRA contains no time limit. . . . We have, throughout this case, consciously avoided filing anything that would unnecessarily cast your office in a bad light, and it is again with that in mind that we request your stipulation here. We need this stipulation by December 10, 2014 to avoid delaying any other aspects of this case. We will not file any pleadings on this subject before that date.

⁴ In the letter to Mr. Ferrer, the woman identified in current court pleadings as Jane No. 3 is referred to as "Jane Doe No. 4." For consistency with the court pleadings, the designations in correspondence have been modified here – as indicated by brackets – to track the current designation in the pleadings.

See Exhibit 3. Weeks went by and the Government – once again -- did not respond to counsel's request for a stipulation. This prompted a further email from counsel to the AUSA's handling this matter to inquire about the status of request:

When we spoke a few months ago, I told you that we represented [Jane Doe No. 3] and were considering adding her to this suit. At the time of our call we asked if you would agree to our adding her, and I understood that you would have to check with others. Consequently, I sent a couple of letters to Mr. Ferrer that I have attached to this email. I was hoping for a response letting me know that the Office would not oppose the amendments adding Doe 3 and 4... I realize our 11/19 letter asked for a response by the 10th. However, I was hoping you could give me some indication whether we will get an answer before the 10th (and perhaps what that answer will be), because if there will not be an agreement to adding these Plaintiffs then I want to get the Motion prepared.

See Exhibit 4; *see also* Exhibit 5 (short response regarding trying to get an answer).

On December 10, 2014, despite having had four months to provide a position, the Government responded by email to counsel that it was seeking more time, indicating that the Government understood that victims' counsel might need to file a motion with the court on the matter immediately: "The U.S. Attorney is on travel and I do not have an answer for you on whether the government will agree to the addition of two new petitioners. I appreciate you not filing your motion until December [15], 2014. If you need to file the motion, we understand. Thanks." *See* Exhibit 6.

Rather than file a motion immediately, victims' counsel waited and continued to press the Government for a stipulation. *See* Exhibits 7, 8, and 9. Finally, on December 23, 2014 – more than four months after the initial request for a stipulated joinder into the case – the Government tersely indicated its objection, without indicating any reason: "Our position is that we oppose adding new petitioners at this stage of the litigation." *See* Exhibit 10.

Because the Government now contested the joinder motion, undersigned counsel prepared a more detailed pleading explaining the justification for granting the motion. One week after receiving the Government's objection, on December 30, 2014, Jane Doe No. 3 and Jane Doe No. 4 filed a motion (and later a corrected motion) seeking to join the case. DE 279 and DE 280.⁵ Uncertain as to the basis for the Government's objection, the motion briefly proffered the circumstances of Jane Doe No. 3 and Jane Doe No. 4 that would qualify them as "victims" eligible to assert rights under the CVRA. *See* 18 U.S.C. 3771(e) ("For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of federal offense . . ."). With regard to Jane Doe No. 3, the motion indicated that when she was a minor, Jeffrey Epstein had trafficked her to Dershowitz and Prince Andrew (among others) for sexual purposes. Jane Doe No. 3 stated that she was prepared to prove her proffer. *See* DE 280 at 3 ("If allowed to join this action, Jane Doe No. 3 would prove the following . . ."). The motion also provided specific reasons why Jane Doe No. 3's participation was relevant to the case, including the pending discovery issues regarding Dershowitz and Prince Andrew. DE 280 at 9-10 (explaining several reasons participation of new victims was relevant to existing issues).

After the motion was filed, various news organizations published articles about it. Dershowitz also made numerous media statements about the filing, including calling Jane Doe No. 3 "a serial liar" who "has lied through her teeth about many world leaders." <http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/>. Dershowitz also repeatedly

⁵ Dershowitz argues that Jane Doe No. 3 violated Local Rule 15.1 by failing to attach a proposed amended complaint. DE 282 at 2. But Jane Doe No. 3 was simply following the same approach that Jane Doe No. 2 had taken earlier, by filing a *motion* to join rather than a proposed *amendment* to pleadings.

called undersigned legal counsel for Jane Doe No. 3 “two sleazy, unprofessional, disbarable lawyers.” *Id.* On January 5, 2015, Dershowitz filed the pending motion to intervene. DE 282.

DISCUSSION

Dershowitz’s motion to intervene relies on Fed. R. Civ. P. 24(a) (mandatory intervention) and 24(b) (permissive intervention). Neither argument for intervention is well-founded.

I. DERSHOWITZ’S ALLEGED “REPUTATIONAL” INTERESTS DO NOT SATISFY RULE 24(A)’S REQUIREMENTS FOR INTERVENTION AS OF RIGHT.

Dershowitz first claims that he meets Rule 24(a)’s requirements for mandatory intervention. Rule 24(a) requires that the Court allow a person to intervene in a case if that person “claims an interest relating to the property or transaction that is the subject of that action and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect his interest, unless existing parties adequately represent that interest.” Dershowitz contends he meets Rule 24(a)’s requirements because he has a “reputational” interest in the matter, specifically an interest in contesting Jane Doe No. 3’s allegation that Jeffrey Epstein trafficked her to Dershowitz for sexual purposes.

Numerous courts have declined to allow a mere “reputational” interest to justify mandatory intervention. For example, *Calloway v. Westinghouse Elec. Corp.*, 115 F.R.D. 73 (M.D. Ga. 1987), denied a motion to intervene where the alleged interest was a doctor’s “own reputation and academic credibility.” *Id.* at 74. The court denied intervention because “a witness’ interest in his reputation alone . . . does not constitute the required ‘interest relating to the property or transaction which is the subject of the present action’ necessary to allow intervention as a matter of right. To find otherwise would invite intervention every time a court is required to determine the credibility of a witness.” *Id.* Similarly, *Flynn v. Hubbard*, 82 F.2d

1084, 1093 (1st Cir. 1986), affirmed the denial of the Church of Scientology's request for intervention in part because "the church "merely claim[ed] a generalized injury to reputation [that] identifies no legal detriment arising from a default judgment against Hubbard." *Id.* at 1093 (Coffin, J., concurring). *See also Edmondson* ■ *State of Neb. ex. rel. Meyer*, 383 F.2d 123, (8th Cir. 1967) ("The mere fact that Edmondson's reputation is thereby injured is not enough [to support intervention]. Edmondson's representative has pointed to no legal detriment flowing from this possible finding of the trial court, and we can find none."); *Forsyth County* ■ *U.S. Army Corps of Engineers*, No. 2:08-CV-0126-RWS, 2009 WL 1312511, at *2 (N.D. Ga. May 8, 2009) (denying intervention because an "interest in protecting its reputation . . . is not direct, substantive, or derived from a legal right").⁶

The Court has previously considered – and rejected – a similar effort to intervene on a "reputational" claim. That claim was made by Bruce Reinhart who – like Dershowitz – had previously represented Jeffrey Epstein's interests in related litigation. Reinhart moved to intervene in this case to contest the victims' allegations that Reinhart (a former prosecutor in the U.S. Attorney's Office investigating Epstein) received confidential, non-public information about the investigation. The victims specifically alleged that Reinhart had "joined Epstein's payroll shortly after important decisions were made limiting Epstein's criminal liability" and that Reinhart had gone on to improperly represent Epstein-related witnesses in various civil suits. *See* DE 99 at 12 (discussing DE 48 at 23). Reinhart filed a sworn affidavit admitting that he had represented Epstein-related clients, but claiming that he did not possess any such confidential information. He sought to intervene to challenge the victims' arguments.

⁶ Dershowitz cites dicta in *Sackman* ■ *Liggett Grp., Inc.*, 167 F.R.D. 6, 20-21 (E.D.N.Y. 1996), that a reputational interest can support intervention. But *Sackman* did not analyze the issue; rather it simply cited another case, *Penthouse Int'l, Ltd. v. Playboy Enterprises, Inc.*, 663 F.2d 371, 373, 392 (2d Cir. 1981), which in turn contains no analysis of the issue or any such holding.

After a hearing, the Court denied Reinhart's motion, finding that his interest in litigating the validity of the victims' allegations was too attenuated to support intervention. DE 99 at 13.⁷ The Court's rationale applies equally here and should lead the Court to deny Dershowitz's motion. Dershowitz claims that his situation is distinguishable in view of how "harmful" (DE 282 at 6) he believes the current allegations are. But the degree of indignation at allegations is not a sound basis for allowing intervention. As the Court previously explained, it "cannot permit anyone slighted by allegations in court pleadings to intervene and conduct mini-trials to vindicate their reputation." DE 99 at 13.

Dershowitz does have an alternative ground he could try to advance for intervention. As Jane Doe No. 3 pointed out in her motion to join the case, Dershowitz personally helped to negotiate the non-prosecution agreement (NPA) at issue in this case, which bars *his* prosecution in the Southern District of Florida as a "potential co-conspirator of Epstein." DE 280 at 4 (quoting NPA at 5). The Court has previously allowed Epstein to prospectively intervene in any proceedings that might involve invalidating the NPA. DE 246. Dershowitz can make a similar motion if he identifies himself as a potential co-conspirator involved in crimes covered by the NPA. But lacking such an allegation, his existing motion does not allege any concrete impairment of his interests supporting mandatory intervention.

II. DERSHOWITZ HAS NOT SHOWN THAT THE COURT SHOULD ALLOW PERMISSIVE INTERVENTION UNDER RULE 24(B).

⁷ During the hearing on Reinhart's intervention motion, the Government stood silent about the accuracy of Reinhart's affidavit. Much later, after the Court had denied the motion, the Government admitted that it possessed information contradicting Reinhart's sworn affidavit. See DE 225-1 at 9-10, ¶¶ 43-45 ("in answering the victims' Requests for Admissions, the Government has admitted that it possess information that Reinhart learned confidential non-public information about the Epstein case and he discussed the Epstein case with other prosecutors.").

Dershowitz also contends that the Court should exercise its discretion to allow permissive intervention in this case under Fed. R. Civ. P. 24(b). The rule grants discretion to the court to allow intervention by a person who has “a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b); *accord Mt. Hawley Ins. Co. v. Sandy Lake Properties, Inc.*, 425 F.3d 1308, 1311 (11th Cir. 2005) (permissive intervention allowed only where “a claim or defense and the main action have a question of law or fact in common and the intervention will not unduly prejudice or delay the adjudication of the rights of the original parties.”). A district court’s ruling on such intervention is reviewed only for abuse of discretion. *Stone v. First Union Corp.*, 371 F.3d 1305, 1309 (11th Cir. 2004); *see also AT&T Corp. v. Sprint Corp.*, 407 F.3d 560, 561–62 (2nd Cir. 2005) (“[a] denial of permissive intervention has virtually never been reversed” because of the considerable discretion afforded to district courts).

In ruling on a motion for permissive intervention, the Court must consider all relevant factors, including “the nature and extent of the intervenor’s interest.” *Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 955 (9th Cir. 2009). Here, Dershowitz lacks a “claim or defense” in common with the CVRA action. Instead, Dershowitz intends to advance satellite arguments, including raising questions about the credibility of crime victims that the Government apparently does not intend to present.⁸ Allowing his intervention would thus create a clear risk of adding undue delay to what is already a long-running case. *Cf. id.* (affirming district court decision to deny intervention that would “consume additional time and resources of

⁸ For example, in the media Dershowitz has called Jane Doe No. 3 – an alleged victim of international sex trafficking while she was a minor – “a serial perjurer, serial liar, serial prostitute.” Washington Post, Morning Mix, <http://www.washingtonpost.com/news/morning-mix/wp/2015/01/06/alan-dershowitz-takes-legal-action-after-being-named-with-prince-andrew-in-sex-ring-case/>.

both the Court and the parties that have a direct stake in the outcome of the proceedings”). Moreover, several other important factors weigh against allowing intervention.

A. DERSHOWITZ CAN LITIGATE HIS REPUTATIONAL INTERESTS IN A PENDING DEFAMATION ACTION IN BROWARD COUNTY CIRCUIT COURT.

In the opening paragraph of his court pleading, Dershowitz claims he has “no remedy” to defend his reputation. DE 81 at 1. And yet, in his statements to the media, Dershowitz has made clear that he intends to defend his reputational interests in a pending defamation action. The Court need not allow duplicative litigation on the same reputational issues.

After Jane Doe No. 3 filed her motion to intervene, Dershowitz attacked her in the media as a “serial perjurer.” He also repeatedly named and attacked her attorneys – i.e., undersigned legal counsel Edwards and Cassell – branding them, among other disparaging names, “two sleazy, unprofessional, disbarable lawyers.” Dershowitz repeated his attacks on numerous worldwide media outlets, saying such things as victims’ counsel “are prepared to lie, cheat and steal. These are unethical lawyers” (CNN Program “The World Right Now with Hala Gorani,” Jan. 5, 2015) and that counsel “willfully and deliberately made this up in order to gain a litigation advantage, [to] line their pockets with money” (The Last Word with ██████████ O’Donnell – MSNBC (Jan. 8, 2015).

Following these statements, on January 6, 2015, attorneys Edwards and Cassell, represented by Jack Scarola, Esq., filed a defamation action in Broward County Circuit Court. See Exhibit 11 at ¶ 17 (alleging Dershowitz has “initiated a massive public media assault on the reputation and character” of undersigned counsel, by “accusing them of intentionally lying in their filings, of having leveled knowingly false accusations against [Dershowitz], without ever conducting any investigation of the credibility of the accusations”). The attorneys also served

discovery requests on Dershowitz, as well as a notice of deposition. Dershowitz has yet to agree to a deposition date.

Faced with a defamation action against him, Dershowitz stated that he was “thrilled” by the development because it “gives me a chance to litigate the case. I can expose their corruption. I can show how fraudulent the allegations are. This makes my day.” Wall St. Journal Law Blog, <http://blogs.wsj.com/law/2015/01/06/jane-doe-lawyers-sue-dershowitz-for-defamation/> (Jan. 6, 2015); *see also* UMAR News, [REDACTED] (Jan. 4, 2015) (“I just need a legal proceeding . . . to call witnesses . . . to prove my case” (emphasis added)).

Given that Dershowitz has the opportunity to litigate his concerns in the other case, this Court need not – and should not – allow permissive intervention in this one. *See, e.g., Morgan v. Sears, Roebuck & Co.*, 124 F.R.D. 231 (1988) (declining intervention in one case where litigation on a similar issue was already underway elsewhere). Permissive intervention in this case would, for example, presumably lead to Dershowitz (and, in turn, undersigned legal counsel) seeking duplicative discovery to that which is already being sought in Broward County Circuit Court. One forum is enough to litigate reputational issues.

B. DERSHOWITZ SHOULD NOT BE ALLOWED TO INTERVENE IN THIS ACTION WHEN HE HAS DECLINED TO DEFEND HIS REPUTATION IN OTHER ACTIONS.

Dershowitz also claims that he has not been given an opportunity to address his connection to Epstein’s sex trafficking. DE 282-1 at 3. This is untrue. Indeed, Dershowitz has been given (at least) three separate opportunities to provide information concerning his involvement in Epstein’s offenses. Because Dershowitz has not availed himself of any of those prior opportunities, the Court should deny his motion to intervene now.

2009

On about September 17, 2009, one of undersigned counsel (Brad Edwards) arranged to have Dershowitz served with a subpoena for deposition in connection with a civil case brought by one of the underage females who had sued Epstein (*Doe* ■ *Epstein*, No. 9:08-cv-80893-KAM (S.D. Fla.)). At that point, Dershowitz understood that counsel for many of Epstein's victims believed that mounting evidence pointed toward his role extending beyond merely being an attorney for Epstein. That deposition ultimately did not occur, and Dershowitz made no effort to provide information about his knowledge of relevant information.

2011

In 2011, in the state case of *Epstein* ■ *Edwards* (No. 502009CA040800XXXXMBAG (Palm Beach Cty. Cir. Ct.)), counsel for Edwards (Jack Scarola, Esq.) contacted Dershowitz to seek his cooperation in answering questions about his knowledge of Epstein's sex trafficking. On August 15, 2011, Dershowitz indicated that he wanted more information before would decide whether to cooperate: "If you would let me know what non-privileged information you would seek from me, I would then be able to decide *whether* to cooperate." *See* Exhibit 12 (emphasis added).

On August 23, 2011, Scarola sent a letter to Dershowitz, explaining that there was no intent to inquire about attorney-client information, but adding: "[w]e do, however, have reason to believe that you have personally observed Jeffrey Epstein in the presence of underage females, and we would like the opportunity to question you under oath about these observations." *See* Exhibit 13. Dershowitz declined to cooperate, so on September 7, 2011, Scarola again sent a letter to Dershowitz, noting that while there was "no obligation" to disclose the basis for wanting a deposition, the reason was that "[m]ultiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the

company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both sworn testimony and private interviews." Exhibit 14. Despite providing Dershowitz with the basis for wanting his deposition, and the assurance that questions regarding privileged information would not be asked, Dershowitz did not cooperate.

2015

After Jane Doe No. 3 moved to intervene in this case, Dershowitz said "what they [victims' counsel] have done is so under-handed . . . not giv[ing] me an opportunity to disprove it. That's Kafkaesque." UMAR News, [REDACTED]

Following public statements such as these, on January 3, 2015, attorney Jack Scarola immediately sent an e-mail to Dershowitz, requesting an opportunity to take his deposition:

Dear Mr. Dershowitz:

Statements attributed to you in the public media express a willingness, indeed a strong desire, to submit to questioning under oath regarding your alleged knowledge of Jeffrey Epstein's extensive abuse of underage females as well as your alleged personal participation in those activities. As I am sure you will recall, our efforts to arrange such a deposition previously were unsuccessful, so we welcome your change of heart. Perhaps a convenient time would be in connection with your scheduled appearance in Miami on January 19. I assume a subpoena will not be necessary since the deposition will be taken pursuant to your request, but please let us know promptly if that assumption is inaccurate.... Thank you for your anticipated cooperation.

Exhibit 15. As of the date of this filing, Dershowitz has completely ignored this request, while simultaneously continuing to publicly protest his inability to challenge the allegations against him in a legal proceeding.

In light of these opportunities that have been extended to Dershowitz previously to answer any questions about his knowledge of (and even participation in) Epstein's sex trafficking, his claim that he needs a forum in this Court to defend his reputation rings hollow.⁹

For the sake of completeness – and to show a sinister pattern – it is also worth noting that each of the other four individuals Jane Doe No. 3 identified by name in her motion (Jeffrey Epstein, Ghislaine Maxwell, Jean Luc Brunel, and Prince Andrew) have also all been afforded opportunities to explain themselves – and all four have declined to take them.

Epstein. The Court is familiar with Jeffrey Epstein's repeated invocations of the Fifth Amendment when asked questions about his sexual abuse of young girls, including Jane Doe No. 1, Jane Doe No. 2, and Jane Doe No. 3. *See generally* Exhibit 16 at 1-7.

Maxwell. In 2009, undersigned counsel (Brad Edwards) served Ghislaine Maxwell with a subpoena for a deposition in a civil case against Jeffrey Epstein. After extensive discussion and coordinating a convenient time and place, as well as ultimately agreeing to a confidentiality agreement prepared by Maxwell's attorney, at the eleventh hour Maxwell's attorney informed the undersigned that Maxwell's mother was very ill and that consequently Maxwell was leaving the country with no plans to return. The deposition was cancelled. Yet a short time later, Maxwell was photographed at Chelsea Clinton's wedding in Rhinebeck, New York, confirming the suspicion that she was indeed still in the country and willing to say anything to avoid her deposition.

⁹ The difficulty in scheduling this deposition also fits into a pattern for Dershowitz. In around 2005 to 2006, Dershowitz was Jeffrey Epstein's "primary" lawyer. When the Palm Beach Police Department tried to interview Epstein, Dershowitz pretended that Epstein was willing to answer questions. Dershowitz set up, then cancelled, Epstein interviews with the police "several times." *See* [REDACTED], *Epstein*, No. 502008CA037319XXXX MB AB, Depo. of Police Chief Michael Reiter at 80 (Palm Beach Cty. Cir. Ct. Nov. 23, 2009).

Brunel. In 2009, undersigned counsel (Brad Edwards, representing Jane Doe) served Jean Luc Brunel with a subpoena for a deposition before this court in *Doe v. Epstein*, No. 9:08-cv-80119-KAM (S.D. Fla.). Brunel's attorney asked counsel for Jane Doe to postpone the scheduled deposition date. Jane Doe's counsel agreed, and then Brunel's attorney cancelled the rescheduled deposition date. Brunel's counsel represented that Brunel was outside the country and thus unavailable. But later sworn deposition testimony revealed that Brunel was actually inside the country at this time – indeed, he was hiding at Epstein's Palm Beach home. All this was brought to the Court's attention via a motion for sanctions. DE 483. This is just another example of the inner circle of Epstein's friends refusing depositions to answer questions.

Prince Andrew. In 2011, Jack Scarola, representing Brad Edwards in the *Epstein v. Edwards* case, faced procedural impediments to obtaining a sworn deposition from a member of the British Royal family. Accordingly, he publicly invited the voluntary testimony of Prince Andrew, explaining: "We would be very keen to speak with Prince Andrew, given his relationship with Jeffrey Epstein. . . . We have reason to believe that Prince Andrew has been in the company of Mr. Epstein while Mr. Epstein has been in the company of under-aged children." <http://effiefolkerts.blogspot.com/2011/03/convicted-paedophile-jeffrey-epstein-is.html>. Prince Andrew never responded.

Two weeks ago, after Jane Doe No. 3 and Jane Doe No. 4 moved to join in this action, a spokesperson for Prince Andrew denied Jane Doe No. 3's allegations, without providing any explanation of what the Prince was doing with this minor girl late at night in a private setting. Accordingly, on January 14, 2015, Jack Scarola sent Prince Andrew a certified letter requesting his voluntary cooperation in answering questions about his sexual interactions with Jane Doe No.

3. See Exhibit 17. The letter requested an opportunity to take a statement under oath from Prince Andrew. Federal Express has informed us that the letter has been refused by the recipient.

In light of these avoided opportunities by Dershowitz – as well as Epstein, Maxwell, Brunel, and Prince Andrew – to answer questions under oath regarding Epstein’s trafficking of young girls, there is no good reason that the Court should now allow a special, discretionary opportunity to intervene to respond to the allegations.

C. DERSHOWITZ SHOULD NOT BE ALLOWED TO INTERVENE TO STRIKE ALLEGATIONS RELEVANT TO ISSUES PENDING BEFORE THE COURT.

The Court should also deny Dershowitz’s motion for intervention because it would be a pointless exercise.

Citing Rule 12(f) of the Federal Rules of Civil Procedure, Dershowitz seeks to intervene to strike “immaterial, impertinent, or scandalous matter.” DE 282 at 7. Dershowitz contends that Jane Doe No. 3’s allegations regarding sexual contacts with him “have nothing to do with any relevant issues in this case.” *Id.* at 3. Courts generally “disfavor the motion to strike” *Moore’s Federal Practice* § 12.37[1] (3d ed. 2014) (internal citation omitted). “Striking allegations from a pleading ‘is a drastic remedy to be resorted to only when required for the purposes of justice,’ and only when the allegations to be stricken have ‘no possible relation to the controversy.’” *Larise Atlantis, Inc. v. Pac. Ins. Co.*, No. 10-61583-CIV, 2011 WL 1584359 at *2 (S.D. Fla. 2011) (quoting *Augustus v. Bd. of Pub. Instruction*, 306 F.2d 862, 868 (5th Cir.1962)). “If there is *any doubt* as to whether the allegations might be an issue in the action, courts will deny the motion.” *In re TheMart.com, Inc. Sec. Litig.*, 114 F. Supp. 2d 955, 965 (C.D. Cal. 2000) (emphasis in original). Just as with a motion to dismiss for failure to state a claim, in ruling on a motion to strike “the Court must view the pleadings in a light most favorable to the

pleading party.” *Id.* Any motion to strike by Dershowitz would be meritless, because Jane Doe No. 3’s allegations are pertinent to at least eight pending issues.

1. The Pending Motion to Intervene.

Of course, the first reason that Jane Doe No. 3 made her allegations was to support her pending motion to join this action. As the Court has seen from the chronology recounted above, victims’ counsel engaged in months of efforts to reach a stipulated motion for joinder by Jane Doe No. 3 and Jane Doe No. 4 that would not have required reciting any specific factual allegations. The U.S. Attorney’s Office refused to provide any answer to that request, until finally tersely objecting (without providing any rationale). Once the joinder motion became contested, Jane Doe No. 3 then needed to proffer allegations supporting her entry into the case.

To join this CVRA action, Jane Doe No. 3 must first show that she is the “victim” of a federal crime, 18 U.S.C. § 3771(e) – and, further, that the crime is one that implicates persons covered by the NPA. Jane Doe No. 3 alleged that she was sexually abused by Jeffrey Epstein. But she also focused much of her joinder motion on the fact that she was the victim of a “sex trafficking scheme” organized by Epstein. DE 280 at 3. To prove she is a victim of sex trafficking in violation of 18 U.S.C. § 1591, Jane Doe must demonstrate that she was recruited, transported, or harbored while under the age of 18 and “cause[d] to engage in a commercial sex act.” Accordingly, she briefly described the trafficking scheme, including identifying several persons to whom she was trafficked (i.e., Dershowitz and Andrew).¹⁰ The fact that Dershowitz

¹⁰ In his motion, Dershowitz alleges that Jane Doe No. 3 identified these two names solely to stir up media attention. DE 282 at 2. But Dershowitz does not address the obvious reasons for the identification – i.e., that he was an attorney who helped draft the NPA and that a sex act with Prince Andrew in London affected “foreign commerce” – part of a jurisdictional requirement of the statute. *See* 18 U.S.C. § 1591(a)(1). In addition, Jane Doe No. 3 has also alleged that she was trafficked to “many other powerful men, including politicians and powerful business executives.” Ex. 1 at ¶ 58. The names of these persons could have been included in her pleading and would have created significantly more media attention than

(and Prince Andrew) engaged in a “sex act” with her is simply a required element of her proof that she is the victim of a sex trafficking crime.

Sexual trafficking is not the only crime that could support Jane Doe No. 3’s joinder in this case. There are also various federal sex offenses, such as travel with intent to engage in illicit sexual conduct, 18 U.S.C. § 2423(b), which Jane Doe No. 3’s proffer supported. And perhaps most obviously, Jane Doe No. 3 was the victim of a conspiracy under 18 U.S.C. § 371. Dershowitz, of course, was a co-conspirator against her – thereby directly implicating the NPA. In her pleading, Jane Doe No. 3 alleged only the *fact* that a sex act took place, not the *nature* of the sex act nor any “unnecessary detail.” *Begay* █ *Public Service Co. of New Mexico*, 710 F.Supp.2d 1161 (D. N. Mex. 2010).¹¹

2. *The Pending Discovery Issues.*

Another reason Jane Doe No. 3 cited in her pleading for specifically naming Dershowitz (and Prince Andrew) is that the Court has before it a pending discovery dispute involving documents relating to these two people. *See* DE 280 at 10 (*citing* DE 225 at 7-8 (discussing DE 48 at 16-18)). As the Court is aware, on December 1, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded a Request for Admission (RFA) asking the Government to admit that it possesses “documents, correspondence or other information reflecting contacts with the Department

the names that she did include. If the Court would like proof of this assertion, counsel would request leave to provide an *ex parte*, sealed submission of the names of the other immediately recognizable persons who either observed or participated in the trafficking of Jane Doe No. 3.

¹¹ Where sexual issues are relevant to a case, they must not be stricken. *See, e.g., Zdenek* █ *School Bd. of Broward County*, No. 07-CV-61110, 2007 WL 4521489, at *2 (S.D. Fla. Dec. 19, 2007) (“given the Eleventh Circuit standards on what constitutes actionable sexual harassment, the allegations in question [with one exception] do not rise to the level of what is considered ‘redundant, immaterial, impertinent, or scandalous’”); *Dawe* █ *Corr. USA*, No. CIVS071790LKKEFB, 2009 WL 2591146 at *3 (E.D. Cal. Aug. 20, 2009) (“these statements [referring to sexual contact] are made in the . . . larger context of alleging that the defendants’ financial misconduct stemmed in part from an intention to cover up sexual misconduct. As such, the court agrees that the allegations are no more scandalous than those that would be asserted in any cause of action relating to sexual harassment.”).

between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York); (c) Harvard Law Professor Alan Dershowitz.” While the Government denied that it had documents reflecting contacts by Prince Andrew, it specifically admitted possessing documents reflecting contacts by Dershowitz. Gov’t Answer to RFA #6. The two victims further requested the Government admit that it possessed “information (including telephone logs and emails) reflecting contacts between Bruce E. Reinhart and persons/entities affiliated with Jeffrey Epstein (including . . . Harvard Law Professor Alan Dershowitz). The Government admitted this fact. Gov’t Answers to RFA #16.

These RFA’s tie into a major discovery battle that is currently before the Court. Related to the RFA’s, on October 3, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded Request for Production (RFP) #8, seeking “all correspondence, documents, and other information regarding Epstein’s lobbying efforts to persuade the Government to give him a more favorable plea arrangement and/or non-prosecution agreement, including efforts by . . . Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York), [and] Harvard Law Professor Alan Dershowitz.” The two victims also propounded RFP #21, requesting all documents relating to the NPA, including documents in the Government’s possession from “defense attorneys representing Epstein (including . . . Alan Dershowitz)” and from “agents acting in support of Epstein (including . . . Andrew Albert Christian Edward (a/k/a Prince Andrew Duke of York)).”

The Government responded to these (and other RFPs) by asserting privilege over 14,825 pages of documents that it provided to the Court.¹² But contrary to the Court’s specific direction, the Government did not provide a log that “clearly identifies each document[] by author(s), addressee(s), recipient(s), date, and general subject matter” DE 190 at 2. Accordingly,

¹² The Government has also raised relevancy objections to producing the documents, as discussed below.

there is no way to determine which of the documents that the Government has provided to the Court are responsive to which of the victims' discovery requests – including which documents relate to Dershowitz. *See* DE 265 at 1-2. The Government then asserted a host of privileges, including qualified privileges, such as deliberative process privilege, investigative privilege, and the work product doctrine. Qualified privileges require the Court to engage in a far-ranging inquiry that balances competing interests. As the victims have recounted in their (currently-pending) objections to the Government's assertion of privilege, the Court must weigh such things as “the ‘seriousness’ of the litigation” (DE 265 at 9), “the importance of the information sought to the plaintiff's case” (DE 265-1 at 22), and whether there is a “compelling need” for disclosure (DE 265 at 14). Clearly Jane Doe No. 3's allegations factor into this balancing of interests about production of documents relating to Dershowitz (and others).

3. Motive

When the Court ultimately rules on the underlying substantive issue of whether the Government violated the victims' rights, motive will be a central issue. The Government has repeatedly asserted benign motivations for not revealing the NPA to the victims, and the victims have strongly contested those assertions. *See, e.g.*, DE 266 at 10 (“Motive is clearly in dispute in this case . . .”). The NPA itself contains several unusual provisions that invite debate over how they came into existence – such as the “confidentiality” provision that illegally barred disclosure to the victims and the “blank check” co-conspirator immunity provision discussed immediately below. An important question is whether these strange provisions were crafted accidentally – or as part of a deliberate plan to keep the victims in the dark, as the victims are contending. *See, e.g.*, DE 48 at 11 (alleging that the Government and defense counsel decided that the NPA should be “kept from public view because of the intense public criticism that would have

resulted from allowing a politically-connected billionaire who had sexually abused more than 30 identified minor girls to escape from federal prosecution with only a county court jail sentence”). The fact that an important attorney on the defense team had strong personal reasons for resolving the case without a public trial bears directly on this question, by showing motivation to reach a secret deal. Dershowitz’s need to keep his abuse secret, and his direct personal knowledge of Epstein’s abuse, also goes to issues revolving around whether the defense team engaged in a “yearlong assault on the prosecution and prosecutors,” as alleged by former U.S. Attorney Alexander Acosta. *See* DE 266 at 12.¹³

Issues pertaining to motive can always be pursued, particularly when a case is in an early discovery phase. *See, e.g., Gelabert v. State*, 407 So. 2d 1007, 1010 (Fla. 5th DCA 1981). And “motive is always relevant in a criminal case, even if it is not an element of the crime.” *United States v. Hill*, 643 F.3d 807, 843 (11th Cir. 2011) (internal quotation omitted).

When speaking not to the Court but rather to the media, Dershowitz has clearly admitted the relevance of Jane Doe No. 3’s allegations about him to issues of motive. Speaking on CNN, for example, Dershowitz stated that he was being “targeted” precisely because his involvement in Epstein’s sexual trafficking would help “blow up” the plea agreement:

¹³ In his Supplement to his Motion for Limited Intervention, Dershowitz claims that only information relevant to this case is information known by the Government before September 24, 2007 – the latest date on which, according to Dershowitz, the Government made the decision not to pursue federal criminal charges against Epstein. DE 285 at 1. Dershowitz appears to be unaware that the Government told the victims well after that date that the Government was still “investigating” the case. DE 48 at 16. In addition, what knowledge the Government had of Epstein’s trafficking crimes before September 24, 2007, is very much a disputed issue. For example, the victims believe that among the 14,825 pages of discovery currently before the Court *in camera* are many documents proving the Government’s had knowledge while it was negotiating the NPA that Epstein was trafficking underage girls for sex to Dershowitz and others. Indeed, it is likely that documents pertaining to the trafficking of Jane Doe No. 3 herself are found in those pages, and she would ask the Court to pay particular attention to such documents as part of its *in camera* review. This evidence provides a further reason the Government wanted to conceal the NPA from the victims – and the public: to avoid the outcry that would have arisen if it was known that prosecutors were giving such a lenient deal to an international sex trafficker.

[The victims] want to be able to challenge the plea agreement. I was one of the lawyers who organized the plea agreement. I got the very good deal for Jeffrey Epstein. . . . And if they [i.e., victims' counsel] could find a lawyer who helped draft the agreement who also was a criminal, having sex – wow – *that could help them blow up the agreement*. So they sat down together, the three of them – these two sleazy, unprofessional, disbarable lawyers, Paul Cassell, a former federal judge [and] current professor, and another sleazy lawyer from Florida, Brad Edwards – . . . and said who would fit into this description: A lawyer, who knows Epstein, who helped draft . . .? Ha, Dershowitz! So they and the woman got together and contrived and made this up.¹⁴

Similarly, on the Meredith Vieira Show, Dershowitz alleged that allegations against him “fit the profile” of what it could take to vacate the plea.¹⁵ Of course, Jane Doe No. 3 (and her attorneys) are prepared to show they did not “contrive” the allegations. Dershowitz’s name was not drawn from a hat. Rather, he was added to the pleading because Jane Doe No. 3 identified him as one of her abusers. And once she proves the truth of her sworn allegations, then – as Dershowitz himself colorfully puts it – the victims have additional relevant evidence that will help them to “blow up” the plea.

4. *The NPA’s “Blank Check” Co-Conspirator Immunity Provision and the Scope of the Remedy that the Victims Might Obtain.*

Jane Doe No. 3 explained in her motion to intervene that Dershowitz helped negotiate a NPA that contained a sweeping provision that provided immunity in the Southern District of Florida not only to Epstein, but also to “any potential co-conspirators of Epstein.” DE 280 at 4 (*quoting* NPA at 5).¹⁶ This provision is very unusual – a proverbial “blank check” blocking federal criminal prosecution of people who are not specifically identified – raising an inference

¹⁴ <http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/> (Jan. 6, 2015) (emphasis added).

¹⁵ [http://meredithvie\[REDACTED\]ideos/alan-dershowitz-defends-himself/](http://meredithvie[REDACTED]ideos/alan-dershowitz-defends-himself/) (Jan. 8, 2015).

¹⁶ In his “supplemental” response, Dershowitz asserts that other defense attorneys negotiated that provision. DE 285 at 4. Jane Doe No. 3 disputes this claim and requests discovery on it, as it seems far-fetched to believe that Dershowitz did not see that NPA that his client ultimately signed.

that the defense team may have had ulterior or unidentified motives for pressing for the provision.

More broadly, knowledge of the persons who are covered by this provision is directly relevant to the scope of the remedy that the victims may be able to obtain from the Court if they prevail on the merits of their claim. The Court has already received briefing from the victims and the Government on the remedy issue – and has prospectively allowed Epstein to intervene on any issue involving rescission of the NPA. DE 246. The victims all intend to seek rescission of the co-conspirator provision as part of any relief in this case. The fact that several of Jane Doe No. 3's sexual abusers – i.e., Dershowitz, Maxwell, Brunel, and Prince Andrew – are currently covered by the provision will thus be relevant to the scope of the remedy that the victims can obtain and the persons that they can seek to have prosecuted.

5. Interface Issues.

The Court has previously ruled that the victims' CVRA claim "implicates a fact-sensitive equitable defense which must be considered in the factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims" DE 189 at 12 n.6. Part of that "entire interface" is Epstein's defense team – which included Dershowitz. And Jane Doe No. 3 is one of the victims – indeed, an international sex trafficking victim. Her important factual allegations about extremely serious international trafficking crimes being swept under the rug in a dubious and secret non-prosecution agreement provide a critical piece of the "factual context" that the Court must consider.

6. The "Crime/Fraud" Exception to the Attorney-Client Privilege and Other Privileges.

Jane Doe No. 1 and Jane Doe No. 2 have specifically raised the argument that a crime/fraud/misconduct exception applies to the Government's assertion of attorney-client

privilege over various documents. DE 265 at 5-6. Based on Jane Doe No. 3's allegations, communications between the Epstein defense team and the Government appear to furthered a crime – i.e., Dershowitz's conspiracy with Epstein to engage in, and conceal, sex trafficking. And Government prosecutors' internal discussions may have unwittingly furthered that crime. *See In re Grand Jury Investigation*, 445 F.3d 266, 275-76 (3rd Cir. 2006) (attorney's lack of knowledge of the crime being furthered not relevant to crime-fraud exception).

7. Right to be "Treated with Fairness" Issues.

In his "supplemental" pleading, Dershowitz seems to assume that the victims are raising only a claim about their right to "confer" with prosecutors. DE 285 at 1-2. But Jane Doe No. 1 and Jane Doe No. 2 also have a much broader, over-arching claim of a violation of their right "to be treated with fairness" under 18 U.S.C. § 3771(a)(8). *See* DE 48 at 36. Jane Doe No. 3 was known to the United States Attorney's Office at the time of the Epstein investigation, as evidenced by her inclusion in the NPA's attachment identifying known victims. The fact that Jane Doe No. 3 – a victim of international sex trafficking – was kept in the dark about the plea deal will provide further evidence of a violation of the right to be treated with fairness. The scope of her abuse – and the fact that the prosecution of crimes against her in the Southern District of Florida is now blocked by an agreement negotiated by one of her abusers – also all go to violations of the fairness right.

8. Jane Doe No. 3 Will Be a Witness for Jane Doe No. 1 and Jane Doe No. 2 at Trial.

Finally, the record in this case should reflect that Jane Doe No. 1 and Jane Doe No. 2 intend to call Jane Doe No. 3 as a witness in any hearing or trial that the Court may schedule in this matter. The Government's violation of her rights is clearly evidence of a common scheme

or plan to keep crime victims in the dark, made admissible in any hearing by virtue of Fed. R. Evid. 404(b).

For each of these eight reasons, Jane Doe No. 3's allegations against Dershowitz are plainly relevant to this case and therefore his attempt to intervene to strike them is futile.¹⁷

D. DESHOWITZ SHOULD NOT BE ALLOWED TO INTERVENE TO STRIKE JANE DOE NO. 3'S ALLEGATIONS BECAUSE SHE HAS SWORN TO THEIR TRUTH AND THEY ARE ALL SUPPORTED BY STRONG CORROBORATING EVIDENCE.

Dershowitz finally claims that he should be allowed to intervene because Jane Doe No. 3's allegations against him are false. In support of this position, he attaches a carefully-crafted, self-serving declaration. But a litigant's mere claim that contrary allegations are false provides no legal basis for striking them. *See Moore's Federal Practice* § 12.37[3A] (3d ed. 2014) ("Rule 12 does not provide any authority to strike pleadings on the basis of falsity" because doing so would "effectively [be] a resolution on the merits, which is not appropriate at the pleading stage."). At early stages of litigation, "[t]he court accepts all well-pleaded allegations as true" and views factual allegations "in the light most favorable to the non-moving party." *Johnson v. Nobu Associates South Beach, LP*, No. 9:10-cv-21691-KAM, 2011 WL 780028 at *2 (S.D. Fla. 2011). In any event, to rebut Dershowitz's false claims directly, Jane Doe No. 3 now provides her own sworn affidavit, attached as Exhibit 1,¹⁸ repeating under oath the allegations that her

¹⁷ A ninth reason now also exists that the allegations are relevant, given that the Government recently-raised the argument that the Jane Doe No. 3 has failed to meet a six-year statute of limitations specified in 18 U.S.C. § 2401. DE 290. Jane Doe No. 3 will contest whether that statute of limitations even applies. But Jane Doe also intends to raise an equitable estoppel argument – that the statute was tolled while she was in hiding in [REDACTED] due to the danger posed by Epstein and his powerful friends. Her factual allegations – including the specific identities of those powerful persons – are clearly relevant to demonstrating the factual underpinnings for her estoppel argument.

¹⁸ In paragraph 52 of Exhibit 1, the name of a sexual participant and eye-witness was redacted out of an abundance of caution, because while she was not a minor at the relevant time she is believed to have

attorneys proffered in her earlier motion – i.e., that Epstein sexually trafficked Jane Doe No. 3 to numerous persons, including Dershowitz. If the Court believes it would be useful, Jane Doe No. 3 requests an evidentiary hearing to prove she is telling the truth¹⁹ and directs the Court’s attention the following substantial information supporting her sworn statement.²⁰ To be clear, what follows is just part of the compelling information supporting Jane Doe No. 3’s allegations.

Any assessment of Jane Doe No. 3’s sworn statement (and Dershowitz’s protestations of innocence) must begin with two incontestable facts: First, Dershowitz is an extremely close personal friend of Epstein’s. In fact, in 2005 (before the scandal of the criminal prosecution broke) Dershowitz stated “I’m on my 20th book. . . . The only person outside of my immediate family that I send drafts to is Jeffrey.” *The Talented Mr. Epstein*, by Vicky Ward, in *Vanity Fair* (Jan. 2005).²¹ Dershowitz has also been quoted as saying that, even if Epstein went bankrupt, “I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas.” *Vanity Fair Reminds Us When Jeffrey Epstein Wasn’t a Creep*, by Ray Gustini, in *The Wire* (June 21, 2011).

Second, Jeffrey Epstein brazenly abused numerous girls in his Florida mansion, his New York mansion, and several other places that Dershowitz apparently admits he visited. See DE 282-1 at 1-3 (Dershowitz affidavit discussing visits to Epstein). Proof of the notorious abuse

originally been a victim of Epstein’s sexual abuse while a minor. She is now a well-known actress whose identity we have unilaterally protected in this context.

¹⁹ Jane Doe No. 3 asks that the evidentiary hearing be held after discovery phase in this case is completed, because she believes that the Government possesses significant information that, if disclosed, would fully support her allegations. She requests the Government acknowledge this fact in any response it files.

²⁰ Cf. *The Last Word with [REDACTED] O’Donnell* – MSNBC (Jan. 8, 2015), <http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573> (Dershowitz: “Right now, they have accused me of these . . . things without a single affidavit, without a single piece of evidence.”).

²¹ More recently, Dershowitz has disclaimed knowing Epstein well, stating that during the relevant time he was a mere “social acquaintance” and that “I was at [Epstein’s] home for parties with a large number of mostly scientists, mostly men, dinner parties, intellectual gatherings.” UMAR News, [REDACTED] v=KXzcxsIQv7Q (Jan. 4, 2015).

starts with the NPA, under which Epstein agreed to register as a sex offender and provide compensation to approximately forty girls who he had sexually abused. Additional girls who he abused (such as movant Jane Doe No. 4) were not included in the NPA. Combined with the sworn testimony in the underlying civil cases, the NPA demonstrates persuasively that Epstein committed hundreds and hundreds of acts of sexual abuse against young girls – ostensibly “massage therapists” – during the relevant time period. See Exhibit 16 at 2 (collecting testimony). A small sample of the girls that Epstein sexually abused includes Jane Does Nos. 1, 2, 3, and 4, as well as [REDACTED] – all girls between the ages of 13 and 17. *Id.* at 7-8.

Given the astonishing number of victims, and the detailed descriptions from many of them, Epstein’s abuse of young girls clearly occurred on a “daily” basis. See Ex. 1 at ¶ 17. Indeed, according to his scheduled appointments, evidenced by the message pads retrieved by the Palm Beach Police Department, on some days Epstein engaged in sex with multiple girls.²²

In 2009, one of Epstein’s household employees, Juan Alessi, was deposed about the parade of young “massage therapists” entering Epstein’s Palm Beach mansion. He started working for Epstein in about January 1999. He testified that Jane Doe No. 3²³ was one of the girls who came to Epstein’s mansion regularly when she was in the age range of 15 to 19. Juan Alessi Depo. at 46:21- 47:4, 48:18-25, *Jane Doe No. 2 v. Epstein*, No. 9:08-cv-80119-cv-KAM (S.D. Fla. Sept. 8, 2009) (excerpts attached as Exhibit 18).

