

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

4 CASE NO. CACE 15-000072

5 BRADLEY J. EDWARDS and PAUL G. CASSELL,

6 Plaintiffs/Counterclaim Defendants,

7 vs.

8
9 ALAN M. DERSHOWITZ,

10 Defendant/Counterclaim Plaintiff.
11 _____/

12
13
14 VIDEOTAPED DEPOSITION OF

15 PAUL G. CASSELL

16 TAKEN ON BEHALF OF THE DEFENDANT

17 VOLUME II, PAGES 152 to 335

18
19
20 Saturday, October 17, 2015

21 8:32 a.m. - 12:14 p.m.

22 425 North Andrews Avenue

23 Suite 2

24 Fort Lauderdale, Florida 33301

25 Theresa Tomaselli, RMR

ESQUIRE DEPOSITION SOLUTIONS
[REDACTED]

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INDEX OF EXAMINATION

WITNESS	PAGE
PAUL G. CASSELL	
CONTINUED DIRECT EXAMINATION BY MR. SIMPSON	160

INDEX TO EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
	Cassell's I.D. Exhibit No. 4 - document produced by the witness	203
	Cassell's I.D. Exhibit No. 5 - copy of address book	229
	Cassell's I.D. Exhibit No. 6 - series of e-mails, Bates numbered BE-510 - -514	309

(Original Exhibits have been attached to the
original transcript.)

1 DEPOSITION OF PAUL G. CASSELL

2 Saturday, October 17, 2015

3
4 THE VIDEOGRAPHER: We are now on the video
5 record. Today is Saturday, the 17th day of
6 October, 2015. The time is 8:32 a.m. We are
7 here at 425 North Andrews Avenue, Fort
8 Lauderdale, Florida, for the purpose of taking
9 the videotaped deposition of Paul G. Cassell.

10 The case is Bradley J. Edwards and Paul
11 G. Cassell versus Alan M. Dershowitz.

12 The court reporter is Terry Tomaselli, and
13 the videographer is Don Savoy, both from Esquire
14 Deposition Solutions.

15 Will counsel please announce their
16 appearances for the record.

17 MR. SCAROLA: Jack Scarola on behalf of the
18 Plaintiffs.

19 MR. SIMPSON: Richard Simpson of Wiley Rein
20 on behalf of the Defendant and Counterclaim
21 Plaintiff, Alan Dershowitz. With me is my
22 colleague, Nicole Richardson, and Thomas Scott of
23 Cole, Scott & Kissane, also for Mr. -- Professor
24 Dershowitz.

25 MR. SCAROLA: Before we begin the deposition,

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1 we were informed for the first time yesterday
2 morning of the existence of a recording of a
3 telephone communication between Alan Dershowitz
4 and a woman identified only as Rebecca.

5 That information was conveyed to us
6 subsequent to Professor Dershowitz's sworn
7 testimony that no recording existed, but now that
8 we know that the recording existed and that it
9 was obviously made according to the
10 representations given to us, prior to the
11 completion of the responses to our earlier
12 discovery requests, I would like to know whether
13 it is the Defendant's position that it is
14 necessary for us to propound a new discovery
15 request to get information that clearly should
16 have been disclosed in response to the earlier
17 discovery request.

18 Is that the position that you're taking?

19 MR. SIMPSON: First, Mr. Scarola, I believe
20 you have mischaracterized Professor Dershowitz's
21 testimony. You didn't ask the question whether
22 he made a recording. Yesterday morning, he
23 provided that information in response to a
24 different question.

25 MR. SCAROLA: His exact testimony was: I

1 never thought to record it, but that's fine.

2 MR. SIMPSON: We don't -- we don't need to
3 make that --

4 MR. SCAROLA: We don't need to discuss that.
5 The question is --

6 MR. SIMPSON: What you're saying does --

7 MR. SCAROLA: -- are you going to produce the
8 recording without the necessity of a new request
9 to produce, or will it be necessary for us to
10 file a new request to produce?

11 MR. SIMPSON: As Mr. Scott indicated
12 yesterday, we will respond to you to the
13 discovery request. We will confer at a break and
14 respond to that question. I don't want to take
15 time on the record debating it. After Mr. Scott
16 and I have conferred at a break, we will respond
17 further to your question.

18 MR. SCAROLA: All right. So that the record
19 is clear, it is our position that the recording
20 itself, any evidence of any communication between
21 Mr. Dershowitz and Rebecca and/or Michael, any
22 notes with respect to any such communications,
23 text messages, e-mails, and an accurate privilege
24 log as to everything that is being withheld is
25 responsive to the earlier request to produce, and

1 that the obligation was to have provided it to us
2 previously and is to provide it to us now.

3 We understand that you're considering that
4 and you will respond, so we can proceed with the
5 deposition.

6 MR. SIMPSON: Yes. And we disagree about
7 that, and as you know, we have a motion to compel
8 regarding your inadequate privilege log.

9 MS. McCAWLEY: Just before we begin, I'm
10 sorry, I didn't announce my appearance for the
11 record. Sigrid McCawley from Boies, Schiller &
12 Flexner, and I have a standing objection that I'd
13 just like to repeat on the record.

14 MR. SCOTT: Feel better that you got that off
15 your chest?

16 MS. McCAWLEY: With respect to -- excuse me.
17 With respect to my client, [REDACTED]
18 she is asserting her attorney/client privilege
19 with her attorneys and is not waiving it through
20 any testimony here today, and that I object to
21 any testimony elicited that would be used as a
22 subject of waiver for her attorney/client
23 privilege.

24 MR. SIMPSON: Would you reswear the witness,
25 please?

1 Thereupon,

2 PAUL G. CASSELL,

3 having been first duly sworn, was examined and testified
4 as follows:

5 THE WITNESS: I do.

6 CONTINUED DIRECT EXAMINATION

7 BY MR. SIMPSON:

8 Q. Good morning --

9 A. Good morning.

10 Q. -- Mr. Cassell.

11 As of December 30th, 2014, had you ever met
12 with [REDACTED] in person?

13 A. Yes.

14 Q. And how many times had you met with her in
15 person?

16 A. Once.

17 Q. When was that?

18 A. Approximately May 2014.

19 Q. May of 2014?

20 A. Yes.

21 Q. Who was present for that meeting?

22 A. I'm just pausing for a second because I
23 don't -- I think we're --

24 Q. I -- I'm not --

25 A. -- clearly not trying to get into

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1 attorney/client communication.

2 Q. I'm not asking you for what was said at this
3 point. I'm just asking you who was present. I'm going
4 to ask you where it was, those kind of questions.

5 A. Sure. Yeah. The main person who was present
6 was Bradley J. Edwards, my Co-Plaintiff in this case.

7 Q. Okay. And [REDACTED] obviously was
8 present?

9 A. Yes.

10 Q. Anyone else present?

11 A. You know, there were -- this was at the
12 Farmer, Jaffee office here, and so persons who were
13 associated with the law firm were assisting, but those
14 were the main people.

15 Q. Okay. Do you remember any of those other
16 people associated with the law firm who were present?

17 A. Present for, you know, coming in and
18 assisting, I believe Brad's assistant, [REDACTED], was there,
19 and perhaps others at the firm, but it was -- it was
20 basically Brad and I.

21 Q. Was there anyone else who attended for the
22 entire meeting or a substantial portion of the meeting?

23 A. No.

24 Q. Okay. How long did the meeting last?

25 A. Approximately all day.

1 Q. And when you say "all day," what time period
2 are you referring to?

3 A. 9:00 to 5:00.

4 Q. 9:00 to 5:00. Okay. And was that through
5 lunch; you just stayed through eight hours; is that --
6 what's your recollection of that?

7 A. Yeah, I remember we were working very hard
8 on -- on it, so I think we had, if I recall correctly,
9 had lunch brought in and worked straight through that.

10 Q. Any other meetings in person with
11 [REDACTED] before December 30th of 2014?

12 A. No.

13 Q. Any telephone calls with her that you -- you
14 had, obviously, before December 30th, 2014?

15 A. I believe there were a couple of -- of
16 telephone calls.

17 Q. And can you tell us when those were?

18 A. Let's see. Roughly September 2014. Give or
19 take a month. I mean, you know, sometime after May and
20 before December 30th.

21 Q. Okay. And were those telephone calls between
22 just you and [REDACTED] or was anyone else on the
23 line?

24 A. No. It was just the two of -- just
25 [REDACTED] and I.

1 Q. Okay. And are you able to distinguish the
2 calls in your mind as two separate telephone calls?

3 A. I -- I think there were either one or two
4 calls. I think there may have been two, but it -- it
5 would not have been more than two that I can recall.