Alessi also saw many celebrities come to the Florida mansion, including not only Prince Andrew and his wife Sarah but also “a very famous lawyer that I’m sure you know, Alan

²² Upon request, victims counsel could provide the Court with these materials for review. The materials contain the names of minor victims of sexual assault, so sealed transmission would be necessary.

²³ In the deposition, Jane Doe No. 3 is identified by initials.

Dershowitz.” *Id.* at 70:9-25. Alessi testified that Dershowitz came to the mansion “pretty often . . . at least four or five times a year” and would stay “two [or] three days.” *Id.* at 73:22-25. Jane Doe No. 3 came to the house when Dershowitz was there. *Id.* at 73:18-20. And – importantly – Dershowitz got massages while he was visiting Epstein’s home. Alessi answered “yes” when asked whether Dershowitz “had massages sometimes when he was there,” and explained that “[a] massage was like a treat for everybody.” *Id.* at 74:1-4. The private, upstairs room where Dershowitz got his “massages” was one that contained a lot of vibrators – Maxwell had “a laundry basket . . . full of those toys” in that room. *Id.* at 76:11-15.

In 2009, one of Epstein’s most trusted employees was also deposed: Alfredo Rodriguez, the butler at Epstein’s Palm Beach mansion. Rodriguez testified under oath that Dershowitz was at Epstein’s mansion when underage girls were there to give massages. Alfredo Rodriguez Depo. at 278:13-25, 279:9-280:2, *Jane Doe No. 2 v. Epstein* (excerpts attached as Exhibit 19).²⁴ Rodriguez also testified that Dershowitz stayed at the house in his role as Epstein’s friend, as opposed to being his lawyer (*id.* at 279:5-8; 385:1-6) and that Dershowitz was present alone at the home of Jeffery Epstein, without his family, in the presence of young girls. *Id.* at 199:12-13, 279:9-12, 426:16-25, 427:1. In fact, Rodriguez described that when the underage girls would come over, Dershowitz would drink wine and read books on the couch. *Id.* at 426:16-25; 427:1.

As is familiar to this Court, after Rodriguez’s deposition, he attempted to sell a 97-page document that he appropriated from Epstein’s computer. The document contained Epstein’s telephone directory – as well as a list of apparent young girls in various locations, including

²⁴ According to press reports, Rodriguez recently passed away. See “Houseman who cleaned pedophile Jeffrey Epstein’s sex toys and feared he would make him ‘disappear’ takes billionaire’s secrets to the grave after he died just law week,” <http://www.dailymail.co.uk/news/article-2897939/Houseman-cleaned-pedophile-Jeffrey-Epstein-s-sex-toys-feared-billionaire-make-disappear-takes-secrets-grave.html> (Jan. 6, 2015).

Florida, New York, New Mexico, and the U.S. Virgin Islands. An FBI undercover employee (UCE) set up a meeting with Rodriguez to exchange \$50,000 in “buy money” for the document. Following the exchange, the FBI arrested Rodriguez for obstruction of justice related to the attempted sale of this document (which Rodriguez called “the Holy Grail”). According to an FBI agent’s ensuing report, Rodriguez “discussed in detail the information contained within the book, and identified important information to the UCE.” *See United States v. Rodriguez*, No. 9:10-cr-80015-KAM, DE 3 at 5 (S.D. Fla. Dec. 9, 2009). While all of the details of the verbal information explained by Rodriguez to that agent have not been disclosed,²⁵ the documents have been. While there are hundreds of names, addresses, and phone numbers in the document, Rodriguez apparently circled only a select few entries. For instance, he circled each of the sections listing the girls that provided “massages” for Epstein in various locations. This includes the various confirmed under-age Florida victims. Additionally, a few other individuals in the book were circled. The logical presumption is that Rodriguez circled specific individuals, identifying them as persons who were involved in the illicit activities. One of the few people Rodriguez circled was Alan Dershowitz. *See* Exhibit 20.

Moving up from household help to the next echelon in Epstein’s criminal conspiracy, three individuals the NPA lists by name as Jeffrey Epstein’s co-conspirators are [REDACTED], [REDACTED], and [REDACTED]. Extensive investigation demonstrated that [REDACTED] participated in several of the sex acts with underage girls (including Jane Doe 1) and that [REDACTED] and [REDACTED] were heavily involved in procuring underage girls for Epstein to sexually abuse. *See, e.g.*, Exhibit 16 at 12, 20. Of particular relevance here, all three

²⁵ It has been disclosed that Rodriguez said that “he had witnessed nude girls whom he believed were underage at the pool area of [Epstein’s] home, knew that [Epstein] was engaging in sexual contact with underage girls, and had viewed pornographic images of underage girls on computers in [Epstein’s] home.” DE 3 at 7.

implicated Dershowitz by invoking their Fifth Amendment right against self-incrimination²⁶ when asked questions about Dershowitz's connection to Epstein's abuse – including a specific question about whether Dershowitz had been involved with massages by young girls. [REDACTED]

[REDACTED] took the Fifth when asked:

Have you seen a gentleman by the name of Alan Dershowitz at the home of Jeffrey Epstein before?

Do you know Alan Dershowitz?

Are you aware of friendship between [Alan] Dershowitz and Jeffrey Epstein?

When [Alan] Dershowitz comes to Palm Beach, he stays at the El Brillo mansion, doesn't he?

[H]as [Alan] Dershowitz ever been there when young ladies came to give massages?

Has [Alan] Dershowitz ever been the beneficiary of those massages [given by young ladies at Epstein's mansion]?²⁷

[REDACTED] Depo. at 211:16-18, 317:5, 436-37:25-1, 437:9-10; 437:18-19, 437-38: 25-1, *Jane Doe No. 2* [REDACTED] *Epstein*, No. 8:09-cv-80119-KAM (Mar. 24, 2010) (emphasis added) (excerpts attached as Exhibit 21). [REDACTED] pled the Fifth when asked:

Do you know what Jeffrey Epstein's relationship is with Alan Dershowitz?

That's somebody [i.e., Dershowitz] who you know to have stayed at Jeffrey Epstein's house on many occasions, correct?

And also somebody who you know to have been at the house when [REDACTED] was in Jeffrey Epstein's bedroom getting sexually abused, correct?

²⁶ Of course, in a proceeding such as this one, the victims are entitled to an inference in their favor when a witness takes the Fifth Amendment rather than answer a relevant question where that witness is associated with the other side of the case or otherwise in an adverse position to the victims. *See, e.g., LiButti* [REDACTED] *United States*, 107 F.3d 110, 124 (2d Cir. 1997).

²⁷ Interestingly, defending the deposition of [REDACTED] was Bruce Reinhart, a former prosecutor in the U.S. Attorney's Office when the Epstein NPA was negotiated. Reinhart had confidential, non-public information about the prosecution's case against Epstein. *See note 7, supra.*

Alan Dershowitz is also somebody that you also know to have been at the house when [REDACTED] was being sexually abused in Jeffrey Epstein's bedroom, correct?

Generally, Alan Dershowitz is familiar with Jeffrey Epstein's habit of engaging in sexual acts with minors on a daily basis, correct?

When Alan Dershowitz was in town, Jeffrey Epstein did not break his schedule for Alan Dershowitz, meaning he continued to sexually abuse minors despite Alan Dershowitz being a guest in the house?

[REDACTED] Depo. at 56:22-25; 57:1-25, 58: 1-10, *Jane Doe* [REDACTED] *Epstein*, No. 9:08-cv-80893-KAM (April 13, 2010) (excerpts attached as Exhibit 22). And [REDACTED] took the Fifth when asked:

Have you ever met Alan Dershowitz?

When Alan Dershowitz stays at Jeffrey Epstein's house, isn't it true that he has been at the house when underage minor females have been in the bedroom with Jeffrey Epstein?

Have you ever flown on the airplane [privately owned by Jeffrey Epstein] with Alan Dershowitz before?

[REDACTED] Depo. at 37:6, 37:8, 81:25, *Jane Doe* [REDACTED] *Epstein*, No. 9:08-cv-80893-KAM (Mar. 15, 2010) (excerpts attached as Exhibit 23).²⁸

Finally, moving to the top of the conspiracy, Epstein himself has been questioned repeatedly, taking the Fifth when asked about Dershowitz's awareness of underage girls. For example, when Epstein took the Fifth when asked during his deposition "[h]ave you ever socialized with Alan Dershowitz in the presence of females under the age of 18?" Jeffrey Epstein Depo. at 90, *Epstein* [REDACTED] *Edwards*, No. 502009CA040800XXXXMB (Palm. Beach Cty. Cir. Ct. Mar. 17, 2010) (excerpts attached as Exhibit 24). Indeed, going a step further, on October 8, 2009, Epstein took the Fifth when asked whether he even knew Dershowitz was a

²⁸ Mucinska also took the Fifth when asked about the involvement of Prince Andrew, Ghislaine Maxwell, and Jean Luc Brunel. *Id.* at 37:3, 85:12, 85:13.

professor at Harvard. *Epstein*, No. 502008CA03731XXXXMB, Epstein Depo. Tr. at 122 (Palm Beach Cty. Cir. Ct. Oct. 8, 2009).

In short, all the key conspirators in Epstein's sexual trafficking ring who could be asked about Derhowitz's involvement took the Fifth.²⁹ This "[s]ilence is . . . evidence of the most persuasive character." *United States ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 153-54 (1923) (Brandeis, J.), *quoted in Baxter v. Palmigiano*, 425 U.S. 308, 319 (1976). And that silence takes on an even more sinister cast when combined with the fact that Epstein's sexual interest in young girls would have been obvious to someone like Dershowitz, Epstein's close personal friend who was present at the very locations when abuse was taking place. *See* Ex. 1 at ¶ 17.

Additional credibility to Jane Doe No. 3's sworn statement is provided by clear evidence of a common scheme or plan, admissible under Fed. R. Evid. 404(b). As is clear from the evidence recounted above, Jane Doe No. 3's allegations against Jeffrey Epstein are overwhelmingly corroborated by numerous other girls and Epstein's private flight logs demonstrating Jane Doe No. 3's travel with him while under 18 years old. In addition, her allegations against Prince Andrew are strongly corroborated. For example, while Buckingham Palace has recently denied that Prince Andrew had sexual contact with Jane Doe No. 3, it has not attempted to explain what led to the Prince having his picture taken with his arm around a 17-year-old American girl at night in London in an intimate setting in a private residence. Nor has the Palace explained what Ghislaine Maxwell is doing there and who took that picture – while Jane Doe No. 3 has provided a sworn affidavit that the photographer was Prince Andrew's close friend (as well as sex trafficker and now-registered sex offender): Jeffrey Epstein. Jane Doe No.

²⁹ As noted earlier, two other key conspirators – Ghislaine Maxwell and Jean Luc Brunel – evaded depositions to avoid answering any questions under oath.

3 has also made strong, credible claims against Jean Luc Brunel – corroborated allegations that parallel those made by others. *See* Exhibit 16 at 22.

In contrast to this interlocking web of corroborating evidence, the Court should examine what Dershowitz says in his affidavit – and, more important, fails to say. The Court will notice that Dershowitz devotes only a single sentence in his affidavit to his activities at Epstein’s Palm Beach and New York mansions. *See* DE 282-1 at 3 (“As to Mr. Epstein’s homes in New York City and Palm Beach, I categorically state that I never had any sexual contact with Jane Doe #3.”). The Court may immediately wonder about the following questions: How long did Dershowitz spend at these homes? Was he with his wife and family, as he has suggested in television interviews? How many times was he there overnight? Did Dershowitz ever see any of the dozens and dozens of young girls whom Epstein was sexually abusing? Did Dershowitz ever get a “massage” from one of these young girls?

The Court may also wish to contrast Dershowitz’s very narrow affidavit with his more sweeping statements to the media. On popular television programs, Dershowitz has emphatically denounced Jane Doe No. 3 as a liar and said he can prove “conclusively” that he has never even met her.³⁰ Yet in his sworn affidavit, Dershowitz does not repeat that broad claim.³¹ Nor does Dershowitz ever address his knowledge of other young girls, in addition to Jane Doe No. 3, abused by Epstein in those houses.

³⁰ *See, e.g.*, <http://www.cnn.com/2015/01/05/europe/prince-andrew-sex-abuse-allegations/index.html> (“Q: “Have you ever met this woman named [Jane Doe No. 3]?” A: “No. Absolutely not. I don’t know who she is.”); CNN News Day <http://www.cnn.com/ideos/tv/2015/01/05/bts-newday-alan-dershowitz-prince-andrew-sex-scandal-allegations.cnn> (Jan. 5, 2015) (“I never met this woman. I never touched her. I was never massaged by her. There was no contact, no contact whatsoever – and I will prove it conclusively.”).

³¹ In the media, Dershowitz has also offered to execute a waiver of the statute of limitations to enable Jane Doe No. 3 to file charges against him. Shortly after Dershowitz first made that offer, Jack Scarola, Esq., provided Dershowitz with a waiver form for him to sign. Dershowitz declined to sign the form and later advised, through his counsel, that he was “considering” whether to waive the statute of limitations.

In his affidavit, Dershowitz also cagily states that he sent a letter to an attorney who was seeking a deposition, recounting that in that letter he (Dershowitz) said he was “not a witness to any alleged crimes.” DE 282-1 at 3. But Dershowitz does not repeat under oath the broad claim that he never witnessed any alleged crimes – presumably because he is aware of certain child abuse reporting obligations that might be at issue if he did so.

Against this mounting evidence of guilt, Dershowitz suggests in his affidavit that aircraft flight manifests will exonerate him. DE 282-1 (“I was on that plane on several occasion as the manifests will show, but never under circumstances where it would have been possible to have sex with Jane Doe #3.”). In media statements, Dershowitz has repeatedly brought up the manifests as proof of innocence.³² Coincidentally and remarkably, it was Dershowitz himself, acting as Epstein’s attorney, who personally collected and then provided flight manifests to the Palm Beach Police Department. *See, e.g.*, Police Detective Joe Recarey Depo. at 281, *Jane Doe No. 2 ■ Epstein*, No. 9:08-cv-80119-KAM (Mar. 19, 2010). (excerpts attached as Exhibit 29) Dershowitz provided manifests covering just the 10 months: January 1, 2005, through October 17, 2005. During civil litigation, believing that these flight manifests were grossly incomplete, counsel subpoenaed Epstein for complete flight logs. Epstein failed to provide any information at all. Counsel were then forced to request flight logs from Epstein’s various private pilots.

One of Epstein’s pilots, David Rogers, provided certain flight logs covering some flights from a much broader time frame: 1997–2005. This production confirmed that the flight

³² *See, e.g.*, *The Today Show*, Jan. 5, 2015 (“She claims I had sex with her in the airplanes, manifests of the flights will show I was never on the airplanes with her.”); *Hala Gorani – CNN Live*, Jan. 5, 2015 (“As far as the planes are concerned, there are flight manifests. They will prove I was never on any private airplane with any young women.”).

information Dershowitz provided to police was incomplete. A comparison of the flight manifests and logs confirms that the flight logs provided by Rogers were also incomplete. A cursory review of both logs reveals that together the logs produced cover only a small fraction of the flights taken and the passengers on board. While this is obvious for multiple reasons, a few examples may help to make this point. For instance, the flight records provided by Dershowitz for a February 3, 2005, flight from CMH (Columbus, Ohio) to PBI (Palm Beach, Florida), indicate that in addition to Jeffrey Epstein, [REDACTED], [REDACTED], and Jean Luc Brunel, on board were three "females." The existence of these three "females" is conspicuously absent from the Rogers' logs. *Compare* Composite Exhibit 25 *with* Composite Exhibit 26 (Rogers Logs). Other flights, such as the March 18, 2005 flight from New York to Florida, taken by Maxwell, Epstein and [REDACTED]s are missing altogether from the Rogers logs. Likewise, flights that appear on the Rogers logs are missing from the logs produced by Dershowitz. Multiple examples lead to the clear conclusion that all produced logs are incomplete and may well have been heavily sanitized. For example, on February 9, 1998, Dershowitz flew on Epstein's private plane from Palm Beach, Florida, to Teterboro, New Jersey. One of the passengers is listed as "1 female." Exhibit 27. Who is that "female" – and what is her age? Similarly, Jane Doe No. 3 appears on a July 16, 2001, flight from Santa Fe, New Mexico to Teterboro, New Jersey, along with Epstein, Maxwell and [REDACTED]. Yet there is no earlier flight that would have landed Jane Doe No. 3 in New Mexico. According to the logs, the next flight is from Palm Beach to the U.S. Virgin Islands on July 23, 2001, although Jane Doe No. 3 does not appear. The impression is that she remained in the New Jersey area. However, on July 28, 2001, Jane Doe No. 3 is on a flight with Epstein from the Virgin Islands back to Palm Beach. *See* Exhibit 26. How did she get to the Virgin Islands?

The flight logs provide evidence of some of the individuals who were on some of the flights - nothing more. Accordingly, it would not be surprising to find that some of these flight logs do not mention Dershowitz, because they were likely designed to hide evidence of criminal activity – or perhaps later cleansed of such evidence. With that said, some interesting things do appear in the flight logs. Unlike any other of Epstein's numerous criminal defense attorneys, Dershowitz appears in the flight logs for flights on Epstein's private planes produced by pilot Rogers on numerous occasions. Dershowitz also appears on flights with various females, including Epstein's known procurer of underage girls, [REDACTED]. And, in contrast to recent media suggestions by Dershowitz, his family does not appear on any of the flights with him.

Jane Doe No. 3 is listed on the logs as a passenger at a time when she is under age 18. While the logs do not show Dershowitz on the same flight with her, it is abundantly clear that the logs do not contain evidence of all of the flights that she was on and that they are grossly incomplete. The flight logs do confirm that she was transported by Epstein to Florida, New York, London, New Mexico, and the U.S. Virgin Islands – locations where she states under oath that Epstein forced her to have sex with various individuals, including Dershowitz.

Finally, in Dershowitz's vociferous attacks on Jane Doe No. 3, the Court will see an eerie parallel to the Jeffrey Epstein criminal investigation. Back in 2005, when the Palm Beach Police Department was first investigating Epstein's sexual abuse, it interviewed more than a dozen minor girls. These girls all provided information about abuse similar to the abuse that Jane Doe No. 3 says she suffered in Florida. The Department accumulated overwhelming evidence placing underage girls at Epstein's residence with no obvious legal purpose. The logical explanation was that these young girls were being truthful when they told law enforcement that Epstein (and others) were sexually abusing them.

Rather than acknowledge sexual abuse of these girls, Dershowitz blustered down to Florida to meet with the State Attorney and to viciously attack the credibility of these victims – to call them liars, defame them as prostitutes, and convince the State Attorney that these girls could not even believably establish that they had ever even gone to Epstein’s mansion. *See, e.g.*, Depo. of Police Chief Michael Reiter at 53-55, 102-06, *B.B. [REDACTED] Epstein*, No. 502008CA037319 XXXX-MB-AB (Palm Beach Cty. Cir. Ct. Nov. 23, 2009) (excerpts attached as Exhibit 28); *see also* Depo. of Police Detective Joe Recarey at 301-302 and 309-10, *Jane Doe No. 2 [REDACTED] Epstein*, No. 9:08-cv-80119-KAM (S.D. Fla. Mar. 19, 2010) (excerpts attached as Exhibit 29) Later, Dershowitz would write to tell the Justice Department that “[REDACTED]” Letter from Gerald Lefcourt & Alan Dershowitz, July 6, 2007 to U.S. Atty.’s Office for the S.D. Fla (attached as Exhibit 30). Now, nearly a decade later, there should be no doubt in anyone’s mind that the minor girls who cooperated with the authorities told the truth about their sexual abuse inside Epstein’s home -- and that Dershowitz’s attack on their credibility was duplicitous. In fact, according to credible eyewitness testimony recounted above, Dershowitz was clearly present in the home while some of these girls were being abused. The Court should not allow Dershowitz’s similar bullying tactics to succeed in this case.³³

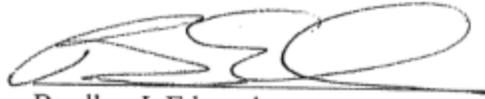
CONCLUSION

Dershowitz’s motion for intervention (DE 282) should be denied.

³³ In the media, Dershowitz has said that he will prove that *Jane Doe No. 3* is lying “beyond any doubt by physical and documentary evidence.” *The Last Word with [REDACTED] O’Donnell – MSNBC* (Jan. 8, 2015) <http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573>. The Court should compare this media assertion with the materials that Dershowitz files along with his reply brief.

DATED: January 21, 2015

Respectfully Submitted,



Bradley J. Edwards
FARMER, JAFFE, WEISSING,
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and

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* This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on January 21, 2015, on the following using the Court's CM/ECF system:

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Attorneys for Alan Dershowitz

/s/ Bradley J. Edwards

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

DECLARATION OF [REDACTED]

1. My name is [REDACTED] and I was born in [REDACTED]

2. I am currently 31 years old.

3. I grew up in Palm Beach, Florida. When I was little, I loved animals and wanted to be a veterinarian. But my life took a very different turn when adults began to be interested in having sex with me.

4. In approximately 1999, when I was 15 years old, I met Ghislaine Maxwell. She is the daughter of Robert Maxwell, who had been a wealthy publisher in Britain. Maxwell asked that I come with her to Jeffrey Epstein's mansion for the purposes of teaching me how to perform "massages" and to train me professionally in that area. Soon after that I went to Epstein's home in Palm Beach on El Brillo Way.

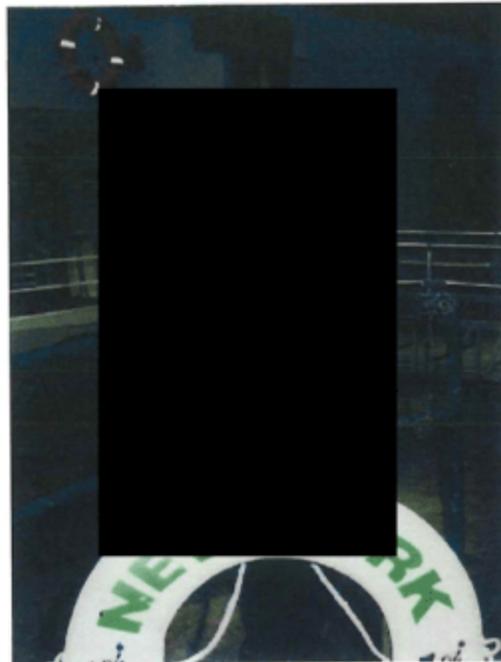
5. From the first time I was taken to Epstein's mansion that day, his motivations and actions were sexual, as were Maxwell's. My father was not allowed inside. I was brought up some stairs. There was a naked guy, Epstein, on the table in the room. Epstein and Maxwell forced me into sexual activity with Epstein. I was 15 years old at the time. He seemed to be in his 40s or 50s. I was paid \$200. I was driven home by one of Epstein's employees.

6. I came back for several days following and did the same sorts of sexual things for Epstein.

7. After I did those things for Epstein, he and Maxwell said they were going to have me travel and were going to get an education for me. They were promising me the world, that I would travel with Epstein on his private jet and have a well-paid profession. Epstein said he would eventually match me up with a wealthy person so that I would be "set up" for life.

8. So I started "working" exclusively for Epstein. He took me to New York on his big, private jet. We went to his mansion in New York City. I was shown to my room, a very luxurious room. The mansion was huge. I got scared because it was so big. Epstein brought me to a room with a massage parlor. To me, it looked like an S&M parlor. Epstein made me engage in sexual activities with him there.

9. You can see how young I looked in the photograph below.



10. Epstein took me on a ferry boat on one of the trips to New York City and there he took the picture above. I was approximately 15 or 16 years old at the time.

11. Over the next few weeks, Jeffrey Epstein and Ghislaine Maxwell trained me to do what they wanted, including sexual activities and the use of sexual toys. The training was in New York and Florida, at Epstein's mansions. It was basically every day and was like going to school. I also had to have sex with Epstein many times.

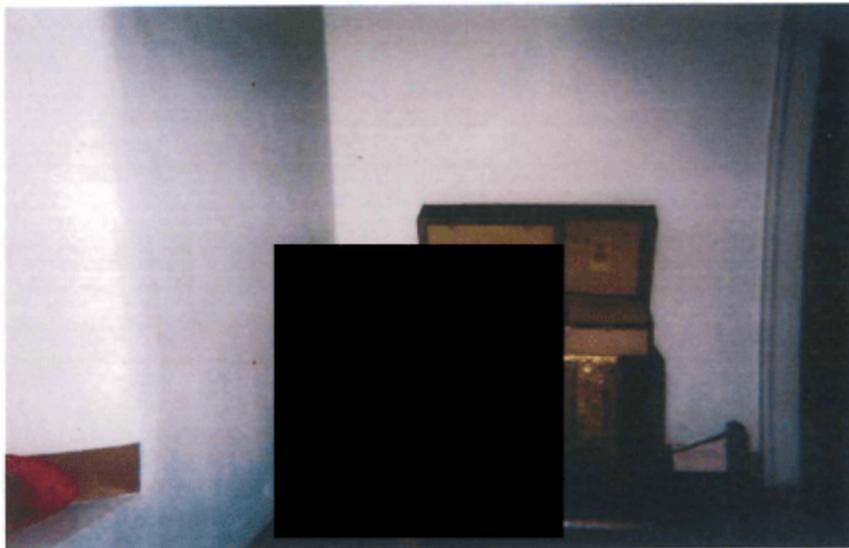
12. I was trained to be "everything a man wanted me to be." It wasn't just sexual training - they wanted me to be able to cater to all the needs of the men they were going to send me to. They said that they loved that I was very compliant and knew how to keep my mouth shut.

13. Epstein and Maxwell also told me that they wanted me to produce things for them in addition to performing sex on the men. They told me to pay attention to the details about what the men wanted, so I could report back to them.

14. From very early on I was fearful of Epstein. Epstein told me he was a billionaire. I told my mother that I was working for this rich guy, and she said "go, go far away." Epstein had promised me a lot, and I knew if I left I would be in big trouble. I also knew that I was a witness to a lot of illegal and very bad behavior by Epstein and his friends. If I left Epstein, he knew all kinds of powerful people. He could have had me killed or abducted, and I always knew he was capable of that if I did not obey him. He let me know that he knew many people in high places. Speaking about himself, he said "I can get away" with things. I was very scared, particularly since I was a teenager.

15. I visited and traveled with Jeffrey Epstein from 1999 through the summer of 2002, and during that time I stayed with him, as his sex slave, at each of his houses (really more like mansions) in locations including New York City, New York; the area of Santa Fe, New Mexico; Palm Beach, Florida; an island in the U.S. Virgin Islands; and Paris, France. I had sex with him often in these places and also with the various people he demanded that I have sex with. Epstein paid me for many of these sexual encounters. In fact, my only purpose for Epstein, Maxwell and their friends was to be used for sex.

16. To illustrate my connection to these places, I include four photographs taken of me in New Mexico (shown below). The first one is a museum in Santa Fe, New Mexico. We had gone sightseeing for the day. Epstein took this picture of me. I was approximately 17 at the time, judging from the looks of it. At the end of the day we returned to Epstein's Zorro Ranch. The second picture is me on one of Epstein's horses on the ranch in New Mexico. The following two are from wintertime in New Mexico.





17. When I was with him, Epstein had sex with underage girls on a daily basis. His interest in this kind of sex was obvious to the people around him. The activities were so obvious

and bold that anyone spending any significant time at one of Epstein's residences would have clearly been aware of what was going on.

18. Epstein's code word for sexual encounters was that it was a "massage". At times the interaction between Epstein and the girls would start in a massage room setting, it was always a sexual encounter and never just a massage.

19. In addition to constantly finding underage girls to satisfy their personal desires, Epstein and Maxwell also got girls for Epstein's friends and acquaintances. Epstein specifically told me that the reason for him doing this was so that they would "owe him," they would "be in his pocket," and he would "have something on them." I understood him to mean that when someone was in his pocket, they owed him favors. I also understood that Epstein thought he could get leniency if he was ever caught doing anything illegal, or more so that he could escape trouble altogether.

20. Ghislaine Maxwell was heavily involved in the illegal sex. I understood her to be a very powerful person. She used Epstein's money and he used her name and connections to gain power and prestige.

21. One way to describe Maxwell's role was as the "madame." She assumed a position of trust for all the girls, including me. She got me to trust her and Epstein. It turned out that Maxwell was all about sex all the time. She had sex with underage girls virtually every day when I was around her, and she was very forceful.

22. I first had sexual activities with her when I was approximately 15 at the Palm Beach mansion. I had many sexual activities with her over the next several years in Epstein's various residences plus other exotic locations. I had sex with Maxwell in the Virgin Islands,

New Mexico, New York, as well as France and many other locations. I also observed Maxwell have sex with dozens of underage girls.

23. Maxwell took pictures of many of the underage girls. These pictures were sexually explicit. Maxwell kept the pictures on the computers in the various houses. She also made hard copies of these images and displayed them in the various houses. Maxwell had large amounts of child pornography that she personally made. Many times she made me sleep with other girls, some of whom were very young, for purposes of taking sexual pictures.

24. Harvard law professor Alan Dershowitz was around Epstein frequently. Dershowitz was so comfortable with the sex that was going on that he would even come and chat with Epstein while I was giving oral sex to Epstein.

25. I had sexual intercourse with Dershowitz at least six times. The first time was when I was about 16, early on in my servitude to Epstein, and it continued until I was 19.

26. The first time we had sex took place in New York in Epstein's home. It was in Epstein's room (not the massage room). I was approximately 16 years old at the time. I called Dershowitz "Alan." I knew he was a famous professor.

27. The second time that I had sex with Dershowitz was at Epstein's house in Palm Beach. During this encounter, Dershowitz instructed me to both perform oral sex and have sexual intercourse.

28. I also had sex with Dershowitz at Epstein's Zorro Ranch in New Mexico in the massage room off of the indoor pool area, which was still being painted.

29. We also had sex at Little Saint James Island in the U.S. Virgin Islands. I was asked to give Dershowitz a massage on the beach. Dershowitz then asked me to take him somewhere more private, where we proceeded to have intercourse.

30. Another sexual encounter between me and Dershowitz happened on Epstein's airplane. Another girl was present on the plane with us.

31. I have recently seen a former Harvard law professor identified as Alan Dershowitz on television calling me a "liar." He is lying by denying that he had sex with me. That man is the same man that I had sex with at least six times.

32. Epstein made me have sex with Prince Andrew several times. Prince Andrew, Maxwell, and I are shown in the photograph below. I had sex with him three times, including one orgy. I knew he was a member of the British Royal Family, but I just called him "Andy."



33. One day when I was in London (specifically in a townhouse that is under Maxwell's name), I got news from Maxwell that I would be meeting a prince. Later that day, Epstein told me I was meeting a "major prince." Epstein told me "to exceed" everything I had been taught. He emphasized that whatever Prince Andrew wanted, I was to make sure he got.

34. Eventually Prince Andrew arrived, along with his security guards. The guards then went out of the house and stayed out front in their car. It was just Epstein, Maxwell, and me inside alone with Andy. I was introduced to the Prince, and we kissed formally, cheek to cheek.

There was a lot of legal discussion about Andy and his ex-wife ("Fergie"). Then the discussion turned to me. Maxwell said "guess how old she is." Prince Andrew guessed 17.

35. Then we all went to a Chinese restaurant for dinner and then to Club Tramp, a fancy "members only" night club in central London. Andy arranged for alcohol to be provided to me at the club. Eventually we left. I rode with Epstein and Maxwell back to the townhouse. On the way there, Epstein and Maxwell informed me that the Prince wanted to see "more of me" that night. Andy traveled in a separate car with his guards.

36. We all arrived back at the townhome and went upstairs. Epstein took a picture of me and Andy with my own camera. The picture above is that picture, which has been widely circulated on the internet. Andy has his left arm around my waist and is smiling. The picture was developed on March 13, 2001, and was taken sometime shortly before I had it developed. I was 17 years old at the time.

37. I wanted a picture with the prince because I was keeping in contact with my family. I had told my mom and my grandma that I was meeting Prince Andrew and that I'd take a picture for them. They told me to "be careful."

38. After the picture, Epstein and Maxwell kissed me and said to "have fun." They left Andy and me alone upstairs. We went to the bathroom and bedroom, which were just steps away from where the picture was taken. We engaged in sexual activities there. Afterwards, Andy left quickly with his security.

39. I chatted with Epstein about this the next day. I told him, "it went great." Epstein said something to the effect of, "You did well. The Prince had fun." I felt like I was being graded. It was horrible to have to recount all these events and have to try to meet all these needs

and wants. I told Epstein about Andy's sexual interests in feet. Epstein thought it was very funny. Epstein appeared to be collecting private information about Andy.

40. When I got back from my trip, Epstein paid me more than he had paid me to be with anyone else – approximately \$15,000. That money was for what I had done and to keep my mouth shut about “working” with the Prince.

41. The second time I had sex with Prince Andrew was in Epstein's New York mansion in spring 2001. I was 17 at time. Epstein called me down to his office. When I got there, Epstein was there, along with Maxwell, [REDACTED], and Andy. I was very surprised to see him again. Epstein and Maxwell were making lewd jokes about “Randy Andy”.

42. I had the impression that Andy had come there to see Epstein and to have sex me with. There was no other apparent purpose for Andy to be there.

43. I was told to go upstairs with Andy and to go to the room I thought of as the “dungeon” (the massage room, but it is really scary looking). I had sex with Andy there. I was only paid \$400 from Epstein for servicing Andy that time.

44. The third time I had sex with Andy was in an orgy on Epstein's private island in the U.S. Virgin Islands. I was around 18 at the time. Epstein, Andy, approximately eight other young girls, and I had sex together. The other girls all seemed and appeared to be under the age of 18 and didn't really speak English. Epstein laughed about the fact they couldn't really communicate, saying that they are the “easiest” girls to get along with. My assumption was that Jean Luc Brunel got the girls from Eastern Europe (as he procured many young foreign girls for Epstein). They were young and European looking and sounding.

45. Afterwards we all had dinner by the cabanas. The other girls were chatting away among themselves, and Epstein and the Prince chatted together. I felt disgusted, and went

quickly to my own cabana that night and went to sleep. Prince Andrew must have flown out early the next morning, as I did not see him when I got up.

46. I have seen Buckingham Palace's recent "emphatic" denial that Prince Andrew had sexual contact with me. That denial is false and hurtful to me. I did have sexual contact with him as I have described here – under oath. Given what he knows and has seen, I was hoping that he would simply voluntarily tell the truth about everything. I hope my attorneys can interview Prince Andrew under oath about the contacts and that he will tell the truth.

47. I also had sexual intercourse with Jean Luc Brunel many times when I was 16 through 19 years old. He was another of Epstein's powerful friends who had many contacts with young girls throughout the world. In fact, his only similarity with Epstein and the only link to their friendship appeared to be that Brunel could get dozens of underage girls and feed Epstein's (and Maxwell's) strong appetite for sex with minors.

48. Brunel ran some kind of modeling agency and appeared to have an arrangement with the U.S. Government where he could get passports or other travel documents for young girls. He would then bring these young girls (girls ranging in age from 12 to 24) to the United States for sexual purposes and farm them out to his friends, including Epstein.

49. Brunel would offer the girls "modeling" jobs. A lot of the girls came from poor countries or poor backgrounds, and he lured them in with a promise of making good money.

50. I had to have sex with Brunel at Little St. James (orgies), Palm Beach, New York City, New Mexico, Paris, the south of France, and California. He did not care about conversation, just sex.

51. Jeffrey Epstein has told me that he has slept with over 1,000 of Brunel's girls, and everything that I have seen confirms this claim. Epstein, Brunel, and Maxwell loved orgies with

kids – that is, having sexual interactions with many young teenagers at the same time. Sometimes as many as ten underage girls would participate in a single orgy with them. I personally observed dozens of these orgies. The orgies happened on Epstein's island in the U.S. Virgin Islands, in New Mexico, Palm Beach, and many other places. Most of the girls did not speak English. It was my understanding that the girls had been persuaded to come by Brunel offering them illegal drugs or a career in modeling. Brunel was one of the main procurers of girls.

52. In addition to Ghislaine Maxwell, [REDACTED], [REDACTED], and [REDACTED] were also involved in the orgies. At this stage, I am hopeful that these other women will come forward and tell the truth about everything because that will help prevent future similar abuse.

53. I have seen reports saying or implying that I had sex with former President Bill Clinton on Little Saint James Island. Former President Bill Clinton was present on the Island at a time when I was also present on the Island, but I have never had sexual relations with Clinton, nor have I ever claimed to have had such relations. I have never seen him have sexual relations with anyone.

54. I now understand that Epstein reached a non-prosecution agreement with the federal government in 2007 and pled guilty to two state crimes in June 2008. I now know that I was identified by the federal government as one of Epstein's and his co-conspirator's sexually abused victims. However, no one told me about those events until after they happened.

55. On September 3, 2008, the FBI sent a victim notification letter to me. This was the first written communication I had received from the FBI. The letter is attached as Exhibit 1. The letter describes an agreement in which compensation would be made victims of Epstein's

sexual abuse. The letter also said that the federal government was going to “defer federal prosecution.” No one had told me about deferring federal prosecution before this.

56. In 2011, two FBI agents, called me in [REDACTED] and then came to meet me. They met me at the U.S. Consulate in [REDACTED]. They seemed to be very professional and hard working. I thought to myself, “Wow, these people will do the right thing against the bad guys and protect me.”

57. The agents were mainly focused on Epstein but while there I provided them some information about others who were involved in illegal acts as well. I was aware that a false statement to these law enforcement officers was a crime and I told the truth – giving them the information that I could recall about the individuals they inquired about.

58. Epstein also trafficked me for sexual purposes to many other powerful men, including politicians and powerful business executives. Epstein required me to describe the sexual events that I had with these men presumably so that he could potentially blackmail them. I am still very fearful of these men today.

59. I will continue to cooperate fully in the investigation and prosecution of Epstein, Maxwell, or any of their friends who participated in the sexual abuse of minors. I also hope that this information is treated in a way that will keep me safe from Epstein and others criminals identified here so as to encourage more victims of similar crimes to come forward. If these crimes are not prosecuted, despite my volunteering this information and cooperation, then it may deter other similar victims from coming forward.

60. In this affidavit, I have tried to focus on how I was trafficked for sexual purposes. I have not described all of the details of the sexual activities Epstein forced me to have. Also, I have not described all of the details of the other events discussed here. If a judge wants me to

present my information in more detail, including more specific descriptions of the sexual activities with the men Epstein sent me to, I could do so.

61. I have directed my attorneys, Bradley J. Edwards and Paul G. Cassell, to pursue all reasonable and legitimate means to have criminal charges brought against these powerful people for the crimes they have committed against me and other girls. They are representing me in this case pro bono.

62. Since I filed my motion in this case, my credibility has been attacked. I am telling the truth and will not let these attacks prevent me from exposing the truth of how I was trafficked for sex to many powerful people. These powerful people seem to think that they don't have to follow the same rules as everyone else. That is wrong. I hope that by coming forward, I can help expose the problem of sex trafficking and prevent the same sort of abuse and degradation that happened to me from happening to other girls.

63. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of January, 2015.

(Location of signature left undisclosed for security reasons)



EXHIBIT 1



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777*

September 3, 2008

NOTIFICATION OF IDENTIFIED VICTIM

NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

September 3, 2008

VIA COURIER

Re: Jeffrey Epstein/ NOTIFICATION OF
IDENTIFIED VICTIM

Dear :

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice because you are an identified victim of a federal offense.

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions, including the following:

1. An independent Special Master was assigned the task of selecting an attorney representative to represent the victims, including you, in connection with civil actions between the victims and Mr. Epstein. The

NOTIFICATION OF IDENTIFIED VICTIM
SEPTEMBER 3, 2008
PAGE 2 OF 3

Special Master selected Robert Josefsberg, Esq. of the firm Podhurst Orseck, P.A., a highly-respected and experienced attorney. You are not obligated to use Mr. Josefsberg as your civil attorney, but, as explained in greater detail below, Mr. Josefsberg's services will be provided at no cost to you because Mr. Epstein is obligated to pay the costs and fees of the attorney-representative. Also, Mr. Epstein and his attorneys can only contact you via Mr. Josefsberg, assuming that you would like Mr. Josefsberg to serve as your attorney.

2. If you elect to file suit against Mr. Epstein pursuant to Title 18, United States Code, Section 2255, Mr. Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Mr. Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between you and Mr. Epstein, so long as you elect to proceed exclusively under 18 U.S.C. § 2255, and you waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, Epstein's agreement with the United States, his waivers and failure to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
3. As stated above, Mr. Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, you and Mr. Josefsberg elect to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or you elect to pursue any other contested remedy, the obligation to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in Section 2255, shall cease.

Please contact either myself at _____ or Justice
Department Victim-Witness Specialist Twiler Smith at _____ with a good
telephone number and/or e-mail address, so that we may provide Mr. Josefsberg with a
timely means of communicating with you. If you would like to contact Mr. Josefsberg

NOTIFICATION OF IDENTIFIED VICTIM
SEPTEMBER 3, 2008
PAGE 3 OF 3

directly, he can be reached at +1 305 358-2800.

If you have already selected other counsel to represent you, or if you do so in the future, and you decide to file a claim against Jeffrey Epstein, Mr. Epstein's attorney, Jack Goldberger, asks that you have your attorney contact Mr. Goldberger at Atterbury Goldberger and Weiss, [REDACTED], (561) 659-8300.

In addition, there has been litigation between the United States and two other victims regarding the disclosure of the entire agreement between the United States and Mr. Epstein. Mr. Josefsberg can provide further guidance on this issue, or if you select another attorney to represent you, that attorney can review the Court's order in the matter of *In re Jane Does 1 and 2*, United States District Court for the Southern District of Florida Court File No. 08-80736-CIV-MARRA.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation. Thank you for all of your assistance during the course of the federal and state investigations and please accept the heartfelt regards of myself and Special Agents Kuyrkendall, Slater, and Richards for your health and well-being.

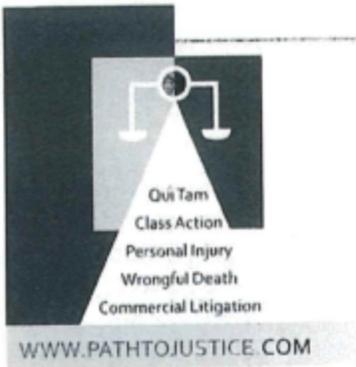
Sincerely,

R. Alexander Acosta
United States Attorney

By: 
A. Marie Villafañá
Assistant United States Attorney

cc: Robert Josefsberg, Esq.
Jack Goldberger, Esq.

EXHIBIT 2



Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

August 20, 2014

Wifredo A. Ferrer
United States Attorney
Southern District of Florida

RE: *Jane Does 1 and 2* ■ *United States*
Case No. : 08-80736-Civ-Marra/Johnson

Dear Mr. Ferrer:

As you know, we have been in litigation for more than six years on a case under the Crime Victims' Rights Act – a case that involves decisions that were all made before you took office and that gave Jeffrey Epstein an expansive non-prosecution agreement. Several years ago you were nice enough to meet with us and one of our clients to discuss the case, which we really appreciated. More recently we contacted the line attorneys working on the case to see if we could reach some stipulated facts on various issues surrounding the case.

It is in that spirit of trying to avoid unnecessary battles that we wanted to alert you to a motion we are preparing to file to see whether this could be a stipulated motion. Our CVRA case is brought on behalf of two sexual assault victims – Jane Doe #1 and Jane Doe #2. We would like to add a third victim to the case – Jane Doe #3. Her true name is [REDACTED], although we would seek to keep her identity confidential during the proceedings. We contacted your office about prosecuting the crimes Jeffrey Epstein committed against her a couple years ago when we realized that she was not included in the NPA; however, we were told that despite not knowing about this particular victim when the agreement with Epstein was reached, the NPA was drafted so broadly as to preclude criminal charges for the crimes committed against her. Adding her to the case will not expand the issues in the case. Nor will it result in any new discovery or additional delay.

[REDACTED]

Wifredo A. Ferrer
August 20, 2014
Page 2

Jane Doe #3 was sexually abused numerous times by Jeffrey Epstein. She is keenly interested in having our CVRA case fairly resolved. We also note that, under the CVRA, Justice Department prosecutors are obligated to use their "best efforts" to help protect crime victims' rights. As such, we ask for your stipulation to this amendment.

A copy of our soon-to-be-filed motion is attached. We wanted to show you what it looked like in hopes that you might be able to support it. We would, of course, be glad to consider making any changes to the motion that would help garner your support.

Thanks in advance for considering this request.

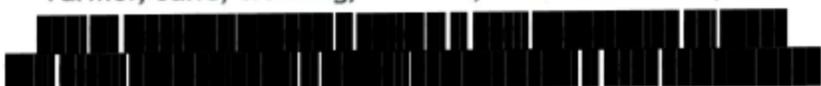
Very truly yours,

FARMER, JAFFE, WEISSING, EDWARDS, FISTOS & LEHRMAN, P.L.



Bradley J. Edwards
BJE::mwk
Enclosure

Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES
_____ /

JANE DOE #3'S MOTION TO JOIN CVRA ACTION

COME NOW Jane Doe #3, by and through undersigned counsel, to move this Court to join this action. Because Jane Doe #3's rights have been violated in the same way as the two other victims, and because the Crime Victims' Rights Act (CVRA) contains no statute of limitations, she should be allowed to join this action.

As the Court is aware, more than six years ago Jane Doe #1 filed the present action against the United States, alleging a violation of her rights under the CVRA, 18 U.S.C. § 3771. She alleged that Jeffrey Epstein had sexually abused her and that the United States had entered into a secret non-prosecution agreement regarding those crimes in violation of her rights. At the first court hearing on the case, the Court allowed Jane Doe #2 to also join the action. Both Jane Doe #1 and Jane Doe #2 specifically argued that the government had failed to protect their CVRA rights (inter alia) to confer, to reasonable notice, and to be treated with fairness. In response, the Government argued that the CVRA rights did not apply to Jane Doe #1 and Jane Doe #2 because no federal charges had ever been filed against Jeffrey Epstein.

Last June, the Court rejected the United States' position. The Court concluded that the CVRA extended rights to Jane Doe #1 and Jane Doe #2 even though charges were never filed. The Court explained that because the NPA barred prosecution of crimes committed against them by Epstein, they had "standing" to assert violations of the CVRA rights. DE 189. The Court deferred ruling on whether the two victims would be entitled to relief, pending development of a fuller evidentiary record.

Jane Doe #3¹ was sexually abused by Jeffrey Epstein more than twenty times in and after the summer of 2002. Thereafter, in 2007, when the United States entered into its non-prosecution agreement with Epstein, the United States had identified more than 40 victims by name and knew that many more existed. Jane Doe #3 was unknown to the United States, yet the United States entered into an agreement with Epstein – the NPA – which purports to preclude prosecution against Epstein in the Southern District of Florida, even for serious sexual offenses against Jane Doe #3 that are not barred by the Statute of Limitations. Jane Doe #3 was never even contacted by the United States, yet the United States contracted away her rights.

Jane Doe #3 now moves to join the action filed by Jane Doe #1 and Jane Doe #2. She believes that her rights were violated in the same fashion as the other victims.

Adding her to this case will not prejudice the United States. Jane Doe #3 does not seek any additional discovery beyond that previously sought by Jane Doe #1 and Jane Doe #2. Accordingly, the United States will not be prejudiced or burdened by adding her to this case. Indeed, adding her to this case may simplify certain issues, as it appears that the United States

¹ Because she was sexually assaulted as a minor, Jane Doe #3 proceeds in this motion by way of a pseudonym.

made no effort whatsoever to inform her about the non-prosecution agreement and cannot possibly argue otherwise, in contrast to certain limited steps that the United States may argue to have taken with regard to Jane Doe #1 and Jane Doe #2.

The CVRA does not contain any statute of limitations for filing an action to enforce rights under the statute. Accordingly, her motion should be granted.

Jane Doe #1 and Jane Doe #2 support the motion. The United States [insert position
XXXXXXXXXXXXXXXXXX].

CONCLUSION

Jane Doe #3 should be allowed to join this action. A proposed order allowing her to join is attached to this pleading.

DATED: August 20, 2014

Respectfully Submitted,

/s/ Bradley J. Edwards
Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.



and

Paul G. Cassell
Pro Hac Vice
S.J. Quinney College of Law at the
University of Utah



[REDACTED]

Attorneys for Jane Doe #3

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on August 20, 2014, on the following using the Court's CM/ECF system:

[REDACTED]

500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401

[REDACTED]

Attorneys for the Government

Roy Black, Esq.
Jackie Perczek, Esq.

[REDACTED]

Jay P. Lefkowitz
Kirkland & Ellis, LLP

[REDACTED]

Martin G. Weinberg, P.C.

[REDACTED]

Criminal Defense Counsel for Jeffrey Epstein

/s/ Bradley J. Edwards

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Wifredo Ferrer.</i> <i>US Attorney</i> <i>Southern Dist. Fla.</i> <i>99NE 4th St.</i> <i>Miami, FL 33132</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article (Tran) <i>7012 2920 0002 1824 6972</i></p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT THE DOTTED LINE!

CERTIFIED MAIL™



7012 2920 0002 1824 6972
7012 2920 0002 1824 6972

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Does 1+2

Postmark
Here
8/20/2014

Sent To *Wifredo Ferrer*

Street, Apt. No., or PO Box No.

City, State, ZIP+4 *Miami, FL*

PS Form 3800, August 2006 See Reverse for Instructions

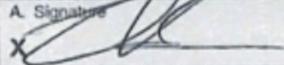
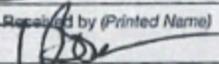
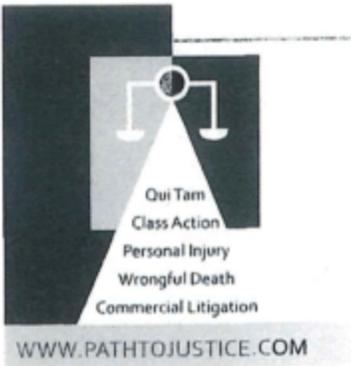
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee 
1. Article Addressed to: <i>Wifredo Ferrer.</i> <i>US Attorney</i> <i>Southern Dist. Fla.</i> <i>99NE 4th St.</i> <i>Miami, FL 33132</i>	B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery  MIA AUG 22 2011
2. Article (Transit)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:
PS Form	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

EXHIBIT 3



Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

November 19, 2014

VIA CERTIFIED MAIL
7009 1680 0000 4959 2808

Wifredo A. Ferrer
United States Attorney
Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132

RE: *Jane Does 1 and 2 v. United States*
Case No. : 08-80736-Civ-Marra/Johnson

Dear Mr. Ferrer:

I sent you a letter in August requesting your office's stipulation to our adding Jane Doe #3 in this case. Unfortunately, we did not receive a response from your office. We are hopeful that your lack of a response was simple oversight.

In addition to following up on the August letter, we are now requesting your Stipulation to the adding of Jane Doe #4 as well. Her true name is [REDACTED] She was identified by your office during the Federal Investigation, and consequently her name appeared on the list of victims attached to Mr. Epstein's Non-Prosecution Agreement.

As we expressed in our personal meetings a couple years ago, we don't understand the tactical decision to be adversarial to the victims of known sexual abuse on every point in this litigation. Now that many of those issues we discussed have been resolved in our favor, it seems to make even more sense to avoid engaging in unnecessary battles that could only serve the purpose of delaying the victims' rights to have this case resolved on its merits.

As I indicated in my August letter requesting your stipulation to the adding of Jane Doe #3, adding Jane Doe #4 will also not delay matters, so long as we can stipulate to her being added. Without a stipulation, we foresee litigation over this point, which will produce nothing but additional delay – and further question about your Office's commitment to full protection of victims' rights under the Crime Victims Rights Act.

Wifredo A. Ferrer
November 19, 2014
Page 2

Your office is very familiar with [redacted] and her circumstance. She was sexually trafficked and abused by Mr. Epstein (and others at the direction of Mr. Epstein) not only in this jurisdiction but throughout the United States and beyond. Unlike Jane Doe #3, Jane Doe #4 was included as a named victim in the NPA.

There is no statute of limitations in bringing such claims, and I think we would agree that the current case is the best vehicle through which to bring these claims, as opposed to forcing us to file new actions and starting over on issues and claims inextricably intertwined with the current litigation. We don't see a good reason for denying our motion, so we anticipate prevailing at the end. But even if you were to object and prevail on the motion to add her to the current litigation, the only consequence would be that [redacted] would then file a separate CVRA lawsuit, something she is entitled to do because the CVRA contains no time limit. We are simply trying to avoid all this entirely unnecessary complication.

We have, throughout this case, consciously avoided filing anything that would unnecessarily cast your office in a bad light, and it is again with that in mind that we request your stipulation here. We need this stipulation by December 10, 2014 to avoid delaying any other aspects of this case. We will not file any pleadings on this subject before that date.

Lastly, we feel that we are once again at a stage in this litigation where it may make sense to meet again face-to-face to attempt to resolve, or at least narrow, some issues in an effort to avoid litigating some of the matters that we will be forced to litigate if the parties continue along this unreasonably adversarial path.

Thanks in advance for considering this request.

Very truly yours,

FARMER, JAFFE, WEISSING, EDWARDS, FISTOS & LEHRMAN, P.L.



Bradley J. Edwards
BJE::mwk

Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.



C.

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EXHIBITS

4 and 5

From: (USAFLS)
Sent: Wednesday, December 03, 2014 1:03 PM
To: Brad Edwards; (USAFLS)
Cc: Paul Cassell
Subject: RE: Doe US

Brad,

The U.S. Attorney has both your letters and is considering the matter, as well as your request for a meeting. I will try to get an answer for you as soon as possible.

From: Brad Edwards
Sent: Wednesday, December 03, 2014 2:12 PM
To: Redacted (USAFLS); Redacted (USAFLS)
Cc: Paul Cassell
Subject: Doe US

When we spoke a few months ago, I told you that we represented _____ and were considering adding her to this suit. At the time of our call we asked if you would agree to our adding her, and I understood that you would have to check with others. Consequently, I sent a couple of letters to Mr. Ferrer that I have attached to this email. I was hoping for a response letting me know that the Office would not oppose the amendments adding Doe 3 and 4. We also suggested in the letters that perhaps a meeting is in order at this point. I know you cannot speak for Mr. Ferrer on that point, which was another reason for addressing the letter to him.

I realize our 11/19 letter asked for a response by the 10th. However, I was hoping you could give me some indication whether we will get an answer before the 10th (and perhaps what that answer will be), because if there will not be an agreement to adding these Plaintiffs then I want to get the Motion prepared. Let me know something as soon as you can. Thanks.

Sincerely,



**Farmer, Jaffe, Weissing,
Edwards, Fistas & Lehrman, P.L.L.C.**

Brad Edwards
Board Certified Trial Attorney

[REDACTED]



C.

C.

EXHIBIT 6

Subject: FW: Motion to Add Petitioners

From: (USAFLS)
Sent: Wednesday, December 10, 2014 4:49 PM
To: Brad Edwards; Paul Cassell
Subject: Motion to Add Petitioners

Brad and Paul,

The U.S. Attorney is on travel and I do not have an answer for you on whether the government will agree to the addition of two new petitioners. I appreciate you not filing your motion until December 10, 2014. If you need to file the motion, we understand. Thanks.

C.

C.

EXHIBIT 7

Subject: FW: Meeting in January 2015

From: (USAFLS)
Sent: Tuesday, December 16, 2014 3:03 PM
To: Brad Edwards; Paul Cassel
Subject: Meeting in January 2015

Brad and Paul,

We would like to schedule a meeting with the Executive Division, as you requested, for January 2015, at a time convenient for both of you. Also, do and wish to attend?

Please let me know of a suitable time for all parties who wish to attend. Thanks.

C.

C.

EXHIBIT 8

Subject: FW: Meeting in January 2015

From: Brad Edwards
Sent: Tuesday, December 16, 2014 3:49 PM
To: Redacted (USAFLS); Paul Cassell
Subject: RE: Meeting in January 2015

Thanks

I am hopeful that we can use the meeting time to discuss a plan to bring this case to a streamlined resolution. I will check with the clients about attendance at the meeting. I believe that at least [redacted] will want to attend. Paul and I will get you some dates that work on our end.

In the meantime, I would like to get your agreement to our Motion to add [redacted] and [redacted] as parties. They do not want to delay being added, and I see no reason for that delay anyway. Please let me know your position on that Motion.

Thank you for getting back to me. We will get you some proposed meeting dates quickly and look forward to a productive meeting.

Sincerely,



**Farmer, Jaffe, Weissing,
Edwards, Fistos & Lehrman, P.L.**

Brad Edwards
Board Certified Trial Attorney

[Redacted contact information]



EXHIBIT 9

Subject: FW: Meeting in January 2015

From: Brad Edwards
Sent: Monday, December 22, 2014 12:17 PM
To: Redacted (USAFLS); Paul Cassell
Subject: RE: Meeting in January 2015

We have a few available dates to choose from. January 21-22 and 28-29. Hopefully one of those will work for you guys.

On the motion to add and , I don't believe you indicated your position. As we said, we hoped you would agree, or at least not oppose, but either way we would like to know your position so that we can so inform the Court.

Thanks again. Please let me know which meeting date works best so that those coming from out of town can make arrangements.

Sincerely,



**Farmer, Jaffe, Weising,
Edwards, Fistos & Lehrman, P.L.L.C.**

Brad Edwards
Board Certified Trial Attorney

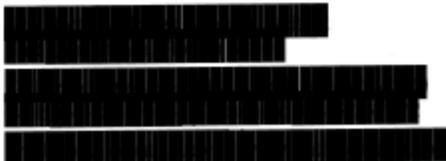


EXHIBIT 10

Subject: FW: Meeting in January 2015

From: (USAFLS)
Sent: Tuesday, December 23, 2014 6:19 PM
To: Brad Edwards; Paul Cassell
Subject: RE: Meeting in January 2015

Brad and Paul,

We will let you know which dates are good for us. We actually wanted to discuss adding the new parties to the case at the meeting. Our position is that we oppose adding new petitioners at this stage of the litigation.

Best Wishes for a wonderful holiday to you and your families.

EXHIBIT 11

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE-15-000072 - 05

BRADLEY J. EDWARDS and
PAUL G. CASSELL,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

COMPLAINT

Plaintiffs, BRADLEY J. EDWARDS and PAUL G. CASSELL, by and through their undersigned attorneys, sue the Defendant, ALAN M. DERSHOWITZ, and allege:

1. This is an action for damages in an amount in excess of the minimum jurisdictional limits of this Court.
2. PAUL G. CASSELL is a resident of the State of Utah, is sui juris, is a former United States federal judge, who is a professor at the S.J. Quinney College of Law at the University of Utah. He is and at all times material hereto has been a member in good standing of the Bar of the State of Utah and has been and continues to be admitted to practice pro hac vice in the State of Florida.
3. Prior to assuming his teaching responsibilities, PAUL G. CASSELL clerked first for the U.S. Court of Appeals for the D.C. Circuit (1984-1985) and then from 1985 to 1986 clerked for the United States Supreme Court before serving as an Associate Deputy Attorney

Edwards and Cassell v. Dershowitz
Complaint

General with the U.S. Justice Department and as an Assistant United States Attorney for the Eastern District of [REDACTED].

4. PAUL G. CASSELL was sworn in as a U.S. District Court Judge for the District of Utah in July of 2002 and served in that position for over 5 years before turning his full time attention to crime victims' rights and criminal justice reform.

5. PAUL G. CASSELL has at all material times enjoyed a highly favorable national reputation particularly related to his crime victims' rights work.

6. PAUL G. CASSELL has served as co-counsel with BRADLEY J. EDWARDS in representing the interests of multiple victims of billionaire, serial child abuser, Jeffrey Epstein, including in particular a pending action in Federal District Court for the Southern District of Florida under the federal Crime Victims' Rights Act (CVRA) which challenges the legality of a secret deal that immunized Jeffrey Epstein and associates of Epstein from federal criminal prosecution despite evidence that Epstein had sexually assaulted over 40 female minors on hundreds of occasions with the active help and participation of multiple associates.

7. BRADLEY J. EDWARDS is a resident of Broward County, Florida, is sui juris, and is and at all times material hereto has been an attorney duly licensed to practice law and regularly engaged in the practice of law throughout the State of Florida and beyond.

8. Despite having previously been the victim of character assassination by the Defendant, ALAN M. DERSHOWITZ'S associate and client, Jeffrey Epstein, BRADLEY J. EDWARDS enjoys a highly favorable national reputation particularly related to his work in defending the rights of child victims of sexual abuse.

Edwards and Cassell v. Dershowitz
Complaint

9. Before entering the private practice of law, BRADLEY J. EDWARDS was a trial attorney at the Broward County State Attorney's Office responsible for the prosecution of many major and violent crimes. He is a Florida Bar Board Certified Civil Trial Attorney who has tried dozens of jury trials.

BRADLEY J. EDWARDS has been profiled in The Best Lawyers in America and recognized by the National Trial Lawyers Association by inclusion in its "Top 40 Under 40" listing. BRADLEY J. EDWARDS' professional peers have given him a Martindale-Hubbell rating of "AV" attesting to the highest level of professional excellence and unquestionable ethics.

10. BRADLEY J. EDWARDS has been actively involved for the better part of the last decade in representing multiple victims of the billionaire, serial child abuser, Jeffrey Epstein.

11. Defendant, ALAN M. DERSHOWITZ, upon information and belief is a resident of the State of Florida and is sui juris.

12. Defendant, ALAN M. DERSHOWITZ, is an attorney whose involvement in multiple high-profile legal matters has enabled him to command easy access to mass media news sources.

13. Defendant, ALAN M. DERSHOWITZ, was one of a very large team of lawyers involved in defending Jeffrey Epstein during his criminal investigation, and according to DERSHOWITZ'S own public statements, DERSHOWITZ was responsible for negotiating Epstein's secret deal with the federal government which afforded protection not only to Epstein but to various of his associates as well.

Edwards and Cassell v Dershowitz
Complaint

14. In fulfillment of their obligations to two Epstein-victim clients, BRADLEY J. EDWARDS and PAUL G. CASSELL filed and have been aggressively prosecuting a legal action in the Federal District Court as previously described in Paragraph 6.

15. BRADLEY J. EDWARDS and PAUL G. CASSELL on behalf of two additional Epstein-victim clients sought the agreement of the federal government to permit those clients to intervene in the already pending CVRA action. The government declined to agree to the intervention, thus requiring EDWARDS and CASSELL to file legal pleadings seeking a Court Order permitting intervention on the basis of specifically alleged factual allegations.

16. Among the factual allegations made by EDWARDS and CASSELL were allegations that Defendant, DERSHOWITZ, had knowledge of and participation in Epstein's criminal conduct.

17. Immediately following the filing of what the Defendant, DERSHOWITZ, knew to be an entirely proper and well-founded pleading, DERSHOWITZ initiated a massive public media assault on the reputation and character of BRADLEY J. EDWARDS and PAUL G. CASSELL accusing them of intentionally lying in their filing, of having leveled knowingly false accusations against the Defendant, DERSHOWITZ, without ever conducting any investigation of the credibility of the accusations, and of having acted unethically to the extent that their willful misconduct warranted and required disbarment.

18. The details of Defendant, DERSHOWITZ'S character assassination of BRADLEY J. EDWARDS and PAUL G. CASSELL are typified by the contents of the CNN interview available to be accessed on the internet at:

Edwards and Cassell ■ Dershowitz
Complaint

<http://www.cnn.com/2015/01/05/europe/prince-andrew-sex-abuse-allegations/index.html#>
That interview is incorporated herein by reference.

19. The same or substantially identical accusations of deliberate misconduct and unethical behavior warranting disbarment of the Plaintiffs were repeated by the Defendant, DERSHOWITZ, in multiple nationally televised interviews, in statements to and repeated by national and international print news sources, and various other forms nationally and internationally.

20. The Defendant, DERSHOWITZ'S statements were false and known by him to be false at the time they were made. DERSHOWITZ was speaking from his Miami residence at the time he made the false and defamatory statements.

21. Alternatively, DERSHOWITZ made the statements in reckless disregard of their truth or falsity, intending that the statements would provide support for DERSHOWITZ'S false protestations of his own innocence and direct attention away from DERSHOWITZ'S personal knowledge of and involvement in Epstein's criminal conduct and the subsequent cover up of that misconduct.

22. DERSHOWITZ'S statements were and are defamatory per se directly attacking the fitness of the Plaintiffs to engage in the honored profession of the practice of law.

23. DERSHOWITZ acted in willful, wanton, reckless, and intentional disregard of the rights of the Plaintiffs and under such circumstances as to warrant the imposition of punitive damages.

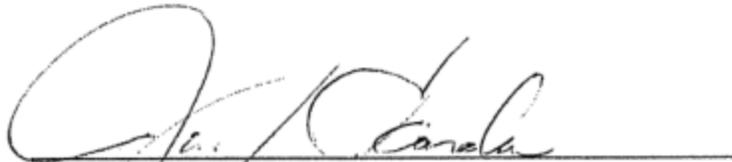
Edwards and Cassell v. Dershowitz
Complaint

24. As the statements made by DERSHOWITZ are defamatory per se, injury to the Plaintiffs is presumed as a matter of law.

WHEREFORE, Plaintiffs demand judgment against the Defendant, ALAN M. DERSHOWITZ, for compensatory damages, costs, pre and post-judgment interest, and such other and further relief as the Court may deem appropriate under the circumstances. Plaintiffs reserve the right to assert claims for punitive damages upon satisfying the applicable statutory prerequisites.

Plaintiffs further demand trial by jury.

Dated this 6TH day of January, 2015.



JACK SCAROLA

Florida Bar No.: 169440

Attorney E-Mail(s):

[REDACTED]

Searcy Denney Scarola Barnhart & Shipley, P.A.

[REDACTED]

Attorneys for Plaintiffs

EXHIBIT 12

ALAN M. DERSHOWITZ
1575 MASSACHUSETTS AVENUE
CAMBRIDGE • MASSACHUSETTS • 02138

August 15, 2011

Jack Scarola, Esq.
Searcy Denney Scarola Barnhart & Shipley

Re: Edwards adv. Epstein

Dear Mr. Scarola:

As you may know, I was Jeffrey Epstein's attorney when he submitted his guilty plea. Accordingly, "any knowledge" I may have in connection with that plea is privileged information. If you would let me know what non-privileged information you would seek from me, I would then be able to decide whether to cooperate.

Sincerely,


Alan M. Dershowitz

EXHIBIT 13

SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY P.A.

*Attorneys
at Law*

WEST PALM BEACH OFFICE:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

TALLAHASSEE OFFICE:

THE TOWLE HOUSE
[Redacted]
[Redacted]

(850) 224-7600
1-888-549-7011

August 23, 2011

Alan M. Dershowitz, Esquire

[Redacted]

Re: Edwards adv. Epstein
Our File No.: 291874

Dear Mr. Dershowitz:

We do not intend to inquire about any privileged communications or attorney work product. We do, however, have reason to believe that you have personally observed Jeffrey Epstein in the presence of underage females, and we would like the opportunity to question you under oath about those observations.

Thank you for your anticipated cooperation.

Sincerely,


JACK SCAROLA
JS/mep

cc: Bradley J. Edwards, Esq.

- ATTORNEYS AT LAW:
- ROSALYN SIA BAKER-BARNES
 - *F. GREGORY BARNHART
 - T. HARDEE BASS, III
 - LAURIE J. BRIGGS
 - BRIAN R. DENNEY
 - *EARL L. DENNEY, JR.⁵
 - BRENDA S. FULMER
 - JAMES W. GUSTAFSON, JR.
 - JACK P. HILL
 - DAVID K. KELLEY, JR.
 - WILLIAM B. KING⁷
 - DARRYL L. LEWIS¹
 - *WILLIAM A. NORTON
 - [Redacted] E. QUINLAN²
 - EDWARD J. RICCIO
 - *JOHN SCAROLA
 - *CHRISTIAN D. SEARCY
 - *JOHN A. SHIPLEY III
 - CHRISTOPHER K. SPEED^{8,9}
 - BRIAN P. SULLIVAN^{2,6}
 - KAREN E. TERRY
 - *C. CALVIN WARRINER III

SHAREHOLDERS
*BOARD CERTIFIED

ALSO ADMITTED
¹ KENTUCKY
² MAINE
³ MARYLAND
⁴ MASSACHUSETTS
⁵ MISSISSIPPI
⁶ NEW HAMPSHIRE
⁷ NEW JERSEY
⁸ [Redacted]
⁹ WASHINGTON DC

PARALEGALS:

- VIVIAN AYAN-TEJEDA
- RANDY M. DUFRESNE
- DAVID W. GILMORE
- JOHN C. HOPKINS
- DEBORAH M. KNAPP
- VINCENT L. LEONARD, JR.
- JAMES PETER LOVE
- ROBERT W. PITCHER
- MARK P. PONCY
- KATHLEEN SIMON
- STEVE M. SMITH
- BONNIE S. STARK
- WALTER A. STEIN



WWW.SEARCYLAW.COM

EXHIBIT 14

SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY P.A.

*Attorneys
at Law*

WEST PALM BEACH OFFICE:

[Redacted]

TALLAHASSEE OFFICE:

[Redacted]

VIA EMAIL AND U.S. MAIL
dersh@law.harvard.edu

September 7, 2011

Alan M. Dershowitz, Esquire

[Redacted]

Re: Edwards adv. Epstein
Our File No.: 291874

Dear Mr. Dershowitz:

While we are certainly under no obligation to disclose either the basis for our wanting to depose you or the subject matter of our intended inquiry, we are willing to respond to your request as a matter of professional courtesy.

Multiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both sworn testimony and private interviews. Your personal observations regarding such circumstances would clearly not involve any privileged communications, and it is those observations that will be the primary focus of our questioning.

Please let us know when and where you will be available.

Sincerely,

Dictated But Not Signed By
Jack Scarola To Expedite Delivery
JACK SCAROLA
JS/mep

cc: Bradley J. Edwards, Esquire

ATTORNEYS AT LAW:

- ROSALYN SIA BAKER-BARNES
- *F. GREGORY BARNHART
- T. HARDEE BASS, III
- LAURIE J. BRIGGS
- BRIAN R. DENNEY
- BRENDA S. FULMER
- MARIANO GARCIA
- JAMES W. GUSTAFSON, JR.
- JACK P. HILL
- DAVID K. KELLEY, JR.
- WILLIAM B. KING⁷
- DARRYL L. LEWIS¹
- [Redacted] A. NORTON
- E. QUINLAN²
- EDWARD J. RICCI
- *JOHN SCAROLA
- *CHRISTIAN D. SEARCY
- *JOHN A. SHIPLEY III
- CHRISTOPHER K. SPEED⁸⁹
- BRIAN P. SULLIVAN²⁴⁶
- KAREN E. TERRY
- *C. CALVIN WARRINER III

OF COUNSEL

- *EARL L. DENNEY, JR.⁵

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- ⁷ NEW YORK
- ⁸ [Redacted]
- ⁹ WASHINGTON DC

PARALEGALS:

- VIVIAN AYAN-TEJEDA
- RANDY M. DUFRESNE
- DAVID W. GILMORE
- JOHN C. HOPKINS
- DIANA B. JIMENEZ
- DEBORAH M. KNAPP
- VINCENT L. LEONARD, JR.
- JAMES PETER LOVE
- ROBERT W. PITCHER
- MARK P. PONCY
- KATHLEEN SIMON
- STEVE M. SMITH
- BONNIE S. STARK
- WALTER A. STEIN



1.

2.

() ()

() ()

EXHIBIT 15

Subject: FW: Bradley Edwards [redacted] Epstein

-----Original Message-----

From: Jack Scarola
Sent: January 03, 2015 6:19 PM
To: Alan Dershowitz
Cc: Paul Cassell; William B. King; Brad Edwards; Mary E. Pirrotta
Subject: Bradley Edwards [redacted] Epstein

Dear Mr. Dershowitz:
Statements attributed to you in the public media express a willingness, indeed a strong desire, to submit to questioning under oath regarding your alleged knowledge of Jeffrey Epstein's extensive abuse of underage females as well as your alleged personal participation in those activities. As I am sure you will recall, our efforts to arrange such a deposition previously were unsuccessful, so we welcome your change of heart. Perhaps a convenient time would be in connection with your scheduled appearance in Miami on January 19. I assume a subpoena will not be necessary since the deposition will be taken pursuant to your request, but please let us know promptly if that assumption is inaccurate. Also, note that the deposition will be video recorded.
Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's. Thank you for your anticipated cooperation.
Sincerely,
Jack Scarola

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EXHIBIT 16

EXHIBIT C

Epstein vs. Edwards
Undisputed Statement of Facts

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

Case No.: 50 2009 CA 040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually, and
BRADLEY J. EDWARDS, individually,

Defendants,

STATEMENT OF UNDISPUTED FACTS

Defendant Bradley J. Edwards, Esq., offers the following specific facts as the undisputed material facts in this case. Each of the following facts is numbered separately and individually to facilitate Epstein’s required compliance with Fla. R. Civ. P. 1.510(c) (“The adverse party shall identify . . . any summary judgment evidence on which the adverse party relies.”).

Sexual Abuse of Children By Epstein

1. Defendant Epstein has a sexual preference for young children. Deposition of Jeffrey Epstein, Mar. 17, 2010, at 110 (hereinafter “Epstein Depo.”) (Deposition Attachment #1).¹
2. Epstein repeatedly sexually assaulted more than forty (40) young girls on numerous

¹ When questioned about this subject at his deposition, Epstein invoked his Fifth Amendment right to remain silent rather than make an incriminating admission. Accordingly, Edwards is entitled to the adverse inference against Epstein that, had Epstein answered, the answer would have been unfavorable to him. “[I]t is well-settled that the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them.” *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976); *accord Vasquez v. State*, 777 So.2d 1200, 1203 (Fla. App. 2001). The reason for this rule “is both logical and utilitarian. A party may not trample upon the rights of others and then escape the consequences by invoking a constitutional privilege – at least not in a civil setting.” *Fraser v. Security and Inv. Corp.*, 615 So.2d 841, 842 (Fla. App. 1993).

occasions between 2002 and 2005 in his mansion in West Palm Beach, Florida. These sexual assaults included vaginal penetration. Epstein abused many of the girls dozens if not hundreds of times. Epstein Depo. at 109 ("Q: How many times have you engaged in oral sex with females under the age of 18?" A: [Invocation of the Fifth Amendment]); Deposition of Jane Doe, September 24, 2009 and continued March 11, 2010, at 52 [REDACTED]

[REDACTED]

3. At all relevant times Edwards has had a good faith basis to conclude and did conclude² that Epstein was able to access a large number of underage girls through a pyramid abuse scheme in which he paid underage victims \$200-\$300 cash for each other underage victim that she brought to him. See Palm Beach Police Incident Report at 87 (hereinafter "Incident Report") (Exhibit "A").³ The Palm Beach Police Incident Report details Epstein's scheme for molesting underage females. Among other things, the Incident Report outlines some of the experiences of other Epstein victims. When S.G., a 14 year old minor at the time, was brought to Epstein's home, she was taken upstairs by a woman she believed to be Epstein's assistant. The woman started to fix up the room, putting covers on the massage table and bringing lotions out. The "assistant" then left the room and told S.G. that Epstein would be up in a second. Epstein walked over to S.G. and told her to take her clothes off in a stern voice. S.G. states in the report she did not know what to do, as she was the only one there. S.G. took off her shirt, leaving her bra on. Epstein, then in a towel told her to take off everything. S.G. removed her pants leaving on her thong panties. Epstein then instructed S.G to give him a massage. As S.G gave Epstein a massage, Epstein turned around and masturbated. S.G. was so disgusted, she did not say anything; Epstein told her she "had a really hot body." *Id.* at 14. In the report, S.G. admitted seeing Jeffrey Epstein's penis and stated she thought Epstein was on steroids because he was a "really built guy and his wee wee was very tiny." *Id.* at 15.

4. The exact number of minor girls who Epstein assaulted is known only to Epstein. However, Edwards had a good faith basis to believe and did in fact believe that Epstein's victims were substantially more than forty (40) in number. In addition to the deposition excerpts from two of his many victims above about the number of underage girls brought to Epstein and the Palm Beach

² In support of all assertions concerning the actions Edwards took, what Edwards learned in the course of his representation of his clients, Edwards's good faith beliefs and the foundation for those beliefs, see Edwards Affidavit and specifically paragraphs 25 and 25 of that Affidavit.

³ For clarity, depositions attached to this memorandum will be identified numerically as attachments #1, #2, #3, etc., while exhibits attached to this memorandum will be identified alphabetically as exhibits A, B, C, etc.

incident report, there is overwhelming proof that the number of underage girls molested by Epstein through his scheme was in the hundreds. *See* Complaint, Jane Doe 102 v. Epstein, (hereinafter Jane Doe 102 complaint) (Exhibit "B"); *see also* Deposition of Jeffrey Epstein, April 14, 2010, at 442, 443, and 444 (Epstein invoking the 5th on questions about his daily abuse and molestation of children) (Deposition Attachment #6).

5. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that Epstein and his attorneys knew of the seriousness of the criminal investigation against him and corresponded constantly with the United States Attorney's Office in an attempt to avoid the filing of numerous federal felony offenses, which effort was successful. *See* Correspondence from U.S. Attorney's Office to Epstein (hereinafter "U.S. Attorney's Correspondence") (Composite Exhibit "C") (provided in discovery during the Jane Doe v. Epstein case).

6. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that, more specifically, Epstein's attorneys knew of Epstein's scheme to recruit minors for sex and also knew that these minors had civil actions that they could bring against him. In fact, there was much communication between Epstein's attorneys and the United States Prosecutors in a joint attempt to minimize Epstein's civil exposure. For example, on October 3, 2007, Assistant U.S. Attorney Marie Villafafia sent an email (attached hereto as Exhibit "D") to Jay Lefkowitz, counsel for Epstein, with attached proposed letter to special master regarding handling numerous expected civil claims against Epstein. The letter reads in pertinent part,

"The undersigned, as counsel for the United States of America and Jeffrey Epstein, jointly write to you to provide information relevant to your service as a Special Master in the selection of an attorney to represent several young women who may have civil damages claims against Mr. Epstein. The U.S. Attorney's Office and the Federal Bureau of Investigation (jointly referred to as the "United States") have conducted an investigation of Jeffrey Epstein regarding his solicitation of minor females in Palm Beach County to engage in prostitution. Mr. Epstein, through his assistants, would recruit underage females to travel to his home in Palm Beach to

engage in lewd conduct in exchange for money. Based upon the investigation, the United States has identified forty (40) young women who can be characterized as victims pursuant to 18 USC 2255. Some of those women went to Mr. Epstein's home only once, some went there as much as 100 times or more. [REDACTED]

[REDACTED] As part of the resolution of the case, Epstein has agreed that he would not contest jurisdiction in the Southern District of Florida for any victim who chose to sue him for damages pursuant to 18 USC 2255. Mr. Epstein agreed to provide an attorney for victims who elected to proceed exclusively pursuant to that section, and agreed to waive any challenge to liability under that section up to an amount agreed to by the parties. The parties have agreed to submit the selection of an attorney to a Special Master...."

7. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that [REDACTED] was, in fact, a victim of Epstein's criminal abuse because [REDACTED] was one of the minor females that the United States Attorney's Office recognized as a victim. [REDACTED]'s sworn deposition testimony and the adverse inference drawn from Epstein's refusal to testify confirm that Epstein began sexually assaulting [REDACTED] when she was 13 years old and continued to molest her on more than fifty (50) occasions over three (3) years. Epstein Depo., Attachment #1, at 17 ("Q: Did you . . . ever engage in any sexual conduct with [REDACTED]?" A: [Invocation of the Fifth Amendment].); *see also* Epstein Depo., April 14, 2010, Attachment #6, at 456 ("Q: [REDACTED] was an underage female that you first abused when she was 13 years old; is that correct?" A: [Invocation of Fifth Amendment].)

8. Epstein was also given ample opportunity to explain why he engaged in sexual activity with [REDACTED] beginning when [REDACTED] was 13 years old and why he has molested minors on an everyday basis for years, and he invoked his 5th amendment right rather than provide explanation. *See* Epstein Deposition, February 17, 2010, at 11-12, 30-31 (Deposition Attachment # 7).

9. Epstein also sexually assaulted [REDACTED], beginning when she was 14 years old and did so on numerous occasions. *See* [REDACTED] Depo., Attachment #4 at 215-216.

10. Another of the minor girls Epstein sexually assaulted was Jane Doe; the abuse began

Exhibit "E"; Incident Report, Exhibit "A."

13. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that yet another girl Epstein sexually assault was [REDACTED]. When she was approximately 16 years old, she was brought to Epstein's home by another underage victim. While a minor, she was at Epstein's home on multiple occasions. Epstein engaged in one or more of the following acts with her while she was a minor at his house [REDACTED]

[REDACTED]

[REDACTED]. See Rule 413 Notice, Exhibit "E"; Incident Report, Exhibit "A", at 41 (specifically discussing the rape):

[REDACTED]

[REDACTED]

14. Without detailing each fact known about Epstein's abuse of the many underage girls, Edwards has had a good faith basis to believe and did in fact believe at all relevant times that Epstein also abused other victims in ways closely similar to those described in the preceding paragraphs. Epstein's additional victims include the following (among many other) young girls: [REDACTED]

[REDACTED] F.E.; [REDACTED] These girls were between the ages of 13 and

17 when Epstein abused them. *See* Rule 413 Notice, Exhibit E; Deposition of [REDACTED], Deposition Attachment #4.

15. One of Mr. Epstein's household employees, Mr. Alfredo Rodriguez, saw numerous underage girls coming into Epstein's mansion for purported "massages." *See* Rodriguez Depo. at 242-44 (Deposition Attachment #8). Rodriguez was aware that "sex toys" and vibrators were found in Epstein's bedroom after the purported massages. *Id.* at 223-28. Rodriguez thought what Epstein was doing was wrong, given the extreme youth of the girls he saw. *Id.* at 230-31.

16. Alfredo Rodriguez took a journal from Epstein's computer that reflected many of the names of underage females Epstein abused across the country and the world, including locations such as Michigan, California, West Palm Beach, New York, New Mexico, and Paris, France. *See* Journal (hereinafter "The Journal" or "Holy Grail") (Exhibit "F") (identifying, among other Epstein acquaintances, females that Rodriguez believes were underage under the heading labeled "Massages").

17. Rodriguez was later charged in a criminal complaint with obstruction of justice in connection with trying to obtain \$50,000 from civil attorneys pursuing civil sexual assault cases against Epstein as payment for producing the book to the attorneys. *See* Criminal Complaint at 2, U.S. [REDACTED] Rodriguez, No. 9:10-CR-80015-KAM (S.D. Fla. 2010) (Exhibit "G"). Rodriguez stated he needed money because the journal was his "property" and that he was afraid that Jeffrey Epstein would make him "disappear" unless he had an "insurance policy" (i.e., the journal). *Id.* at 3. Because of the importance of the information in the journal to the civil cases, Mr. Rodriguez called it "The Holy Grail."

18. In the "Holy Grail" or "The Journal," among the many names listed (along with the abused girls) are some of the people that Epstein alleges in his Complaint had "no connection whatsoever" with the litigation in this case. *See, e.g.*, Journal, Exhibit F, at 85 (Donald Trump); at 9

(Bill Clinton phone numbers listed under "Doug Bands").

Federal Investigation and Plea Agreement With Epstein

19. In approximately 2005, the FBI and the U.S. Attorney's Office in the Southern District of Florida learned of Epstein's repeated sexual abuse of minor girls. They began a criminal investigation into federal offenses related to his crimes. See U.S. Attorney's Correspondence, Exhibit "C".

20. At all relevant times Edwards has had a good faith basis to believe and did in fact believe that to avoid the Government learning about his abuse of minor girls, Epstein threatened his employees and demanded that they not cooperate with the government. Epstein's aggressive witness tampering was so severe that the United States Attorney's Office prepared negotiated plea agreements containing these charges. For example, in a September 18, 2007, email from AUSA Villafañia to Lefkowitz (attached hereto as Exhibit "H"), she attached the proposed plea agreement describing Epstein's witness tampering as follows:

"UNITED STATES vs. JEFFREY EPSTEIN PLEA PROFFER"

On August 21, 2007, FBI Special Agents E. [REDACTED] and [REDACTED] traveled to the home of [REDACTED] to serve her with a federal grand jury subpoena with an investigation pending in the Southern District of Florida. [REDACTED] works as the personal assistant of the defendant. [REDACTED] began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, [REDACTED] telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein instructed [REDACTED] not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein applied pressure to keep [REDACTED] from complying with the grand jury subpoenas that the agents had served upon her. In particular, Mr. Epstein warned [REDACTED] against turning over documents and electronic evidence responsive to the subpoena and pressured her to delay her appearance before the grand jury in the Southern District of Florida. This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing the parties were about to return to Teterboro, NJ. After the conversation with [REDACTED], Mr. Epstein became concerned that the FBI would try to serve his traveling companion, [REDACTED] Marcinkova, with a similar grand jury subpoena. In fact, the agents were

preparing to serve Ms. [REDACTED] with a target letter when the flight landed in Teterboro. Mr. Epstein then redirected his airplane, making the pilot file a new flight plan to travel to the US Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letter on [REDACTED]. During the flight, the defendant verbally harassed Ms. [REDACTED] harassing and pressuring her not to cooperate with the grand jury's investigation, thereby hindering and dissuading her from reporting the commission of a violation of federal law to a law enforcement officer, namely, Special Agents of the FBI. Epstein also threatened and harassed [REDACTED] against cooperating against him as well.

21. Edwards learned that the Palm Beach police department investigation ultimately led to the execution of a search warrant at Epstein's mansion in October 2005. *See* Police Incident Report, Exhibit "A".

22. Edwards learned that at around the same time, the Palm Beach Police Department also began investigating Epstein's sexual abuse of minor girls. They also collected evidence of Epstein's involvement with minor girls and his obsession with training sex slaves, including pulling information from Epstein's trash. Their investigation showed that Epstein ordered from Amazon.com on about September 4, 2005, such books as: SM101: A Realistic Introduction, by Jay Wiseman; SlaveCraft: Roadmaps for Erotic Servitude - Principles, Skills, and Tools, by Guy Baldwin; and Training with Miss Abernathy: A Workbook for Erotic Slaves and Their Owners, by [REDACTED] Abernathy. *See* Receipt for Sex Slave Books (Exhibit "T").

23. The Palm Beach incident reports provided Edwards with the names of numerous witnesses that participated in Epstein's child molestation criminal enterprise and also provided Edwards with some insight into how far-reaching Epstein's power was and how addicted Epstein was to sex with children. *See* Incident Report, Exhibit "A".

24. The Palm Beach Police Department also collected Epstein's message pads, which provided other names of people that also knew Epstein's scheme to molest children. *See* Message Pads (Exhibit "J") (note: the names of underage females have been redacted to protect the anonymity

of the underage sex abuse victims). Those message pads show clear indication that Epstein's staff was frequently working to schedule multiple young girls between the ages of 12 and 16 years old literally every day, often two or three times per day. *Id.*

25. In light of all of the information of numerous crimes committed by Epstein, Edwards learned that the U.S. Attorney's Office began preparing the filing of federal criminal charges against Epstein. For example, in addition to the witness tampering and money laundering charges the U.S. Attorney's Office prepared an 82-page prosecution memo and a 53-page indictment of Epstein related to his sexual abuse of children. On September 19, 2007, at 12:14 PM, AUSA [REDACTED] wrote to Epstein's counsel, Jay Lefkowitz, "Jay - I hate to have to be firm about this, but we need to wrap this up by Monday. I will not miss my indictment date when this has dragged on for several weeks already and then, if things fall apart, be left in a less advantageous position than before the negotiations. I have had an 82-page pros memo and 53-page indictment sitting on the shelf since May to engage in these negotiations. There has to be an ending date, and that date is Monday." These and other communications are within the correspondence attached as Composite Exhibit "C."

26. Edwards learned that rather than face the filing of federal felony criminal charges, Epstein (through his attorneys) engaged in plea bargain discussions. As a result of those discussions, on September 24, 2007, Epstein signed an agreement with the U.S. Attorney's Office for the Southern District of Florida. Under the agreement, Epstein agreed to plead guilty to an indictment pending against him in the 15th Judicial Circuit in and for Palm Beach County charging him with solicitation of prostitution and procurement of minors for prostitution. Epstein also agreed that he would receive a thirty month sentence, including 18 months of jail time and 12 months of community control. In exchange, the U.S. Attorney's Office agreed not to pursue any federal charges against Epstein. *See* Non-Prosecution Agreement (Exhibit "K").

27. Part of the Non-Prosecution Agreement that Epstein negotiated was a provision in which the federal government agreed not to prosecute Epstein's co-conspirators. The co-conspirators procured minor females to be molested by Epstein. One of the co-conspirators - [REDACTED] - even participated in the sex acts with minors (including [REDACTED].) and Epstein. See Incident Report, Exhibit "A", at 40-42, 49-51; Deposition of [REDACTED], April 13, 2010, (hereinafter "[REDACTED] Depo.") at 11 (Deposition attachment #9).

28. Under the Non-Prosecution Agreement, Epstein was to use his "best efforts" to enter into his guilty pleas by October 26, 2007. However, Edwards learned that Epstein violated his agreement with the U.S. Attorney's Office to do so and delayed entry of his plea. See Letter from U.S. Attorney R. Alexander Acosta to Lilly Ann Sanchez, Dec. 19, 2007 (Exhibit "L").