6 Q. Okay. How long did each of the telephone
7 calls last?

8 A. Less than five minutes.

9 Q. I'm going to ask you a question now, but
10 before you answer it, pause, because I believe you will
11 be instructed not to answer it --

12 A. Okay.

13 Q. -- but want to -- I think -- we disagree on
14 the privilege --

15 A. Sure.

16 Q. -- we believe it's been waived.

17 My question is: During the meeting, did you
18 discuss Professor Dershowitz?

19 MS. McCAWLEY: I'm going to object to any
20 discussion of what my client told you during any
21 situation where you were representing her as
22 an -- an attorney.

23 MR. SIMPSON: So -- and I think we had an
24 agreement yesterday, if you follow your own
25 counsel's instruction on not answering, are you

1 also going to follow Miss McCawley's instructions
2 on not answering on behalf of --

3 MR. SCAROLA: Mr. Cassell will follow the
4 instructions of [REDACTED] counsel. It is
5 not his privilege to waive, and he is ethically
6 obliged to respect the direction coming from
7 [REDACTED] counsel.

8 MR. SIMPSON: Yes, I'm -- I'm simply,
9 Mr. Scarola, making my record that the witness --

10 MR. SCAROLA: I understand that.

11 MR. SIMPSON: Right. We disagree.

12 MR. SCAROLA: I understand, but you can
13 assume the same way I have authorized you to
14 assume that Professor Cassell will follow my
15 instructions, Professor Cassell will also follow
16 all instructions concerning the assertion of
17 attorney/client privilege expressed on the record
18 by Miss McCawley on behalf of [REDACTED]

19 MR. SIMPSON: All right.

20 BY MR. SIMPSON:

21 Q. So, Mr. Cassell, based on that, I will assume
22 that if I ask you what you recall the discussion being
23 at the meeting or at each of the phone calls, that
24 you're not going to answer those questions; is that
25 correct?

1 MS. McCAWLEY: Yes.

2 THE WITNESS: Yeah, obviously not.

3 BY MR. SIMPSON:

4 Q. Okay.

5 A. I mean, I have a duty to my client which I'm
6 going to respect.

7 Q. All right. So we'll -- we'll take that up
8 later with the judge.

9 As of December 30th, 2014, had you spoken
10 about this case with David Boies, and the question is
11 just: Had you spoken --

12 MS. McCAWLEY: Objection.

13 BY MR. SIMPSON:

14 Q. -- not what the discussion was.

15 MS. McCAWLEY: Objection. It's the
16 common-interest privilege.

17 BY MR. SIMPSON:

18 Q. I'm only asking if there was a discussion, no
19 substance at all. Just, was there a discussion?

20 MS. McCAWLEY: I'm going to instruct you not
21 to answer that.

22 MR. SIMPSON: Okay. You're taking the
23 position that the fact of whether or not --

24 MS. McCAWLEY: Yes, because you're also
25 trying to get into the timing of communications,

1 and all that goes into the advice that they were
2 giving her and surrounding that advice, so I
3 would object to that.

4 MR. SCAROLA: Could I have the question read
5 back?

6 (Thereupon, a portion of the record was read
7 by the reporter.)

8 MS. McCAWLEY: And I would like to clarify
9 what case as well that you're referring to.

10 MR. SIMPSON: All right. Let me ask the
11 question, and -- and I will note for the record
12 that yesterday, the witness testified that the
13 fact that Mr. Boies was representing ██████████
14 ██████████ was significant to him. So it's sort of
15 being used as a sword and a shield here, but I
16 have only asked the question. I'll clarify.

17 MR. SCAROLA: We haven't used it any way yet.

18 MR. SIMPSON: Well, the -- the witness
19 volunteered. Shall I put it that way? And we
20 have a waiver.

21 BY MR. SIMPSON:

22 Q. But, in any event, my question is: Have you
23 spoken -- before December 30th of 2014, had you spoken
24 with David Boies about ██████████ ██████████' allegations
25 regarding Professor Dershowitz?

1 MR. SCAROLA: Without getting into the
2 substance of any such discussions, you can answer
3 that question.

4 THE WITNESS: My recollection is no.

5 MR. SCOTT: I think you're right on that one.

6 BY MR. SIMPSON:

7 Q. Okay. So the answer is, no, you had not
8 spoken with him?

9 A. My recollection --

10 MR. SCAROLA: Judge Scott has issued a
11 ruling, so --

12 MR. SCOTT: I wrote several opinions on that
13 actually.

14 MR. SCAROLA: -- we'll proceed.

15 THE WITNESS: Let me go back --

16 MR. SCOTT: In the context of criminal
17 lawyers.

18 THE WITNESS: I'm trying to remember if I
19 wrote any opinions on that one when I was a
20 judge. My -- I don't recall, but -- I don't
21 recall. I -- my recollection is I had not
22 personally spoken to David Boies before December
23 30th, 2014.

24 BY MR. SIMPSON:

25 Q. Okay. Had you, before December 30th of 2014,

1 spoken with any other lawyers at Mr. Boies' firm?

2 A. My recollection is, no.

3 Q. And after December 30th of 2014, have you
4 spoken with Mr. Boies about [REDACTED] [REDACTED]
5 allegations against --

6 MS. McCAWLEY: Again, I'm going to object.

7 BY MR. SIMPSON:

8 Q. -- Professor Dershowitz?

9 MS. McCAWLEY: Sorry. I will let you finish.

10 I'm objecting to this. I think it gets into
11 the substance of conversations under the
12 common-interest privilege, whether there was a
13 conversation, but you're getting into the
14 substance of what the conversation was about, and
15 I think that is a violation of her -- her
16 privilege.

17 MR. SCAROLA: And just so that I can clarify
18 our position on the record, I think that we can
19 identify the general subject matter in order to
20 support our position that it falls within the
21 common-interest privilege. So we are willing to
22 answer the question about the general subject
23 matter to support our assertion of
24 common-interest privilege, but not get into the
25 substance of the communications beyond that.

1 MR. SIMPSON: And I believe it's the same
2 question that was answered a moment ago for a
3 different time period, and again, I'm not asking
4 for any substance. I'm just asking whether,
5 since December 30th, 2014, you have discussed the
6 allegations by [REDACTED] [REDACTED] against Professor
7 Dershowitz.

8 THE WITNESS: I would like to confer with my
9 counsel on that question. It gets into a
10 complicated legal issue that I'm not sure I
11 can --

12 MR. SIMPSON: You want to confer on a
13 privilege issue; is that right?

14 THE WITNESS: I want to confer with my
15 counsel before answering that question anyway.

16 MR. SIMPSON: I just want to clarify --

17 MR. SCAROLA: With respect to privilege.

18 MR. SIMPSON: All right. As long as it's
19 with respect to privilege, you're entitled to do
20 that.

21 THE WITNESS: Okay.

22 THE VIDEOGRAPHER: We are going off the video
23 record, 8:45 a.m.

24 (Thereupon, a recess was taken.)

25 THE VIDEOGRAPHER: We are back on the video

1 record, 8:47 a.m.

2 MR. SCAROLA: As it turns out, while we may
3 reach some issue of privilege at some point in
4 this discussion, the answer to your pending
5 question is, no, so there's no privilege concern.

6 MR. SIMPSON: All right. I'll -- I'll ask
7 the witness for the --

8 MR. SCAROLA: Sure.

9 MR. SIMPSON: -- the -- the answer. I'll
10 move to -- I'll reask the question.

11 THE WITNESS: Sure. That will be good.

12 BY MR. SIMPSON:

13 Q. My question is: I believed you had already
14 answered the question as to before December 30th, 2014,
15 you had discussed [REDACTED] [REDACTED]' allegations against
16 Professor Dershowitz, and you said, no; is that right?

17 MR. SCAROLA: David Boies.

18 MR. SIMPSON: David Boies. I'm sorry.

19 THE WITNESS: Before December 30th, no
20 discussions that I can recall with David Boies.

21 BY MR. SIMPSON:

22 Q. After December 30th, 2014, did you have any
23 discussions with David Boies about Professor Dershowitz?

24 A. Can I --

25 MR. SCAROLA: You can answer yes or no.

1 THE WITNESS: Yes.

2 BY MR. SIMPSON:

3 Q. You did.

4 A. Yes.

5 Q. What was the substance of those
6 communications?

7 MS. McCAWLEY: I'm going to object to that.
8 You -- it's under the common-interest privilege
9 and it's [REDACTED] privilege to waive, and she's
10 not waiving it.

11 MR. SIMPSON: Okay.

12 MR. SCAROLA: We -- we assert the
13 common-interest privilege with regard to the
14 substance as well.

15 MR. SIMPSON: All right. And that -- that
16 will be -- that will be asserted as to all
17 questions about the substance of the discussions
18 with Mr. Boies; is that right?

19 MR. SCAROLA: I can't say that for sure.

20 MR. SIMPSON: All right. Let me ask my
21 question then.

22 MR. SCAROLA: And let -- maybe this -- maybe
23 this will help you and maybe it won't. But,
24 obviously, there have been some public statements
25 with regard to this general area. If the

1 communications were not considered to be
2 privileged at the time that they were made, we
3 can answer questions about that. If they were
4 considered to be privileged at the time they were
5 made, we can't answer questions.