29. On January 10, 2008 and again on May 30, 2008 [REDACTED]. and [REDACTED]. received letters from the FBI advising them that "[t]his case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation." Letters attached at Composite Exhibit "M". This document is evidence that the FBI did not notify [REDACTED]. and [REDACTED]. that a plea agreement had already been reached that would block federal prosecution of Epstein. Nor did the FBI notify [REDACTED]. and [REDACTED]. of any of the parts of the plea agreement. Nor did the FBI or other federal authorities confer with [REDACTED]. and [REDACTED]. about the plea. See *id.*

30. In 2008, Edwards believed in good faith that criminal prosecution of Epstein was extremely important to his clients [REDACTED]. and [REDACTED]. and that they desired to be consulted by the FBI and/or other representatives of the federal government about the prosecution of Epstein. The letters that they had received around January 10, 2008, suggested that a criminal investigation of Epstein was on-going and that they would be contacted before the federal government reached any final resolution of that investigation. See *id.*

Edwards Agrees to Serve as Legal Counsel for Three Victims of Epstein's Sexual Assaults

31. In about April 2008, Bradley J. Edwards, Esq., was a licensed attorney in Florida, practicing as a sole practitioner. As a former prosecutor, he was well versed in civil cases that involved criminal acts, including sexual assaults. Three of the many girls Epstein had abused – ■■■■, ■■■■, and Jane Doe – all requested that Edwards represent them civilly and secure appropriate monetary damages against Epstein for repeated acts of sexual abuse while they were minor girls. Two of the girls (■■■■ and ■■■■) also requested that Edwards represent them in connection with a concern that the Federal Bureau of Investigation (FBI) and U.S. Attorney's Office might be arranging a plea bargain for the criminal offenses committed by Epstein without providing them the legal rights to which they were entitled (including the right to be notified of plea discussions and the right to confer with prosecutors about any plea arrangement). See Affidavit of Bradley J. Edwards, Esq. at ¶1 - 2, ¶4 (hereinafter "Edwards Affidavit") (Exhibit "N").

32. On June 13, 2008, attorney Edwards agreed to represent ■■■■; on July 2, 2008, attorney Edwards agreed to represent Jane Doe; and, on July 7, 2008, attorney Edwards agreed to represent ■■■■ in connection with the sexual assaults committed by Epstein and to insure that their rights as victims of crimes were protected in the criminal process on-going against Epstein. Mr. Edwards and his three clients executed written retention agreements. See *id.* at ¶2.

33. In mid June of 2008, Edwards contacted AUSA ■■■■■■ to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. AUSA Villafafia did not advise that a plea agreement had already been negotiated with Epstein's attorneys that would block federal prosecution. To the contrary, AUSA ■■■■■■ mentioned a possible indictment. AUSA ■■■■■■ did indicate that federal investigators had concrete evidence and information that Epstein had sexually molested many underage minor females, including ■■■■, ■■■■, and Jane Doe. See *id.* at ¶4.

34. Edwards also requested from the U.S. Attorney's Office the information that they had collected regarding Epstein's sexual abuse of his clients. However, the U.S. Attorney's Office, declined to provide any such information to Edwards. It similarly declined to provide any such information to the other attorneys who represented victims of Epstein's sexual assaults. At the very least, this includes the items that were confiscated in the search warrant of Epstein's home, including dildos, vibrators, massage table, oils, and additional message pads. *See* Property Receipt (Exhibit "O").

35. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA [REDACTED] received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA [REDACTED] called Edwards to provide notice to his clients regarding the hearing. AUSA [REDACTED] did not tell Attorney Edwards that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement. *See* Edwards Affidavit, Exhibit "N", at ¶6.

36. Under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, victims of federal crimes – including [REDACTED] and [REDACTED] – are entitled to basic rights during any plea bargaining process, including the right to be treated with fairness, the right to confer with prosecutors regarding any plea, and the right to be heard regarding any plea. The process that was followed leading to the non-prosecution of Epstein violated these rights of [REDACTED] and [REDACTED]. *See* Emergency Petn. for Victim's Enforcement of Crime Victim's Rights, No. 9:08-CV-80736-KAM (S.D. Fla. 2008) (Exhibit "P").

37. Because of the violation of the CVRA, on July 7, 2008, Edwards filed an action in the U.S. District Court for the Southern District of Florida, Case No. 9:08-CV-80736, seeking to enforce the rights of [REDACTED] and [REDACTED]. That action alleged that the U.S. Attorney's Office had failed to provide [REDACTED] and [REDACTED] the rights to which they were entitled under the Act, including the right to be notified

about a plea agreement and to confer with prosecutors regarding it. *See id.*

38. On July 11, 2008, Edwards took [REDACTED] and [REDACTED] with him to the hearing on the CVRA action. It was only at this hearing that both victims learned for the first time that the plea deal was already done with Epstein and that the criminal case against Epstein had been effectively terminated by the U.S. Attorney's office. *See* Hearing Transcript, July 11, 2008 (Exhibit "Q").

39. Edwards learned that Jane Doe felt so strongly that the plea bargain was inappropriate that she made her own determination to appear on a television program and exercise her First Amendment rights to criticize the unduly lenient plea bargain Epstein received in a criminal case.

40. The CVRA action that Edwards filed was recently administratively closed and Edwards filed a Motion to reopen that proceeding. *See* No. 9:08-CV-80736 (S.D. Fla.).

Epstein's Entry of Guilty Pleas to Sex Offenses

41. Ultimately, on June 30, 2008, in the Fifteenth Judicial Circuit in Palm Beach County, Florida, defendant Epstein, entered pleas of "guilty" to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purposes of prostitution. *See* Plea Colloquy (Exhibit "R").

42. As a condition of that plea, and in exchange for the Federal Government not prosecuting the Defendant, Epstein additionally entered into an agreement with the Federal Government acknowledging that approximately thirty-four (34) other young girls could receive payments from him under the federal statute providing for compensation to victims of child sexual abuse, 18 U.S.C. § 2255. As had been agreed months before, the U.S. Attorney's Office did not prosecute Epstein federally for his sexual abuse of these minor girls. *See* Addendum to Non-Prosecution Agreement (Exhibit "S") (in redacted form to protect the identities of the minors involved).

43. Because Epstein became a convicted sex offender, he was not to have contact with any of his victims. During the course of his guilty pleas on June 30, 2008, Palm Beach Circuit Court Judge Deborah Dale Pucillo ordered Epstein “not to have any contact, direct or indirect” with any victims. She also expressly stated that her no-contact order applied to “all of the victims.” Similar orders were entered by the federal court handling some of the civil cases against Epstein. The federal court stated that it “finds it necessary to state clearly that Defendant is under this court’s order not to have direct *or indirect contact* with any plaintiffs” Order, Case No. 9:08-cv-80119 (S.D. Fla. 2008), [DE 238] at 4-5 (emphasis added); *see also* Order, Case No. 9:08-cv-80893, [DE 193] at 2 (emphasis added).

Edwards Files Civil Suits Against Epstein

44. Edwards had a good faith belief that his clients felt angry and betrayed by the criminal system and wished to prosecute and punish Epstein for his crimes against them in whatever avenue remained open to them. On August 12, 2008, at the request of his client Jane Doe, Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of Jane Doe. *See* Edwards Affidavit, “N” at ¶7. Included in this complaint was a RICO count that explained how Epstein ran a criminal conspiracy to procure young girls for him to sexually abuse. *See* Complaint, Jane Doe ■. Epstein (Exhibit “T”).

45. On September 11, 2008, at the request of his client ■■■■, Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of ■■■■. *See* Complaint, ■■■■. ■. Epstein (Exhibit “U”).

46. On September 11, 2008, at the request of his client ■■■■, Brad Edwards filed a civil suit against Jeffrey Epstein to recover damages for his sexual assault of ■■■■. *See* Complaint, ■■■■. ■. Epstein, (Exhibit “■”).

47. Jane Doe’s federal complaint indicated that she sought damages of more than \$50,000,000.

Listing the amount of damages sought in the complaint was in accord with other civil suits that were filed against Epstein (before any lawsuit filed by Edwards). *See* Complaint, Jane Doe #4 [REDACTED]. Epstein (Exhibit "W") (filed by Herman and Mermelstein, PA).

48. At about the same time as Edwards filed his three lawsuits against Epstein, other civil attorneys were filing similar lawsuits against Epstein. For example, on or about April 14, 2008 another law firm, Herman and Mermelstein, filed the first civil action against Epstein on behalf of one of its seven clients who were molested by Epstein. The complaints that attorney Herman filed on behalf of his seven clients were similar in tenor and tone to the complaint that Edwards filed on behalf of his three clients. *See id.*

49. Over the next year and a half, more than 20 other similar civil actions were filed by various attorneys against Epstein alleging sexual assault of minor girls. These complaints were also similar in tenor and tone to the complaint that Edwards filed on behalf of his clients. These complaints are all public record and have not been attached, but are available in this Court's files and the files of the U.S. District Court for the Southern District of Florida.

50. In addition to the complaints filed against Epstein in Florida, a female in New York, Ava Cordero, filed a lawsuit against Epstein in New York making similar allegations - that Epstein paid her for a massage then forced her to give him oral sex and molested her in other ways when she was only 16 years old. Cordero was born a male, and in her complaint she alleges that Epstein told her during the "massage", "I love how young you are. You have a tight butt like a baby". *See* Jeff Epstein Sued for "Repeated Sexual Assaults" on Teen, New York Post, October 17, 2007, by Darch Gregorian, link at:

http://www.nypost.com/p/news/regional/item_44zIWyLUFH7R1OUtKYGPbP;jsessionid=6CA3EBF1BEF68F5DE14BFB2CAA5C37E0. *See* Article attached hereto as Exhibit "X".

51. Edwards's three complaints against Epstein contained less detail about sexual abuse than (as one example) a complaint filed by attorney Robert Josephsberg from the law firm of Podhurst Orseck. See Complaint, Jane Doe 102 v. Epstein (Exhibit "B"). As recounted in detail in this Complaint, Jane Doe 102 was 15 years old when Ghislaine Maxwell discovered her and lured her to Epstein's house. Maxwell and Epstein forced her to have sex with both of them and within weeks Maxwell and Epstein were flying her all over the world. According to the Complaint, Jane Doe 102 was forced to live as one of Epstein's underage sex slaves for years and was forced to have sex with not only Maxwell and Epstein but also other politicians, businessmen, royalty, academicians, etc. She was even made to watch Epstein have sex with three 12-year-old French girls that were sent to him for his birthday by a French citizen that is a friend of Epstein's. Luckily, Jane Doe 102 escaped to ████████ to get away from Epstein and Maxwell's sexual abuse.

52. Edwards learned that in addition to civil suits that were filed in court against Epstein, at around the same time other attorneys engaged in pre-filing settlement discussions with Epstein. Rather than face filed civil suits in these cases, Epstein paid money settlements to more than 15 other women who had sexually abused while they were minors. See articles regarding settlements attached hereto as Composite Exhibit "Y."

Epstein's Obstruction of Normal Discovery and Attacks on His Victims

53. Once Edwards filed his civil complaints for his three clients, he began the normal process of discovery for cases such as these. He sent standard discovery requests to Epstein about his sexual abuse of the minor girls, including requests for admissions, request for production, and interrogatories. See Edwards Affidavit, Exhibit "N", at ¶¶11-19 and 25.

Rather than answer any substantive questions about his sexual abuse and his conspiracy for procuring minor girls for him to abuse, Epstein invoked his 5th amendment right against self-incrimination. An

example of Epstein's refusal to answer is attached as Composite Exhibit "Z" (original discovery propounded to Epstein and his responses invoking 5th amendment).

54. During the discovery phase of the civil cases filed against Epstein, Epstein's deposition was taken at least five times. During all of those depositions, Epstein refused to answer any substantive questions about his sexual abuse of minor girls. *See, e.g.*, Deposition Attachments 1, 6 and 7.

55. During these depositions, Epstein further attempted to obstruct legitimate questioning by inserting a variety of irrelevant information about his case. As one of innumerable examples, on March 8, 2010, Mr. Horowitz, representing seven victims, Jane Doe's 2-8, asked, "Q: In 2004, did you rub Jane Doe 3's vagina? A: Excuse me. I'd like to answer that question, as I would like to answer mostly every question you've asked me here today; however, upon advice of counsel, I cannot answer that question. They've advised me I must assert my Sixth Amendment, Fifth Amendment and Fourteenth Amendment Rights against self--excuse me, against--under the Constitution. And though your partner, Jeffrey Herman, was disbarred after filing this lawsuit [a statement that was untrue], Mr. Edwards' partner sits in jail for fabricating cases of a sexual nature fleecing unsuspecting Florida investors and others out of millions of dollars for cases of a sexual nature with--I'd like to answer your questions; however if I--I'm told that if I do so, I risk losing my counsel's representation; therefore I must accept their advice." Epstein deposition, March 8, 2010, at 106 (Deposition attachment #10).

56. When Edwards had the opportunity to take Epstein's deposition, he only asked reasonable questions, all of which related to the merits of the cases against Epstein. All depositions of Epstein in which Mr. Edwards participated on behalf of his clients are attached to this motion. *See* Edwards Affidavit, Exhibit "N" at ¶11 and Deposition attachments #1, 6, 7, 10, 11, 12, and 13. Cf. with Deposition of Epstein taken by an attorney representing BB (one in which Edwards was not

participating), [REDACTED]

and

[REDACTED]

57. Edwards's efforts to obtain information about Epstein's organization for procuring young girls was also blocked because Epstein's co-conspirators took the Fifth. Deposition of [REDACTED], March 24, 2010 (hereinafter "[REDACTED] Depo.") (Deposition attachment #14); Deposition of [REDACTED], April 13, 2010, (Deposition attachment #9); Deposition of [REDACTED] Ross, March 15, 2010 (hereinafter "Ross Depo.") (Deposition attachment #15). Each of these co-conspirators invoked their respective rights against self-incrimination as to all relevant questions, and the depositions have been attached.

58. At all relevant times Edwards has had a good faith basis to believe and did in fact believe [REDACTED] was an employee of Epstein's and had been identified as a defendant in at least one of the complaints against Epstein for her role in bringing girls to Epstein's mansion to be abused. At the deposition, she was represented by Bruce Reinhart. She invoked the Fifth on all substantive questions regarding her role in arranging for minor girls to come to Epstein's mansion to be sexually abused. Reinhart had previously been an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of Florida when Epstein was being investigated criminally by Reinhart's office. Reinhart left the United States Attorney's Office and was immediately hired by Epstein to represent Epstein's pilots and certain co-conspirators during the civil cases against Epstein. See Edwards Affidavit, Exhibit "N" at ¶11.

59. Edwards also had other lines of legitimate discovery blocked through the efforts of Epstein and others. For example, Edwards learned through deposition that Ghislaine Maxwell was involved in managing Epstein's affairs and companies. See deposition of Epstein's house manager Janusz Banziak, February 16, 2010 at page 14, lines 20-23 (Deposition Attachment #16); See

deposition of Epstein's housekeeper [REDACTED], October 20, 2009, page 9, lines 17-25 (Deposition Attachment #17); See deposition of Epstein's pilot Larry Eugene Morrison, October 6, 2009, page 102-103 (Deposition Attachment #18); See deposition of Alfredo Rodriguez, August 7, 2009, page 302-306 and 348 (Deposition Attachment #8); See also Prince Andrew's Friend, Ghislaine Maxwell, Some Underage Girls and A Very Disturbing Story, September 23, 2007 by Wendy [REDACTED], link at http://www.redicecreations.com/article.php?id=1895OHANNA_SJOBORG. Exhibit "AA".

60. Alfredo Rodriguez testified that Maxwell took photos of girls without the girls' knowledge, kept the images on her computer, knew the names of the underage girls and their respective phone numbers and other underage victims were molested by Epstein and Maxwell together. See Deposition of Rodriguez, Deposition attachment # 8 at 64, 169-170 and 236.

61. In reasonable reliance on this and other information, Edwards served Maxwell for deposition in 2009. See Deposition Notice attached as Exhibit "BB." Maxwell was represented by Brett Jaffe of the New York firm of Cohen and Gresser, and Edwards understood that her attorney was paid for (directly or indirectly) by Epstein. She was reluctant to give her deposition, and Edwards tried to work with her attorney to take her deposition on terms that would be acceptable to both sides. The result was the attached confidentiality agreement, under which Maxwell agreed to drop any objections to the deposition, attached hereto as Exhibit "CC." Maxwell, however, contrived to avoid the deposition. On June 29, 2010, one day before Edwards was to fly to NY to take Maxwell's deposition, her attorney informed Edwards that Maxwell's mother was deathly ill and Maxwell was consequently flying to England with no intention of returning to the United States. Despite that assertion, Ghislaine Maxwell was in fact in the country on July 31, 2010, as she attended the wedding of Chelsea Clinton (former President Clinton's daughter) and was captured in a photograph taken for OK magazine. Photos from Issue 809 of the publication See US Weekly dated August 16, 2010 are attached hereto as

Exhibit "DD" and Edwards Affidavit, Exhibit "N" at ¶12.

62. Maxwell is not the only important witness to lie to avoid deposition by Edwards. Upon review of the message pads that were taken from Epstein's home in the police trash pulls, *see* Exhibit "J" *supra*, many were from Jean Luc Brunel, a French citizen and one of Epstein's closest pals. He left messages for Epstein. One dated 4/1/05 said, "He has a teacher for you to teach you how to speak Russian. She is 2x8 years old, not blonde. Lessons are free and you can have your 1st today if you call." *See* Messages taken from Jean Luc Brunel are attached hereto as Exhibit "EE." In light of these circumstances of the case, this message reasonably suggested to Edwards that Brunel might have been procuring two eight-year-old girls for Epstein to sexually abuse. According to widely circulated press reports reviewed by Edwards, Brunel is in his sixties and has a reputation throughout the world (and especially in the modeling industry) as a cocaine addict that has for years molested children through modeling agencies while acting as their agent – conduct that has been the subject of critical reports, books, several news articles, and a 60 Minutes documentary on Brunel's sexual exploitation of underage models. *See* <http://bradmillershero.blogspot.com/2010/08/women-are-objects.html>, attached hereto as Exhibit "FF."

63. Edwards learned that Brunel is also someone that visited Epstein on approximately 67 occasions while Epstein was in jail. *See* Epstein's jail visitor log attached as Exhibit "GG."

64. Edwards learned that Brunel currently runs the modeling agency MC2, a company for which Epstein provides financial support. *See* Message Pad's attached as Exhibit "J" *supra* and Sworn Statement of MC2 employee [REDACTED], June 15, 2010, "[REDACTED] Sworn Statement" attached at Exhibit "HH" at 1-16.

65. Employees of MC2 told Edwards that Epstein's numerous condos at 301 East 66 Street in New York were used to house young models. Edwards was told that MC2 modeling agency,

affiliated with Epstein and Brunel brought underage girls from all over the world, promising them modeling contracts. Epstein and Brunel would then obtain a visa for these girls, then would charge the underage girls rent, presumably to live as underage prostitutes in the condos. See ██████████ Sworn Statement, Exhibit "HH" at 7-10, 12-15, 29-30, 39-41, 59-60 and 62-67.

66. In view of this information suggesting Brunel could provide significant evidence of Epstein's trafficking in young girls for sexual abuse, Edwards had Brunel served in New York for deposition. See Notice of Deposition of Jean Luc Brunel attached hereto as Exhibit "II." Before the deposition took place, Brunel's attorney (Tama Kudman of West Palm Beach) contacted Edwards to delay the deposition date. Eventually Kudman informed Edwards in January 2009 that Brunel had left the country and was back in France with no plans to return. This information was untrue; Brunel was actually staying with Epstein in West Palm Beach. See Banasiak deposition, deposition attachment #16 at 154-160 and 172-175; see also pages from Epstein's probation file evidencing Jean Luc Brunel (JLB) staying at his house during that relevant period of time attached Exhibit "JJ". As a result, Edwards filed a Motion for Contempt, attached hereto as Exhibit "KK" (Because Epstein settled this case, the motion was never ruled upon.)

67. Edwards was also informed that Epstein paid for not only Brunel's representation during the civil process but also paid for legal representation for ██████████ (Epstein's executive assistant and procurer of girls for him to abuse), Larry Visoski (Epstein's personal pilot), Dave Rogers (Epstein's personal pilot), Larry ██████████ (Epstein's personal pilot), ██████████ (Epstein's housekeeper), ██████████ (Epstein's live-in sex slave), Ghislaine Maxwell (manager of Epstein's affairs and businesses), Mark Epstein (Epstein's brother), and Janusz Banasiak (Epstein's house manager) It was nearly impossible to take a deposition of someone that would have helpful information that was not represented by an attorney paid for by Epstein. See Edwards Affidavit,

Exhibit "N" at ¶11.

68. While Epstein and others were preventing any legitimate discovery into his sexual abuse of minor girls, at the same time he was engaging (through his attorneys) in brutal questioning of the girls who had filed civil suits against him, questioning so savage that it made local headlines. See Jane Musgrave, *Victims Seeking Sex offender's Millions See Painful Pasts Used Against Them*, Palm Beach Post News, Jan. 23, 2010, available at <http://www.palmbeachpost.com/news/crime/victims-seeking-sex-offenders-millions-see-painful-pasts-192988.html> attached hereto as Exhibit "LL."

Edwards Pursues Other Lines of Discovery

69. Because of Epstein's thwarting of discovery and attacks on Edwards's clients, Edwards was forced to pursue other avenues of discovery. Edwards only pursued legitimate discovery designed to further the cases filed against Epstein. See Edwards Affidavit, Exhibit "N" at ¶11.

70. Edwards notified Epstein's attorneys of his intent to take Bill Clinton's deposition. Edwards possessed a legitimate basis for doing so: (a) Clinton was friends with Ghislaine Maxwell who was Epstein's longtime companion and helped to run Epstein's companies, kept images of naked underage children on her computer, helped to recruit underage children for Epstein, engaged in lesbian sex with underage females that she procured for Epstein, and photographed underage females in sexually explicit poses and kept child pornography on her computer; (b) it was national news when Clinton traveled with Epstein aboard Epstein's private plane to Africa and the news articles classified Clinton as Epstein's friend. (c) the complaint filed on behalf of Jane Doe No. 102 stated generally that she was required by Epstein to be sexually exploited by not only Epstein but also Epstein's "adult male peers, including royalty, politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories Clinton and acquaintances of Clinton fall into. The flight logs showed Clinton traveling on Epstein's plane on numerous occasions between 2002 and 2005. See

Flight logs attached hereto as Exhibit "MM." Clinton traveled on many of those flights with Ghislaine Maxwell, ██████████, and ██████████, - all employees and/or co-conspirators of Epstein's that were closely connected to Epstein's child exploitation and sexual abuse. The documents clearly show that Clinton frequently flew with Epstein aboard his plane, then suddenly stopped - raising the suspicion that the friendship abruptly ended, perhaps because of events related to Epstein's sexual abuse of children. Epstein's personal phone directory from his computer contains e-mail addresses for Clinton along with 21 phone numbers for him, including those for his assistant (Doug Band), his schedulers, and what appear to be Clinton's personal numbers. This information certainly leads one to believe that Clinton might well be a source of relevant information and efforts to obtain discovery from him were reasonably calculated to lead to admissible evidence. See Exhibits "B", "F" "AA", "DD", and "MM" and Edwards Affidavit, Exhibit "N" at ¶15.

71. Bradley J. Edwards, Esq., provided notice that he intended to take the deposition of Donald Trump. Edwards possessed a legitimate basis for doing so: (a) The message pads confiscated from Epstein's home indicated that Trump called Epstein's West Palm Beach mansion on several occasions during the time period most relevant to my Edwards's clients' complaints; (b) Trump was quoted in a *Vanity Fair* article about Epstein as saying "I've known Jeff for fifteen years. Terrific guy," "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." Jeffrey Epstein: International Moneyman of Mystery; He's pals with a passel of Nobel Prize-winning scientists, CEOs like Leslie Wexner of the Limited, socialite Ghislaine Maxwell, even Donald Trump. But it wasn't until he flew Bill Clinton, Kevin Spacey, and Chris Tucker to Africa on his private Boeing 727 that the world began to wonder who he is. By Landon Thomas Jr. (See article attached hereto as Exhibit "NN") (c) Trump allegedly banned Epstein from his Maralago Club in West Palm Beach because Epstein

sexually assaulted an underage girl at the club; (d) Jane Doe No. 102's complaint alleged that Jane Doe 102 was initially approached at Trump's Maralago by Ghislaine Maxwell and recruited to be Maxwell and Epstein's underage sex slave; (e) Mark Epstein (Jeffrey Epstein's brother) testified that Trump flew on Jeffrey Epstein's plane with him (the same plane that Jane Doe 102 alleged was used to have sex with underage girls); (f) Trump had been to Epstein's home in Palm Beach; (g) Epstein's phone directory from his computer contains 14 phone numbers for Donald Trump, including emergency numbers, car numbers, and numbers to Trump's security guard and houseman. Based on this information, Edwards reasonably believed that Trump might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition. See deposition of Mark Epstein, September 21, 2009, at 48-50 (Deposition Attachment #19); See Jane Doe 102 v. Epstein, Exhibit "B"; Exhibit "F"; "Exhibit"J"; "N" and See Edwards Affidavit, Exhibit "N" at ¶13.

72. Edwards provided notice that he intended to depose Alan Dershowitz. Edwards possessed a legitimate basis for doing so: (a) Dershowitz is believed to have been friends with Epstein for many years; (b) in one news article Dershowitz comments that, "I'm on my 20th book... The only person outside of my immediate family that I send drafts to is Jeffrey" The Talented Mr. Epstein, By Vicky Ward on January, 2005 in Published Work, Vanity Fair (See article attached as Exhibit "OO"); (c) Epstein's housekeeper Alfredo Rodriguez testified that Dershowitz stayed at Epstein's house during the years when Epstein was assaulting minor females on a daily basis; (d) Rodriguez testified that Dershowitz was at Epstein's house at times when underage females where there being molested by Epstein (see Alfredo Rodriguez deposition at 278-280, 385, 426-427); (e) Dershowitz reportedly assisted in attempting to persuade the Palm Beach State Attorney's Office that because the underage females alleged to have been victims of Epstein's abuse lacked credibility and could not be believed

that they were at Epstein's house, when Dershowitz himself was an eyewitness to their presence at the house; (f) Jane Doe No. 102 stated generally that Epstein forced her to be sexually exploited by not only Epstein but also Epstein's "adult male peers, including royalty, politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories that Dershowitz and acquaintances of Dershowitz fall into; (g) during the years 2002-2005 Alan Dershowitz was on Epstein's plane on several occasions according to the flight logs produced by Epstein's pilot and information (described above) suggested that sexual assaults may have taken place on the plane; (h) Epstein donated \$30 Million one year to the university at which Dershowitz teaches. Based on this information, Edwards had a reasonable basis to believe that Dershowitz might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition. *See* Dershowitz letters to the State Attorney's office attached as Exhibit "PP"; Deposition of Alfredo Rodriguez at 278-280; Flight Logs Exhibit "MM"; Exhibits "B" and "OO"; and Edwards Affidavit, Exhibit "N" at ¶14.

73. Epstein's complaint alleges that Edwards provided notice that he wished to take the deposition of Tommy Mattola. That assertion is untrue. Mr. Mattola's deposition was set by the law firm of Searcy Denny Scarola Barnhart and Shipley. *See* Edwards Affidavit, Exhibit "N" at ¶16.

74. Edwards gave notice that he intended to take David Copperfield's deposition. Edwards possessed a legitimate basis for doing so. Epstein's housekeeper and one of the only witnesses who did not appear for deposition with an Epstein bought attorney, Alfredo Rodriguez, testified that David Copperfield was a guest at Epstein's house on several occasions. His name also appears frequently in the message pads confiscated from Epstein's house. It has been publicly reported that Copperfield himself has had allegations of sexual misconduct made against him by women claiming he sexually abused them, and one of Epstein's sexual assault victims also alleged that Copperfield had touched her

in an improper sexual way while she was at Epstein's house. Mr. Copperfield likely has relevant information and deposition was reasonably calculated to lead to the discovery of admissible evidence. *See* Edwards Affidavit, Exhibit "N" at ¶17.

75. Epstein also takes issue with Edwards identifying Bill Richardson as a possible witness. Richardson was properly identified as a possible witness because Epstein's personal pilot testified to Richardson joining Epstein at Epstein's New Mexico Ranch. There was information indicating that Epstein had young girls at his ranch which, given the circumstances of the case, raised the reasonable inference he was sexually abusing these girls as he had abused girls in West Palm Beach and elsewhere. Richardson had also returned campaign donations that were given to him by Epstein, indicating that he believed that there was something about Epstein with which he did not want to be associated. Richardson was not called to testify nor was he ever subpoenaed to testify. *See* Edwards Affidavit, Exhibit "N" at ¶18.

76. Edwards learned of allegations that Epstein engaged in sexual abuse of minors on his private aircraft. *See* Jane Doe 102 Complaint, Exhibit "B." Accordingly, Edwards pursued discovery to confirm these allegations.

77. Discovery of the pilot and flight logs was proper in the cases brought by Edwards against Epstein. Jane Doe filed a federal RICO claim against Epstein that was an active claim through much of the litigation. The RICO claim alleged that Epstein ran an expansive criminal enterprise that involved and depended upon his plane travel. Although Judge Marra dismissed the RICO claim at some point in the federal litigation, the legal team representing Edwards' clients intended to pursue an appeal of that dismissal. Moreover, all of the subjects mentioned in the RICO claim remained relevant to other aspects of Jane Doe's claims against Epstein, including in particular her claim for punitive damages. *See* Edwards Affidavit, Exhibit "N" at ¶19.

78. Discovery of the pilot and flight logs was also proper in the cases brought by Edwards against Epstein because of the need to obtain evidence of a federal nexus. Edwards's client Jane Doe was proceeding to trial on a federal claim under 18 U.S.C. § 2255. Section 2255 is a federal statute which (unlike relevant state statutes) established a minimum level of recovery for victims of the violation of its provisions. Proceeding under the statute, however, required a "federal nexus" to the sexual assaults. Jane Doe had two grounds on which to argue that such a nexus existed to her abuse by Epstein: first, his use of telephone to arrange for girls to be abused; and, second, his travel on planes in interstate commerce. During the course of the litigation, Edwards anticipated that Epstein would argue that Jane Doe's proof of the federal nexus was inadequate. These fears were realized when Epstein filed a summary judgment motion raising this argument. In response, the other attorneys and Edwards representing Jane Doe used the flight log evidence to respond to Epstein's summary judgment motion, explaining that the flight logs demonstrated that Epstein had traveled in interstate commerce for the purpose of facilitating his sexual assaults. Because Epstein chose to settle the case before trial, Judge Marra did not rule on the summary judgment motion.

79. Edwards had further reason to believe and did in fact believe that the pilot and flight logs might contain relevant evidence for the cases against Epstein. Jane Doe No. 102's complaint outlined Epstein's daily sexual exploitation and abuse of underage minors as young as 12 years old and alleged that Epstein's plane was used to transport underage females to be sexually abused by him and his friends. The flight logs accordingly were a potential source of information about either additional girls who were victims of Epstein's abuse or friends of Epstein who may have witnessed or even participated in the abuse. Based on this information, Edwards reasonably pursued the flight logs in discovery.

80. In the fall of 2009, Epstein gave a recorded interview to George Rush, a reporter with

the *New York Daily News* about pending legal proceedings. In that interview, Epstein demonstrated an utter lack of remorse for his crimes (but indirectly admitted his crimes) by stating:

- People do not like it when people make good and that was one reason he (Epstein) was being targeted by civil suits filed by young girls in Florida;
- He (Epstein) had done nothing wrong;
- He (Epstein) had gone to jail in Florida for soliciting prostitution for no reason;
- If the same thing (i.e., sexual abuse of minor girls) had happened in New York, he (Epstein) would have received only a \$200 fine;
- Bradley J. Edwards was the one causing all of Epstein's problems (i.e., the civil suits brought by Jane Doe and other girls);
- [REDACTED] came to him as a prostitute and a drug user (i.e., came to Epstein for sex, rather than Epstein pursuing her);
- All the girls suing him are only trying to get a meal ticket;
- The only thing he might have done wrong was to maybe cross the line a little too closely;
- He (Epstein) was very upset that Edwards had subpoenaed Ghislaine Maxwell, that she was a good person that did nothing wrong (i.e., had done nothing wrong even though she helped procure young girls to satisfy Epstein's sexual desires);
- With regard to Jane Doe 102 [REDACTED] Epstein, which involved an allegation that Epstein had repeatedly sexually abused a 15-year-old girl, forced her to have sex with his friends, and flew her on his private plane nationally and internationally for the purposes of sexually molesting and abusing her, he (Epstein) flippantly said that the case was dismissed, indicating that the allegations were ridiculous and untrue.

See Affidavit of Michael J. Fisten attached hereto as Exhibit "QQ."

81. The Rush interview also demonstrated perjury (a federal crime) on the part of Epstein. Epstein lied about not knowing George Rush. See Epstein Deposition, February 17, 2010, taken in [REDACTED]. Jeffrey Epstein, case 50-2008-CA-028051, page 154, line 4 through 155 line 9, (Deposition attachment #7), wherein Jeffrey Epstein clearly impresses that he does not recognize George Rush from the *New York Daily News*. This impression was given despite the fact that he gave a lengthy

personal interview about details of the case that was tape recorded with George Rush.

Epstein's Harassment of Witnesses Against Him

82. At all relevant times Edwards has a good faith basis to believe and did in fact believe that Epstein engaged in threatening witnesses. See Incident Report, Exhibit "A" at p. 82, U.S. Attorney's Correspondence, Exhibit "C" - Indictments drafted by Federal Government against Epstein; and Edwards Affidavit, Exhibit "N" at ¶11.

83. Despite three no contact orders entered against Epstein (*see* Exhibit C, *supra*), Edwards learned that Epstein continued to harass his victims. For example, Jane Doe had a trial set for her civil case against him on July 19, 2010. As that trial date approached, defendant Epstein intimidated her in violation of the judicial no-contact orders. On July 1, 2010, he had a "private investigator" tail Jane Doe – following her every move, stopping when she stopped, driving when she drove, refusing to pass when she pulled over. When Jane Doe ultimately drove to her home, the "private investigator" then parked in his car approximately 25 feet from Jane Doe house and flashed his high beam lights intermittently into the home. Even more threateningly, at about 10:30 p.m., when Jane Doe fled her home in the company of a retired police officer employed by Jane Doe's counsel, the "private investigator" attempted to follow Jane Doe despite a request not to do so. The retired officer successfully took evasive action and placed Jane Doe in a secure, undisclosed location that night. Other harassing actions against Jane Doe also followed. See Motion for Contempt filed by Edwards in Jane Doe ■. Epstein detailing the event, including Fisten Affidavit attached to Motion, Composite Exhibit "RR."

Epstein Settlement of Civil Claims Against Him for Sexual Abuse of Children

84. The civil cases Edwards filed against Epstein on behalf of ■■■, ■■■, and Jane Doe were reasonably perceived by Edwards to be very strong cases. Because Epstein had sexually

assaulted these girls, he had committed several serious torts against them and would be liable to them for appropriate damages. *See* Preceding Undisputed Facts. Because of the outrageousness of Epstein's sexual abuse of minor girls, Edwards reasonably expected that Epstein would also be liable for punitive damages to the girls. Because Edwards could show that Epstein had molested children for years and designed a complex premeditated scheme to procure different minors everyday to satisfy his addiction to sex with minors, the punitive damages would have to be sufficient to deter him from this illegal conduct that he had engaged in daily for years. Epstein was and is a billionaire. *See* Complaint, ¶49 (referring to "Palm Beach Billionaire"); *see also* Epstein Deposition, February 17, 2010, at 172-176 (Deposition Attachment #7) (taking the Fifth when asked whether he is a billionaire). Accordingly, Edwards reasonably believed the punitive damages that would have to be awarded against Epstein would have been substantial enough to punish him severely enough for his past conduct as well as deter him from repeating his offenses in the future. *See* Edwards Affidavit, Exhibit "N" at ¶19.

85. On July 6, 2010, rather than face trial for the civil suits that had been filed against him by ■■■, ■■■, and Jane Doe, defendant Epstein settled the cases against him. The terms of the settlement are confidential. The settlement amounts are highly probative in the instant action as Epstein bases his claims that Edwards was involved in the Ponzi scheme on Epstein's inability to settle the ■■■, ■■■, and Jane Doe cases for "minimal value". His continued inability to settle the claims for "minimal value" after the Ponzi scheme was uncovered would be highly probative in discrediting any causal relationship between the Ponzi scheme and Edwards's settlement negotiations. *See* Edwards Affidavit, Exhibit "N" at ¶21.

Edwards Non-Involvement in Fraud by Scott Rothstein

86. From in or about 2005, through in or about November 2009, Scott Rothstein appears to

have run a giant Ponzi scheme at his law firm of Rothstein, Rosenfeldt and Adler P.A. ("RRA"). This Ponzi scheme involved Rothstein falsely informing investors that settlement agreements had been reached with putative defendants based upon claims of sexual harassment and/or whistle-blower actions. Rothstein falsely informed the investors that the potential settlement agreements were available for purchase. Plea Agreement at 2, *United States v. Scott W. Rothstein*, No. 9-60331-CR-COHN (S.D. Fla. Jan. 27, 2010) attached hereto as Exhibit "SS."

87. It has been alleged that among other cases that Rothstein used to lure investors into his Ponzi scheme were the cases against Epstein that were being handled by Bradley J. Edwards, Esq. Edwards had no knowledge of the fraud or any such use of the Epstein cases. See Edwards Affidavit, Exhibit "N" at ¶9.

88. Bradley J. Edwards, Esq., joined RRA in about April 2009 and left RRA in November 2009 – a period of less than one year. Edwards would not have joined RRA had he been aware that Scott Rothstein was running a giant Ponzi scheme at the firm. Edwards left RRA shortly after learning of Rothstein's fraudulent scheme. *Id.* at ¶8.

89. At no time prior to the public disclosure of Rothstein's Ponzi scheme did Edwards know or have reason to believe that Rothstein was using legitimate claims that Edwards was prosecuting against Epstein for any fraudulent or otherwise illegitimate purpose. *Id.* at ¶20.

90. Edwards never substantively discussed the merits of any of his three cases against Epstein with Rothstein. See Deposition of Bradley J. Edwards taken March 23, 2010, at 110-16. (hereinafter "Edwards Depo") (Deposition Attachment #22).

91. On July 20, 2010, Bradley Edwards received a letter from the U.S. Attorney's Office for the Southern District of Florida – the office responsible for prosecuting Rothstein's Ponzi scheme. The letter indicated that law enforcement agencies had determined that Edwards was "a victim (or potential

victim)" of Scott Rothstein's federal crimes. The letter informed Edwards of his rights as a victim of Rothstein's fraud and promised to keep Edwards informed about subsequent developments in Rothstein's prosecution. See Letter attached hereto as Exhibit "TT."

92. Jeffrey Epstein filed a complaint with the Florida Bar against Bradley Edwards, Esq., raising allegations that Edwards and others were involved in the wrongdoing of Scott Rothstein. After investigating the claim, the Florida Bar dismissed this complaint. See Edwards Affidavit, Exhibit "N" at ¶23.

Epstein Takes the Fifth When Asked Substantive Questions About His Claims Against Edwards

93. On March 17, 2010, defendant Epstein was deposed about his lawsuit against Edwards. Rather than answer substantive questions about his lawsuit, Epstein repeatedly invoked his Fifth Amendment privilege. See Epstein Depo. taken 3/17/10, Deposition Attachment #1.

94. In his deposition, Epstein took the Fifth rather than answer the question: "Specifically what are the allegations against you which you contend Mr. Edwards ginned up?" *Id.* at 34.

95. In his deposition, Epstein took the Fifth rather than name people in California that Edwards had tried to depose to increase the settlement value of the civil suit he was handling. *Id.* at 37.

96. In his deposition, Epstein took the Fifth rather than answer the question: "Do you know former President Clinton personally?" *Id.*

97. In his deposition, Epstein took the Fifth rather than answer the question: "Are you now telling us that there were claims against you that were fabricated by Mr. Edwards?" *Id.* at 39.

98. In his deposition, Epstein took the Fifth rather than answer the question, "Well, which of Mr. Edwards' cases do you contend were fabricated." *Id.*

99. In his deposition, Epstein took the Fifth rather than answer the question: "What is the

actual value that you contend the claim of E. W. against you has?" *Id.* at 45.

100. In his deposition, Epstein took the Fifth rather than answer a question about the actual value of the claim of [REDACTED] and Jane Doe against him. *Id.*

101. In his deposition, taken prior to the settlement of Edwards's clients claims against Epstein, Epstein took the Fifth rather than answer the question: "Is there any pending claim against you which you contend is fabricated?" *Id.* at 71.

102. In his deposition, Epstein took the Fifth rather than answer the question: "Did you ever have damaging evidence in your garbage?" *Id.* at 74.

103. In his deposition, Epstein took the Fifth rather than answer the question: "Did sexual assaults ever take place on a private airplane on which you were a passenger?" *Id.* at 88.

104. In his deposition, Epstein took the Fifth rather than answer the question: "Does a flight log kept for a private jet used by you contain the names of celebrities, dignitaries or international figures?" *Id.* at 89.

105. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Donald Trump in the presence of females under the age of 18?" *Id.* at 89.

106. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Alan Dershowitz in the presence of females under the age of 18." *Id.* at 90.

107. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Mr. Mottola in the presence of females under the age of 18?" *Id.* at 91-92.

108. In his deposition, Epstein took the Fifth rather than answer the question: "Did you ever socialize with David Copperfield in the presence of females under the age of 18?" *Id.* at

109. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever socialized with Mr. Richardson [Governor of New Mexico and formerly U.S. Representative and

Ambassador to the United Nations] in the presence of females under the age of 18." *Id.* at 94.

110. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever sexually abused children?" *Id.* at 95.

111. In his deposition, Epstein took the Fifth rather than answer the question: "Did you have staff members that assisted you in scheduling appointments with underage females; that is, females under the age of 18." *Id.* at 97-98.

112. In his deposition, Epstein took the Fifth rather than answer the question: "On how many occasions did you solicit prostitution." *Id.* at 102.

113. In his deposition, Epstein took the Fifth rather than answer the question: "How many minors have you procured for prostitution?" *Id.* at 104.

114. In his deposition, Epstein took the Fifth rather than answer the question: "Have you ever coerced, induced or enticed any minor to engage in any sexual act with you?" *Id.* at 107.

115. In his deposition, Epstein took the Fifth rather than answer the question: "How many times have you engaged in fondling underage females?" *Id.* at 108.

116. In his deposition, Epstein took the Fifth rather than answer the question: "How many times have you engaged in oral sex with females under the age of 18?" *Id.* at 110.

117. In his deposition, Epstein took the Fifth rather than answer the question: "Do you have a personal sexual preference for children?" *Id.* at 111-12.

118. In his deposition, Epstein took the Fifth rather than answer the question: "Your Complaint at page 27, paragraph 49, says that 'RRA and the litigation team took an emotionally driven set of facts involving alleged innocent, unsuspecting, underage females and a Palm Beach billionaire, and sought to turn it into a goldmine,' end of quote. Who is the Palm Beach billionaire referred to in that sentence?" *Id.* at 112-13.

119. In his deposition, Epstein took the Fifth rather than answer the question: "Who are the people who are authorized to make payment [to your lawyers] on your behalf?" *Id.* at 120.

120. In his deposition, Epstein took the Fifth rather than answer the question: "Is there anything in [REDACTED]'s Complaint that was filed against you in September of 2008 which you contend to be false?" *Id.* at 128.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 22nd, 2010 a copy of the foregoing has been served via U.S. Mail and email transmittal to all those on the attached service list.

Jack Scarola
Searcy, Denney, Scarola, Barnhart & Shipley



By:

A handwritten signature in cursive script, appearing to read "Jack Scarola", written over a horizontal line.

JACK SCAROLA
Florida Bar No.: 169440

SERVICE LIST

Christopher E. Knight, Esq.
Joseph L. Ackerman, Esq.
FOWLER WHITE BURNETT P.A.

[REDACTED]

Jack Alan Goldberger, Esq.
Atterbury Goldberger et al.

[REDACTED]

Marc S. Nurik, Esq.
Law Offices of Marc S. Nurik

[REDACTED]

Gary M. Farmer, Jr.
Farmer, Jaffe, Weissing,
Edwards, Fistos & Lehrman, P.L.

[REDACTED]

EXHIBIT 17

SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY P.A.
*Attorneys
at Law*

WEST PALM BEACH OFFICE:

TALLAHASSEE OFFICE:

THE TOWLE HOUSE

January 14, 2015

His Royal Highness The Duke of York

ATTORNEYS AT LAW:

- ROSALYN BIA BAKER-BARNES
- *F. GREGORY BARNHART
- T. HARDEE BASS, III
- LAURIE J. BRIGGS
- *BRIAN R. DENNEY
- BRENDA S. FULMER
- *MARIANO GARCIA
- JAMES W. GUSTAFSON, JR.
- MARA R. P. HATFIELD
- ADAM S. HECHT
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- KELLY HYMAN
- DAVID K. KELLEY, JR.
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- CHRISTOPHER K. SPEED¹⁰
- BRIAN P. SULLIVAN²⁴⁶
- KAREN E. TERRY
- DONALD J. WARD III⁸
- *C. CALVIN WARRNER II

Your Royal Highness:

I represent attorneys Paul G. Cassell and Bradley J. Edwards. They in turn represent a young woman pictured below who is being referred to as Jane Doe No. 3. That representation is in pending legal proceedings in the United States Federal District Court for the Southern District of Florida.