6 So I can't tell you that there's a blanket
7 assertion. We need to hear the question.

8 THE WITNESS: I need the question back.

9 MR. SIMPSON: All right.

10 BY MR. SIMPSON:

11 Q. What did you discuss with Mr. Boies about the
12 allegations against Professor Dershowitz?

13 MR. SCAROLA: And that is common-interest
14 privilege information and we do assert a
15 privilege.

16 BY MR. SIMPSON:

17 Q. Did you discuss with Mr. Boies any
18 discussions he had had with Professor Dershowitz?

19 MS. McCRAWLEY: Objection.

20 MR. SCAROLA: Same objection. Same
21 instruction.

22 BY MR. SIMPSON:

23 Q. Did you discuss with Mr. Boies any documents
24 that Mr. Boies had reviewed?

25 MR. SCAROLA: Well, let me -- again, I don't

1 want to be asserting a privilege to questions as
2 to which the answer is no, so you can answer
3 generally as to whether the subject matter was
4 covered in any discussion that you had with
5 Mr. Boies.

6 THE WITNESS: Okay.

7 MR. SCAROLA: Okay. If the answer is no. If
8 the answer -- as I sink down in this chair, if
9 the answer may be yes, you can't respond.

10 MR. SIMPSON: I -- I -- that's a new version.

11 MS. McCAWLEY: I'm afraid -- yeah, I want
12 to -- I'm sorry. I want to confer on that
13 because I have an objection.

14 THE WITNESS: I have to say I want to confer,
15 I'm confused, too, so let's take a short break.

16 MR. SIMPSON: Again, you're conferring on the
17 privilege now, not the substance?

18 THE WITNESS: That's right.

19 MR. SCAROLA: Can we go off the record?

20 MR. SIMPSON: Yes.

21 THE VIDEOGRAPHER: Going off the video
22 record, 8:48 a.m.

23 (Thereupon, a recess was taken.)

24 THE VIDEOGRAPHER: We are back on the video
25 record, 8:52 a.m.

1 MR. SCAROLA: Because of concern about a --
2 an inadvertent potential waiver of the
3 work-product privilege, while it is not our
4 intent to assert a privilege with regard to
5 nonexistent communications, any effort to
6 identify the subject matter of communications in
7 the questions that you asked will require that we
8 assert work-product privilege with regard to
9 those questions.

10 MR. SIMPSON: Okay. We disagree, obviously,
11 on that position.

12 MR. SCAROLA: We understand.

13 MR. SIMPSON: So I will ask some additional
14 questions and we will see if the witness answers
15 them.

16 MR. SCAROLA: If it begins: "Did you talk
17 about," the answer is going to be an assertion of
18 privilege.

19 MR. SIMPSON: Okay.

20 MR. SCAROLA: Okay?

21 MR. SIMPSON: I'll ask the questions.

22 BY MR. SIMPSON:

23 Q. Did you discuss with Mr. Boies any meetings
24 Mr. Boies had had with Professor Dershowitz?

25 MS. McCAWLEY: Objection.

1 MR. SCAROLA: Objection. Same instruction.

2 BY MR. SIMPSON:

3 Q. Did you discuss with Mr. Boies his views as
4 to the credibility of [REDACTED] [REDACTED]?

5 MR. SCAROLA: Same objection.

6 MS. McCAWLEY: Objection.

7 MR. SCAROLA: Same instruction.

8 BY MR. SIMPSON:

9 Q. Did you discuss with Mr. Boies any
10 allegations about sexual misconduct by Les Wexner?

11 MR. SCAROLA: Same objection.

12 MS. McCAWLEY: Objection.

13 MR. SCAROLA: Same instruction.

14 MR. SIMPSON: That's the same question you
15 allowed to be answered. Did you -- let me ask it
16 a different way.

17 BY MR. SIMPSON:

18 Q. Did you discuss, in any way, Les Wexner with
19 Mr. Boies?

20 MR. SCAROLA: Same objection.

21 MS. McCAWLEY: Objection.

22 MR. SCAROLA: Same instruction.

23 MR. SIMPSON: He's instructed not to answer
24 whether that topic was discussed?

25 MR. SCAROLA: Yes.

1 MS. McCAWLEY: Yes.

2 MR. SIMPSON: Okay.

3 BY MR. SIMPSON:

4 Q. Did you discuss former Prime Minister Barak
5 with Mr. Boies?

6 MR. SCAROLA: Same objection.

7 MS. McCAWLEY: Objection.

8 MR. SCAROLA: Same instruction.

9 BY MR. SIMPSON:

10 Q. Yesterday, you mentioned that one of the
11 reasons that supported your conclusion that it -- you
12 had an adequate basis to allege in the joinder motion
13 that the allegations against Professor Dershowitz was
14 that Mr. Boies was representing ██████████ ██████████ -- yes,
15 ██████████ ██████████; do you recall that testimony?

16 A. Yes.

17 Q. And you said that because of how highly
18 regarded Mr. Boies was, I think you mentioned the Bush
19 v. Gore case; is that right?

20 A. Yes.

21 Q. I used to work for his opponent in Bush v.
22 Gore case. They are both very good.

23 A. I'm trying -- I was trying to remember. I'm
24 sorry to take time, but who was the other lawyer?

25 Q. Ted Olson.

1 A. Ted, that's right. That's...

2 Q. But that's a side note.

3 My question is: Given your high regard for
4 Mr. Boies, would you -- would his views as to the
5 credibility of [REDACTED] [REDACTED] be something that would
6 be important to you in evaluating the case?

7 MS. McCAWLEY: Objection.

8 MR. SIMPSON: Are you instructing him not to
9 answer?

10 MS. McCAWLEY: I mean, is it a hypothetical?

11 MR. SIMPSON: No. I'm just asking whether
12 his views -- those views -- I'm not asking what
13 the views are. I'm simply asking whether those
14 views would be important to him.

15 MR. SCAROLA: You may answer that question.

16 THE WITNESS: Yes.

17 BY MR. SIMPSON:

18 Q. And if I -- I may have asked this already,
19 but did you discuss with Mr. Boies his views as to the
20 credibility of [REDACTED] [REDACTED]?

21 MS. McCAWLEY: Objection.

22 MR. SCAROLA: Same objection. Same
23 instruction.

24 BY MR. SIMPSON:

25 Q. Prior to December 30th of 2014, had you

1 discussed [REDACTED] [REDACTED]' allegations of sexual
2 misconduct against Professor Dershowitz with Bob
3 Josefsberg?

4 A. Me personally?

5 Q. Yes, you personally.

6 A. No.

7 Q. After December 30th of 2014, had you -- did
8 you discuss with Mr. Josefsberg [REDACTED]' allegations
9 against Professor Dershowitz?

10 A. Not personally, no.

11 Q. You say not personally. Are you aware of
12 someone else who had those discussions of -- with Mr. --
13 had any discussions on that topic with Mr. Josefsberg?

14 MR. SCAROLA: To the extent that that
15 question would call for any information that was
16 communicated to you in the context of the
17 common-interest privilege, you should not answer.

18 THE WITNESS: All right. I'm not going to...

19 MR. SCAROLA: So you -- you can answer it if
20 any such communication came to you outside the
21 context of the common-interest privilege, but you
22 may not include in your response any information
23 derived from the common-interest privilege.

24 BY MR. SIMPSON:

25 Q. And my question right now is not the

1 substance. We will get to that. But, to your
2 knowledge -- put -- let me rephrase that.

3 Did someone tell you that they had discussed
4 with Mr. Josefsbergs -- Josefsberg, the allegations made
5 by [REDACTED] [REDACTED] against Professor Dershowitz?

6 MR. SCAROLA: You may only answer that
7 question to the extent that you had any
8 communication regarding that subject matter with
9 someone outside the common-interest privilege, or
10 the attorney/client privilege for that matter.

11 BY MR. SIMPSON:

12 Q. I'm simply -- I'm not asking for substance,
13 just the name if you did.

14 MR. SCAROLA: Well, I understand that, but
15 following along the same lines as before, you are
16 asking us to identify the subject matter of a
17 communication that is privileged. We won't
18 answer questions regarding the subject matter of
19 privileged communications, but if
20 Professor Cassell had a conversation with Sam
21 Smith standing on the street corner about Bob
22 Josefsberg, he can answer that question.

23 BY MR. SIMPSON:

24 Q. Did you have a conversation with anyone --
25 just narrow question: Did you have a conversation with

1 anyone who told you that they, that person, had
2 discussed the subject matter of [REDACTED] [REDACTED]
3 allegations against Professor Dershowitz with
4 Mr. Josefsberg? Just did you discuss it with anyone?

5 MR. SCAROLA: Same objection. Same
6 instruction.

7 MR. SIMPSON: Okay.

8 MR. SCAROLA: If you want to rephrase the
9 question to ask him whether he had such a
10 conversation with anyone outside the
11 attorney/client or work-product privilege, that's
12 a question that we are obliged to answer.

13 The question, as you phrased it, is a
14 question that we are precluded from answering.

15 MR. SIMPSON: That's a very strange notion of
16 privilege.

17 BY MR. SIMPSON:

18 Q. But let me ask it this way: Did you discuss
19 with anyone who is not an attorney -- let me rephrase it
20 a different way.

21 You testified yesterday about your
22 understanding of the scope of the alleged
23 common-interest privilege, correct?

24 A. Yes.

25 Q. Putting aside the people within the scope of

1 that privilege --

2 A. Yes.

3 Q. -- that you identified --

4 A. Uh-huh.

5 Q. -- your definition of it --

6 A. Right. That's right.

7 Q. -- did you discuss the topic -- did anyone
8 tell you they had discussed the topic of [REDACTED]
9 [REDACTED] allegations against Professor Dershowitz with
10 Mr. Josefsberg?

11 MR. SCAROLA: You may not answer that
12 question to the extent the question still
13 encompasses attorney/client privileged
14 communications. If you want to rephrase the
15 question to exclude both common-interest
16 privileged communications and attorney/client
17 privileged communications, that's a question we
18 are prepared to answer.

19 Otherwise, we are prohibited from answering
20 the question as phrased as a consequence of it
21 encompassing privileged communications.

22 MR. SIMPSON: As he defined the
23 common-interest privileged group, it included
24 attorney/client, but I think at this point the
25 explanations you're providing aren't really

1 helpful. So please just instruct him to answer
2 or not answer, and we will let the judge decide.

3 MR. SCAROLA: Well, the instruction -- I only
4 gave the explanation in the hope that it might
5 facilitate the examination and allow you to move
6 to areas where you can get substantive
7 information.

8 I apologize if you consider it a waste of
9 time. So I will simply instruct Professor
10 Cassell not to answer the question as phrased.
11 If you ever want an explanation as to the basis
12 of my instruction, I'm prepared to give that to
13 you.

14 MR. SIMPSON: Thank you. That -- that's a
15 helpful way to proceed.

16 MR. SCAROLA: Okay.

17 BY MR. SIMPSON:

18 Q. Have you -- well, let's start this way: Have
19 you discussed with any of the attorneys within what you
20 described as the common-interest attorney/client group,
21 whether that person had discussed with Mr. Josefsberg
22 [REDACTED] [REDACTED] allegations against Professor
23 Dershowitz?

24 MR. SCAROLA: Same objection. Same
25 instruction.

1 BY MR. SIMPSON:

2 Q. Have you discussed with anyone who is not an
3 attorney for [REDACTED] [REDACTED] whether -- strike that.

4 Has anyone who is not an attorney for
5 [REDACTED] [REDACTED] told you that they had discussed with
6 Mr. Josefsberg the allegations against -- by [REDACTED]
7 [REDACTED] against Professor Dershowitz?

8 MR. SCAROLA: Same objection. Same
9 instruction.

10 BY MR. SIMPSON:

11 Q. Have you personally spoken with anyone else
12 at Mr. Josefsberg's firm, other than him, about [REDACTED]
13 [REDACTED] allegations against Professor Dershowitz?

14 A. Not to my knowledge.

15 MS. McCAWLEY: I'm sorry. I'm sorry. Can
16 you read that back?

17 MR. SCAROLA: Was a communication with anyone
18 else in Bob Josefsberg -- Bob Josefsberg's firm,
19 personal communication between Professor Cassell
20 and any firm member of Bob Josefsberg.

21 MS. McCAWLEY: Okay.

22 BY MR. SIMPSON:

23 Q. And the answer was, not that you recall?

24 A. Not to my knowledge. I don't know all the
25 members of his firm, but I certainly have no

1 recollection of talking to, you know, anyone who is --
2 who was in his firm.

3 Q. Okay.

4 A. I -- I think the record should be clear,
5 I'm -- I'm an attorney and a law professor in Salt Lake
6 City, Utah, and my understanding, he's an attorney here
7 in Florida. So I don't ordinarily interact with --
8 with, you know, attorneys in Florida, other than the
9 ones that I'm interacting with on -- on this case.

10 MR. SCAROLA: Which is now occurring on a
11 very regular basis.

12 BY MR. SIMPSON:

13 Q. Mr. Cassell --

14 MR. SCOTT: No teaming, Mr. Scarola, please.

15 BY MR. SIMPSON:

16 Q. -- did -- didn't you testify yesterday that
17 the fact that Mr. Josefsberg's firm had filed a
18 complaint against [REDACTED], who is also your client,
19 to be significant to your evaluation of the case?

20 A. Yes.

21 Q. And if it -- if that was significant to
22 evaluation of the case, why are you telling us you don't
23 normally talk with attorneys in Florida? Doesn't he
24 represent -- at one point, represent the same client?

25 A. Right.

1 Q. And so wouldn't it be natural for you to be
2 speaking with -- at least within the realm of something
3 one might expect for you to speak?

4 A. If I were a solo representative of [REDACTED]
5 [REDACTED], that would be the case, but I think you're
6 obviously aware that I have co-counsel on this case, and
7 there are other attorneys who are also participating in
8 this matter.

9 So I think it would be obvious that if
10 there's a division of labor, it might not be along the
11 lines that you're suggesting. And I can't go any
12 further without going into work product and other issues
13 surrounding [REDACTED] [REDACTED]' representation.

14 Q. Has Mr. Boies ever told you that he believes
15 [REDACTED] [REDACTED] was mistaken in her accusations against
16 Professor Dershowitz?

17 MR. SCAROLA: Same objection. Same
18 instruction.

19 MS. McCAWLEY: Same instruction.

20 THE WITNESS: I'd like to confer with my
21 counsel on a attorney/client privilege issue in
22 connection with that question.

23 MS. McCAWLEY: Can I just write down the
24 question and --

25 MR. SIMPSON: I'll -- I'll rephrase it.

1 BY MR. SIMPSON:

2 Q. Have you ever -- I'll rephrase the question.
3 Have you ever discussed with Mr. Boies his
4 views as to whether or not [REDACTED] [REDACTED] is mistaken in
5 her allegations against Professor Dershowitz?

6 MS. McCAWLEY: Objection.

7 MR. SCAROLA: Same objection. Same
8 instruction.

9 BY MR. SIMPSON:

10 Q. Prior to December 30th of 2014, had you
11 personally reviewed any of the flight logs that had been
12 referred to in the testimony in this case?

13 A. All right?

14 Q. My only question is whether you personally
15 reviewed them.

16 A. Yes.

17 Q. What flight logs have you reviewed; how would
18 you describe them?

19 A. Both Exhibit 1 and Exhibit 2 that were shown
20 to Mr. Dershowitz yesterday.

21 Q. If -- I believe those were Exhibits 6 and
22 7 --

23 A. Okay.

24 Q. -- but can we agree that flight logs were
25 marked as exhibits?

1 A. Right. The two composite exhibits of flight
2 logs I had examined previously.

3 Q. Okay. So the same documents that Professor
4 Dershowitz was shown at his deposition; is that right?

5 A. That's my recollection, yes.

6 Q. Okay. When did you review those?

7 A. So one of the reviews was in May 2014. There
8 may have also been an earlier review at an earlier --
9 earlier time, but I definitely remember reviewing them
10 in May -- approximately May 2014.

11 Q. Would -- do you -- isn't it true that those
12 flight logs support Professor Dershowitz's testimony
13 that he was never on a plane with [REDACTED] [REDACTED]?

14 A. No.

15 Q. How do they not? What is -- what is the
16 explanation for your conclusion in that regard?

17 A. Right. We talked about this yesterday, so
18 I'll incorporate to speed things up some of the
19 testimony that I gave yesterday.

20 What the flight logs showed was, to my mind,
21 evidence of potential doctoring, evidence of -- of
22 selective presentation of evidence. Mr. Dershowitz had
23 presented to a law enforcement agency, at their request,
24 apparently what I understood to be the -- the -- I
25 understood that he had been requested by a law

1 enforcement agency to provide flight logs relevant to
2 this investigation.

3 And rather than providing all the flight logs
4 that were available at that time, he appears to have
5 provided flight logs that went from January 2005 through
6 September 2005, knowing that he appeared on an
7 October -- I may be off by one month here -- but on an
8 October 2005 flight log.

9 So that, to my mind, had indicated that
10 Professor Dershowitz was providing selective information
11 to law enforcement. Those concerns -- this is, you
12 know, there's -- there's more to it.

13 The other problem was that the flight logs
14 that Mr. Dershowitz had produced were inconsistent with
15 the flight logs that Dave Rogers, one of Mr. Epstein's
16 pilots had, so there were now inconsistencies on these
17 flight logs. And it seemed to be -- it seemed to me to
18 be surprising that during the period of time where
19 [REDACTED] [REDACTED] was involved, Mr. Dershowitz was not
20 appearing on those flight logs.