This letter is a formal request on behalf of Mr. Edwards and Professor Cassell to interview you, under oath, regarding interactions that you had with Jane Doe No. 3 beginning in approximately early 2001. Jane Doe No. 3 was then 17 years old. Among other things, I would like to discuss events that occurred at the time that the photograph below was taken – and shortly thereafter.



- OF COUNSEL
- *EARL L. DENNEY, JR.⁵
- SHAREHOLDERS
- BOARD CERTIFIED
- ALSO ADMITTED
- ¹ KENTUCKY
- ² MAINE
- ³ MARYLAND
- ⁴ MASSACHUSETTS
- ⁵ MISSISSIPPI
- ⁶ NEW HAMPSHIRE
- ⁷ NEW JERSEY
- ⁸ [REDACTED]
- ⁹ WASHINGTON DC
- PARALEGALS:
- VIVIAN AYAN-TEJEDA
- RANDY M. DUFRESNE
- DAVID W. GILMORE
- JOHN C. HOPKINS
- DEBORAH M. KNAPP
- VINCENT L. LEONARD, JR.
- JAMES PETER LOVE
- ROBERT W. PITCHER
- PABLO PERHACS
- KATHLEEN SIMON
- STEVE M. SMITH
- BONNIE S. STARK
- WALTER A. STEIN

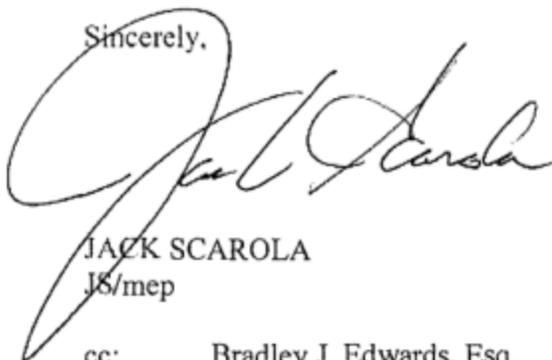
January 14, 2015
His Royal Highness The Duke of York
Re: Edwards and Cassell

I would also like to discuss Jane Doe #3's claims of your subsequent interactions with her in New York City, New York later that year. Details of those claims have been widely reported in the British press (with varying degrees of accuracy) as have your denials of the claims, so I assume that it is unnecessary for me to be any more specific about the proposed areas of our inquiry.

The interview could be conducted at a time and place of your choosing, and with your cooperation, I believe the interview could be completed in two hours or less.

New court pleadings regarding relationships between you and Jane Doe #3 are currently being prepared but their filing will be delayed if you are willing and able to commit to accepting this invitation. Accordingly, the favor of a prompt reply by no later than January 19, 2015, would be greatly appreciated.

Sincerely,



JACK SCAROLA
JS/mep

cc: Bradley J. Edwards, Esq.
Professor Paul Cassell



6

6

EXHIBIT 18

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE No.08-CV-80119-CIV-MARRA/JOHNSON

JANE DOE NO. 2,
Plaintiff,
-vs-
JEFFREY EPSTEIN,
Defendant.

Related cases:
08-80232, 08-80380, 98-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF JUAN ALESSI
VOLUME I

Tuesday, September 8, 2009
10:12 a.m. - 3:45 p.m.

2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33401

Reported By:
Sandra W. Townsend, FPR
Notary Public, State of Florida
PROSE COURT REPORTING AGENCY
West Palm Beach Office

Page 3

1 On behalf of the Defendant:
2 ROBERT J. CRITTON, ESQUIRE
3 BURMAN, CRITTON & LUTTIER
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 2

1 APPEARANCES:
2 On behalf of the Plaintiffs:
3 RICHARD WILLITS, ESQUIRE
4 RICHARD H. WILLITS, P.A.
5 [REDACTED]
6 [REDACTED]
7 STUART MERMELSTEIN, ESQUIRE
8 MERMELSTEIN & HOROWITZ, P.A.
9 [REDACTED]
10 [REDACTED]
11 WILLIAM J. BERGER, ESQUIRE
12 ROTHSTEIN ROSENFELDT ADLER
13 [REDACTED]
14 [REDACTED]
15 KATHERINE W. EZELL, ESQUIRE
16 PODHURST ORSECK, P.A.
17 [REDACTED]
18 [REDACTED]
19 ADAM J. LANGINO, ESQUIRE
20 LEOPOLD KLIVIN
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 4

- - -
E X H I B I T S
- - -

NUMBER	DESCRIPTION	PAGE
5		
6	Exhibit number 1	Photographs 45
7	Exhibit number 2	Transcript 130
8	Exhibit number 3	Incident Report 137
9	Exhibit number 4	Incorporation Papers 149
10	Exhibit number 5	Incorporation Papers 150
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1 (Pages 1 to 4)

[REDACTED] PROSE COURT REPORTING AGENCY, INC. [REDACTED]

Page 5

1 PROCEEDINGS
 2 ---
 3 Deposition taken before Sandra W. Townsend, Court
 4 Reporter and Notary Public in and for the State of
 5 Florida at Large, in the above cause.
 6 ---
 7 VIDEOGRAPHER: Today is September 8, 2009.
 8 The time is 12 minutes after 10:00 in the morning.
 9 This is the videotaped deposition of Juan
 10 Alessi in the matter of Jane Doe number two versus
 11 Jeffrey Epstein. This deposition is being held at
 12 2139 Palm Beach Lakes Boulevard in West Palm Beach,
 13 Florida.
 14 My name is Stan Sanders. I'm the videographer
 15 representing Visual Evidence, Incorporated.
 16 Would the attorneys please announce their
 17 appearances for the record.
 18 MR. WILLITS: Richard Willits, representing
 19 [REDACTED]
 20 MR. BERGER: William J. Berger, representing
 21 [REDACTED], [REDACTED] and Jane Doe number two.
 22 MR. MERMELSTEIN: Stuart Mermelstein of
 23 Mermelstein and Horowitz, representing Jane Does
 24 numbers two through eight.
 25 MR. LANGINO: Adam Langino, on behalf of [REDACTED]

Page 6

1 MS. EZELL: Katherine Ezell from Podhurst
 2 Orseck, on behalf of Jane Does 101 and 102.
 3 MR. CRITTON: Bob Critton, on behalf of
 4 Jeffrey Epstein.
 5 THEREUPON,
 6 JUAN ALESSI,
 7 having been first duly sworn or affirmed, was examined
 8 and testified as follows:
 9 THE WITNESS: I do.
 10 DIRECT EXAMINATION
 11 BY MR. WILLITS:
 12 Q. Good morning, sir.
 13 A. Good morning.
 14 Q. I introduced myself through the videographer.
 15 My name is Richard Willits.
 16 A. Okay.
 17 Q. I represent a young lady by the name of
 18 [REDACTED]
 19 A. Okay.
 20 Q. Is that name familiar to you at all?
 21 A. Whose name?
 22 Q. [REDACTED]. Do you recognize that name?
 23 A. No.
 24 Q. What is your residence address, sir?
 25 A. My address is [REDACTED].

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1 [REDACTED]
 2 Q. All right, sir. Did you ever work for Jeffrey
 3 Epstein?
 4 A. Yes, I did.
 5 Q. In what capacity?
 6 A. Everything. I started with Jeffrey Epstein
 7 around 19 -- please bear with the dates because I
 8 trying --
 9 Q. Sure.
 10 A. -- to remember. 1969 as a part-time
 11 maintenance guy.
 12 And then I become a full-time employee, I
 13 think it was January 1, 2 -- '91, '92, so '92. Sorry.
 14 Q. You said you started in 1969? That would
 15 be --
 16 A. No. No. No. No. No.
 17 Q. Okay.
 18 A. '99.
 19 Q. 1999?
 20 A. Yeah.
 21 Q. All right. And how did you happen to get that
 22 job? Was it through an employment agency --
 23 A. No.
 24 Q. -- or an ad in the paper?
 25 A. I had a company at that time used to take care

Page 8

1 of a lot of residents in Palm Beach. And I got to know
 2 Jeffrey through Lesley Wexner. And I used to work in
 3 about 20 different, 20, 25 different homes in Palm Beach
 4 as a maintenance guy.
 5 Q. Okay.
 6 A. And I have basically my own company and I do
 7 repairs for them. I did home sit in for them.
 8 Q. And what was -- did you work for Jeffrey
 9 Epstein? What was your position when you started?
 10 A. When I started, he hire me to -- he just
 11 bought the house.
 12 Q. I'm sorry?
 13 A. He just had bought the house --
 14 Q. Okay.
 15 A. -- where he live on El Brillo. And he hire me
 16 through Mr. Wexner's references to do repair works. And
 17 basically what I did the most was taking walls apart,
 18 windows and stuff that he didn't want to have it, --
 19 Q. I see.
 20 A. -- fix it.
 21 Q. And when you started working for Mr. Epstein,
 22 were you still working for other people in Palm Beach?
 23 A. Yes, I did.
 24 Q. Okay. And about how long a period of time did
 25 you do this type of work for Mr. Epstein, the

2 (Pages 5 to 8)

PROSE COURT REPORTING AGENCY, INC.

Page 9

1 maintenance and taking out walls?
 2 A. It was couple months. It was couple months
 3 before.
 4 Q. And what was the name of your company?
 5 A. Alessi Maintenance.
 6 Q. And how were you paid?
 7 A. By him?
 8 Q. Yes.
 9 A. Usually by check or cash sometimes.
 10 Q. Do you know what company actually paid your
 11 company?
 12 A. It was Jeffrey Epstein and Company.
 13 Q. So you said you had that position for a couple
 14 of months.
 15 What happened next?
 16 A. Then Mr. Epstein asked me to, if I wanted to
 17 be his employee, because I was going from one house to
 18 another house to another house, one hour here. I was
 19 just running around Palm Beach all day.
 20 So he asked me if I would just work for him,
 21 exclusively for him.
 22 Q. Okay.
 23 A. And we agreed with the terms and I become a
 24 full-time employee as a maintenance guy. And I was
 25 taking care of everything, as far as maintenance.

Page 10

1 Then my job changed little by little to house
 2 man, estate manager, and then to a majordomo.
 3 Q. Okay. When you first agreed to terms with
 4 Mr. Epstein and you first started working for him full
 5 time, what were those terms, do you remember?
 6 A. The terms is basically was how much -- he
 7 asked me how much I was making in all the properties.
 8 And I says, well, I make this -- this amount
 9 of money.
 10 And he says, fine.
 11 Q. And how much was that, did he pay you?
 12 A. Around \$45,000. I think I started with 45.
 13 Q. Okay. And when you started to work for him as
 14 a full-time employee, did you have anybody that you
 15 reported to or did you deal directly with Mr. Epstein?
 16 A. At the beginning with Mr. Epstein, directly to
 17 him.
 18 Q. Did that change?
 19 A. Later on, yes.
 20 Q. And how did that change?
 21 A. When Ms. Maxwell, Ghislaine Maxwell came to
 22 the picture.
 23 Q. Okay. About when was it that she came into
 24 the picture?
 25 A. Exactly date, I cannot remember. But it was

Page 11

1 about seven months before -- after I become a full-time
 2 employee.
 3 Q. Okay. And how did Ms. Maxwell come into the
 4 picture?
 5 A. It was his girlfriend, his main girlfriend.
 6 Q. Okay. Had you known her before she became --
 7 A. No.
 8 Q. -- your --
 9 A. Never know her before.
 10 Q. I'm sorry. I didn't get a chance to finish my
 11 question.
 12 Would you have referred to her as your
 13 supervisor or your superior or what would you have
 14 called Mrs. Maxwell?
 15 A. I used to call her Ghislaine.
 16 Q. Okay. And how was it explained to you that
 17 you were now to deal with Ms. Maxwell, as opposed to
 18 Jeffrey Epstein?
 19 A. She would tell me, I am going to take care of
 20 the house.
 21 Q. Okay. That was explained to you by
 22 Ms. Maxwell?
 23 A. Uh-huh.
 24 Q. Is that a yes?
 25 A. Yes.

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1 Q. And when Ms. Maxwell started assuming
 2 responsibility for the house, did your duties change at
 3 that time?
 4 A. Not much.
 5 Q. Okay.
 6 A. Not much.
 7 Q. And at that time when Ms. Maxwell started
 8 taking responsibility for the house, what were your
 9 duties?
 10 A. Basically I was still doing the maintenance
 11 work.
 12 Q. Okay.
 13 A. Was doing -- they were trying to remodel the
 14 home and they would told me, okay, tear down this wall.
 15 We want to see how it's going to look. Or put this
 16 windows and tear down -- we had a fishing tank. We took
 17 it out -- I took it out. A kitchen on the second floor.
 18 I took it out. So it was basically dismantling the
 19 house.
 20 Q. Okay. And about how long a period of time did
 21 that project last?
 22 A. I would says, six to seven months.
 23 Q. Okay. And after the remodeling slacked off or
 24 stopped, did your duties then change?
 25 A. Yeah. Increasingly they change.

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1 MS. EZELL: I'm going to ask -- I don't know
 2 whether you've still been serially designating
 3 Exhibits or whether we're doing them separately for
 4 deposition.
 5 MR. CRITTON: I think we cannot trust that
 6 people will do them serially. I'd do them with
 7 each one.
 8 MS. EZELL: Then would you mark this, please,
 9 as Exhibit 1 to this deposition.
 10 And I'm just going to state on the record that
 11 I will keep that original. We will not attach it
 12 to the deposition.
 13 (Exhibit number 1 was marked for
 14 identification purposes and retained by Counsel for the
 15 Plaintiffs.)
 16 THE WITNESS: Yes, that's --
 17 BY MS. EZELL:
 18 Q. Can you identify that -- the young woman in
 19 those pictures?
 20 A. Yes.
 21 Q. Who is it?
 22 A. That's [REDACTED] -- [REDACTED]. Now that you says R., that
 23 is [REDACTED] definite, a hundred percent.
 24 MR. CRITTON: Let me just note my objection,
 25 as I did in A. Rod's deposition or Mr. Rodriguez's

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1 deposition, that I know you're going to confiscate
 2 Exhibit number 1. I think it's inappropriate. I
 3 think I should be allowed to have a copy of
 4 Exhibits that are being used in deposition. But
 5 I'll file a motion with the Court so we don't get
 6 into a pulling match over your Exhibits.
 7 MR. BERGER: I would ask that the court
 8 reporter initial that.
 9 MS. EZELL: Sure.
 10 Oh, you did?
 11 MR. WILLITS: She marked it.
 12 MR. BERGER: Did she put her initials or did
 13 she just put a number or a letter?
 14 MR. CRITTON: She's nodding that she did
 15 everything that she usually does, which means,
 16 initials, date and number.
 17 MR. MERMELSTEIN: You can talk.
 18 MR. WILLITS: But when you talk, use your
 19 initials.
 20 BY MS. EZELL:
 21 Q. How old did you think [REDACTED] was at the time she
 22 began coming to Mr. Epstein's home?
 23 A. She could have been 17, 18, 19.
 24 Q. Could she have also been 15?
 25 MR. CRITTON: Form.

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1 THE WITNESS: Could have been. But, you know,
 2 I am not -- I don't think I am a very good judge of
 3 ages. If you ask me how old you are, I really
 4 couldn't tell you.
 5 MR. CRITTON: Kathy thinks she's 25.
 6 MS. EZELL: In my dreams.
 7 THE WITNESS: Now, again, I must tell you, I
 8 was never told to check any i.d.s on any of the
 9 people who work at the house.
 10 BY MS. EZELL:
 11 Q. I understand that. And, so, I think I'm just
 12 trying to establish that you didn't consider it part of
 13 your job description to worry about or consider the
 14 ages --
 15 A. No.
 16 Q. -- of the young women that came there?
 17 A. Absolutely not. Absolutely not.
 18 Q. And, so, you never really focused on that or
 19 particularly thought about it if they seemed young?
 20 MR. CRITTON: Form.
 21 THE WITNESS: I don't -- I didn't see that
 22 many young girls, you know, young, underage girls
 23 at the house. I never saw except the two girls
 24 that I mentioned that I think it was underage was
 25 N. for sure because she was still in high school.

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1 And she -- she had dinner with her mother, a couple
 2 times with her mother. And she become an actress.
 3 She's an actress and she has done movies. And he
 4 help her in her career.
 5 That's the only girl that I knew she was young
 6 because she was going to high school and I pick her
 7 up from high school sometimes. But she was not a
 8 massage therapist. She will go for dinner. And
 9 they will go for the movies and she sang sometimes
 10 because she was a singer. So she sung at the
 11 house. Beautiful girl. Very talented.
 12 That's the only girl that I know that it
 13 was -- I would says, underage.
 14 BY MS. EZELL:
 15 Q. Okay. Did -- who told you that [REDACTED] was a
 16 massage therapist?
 17 A. Nobody.
 18 Q. Did you assume that she was a massage
 19 therapist because you were told she was coming to give a
 20 massage?
 21 A. No. I assumed she was a massage therapy
 22 because I was -- I drove Ms. Maxwell to Mar-a-lago,
 23 Donald Trump's residence. And I wait in the car while
 24 Ms. Maxwell got a -- I think it was a facial or massage.
 25 I don't know. But that day I remember this girl, [REDACTED].

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1 MR. CRITTON: Form.
 2 THE WITNESS: No, not that I can remember.
 3 BY MS. EZELL:
 4 Q. Do you know if he and Mr. Epstein were
 5 involved in any businesses together?
 6 A. Mr. Epstein, I never knew what businesses he
 7 was involved. He will -- I was completely shut off of
 8 all of the business, except for the office, transfer of
 9 communications or faxes. But I have no idea of the
 10 relationship with other business partners.
 11 Q. Did you ever have to deal with his -- the
 12 office in New York with someone named Lesley in New
 13 York?
 14 A. The secretary?
 15 Q. Yes.
 16 A. Yeah. I would call -- I would call Lesley
 17 almost every day or other secretaries, they live in New
 18 York. Basically it came a point when Mr. Epstein will
 19 call New York and New York call me to do things for
 20 Mr. Epstein. But he was on the phone or busy or
 21 something and he would call the office and the office
 22 will send me an e-mail or call me or -- it was a
 23 constant report with the office in New York.
 24 Q. And did you in turn sometimes call New York to
 25 get a message to Mr. Epstein?

Page 70

1 A. Yes.
 2 Q. Did you ever overhear Mr. Epstein talking to
 3 any people that you would consider celebrities?
 4 A. Yes. I knew some -- many celebrities.
 5 Q. Who -- what celebrities did you understand
 6 that he spoke with?
 7 A. He spoke to it?
 8 Q. Yes.
 9 A. I don't know who he spoke to because I never
 10 listen to his conversations. But I saw guests at the
 11 house that were celebrities.
 12 Q. Who did you see at house?
 13 A. Many. It was senators. It was Senator
 14 Mitchell, George Mitchell. It was Prince Andrew. It
 15 was Princess Sarah.
 16 Q. Princess?
 17 A. Sarah, the wife of Andrew.
 18 Q. Sarah Ferguson?
 19 A. Ferguson.
 20 And it was a couple Misses, Misses Yugoslavia,
 21 Miss Germany that I don't even know the names. But they
 22 were a lot of queens and other famous people that I
 23 can't remember. It was a very famous lawyers that I'm
 24 sure you know, Alan Dershowitz, who spend at the house a
 25 couple times. And he slept there. He -- Princess

Page 71

1 Diane's secretary, she stay there for a week with her
 2 kids and we took care of her.
 3 Who else? Mr. Trump. That's a celebrity.
 4 Mr. Robert Kennedy, Junior. Mr. Frederick Fekkai.
 5 Q. Who is that?
 6 A. Fekkai, Frederick Fekkai, the famous
 7 hairstylist. Who else? I don't think I can remember
 8 anymore.
 9 Q. David Copperfield, the magician?
 10 A. No, I never saw him.
 11 Q. You never saw him.
 12 Now, would these -- the people that you named
 13 were all people that you saw visiting in the home?
 14 A. Yes. Also was a Noble Prize winners, the -- I
 15 can't remember his name. It was an old gentleman. He
 16 was a Noble Prize, chemistry, I think, or mathematics.
 17 There was a couple -- a couple of those, very -- also,
 18 we had at one time at the house, it was a reunion of
 19 very Noble Prize winners. But I don't know. They're
 20 not famous, I guess. I can't remember their names.
 21 Very important people.
 22 Q. Was that a dinner or a reception?
 23 A. I think it was a lunch.
 24 Q. A lunch.
 25 President Clinton, did you ever --

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1 A. I met President Clinton on Mr. Epstein's plane
 2 in the last, I think it was the last month or just
 3 before I left -- I left, I met President Clinton in
 4 Miami at his plane. We drove him to Miami.
 5 Q. And do you know, was that a trip -- were they
 6 going on a trip to Africa?
 7 A. I hear about it, but it was not when I was
 8 there.
 9 Q. So that was not the time that you drove --
 10 A. No, I was already out.
 11 Q. And Kevin Spacey, did you ever meet him?
 12 A. No. I hear about it on the news, but I never
 13 met him.
 14 Q. Were Prince Andrew and Princess Sarah friends
 15 of Ms. Maxwell?
 16 A. Both of them.
 17 Q. Both Ms. Maxwell and Mr. Epstein?
 18 A. Yeah.
 19 Q. Did -- did they ever have massages when they
 20 were there?
 21 A. Prince Andrew did. I think Sarah was there
 22 only once and for a short time. I don't think she slept
 23 in there. I cannot remember. I think she was visiting
 24 Wellington and she came to the house and we met her.
 25 But Prince Andrew, yes, Prince Andrew spent weeks with

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1 us.
 2 Q. Where would he sleep?
 3 A. In the main room, the main guest bedroom.
 4 That was the blue room.
 5 Q. And, so, when he would come and stay, during
 6 that time would he frequently have massages?
 7 MR. CRITTON: Form.
 8 THE WITNESS: I would says, daily massages.
 9 They have a daily massage.
 10 BY MS. EZELL:
 11 Q. Was it sometimes more than one a day?
 12 A. I can't remember if he had more than one, but
 13 I think it was just a massage for him. We set up the
 14 tables and --
 15 Q. Do you have any recollection of [REDACTED] coming to
 16 the house when Prince Andrew was there?
 17 A. It could have been, but I'm not sure.
 18 Q. Not sure. When Mr. Dershowitz was
 19 visiting, --
 20 A. Uh-huh.
 21 Q. -- how often did he come?
 22 A. He came pretty -- pretty often. I would says,
 23 at least four or five times a year.
 24 Q. And how long would he stay typically?
 25 A. Two, three days.

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1 Q. Did he have massages sometimes when he was
 2 there?
 3 A. Yes. A massage was like a treat for
 4 everybody. If they want it, we call the massage and
 5 they have a massage.
 6 Q. Now, Mr. Trump had a home in Palm Beach,
 7 correct?
 8 A. Uh-huh.
 9 Q. So he didn't come and stay there, did he?
 10 A. No, never.
 11 Q. He would come for a meal?
 12 A. He would come, have dinner. He never sat at
 13 the table. He eat with me in the kitchen.
 14 Q. Did he ever have massages while he was there?
 15 A. No. Because he's got his own spa.
 16 Q. Sure.
 17 MS. EZELL: I don't have any other questions
 18 right now. I'd just like to reserve if something
 19 comes up to ask. But, otherwise, you may go ahead.
 20 MR. LANGINO: It is noon, so I don't know what
 21 everybody else's schedule is. I don't know how
 22 you're feeling.
 23 THE WITNESS: I am fine.
 24 MS. EZELL: I do have another question. May I
 25 ask it?

Page 75

1 MR. LANGINO: Go ahead. Sure.
 2 BY MS. EZELL:
 3 Q. You said that you set up the massage tables.
 4 And would you also set up the oils and the towels?
 5 A. Yes, ma'am.
 6 Q. And I think I read one time you said they used
 7 40 or 50 towels a day?
 8 MR. CRITTON: Form.
 9 THE WITNESS: That's correct. There was a
 10 tremendous amount of work in the house, especially
 11 laundry towels, because they were -- we have
 12 towels, piles of towels. And they use in the pool.
 13 There was a lot of people in the pool and there
 14 were a towel that went in the floor, we have to go
 15 and pick it up, wash it. So it was -- it was a lot
 16 of towels, yes.
 17 BY MS. EZELL:
 18 Q. And did you ever have occasion to go upstairs
 19 and clean up after the massages?
 20 A. Yeah, uh-huh.
 21 Q. Did you ever find any vibrators in that area?
 22 A. Yes. I told him, yes.
 23 MS. EZELL: And did you ask that? I'm sorry.
 24 MR. CRITTON: Yes.
 25 MS. EZELL: I don't know how I missed that.

Page 76

1 BY MS. EZELL:
 2 Q. Since I did miss it, if you don't mind, let me
 3 just ask you again.
 4 Would you describe for me what kinds of
 5 vibrators you found?
 6 A. I'm not familiar -- not too familiar with the
 7 names, but they were big dildos, what they call the big
 8 rubber things like that (indicating). And I used to go
 9 and put my gloves on and pick them up, put them in the
 10 sink, rinse it off and put it in Ms. Maxwell --
 11 Ms. Maxwell had in her closet, she had, like, a laundry
 12 basket, one of those laundry basket that you put laundry
 13 in. She have full of those toys. And that was -- and
 14 that was me being professional, leaving the room ready
 15 for bed when he would come back to the room again.
 16 Q. Okay.
 17 A. That happened a few times, few times.
 18 Q. Were there other sex toys that you found in
 19 the area --
 20 A. No.
 21 Q. -- sometimes? You mentioned she kept them in
 22 a basket in her closet?
 23 A. She kept them in her basket. She had some
 24 videos there and she have a costume there. I know that
 25 she bought it, that she brought it with her.

Page 77

1 Q. What kind of costume?
 2 A. I don't know. It was a black, shiny costume.
 3 I never saw it on her.
 4 Q. Was it leather?
 5 A. No. I think it was like a vinyl. But we were
 6 very fussy about touching any of that stuff. We just...
 7 MS. EZELL: No other questions. Thank you,
 8 sir.
 9 THE WITNESS: You're welcome.
 10 MR. LANGINO: I shouldn't have more than a
 11 half hour's worth of questions, if everybody is
 12 okay to power through.
 13 MR. BERGER: I probably have a half hour to an
 14 hour.
 15 MR. LANGINO: Okay.
 16 MR. BERGER: Unless you cover what I cover.
 17 MR. MERMELSTEIN: I could say the same thing,
 18 so probably less than that.
 19 MR. LANGINO: So I guess my question is --
 20 MR. BERGER: I think we ought to take a break.
 21 MR. LANGINO: That was my question.
 22 MR. BERGER: We're going to take a break.
 23 Do you have any problem with that?
 24 THE WITNESS: No. Whatever you guys want to
 25 do.

Page 78

1 (Lunch recess.)
 2 (Continued to Volume II.)
 3
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Page 79

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF PALM BEACH
 4
 5
 6 I, the undersigned authority, certify that
 7 JUAN ALESSI personally appeared before me and was duly
 8 sworn on the 8th day of September, 2009.
 9
 10 Dated this 19th day of September, 2009.
 11
 12
 13
 14
 15  
 16 Sandra W. Townsend, Court Reporter
 17 Notary Public - State of Florida
 18 My Commission Expires: 6/26/12
 19 My Commission No.: DD 793913
 20
 21
 22
 23
 24
 25

Page 80

1 CERTIFICATE
 2 STATE OF FLORIDA
 3 COUNTY OF PALM BEACH
 4
 5 I, Sandra W. Townsend, Court Reporter and
 6 Notary Public in and for the State of Florida at Large,
 7 do hereby certify that the aforementioned witness was by
 8 me first duly sworn to testify the whole truth; that I
 9 was authorized to and did report said deposition in
 10 stenotype; and that the foregoing pages numbered 1 to
 11 78, inclusive, are a true and correct transcription of
 12 my shorthand notes of said deposition.
 13
 14 I further certify that said deposition was
 15 taken at the time and place hereinabove set forth and
 16 that the taking of said deposition was commenced and
 17 completed as hereinabove set out.
 18 I further certify that I am not attorney or
 19 counsel of any of the parties, nor am I a relative or
 20 employee of any attorney or counsel of party connected
 21 with the action, nor am I financially interested in the
 22 action.
 23 The foregoing certification of this transcript
 24 does not apply to any reproduction of the same by any
 25 means unless under the direct control and/or direction
 of the certifying reporter.
 Dated this 19th day of September, 2009.

 Sandra W. Townsend, Court Reporter

EXHIBIT 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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JANE DOE NO. 2,
Plaintiff,
Vs
JEFFREY EPSTEIN,
Defendant.

Case No: 08-CV-80119

_____ /

JANE DOE NO. 3,
Plaintiff,
Vs
JEFFREY EPSTEIN,
Defendant.

Case NO: 08-CV-80232

_____ /

JANE DOE NO. 4,
Plaintiff,
Vs.
JEFFREY EPSTEIN,
Defendant.

Case No: 08-CV-80380

_____ /

JANE DOE NO. 5,
Plaintiff,
Vs
JEFFREY EPSTEIN,
Defendant.

Case No: 08-CV-80381

_____ /

Page 2

1 JANE DOE NO. 6, Case No: 08-CV-80994
 2 Plaintiff,
 3 Vs
 4 JEFFREY EPSTEIN,
 5 Defendant.
 6 _____/

7 JANE DOE NO. 7, Case No. 08-CV-80993
 8 Plaintiff,
 9 Vs
 10 JEFFREY EPSTEIN,
 11 Defendant.
 12 _____/

13 C.M.A., Case No: 08-CV-80811
 14 Plaintiff,
 15 Vs
 16 JEFFREY EPSTEIN,
 17 Defendant.
 18 _____/

19 JANE DOE, Case No: 08-CV-80893
 20 Plaintiff,
 21 Vs
 22 JEFFREY EPSTEIN,
 23 Defendant.
 24 _____/

25

Page 4

1 VIDEOTAPED
 2 DEPOSITION
 3 of
 4 ALFREDO RODRIGUEZ
 5
 6 taken on behalf of the Plaintiffs pursuant
 7 to a Re-Notice of Taking Deposition (Duces Tecum)
 8
 9 ---
 10 APPEARANCES:
 11
 12 MERMELSTEIN & HOROWITZ, P.A.
 13 BY: STUART MERMELSTEIN, ESQ.
 14 _____/

15 Attorney for Jane Doe 2, 3, 4, 5,
 16 6, and 7.
 17
 18 ROTHSTEIN ROSENFELDT ADLER
 19 BY: BRAD J. EDWARDS, ESQ., and
 20 CARA HOLMES, ESQ.
 21 _____/

22 Attorney for Jane Doe and
 23 And _____/

24 PODHURST ORSECK
 25 BY: KATHERINE W. EZELL
 _____/

Attorney for Jane Doe 101 and 102.

Page 3

1 JANE DOE NO. II, Case No: 08-CV-80469
 2 Plaintiff,
 3 Vs
 4 JEFFREY EPSTEIN,
 5 Defendant.
 6 _____/

7 JANE DOE NO. 101, Case No: 09-CV-80591
 8 Plaintiff,
 9 Vs
 10 JEFFREY EPSTEIN,
 11 Defendant.
 12 _____/

13 JANE DOE NO. 102, Case No: 09-CV-80656
 14 Plaintiff,
 15 Vs
 16 JEFFREY EPSTEIN,
 17 Defendant.
 18 _____/

19
 20 _____/

21
 22 11:00 a.m. to 5:30 p.m.
 23
 24
 25

Page 5

1 APPEARANCES:
 2
 3 LEOPOLD-KUVIN
 4 ADAM J. LANGINO, ESQ.
 5 _____/

6 Attorney for _____/

7
 8 RICHARD WILLITS, ESQ.
 9 _____/

10 Attorney for C.M.A.
 11
 12 BURMAN, CRITTON, LUTTIER &
 13 COLEMAN, LLP
 14 BY: ROBERT CRITTON, ESQ.
 15 _____/

16 Attorney for Jeffrey Epstein.
 17
 18 ALSO PRESENT:
 19 JOE LANGSAM, VIDEOGRAPHER
 20
 21 ---
 22
 23
 24
 25

Page 6

1 INDEX OF EXAMINATION

2 WITNESS DIRECT CROSS

3 ALFREDO RODRIGUEZ

4 (By Mr. Mermelstein) 12

5 (By Mr. Edwards) 157

6 (By Mr. Langino) 260

7

8

9

10 INDEX OF EXHIBITS

11 EXHIBITS PAGE

12 1 Message pad 72

13 2 Documents 115

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Page 8

1 Doe right here on the copy you gave me. I'm

2 missing which Jane Doe this is.

3 They're all different case numbers. Do

4 you want me to go through each case number?

5 MR. CRITTON: I'm going to note my

6 objection. Obviously if this deposition

7 gets played -- not obviously, I'm going to

8 object to the litany of each one so I don't

9 know how we can separate it out. Maybe if

10 and when at the time of trial and depending

11 on how the Court determines what comes in

12 and what doesn't with regard to the

13 consolidated aspects of this. I have no

14 great idea other than just saying Jane Doe

15 versus Epstein, et al, or something like

16 that, or Jane Doe, et al.

17 MS. EZELL: Couldn't we just say and

18 those cases which have been consolidated

19 with it for Discovery purposes?

20 MR. EDWARDS: Although there is cases

21 here that have cross noticed this from state

22 court that haven't been consolidated so that

23 may not work. You may have to read them

24 all, if it works out your way that will just

25 get edited out, at least he will have read

Page 7

1 Deposition taken before [REDACTED] PAYNE, Court

2 Reporter and Notary Public in and for the State of

3 Florida at Large, in the above cause.

4 - - -

5 THE VIDEOGRAPHER: This is the case of

6 Jane Doe No. 2, plaintiff, versus Jeffrey

7 Epstein, defendant. Jane Doe No. 3,

8 plaintiff, versus Jeffrey Epstein,

9 defendant. Jane Doe No. 4, plaintiff,

10 versus Jeffrey Epstein, defendant. And Jane

11 Doe No. 5, plaintiff, versus Jeffrey

12 Epstein, defendant. Jane Doe No. 6,

13 plaintiff, versus Jeffrey Epstein,

14 defendant. Jane Doe No. 7, plaintiff,

15 versus Jeffrey Epstein, defendant. CMA,

16 plaintiff, versus Jeffrey Epstein,

17 defendant. And Jane Doe, plaintiff, versus

18 Jeffrey Epstein, et al, defendant. And Jane

19 Doe -- is there a shorter thing that we can

20 do here? It's also missing this one right

21 here.

22 MR. MERMELSTEIN: Do we have a problem

23 with saying Jane Doe 2 and the Epstein and

24 related cases?

25 THE VIDEOGRAPHER: I'm missing this Jane

Page 9

1 that caption, every caption. Right? Is

2 there a better suggestion?

3 MR. CRITTON: No. There may be a better

4 suggestion if he starts this is such and

5 such day, it's the deposition of Mr.

6 Rodriguez in the case such and such, and we

7 can almost fill it in depending on which

8 tape it goes, how it fills in, at least

9 we'll have the context of the first and

10 depending on whether the Judge reads it in

11 from a consolidated or they all come

12 related, I have no great idea.

13 MR. EDWARDS: I was thinking if he read

14 every one of them and it was the seventh in

15 line then you just would edit it so you

16 would only read that one.

17 MR. CRITTON: I'm okay with that too.

18 THE VIDEOGRAPHER: On page number three

19 there is something missing on the top here.

20 Do you want me to read each case number

21 separately?

22 MR. MERMELSTEIN: I don't think it's

23 necessary.

24 MR. EDWARDS: I don't think it's

25 necessary either.

Page 10

1 THE VIDEOGRAPHER: So just go through
 2 just the names.
 3 MR. MERMELSTEIN: That's sufficient. And
 4 there is a cross notice for one of the state
 5 cases?
 6 MR. LANGINO: That would be our case.
 7 MR. MERMELSTEIN: So he's got that
 8 notice? Off the record.
 9 (Thereupon, a discussion was held off the
 10 record.)
 11 THE VIDEOGRAPHER: This is the case of
 12 Jane Doe No. 2, plaintiff, versus Jeffrey
 13 Epstein, defendant. Jane Doe No. 3,
 14 plaintiff, versus Jeffrey Epstein,
 15 defendant. Jane Doe No. 4, plaintiff,
 16 versus Jeffrey Epstein, defendant. Jane Doe
 17 No. 5, plaintiff, versus Jeffrey Epstein,
 18 defendant. Jane Doe No. 6, plaintiff,
 19 versus Jeffrey Epstein, defendant. Jane Doe
 20 No. 7, plaintiff, versus Jeffrey Epstein,
 21 defendant. CMA, plaintiff, versus Jeffrey
 22 Epstein, defendant. Jane Doe, plaintiff,
 23 versus Jeffrey Epstein, et al, defendant.
 24 Jane Doe 3, plaintiff, versus Jeffrey
 25 Epstein, et al, defendant. Jane Doe No.

Page 11

1 101, plaintiff, versus Jeffrey Epstein,
 2 defendant. Jane Doe No. 102, plaintiff,
 3 versus Jeffrey Epstein defendant. [REDACTED],
 4 plaintiff, versus Jeffrey Epstein,
 5 defendant.
 6 This is in the Circuit Court of the 15th
 7 Judicial Circuit in and for Palm Beach
 8 County, Florida.
 9 This is the deposition of Alfredo
 10 Rodriguez. Today is July the 29th, starting
 11 time -- the year 2009, starting time
 12 approximately 11:16 a.m.
 13 Will attorneys please state their
 14 appearance?
 15 MR. MERMELSTEIN: Stuart Mermelstein for
 16 plaintiffs Jane Doe 2, Jane Doe 3, Jane Doe
 17 4, Jane Doe 5, and Jane Doe 6, and Jane Doe
 18 7.
 19 MR. EDWARDS: Brad Edwards for plaintiff
 20 Jane Doe.
 21 MR. LANGINO: Adam Langino on behalf of
 22 plaintiff, [REDACTED].
 23 MS. EZELL: Cathy Ezell on behalf of Jane
 24 Doe 101 and 102.
 25 MR. CRITTON: Bob Critton on behalf of

Page 12

1 Jeffrey Epstein.
 2 MR. WILLITS: Richard Willits on behalf
 3 of plaintiff C.M.A.
 4 MR. EDWARDS: And Brad Edwards on behalf
 5 of plaintiffs [REDACTED] and [REDACTED].
 6 Thereupon,
 7 ALFREDO RODRIGUEZ,
 8 having been first duly sworn or affirmed, was
 9 examined and testified as follows:
 10 DIRECT EXAMINATION
 11 BY MR. MERMELSTEIN:
 12 Q. Can you state your full name for the
 13 record, please?
 14 A. My name is Alfredo Rodriguez.
 15 Q. And where do you live?
 16 A. I live in [REDACTED]
 17 [REDACTED]
 18 Q. Are you currently employed?
 19 A. No.
 20 Q. Okay. When was the last time you were
 21 employed?
 22 A. December of 2008.
 23 Q. Was there a time you were employed in
 24 Palm Beach, Florida?
 25 A. Yes, I was.

Page 13

1 Q. When was that?
 2 A. I began on September of 2004.
 3 Q. And where were you employed?
 4 A. I work -- well, I have several employers
 5 in Palm Beach. One of them was Jeffrey Epstein.
 6 Q. By several employers in Palm Beach you
 7 mean --
 8 A. Different employers.
 9 Q. At the same time?
 10 A. No, different times. From 2005 to 2006 I
 11 was employed by Dana Hammond.
 12 Q. Donna Hammond?
 13 A. D-A-N-A, Hammond. Or Aimes is her single
 14 name. Dana Aimes Hammond.
 15 Q. Dana Aimes Hammond?
 16 A. Yeah.
 17 Q. That was in Palm Beach?
 18 A. Yes.
 19 Q. And in September 2004 you were employed
 20 by whom?
 21 A. Jeffrey Epstein.
 22 Q. Did Mr. Epstein employ you as an
 23 individual or through any business or corporate
 24 entity?
 25 A. As an individual.

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1 Q. Sure, go ahead and answer however you
 2 want.
 3 MR. CRITTON: Form.
 4 THE WITNESS: I don't think it was right.
 5 BY MR. EDWARDS:
 6 Q. Did you ever voice that opinion that you
 7 didn't think that it was right that these young
 8 girls were over behind closed doors upstairs with
 9 Mr. Epstein in his bedroom?
 10 MR. CRITTON: Form.
 11 THE WITNESS: I been asked that question
 12 before.
 13 BY MR. EDWARDS:
 14 Q. Excuse me?
 15 A. I been asked that question before.
 16 Q. By whom?
 17 A. Palm Beach Police Department.
 18 Q. Did you give the same answer that you did
 19 not think it was right?
 20 MR. CRITTON: Form.
 21 THE WITNESS: Yes.
 22 BY MR. EDWARDS:
 23 Q. And what about it to you aside from the
 24 fact that you had a daughter roughly the same age,
 25 what besides that told you that it wasn't right?

Page 195

1 MR. CRITTON: Form.
 2 THE WITNESS: Ask me your question again.
 3 BY MR. EDWARDS:
 4 Q. My question is, why is it your opinion
 5 that it wasn't right for these young girls to be
 6 up in Mr. Epstein's --
 7 A. It wasn't.
 8 MR. CRITTON: Form.
 9 BY MR. EDWARDS:
 10 Q. It wasn't right?
 11 A. It wasn't.
 12 Q. And why not?
 13 MR. CRITTON: Form.
 14 THE WITNESS: Because I'm a father, I
 15 have two daughters.
 16 BY MR. EDWARDS:
 17 Q. And given Mr. Epstein's wealth and power
 18 and influence, is that something that you as a
 19 father could have seen your daughters doing at
 20 that age?
 21 MR. CRITTON: Form.
 22 THE WITNESS: I don't think that my
 23 daughters would be doing that.
 24 BY MR. EDWARDS:
 25 Q. You would hope not.

Page 196

1 A. No, exactly.
 2 MR. CRITTON: Form.
 3 BY MR. EDWARDS:
 4 Q. I think that the next time you're
 5 mentioned in the report, I believe it's page 70.
 6 MS. EZELL: Off the record briefly.
 7 (Thereupon, a discussion was had off the
 8 record.)
 9 BY MR. EDWARDS:
 10 Q. Page 64. It says, Alfredo Rodriguez
 11 resides in Miami had eluded, meaning you were
 12 trying to evade or avoid service of process
 13 servers previously and was not served the
 14 investigative subpoena.
 15 This is an investigator saying you just
 16 weren't home or something. Right?
 17 A. But I never elude anybody.
 18 Q. You never intentionally tried to avoid
 19 the police officers?
 20 A. No, no, never.
 21 Q. Okay.
 22 MR. CRITTON: So much for the police
 23 report.
 24 BY MR. EDWARDS:
 25 Q. All right. The bottom of page 70 says, I

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1 brought Mr. Rodriguez to the interview room.
 2 Were you taken to an interview room, to a
 3 room in the police department?
 4 A. This was in the District Attorney's
 5 Office.
 6 Q. Oh, it was at the State Attorney's
 7 Office?
 8 A. Yes.
 9 Q. Okay. Was a State Attorney there as
 10 well?
 11 A. Yes, Mrs. Weiss.
 12 Q. Daliah Weiss?
 13 A. Young lady, Weiss. D-E-I-S-S.
 14 Q. Okay. I have D-A-L-I-A-H, Daliah Weiss,
 15 W-E-I-S-S.
 16 A. Yes.
 17 Q. That's her?
 18 A. Yeah.
 19 Q. Okay. Did she ask you any questions?
 20 A. Both of them.
 21 Q. Okay. So it was both -- if there is a --
 22 I think you said earlier there is a taped
 23 statement, there is a tape of this?
 24 A. Yes.
 25 Q. If we listen to that tape if we ever get

Page 198

1 that tape it's going to be Assistant Attorney
 2 Weiss and Detective Recarey asking questions?
 3 A. Yes.
 4 Q. It says, during the sworn taped statement
 5 Mr. Rodriguez stated he was employed by Jeffrey
 6 Epstein for approximately six months.
 7 I think we already talked about that.
 8 I'm skipping ahead a little bit.
 9 If Rodriguez needed to relay a message to
 10 Epstein he would have to notify Epstein's
 11 secretary Lesley in New York who would then notify
 12 Epstein's personal assistant Sarah who would relay
 13 the message to Epstein.
 14 A. Yeah.
 15 MR. CRITTON: Form.
 16 BY MR. EDWARDS:
 17 Q. That's pretty much the process you
 18 described?
 19 A. Yes, it was normal procedure.
 20 Q. Rodriguez stated Epstein did not want to
 21 see or hear the staff when he was in the
 22 residence?
 23 MR. CRITTON: Form.
 24 THE WITNESS: That's correct.
 25 BY MR. EDWARDS:

Page 199

1 Q. That's something you agree with?
 2 A. Yes.
 3 MR. CRITTON: Form.
 4 BY MR. EDWARDS:
 5 Q. Rodriguez advised Mr. Epstein had many
 6 guests.
 7 In addition to the girls who are roughly
 8 C. and T. age who had come to the house to have a
 9 good time, who were some of the other guests that
 10 you know of, if you know their name?
 11 MR. CRITTON: Form.
 12 THE WITNESS: I mentioned Alan
 13 Dershowitz.
 14 BY MR. EDWARDS:
 15 Q. That's a lawyer from Harvard?
 16 A. Yes. The magician, David Copperfield,
 17 some other lawyers from New York, you know. There
 18 were some other guests.
 19 Q. And how frequently would these other
 20 guests come over?
 21 A. Once a month, something like that.
 22 Q. Okay. So if it's only once a month and
 23 you were only there six months you're saying you
 24 only saw six guests come over in addition to --
 25 A. They have people, you know, they have

Page 200

1 friends, I will say, yeah.
 2 Q. Then you mentioned that you typed into
 3 Google, I guess you Googled Prince Andrew and Bill
 4 Clinton. Why would you pick those names, were
 5 they associated with Mr. Epstein?
 6 A. Yes.
 7 Q. And what is your understanding as to how
 8 Prince Andrew is associated with Jeffrey Epstein?
 9 A. Because there were pictures with him
 10 together.
 11 Q. In the house?
 12 A. Yes.
 13 Q. Many pictures or are we talking about
 14 one?
 15 A. Many pictures.
 16 Q. Were these pictures that looked that
 17 appeared to be at social events, at Mr. Epstein's
 18 house or where?
 19 A. Mrs. Maxwell took him to England to
 20 introduce him to the royalty.
 21 Q. Is it's your understanding that Ghislaine
 22 Maxwell knew Prince Andrew and introduced --
 23 A. Yes.
 24 Q. Is it also your understanding that at
 25 some point in time Ghislaine dated or had a

Page 201

1 romantic relationship with Prince Andrew?
 2 MR. CRITTON: Form.
 3 THE WITNESS: I don't know that.
 4 BY MR. EDWARDS:
 5 Q. Do you know around what time period it
 6 was that Mr. Epstein was introduced to Prince
 7 Andrew?
 8 A. 2003, I believe.
 9 Q. How do you know that?
 10 A. I've heard dates.
 11 Q. From people in the Epstein group?
 12 A. Yes.
 13 Q. Okay.
 14 MR. CRITTON: Let me note my objection,
 15 move to strike, it's based on -- his
 16 testimony is based on hearsay.
 17 BY MR. EDWARDS:
 18 Q. During the six month period of time when
 19 you worked directly for Mr. Epstein, how often did
 20 Mr. Epstein get together with or hangout with
 21 Prince Andrew; if you know?
 22 A. I didn't see him once.
 23 Q. You never saw Prince Andrew at the house?
 24 A. No, no, he called.
 25 Q. I'm sorry, how often would he call?