21 Now, it is possible, I suppose, and that
22 seems to be Mr. Dershowitz's position, that the reason
23 he's not on those flight logs is that he was not on
24 those flights. But given all of the information -- and
25 I won't take your time this morning to go through -- all

1 the information I had about this international sex
2 trafficking organization, it seemed to me that it was
3 also possible that the sex trafficking organization,
4 which was represented by, you know, vast resources and
5 the ability to produce witnesses and documents and other
6 information that would -- would cover up the existence
7 of this organization, had gone through the flight logs
8 and had made necessary alterations to -- to conceal the
9 scope of -- of the -- of the operation.

10 In addition to that, when I started to
11 compare the Dave Rogers' flight logs with the David --
12 excuse me. I am going to get a drink.

13 When I started to compare the -- oh, I'm
14 sorry. I should be looking at the camera.

15 When I started -- when I started to compare
16 the Dave Rogers' flight logs with the Dershowitz --
17 which we call them the Dershowitz flight logs, which
18 were the logs that he had produced, there were
19 inconsistencies, and so it struck me as odd that there
20 were these inconsistent flight logs.

21 The other thing that I noticed is, I don't
22 believe that Dave Rogers was the exclusive pilot for
23 Mr. Epstein. And so I had a concern -- excuse me. I'm
24 sorry.

25 I had a concern that the flight logs that --

1 that covered the jet were not just the David Rogers'
2 flight logs, but there should be flight logs for other
3 pilots which were not apparently being produced.

4 And so, in light of all that, what I was
5 seeing was a -- a production of flight logs that was
6 incomplete. And then I started to hear from
7 Mr. Dershowitz that, well, these records prove
8 conclusively I couldn't have done that. And I knew to
9 an absolute certainty, that the records were
10 inconsistent and inaccurate; and for somebody who had
11 apparently carefully produced these records, to
12 represent that these conclusively prove that he wasn't
13 on the flights, seemed to me to be inaccurate
14 information.

15 So that was -- those were the kinds of things
16 I was thinking about.

17 Q. Mr. Cassell, is it your testimony --

18 MR. SIMPSON: Well, first of all, I move to
19 strike the nonresponsive portion of the answer.

20 BY MR. SIMPSON:

21 Q. Mr. Cassell, is it your testimony that you
22 have sufficient information to conclude and allege that
23 Professor Dershowitz falsified documents and gave
24 falsified documents to a prosecuting authority?

25 A. It is my belief that Professor Dershowitz

1 provided incomplete production to law enforcement
2 agencies.

3 Q. Is it your testimony under oath that you have
4 sufficient information to allege that Professor
5 Dershowitz intentionally provided false information to a
6 prosecuting authority?

7 A. It is my position that he provided incomplete
8 information to a prosecuting authority and inaccurate
9 information to a prosecuting authority.

10 Now, as to precisely what his state of mind
11 was when he was producing the incomplete and inaccurate
12 information, that remains to be this -- you know, that
13 was one of the topics that I was hoping could have been
14 covered in -- in the depositions here in the last two
15 days, but unfortunately, there wasn't sufficient time.

16 Q. Let me ask it a different way. You -- you
17 gave a long answer in which you described reasons you
18 apparently believe that these flight logs were not
19 merely incomplete, but that someone had false --
20 falsified them. And did I understand you correctly?

21 MR. SCAROLA: Excuse me. The question that
22 was asked was limited to the time period prior to
23 December 30th. The answer that was given was
24 limited to the time period prior to December
25 30th.

1 Are you now asking for an expansion of that
2 response to include information that's been
3 gathered since December 30th?

4 MR. SIMPSON: I will take your objection to
5 the form.

6 Can we have the question back?

7 (Thereupon, a portion of the record was read
8 by the reporter.)

9 MR. SCAROLA: And I object. The question is
10 vague and ambiguous because it fails to identify
11 the time period about which you are inquiring.

12 BY MR. SIMPSON:

13 Q. Mr. Cassell, as you sit here today, are you
14 prepared, based on the information you have available to
15 you, to assert that Professor Dershowitz intentionally
16 provided misleading or doctored documents to a
17 prosecuting authority?

18 A. So based on all the information I have today?

19 Q. Yes.

20 A. Yes.

21 Q. What do you base -- what is the basis for
22 that conclusion, and include information up until today?

23 A. All right. So, obviously, that's an
24 open-ended question.

25 Q. I -- just answer the question, please, as

1 best you can.

2 A. Sure. All right. Well, let me just --
3 that's a lot -- there's a lot of things to get into on
4 that.

5 Let's start with the events of the last two
6 days, the deposition of Mr. Dershowitz, which in my mind
7 demonstrates repeated false statements that were made by
8 Mr. Dershowitz.

9 Let's begin with the overarching point about
10 the deposition of the last two days. I've been
11 practicing law -- law since about 1986. And in my
12 experience, I have never seen a more evasive effort to
13 avoid answering questions, and to essentially run out
14 the clock so that detailed questions could not be asked
15 by my attorney. And I witnessed over the last two days,
16 Mr. Dershowitz was asked a series of very simple
17 questions; where were you on this day; or what's the
18 name; or what time, things like that, and instead of,
19 you know, giving an -- an immediate answer, he ended up
20 giving a very extended answer commonly punctuated with
21 disparaging remarks that seemed to have nothing to do
22 with answering the question.

23 So I drew the inference from that that
24 Mr. Dershowitz did not want to answer questions over the
25 last two days.

1 Another thing that happened during the
2 deposition, and I will not repeat what was said in the
3 deposition, because there was immediately an objection
4 from Ms. McCawley, but there were two points in the
5 deposition where Mr. Dershowitz made representations
6 about what a New York Attorney David Boies would say,
7 and I'm not going into any --

8 Q. I -- I just want to say if he starts talking
9 about it --

10 MS. McCAWLEY: No, I -- I object to any
11 reference --

12 MR. SIMPSON: -- then I get to ask all the
13 questions if he should say anything.

14 MS. McCAWLEY: I think he's just
15 acknowledging that -- I'm sorry. I think he's
16 acknowledging that that occurred. I object to
17 any -- any discussion of any settlement
18 communications in the context of that privilege.

19 MR. SCAROLA: I don't intend to get into any
20 settlement discussions. We are not going to
21 repeat the substance of the objected-to
22 testimony.

23 MR. SIMPSON: My point, I just want it to be
24 on notice --

25 MS. McCAWLEY: Yes.

1 MR. SIMPSON: -- is if this witness starts
2 saying anything about his communications or why
3 he -- he's coming to a conclusion, he's putting
4 that forth as a basis, he has opened the door.

5 You can't put it forth and park and not let
6 me ask for all the discussions.

7 MR. SCAROLA: You can -- you can proceed and
8 you know not to include privileged --

9 THE WITNESS: Yes.

10 MR. SCAROLA: -- communications.

11 THE WITNESS: There was a newspaper that
12 reported -- a Florida business newspaper that
13 promptly after Mr. Dershowitz said that Mr. Boies
14 had made certain representations, a Florida --
15 respected Florida business newspaper immediately
16 reported that David Boies had said, that was a
17 false statement.

18 And in light of that, I now had David Boies
19 saying that Mr. Dershowitz was making false
20 statements under oath during the -- the
21 deposition that occurred over the last two days.

22 In addition to that, I had -- again, during
23 the deposition, I heard Mr. Dershowitz say that
24 Attorney Bob Josefsberg had said that -- words to
25 the effect that he, Josefsberg, did not believe

1 [REDACTED] [REDACTED].

2 I knew Josefsberg was an attorney who had
3 represented [REDACTED] [REDACTED] based on public
4 information, and I knew that that would be a
5 gross violation of Mr. Josefsberg's
6 attorney/client obligations. And as a result of
7 that, it seemed to me that, once again,
8 Mr. Dershowitz was giving false information under
9 oath in an effort to exculpate himself from the
10 sex trafficking that he had been involved with.

11 In addition to that, I learned during the
12 deposition on Thursday that it had, quote, not
13 crossed my mind, close quote -- I believe that's
14 a direct quote from Mr. Dershowitz -- to record a
15 conversation with a woman allegedly named Rebecca
16 who had allegedly made certain statements. That
17 was on Thursday.

18 And then yesterday, Friday, I learned that
19 Mr. Dershowitz, not only had it crossed his mind
20 to make a recording, he had, in fact, made such a
21 recording; and in fact, had it transcribed; and
22 in fact, turned it over to his attorneys. So,
23 once again, I had what appeared to be a false
24 statement under oath by Mr. Dershowitz in an
25 attempt to exculpate himself from the -- the sex

1 trafficking that we -- we have evidence he has
2 been involved with.

3 The false statements or certainly misleading
4 statements continue. I suppose, some of these
5 could be a matter of judgment. The -- they raise
6 grave concern to me.

7 One of them was that we had propounded an
8 interrogatory requesting the basis for
9 Mr. Dershowitz's statements that [REDACTED] [REDACTED]
10 had a criminal record. And he said that, well,
11 she's admitted that she had sex with various
12 people, so that renders her a criminal, and
13 something along those lines, which I didn't think
14 was very accurate.

15 But in any event, that was the answer he
16 gave. And then I learned during the deposition
17 in the last two days, that Mr. Dershowitz had
18 received information that he says shows that
19 [REDACTED] [REDACTED] had stolen money from a
20 restaurant and had been criminally charged with
21 that.

22 That was not produced to us during discovery,
23 even though it would have been obviously
24 relevant, and it was directly called for in the
25 discovery that we were provided with.

1 You know, I also have -- I would like to
2 refresh my recollection and if -- if counsel --
3 that's --

4 MR. SCAROLA: You can refresh your
5 recollection on anything you need to.

6 THE WITNESS: All right. I'd like to refresh
7 my recollection by looking at --

8 MR. SIMPSON: Actually, I -- I object to this
9 answer as nonresponsive. I haven't heard
10 anything about flight logs once.

11 MR. SCAROLA: You can continue.

12 THE WITNESS: These -- you know, these all go
13 to the statements.

14 BY MR. SIMPSON:

15 Q. You're looking at a document?

16 A. Yeah. Let's mark it as an exhibit if you'd
17 like. This is a memory aid to me.

18 Q. Did you prepare it?

19 A. Yes, I did. All right. Let's see. At page
20 114 of a rough transcript that I saw prepared of
21 Thursday's testimony, Mr. Dershowitz was asked. Quote:
22 You know that [REDACTED] [REDACTED] is not the only person
23 who has sworn under oath that you were present at
24 Jeffrey Epstein's Palm Beach home with young girls,
25 right? Answer: No.

1 That seemed to me to be false or at the very
2 least misleading testimony given that Mr. Dershowitz
3 knew that Juan Alessi, among potentially other people,
4 had identified him as having been in the presence of
5 Jeffrey Epstein and young girls at the Florida mansion
6 and, indeed, had identified a photograph of [REDACTED]
7 [REDACTED].

8 At page 164 of the transcript, Mr. Dershowitz
9 was asked, quote: All of the manifests that have been
10 produced in this litigation, the ones that you say
11 corroborate your testimony and exonerate you,
12 demonstrate that you never flew on Jeffrey Epstein's
13 plane in the company of your wife, correct? Answer:
14 No, that's not true. I don't know that.

15 And, again, in the context of this litigation
16 where the flight logs have been, as this question that
17 I'm answering tends to show, are so central for
18 Mr. Dershowitz to testify under oath that he didn't know
19 whether his wife was depicted on the flight log, struck
20 me as, at the very least, misleading information, but I
21 concluded in my opinion was actually deliberately false
22 information, particularly, given this litigation where
23 he has produced, not only his own personal travel
24 record, but all of his wife's travel records for the
25 relevant period of time.

1 So I thought that was, again, a deliberate
2 false statement under oath designed to exculpate him
3 from his criminal involvement in this international sex
4 trafficking ring.

5 At another point in the transcript, he was
6 asked, quote, -- no, I'm sorry. He stated, quote: I
7 challenge you to find any statement where I said I have
8 never traveled outside the presence of my wife, close
9 quote, representing that there would be no such
10 statement there, when, in fact, I'm aware of an American
11 Lawyer quotation attributed to him from January 15th,
12 2015, quote: I've been married to the same woman for 28
13 years. She goes with me everywhere, close quote. And,
14 again, you know, this -- I understand sometimes people
15 may go away from their wife, but the American Lawyer
16 was, obviously, on January 15th, 2015, asking about:
17 Well, have you been outside the presence of your wife in
18 situations where you might have interacted with [REDACTED]
19 [REDACTED]? And that was the answer that he gave to the
20 American Lawyer.

21 And based on -- on my review of the flight
22 logs, I thought that was, again, a deliberate effort to
23 obscure and try to exculpate himself from his
24 involvement in this international sex trafficking ring.

25 The -- he also said yesterday: Nobody knows

1 about Prince Andrew and [REDACTED], except for the two of
2 them. And, again, I thought that was at a minimum,
3 deliberately mis -- misleading information and more
4 likely deliberately false information, because
5 Mr. Dershowitz was aware of the photograph and had long
6 been aware of the photograph that shows Prince Andrew
7 with his arm around [REDACTED] [REDACTED], standing next to a
8 beaming Glenn Maxwell who has been involved in this
9 international sex trafficking organization.

10 And in the circumstances of that photograph,
11 it seems quite likely that the photographer who took
12 that picture was the head of the international sex
13 trafficking ring, Jeffrey Epstein. And so for him to
14 say that only two people knew what went on was, again,
15 deliberately false information, because I know he is the
16 attorney for Jeffrey Epstein, and he could have asserted
17 attorney/client privilege over that, said, I can't get
18 into my communications with my client about what he was
19 doing with Prince Andrew.

20 But instead he said, no one knows what
21 happened, other than those two people in circumstances
22 where it was quite clear that there would have been
23 others who would have been aware of that.

24 Now, the question is: Why do I think the --
25 the -- you know, there are inaccuracies in the flight

1 logs. And I could refresh my recollection here by
2 looking at, I think it's docket entry 291 of our
3 pleading that we presented on January 21st to
4 Judge Marra where we provided specific itemized examples
5 of inconsistencies between the Dave Rogers' flight log
6 and the -- again, I'll call it, the Alan Dershowitz
7 flight log, which was a selected presentation of flight
8 log information.

9 And when you see those inconsistencies, it
10 becomes very hard to believe that all of the information
11 that was provided in those flight logs was accurate. So
12 when I take all of that information, put it together, I
13 believe that there's sufficient -- I have a sufficient
14 basis for believing at this point in time, that
15 Mr. Dershowitz has, indeed, provided inaccurate
16 information to -- to law enforcement agencies, or at a
17 minimum has provided -- has produced inaccurate
18 information through circumstances beyond his control.

19 But when he continually represents that the
20 information is accurate and exonerates him, I believe
21 that that is a deliberately false statement.

22 MR. SIMPSON: Move to strike the answer --
23 the nonresponsive portion of the answer.

24 MR. SCAROLA: Which portion is that?

25 MR. SIMPSON: 99 percent of it. I think at

1 the end, we got to the flight logs.

2 I move to strike the nonresponsive portion.

3 BY MR. SIMPSON:

4 Q. Mr. Cassell, you came here today looking for
5 an opportunity to give that statement; did you not?

6 A. If it was relevant to an answer I was giving,
7 yes.

8 Q. The answer to my question is, yes, you came
9 here today looking for a question to which you could
10 respond with that prepared statement?

11 A. I was prepared to give that -- I anticipated
12 that a very good attorney for Mr. Dershowitz might ask a
13 question where that would be relevant. And if that
14 question were asked and I was given the opportunity to
15 make that statement, I wanted to be prepared to give it
16 in the most accurate way that I could.

17 MR. SIMPSON: I would like the reporter to
18 mark as Exhibit -- are we up to 4 -- Exhibit 4,
19 the document that Mr. Cassell was referring to.
20 I'll let the reporter do that.

21 THE WITNESS: Okay.

22 (Cassell's I.D. Exhibit No. 4 - document
23 produced by the witness was marked for identification.)

24 MR. SIMPSON: I just want to make that part
25 of the record.

1 BY MR. SIMPSON:

2 Q. Before Wednesday of this week, you had none
3 of the information that you just described about
4 Professor Dershowitz's testimony, correct?

5 A. Correct.

6 Q. I'm trying to look at my notes here of your
7 long answer, but one thing you indicated that -- was the
8 fact that Professor Dershowitz gave long answers is
9 somehow indicative of false answers or perjury --

10 MR. SCAROLA: That is --

11 BY MR. SIMPSON:

12 Q. -- is that right?

13 MR. SCAROLA: That is an absolute
14 mischaracterization of the statement that
15 Professor Cassell made. He did not refer to the
16 length of the answers, but rather their
17 nonresponsiveness.

18 BY MR. SIMPSON:

19 Q. Let me -- let me ask a different question.
20 Go back to the flight logs themselves.

21 A. Okay.

22 Q. My initial question that got us going down
23 this line was: Isn't it true that the flight logs
24 themselves support Professor Dershowitz's testimony that
25 he was never on a plane with [REDACTED], the face

1 of the flight logs support that proposition?

2 A. The face of the flight logs for the relevant
3 period of time, we can call it the hot period of time or
4 whatever you want, did not reveal the presence of
5 Mr. Dershowitz on those flights, yes.

6 Q. Okay. So during the period -- well,
7 actually, there's no flight log that shows [REDACTED]
8 [REDACTED] and Professor Dershowitz on the same airplane,
9 correct?