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2, CASE NO: 08-CV-80119
Plaintiff,
Vs.
JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 3, CASE NO: 08-CV-80232
Plaintiff,

CONDENSED

Vs.
JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 4, CASE NO: 08-CV-80380
Plaintiff,

Vs.
JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 5, CASE NO: 08-CV-80381
Plaintiff,

Vs
JEFFREY EPSTEIN,
Defendant.

Page 271

1 JANE DOE NO. 6, CASE NO: 08-CV-80994
 2 Plaintiff,
 3 Vs.
 4 JEFFREY EPSTEIN,
 5 Defendant.

6 JANE DOE NO. 7, CASE NO: 08-CV-80993
 7 Plaintiff,
 8 Vs.
 9 JEFFREY EPSTEIN,
 10 Defendant.

11 C.M.A., CASE NO: 08-CV-80811
 12 Plaintiff,
 13 Vs.
 14 JEFFREY EPSTEIN,
 15 Defendant.

17 JANE DOE, CASE NO: 08-CV-80893
 18 Plaintiff,
 19 Vs.
 20 JEFFREY EPSTEIN,
 21 Defendant.

22
 23
 24
 25

Page 273

1 IN THE CIRCUIT COURT OF THE 15TH
 2 JUDICIAL CIRCUIT IN AND FOR
 3 PALM BEACH COUNTY, FLORIDA
 4 CASE NO. 502008CA037319XXXXMB AB

5 B.B.,
 6 Plaintiff,
 7 Vs.
 8 JEFFREY EPSTEIN.
 9 Defendant.

12 1031 Ives Dairy Road
 13 Suite 228
 14 North Miami, Florida
 15 August 7, 2009
 16 1:15 p.m. to 5:30 p.m.

17 CONTINUED
 18 VIDEOTAPED
 19 DEPOSITION
 20 of
 21 ALFREDO RODRIGUEZ

22 taken on behalf of the Plaintiffs pursuant
 23 to a Re-Notice of Taking Continued Videotaped
 24 Deposition (Duces Tecum)
 25 - - -

Page 272

1 JANE DOE NO. II, CASE NO: 08-CV-80469
 2 Plaintiff,
 3 Vs.
 4 JEFFREY EPSTEIN,
 5 Defendant.

6 JANE DOE NO. 101 CASE NO: 08-CV-80591
 7 Plaintiff,
 8 Vs.
 9 JEFFREY EPSTEIN,
 10 Defendant.

11 JANE DOE NO. 102, CASE NO: 08-CV-80656
 12 Plaintiff,
 13 Vs.
 14 JEFFREY EPSTEIN,
 15 Defendant.

17
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Page 274

1 APPEARANCES:
 2
 3 MERMELSTEIN & HOROWITZ, P.A.
 4 BY: ADAM HOROWITZ, ESQ.
 5 [REDACTED]
 6 Attorney for Jane Doe 2, 3, 4, 5,
 7 6, and 7.

8 ROTHSTEIN ROSENFELDT ADLER
 9 BY: BRAD J. EDWARDS, ESQ., and
 10 [REDACTED]
 11 Attorney for Jane Doe and
 12 And [REDACTED].

13
 14 PODHURST ORSECK
 15 BY: KATHERINE W. EZELL, ESQ.
 16 [REDACTED]
 17 Attorney for Jane Doe 101 and 102.

18
 19 LEOPOLD-KUVIN
 20 BY: ADAM J. LANGINO, ESQ.
 21 [REDACTED]
 22 Attorney for [REDACTED].
 23
 24
 25

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1 APPEARANCES:
 2
 3 RICHARD WILLITS, ESQ.
 [REDACTED]
 5 Attorney for C.M.A.
 Appeared via telephone.
 6
 7 BURMAN, CRITTON, LUTTIER &
 8 COLEMAN, LLP
 BY: ROBERT CRITTON, ESQ.
 9 [REDACTED]
 Attorney for Jeffrey Epstein.
 11
 12 ALSO PRESENT:
 13
 14 JOE LANGSAM, VIDEOGRAPHER
 15
 16
 17
 18
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 22
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1 Deposition taken before [REDACTED] PAYNE, Court
 2 Reporter and Notary Public in and for the State of
 3 Florida at Large, in the above cause.
 4
 5 THE VIDEOGRAPHER: This is a continuation
 6 of the deposition of Alfredo Rodriguez.
 7 Today is Friday, August the 7th, the year
 8 2009, starting time approximately 1:15 p.m.
 9 Will the court reporter please swear in
 10 the witness?
 11 Thereupon,
 12 ALFREDO RODRIGUEZ,
 13 having been first duly sworn or affirmed, was
 14 examined and testified as follows:
 15 MR. CRITTON: Before we get started just
 16 with regard to Ms. Ezell represents Jane Doe
 17 101 and 102, the alleged time of her
 18 incidents as of least have been plead in the
 19 complaint for 101 is '99 -- I'm sorry, '98
 20 through 2002, with Jane Doe 102 the Spring
 21 of -- Spring/Summer of 2003. Mr. Rodriguez
 22 never even began employment until '04 and
 23 '05. I think her questioning I think -- I
 24 can't say she doesn't have standing based on
 25 the court order, but I would say it's

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1 CONTINUED INDEX OF EXAMINATION
 2
 3 WITNESS DIRECT CROSS REDIRECT RECROSS
 4 ALFREDO RODRIGUEZ
 5 (By Ms. Ezell) 278 441, 467
 6 (By Mr. Willits) 334 453, 469
 7 (By Mr. Critton) 338 464
 8 (By Mr. Edwards) 419, 454, 468
 9 (By Mr. Langino) 452
 10
 11 CONTINUED INDEX OF EXHIBITS
 12 PLAINTIFF'S PAGE
 13 3 Drawing 315
 14 4 Photograph 327
 15 5 Photograph 331
 16 6 Photograph 331
 17 7 Photograph 331
 18 8 Photograph 331
 19 9 Report 446
 20 (Exhibits 4, 5, 6, 7, and 8 were retained by Ms.
 21 Ezell.)
 22
 23
 24
 25

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1 completely irrelevant and immaterial and has
 2 no probative value with regard to this
 3 particular witness based upon the two
 4 clients at least that are in suit at this
 5 point in time.
 6 MS. EZELL: As Mr. Critton well knows I
 7 represent a number of other clients whose
 8 cases have not been filed and I believe we
 9 do have standing to ask questions, and I do
 10 intend to do that today.
 11 EXAMINATION
 12 BY MS. EZELL:
 13 Q. Mr. Rodriguez, you stated last time that
 14 there were guests at the house, frequent guests,
 15 friends from Harvard.
 16 Do you remember that testimony?
 17 A. Yes, ma'am.
 18 Q. And was there a lawyer from Harvard named
 19 Alan Dershowitz?
 20 A. Yes, ma'am.
 21 Q. And are you familiar with the fact that
 22 he's a famous author and famous lawyer?
 23 A. Yes, ma'am.
 24 Q. How often during the six months or so
 25 that you were there was Mr. Dershowitz there?

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1 A. Two or three times.
2 Q. And did you have any knowledge of why he
3 was visiting there?
4 A. No, ma'am.
5 Q. You don't know whether or not he was a
6 lawyer -- acting as a lawyer or whether he was
7 there as a friend?
8 A. I believe as a friend.
9 Q. Were there also young ladies in the house
10 at the time he was there?
11 MR. CRITTON: Form.
12 THE WITNESS: Yes, ma'am.
13 BY MS. EZELL:
14 Q. And would those have included, for
15 instance, [REDACTED] and [REDACTED]?
16 A. Yes, ma'am.
17 Q. Were there other young ladies there when
18 Mr. Dershowitz was there?
19 MR. CRITTON: Form.
20 THE WITNESS: Yes, ma'am.
21 BY MS. EZELL:
22 Q. Do you have any idea who those young
23 women were?
24 A. No, ma'am.
25 Q. Were any of those the young women that

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1 you have said came to give massages?
2 A. Yes, ma'am.
3 Q. And do you have any idea whether or not
4 Mr. Dershowitz was also receiving massages?
5 A. I don't know, Ma'am.
6 Q. I want to ask you to take this piece of
7 paper, please, and a pencil --
8 MR. WILLITS: Can anybody hear me?
9 MS. EZELL: Yes. Can you hear me?
10 MR. WILLITS: I've heard nothing for
11 about a minute or so.
12 MR. CRITTON: Can you hear me now?
13 MR. WILLITS: Yes.
14 MS. EZELL: I'm asking questions, I'm
15 sorry.
16 MR. CRITTON: Why don't we go off the
17 record for a second.
18 (Thereupon, a discussion was held off the
19 record.)
20 THE VIDEOGRAPHER: We're back on the
21 record.
22 BY MS. EZELL:
23 Q. Mr. Rodriguez, you indicated that there
24 were several staircases in the house?
25 A. Yes, ma'am.

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1 Q. Can you tell me where those were?
2 A. One in the kitchen, and the one in the
3 formal -- the main entrance. And there was one
4 more added later on, but there is two when I was
5 working there.
6 Q. Could you just give me a rough sketch of
7 the house of where the main entrance was and where
8 the kitchen was?
9 A. I'm not an architect but it's something
10 like this. This is the kitchen, this is the main
11 entrance.
12 Q. Will you mark the kitchen with a K,
13 please, and the main entrance with ME?
14 A. This is the pool.
15 Q. The pool?
16 A. Yes, ma'am.
17 Q. And in the upper left?
18 A. In the terrace, yeah, there was a balcony
19 here.
20 Q. And where were the staircases?
21 A. This is one, the kitchen, one in the
22 foyer, and the pool.
23 Q. Okay. And would you just put an F where
24 the foyer staircase began? And KS where the
25 kitchen staircase began.

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1 And you said that later another staircase
2 was added?
3 A. Yeah, we rehabilitated this, you know,
4 but you asked me how many stairs there were, to
5 answer your question there were three.
6 Q. Three. So where was the third one?
7 A. The pool, this leads to the pool.
8 Through the outside master bedroom you could go
9 downstairs to the pool.
10 Q. Okay. A stairway then from the outside,
11 from outside the master bedroom?
12 A. Yes, ma'am.
13 Q. Down to the pool?
14 A. Yes, ma'am.
15 Q. One of your duties was to answer the
16 door. Is that correct?
17 A. Yes, ma'am.
18 Q. Which door would you answer?
19 A. Mainly the kitchen.
20 Q. And why was that, why would people mainly
21 come to the kitchen?
22 A. I'll say it was for practicable reasons
23 because not to go to the main -- it was shorter
24 because the entrance was here, so this was the
25 driveway and we used to take into the back door of

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1 you about having driven [REDACTED] and you recalled
2 having had her in the Suburban specifically.
3 A. Yes.
4 Q. Do you remember any of the other girls,
5 women who came to give massages ever having driven
6 them, or is [REDACTED] the only one that you remember?
7 MR. EDWARDS: Form.
8 THE WITNESS: I only remember [REDACTED] right
9 now for the fact that I was driving by the
10 airport and I showed her Mr. Epstein's
11 plane.
12 BY MR. CRITTON:
13 Q. All right. Which really takes me back to
14 really where I started with this series of
15 questions.
16 You saw the girls, the women who came in
17 to give the massages, when they came in if you
18 were advised or if you heard conversation and you
19 saw them you would see them when they left?
20 A. Yes.
21 Q. And you saw [REDACTED] because she was in the
22 Suburban on at least one occasion?
23 A. Yes.
24 Q. And, therefore, you never saw these
25 girls, these women who gave the massages in the

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1 dining room or the library. Would that be a fair
2 statement?
3 A. That's correct.
4 MR. EDWARDS: Form.
5 BY MR. CRITTON:
6 Q. All right. So, therefore, the pictures
7 that you saw [REDACTED] taking of girls, women,
8 either in the dining room or library, those were
9 other individuals other than those who may have
10 given or who came for massages. Is that correct?
11 MS. EZELL: Form.
12 MR. EDWARDS: Form.
13 THE WITNESS: It's confusing, sir,
14 because there were a bunch of girls. I
15 don't know which one they were but I saw her
16 taking pictures of the groups.
17 BY MR. CRITTON:
18 Q. As to whether they were people who came
19 in on the planes or there may have been a massage
20 girl or more than one woman who gave a massage,
21 you just don't know as you sit here, you'd just be
22 speculating. Is that correct?
23 MR. EDWARDS: Form.
24 THE WITNESS: I don't know.
25 BY MR. CRITTON:

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1 Q. All right. Ms. Ezell asked you about Mr.
2 Dershowitz being present in Mr. Epstein's home,
3 and I think she asked -- and I think that you said
4 Mr. Epstein was a -- and he and Mr. Dershowitz
5 were friends?
6 A. Yes.
7 Q. She also I think asked was Mr. Dershowitz
8 ever there when one of the women who gave a
9 massage was present in the home?
10 A. I don't remember that.
11 Q. That's what I want to clear up. Is it
12 your testimony that Mr. Dershowitz was there when
13 any of the women came to Mr. Epstein's home to
14 give a massage?
15 A. Yes.
16 MR. EDWARDS: Form.
17 BY MR. CRITTON:
18 Q. As to whether any of those women were
19 ever associated with Mr. Dershowitz would it be a
20 correct statement that you have absolutely no
21 knowledge?
22 A. I don't know, sir.
23 Q. You don't know?
24 A. I don't know, sir.
25 MS. EZELL: Form.

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1 BY MR. CRITTON:
2 Q. Okay. Were you in any way attempting in
3 your response to Ms. Ezell to imply that Mr.
4 Dershowitz had a massage by one of these young
5 ladies?
6 A. I don't know, sir.
7 Q. You have no knowledge?
8 A. No, sir.
9 Q. And you certainly weren't implying that
10 that occurred, you just have no knowledge.
11 Correct?
12 MR. EDWARDS: Form.
13 THE WITNESS: I don't know.
14 BY MR. CRITTON:
15 Q. Sorry?
16 A. I don't know.
17 Q. I think in response to one of Ms. Ezell's
18 questions you responded that -- let me ask it this
19 way.
20 You never saw Mr. Epstein ever take
21 photographs of anyone. Would that be a correct
22 statement?
23 A. Yes.
24 Q. Would it be a correct statement you never
25 saw Mr. Epstein initiate a phone call to anyone?

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1 York house?
2 A. He will have massages.
3 MR. CRITTON: Form.
4 BY MR. EDWARDS:
5 Q. And are we still talking about a habit of
6 two a day?
7 MR. CRITTON: Form.
8 THE WITNESS: I don't know that.
9 BY MR. EDWARDS:
10 Q. Okay. So for the time period when you
11 have been familiar with Mr. Epstein and known his
12 habits, is it fair to say that he would have
13 roughly two girls a day in that same age group
14 wherever he was?
15 A. Yes.
16 MR. CRITTON: Form.
17 BY MR. EDWARDS:
18 Q. All right. And have you talked to
19 anybody that has given you similar information
20 from his Island home?
21 A. No.
22 Q. Do you know any of the girls that have
23 been over to his Island?
24 A. Yes.
25 Q. And who are they?

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1 A. [REDACTED] the girls who used to stay at the
2 home in El Brillo used to go over there to the
3 Island.
4 Q. When he would have these girls -- I guess
5 we've kind of categorized them as the girls who
6 would come over with him on an airplane and stay
7 at the house.
8 A. Yes.
9 Q. When they would be staying at the house
10 would he also have the local Palm Beach girls
11 coming over that you were told to call masseuses?
12 A. Yes.
13 Q. So these girls that came on the airplane
14 with him, were they also -- did they also have
15 knowledge that these young girls were coming over
16 to give massages?
17 MR. CRITTON: Form.
18 THE WITNESS: Yes, sir.
19 BY MR. EDWARDS:
20 Q. Okay. Who are the girls from the
21 airplane other than [REDACTED] that you remember?
22 A. Sarah. There were so many, sir, I don't
23 recall right now. But Sarah is for sure, [REDACTED]
24 was one of the main girlfriends, but I don't
25 remember that.

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1 Q. And is your understanding that Mr.
2 Epstein was intimate with any of those girls?
3 MR. CRITTON: Form.
4 THE WITNESS: Yes.
5 BY MR. EDWARDS:
6 Q. With all of them?
7 MR. CRITTON: Form.
8 THE WITNESS: Yes.
9 BY MR. EDWARDS:
10 Q. With Sarah as well?
11 A. Yes.
12 MR. CRITTON: Form.
13 BY MR. EDWARDS:
14 Q. With [REDACTED]?
15 A. Yes.
16 MR. CRITTON: Form.
17 BY MR. EDWARDS:
18 Q. And the girls who would come over on the
19 airplane?
20 MR. CRITTON: Form.
21 THE WITNESS: Yes.
22 BY MR. EDWARDS:
23 Q. Did you ever have occasion to go into the
24 bedroom and find the vibrators or back massagers
25 out after Mr. Epstein was in the room with any of

Page 426

1 the girls that came over on the plane?
2 MR. CRITTON: Form.
3 THE WITNESS: Yes.
4 BY MR. EDWARDS:
5 Q. So that's something that would be out
6 after the girls that came over on the plane or the
7 girls that came over for the massages?
8 A. Yes.
9 MR. CRITTON: Form.
10 BY MR. EDWARDS:
11 Q. And at the time when you were house
12 manager you had a 15-year old daughter?
13 A. Yes.
14 Q. Did she live down here?
15 A. In New Jersey.
16 Q. Okay. When Alan Dershowitz was at the
17 house I understood you to say that these local
18 Palm Beach girls would come over to the house
19 while he was there but you're not sure if he had a
20 message from any of those girls.
21 A. Exactly.
22 Q. And what would he do while those girls
23 were at the house?
24 MR. CRITTON: Form.
25 THE WITNESS: He will read a book with a

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1 glass of wine by the pool, stay inside.
 2 BY MR. EDWARDS:
 3 Q. Did he ever talk to any of the girls?
 4 A. I don't know, sir.
 5 Q. Certainly he knew that they were there?
 6 MR. CRITTON: Form.
 7 THE WITNESS: I don't know, sir.
 8 BY MR. EDWARDS:
 9 Q. Do you know how [REDACTED] knows Mr.
 10 Epstein?
 11 A. No, sir.
 12 Q. Or how long she's known him?
 13 MR. CRITTON: Form.
 14 THE WITNESS: She was on board two years
 15 or a year and a half before I came on board.
 16 BY MR. EDWARDS:
 17 Q. Okay.
 18 A. So it's probably 2003 or 2.
 19 Q. All right. You mentioned this Citrix
 20 system.
 21 A. Yes.
 22 Q. Is that a system that was used to operate
 23 the phones and the computers?
 24 A. The computers mainly.
 25 Q. All right. But you then also described

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1 some system where someone would call on the
 2 telephone and that would be automatically
 3 downloaded to the computer?
 4 A. Yeah, you can retrieve who called in a
 5 transcript written who called, what's the message,
 6 the time so you have it on a piece of paper, you
 7 can print it out.
 8 Q. Is it your understanding that is also
 9 part of the Citrix system?
 10 A. Yes.
 11 Q. All right. Did you have an e-mail?
 12 A. Right now, yes.
 13 Q. No, when you were working at --
 14 A. Yes, I did.
 15 Q. -- Mr. Epstein?
 16 And did [REDACTED] have an e-mail?
 17 A. Yes.
 18 Q. And did all of the e-mails end the same
 19 way such as Epstein's house dot com or something?
 20 A. Yes.
 21 Q. Okay. What was [REDACTED] e-mail?
 22 A. I don't remember.
 23 Q. What was your e-mail?
 24 A. Staff house -- I don't remember, sir.
 25 Q. Do you recall how it ended? I mean

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1 usually it's Yahoo dot com or at Bellsouth dot
 2 net.
 3 A. It was very uncommon. I don't remember,
 4 sir.
 5 Q. Did everybody in the -- I think you
 6 called it the organization, did everybody have
 7 e-mails?
 8 A. Yes.
 9 Q. Okay. Would that include [REDACTED]a?
 10 A. Yes.
 11 Q. All right. And did Mr. Epstein have an
 12 e-mail?
 13 A. Yes.
 14 Q. Did you ever correspond with Mr. Epstein
 15 by e-mail?
 16 A. Yes.
 17 MR. EDWARDS: You can go ahead.
 18 THE WITNESS: That's the only one that I
 19 remember.
 20 THE VIDEOGRAPHER: Okay, we're off the
 21 record.
 22 (Thereupon, a recess was had.)
 23 THE VIDEOGRAPHER: We're back on the
 24 record with tape number four.
 25 BY MR. EDWARDS:

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1 Q. Mr. Rodriguez, what was Mr. Epstein's
 2 e-mail?
 3 A. Jeep project at something -- Jeep
 4 project -- I can't remember it right now.
 5 Q. Okay. In the course of this next 10 or
 6 15 minutes --
 7 A. I can recall.
 8 Q. -- if it comes to you just tell me. So
 9 it was Jeep project --
 10 A. Like Jeep, the brand name Jeep, Jeep
 11 project at -- I can't remember.
 12 Q. Okay. Was that his only e-mail to your
 13 knowledge?
 14 A. No.
 15 Q. He had other e-mail addresses?
 16 A. Yes.
 17 Q. Do you know what any of his other e-mail
 18 addresses were?
 19 A. No, I don't remember.
 20 Q. Do you know who the carriers were for the
 21 other e-mail addresses owned by Jeffrey Epstein?
 22 A. No, sir.
 23 Q. Whether it was Yahoo or hot mail or --
 24 A. No, none of those.
 25 Q. Okay. Was this Jeep project e-mail run

EXHIBIT 20

C.

C.

EXHIBIT 21

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,
Plaintiff,
-vs- VOLUME I OF III
JEFFREY EPSTEIN,
Defendant.

Related cases:
08-80232, 08-08380, 08-80381, 08-80994
08-80993, 08-80811, 08-80893, 09-80469
09-80591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF
[REDACTED]

Wednesday, March 24, 2010
10:37 - 6:51 p.m.

[REDACTED]

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting Services
Job No.: 1484

Page 3

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE NO. 502008CA028051XXXXMB AB

4 [REDACTED],
5 Plaintiff,
6 -vs- VOLUME I OF III
7 JEFFREY EPSTEIN,
8 Defendant.

VIDEOTAPED DEPOSITION OF
[REDACTED]

Wednesday, March 24, 2010
10:37 - 6:51 p.m.

[REDACTED]

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting Services
Job No.: 1484

Page 2

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE NO. 502008CA028058XXXXMB AD

4 [REDACTED],
5 Plaintiff,
6 -vs- VOLUME I OF III
7 JEFFREY EPSTEIN,
8 Defendant.

VIDEOTAPED DEPOSITION OF
[REDACTED]

Wednesday, March 24, 2010
10:37 - 6:51 p.m.

[REDACTED]

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting Services
Job No.: 1484

Page 4

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No.502008CA037319XXXXMB AB

4 [REDACTED],
5 Plaintiff,
6 -vs- VOLUME I OF III
7 JEFFREY EPSTEIN
8 AND [REDACTED],
9 Defendants.

VIDEOTAPED DEPOSITION OF
[REDACTED]

Wednesday, March 24, 2010
10:37 - 6:51 p.m.

[REDACTED]

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting Services
Job No.: 1484



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1 APPEARANCES:
 2 On behalf of the Plaintiffs, [REDACTED]:
 3 SPENCER T. KUVIN, ESQUIRE
 4 LEOPOLD KUVIN
 [REDACTED]
 6
 7 On behalf of the Plaintiffs, [REDACTED], [REDACTED] and
 8 Jane Doe:
 9 MATTHEW WEISSING, ESQUIRE
 10 FARMER, JAFFE, WEISSING, EDWARDS
 11 FISTOS & LEHRMAN, P.L.
 [REDACTED]
 14 On behalf of Jane Does 1 through 8:
 15 ADAM D. HOROWITZ, ESQUIRE
 16 MERMELSTEIN & HOROWITZ, P.A.
 [REDACTED]
 18 On behalf of the Plaintiffs, 101, 102 and 103:
 19 KATHERINE W. EZELL, ESQUIRE
 20 AMY JOSEFSBERG EDERI, ESQUIRE
 21 PODHURST ORSECK
 [REDACTED]
 22 Phone: 305.358.2800
 23 (Via telephone)
 24
 25

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 PLAINTIFF'S EX. 13 PHOTO 144

Page 6

1 Appearances continued...
 2 On behalf of the Plaintiff, Jane Doe II:
 3 ISIDRO MANUEL GARCIA, ESQUIRE
 4 GARCIA, ELKINS & BOEHRINGER
 [REDACTED]
 6
 7 On behalf of the Defendant:
 8 JACK ALAN GOLDBERGER, ESQUIRE
 9 ATTERBURY, GOLDBERGER & WEISS, P.A.
 [REDACTED]
 11
 12 On behalf of the Witness:
 13 BRUCE E. REINHART, ESQUIRE
 14 LAW OFFICE OF BRUCE E. REINHART
 [REDACTED]
 16
 17
 18 ALSO PRESENT:
 19 Jessica Cadwell, Paralegal
 20 Burman, Critton, Luttier & Coleman, P.A.
 21 Joseph Kozak, Videographer
 22 Prose Court Reporting Services
 23
 24
 25

Page 8

1 PROCEEDINGS
 2
 3 THE VIDEOGRAPHER: We are now on video
 4 record. This is Media No. 1 in the videotaped
 5 deposition of [REDACTED] in the matter of
 6 Jane Doe versus Jeffrey Epstein, et al. Today
 7 is Wednesday, March 24th, 2010. It is
 8 10:36 a.m. We are here at Prose Court
 9 Reporting, 250 South Australian Avenue, West
 10 Palm Beach, Florida.
 11 My name is Joe Kozak. I'm the
 12 videographer. The reporter is Cindy
 13 Hopkins from Prose Court Reporting Agency.
 14 Would counsel please introduce
 15 yourselves, and then the court reporter
 16 will swear in the witness.
 17 MR. KUVIN: Good morning. Spencer Kuvin
 18 on behalf of one of the Plaintiffs.
 19 MR. HOROWITZ: Adam Horowitz on behalf of
 20 Jane Does 2 through 8. And just for the record
 21 purposes, the deposition is also being taken in
 22 the federal cases, I believe, case being
 23 Jane Doe 2 versus Jeffrey Epstein.
 24 MR. WEISSING: Matt Weissing on behalf of
 25 three of the Plaintiffs.

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1 BY MR. KUVIN:
 2 Q. Have you ever used the alias of
 3 [REDACTED]?
 4 MR. RHEINHART: Objection to the -- I'm
 5 sorry. Instruct the witness not to answer
 6 based on Fifth Amendment privileges.
 7 THE WITNESS: Upon the instruction of my
 8 lawyer, I must invoke my Fifth Amendment right.
 9 BY MR. KUVIN:
 10 Q. Do your parents live in North Carolina?
 11 MR. RHEINHART: Instruct the witness not
 12 to answer the question based on her Fifth
 13 Amendment privilege.
 14 THE WITNESS: On instruction of my lawyer
 15 I must invoke my Fifth Amendment right.
 16 BY MR. KUVIN:
 17 Q. Do you have any brothers and sisters?
 18 MR. RHEINHART: Same instruction as the
 19 previous question.
 20 THE WITNESS: On the instruction of my
 21 lawyer, I must invoke my Fifth Amendment right.
 22 BY MR. KUVIN:
 23 Q. Have your parents met Jeffrey Epstein?
 24 MR. RHEINHART: Objection to the form.
 25 Standing objection and also instruct the

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1 witness not to answer based on her Fifth
 2 Amendment privilege.
 3 THE WITNESS: On the instruction of my
 4 lawyer, I must invoke my Fifth Amendment right.
 5 BY MR. KUVIN:
 6 Q. Do your parents know what you've done with
 7 Jeffrey Epstein as it relates to this case?
 8 MR. RHEINHART: Objection to the form as
 9 stated to the previous question, and same
 10 instruction.
 11 THE WITNESS: On the instruction of my
 12 lawyer, I must invoke my Fifth Amendment right.
 13 BY MR. KUVIN:
 14 Q. Have you ever used illegal drugs with
 15 Jeffrey Epstein?
 16 MR. RHEINHART: Objection to the form.
 17 Standing objection, instruct the witness not to
 18 answer.
 19 THE WITNESS: On the instruction of my
 20 lawyer, I must invoke my Fifth Amendment right.
 21 BY MR. KUVIN:
 22 Q. Have you ever used illegal drugs with
 23 Ghislaine Maxwell?
 24 MR. RHEINHART: Objection to the form,
 25 assumes knowledge of Ghislaine Maxwell. It's

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1 compound, instruct the witness not to answer.
 2 THE WITNESS: On the instruction of my
 3 lawyer, I must invoke my Fifth Amendment right.
 4 BY MR. KUVIN:
 5 Q. Have you ever used illegal drugs with
 6 [REDACTED]?
 7 MR. RHEINHART: Same objection and
 8 instruction as to the previous question.
 9 THE WITNESS: On the instruction of my
 10 lawyer, I must invoke my Fifth Amendment right.
 11 BY MR. KUVIN:
 12 Q. Did you ever use the phone number of
 13 [REDACTED]?
 14 MR. RHEINHART: Instruct the witness not
 15 to answer based on her Fifth Amendment
 16 privilege.
 17 THE WITNESS: On the instruction of my
 18 lawyer, I must invoke my Fifth Amendment right.
 19 BY MR. KUVIN:
 20 Q. Have you ever used the phone number
 21 [REDACTED]?
 22 MR. RHEINHART: Thank you.
 23 THE WITNESS: I don't recognize that
 24 number.
 25

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1 BY MR. KUVIN:
 2 Q. Okay. When the police entered Jeffrey
 3 Epstein's home, they took something that's called a
 4 bottle of Peach Flavored Joy Jelly. Just a
 5 foundation of what I'm about to ask you.
 6 Have you ever seen anything called Peach
 7 Flavored Joy Jelly ever anywhere, first of all?
 8 Have you ever seen that before anywhere?
 9 MR. RHEINHART: Just so I am clear about
 10 your question --
 11 MR. KUVIN: Not necessarily in a home,
 12 just anywhere in her entire life has she ever
 13 seen a bottle of something called Peach
 14 Flavored Joy Jelly.
 15 THE WITNESS: No, I have not.
 16 BY MR. KUVIN:
 17 Q. Okay. Also taken from the home were, was
 18 an adult sex toy called a Twin Torpedo which,
 19 according to Detective Recarey during his deposition
 20 was a double-headed dildo. Not with respect to
 21 Mr. Epstein, but in your life, have you ever seen
 22 something called a Twin Torpedo or double-headed
 23 dildo?
 24 A. No, I have not.
 25 Q. Also confiscated from the home was soap in

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1 the shape of a penis and vagina. Once again, not
 2 necessarily with respect to Mr. Epstein's home, in
 3 your entire life have you ever seen soap in the
 4 shape of a penis and vagina?
 5 A. Not that I recall.
 6 Q. Do you ever recall being in Ohio?
 7 MR. RHEINHART: Ever in her life?
 8 MR. KUVIN: The state, ever in her life.
 9 BY MR. KUVIN:
 10 Q. Let's start there, recall being in the
 11 State of Ohio for any reason?
 12 A. Maybe for a layover, but not that I
 13 specifically remember.
 14 Q. Okay. Do you know an Ivan Robles?
 15 A. No.
 16 Q. Have you seen a gentleman by the name of
 17 Alan Dershowitz at the home of Jeffrey Epstein
 18 before?
 19 MR. RHEINHART: Objection to the form.
 20 Standing objection, presumes knowledge of
 21 Jeffrey Epstein or his home. Instruct the
 22 witness not to answer.
 23 THE WITNESS: On the instruction of my
 24 lawyer, I must exercise my Fifth Amendment
 25 right.

Page [REDACTED]

1 BY MR. KUVIN:
 2 Q. Have you ever heard of the El Zorro Ranch
 3 Corporation?
 4 MR. RHEINHART: Instruct the witness not
 5 to answer based on her Fifth Amendment
 6 privilege.
 7 THE WITNESS: On the instruction of my
 8 lawyer I must exercise my Fifth Amendment
 9 right.
 10 BY MR. KUVIN:
 11 Q. Have you ever heard of the New York
 12 Strategy Group?
 13 MR. RHEINHART: Same instruction.
 14 THE WITNESS: On the instruction of my
 15 lawyer, I must invoke my Fifth Amendment right.
 16 BY MR. KUVIN:
 17 Q. Have you ever heard of the Ghislaine
 18 Corporation?
 19 MR. RHEINHART: Same instruction.
 20 THE WITNESS: On the instruction of my
 21 lawyer, I must invoke my Fifth Amendment right.
 22 BY MR. KUVIN:
 23 Q. Have you ever heard of the Financial
 24 Strategy Group?
 25 MR. RHEINHART: Same instruction.

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1 THE WITNESS: On the instruction of my
 2 lawyer, I must invoke my Fifth Amendment right
 3 BY MR. KUVIN:
 4 Q. Do you agree that these corporations that
 5 I just mentioned were utilized by Jeffrey Epstein in
 6 an attempt to have sexual relationships with
 7 underage girls?
 8 MR. RHEINHART: Objection to the form as
 9 to compound, and also assumes knowledge of
 10 Mr. Epstein, asks for more than one answer to
 11 the question. I would instruct her not to
 12 answer based on her Fifth Amendment privilege
 13 because the question assumes knowledge of
 14 Mr. Epstein.
 15 THE WITNESS: Upon instruction of my
 16 lawyer I must invoke my Fifth Amendment right.
 17 MR. KUVIN: I think I am done. Hang on
 18 one second.
 19 All right. I appreciate it. That's all
 20 the questions I have at this time. Reserve the
 21 right to ask any follow-up questions if other
 22 attorneys raise new and different issues by
 23 their questioning.
 24 MR. RHEINHART: Understood.
 25 MR. KUVIN: Pass the witness at this time.

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1 Who wants to go? Mr. Horowitz, do you have a
 2 microphone?
 3 MR. HOROWITZ: I do.
 4 CROSS ([REDACTED])
 5 BY MR. HOROWITZ:
 6 Q. Ms. [REDACTED], did you use the telephone
 7 number, the [REDACTED] at any time between 2001
 8 and 2006?
 9 A. On the advice of my lawyer, I must exercise my
 10 Fifth Amendment right.
 11 Q. Did you use the telephone number
 12 [REDACTED] between 2001 and 2006 at Jeffrey
 13 Epstein's expense?
 14 MR. RHEINHART: Objection to the form in
 15 that it assumes knowledge of Jeffrey Epstein.
 16 Standing objection as previously stated with
 17 Mr. Kuvin. Instruct the witness not to answer,
 18 based on her Fifth Amendment right.
 19 THE WITNESS: On the instruction of my
 20 lawyer, I must exercise my Fifth Amendment
 21 right.
 22 BY MR. HOROWITZ:
 23 Q. Did you use the telephone number
 24 [REDACTED] at Jeffrey Epstein's direction?
 25 MR. RHEINHART: Same objection as the

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1 So can we focus on the specific questions
 2 that she can answer or from which you can draw
 3 an adverse inference if asked properly, and
 4 let's move it along.
 5 MS. EZELL: Each young woman's case is an
 6 individual case, and we have the right to ask,
 7 ask whatever questions that we need to with
 8 regard to each one.
 9 MR. RHEINHART: I --
 10 MR. GOLDBERGER: Let's just go forward
 11 until 5:00 and see where we're at.
 12 BY MR. WEISSING:
 13 Q. Did you know that Jeffrey Epstein received
 14 sexual gratification from directing others to
 15 sexually abuse minor children?
 16 MR. RHEINHART: Objection to the form.
 17 THE WITNESS: On the instruction of my
 18 lawyer, I must invoke the Fifth Amendment
 19 right.
 20 BY MR. WEISSING:
 21 Q. Did you know that Jeffrey Epstein received
 22 sexual gratification from directing [REDACTED] to
 23 sexually abuse minor children?
 24 MR. RHEINHART: Objection to the form. It
 25 assumes knowledge of a person named [REDACTED]

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1 It is otherwise compound and objectionable.
 2 THE WITNESS: On the instruction of my
 3 lawyer, I must invoke my Fifth Amendment right.
 4 MR. WEISSING: Let's go off the record for
 5 a moment.
 6 THE VIDEOGRAPHER: Are we all good with
 7 going off the record?
 8 MR. RHEINHART: Yeah, that's fine.
 9 MR. HOROWITZ: Yes.
 10 THE VIDEOGRAPHER: We're now off the
 11 record at 4:22 p.m.
 12 (A brief recess was held.)
 13 THE VIDEOGRAPHER: We are now on the
 14 record. It is 4:24 p.m.
 15 BY MR. WEISSING:
 16 Q. Do you know [REDACTED]?
 17 MR. KUVIN: [REDACTED].
 18 THE WITNESS: On the instruction of my
 19 lawyer, I must invoke my Fifth Amendment
 20 privilege.
 21 BY MR. WEISSING:
 22 Q. Do you know -- have you procured minor
 23 children to have sexual relations with
 24 [REDACTED] at Jeffrey Epstein's mansion?
 25 MR. RHEINHART: Objection to the form.

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1 THE WITNESS: On the instruction of my
 2 lawyer, I must invoke my Fifth Amendment
 3 privilege.
 4 BY MR. WEISSING:
 5 Q. Do you know Alan Dershowitz?
 6 MR. RHEINHART: The question was asked and
 7 answered about three-and-a-half hours ago.
 8 THE WITNESS: On the instruction of my
 9 lawyer, I must invoke my Fifth Amendment
 10 privilege.
 11 BY MR. WEISSING:
 12 Q. Do you know David Copperfield?
 13 MR. RHEINHART: That question was asked
 14 about three-and-a-half-hours ago.
 15 THE WITNESS: On the instruction of my
 16 lawyer, I must invoke my Fifth Amendment
 17 privilege.
 18 BY MR. WEISSING:
 19 Q. In addition to his place at, in Palm
 20 Beach, are you aware that Jeffrey Epstein has an
 21 apartment located at 301 East 66th Street, Apartment
 22 14G through E in New York?
 23 MR. RHEINHART: That question was asked
 24 about four hours ago. It's been asked and
 25 answered.

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1 THE WITNESS: At the instruction of my
 2 lawyer, I invoke my Fifth Amendment privilege.
 3 BY MR. WEISSING:
 4 Q. While in New York, have you procured
 5 underage minor children to engage in sexual acts
 6 with Jeffrey Epstein at that location?
 7 MR. RHEINHART: Object to the form.
 8 THE WITNESS: On the instruction of my
 9 lawyer, I must invoke my Fifth Amendment
 10 privilege.
 11 BY MR. WEISSING:
 12 Q. With regard to the minor children procured
 13 for him at that location, were they school children
 14 in the New York area?
 15 MR. RHEINHART: The previous question,
 16 objection to the form. The same as all the
 17 previous questions, it assumes a fact that's
 18 not been established. It can't fairly be
 19 answered.
 20 THE WITNESS: On the instruction of my
 21 lawyer, I must invoke my Fifth Amendment
 22 privilege.
 23 BY MR. WEISSING:
 24 Q. Did Jeffrey Epstein have sexual encounters
 25 with underage people while at that apartment?

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1 know what the Edge Group was, but whatever, you can
 2 answer the question.
 3 THE WITNESS: At the instruction of my lawyer,
 4 I must choose to invoke my Fifth Amendment right.
 5 BY MS. EZELL:
 6 Q. Do you know Max Brockman?
 7 MR. REINHART: I'm sorry, can you repeat?
 8 BY MS. EZELL:
 9 Q. Do you know a Max Brockman?
 10 MR. REINHART: I believe that was asked and
 11 answered already, but --
 12 THE WITNESS: At the instruction of my lawyer,
 13 I must invoke my Fifth Amendment right.
 14 BY MS. EZELL:
 15 Q. Have you ever been photographed with Max
 16 Brockman at an Edge Science dinner?
 17 A. At the instruction of my lawyer, I must invoke
 18 my Fifth Amendment right.
 19 MR. REINHART: You should let me -- I need to
 20 object to the form of the question first, but go
 21 ahead. I know we all want to get out of here. Go
 22 ahead.
 23 THE WITNESS: Say it again.
 24 MR. REINHART: No, you are okay. Go ahead,
 25 Ms. Ezell. Thank you.

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1 BY MS. EZELL:
 2 Q. Do you know whether Jeffrey Epstein attended
 3 the Edge Science dinner in Monterey, California?
 4 MR. REINHART: Objection to the form, lack of
 5 foundation. Instruct the witness not to answer.
 6 THE WITNESS: At the instruction of my lawyer,
 7 I must invoke my Fifth Amendment right.
 8 BY MS. EZELL:
 9 Q. You testified a moment ago that you were
 10 photographed nude by your boyfriend or a former
 11 boyfriend and that you hoped there are no photographs
 12 disseminated elsewhere.
 13 At what age were those photographs taken?
 14 MR. REINHART: I'm going to instruct her not
 15 to answer that. It has nothing to do with
 16 anything. It's not reasonably calculated to lead
 17 to discoverable evidence. We can move on.
 18 BY MS. EZELL:
 19 Q. Were you in any way damaged by that
 20 experience?
 21 MR. REINHART: Same instruction. Let's move
 22 on.
 23 BY MS. EZELL:
 24 Q. Do you have any regrets?
 25 MR. REINHART: Same instruction. Move on.