10 A. That's my understanding, yes.

11 Q. And --

12 MR. SCAROLA: By name. You're -- you're --

13 MS. McCAWLEY: And it --

14 MR. SCAROLA: -- asking whether she was there
15 identified by name?

16 BY MR. SIMPSON:

17 Q. To your knowledge, isn't it correct that
18 there is no flight log that's been produced in this case
19 by any party that reflects Professor Dershowitz and
20 [REDACTED] [REDACTED] on the same plane, as you read the
21 flight log?

22 MR. SCAROLA: I'm sorry. Are you asking
23 whether those same names appear on the flight log
24 together?

25 MR. SIMPSON: My question, I think, is

1 perfectly clear.

2 BY MR. SIMPSON:

3 Q. My question, Mr. Cassell, is: You reviewed
4 the flight logs, correct?

5 A. Correct.

6 Q. You reviewed them in some detail, correct?

7 A. Correct.

8 Q. Is there any entry on those flight lines --
9 logs that you read as putting Professor Dershowitz and
10 [REDACTED] [REDACTED] on the same plane?

11 A. No.

12 Q. And so your testimony about questions about
13 the completeness and accuracy of those flight logs goes
14 to whether the logs are -- let me rephrase that.

15 The answer that you gave about your question
16 as -- your views as to the completeness of the flight
17 logs and whether they may have been changed in some
18 ways, goes to whether those logs are conclusive, not
19 whether they, in fact, support Professor Dershowitz's
20 testimony that he was not on a plane with [REDACTED]
21 [REDACTED]?

22 MR. SCAROLA: I'm going to object to the form
23 of the question as vague and ambiguous. I don't
24 understand it.

25 THE WITNESS: And I won't give a long answer,

1 but I -- I think, as I previously indicated, you
2 can't just look at the face of these documents
3 without -- with -- you know, against the context
4 of an international sex trafficking ring that's
5 trying to cover up what it's doing. You can't
6 just look and documents and assume that they are
7 100 percent accurate without that -- having that
8 context in mind.

9 BY MR. SIMPSON:

10 Q. And so am I right, that on the face of the
11 flight logs, there's nothing showing [REDACTED] [REDACTED]
12 and Professor Dershowitz on the same plane?

13 A. That's correct.

14 Q. And -- go on.

15 And so do I understand correctly that your
16 position is that the flight logs may not be complete or
17 may have been changed, but you do not dispute, that on
18 their face, they support Professor Dershowitz's
19 testimony?

20 MR. SCAROLA: Objection.

21 MS. McCAWLEY: Objection.

22 MR. SCAROLA: Compound.

23 THE WITNESS: Could you just aggregate that?

24 BY MR. SIMPSON:

25 Q. You follow the objections very well.

1 A. I was thinking of that as well.

2 BY MR. SIMPSON:

3 Q. Let me --

4 A. I wasn't --

5 Q. Let me --

6 A. -- following their answer.

7 Q. Let me -- let me just ask a different
8 question.

9 A. Sure. Thanks.

10 Q. You testified that you have -- at some
11 length, about why you question the accuracy of the
12 flight logs, correct?

13 A. Correct.

14 Q. But I may be redundant, but you don't
15 question that what they show on their face supports
16 Professor Dershowitz's testimony --

17 MS. McCAWLEY: Objection.

18 BY MR. SIMPSON:

19 Q. -- that he was not on a plane with [REDACTED]
20 [REDACTED]?

21 A. The -- you know, the -- the sex trafficking
22 ring run by Jeffrey Epstein has produced Epstein flight
23 logs that appear to show that -- that Dershowitz and
24 [REDACTED] [REDACTED] are not on the plane, so...

25 Q. So the answer to my question is, yes?

1 MR. SCAROLA: I'm sorry.

2 THE WITNESS: Which question now?

3 MR. SIMPSON: The question you just -- could
4 you read back my -- my question and the answer?

5 BY MR. SIMPSON:

6 Q. Let me ask it again.

7 A. Okay.

8 Q. That's fine.

9 A. I mean, I thought I was --

10 MR. SCAROLA: There's no question pending.

11 THE WITNESS: I'm sorry.

12 BY MR. SIMPSON:

13 Q. What were you about to say?

14 A. I was about to say that the records that they
15 produced -- I'm -- I'm sorry...

16 Q. The records -- the records that were
17 produced --

18 A. On -- on their face, I cannot give you a
19 flight log that has [REDACTED] [REDACTED] and Alan Dershowitz
20 sitting next to each other, yes.

21 Q. And you also -- you also testified a moment
22 ago that Professor Dershowitz in his testimony in the
23 last couple of days, had testified that [REDACTED] [REDACTED]
24 had been arrested for stealing cash; do you refer -- do
25 you recall that?

1 A. I recall his testimony to that effect, yes.

2 Q. And you testified that no support for that
3 had been produced in discovery; is that correct?

4 A. That's my understanding, yes.

5 Q. Isn't it true that in Mr. Alessi's
6 deposition, he describes that under oath and says that
7 it happened?

8 A. I don't have a recollection of criminal
9 charges having been discussed in the Alessi deposition.

10 Q. Is it -- well, let me -- let me ask you: Is
11 it your testimony that you understood that, in fact,
12 [REDACTED] [REDACTED] had been accused of stealing money from her
13 employer?

14 MS. McCawley: I'm going to object to the
15 extent it gets into any conversations that you
16 had with [REDACTED] on any of these issues.

17 THE WITNESS: Yeah, I'm trying to -- if your
18 question is about the Alessi depo, I don't --
19 don't immediately recall him discussing --
20 discussing them.

21 BY MR. SIMPSON:

22 Q. If I represent to you that Mr. Alessi, in his
23 deposition, referred to a police report and an arrest of
24 [REDACTED] [REDACTED], do you have any reason to question that?

25 MR. SCAROLA: Could we -- could we pull out

1 the deposition? And if you have got a reference
2 in the deposition, let's take a look at it.

3 MR. SIMPSON: I'm just asking for his
4 recollection right now. The document will speak
5 for itself. But I want to --

6 MR. SCAROLA: Yes, it will.

7 MR. SIMPSON: He -- he made a very serious
8 accusation. I would like to get an answer to my
9 question. Does he recall whether, in that
10 deposition that all the parties in this case
11 have, Mr. Alessi said under oath, that she had
12 been arrested and charged with stealing from her
13 employer.

14 THE WITNESS: When you -- the question built
15 in a serious accusation, the -- the -- the -- the
16 statement I was making is that we had propounded
17 an interrogatory to Mr. Dershowitz saying:

18 What's the basis for your assertion that
19 [REDACTED] [REDACTED] had a criminal record? And that
20 answer didn't refer to an Alessi depo. If it --
21 this is one of the problems that I'm having.

22 When -- when -- you know, when you come into
23 a deposition, both sides are supposed to turn
24 everything over. And then if I get a question
25 about, well, what if -- you know, we're relying

1 on this piece of the Alessi depo and it's not in
2 the answers to interrogatories, it's hard for me
3 to -- to give an answer to that. So -- so that's
4 the -- that's the concern I have.

5 MR. SIMPSON: I move -- I move to strike as
6 nonresponsive.

7 BY MR. SIMPSON:

8 Q. My question went to whether -- let me back
9 up. If -- if I'm -- unless I misunderstood you --

10 MR. SCAROLA: The question was: Did he
11 recall the contents --

12 MR. SIMPSON: I'm asking the question.

13 MR. SCAROLA: -- of the Alessi deposition.

14 MR. SIMPSON: I'm withdrawing it. I will ask
15 a new question.

16 MR. SCAROLA: Okay. Thank you.

17 BY MR. SIMPSON:

18 Q. I understood you in your -- the long answer
19 that you gave a while ago to suggest that Professor
20 Dershowitz had either testified falsely or failed to
21 provide relevant information on which he was basing his
22 testimony about [REDACTED] [REDACTED] arrest; is that right?

23 A. Yes.

24 Q. And that assertion would be incorrect if
25 there's a deposition in this case that all the parties

1 have that include that information?

2 MR. SCAROLA: Mr. Simpson, there was an
3 express reference to an answer to interrogatory,
4 and the absence of any reference to an arrest for
5 theft in your client's sworn answer to
6 interrogatory. That's --

7 MR. SIMPSON: We -- we --

8 MR. SCAROLA: -- exactly what the testimony
9 was.

10 MR. SIMPSON: If you object to the form,
11 please just object to the form. I think it's a
12 proper question --

13 MR. SCAROLA: I -- I object --

14 MR. SIMPSON: -- in our discovery response.

15 MR. SCAROLA: -- I object to your
16 misrepresentation of the earlier testimony. I'm
17 sure it was not intentional, and that's why I'm
18 calling it to your attention so that we don't go
19 down a rabbit trail.