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1 BY MS. EZELL:
 2 Q. Do you want to respond? I didn't give you
 3 time.
 4 MR. REINHART: I've instructed her not to
 5 answer the question. Let's move on.
 6 BY MS. EZELL:
 7 Q. Do you recall a dinner at El Brillo Way
 8 attended by David Copperfield where Jane No. 103 was a
 9 guest?
 10 MR. REINHART: Objection to the form, lack of
 11 foundation, and a standing objection as to her
 12 knowledge of anything involving El Brillo Way or
 13 Jeffrey Epstein. Instruct her not to answer.
 14 THE WITNESS: At the instruction of my lawyer,
 15 I must invoke my Fifth Amendment right.
 16 BY MS. EZELL:
 17 Q. What is the relationship between Jeffrey
 18 Epstein and David Copperfield?
 19 MR. REINHART: Objection to form, lack of
 20 foundation as to her knowledge of either one of
 21 those people. Instruct her not to answer.
 22 THE WITNESS: At the instruction of my lawyer,
 23 I must invoke my Fifth Amendment right.
 24 BY MS. EZELL:
 25 Q. To your knowledge, do they recruit girls for

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1 one another?
 2 MR. REINHART: Object to the form, compound,
 3 and again, lack of foundation. Instruct her not to
 4 answer.
 5 THE WITNESS: At the instruction of my lawyer,
 6 I must invoke my Fifth Amendment right.
 7 BY MS. EZELL:
 8 Q. To your knowledge, are they involved in any
 9 sexual trafficking of young women?
 10 MR. REINHART: Object to the form for the
 11 reasons previously stated. Also calls for a legal
 12 conclusion as to what sexual trafficking is.
 13 Instruct her not to answer.
 14 THE WITNESS: At the instruction of my lawyer,
 15 I must invoke my Fifth Amendment right.
 16 BY MS. EZELL:
 17 Q. I believe you asked about Allen Dershowitz
 18 earlier.
 19 MR. REINHART: Twice.
 20 BY MS. EZELL:
 21 Q. And were instructed not to answer.
 22 MR. REINHART: Twice.
 23 BY MS. EZELL:
 24 Q. All right. I'm going to ask again on behalf
 25 of my client. Are you aware of the friendship between

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1 Allen Dershowitz and Jeffrey Epstein?
 2 MR. REINHART: And for the third time, I'll
 3 object to the form and instruct her not to answer
 4 the question.
 5 THE WITNESS: For the third time, I take the
 6 advice of my lawyer and invoke my Fifth Amendment
 7 right.
 8 BY MS. EZELL:
 9 Q. When Allen Dershowitz comes to Palm Beach, he
 10 stays at the El Brillo mansion, doesn't he?
 11 MR. REINHART: Objection to the form. There
 12 is no foundation for her having any knowledge of
 13 anything having to do with a person by the name of
 14 Allen Dershowitz. I instruct her not to answer.
 15 THE WITNESS: At the instruction of my lawyer,
 16 I must invoke my Fifth Amendment right.
 17 BY MS. EZELL:
 18 Q. When Allen Dershowitz, or has Allen Dershowitz
 19 ever been there when young ladies came to give massages?
 20 MR. REINHART: Same objection stated to the
 21 previous question. Same instruction.
 22 THE WITNESS: At the instruction of my lawyer,
 23 I must invoke my Fifth Amendment right.
 24 BY MS. EZELL:
 25 Q. Has Allen Dershowitz ever been the beneficiary

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1 of those massages?
 2 MR. REINHART: Same objection and same
 3 instruction.
 4 THE WITNESS: At the instruction of my lawyer,
 5 I must invoke my Fifth Amendment right.
 6 BY MS. EZELL:
 7 Q. Do you know John Casablanca?
 8 A. Never heard that name before.
 9 Q. Have you ever heard of a world-famous
 10 illusionist whose stage name is David Copperfield?
 11 MR. REINHART: That's also been asked at least
 12 three times. I'll instruct her again not to answer
 13 the question.
 14 THE WITNESS: At the instruction of my lawyer,
 15 I must invoke my Fifth Amendment right.
 16 BY MS. EZELL:
 17 Q. Have you ever gone to one of David
 18 Copperfield's shows?
 19 MR. REINHART: Objection to form, lack of
 20 foundation as to knowledge of any person by the
 21 name of David Copperfield. Instruct her not to
 22 answer.
 23 THE WITNESS: At the instruction of my lawyer,
 24 I must invoke my Fifth Amendment right.
 25

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1 BY MS. EZELL:
 2 Q. Do you know that when David Copperfield is in
 3 town, he gives Jeffrey Epstein tickets and Jeffrey gives
 4 some to young women to attend those shows?
 5 MR. REINHART: Object to the form, multiple,
 6 compound question, and a complete lack of
 7 foundation. Instruct the witness not to answer.
 8 THE WITNESS: At the instruction of my lawyer,
 9 I must invoke my Fifth Amendment right.
 10 BY MS. EZELL:
 11 Q. And do you know that those girls are invited
 12 back stage after the show?
 13 MR. REINHART: Same objection, complete lack
 14 of foundation, and standing objection previously
 15 stated.
 16 THE WITNESS: At the instruction of my lawyer,
 17 I must invoke my Fifth Amendment right.
 18 BY MS. EZELL:
 19 Q. Do you remember on or about, in or about March
 20 of 2005 having conversations with one of the young women
 21 who came to the house to give massages about her
 22 conversations with Jane No. 103?
 23 MR. REINHART: Objection to the form, standing
 24 objection, lack of foundation. Instruct the
 25 witness not to answer, because the question implies

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1 that she has any knowledge at all of El Brillo Way.
 2 BY MS. EZELL:
 3 Q. Same question -- sorry.
 4 A. At the instruction of my lawyer, I must choose
 5 to invoke my Fifth Amendment privilege.
 6 Q. Same question as to March of 2006.
 7 MR. REINHART: Same objection and same
 8 instruction.
 9 THE WITNESS: At the instruction of my lawyer,
 10 I must choose to invoke my Fifth Amendment
 11 privilege.
 12 BY MS. EZELL:
 13 Q. Do you have any recollection of a conversation
 14 in which one of the young women told Jane No. 103 that
 15 those girls who, those girls who would help Jeffrey in
 16 regard to the investigation would be compensated and
 17 those who would not or who would hurt him in the
 18 investigation would be dealt with?
 19 MR. REINHART: Objection to the form, lack of
 20 foundation, compound question. Instruct the
 21 witness not to answer, because the question implies
 22 some knowledge of anything relating to a person by
 23 the name of Jeffrey Epstein.
 24 THE WITNESS: At the instruction of my lawyer,
 25 I must invoke my Fifth Amendment right.

C.

C.

EXHIBIT 22

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,
08-80994, 08-80811, 08-80893, 09-80469,
09-8-591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF [REDACTED]
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: April 13, 2010

U.S. Legal Support
(561) 835-0220

2

1 April 13, 2010

2 INDEX

3 WITNESS DIRECT CROSS REDIRECT RECROSS

4 [REDACTED]

5 BY MR. EDWARDS 5 98

6 BY MR. HOROWITZ 65

7 BY MR. LANGINO 77

8 BY MS. EZELL 81

9

10 EXHIBITS

11 PLAINTIFF'S

12 FOR IDENTIFICATION PAGE

13 1 Message dated August 21, 2005. 45

14

15

16

17

18

19

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21

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23

24

25

4

1 APPEARANCES (CONTINUED)

2 LEOPOLD-KUVIN

3 Attorneys for Plaintiffs

4 and C.F.

5 Tel: (361) 515-1400

6 BY: ADAM J. LANGINO, ESQ.

7

8 PODHURST, ORSECK

9 Attorneys for Jane Does 1 and 3

10 City National Bank Building, Suite 88

11 [REDACTED]

12 BY: KATHERINE W. EZELL, ESQ.

13

14 BURMAN, CRITTON, LUTTIER & COLEMAN, LLP

15 Attorneys for Defendant Jeffrey Epstein

16 [REDACTED]

17 Tel: (561) 842-2820

18 BY: DAVID YAREMA, ESQ.

19 ROBERT CRITTON, ESQ.

20

21 ATTERBURY, GOLDBERGER & WEISS

22 Co-Counsel for Defendants

23 [REDACTED]

24 BY: JACK A. GOLDBERGER, ESQ.

25

ALSO PRESENT:

JESSICA CADWELL

JOE ROVNER, Videographer

(U.S. Legal)

3

1 The videotaped deposition of [REDACTED]

2 [REDACTED] in the above-entitled and numbered

3 cause, was taken before me, TERRI BECKER, a

4 Registered Professional Reporter and Notary

5 Public for the State of Florida at Large, at 444

6 West Railroad Avenue, in the City of West Palm

7 Beach, Palm Beach County, in the State of

8 Florida, beginning at the hour of 10:00 o'clock

9 a.m., pursuant to the Notice in said cause for

10 the taking of said deposition which is annexed to

11 the court file herein, on behalf of the PLAINTIFF

12 in the above-entitled action pending in the

13 above-named court.

14 The appearances at said time and place

15 were as follows:

16 FARMER, JAFFE, WEISSING, EDWARDS,

17 FISTOS & LEHRMAN, PL

18 Attorneys for Plaintiffs Jane Does,

19 L.N. and [REDACTED]

20 [REDACTED]

21 Tel: (954) 524-2820

22 BY: BRADLEY J. EDWARDS, ESQ.

23

24 MERMELSTEIN & HOROWITZ, P.A.

25 Attorneys for Plaintiffs Jane Does,

numbers 2 through 8

[REDACTED]

Tel: (305) 931-2200

BY: ADAM D. HOROWITZ, ESQ.

5

1 THEREUPON,

2 [REDACTED]

3 being by Terri Becker first duly sworn to tell

4 the whole truth, as hereinafter certified,

5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. EDWARDS:

8 Q Can you tell us your name.

9 A [REDACTED]

10 Q What is your date of birth?

11 A [REDACTED]

12 Q What is your Social Security number?

13 A Under advice of my counsel, I invoke my

14 privileges under the Fifth and Sixth Amendments

15 to the United States Constitution and

16 respectfully decline to answer the question.

17 Q Where were you born?

18 A I'm sorry, though I would like to answer

19 your question, I must invoke my Fifth and Sixth

20 Amendment privileges and refuse to answer your

21 questions.

22 Q What is your current address?

23 MR. GOLDBERGER: There is going to be a

24 continued, obviously, you anticipate I'm

25 sure, continued invocation of Fifth

6

1 Amendment privileges. If it is okay with
 2 all counsel, to shorten things, I'll simply
 3 have the witness say "Fifth," if that
 4 satisfies everyone's interest.
 5 MR. EDWARDS: That is fine with me.
 6 MR. GOLDBERGER: Okay, with that Cathy?
 7 MS. EZELL: Yes.
 8 MR. HOROWITZ: Yes.
 9 Q I'll reask the question, what's your
 10 current address?
 11 A Fifth.
 12 Q Are you currently living at 358 El
 13 Brillo Way with a man named Jeffrey Epstein?
 14 A The Fifth.
 15 Q Are you also familiar with an address in
 16 New York, 301 East 66th Street?
 17 A The Fifth.
 18 Q When Mr. Epstein was incarcerated in
 19 jail, you went to visit him on numerous
 20 occasions; is that correct?
 21 MR. YAREMA: Objection.
 22 A The Fifth.
 23 Q When you went to visit him you indicated
 24 to jail personnel your address was 301 East 66th
 25 Street, apartment 8-D in New York City, New York;

7

1 is that correct?
 2 MR. YAREMA: Objection.
 3 A Fifth.
 4 Q Isn't it true when Mr. Epstein was in
 5 jail, you visited him on more than 50 occasions?
 6 MR. YAREMA: Form objection.
 7 Q True?
 8 A The Fifth.
 9 Q How long have you been in the United
 10 States, Ms. Marcinkova?
 11 A The Fifth.
 12 Q Who brought you to the United States?
 13 MR. YAREMA: Form objection.
 14 A The Fifth.
 15 Q What is your current status in this
 16 country?
 17 A The Fifth.
 18 MR. YAREMA: Form objection.
 19 MR. GOLDBERGER: Let me take a half a
 20 second.
 21 (Witness and her counsel confer.)
 22 Q Are you a U.S. citizen?
 23 A The Fifth.
 24 Q What type of visa are you here on?
 25 MR. YAREMA: Form objection.

8

1 A The Fifth.
 2 Q Do you know a lady by the name of
 3 Maritsa Vazques?
 4 A The Fifth.
 5 Q Is this somebody who helped to falsify a
 6 visa for you?
 7 MR. YAREMA: Object to the form.
 8 A The Fifth.
 9 Q Do you know Evelyn Velasaques?
 10 A The Fifth.
 11 Q Were you ever a working model in the
 12 United States?
 13 A The Fifth.
 14 Q Can you tell us your parents' names?
 15 A The Fifth.
 16 Q How is it that you have supported
 17 yourself financially, since you have been in this
 18 country?
 19 MR. YAREMA: Object to the form.
 20 A The Fifth.
 21 Q Have you supported yourself financially?
 22 A The Fifth.
 23 Q What is the last grade you completed in
 24 school?
 25 A The Fifth, I take the Fifth Amendment.

9

1 Q Are you in school now?
 2 A The Fifth.
 3 Q Have you ever attended any school in the
 4 United States?
 5 A The Fifth.
 6 Q Have you ever been employed since
 7 residing in the United States?
 8 A The Fifth.
 9 Q Is Jeffrey Epstein your sole means of
 10 financial support today?
 11 MR. YAREMA: Object to the form.
 12 A The Fifth.
 13 Q Since coming to this country, hasn't
 14 Jeffrey Epstein always been your sole means of
 15 financial support?
 16 MR. YAREMA: Object to the form.
 17 A The Fifth.
 18 Q How much does Jeffrey Epstein pay you
 19 today?
 20 MR. YAREMA: Object to the form.
 21 A The Fifth.
 22 Q What does every Epstein pay you for?
 23 MR. YAREMA: Object to the form.
 24 A The Fifth.
 25 Q Does he pay you specifically to be his

54

1 A Fifth.
 2 Q Do you know Bill Clinton?
 3 A Fifth.
 4 Q You have been on Jeffrey Epstein's
 5 airplane with Bill Clinton?
 6 MR. YAREMA: Object to the form.
 7 A Fifth.
 8 Q Isn't take true you have been on Jeffrey
 9 Epstein's airplane with Doug Band, Bill Clinton's
 10 righthand man?
 11 MR. YAREMA: Object to the form.
 12 A Fifth.
 13 Q Have you witnessed improper sexual
 14 activity between Jeffrey Epstein and minors,
 15 while he was in the presence of Bill Clinton?
 16 MR. YAREMA: Object to the form.
 17 A Fifth.
 18 Q How many times have you ridden on the
 19 airplane with Jean Luc Brunel?
 20 MR. YAREMA: Object to the form.
 21 A Fifth.
 22 Q Each time that Jean Luc Brunel visits
 23 Jeffrey Epstein's house, does he bring underage
 24 minors to Jeffrey Epstein's house to engage in
 25 sex with?

55

1 MR. YAREMA: Object to the form.
 2 A Fifth.
 3 Q Do you know Glenn Dubin?
 4 A Fifth.
 5 Q Do you know [REDACTED]?
 6 A Fifth.
 7 Q Is that somebody that was a sexual abuse
 8 victim at one point in time of Jeffrey Epstein
 9 and Jean Luc Brunel?
 10 MR. YAREMA: Object to the form.
 11 A Fifth.
 12 Q Between 2002 and 2005 when [REDACTED] was
 13 abused by Jeffrey Epstein sexually, isn't it true
 14 that Jeffrey Epstein took flights to Palm Beach
 15 for the purposes of sexually abusing [REDACTED].?
 16 MR. YAREMA: Object to the form.
 17 A Fifth.
 18 Q And between those same years of 2002 and
 19 2005, isn't it true that Jeffrey Epstein took
 20 airplane flights to Palm Beach from places
 21 outside of the State, to engage in sexual acts
 22 with [REDACTED].?
 23 MR. YAREMA: Object to the form.
 24 A Fifth.
 25 Q From 2003 through 2005, isn't it true

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1 Jeffrey Epstein specifically flew to Palm Beach
 2 for the purposes of engaging in sex acts with
 3 Jane Doe?
 4 MR. YAREMA: Object to the form.
 5 A Fifth.
 6 Q Generally, isn't it true Jeffrey Epstein
 7 would fly from place to place for the purpose of
 8 engaging in sexual activity with minors at his
 9 destination?
 10 MR. YAREMA: Object to the form.
 11 A Fifth.
 12 Q Isn't it true that he employed numerous
 13 people for the sole purpose of scheduling
 14 appointments with underage minor females at each
 15 destination he landed?
 16 MR. YAREMA: Object to the form.
 17 A Fifth.
 18 Q What is Jeffrey Epstein's relationship
 19 with Sandy Berger?
 20 MR. YAREMA: Object to the form.
 21 A Fifth.
 22 Q Do you know what Jeffrey Epstein's
 23 relationship is with Alan Dershowitz?
 24 MR. YAREMA: Object to the form.
 25 A Fifth.

57

1 Q That's somebody who you know to have
 2 stayed at Jeffrey Epstein's house on many
 3 occasions, correct?
 4 MR. YAREMA: Object to the form.
 5 A Fifth.
 6 Q And also somebody who you know to have
 7 been at the house when [REDACTED], was in Jeffrey
 8 Epstein's bedroom getting sexually abused,
 9 correct?
 10 MR. YAREMA: Object to the form.
 11 A Fifth.
 12 Q Alan Dershowitz is also somebody that
 13 you also know to have been at the house when [REDACTED]
 14 was being sexually abused in Jeffrey Epstein's
 15 bedroom, correct?
 16 MR. YAREMA: Object to the form.
 17 A Fifth.
 18 Q Generally, Alan Dershowitz is familiar
 19 with Jeffrey Epstein's habit of engaging in
 20 sexual acts with minors on a daily basis,
 21 correct?
 22 MR. YAREMA: Object to the form.
 23 A Fifth.
 24 Q When Alan Dershowitz was in town,
 25 Jeffrey Epstein did not break his schedule for

58

1 Alan Dershowitz, meaning he continued to sexually
 2 abuse minors despite Alan Dershowitz being a
 3 guest in the house?
 4 MR. YAREMA: Object to the form.
 5 A Fifth.
 6 Q Alan Dershowitz never engaged in any
 7 sexual activity with these underage minors; isn't
 8 that true?
 9 MR. YAREMA: Object to the form.
 10 A Fifth.
 11 Q Have you been made to have sex with
 12 Ghislaine Maxwell?
 13 MR. YAREMA: Object to the form.
 14 A Fifth.
 15 Q Do you know [REDACTED] ?
 16 A Fifth.
 17 Q Similar to you being Jeffrey Epstein's
 18 sex slave, is [REDACTED], or was [REDACTED]
 19 Ghislaine Maxwell's sex slave?
 20 MR. YAREMA: Object to the form.
 21 A Fifth.
 22 Q Ghislaine Maxwell is somebody who you
 23 know to be bi-sexual, true?
 24 MR. YAREMA: Object to the form.
 25 A Fifth.

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1 Q You know that Ghislaine Maxwell engaged
 2 in sexual acts with underage minor females, true?
 3 MR. YAREMA: Object to the form.
 4 A Fifth.
 5 Q This is yet another friend of Jeffrey
 6 Epstein's that is into the act of molesting
 7 underage minor females, right?
 8 MR. YAREMA: Object to the form.
 9 A Fifth.
 10 Q Now, you are the next participant in
 11 that activity, meaning you have been groomed to
 12 enjoy and appreciate the acts of sex with
 13 underage minors, true?
 14 MR. YAREMA: Object to the form.
 15 A Fifth.
 16 Q Has Jeffrey Epstein instructed you to
 17 lie to his Probation Officer in any way?
 18 MR. YAREMA: Object to the form.
 19 A Fifth.
 20 Q Mr. Visoski testified that you took a
 21 helicopter flight within the last year with
 22 Jeffrey Epstein to Miami. Do you remember that
 23 flight?
 24 MR. YAREMA: Object to the form.
 25 A Fifth.

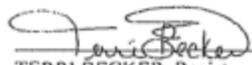
60

1 Q What was the purpose of that flight?
 2 MR. YAREMA: Object to the form.
 3 A Fifth.
 4 Q Did you sign a confidentiality agreement
 5 with Jeffrey Epstein?
 6 MR. YAREMA: Object to the form.
 7 A Fifth.
 8 Q When is the last time that you observed
 9 Jeffrey Epstein have sex with a minor?
 10 MR. YAREMA: Object to the form.
 11 A Fifth.
 12 Q Since being on probation, has Jeffrey
 13 Epstein been able to, or has he flown to his
 14 island?
 15 MR. YAREMA: Object to the form.
 16 A Fifth.
 17 Q To your knowledge, has Jeffrey Epstein
 18 flown to New York while on probation or community
 19 control?
 20 MR. YAREMA: Object to the form.
 21 A Fifth.
 22 Q Isn't it true that he has flown both to
 23 New York and to his island, and you have
 24 accompanied him on those trips, since he was on
 25 community control?

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1 MR. YAREMA: Object to the form.
 2 A Fifth.
 3 Q Isn't it also true that Jeffrey Epstein
 4 has indicated to you that he will always engage
 5 in sex acts with underage minor females?
 6 MR. YAREMA: Object to the form.
 7 A Fifth.
 8 Q In fact, that's something that he has
 9 told you, that he believes he is entitled to do;
 10 isn't that right?
 11 MR. YAREMA: Object to the form.
 12 A Fifth.
 13 Q Isn't it true that Jeffrey Epstein
 14 believes and has told you that if he doesn't
 15 physically force the underage minor female into
 16 any act, then he is entitled to engage in sex
 17 with any underage minor female despite the age?
 18 MR. YAREMA: Object to the form.
 19 A Fifth.
 20 Q What is the youngest female you have
 21 witnessed or observed Jeffrey Epstein to engage
 22 in sex with?
 23 MR. YAREMA: Object to the form.
 24 A Fifth.
 25 Q Do you have a bank account at Chase Bank

1 A Fifth.
 2 Q Did you know that Jeffrey Epstein gave
 3 A.D. a digital camera?
 4 MR. YAREMA: Object to the form.
 5 A Fifth.
 6 MS. EZELL: I don't have any other
 7 questions. Thank you.
 8 MR. GOLDBERGER: You still have your
 9 microphone on. You must have something on
 10 your mind, Brad.
 11 REDIRECT EXAMINATION
 12 BY MR. EDWARDS:
 13 Q Ms. [REDACTED], through the whole day
 14 you've taken the Fifth on just about every single
 15 question. Is there any reason why we should not
 16 presume that the answer to these questions would
 17 incriminate you?
 18 MR. YAREMA: Object to the form.
 19 A The Fifth.
 20 Q The reason that you have taken the Fifth
 21 is because the questions you have been asked
 22 would have been answered in the affirmative and
 23 you're afraid of prosecution for your
 24 involvement, true?
 25 MR. GOLDBERGER: Don't answer that

1 THE STATE OF FLORIDA)
 2 COUNTY OF PALM BEACH)
 3 I, TERRI BECKER, a Registered
 4 Professional Reporter and Notary Public for the
 5 State of Florida at Large, do hereby certify that
 6 I reported the videotaped deposition of [REDACTED]
 7 [REDACTED], the WITNESS, called by the PLAINTIFF
 8 in the above-entitled action; that the witness
 9 was duly sworn by me; that the foregoing pages,
 10 numbered from 1 to 104, inclusive, constitute a
 11 true record of the deposition by said witness.
 12 I further certify that I am not attorney
 13 or counsel of any of the parties, nor a relative
 14 or employee of any attorney or counsel connected
 15 with the action, nor financially interested in
 16 the action.
 17 WITNESS MY HAND and official seal in the
 18 City of West Palm Beach, County of Palm Beach,
 19 State of Florida, this 19th day of April 2010.
 20
 21 
 22 TERRI BECKER, Registered
 23 Professional Reporter and
 24 Notary Public, State of Florida
 25 at Large. My Commission expires
 March 13, 2011.

1 question. It interferes with the
 2 attorney/client relationship that I have
 3 with Ms. [REDACTED] and any discussions she
 4 and I may have had would come under that
 5 privilege.
 6 You can try and dance around that, but
 7 I'm simply not going to allow her to answer
 8 that question. If you want to bring it up
 9 with the Judge, you can.
 10 MR. EDWARDS: Thanks, Jack.
 11 MR. GOLDBERGER: Okay.
 12 THE VIDEOGRAPHER: Off the video record
 13 at 1:41 p.m.
 14 THE COURT REPORTER: You're ordering
 15 this, Brad?
 16 MR. EDWARDS: Yes. Copies?
 17 MS. EZELL: Yes.
 18 MR. YAREMA: Yes:
 19 THE COURT REPORTER: And Adam wanted it;
 20 is that right?
 21 MR. EDWARDS: Yes.
 22 (Time noted: 1:45 p.m.)
 23
 24
 25

1 THE STATE OF FLORIDA)
 2 COUNTY OF PALM BEACH)
 3
 4
 5 The foregoing certificate was
 6 acknowledged before me this _____
 7 day of _____ 2010.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

DEPOSITION OF ADRIANA ROSS
Volume 1 of 1
Pages 1 through 138
Videotaped

Monday, March 15, 2010
10:13 a.m. - 12:42 p.m.
U.S. Legal Support
515 East Las Olas Boulevard, 3rd Floor
Fort Lauderdale, Florida 33301

Stenographically Reported By:
Janet L. McKinney, RPR, FPR, CLR

Registered Professional Reporter

Florida Professional Reporter

Certified LiveNote Reporter

U.S. Legal Support
(954) 463-2933

APPEARANCES:

ON BEHALF OF THE PLAINTIFF:

FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BY: BRADLEY EDWARDS, ESQ.

ON BEHALF OF THE DEFENDANT JEFFREY EPSTEIN:

BURMAN, CRITTON, LUTTIER &
COLEMAN, LLP

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BY: MICHAEL J. PIKE, ESQ.

ON BEHALF OF OTHER PLAINTIFFS IN RELATED CASES:

MERMELSTEIN & HOROWITZ, P.A.

[REDACTED]
[REDACTED]
[REDACTED]

305.931.2200
Ssm@sexabuseattorney.com
BY: STUART S. MERMELSTEIN, ESQ.

ON BEHALF OF THE WITNESS:

ROBBINS, TUNKEY, ROSS, AMSEL,
RABEN & WAXMAN, P.A.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BY: ALAN S. ROSS, ESQ.

Also Present: Sean McGuire, Videographer
U.S. Legal Support

U.S. Legal Support
(954) 463-2933

1 Q. Jane Doe 102 ultimately escaped from him and
2 left to [REDACTED], is that your understanding?

3 A. I refuse to answer.

4 MR. PIKE: Form.

5 Q. Have you ever spoken with Jane Doe 102?

6 A. I refuse to answer.

7 Q. On one of Epstein's birthdays a friend of
8 Jeffrey Epstein sent to him 12 -- three 12-year-old
9 girls from France who spoke no English for Epstein to
10 sexually exploit and abuse and after doing so he sent
11 them back to France the next day. Are you familiar
12 with that?

13 MR. PIKE: Form.

14 A. I refuse to answer.

15 Q. Isn't that something that is fairly common for
16 Mr. Epstein?

17 A. I refuse to answer.

18 MR. PIKE: Form.

19 Q. Who are the friends that send to Jeffrey
20 Epstein underage minor females for his birthday so that
21 he can abuse?

22 A. I refuse to answer.

23 MR. PIKE: Form.

24 Q. Is one of those friends Jean Luc Brunel?

25 A. I refuse to answer.

1 Q. Have you ever met Prince Andrew?

2 A. I refuse to answer.

3 Q. Has Prince Andrew been involved with underage
4 minor females to your knowledge?

5 A. I refuse to answer.

6 Q. Have you ever met Alan Dershowitz?

7 A. I refuse to answer.

8 Q. When Alan Dershowitz stays at Jeffrey
9 Epstein's house isn't it true that he has been at the
10 house when underage minor females have been in the
11 bedroom with Jeffrey Epstein?

12 A. I refuse to answer.

13 Q. Has -- are you familiar with the media
14 publication or online resource RadarOnline?

15 A. I refuse to answer.

16 Q. Is that something that you assisted
17 Mr. Epstein with when he purchased RadarOnline?

18 A. I refuse to answer.

19 Q. And do you know his business partner in that
20 endeavor?

21 A. I refuse to answer.

22 Q. Isn't it also true that he used RadarOnline as
23 another way to gain access to underage minor females
24 for sex?

25 MR. PIKE: Form.

1 friends?

2 MR. PIKE: Form.

3 A. I refuse to answer.

4 Q. Who is Sandy Berger?

5 A. I refuse to answer.

6 Q. That's somebody else that was affiliated with
7 Bill Clinton at one point in time, correct?

8 A. I refuse to answer.

9 Q. A close friend of Jeffrey Epstein's?

10 MR. PIKE: Form.

11 A. I refuse to answer.

12 Q. He called the house within three weeks of the
13 search warrant being executed. Did he tip off Jeffrey
14 Epstein?

15 MR. PIKE: Form.

16 A. I refuse to answer.

17 Q. Is he somebody that's involved with underage
18 minors?

19 A. I refuse to answer.

20 Q. Do you know Igor Zinoviev?

21 A. I refuse to answer.

22 Q. [REDACTED]?

23 A. I refuse to answer.

24 Q. Have you flown on the airplane with Alan
25 Dershowitz before?

1 MR. PIKE: Form.

2 A. I refuse to answer.

3 Q. And Jean Luc Brunel is somebody who you have
4 been on the airplane with several times, correct?

5 A. I refuse to answer.

6 MR. PIKE: Form.

7 Q. And when Jean Luc Brunel is on this airplane
8 there are underage minor -- minor females on the
9 airplane with you, correct?

10 MR. PIKE: Form.

11 A. I refuse to answer.

12 Q. Is there a back room to this airplane? Is
13 there any sort of separation or is it all one big room?

14 MR. PIKE: Form.

15 A. I refuse to answer.

16 Q. So if Jeffrey Epstein and Jean Luc Brunel are
17 engaged in sex acts with underage minors did you --

18 A. I refuse --

19 Q. Sorry -- did you observe any of those acts?

20 A. I refuse to answer.

21 MR. PIKE: Form.

22 Q. And on numerous of the flights the flight logs
23 indicate someone's name then oftentimes initials, but
24 sometimes it would just say "three females". Do you
25 know why?

1.

2.

EXHIBIT 24

Page 1	<p>IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA CASE No. 02009CA040800XXXMBAG</p> <p>JEFFREY EPSTEIN,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>SCOTT ROTHSTEIN, individually, BRADLEY J. EDWARDS, individually, and [REDACTED], individually,</p> <p style="padding-left: 40px;">Defendants.</p> <hr/> <p>VIDEOTAPED DEPOSITION OF JEFFREY EPSTEIN Wednesday, March 17, 2010 10:17 a.m.- 1:27 p.m.</p> <p>[REDACTED]</p> <p>Reported By: Sandra W. Townsend, FPR Notary Public, State of Florida West Palm Beach Office Job #1358</p>	Page 3
1	<p>---</p> <p>E X H I B I T S</p> <p>---</p>	1
2		2
3		3
4		4
5	NUMBER	5
6	DESCRIPTION	6
7	PAGE	7
8	Exhibit number 1	8
9	Eyeglasses	9
10	133	10
11		11
12		12
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23		23
24		24
25		25
Page 2	<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 MICHAEL PIKE, ESQUIRE</p> <p>4 BURMAN CRITTON LUTTIER & COLEMAN, LLP</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 On behalf of the Defendant Bradley Edwards:</p> <p>8 JACK SCAROLA, ESQUIRE</p> <p>9 SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY</p> <p>10 [REDACTED]</p> <p>11 On behalf of the Defendant [REDACTED]:</p> <p>12 BRADLEY EDWARDS, ESQUIRE</p> <p>13 FARMER, JAFFE, WEISSING, EDWARDS, FISTOS,</p> <p>14 & LEHRMAN, P.L.</p> <p>15 [REDACTED]</p> <p>16 Also Present:</p> <p>17 STEVEN JAFFE, ESQUIRE</p> <p>18 FARMER, JAFFE, WEISSING, EDWARDS, FISTOS,</p> <p>19 & LEHRMAN, P.L.</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	Page 4
1	<p>P R O C E E D I N G S</p> <p>---</p>	1
2		2
3	Deposition taken before Sandra W. Townsend, Court	3
4	Reporter and Notary Public in and for the State of	4
5	Florida at Large, in the above cause.	5
6	---	6
7	VIDEOGRAPHER: We are now on video record.	7
8	This is media number one in the videotaped	8
9	deposition of Jeffrey Epstein in the matter of	9
10	Jeffrey Epstein versus Scott Rothstein, Bradley	10
11	Edwards and [REDACTED].	11
12	Today is Wednesday, March 17, 2010 at	12
13	10:17 a.m.	13
14	We are at the law offices of Burman,	14
15	Critton -- Banyan -- of Burman, Critton on [REDACTED]	15
16	[REDACTED]	16
17	My name is Joe Kozak. I'm the videographer.	17
18	The court reporter is Sandra Townsend from Prose	18
19	Court Reporting Agency.	19
20	Would Counsel please introduce yourselves and	20
21	then the court reporter will swear in the witness.	21
22	MR. SCAROLA: My name is Jack Scarola. I am	22
23	Counsel on behalf of Brad Edwards in his capacity,	23
24	both as Defendant and Counter-Plaintiff in this	24
25	action. Mr. Edwards is present with me.	25

Page 89

1 Amendment Rights as provided by the U.S.
 2 Constitution.
 3 BY MR. SCAROLA:
 4 Q. Does a flight log kept for a private jet used
 5 by you contain the names of celebrities, dignitaries or
 6 International figures?
 7 A. At least today, sir, I'm going to have to
 8 respectfully decline to answer based on my Fifth, Sixth
 9 and 14th Amendment Right, though I'd like to answer that
 10 question.
 11 Q. Have you ever had a personal relationship with
 12 Donald Trump?
 13 A. What do you mean by "personal relationship,"
 14 sir?
 15 Q. Have you socialized with him?
 16 A. Yes, sir.
 17 Q. Yes?
 18 A. Yes, sir.
 19 Q. Have you ever socialized with Donald Trump in
 20 the presence of females under the age of 18?
 21 A. Though I'd like to answer that question, at
 22 least today I'm going to have to assert my Fifth, Sixth
 23 and 14th Amendment Right, sir.
 24 Q. Have you socialized with Alan Dershowitz?
 25 A. Yes, sir. He's my attorney, as well as a

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1 friend.
 2 Q. Have you ever socialized with Alan Dershowitz
 3 in the presence of females under the age of 18?
 4 MR. PIKE: Form.
 5 THE WITNESS: Sir, at least here today, I'm
 6 going to have to assert my Fifth Amendment, Sixth
 7 Amendment and 14th Amendment Rights.
 8 BY MR. SCAROLA:
 9 Q. Have you ever socialized with Tommy Mottola?
 10 A. This is the type of questions where people who
 11 have nothing to do with this case whatsoever have been
 12 brought into the case by Mr. Edwards in an attempt to
 13 simply imperil my relationships with social friends and
 14 serves as an example of why this case has been brought
 15 against Mr. Edwards and his firm, sir.
 16 MR. PIKE: Form as well.
 17 BY MR. SCAROLA:
 18 Q. Well, do you know who brought those persons'
 19 names into this lawsuit?
 20 MR. PIKE: Form.
 21 And just to be clear, what Mr. Scarola, I
 22 believe, talking about this lawsuit, Epstein versus
 23 RRA?
 24 BY MR. SCAROLA:
 25 Q. Yes, sir, that's the lawsuit I'm talking

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1 about. The one in which your deposition is being taken
 2 today.
 3 Do you know who brought those persons' names
 4 into this lawsuit?
 5 A. As a reaction, and only as a reaction to total
 6 misbehavior on Mr. Edwards' part, and the Complaint was
 7 obviously written by my attorneys, sir.
 8 Q. So you know that those names are in your
 9 Complaint, right?
 10 A. Yes, sir.
 11 Q. Okay. So because those names are in your
 12 Complaint, I'm asking you about the people you named.
 13 Have you had a social relationship with Tommy
 14 Mottola?
 15 A. The names in my Complaint are strictly as a
 16 reaction to the abusive discovery process by
 17 Mr. Edwards, his partners, Scott Rothstein, who sits in
 18 jail, in an attempt to imperil my friendships.
 19 But, yes, I have socialized with Mr. Mottola.
 20 Q. Have you ever socialized with Mr. Mottola in
 21 the presence of females under the age of 18?
 22 MR. PIKE: Form.
 23 THE WITNESS: At least today, the typical to
 24 the Edwards contention of bringing cases of a
 25 malicious nature where his partner sits in jail for

Page 92

1 this -- just this type of behavior, the answer is,
 2 today, at least, I must assert my Fifth, Sixth and
 3 14th Amendment Right, though I'd like to answer
 4 each and every one of your questions, Mr. Scarola.
 5 BY MR. SCAROLA:
 6 Q. Have you had a social relationship with David
 7 Copperfield?
 8 A. As a reaction to, once again, the abusive
 9 discovery process of bringing in names of people that
 10 have absolutely nothing to do with any of Mr. Edwards',
 11 Mr. Rothstein's or their clients' claims, by bringing in
 12 the names of friends of mine strictly in an attempt to
 13 stress my relationships, imperil my business
 14 relationships, I'm going to say, yes, I do know
 15 Mr. Copperfield.
 16 Q. Have you ever socialized with David
 17 Copperfield?
 18 A. Again, as --
 19 MR. PIKE: Form.
 20 THE WITNESS: Sorry.
 21 It's a typical Edwards/Rothstein strategy of
 22 trying to involve well-known people in maliciously
 23 fabricated cases in order to fleece investors out
 24 of millions of dollars. They brought up names in
 25 attempts at abuse of discovery process to try and

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE No. 502008CA037319XXXXMB AB

■■■■ . ,

Plaintiff,

-vs-

JEFFREY EPSTEIN,

Defendant.

CONTINUED DEPOSITION OF JEFFREY EPSTEIN

VOLUME II

Thursday, October 8, 2009

10:07 - 1:03 p.m.



Reported By:
Jeana Ricciuti, RPR, FPR, CLR
Notary Public, State of Florida
Prose Court Reporting Agency, Inc.

■■■■■■■■■■ PROSE COURT REPORTING AGENCY, INC. ■■■■■■■■■■

1 respect to the charges brought against you in Palm Beach
2 for having sex with underaged girls and soliciting
3 underaged girls for prostitution?

4 (Interruption in the proceedings.)

5 MR. GOLDBERGER: Thank you.

6 Hey Kathy, it's Jack Goldberger. You're back
7 on.

8 MS. EZELL: Okay, good. Thanks, Jack.

9 MR. GOLDBERGER: Okay.

10 MS. EZELL: I'm putting the mute on.

11 MR. GOLDBERGER: Okay.

12 THE WITNESS: Can you read me the question?

13 MR. KUVIN: Sure. Could you read it back,
14 please?

15 (A portion of the record was read by the
16 reporter.)

17 THE WITNESS: No.

18 BY MR. KUVIN:

19 Q. Isn't it true that you pledged \$30 million to
20 Harvard University in 2003, which is shortly before
21 charges were brought against you in Palm Beach?

22 A. I'll answer that question the same way I've
23 answered most of your other questions here today, which
24 is, I fully intend to respond to all relevant questions
25 regarding this lawsuit; however, at the present time, my

1 attorneys have counseled me I cannot provide answers to
2 any questions relevant to this lawsuit. I must accept
3 this advice or risk losing my 6th Amendment right to
4 effective representation. Accordingly, I assert my
5 federal constitutional rights as guaranteed by the 5th,
6 6th and 14th Amendment to the US Constitution.

7 Q. And isn't it true also that you have retained
8 Alan Dershowitz to defend you in the criminal charges
9 that were brought against you in Palm Beach?

10 MR. GOLDBERGER: Attorney-client.

11 MR. PIKE: Attorney-client, work product.

12 BY MR. KUVIN:

13 Q. Isn't it also true that Alan Dershowitz works
14 on staff at Harvard University as a professor? I mean,
15 if you know.

16 A. I'm going to answer that question like I've
17 answered most of your other questions here today, which
18 is, I fully intend to respond to all relevant questions
19 regarding this lawsuit; however, at the present time, my
20 attorneys have counseled me I cannot provide answers to
21 any questions that may be relevant to this lawsuit. I
22 must accept this advice or risk losing my 6th Amendment
23 right to effective representation. Accordingly, I
24 assert my federal constitutional rights as guaranteed by
25 the 5th, 6th and 14th Amendment to the US Constitution.

EXHIBIT 25

JEGE, INC.

PASSENGER MANIFEST

Registration Number: N968JE

Type: B-727-31

Pilots: Dave Rodgers, Larry Visoski
Flight Engineer: Larry Morrison

DATE: 2-3, 2005 FROM CMH TO PST

Departure Time 10:53 AM Arrival Time 12:40 AM Trip Number 318

PASSENGERS

1. Jeffrey Epstein
2. [REDACTED]
3. [REDACTED]
4. Jean Luk Brunel
5. David Mullen
6. Female
7. Female
8. Female
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____

FROM Identifier Defined
City Columbus
State or Country OH

TO Identifier Defined
City West Palm Beach
State or Country FL

Nautical Miles 810
Statute Miles 931

Gallons K AIRFRAME
Pounds 16885 33059.0

Flight Time 1:47 1.8

Altitude FL 33060.8

20. _____ Night 1.8

21. _____ T/L 1.1

22. _____ IMC .8

23. _____ Approach _____

24. _____

25. _____

26. _____

SAO01561

JEGE, INC. PASSENGER MANIFEST

Registration Number: N908JE

Type: B-727-31

Bill Hammond
Pilots: ~~Dave Rodgers~~, Larry Visocki
Flight Engineer: Larry Morrison

DATE: 3-18, 2005

FROM KJFK

TO KAB1

Departure Time 10:02 ^{AM} _{PM}

Arrival Time 12:48 ^{AM} _{PM}

Trip Number 331

PASSENGERS

1. Jeffrey Epstein

FROM Identifier Defined

2. *Chielone Maxwell*


City NEW YORK

State or Country NY

4. _____

TO Identifier Defined

5. _____

City WEST Palm BEACH

6. _____

State or Country FL

7. _____

Nautical Miles 894

8. _____

Statute Miles 1028

9. _____

Gallons 3435 AIRFRAME

10. _____

Pounds 23013 33084.1

11. _____

Flight Time 2.40 2.7

12. _____

Altitude FL 390 33086.8

13. _____

20. _____ Night _____

14. _____

21. _____ T/L 111

15. _____

22. _____ IMC _____

16. _____

23. _____ Approach _____

17. _____

24. _____

18. _____

25. _____

19. _____

26. _____

SAO01570

EXHIBIT 26

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...
			From	To					
MAR 24 1975	B-727-31A	N908JE	JFK	[REDACTED] EST		333	JG, [REDACTED]	LV BH 36	ALBANY G-LER
MAR 29	"	"	TJS	JFK		334	JE, [REDACTED]	BH 1/1	
MAR 31	"	"	JFK	PBI		335	JE, GM, [REDACTED]	LM 1/1	
MAR 1	G-1159B	N909JC	SAV	PBI		1766	[REDACTED]	LM 1/1	
MAR 5	"	"	PBI	PDK		1767	GM	LV 1/1	
MAR 5	"	"	PDK	TGB		1768	GM	LV 1/1	
MAR 6	B-727-31A	N908JE	PBI	JFK		336	JE, [REDACTED]	LM 1/1	
MAR 29	G-1159B	N909JC	PBI	TJS		1773	JE, [REDACTED]	LM 1/1	
MAR 4	"	"	TJS	TGB		1774	JE, AM, [REDACTED]	BH 1/1	
MAR 6	"	"	TGB	PBI		1775	JE, AM, [REDACTED]	BH 1/1	
MAR 10	"	"	PBI	TGB		1776	JE, [REDACTED]	LM LV 1/1	
MAR 12	B-727-31A	N908JE	JFK	TJS		339	JE, [REDACTED]	BH 1/1	
MAR 16	"	"	TJS	JFK		340	JE, [REDACTED]	BH 1/1	
MAR 19	G-1159B	N909JC	TGB	PBI		1777	JE, [REDACTED]	BH 1/1	
MAR 24	"	"	PBI	TGB		1778	JE, [REDACTED]	BH 1/1	
MAR 24	"	"	PBI	TGB		1779	JE, [REDACTED]	LV 1/1	
MAR 15	B-727-200	SEMULPASS	MIA	MIA			RICK MOUNAR - INSTRUCTOR	LV 1/1	
MAR 15	"	"	"	"			RICK MOUNAR - INSTRUCTOR	LV 1/1	
MAR 24	G-1159B	N909JC	TGB	[REDACTED] BI		1786	JE, [REDACTED]	LV 1/1	

Page Total 10/6
Amount Forward 6803
Total to Date 6413

97170 33
97674 33

I certify that the statements made by me on this form are true.

Pilot's Signature *David Rodger*

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...	
			From	To					PLANE	GEAR
2009 Jul 16	G-1159B	N909JK	CPS	SAF		1527	REPOSITIONING - INTER STATE LEGAL CONSULTATION	1/1	2	2
16	"	"	SAF	TGB		1528	JG, ET, GM, [REDACTED]	1/1	3	5
23	"	"	PBI	TJST		1527	JG, [REDACTED]	1/1	2	5
28	"	"	TJSS	PBI		1531	JG, REDACTED - Jane Doe No. 3	1/1	2	6
29	"	"	[REDACTED]	ISP		1532	JG	1/1	2	5
29	"	"	ISP	TGB		1533	JG	1/1	2	6
Aug 1	"	"	TGB	PBI		1534	JG, GM, [REDACTED] 162000	1/1	2	7
3	B-727-31	N908JK	JAX	PBI		1534	MEXICAN DONORSHIP FOR NIGHT SERVICE	4/4	2	4
4	B-727-100	PARAN SERVICE	MDZ	MFA			NIGHT CURRENCY		1	4
5	G-1159B	N909JK	PBI	TGB		1535	JG, GM, [REDACTED]	1/1	1	0
5	"	"	TGB	PBI		1536	NO PASSENGERS	1/1	2	6
7	B-727-31	N908JK	PBI	LGA		1	MEXICAN DONORSHIP	1/1	2	6
7	"	"	LGA	ABQ		2	JG, GM, [REDACTED] 2 PENALS	1/1	4	0
14	C-4210	N908GM	PBI	JAN			JONATHAN MAND - EMERGENCY COMPETENCY CHECKS SCHEDULED	1/1	3	9
14	"	"	JAN	AMA			JONATHAN MAND - LPA WITH GS XS KNOT XWDND LAMPENL	1/1	3	6
14	"	"	AAA	DCD			JONATHAN MAND -	1/1	1	7
15	"	"	DEO	ABQ			JONATHAN MAND - HIGH DENSITY ALTITUDE OPERATIONS	1/1	5	5
15	"	"	ABO	ZKRO			JONATHAN MAND - SHORTS FIELD - FUEL - OBEY ORDERS	1/1	7	7
16	B-727-31	N908JK	ABQ	PBI		6	JG, GM, ET, AP, FLIGHT, JONATHAN MAND	1/1	3	8
I certify that the statements made by me on this form are true.								20/17	445	
Page Total								6430		
Amount Forward								6162	253	1
Total to Date								6450	827	6
								6119	827	6

Pilot's Signature: *David Padgett*

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...		
			From	To					Fixed Wing	Helicopter	
Nov 14 2008	G-1159B	N908JE	BED	TEB		1418	JE, [REDACTED]	1/1	1	1	
	"	"	TEB	DCA		1419	JE, AP, [REDACTED]	1/1	1	0	
22	"	"	DCA	PBI		1420	JE, AP, [REDACTED]	1/1	2	2	
28	"	"	PBI	TIST		1421	JE, GM		2	4	
30	"	"	TIST	PBI		1422	JE, GM	1/1	2	7	
DEC 1	"	"	PBI	DFW		1423	JE, GM	1/1	2	7	
1	"	"	DFW	ABQ		1424	JE, GM, RICARDO LEGORRETA	1/1	1	8	
2	"	"	ABQ	SAF		1425	REPOSITION	1/1		5	
2	"	"	SAF	TEB		1426	JE, GM		3	5	
5	"	"	TEB	LFPB		1427	JE, GM, ET, K [REDACTED]	1/1	6	8	
6	"	"	LFPB	EGGW		1428	JE, GM, ET, K [REDACTED]				
7	"	"	EGGW	EGYM		1429	JE, GM, KELLY [REDACTED]		1	0	
7	"	"	EGYM	EGSH		1430	REPOSITION (GORDON [REDACTED])			4	
9	"	"	EGSH	CYQX		1431	JE, GM, ET, [REDACTED] (SLOWLY SLOW ON RUMWAB)		5	0	
9	"	"	CYQX	PBI		1432	JE, GM, ET, [REDACTED]		4	7	
11	"	"	PBI	TGB		1433	JE, GM, ET, DOE 3	1/1	2	6	
14	"	"	TGB	TIST		1434	JE, GM, AP, DOE 3	1/1	3	5	
14	"	"	TIST	PBI		1435	REPOSITION FOR OPS 2 ATCS		2	4	
JAN 13	"	"	PBI	PBI		1436	TRAS CERTIFICATION	1/1		7	
I certify that the statements made by me on this form are true.								9/10	455		
Page Total								6342	79919	33	112
Amount Forward								6024			
Total to Date								6351	80374	33	112
								6034			

I certify that the statements made by me on this form are true.

Pilot's Signature: *David Rodriguez*

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category		
			From	To					Acft Type	Helicopter	
21	B-727-200	SPR	DW	DFW			RUMPHAY STABILIZER MANUVAL OPERATIONS FUEL DUMPING, RTR BRAKE-GAUGE, BATTLES SWEEP TURNS, STALLS, SINGLE ENGINE GO AROUND 1 & 2 ENGINE APPROACHES, RTO, SENSITIVE B727 CHECK RIDE		2	5	
22	"	SIMULATOR	MGM	MGM					2	5	
23	"	"	"	"					2	4	
23	C-421B	N908GM	DFW	ADS			JONATHAN MAND - HIGH DENSITY APPROX OPERATIONS	1		6	
23	"	"	ADS	PNS			JONATHAN MAND - SID, ICING OPERATIONS, FUEL MANAGEMENT, RFL FOR ADVANCED CHARTS	1		3	
23	"	"	PNS	PBI			JONATHAN MAND - LOSS COMMUNICATIONS PROCEDURES, W/GET BY & PULLANCE	1		3	
23	"	"	PBI	LCO			KRISTY ROGERS - CLIMB, DESCENDS, STABILIZER & LEVEL FLIGHT	1		9	
23	"	"	LCO	LAL			KRISTY ROGERS - TURN, STRAIGHT-TO KRYSTY ROGERS - DESCEND, S.H.	1		3	
23	G-1159B	N909JE	PBI	PBE		144	DOE 3 CARRY ROR	1		1	
24	"	"	CYJT	CYJT		145	DOE 3 CARRY ROR	1		3	
24	"	"	LFPB	LFPB		146	DOE 3 ALBANY ROR	1		5	
24	"	"	LEGR	LEGR		147	DOE 3 ALBANY ROR	1		3	
24	"	"	GMTT	GMTT		148	DOE 3 ALBANY ROR	1		2	
24	"	"	EGGW	EGGW		149	DOE 3 ALBANY ROR	1		8	
24	"	"	BGR	BGR		150	DOE 3 ALBANY ROR	1		2	
24	"	"	EGGW	EGGW		151	DOE 3 ALBANY ROR	1		6	
24	"	"	BGR	BGR		152	DOE 3 ALBANY ROR	1		6	
24	C-421B	N908GM	PBI	TGB		153	LARRY MORRISON - TAKEOFF, STL, CLIMB, DESCEND, TURN, LARRY MORRISON, CLIMB, T-BOS COMP TURN, STC	1		1	
24	"	"	GLL	FIL		154	LARRY MORRISON - TAKEOFF, STL, CLIMB, DESCEND, TURN, LARRY MORRISON, CLIMB, T-BOS COMP TURN, STC	1		6	
25	G-1159B	N909JE	EB	PBI		155	LARRY MORRISON - TAKEOFF, STL, CLIMB, DESCEND, TURN, LARRY MORRISON, CLIMB, T-BOS COMP TURN, STC	1		4	
25	"	"	EB	FSB		156	LARRY MORRISON - TAKEOFF, STL, CLIMB, DESCEND, TURN, LARRY MORRISON, CLIMB, T-BOS COMP TURN, STC	1		6	
I certify that the statements made by me on this form are true.								Page Total: 43 Amount Forward: 8089 Total to Date: 8133			

Pilot's Signature: *David Redgen*
 Date: _____

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category	
			From	To					ASPL/PLM	GL/GR
2001 15	G-1159	N909JC	ISP	LCQ		1472	JG, GM, RGR	1	2	6
15	"	"	LCQ	PBI		1473	JG, GM, RGR	1	2	6
16	"	"	PBI	MJA		1474	JG, GM, RGR	1	2	6
16	"	"	MJA	TEST		1475	JG, GM, RGR	1	2	6
19	"	"	TEST	LGF		1476	JG, GM, RGR	1	2	6
22	"	"	LGF	PBI		1477	JG, GM, RGR	1	2	6
23	G-424B	N908GM	PBE	OPF		1478	JG, GM, RGR	1	2	6
23	"	"	OPF	FLL		1479	JG, GM, RGR	1	2	6
23	"	"	FLL	PBI		1480	JG, GM, RGR	1	2	6
24	"	"	PBI	ISM		1481	JG, GM, RGR	1	2	6
24	"	"	ISM	PBI		1482	JG, GM, RGR	1	2	6
27	G-1159B	N909JC	PBI	TGB		1483	JG, GM, RGR	1	2	6
29	"	"	TGB	SAF		1484	JG, GM, RGR	1	2	6
31	"	"	SAF	PBI		1485	JG, GM, RGR	1	2	6
1	"	"	PBI	LCQ		1486	JG, GM, RGR	1	2	6
1	"	"	LCQ	TGB		1487	JG, GM, RGR	1	2	6
3	"	"	TGB	GAI		1488	JG, GM, RGR	1	2	6
3	"	"	GAI	TGB		1489	JG, GM, RGR	1	2	6
4	"	"	TGB	BGP		1490	JG, GM, RGR	1	2	6

I certify that the statements made by me on this form are true.

Pilot's Signature *David Reddy*

Page Total	15/12
Amount Forward	6364
Total to Date	6384

ASPL/PLM	GL/GR	H-GLI/CAF
519	8133	4
33	8165	3
33	112	6
33	112	6

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...	
			From	To					Aircraft Name	Category
2/20/11										
4-2-2011	B727-31	N505LS	LCO	PBI			REPOSITION	1	0	ACTICOPY
6-1	G-11590	N909JC	T&B	PBI		1504	JE, GM, ST, AP, [REDACTED]	1/1	2	6
3	"	"	PBI	TJST		1510	JE, DOE 3	1/1	2	4
5	"	"	TJST	T&B		1511	JE, [REDACTED]	1/1	3	8
8	"	"	T&B	CYUL		1512	JE, GM, ST, AP, [REDACTED]	1/1	1	1
12	"	"	CYUL	T&B		1513	REPOSITION (APU BLEED A/D OUT)	1/1	1	1
12	"	"	T&B	PBI		1514	JE	1/1	2	3
13	"	"	PBI	T&B		1515	JE, [REDACTED]	1/1	2	4
15	"	"	T&B	PBI		1516	JE, GM, 1 FEMALE	1/1	2	3
18	"	"	PBI	T&B		1517	JE, GM, 1 FEMALE	1/1	2	5
22	"	"	[REDACTED]	LFPO		1518	JE, GM, 1 FEMALE	1/1	7	0
23	"	"	LFPO	LFMN		1519	JE, GM, 1 FEMALE	1/1	1	2
25	"	"	LFMN	LJML		1520	JE, GM, 1 FEMALE	1/1	1	7
26	"	"	LFML	LFPB		1521	JE, GM	1/1	1	4
28	"	"	LFPA	LPAP		1522	JE, GM, ST, ED TURTLE	1/1	3	9
28	"	"	LPAP	TJST		1523	JE, GM, ST, ED TURTLE	1/1	6	0
3/4	"	"	TJST	PBI		1524	JE, AP, [D3], 1 FEMALE	1/1	2	5
8	"	"	PBI	T&B		1525	JE, GM, ST, AP, [D3]	1/1	2	7
11	"	"	T&B	CPS		1526	JE, GM, ST, [D3]	1/1	2	3
Page Total Amount Forward Total to Date								16	49	2
								6414	8233	9
								6430	8283	1
								6102		6

I certify that the statements made by me on this form are true.

Pilot's Signature
David Rodriguez

Date	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...	
			From	To						
2004 JAN 20	B-727-314	N908JG	PBI	JFK		243	JG,		AIRPLANE G-LIDER HELIX 11.8	
23	"	"	JFK	PBI		244	JG, [REDACTED]	1	26	
26	G-1159B	N909JG	PBI	TGB		1691	JG, [REDACTED]	1	26	
28	"	"	TGB	TIST		1692	JG, [REDACTED]	1	24	
FEB 2	"	"	TIST	TGB		1693	JG, [REDACTED]	1	36	
5	"	"	TGB	BED		1694	[REDACTED]	1	41	
5	"	"	BED	TGB		1695	ALAN DEFSHOWITZ		8	
5	"	"	TGB	PBI		1696	JG, AD		11	
9	B-727-314	N908JG	PBI	JFK		245	JG, [REDACTED]	1	26	
12	"	"	JFK	LFPB		246	JG, GM	1	25	
17	"	"	LFPB	BGR		247	JG, GM,		70	
17	"	"	BGR	JFK		248	JG, GM		69	
19	"	"	JFK	PBI		249	JG, [REDACTED]		15	
22	"	"	PBI	JFK		250	JG, [REDACTED]	1	24	
24	"	"	JFK	MRY		251	JG, [REDACTED], FOREST SAWYER	1	30	
27	"	"	MRY	VNY		252	JG, [REDACTED]	1	59	
29	"	"	VNY	ABQ		253	JG, [REDACTED]	1	8	
MAR 1	"	"	ABQ	JFK		254	JG, GM, [REDACTED]	1	16	
3	"	"	JFK	PBI		255	JG, [REDACTED], VALDSON CONTRA	1	34	
								1	25	
Page Total								6744	93315	33125
Amount Forward								6375	93888	33125
Total to Date								6750	93888	33125
								6376		

I certify that the statements made by me on this form are true.

Pilot's Signature: *David Pedego*

EXHIBIT 27

Date 19 DEC	Aircraft Make and Model	Aircraft Identification Mark	Points of Departure & Arrival		Miles Flown	Flight No.	Remarks, Procedures, Maneuvers, Endorsements	Number of Landings	Aircraft Category...
			From	To					
14	G1159B	N908JE	PBI	TEB		1056	JE, GLEN OUBEN, MANDY, I TEMPLE	1/1	AIRPLANE
17	"	"	TEB	BCT		1057	JE, MANDY ELLISON, WAREN SPEAR, JIMMY WASHINGTON, ET		2
17	"	"	BCT	PBI		1058	JE, MANDY ELLISON, GEMMY TAYLER		5
1998 JAN 2	"	"	PBI	TEB		1059	JE, GM, GLEN OUBEN, WAREN SPEAR, JIMMY WASHINGTON, ET		1
8	"	"	TEB	SAF		1060	JE, GM, ET, DOUG SCHROETTL	1/1	2
10	"	"	SAF	PBI		1061	JE, GM, ET, DOUG SCHROETTL	1/1	3
13	"	"	PBI	TEB		1062	JE, GM, ET	1/1	2
18	"	"	TEB	PBI		1063	JE, ET, I FEMALE	1/1	7
20	"	"	PBI	TIST		1064	JE, GM, ET	1/1	2
25	"	"	TIST	TNCM		1065	JE, GM, ET	1/1	0
25	"	"	TNCM	TEB		1066	JE, GM, ET	1/1	4
30	"	"	TEB	PBI		1067	JE	1/1	42
31	"	"	PBI	JAX		1068	JE	1/1	2
31	"	"	JAX	APF		1069	JE, ELLEN SPENCER	1/1	8
31	"	"	APF	PBI		1070	JE, ELLEN SPENCER	1/1	8
1998 FEB 9	"	"	PBI	TEB		1071	JE	1/1	4
6	"	"	TEB	PBI		1072	JE, GM, ET	1/1	2
9	"	"	PBI	TEB		1073	JE, GM, ET, JACEL PASKOR, WAREN SPEAR, MANDY, I TEMPLE, ALAN DEESBOW, MANDY, I TEMPLE, JIMMY WASHINGTON, ET	1/1	2
12	"	"	TEB	PBI		1074	JE, GM, JACEL PASKOR, WAREN SPEAR, ET, JEM + MRS CLAY WAREN SPEAR	1/1	2
								14	38
								5975	9
								5721	7095
								5484	3
								5729	7134
								5729	2

I certify that the statements made by me on this form are true.

Pilot's Signature: David Roddefu

Page Total
Amount Forward
Total to Date

EXHIBIT 28

Page 1

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO.: 502008CA037319 XXXX MB AB

█ Plaintiff,
vs.
JEFFREY EPSTEIN,
Defendant.

VOLUME I
VIDEO-TAPED DEPOSITION OF MICHAEL REITER
A WITNESS
TAKEN BY THE PLAINTIFF

DATE: November 23, 2009
TIME: 10:12 a.m. - 7:38 p.m.

Page 3

1 The deposition of MICHAEL REITER, a witness in the
2 above-entitled and numbered cause was taken before me,
3 █ G. Archer, Court Reporter, Notary Public for the
4 State of Florida at Large, at 2925 PGA Boulevard, Palm Beach
5 Gardens, Florida, on the 23rd day of November, 2009,
6 pursuant to Notice in said cause for the taking of said
7 deposition on behalf of the Plaintiff.
8
9 APPEARING ON BEHALF OF PLAINTIFF █
10 SPENCER T. KUVIN, ESQ.
11 LEOPOLD-KUVIN, P.A.
12 █
13 APPEARING ON BEHALF OF PLAINTIFFS' JANE DOES 2-8:
14 ADAM HOROWITZ, ESQ.
15 MERMELSTEIN & HOROWITZ, P.A.
16 █
17 APPEARING ON BEHALF OF PLAINTIFF C.A.
18 JACK HILL, ESQ.
19 SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.
20 █
21 APPEARING ON BEHALF OF PLAINTIFF:
22 ISIDRO GARCIA, Esq.
23 GARCIA LAW FIRM, P.A.
24 █
25 █

Page 2

1 I-N-D-E-X
2 November 23, 2009
3 MICHAEL REITER
4 DIRECT CROSS REDIRECT RECROSS

5 By Mr. Kuvin	8	352
6 By Mr. Garcia	155	364
7 By Mr. Critton	190	

9

10 EXHIBITS

11		Marked
12 Plaintiff's Exhibit No. 1		16
13 (Palm Beach PD Intelligence Report 11/28/04)		
14 Plaintiff's Exhibit No. 2		31
15 (Incident Reports)		
16 Plaintiff's Exhibit No. 3		99
17 (Letter to Barry Krischer)		
18 Plaintiff's Exhibit No. 4		131
19 (Photographs of El Brillo Way)		
20 Plaintiff's Exhibit No. 5		132
21 (Photo of 358 El Brillo Way)		
22 Defendant's Exhibit No. 6		218
23 █		
24 Plaintiff's Exhibit No. 7		356
25 (Money Transfers)		
Plaintiff's Exhibit No. 8		357
(Flight Summary)		
Certified Question: Page 160, Line 10		
Letter to John Randolph, Esq.		
Errata Sheets (to be forwarded upon completion)		

Page 4

1 APPEARING ON BEHALF OF DEFENDANT:
2 ROBERT D. CRITTON, ESQ.
3 BURMAN, CRITTON, LUTTIER & COLEMAN, LLP.
4 █
5 JACK GOLDBERGER, ESQ.
6 ATTENBURY, GOLDBERGER, RICHARDSON & WEISS, P.A.
7 █
8 APPEARING ON BEHALF OF WITNESS:
9 JOANNE O'CONNOR, ESQ.
10 JOHN RANDOLPH, ESQ.
11 JONES, FOSTER, JOHNSTON & STUBBS, P.A.
12 █
13 ALSO PRESENT: JEFFREY EPSTEIN
14
15 VIDEOGRAPHERS: MICHAEL D. DOWNEY
16 EDDIE GUERRERO
17 VISUAL EVIDENCE
18 █
19 █
20 █
21 █
22 █
23 █
24 █
25 █

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1 And at what point did you learn that
 2 Mr. Epstein, in fact, did become aware of the
 3 investigation?
 4 A I think the point that I actually knew
 5 that it was, it was reported to me by one of the
 6 detectives that one of the victims had been
 7 contacted by a private investigator that the
 8 department believed was employed by a lawyer of --
 9 employed by Mr. Epstein.
 10 Q On that topic, at some point did you
 11 become aware that Mr. Epstein was actually
 12 investigating you?
 13 MR. CRITTON: Form.
 14 THE WITNESS: Yes.
 15 BY MR. KUVIN:
 16 Q Tell me about that?
 17 A Well I heard through various individuals
 18 that one of his lawyers, Mr. Dershowitz, had been
 19 contacting private investigators in the area to
 20 perform background investigations on me. I know
 21 that there was a public records law demand filed by
 22 several private investigators on the Town of Palm
 23 Beach for my personnel records. And I actually ran
 24 into one of the private investigators very early
 25 on -- you asked me when I first became aware --

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1 Q Yeah.
 2 A -- that basically told me that. I also --
 3 I mean I saw surveillance a number of times. I
 4 didn't know precisely who had hired those persons,
 5 but I mean I had surveillance for a fairly long
 6 period of time.
 7 Q There was surveillance you noticed on you?
 8 A Yes.
 9 Q Do you know why?
 10 A No, no, I don't. It would be an
 11 assumption. In general sense, you know, there's an
 12 attack on the case and if that doesn't work there's
 13 an attack on the investigators. I don't know. I
 14 don't know. Shouldn't say that.
 15 MR. CRITTON: Form, move to strike.
 16 BY MR. KUVIN:
 17 Q You were working as a police officer for
 18 twenty-eight years and then as a chief -- well --
 19 A And two years prior to that actually.
 20 Q Right. During your entire history as a
 21 police officer, can you ever recall someone going to
 22 that length? In other words, a suspect conducting
 23 an investigation on you such as the lengths that
 24 occurred in this case which include surveillance on
 25 you?

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1 A No.
 2 Q First time ever?
 3 MR. CRITTON: Form.
 4 BY MR. KUVIN:
 5 Q First time you can recall it going to this
 6 extent?
 7 A The only time I ever recall anyone ever
 8 going to this extent.
 9 Q How long were you aware there was
 10 surveillance on you personally?
 11 A Well, you know, I just took the approach
 12 that I have nothing to hide, and I just lived my
 13 life so I tried not to look around every corner. I
 14 felt like it was around three months.
 15 Q At any time during the investigation, did
 16 you become aware that investigators were also
 17 surveilling and investigating potential victims?
 18 A That had been reported to us by victims.
 19 And the lead investigator in the case also felt like
 20 he was being surveilled, people were picking up his
 21 trash and so on.
 22 Q Is that Detective Recarey?
 23 A Yes.
 24 Q So there was a time that your officers
 25 became aware it was being investigated on?

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1 MR. CRITTON: Form.
 2 THE WITNESS: One officer, one detective.
 3 BY MR. KUVIN:
 4 Q To the extent they were picking up his
 5 trash?
 6 A Yes.
 7 Q Were you aware of that ever occurring in
 8 your career to officers working under you?
 9 A I didn't say it never occurred to this
 10 degree.
 11 Q Got you.
 12 A I think if you're asking the question do I
 13 know of any other law enforcement officers who know
 14 as part of their job somebody investigated them and
 15 picked up their trash, not that I can specifically
 16 recall.
 17 Q Okay.
 18 A Other than the police department itself,
 19 we've had private investigators take trash at the
 20 police department itself, we've caught people doing
 21 that.
 22 Q Obviously at some point Mr. Epstein was
 23 tipped off as to the investigation because of the
 24 investigators that you became aware of. Did you
 25 ultimately know how he became tipped off?

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1 MR. CRITTON: Form.
 2 THE WITNESS: Well, early on I had -- when
 3 I first told him about the case and I realized
 4 that it was a serious case, there were multiple
 5 victims, that the suspect was very well known,
 6 I told him about it. And we were -- it was in
 7 person, I talked to him after a meeting that he
 8 and I were both involved in. And I had known
 9 him to be a victim advocate and to protect the
 10 rights of children. Well I know that he even
 11 wrote a portion of the statute that addresses
 12 those issues. And when I told him about it
 13 originally he said let's go for it, this is an
 14 adult male in his fifties who's had sexual
 15 contact with children of the ages of the
 16 victims. He said this is somebody who we have
 17 to stop. And whatever we need, he said, in the
 18 State Attorney's Office, we have a unit that's
 19 equipped to investigate and prosecute these
 20 kinds of cases. I think he probably mentioned
 21 Lanna's name to me and anything that you need
 22 and, you know, this is basically a case that
 23 needs to be prosecuted.
 24 And I didn't have too many facts early on
 25 when I talked with him, but I knew that there

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1 were multiple victims and to our detectives
 2 they were believable. So when time went on and
 3 Mr. Epstein became aware of the investigation
 4 and his lawyers contacted the State Attorney's
 5 Office, they told me that.
 6 And from that point on, and I believe it
 7 was Mr. Dershowitz initially, the tone and
 8 tenor of the discussions of this case with
 9 Mr. Krischer changed completely. One point he
 10 suggested that we write him a notice to appear
 11 which would be for a misdemeanor. He just
 12 completely changed from not only our first
 13 conversation about this and he didn't know the
 14 name Jeffrey Epstein, till when he had been
 15 informed on Mr. Epstein's reputation and his
 16 wealth, and I just thought that very unusual.
 17 I feel like I know him or knew him very
 18 well, the State Attorney, and I just felt like
 19 he could not objectively make decisions about
 20 this case; that is why I wrote it.
 21 BY MR. KUVIN:
 22 Q Was there anything that you learned
 23 through discussions with him that led you to believe
 24 maybe his objectivity had been altered in some
 25 regards; in other words, anything he told you

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1 directly?
 2 MR. CRITTON: Form.
 3 THE WITNESS: He told me that he had
 4 conversations with Mr. Dershowitz. I know Roy
 5 Black. At least the news media reporter was
 6 involved in this and I think that he said that
 7 he had a conversation with him. I think Roy
 8 Black had another case with that circuit around
 9 the same time and maybe even other lawyers that
 10 represented Mr. Epstein, and they were
 11 obviously discussing the case. And he
 12 basically told me that he looked at Facebook
 13 pages of some of the victims and that he felt
 14 like they were incredible.
 15 And I have never felt like prosecutions,
 16 evidence should be weighed outside of the
 17 judicial process. I just don't -- we wouldn't
 18 cover our ears and eyes when a person under
 19 investigation's lawyer would bring forward
 20 exculpatory evidence, but on the other hand
 21 we're not the weigher of fact in these things.
 22 We reach the standard of probable cause and
 23 beyond, and that's when a judge, or in this
 24 particular case a State Attorney, should make
 25 those decisions.

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1 And he had been meeting with them without
 2 the presence of our investigators. I don't
 3 mean he personally but at least -- probably he
 4 personally but definitely members of his
 5 office, and he hadn't been sharing that
 6 information with us.
 7 He hadn't, you know -- he characterized it
 8 with me but he didn't show us the things, at
 9 least not exhaustively, that had been given to
 10 him by Mr. Epstein's attorneys. I just felt
 11 like that was wrong. Those are the reasons.
 12 BY MR. KUVIN:
 13 Q Have we exhausted the reasons why you felt
 14 that this case, at least you put in your letter,
 15 was the handling of this case was highly unusual?
 16 Was there anything else that you felt was highly
 17 unusual regarding the investigation?
 18 A Well the Dahlia Weiss being involved in
 19 this case with her husband as a lawyer for -- I'm
 20 not saying that anything happened there, but there's
 21 certainly an appearance of impropriety. I felt like
 22 that alone should have been reason enough. First of
 23 all for her to be disqualified as soon as she became
 24 aware that a law firm that -- not disqualified but
 25 removed from the case as soon as she became aware

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1 that her husband's law firm had represented Mr.
 2 Epstein. And maybe even done damage to the point
 3 that because that happened it should be handled by
 4 another circuit.
 5 This was a case that I felt
 6 absolutely needed the attention of the State
 7 Attorney's Office, that needed to be prosecuted in
 8 state court. It's not generally something that's
 9 prosecuted in a federal court. And I knew that it
 10 didn't really matter what the facts were in this
 11 case, it was pretty clear to me that Mr. Krischer
 12 did not want to prosecute this case.
 13 Q Did he, in fact, make that clear to you at
 14 some point verbally?
 15 A Not in those exact words. But the
 16 suggestion that multiple victims and some of the
 17 crimes, felonies, that he should write a notice to
 18 appear for a misdemeanor and the scheduling of a
 19 grand jury on an issue like this is extremely rare.
 20 The fact that he and I had an
 21 excellent relationship. I was the speaker at his
 22 swearing in ceremony. And that he wouldn't return
 23 my phone calls, I mean it was clear to me by his
 24 actions that he could not objectively look at this
 25 case.

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1 Q At some point, did you feel, or did you
 2 become aware, that maybe he had been threatened in
 3 some regard, either regarding his job or personally
 4 in any regard?
 5 A No.
 6 MR. CRITTON: Form.
 7 BY MR. KUVIN:
 8 Q You're aware that obviously his position
 9 is an elected position?
 10 A I am aware.
 11 Q Did you know whether or not he had had any
 12 discussions with anyone about his political career
 13 if this case did not go a certain way; did you ever
 14 become aware of that in any regard?
 15 MR. CRITTON: Form.
 16 THE WITNESS: No. He had already publicly
 17 announced he wasn't running for re-election.
 18 MR. KUVIN: All right. This is actually a
 19 good stopping point for a quick lunch if you
 20 want to take a quick one, I just have to eat.
 21 I'm hopefully not far from concluding.
 22 THE VIDEOGRAPHER: We're off the record at
 23 12:35. This is the end of tape 2.
 24 (Recess)
 25 THE VIDEOGRAPHER: We're back on the

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1 record at 1:44. This is the beginning of tape
 2 3.
 3 BY MR. KUVIN:
 4 Q Okay. When we left off we were talking
 5 about Barry Krischer's office. And before I move on
 6 from that subject I just have one other question.
 7 Are you aware of any contact that was
 8 made with Mr. Krischer's office from anyone in the
 9 democratic party or the DNC at all?
 10 MR. CRITTON: Form.
 11 THE WITNESS: Relative to this case?
 12 BY MR. KUVIN:
 13 Q Yes, relative to the Epstein case?
 14 A No.
 15 Q Are all of the officers that were involved
 16 in the investigation listed or contained within the
 17 incident report that we've marked as Exhibit 2, and
 18 were there any additional officers that were
 19 involved that may not be listed in there?
 20 A Typically and generally when you say
 21 involved, I mean that could encompass all sorts of
 22 different people. It might be -- I don't even know
 23 that this was the case but it might ask the patrol
 24 officer in the area to collect license tags from a
 25 street or something like that. I mean if they

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1 aren't writing a report and they aren't doing
 2 something that's probably important later on as a
 3 witness, they might not appear in there. But the
 4 detectives who conducted the investigation are
 5 listed in there from what I recall the last time I
 6 read it, and it's been a while, but as far as I
 7 know.
 8 Q At any point, did you have to remove for
 9 any reason anyone in your department from the
 10 investigation for any reason?
 11 A No. It took place over a fairly long
 12 period of time so people were transferred and so on,
 13 but I didn't personally remove someone for any
 14 reason.
 15 Q And it may not have been you personally,
 16 but just to make sure that it encompasses all
 17 potential iterations of that question, was anyone
 18 removed for any reason other than just someone
 19 transferring out?
 20 A Do you mean for -- I think you have to
 21 explain that.
 22 Q Were any of the investigating police
 23 officers removed for any potential conflicts,
 24 refusal to follow direction, any reason, other than
 25 just a transfer out of the department for some

EXHIBIT 29

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No.502008CA037319XXXXMB AB

4 [REDACTED]
5 Plaintiff,
6 -vs- VOLUME I OF II
7 JEFFREY EPSTEIN
8 AND [REDACTED]
9 Defendants.

10
11 DEPOSITION OF
12 DETECTIVE JOSEPH RE CAREY
13
14 Friday, March 19, 2010
15 9:37 - 5:12 p.m.
16 [REDACTED]

17
18
19
20
21
22 Reported By:
23 Cynthia Hopkins, RPR, FPR
24 Notary Public, State of Florida
25 Prose Court Reporting
Job No.: 1509

1 APPEARANCES:

2 On behalf of the Plaintiffs, [REDACTED], C.L.:
3 SPENCER T. KUVIN, ESQUIRE
4 LEOPOLD KUVIN

6
7 On behalf of the Plaintiffs, [REDACTED], [REDACTED] and
8 Jane Doe:

9 BRADLEY J. EDWARDS, ESQUIRE
10 FARMER, JAFFE, WEISSING, EDWARDS
11 FISTOS & LEHRMAN, P.L.

13 On behalf of Jane Does 1 through 8:
14 JESSICA ARBOUR, ESQUIRE
15 MERMELSTEIN & HOROWITZ, P.A.

16
17 Phone: 305.931.2200
18 E-mail: Ahorowitz@sexabuseattorney.com

19 On behalf of the Plaintiffs: Jane Does 101, 102 and
20 103:

21 KATHERINE W. EZELL, ESQUIRE
22 PODHURST ORSECK

23 (Via telephone)

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 10-80309

4 JANE DOE NO. 103,
5 Plaintiff,

6 -vs- VOLUME I OF II
7 JEFFREY EPSTEIN,
8 Defendant.
9

10
11 DEPOSITION OF
12 DETECTIVE JOSEPH RE CAREY

13
14 Friday, March 19, 2010
15 9:37 - 5:12 p.m.
16 [REDACTED]

17
18
19
20
21
22 Reported By:
23 Cynthia Hopkins, RPR, FPR
24 Notary Public, State of Florida
25 Prose Court Reporting
Job No.: 1509

1 Appearances continued..

2 On behalf of the Plaintiffs:
3 ISIDRO MANUEL GARCIA, ESQUIRE
4 GARCIA, ELKINS & BOEHRINGER

6 and
7 TARA A. FINNIGAN, ESQUIRE
8 TARA A. FINNIGAN, P.A.

11 On behalf of the Defendant, Jeffrey Epstein:
12 MICHAEL PIKE, ESQUIRE
13 BURMAN, CRITTON, LUTTIER & COLEMAN, LLP

16 and
17 JACK ALAN GOLDBERGER, ESQUIRE
18 ATTERBURY, GOLDBERGER & WEISS, P.A.

21 and
22 MILTON G. WEINBERG, ESQUIRE
23 LAW OFFICE OF MILTON G. WEINBERG

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1 Q. I mean, I'm sorry for such a bad question,
 2 but in looking at these property receipts, I just
 3 don't see where it tells me how much time each
 4 interview had taken. So, I mean, is there an
 5 average?
 6 A. That's not going to indicate on any property
 7 receipt. There is no...
 8 Q. Right. Okay. Have you ever seen the
 9 nonprosecution agreement?
 10 A. No.
 11 Q. Have you ever seen the attached list of
 12 victims that was attached as an addendum to the
 13 nonprosecution agreement?
 14 MR. PIKE: Form.
 15 THE WITNESS: I believe the Chief had a
 16 copy of it. He may have, you know, done one of
 17 these, but, no, not in my physical hands.
 18 MR. PIKE: And just for the record when
 19 the witness said --
 20 THE WITNESS: I held it up.
 21 MR. PIKE: -- one of these, he held up
 22 Exhibit 29.
 23 MR. EDWARDS: Which said memorandum.
 24 MR. PIKE: Memorandum.
 25 THE WITNESS: I just held it up.

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1 BY MR. EDWARDS:
 2 Q. If a memorandum exists and it is the
 3 attached addendum to the nonprosecution agreement
 4 containing the names of the underage victims, would
 5 that be something in the possession currently of the
 6 Palm Beach Police Department?
 7 MR. PIKE: Form.
 8 THE WITNESS: I don't believe so.
 9 BY MR. EDWARDS:
 10 Q. Is that something that's been destroyed or
 11 also --
 12 MR. PIKE: Form.
 13 THE WITNESS: I never received a copy of
 14 it so...
 15 BY MR. EDWARDS:
 16 Q. Have you ever seen it?
 17 A. Like I said, I may have seen it. I may have
 18 been shown it, you know, and just by holding it up and I
 19 am only using this exhibit as an example. It may have
 20 been just shown to me like this but not in my hands
 21 where I actually read the entire document.
 22 MR. PIKE: Move to strike.
 23 BY MR. EDWARDS:
 24 Q. In your investigation, did you prepare a
 25 flight log summary?

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1 A. I remember getting documents from Alan
 2 Dershowitz which were flight logs pertaining to
 3 Mr. Epstein's plane. And I subpoenaed the information
 4 from Jet Aviation, but I don't, I don't recall preparing
 5 a flight log.
 6 Q. Okay. Do you remember receiving
 7 information from Jet Aviation directly?
 8 MR. PIKE: Form.
 9 THE WITNESS: Jet Aviation does not keep
 10 records according to them as to who flies on
 11 what plane. I guess you can just drive up to a
 12 plane, board it. They have no idea who's on
 13 the, who is flying on the plane. They have
 14 records of when the plane comes in, if the
 15 plane is serviced, and when the plane leaves.
 16 BY MR. EDWARDS:
 17 Q. Did you ever attempt to check with customs
 18 or FAA on any of the passengers that have ever been
 19 on international flights with Jeffrey Epstein or on
 20 his planes?
 21 MR. PIKE: Form.
 22 THE WITNESS: I'm trying to recall.
 23 BY MR. EDWARDS:
 24 Q. At the current time do you have any
 25 knowledge of that being done by either the U.S.

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1 Attorney's office or the FBI?
 2 A. I have no idea what the FBI does. They are
 3 primarily one way. You give them the information and
 4 nothing comes back, so...
 5 Q. I am starting to get that idea. I am
 6 understanding that. Okay.
 7 A. But you know, and I work with them almost on a
 8 daily basis, so I am in direct contact with them. And
 9 still I have yet to see information come back the other
 10 way.
 11 Q. Just so the record is clear, when you say
 12 you're working with them on a daily basis, when
 13 you're in the Organized Crime Unit on other cases,
 14 correct?
 15 A. Yeah, and I am also assigned to the JTTF, the
 16 Joint Terrorism Task force here in West Palm Beach.
 17 Q. My understanding from reading your reports
 18 is that you also subpoenaed phone records of
 19 numerous individuals, correct?
 20 A. Correct.
 21 Q. One of those individuals is Jeffrey
 22 Epstein?
 23 A. I believe so.
 24 Q. [REDACTED] ?
 25 A. Yes.

1 stuck around just to assist the victims.
 2 BY MR. EDWARDS:
 3 Q. And when you talk about the statement that
 4 you provided, did you present testimony related to
 5 all of the minor females that you discovered to have
 6 come in contact with Jeffrey Epstein or only the
 7 four or five names that ultimately were at the end
 8 of your probable cause affidavit?
 9 MR. PIKE: Form and compound.
 10 THE WITNESS: As far as my testimony at
 11 the grand jury, I only answered the questions
 12 that were asked of me by the state. At that
 13 point it was Lanna Belohlavek.
 14 I'm sorry about the last name. I don't
 15 know how to spell her last name.
 16 BY MR. EDWARDS:
 17 Q. And in talking with the State Attorney's
 18 Office during the investigation, did you indicate to
 19 them the number of underage females that you were
 20 aware had come in contact sexually with Mr. Epstein?
 21 MR. PIKE: Form and assumes facts not in
 22 evidence.
 23 THE WITNESS: Yes, they were aware of the
 24 probable cause affidavit which indicated all
 25 the facts.

1 between the Palm Beach Police Department and the
 2 State Attorney's Office?
 3 A. Yes, there was.
 4 Q. And --
 5 A. This case was originally brought to their
 6 attention very early on in the investigation to which
 7 they were, you know, very gung-ho, very let's go, let's
 8 do this, up until, up until, up until the meeting with
 9 Alan Dershowitz and the State Attorney. And then it, it
 10 all took a turn.
 11 Q. Were you at that meeting?
 12 A. I attended one meeting where I believe it
 13 Dershowitz, Krischer, and Belohlavek.
 14 MR. PIKE: Object to form.
 15 BY MR. EDWARDS:
 16 Q. What was said during that meeting?
 17 MR. PIKE: All right. With regard to this
 18 line of questioning, I just want to be clear
 19 that I have form objections to this line of
 20 questioning. And the fact that under various
 21 Federal Rules, I believe it's 408, 410 as well
 22 as various rules under Florida Evidence Code,
 23 some of these discussions are protected as
 24 potential plea negotiations. So, having said
 25 that...

1 BY MR. EDWARDS:
 2 Q. And can you recall what their position was
 3 on the various acts that are related in the probable
 4 cause affidavit? And ultimately I am asking why is
 5 it that they were not interested in hearing from all
 6 of the girls and only a select few?
 7 MR. PIKE: Form and compound.
 8 THE WITNESS: That's a question that
 9 you're going to have to ask Lanna Belohlavek
 10 because she was aware of all the people that I
 11 submitted to her, and yet she choose three
 12 people to appear before the grand jury, one
 13 knowing that she was not going to be able to
 14 appear.
 15 MR. PIKE: Move to strike.
 16 BY MR. EDWARDS:
 17 Q. And who was the person that was not going
 18 to be able to appear?
 19 A. That would have been Jane Doe No. 103.
 20 Q. Do you know why she was unable to appear?
 21 A. Because it was finals week in her university
 22 and the limited time that they had scheduled the grand
 23 jury and the time that it would have been for her to
 24 make arrangements to come down was very short.
 25 Q. Was there a disagreement about this case

1 BY MR. EDWARDS:
 2 Q. What was said during these, this meeting
 3 that you attended?
 4 A. Several of the girls' MySpaces were discussed.
 5 MySpace being the social network. They all had
 6 MySpaces. And the girls, the girls were actually who
 7 had the MySpaces had inputted, you know, various
 8 different things regarding alcohol use or marijuana use
 9 or that kind of thing.
 10 Q. And what was brought up at that meeting as
 11 to the relevance of whether or not these females
 12 that had been to Jeffrey Epstein's house while
 13 underage used alcohol or drugs? What was the point
 14 of that?
 15 MR. PIKE: Form.
 16 THE WITNESS: To show that the character
 17 of the girls were not, was not to be believed.
 18 BY MR. EDWARDS:
 19 Q. Okay. It was specifically to attack their
 20 credibility?
 21 MR. PIKE: Form, move to strike.
 22 THE WITNESS: Correct.
 23 BY MR. EDWARDS:
 24 Q. So, at that point in time who was making
 25 those arguments on behalf of Jeffrey Epstein?

1 attorneys have been unanswered and messages remain
2 unreturned. Is that a statement that you agree
3 with?

4 A. Absolutely.

5 Q. How many messages do you think that you
6 left the State Attorney's Office that were
7 unreturned?

8 A. Quite a few. I actually showed up at Lanna's
9 office because I had left her several messages and
10 didn't, didn't return get a return phone call. And it
11 was during the time where: We're going to the grand
12 jury, no, we're not going to grand jury; yes, we're
13 going; no, we're not.

14 And it was, I believe, the following day
15 when we were supposed to go to the grand jury and I
16 still had not heard from her as to what time nor had
17 I received a subpoena. So, I had contacted her
18 numerous times during that day. I would say three
19 to four times during that day. In the afternoon I
20 actually showed up at her office where she was
21 sitting in her office.

22 Q. Did you speak with her?

23 A. Yes, I did.

24 Q. And what happened within that
25 conversation?

1 A. Correct.

2 MR. PIKE: Form.

3 BY MR. EDWARDS:

4 Q. So, are you talking about A.D., C.L.,
5 S.G., and Jane Doe No. 103?

6 MR. PIKE: Form.

7 THE WITNESS: From S.G.'s family I had
8 gotten multiple phone calls during that day.

9 BY MR. EDWARDS:

10 Q. During any of the meetings -- how many
11 meetings are you aware of that Mr. Dershowitz
12 participated in with the State Attorney's Office?

13 A. There were a couple. Like I said, I attended
14 one.

15 MR. PIKE: Form.

16 THE WITNESS: I didn't attend the second
17 one. I want to say two to three.

18 BY MR. EDWARDS:

19 Q. And he is a person who also is found in
20 the message pad as somebody who has called Jeffrey
21 Epstein's home, correct?

22 A. As far as I can recall, yes.

23 Q. And did he ever indicate to them that he
24 was actually at the home on various occasions when
25 some of these underage girls would come over to

1 MR. PIKE: Form.

2 THE WITNESS: There was actually a time
3 where there was a plea negotiation being
4 discussed where it was to one count of felony,
5 five years probation, and I believe no one had
6 been contacted regarding to that negotiations.

7 BY MR. EDWARDS:

8 Q. When you say no one, are you speaking
9 about the police or victims?

10 MR. PIKE: One second. Form. I'm going
11 to move to strike and I am going to continue to
12 assert the same privileges under the Federal
13 Rules 408, 410, and 401.9. I'm sorry. Go
14 ahead.

15 BY MR. EDWARDS:

16 Q. When you say no one had been contacted,
17 are you speaking about no police officers that were
18 on the case or no victims?

19 A. Both the police officers and the victims
20 because I was getting phone calls from the victims'
21 parents as to what time are we needed.

22 Q. And when you say we were getting phone
23 calls from the victims' parents, are those the
24 victims that ultimately were listed as victims in
25 the, in the plea that transpired?

1 Mr. Epstein's house?

2 MR. PIKE: Form.

3 THE WITNESS: Not that I recall.

4 BY MR. EDWARDS:

5 Q. In fact, was he trying to convey to the
6 State Attorney's office that you should not believe
7 these girls that they were at his house at all
8 because they have credibility problems?

9 MR. PIKE: Form, asked and answered.

10 THE WITNESS: That's, that was the
11 impression I received, yes.

12 MR. EDWARDS: The next portion is going to
13 take a long time. I mean it's getting into the
14 juice of it. So, are we at a point that you
15 want to stop rather than getting into something
16 that's going to take a long time?

17 MS. O'CONNOR: How long?

18 MR. EDWARDS: Couple of hours.

19 MS. O'CONNOR: I need to stop.

20 MR. KUVIN: Okay.

21 MR. PIKE: All right. So we are going to
22 break. We have an agreement on the record that
23 Detective Recarey, and correct me if I am
24 wrong, Ms. O'Connor will get back to us through
25 you sometime next week with a few available

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