20 MR. SIMPSON: I'm not going down any rabbit
21 trail. I'm really -- objection to the form will
22 preserve it.

23 BY MR. SIMPSON:

24 Q. My question is whether you were aware at the
25 time that Professor Dershowitz testified that, in fact,

1 Mr. Alessi had also testified previously about the
2 arrest of [REDACTED] [REDACTED] for stealing from her employer?

3 A. I didn't recall that. If that's in there,
4 you're -- you're making a representation, and I know
5 you're a fine lawyer, so I'll accept your
6 representation.

7 I didn't recall that when he was testifying
8 a -- a day or two ago on that subject.

9 MR. SCAROLA: We have been going for about an
10 hour. Is it time to take a break? Is that
11 convenient for you?

12 MR. SIMPSON: We can take a break now.

13 THE VIDEOGRAPHER: We are going off the video
14 record, 9:35 a.m.

15 (Thereupon, a recess was taken.)

16 THE VIDEOGRAPHER: We are back on the video
17 record, 9:47 a.m.

18 THE WITNESS: I need to take two minutes, if
19 I may, and just supplement the long answer that I
20 gave about the series of things.

21 By looking over my checklist, I noticed that
22 item 5 of the 12 items was not given during my
23 testimony. I'm --

24 BY MR. SIMPSON:

25 Q. I don't -- I'm not going to ask about item 5.

1 It's in the record as part of your -- your -- your --

2 A. I would like to just supplement --

3 MR. SCAROLA: That's fine. That's fine. If
4 you don't want to hear it, that's okay.

5 THE WITNESS: I'd like --

6 MR. SCAROLA: Just as long as it's noted that
7 there was an inadvertent omission.

8 THE WITNESS: Yeah.

9 BY MR. SIMPSON:

10 Q. As part of -- I'm going to go back actually
11 to --

12 A. Sure.

13 Q. -- the questions I was asking. One question
14 about the -- the flight logs again.

15 A. Okay.

16 Q. It's true, is it not, that you have no
17 personal knowledge as to whether Professor Dershowitz or
18 some other member of Jeffrey Epstein's defense team
19 prepared those logs for production to the government?

20 A. I don't have personal knowledge of -- of
21 that, that's right.

22 Q. And you would agree, would you not, that it's
23 the duty of a defense counsel to represent a client
24 zealously within the bounds of the law, correct?

25 A. Correct.

1 Q. In fact, I think you testified yesterday
2 about your duty with respect to [REDACTED] [REDACTED] along those
3 lines, correct?

4 A. That's right.

5 Q. And so with respect to Professor Dershowitz's
6 representation of Jeffrey Epstein, he would have been
7 acting unethically if he didn't attempt to negotiate the
8 best resolution for his client that he could, consistent
9 with the law; is that correct?

10 A. Right. Consistent with the law, yes.

11 Q. And so you wouldn't --

12 A. I'm sorry. Let me just -- consistent with
13 the law and with the ethical obligations of attorneys.
14 Attorneys cannot make, for example, false
15 representations when they are negotiating those kinds of
16 things.

17 Q. Right. The duty as a defense counsel,
18 Professor Dershowitz's duty was to attempt to obtain the
19 best resolution he could for Jeffrey Epstein consistent
20 with the law and legal ethics, correct?

21 A. That's correct.

22 Q. And, in fact, if he had not done that, he
23 would have been acting unethically, correct?

24 A. That's correct.

25 Q. And would you agree that it would be

1 inappropriate, totally inappropriate, to infer anything
2 negative about an attorney because the attorney
3 represented someone accused of heinous crimes?

4 A. Just the fact of representation alone?

5 Q. Yes.

6 A. Yeah, that's right. Sure, of course,
7 everyone is entitled to a defense.

8 Q. As -- before December 30th of 2014, had you
9 reviewed the Palm Beach Police report?

10 A. Portions of it, yes.

11 Q. Had you reviewed the entire report?

12 A. I think I reviewed most of it, but I don't
13 think I've gone through it page by page.

14 Q. When did you do that?

15 A. Well, let's see. Before December 30th, 2014,
16 Brad and I filed the case in about July 2008, so it was
17 about a six-year period of time, and I remember I'd been
18 to Florida a couple of times on this case, once in 2010
19 and I think another a year or two later. And I
20 remember, at least on one of those times, reviewing the
21 report here with -- I don't know if I can...

22 MS. McCawley: Yeah. I wouldn't go into
23 anything.

24 THE WITNESS: To the -- right. So we just --
25 we just want to know --

1 MS. McCAWLEY: The location is fine.

2 THE WITNESS: The location, once
3 personally -- once here in Florida, and then in
4 my office in -- while in Salt Lake City.

5 BY MR. SIMPSON:

6 Q. And are you able to place in time when you
7 reviewed these portions of the police report, other than
8 before December 30th of 2014?

9 A. Not precisely, no.

10 Q. And do I understand correctly from your
11 testimony yesterday that that police report is one of
12 the things you relied on to support making the
13 allegations against Professor Dershowitz that are
14 included in the joinder motion?

15 A. That's right.

16 Q. It's also true, is it not, that that police
17 report includes an interview with an adult woman who was
18 retained to provide massages at Jeffrey Epstein's
19 residence for guests, among others; isn't that correct?

20 A. I believe that's correct.

21 Q. And based on that, is it your testimony that
22 it's fair to presume that a reference that a guest got a
23 massage is a code word for abusing a minor sexually?

24 MR. SCAROLA: I'm sorry. Are you -- are you
25 isolating --

1 MR. SIMPSON: I don't -- I don't want a
2 speech, Mr. Scarola. If you object to the form,
3 object to the form, and I -- if it's not a proper
4 question --

5 MR. SCAROLA: I want a clarification of the
6 question, please. Are you isolating only that
7 piece --

8 MR. SIMPSON: I -- the question --

9 MR. SCAROLA: -- of information?

10 MR. SIMPSON: I'm -- I am asking a question
11 that's perfectly clear. If you think it's
12 objectionable, it won't -- it will stand.

13 MR. SCAROLA: I'm going to object on the
14 basis that it is vague and ambiguous. It is
15 unclear whether you're asking for him --

16 MR. SIMPSON: Please don't coach the witness.

17 MR. SCAROLA: -- to isolate -- to isolate his
18 focus to that single piece of evidence.

19 MR. SIMPSON: I object on the coaching of the
20 witness.

21 BY MR. SIMPSON:

22 Q. My question is: Is it reasonable,
23 considering that the police report on its face shows
24 evidence -- let me back this up. Ask another question
25 to you.

1 Are you aware that the police report reflects
2 that the woman I referred to who was hired to give
3 massages, told them that she never touched anyone
4 inappropriately?

5 A. I think that there are -- there is
6 information along those lines in the police report, yes.

7 Q. Okay. And so do you acknowledge that the
8 police report, on its face, reflects both reports of
9 massages that involved improper sexual contact --
10 contact and massages that were perfectly legitimate?

11 A. Yes, but not in the same proportion.

12 Q. My question wasn't proportion. The -- the
13 report on its face, you understood, reflected that there
14 were massages given at Mr. Epstein's residence that were
15 perfectly legitimate?

16 A. Some -- it was basically a few isolated
17 examples from what I could see.

18 Q. So you would characterize what was said in
19 the police report as "a few isolated examples"?

20 A. Well, given the backdrop that they had --

21 Q. No. My question -- it's a yes or no
22 question. Is that how you would characterize it?

23 MR. SCAROLA: Excuse me. The witness is not
24 confined to answering yes or no, if yes or no
25 would be misleading.

1 BY MR. SIMPSON:

2 Q. It's a different position than was taken
3 previously, but --

4 A. I mean, I was just going to give one
5 sentence, and the one sentence would be, in the context
6 of this whole police report where they had 24,
7 approximately, minor girls who were -- who were being
8 sexually abused, the references to legitimate massages I
9 would view as isolated.

10 Q. So you're coming to the conclusion, looking
11 at the police report, that they are isolated; is that
12 right?

13 A. Yes.

14 Q. And do you think a fair-minded reader of the
15 police report would reach that conclusion?

16 A. Absolutely.

17 Q. And were you aware that the police report, to
18 give a bit more detail, reflected that a woman who was
19 described as having tattoos was hired to give
20 deep-tissue Swedish massages. Do you recall that being
21 in the -- in the police report?

22 A. Something along those lines, yes.

23 Q. And she also -- that woman also told the
24 police that she was not Jeffrey Epstein's type, that she
25 wasn't thin, had tattoos, didn't fit his type?

1 A. That sounds accurate with the information I
2 have, yes, she doesn't sound like she would fit his
3 type.

4 Q. And so do you agree with me then --

5 A. And she's over the age of 18, which is
6 another reason why wouldn't fit his type, so...

7 Q. But you acknowledge that -- that this
8 woman -- that the police report reflects a woman over --
9 well over the age of 18, being hired to give perfectly
10 legitimate massages, correct?

11 A. Yeah. That was cover for the sex trafficking
12 that was going on.

13 Q. Okay. So you're now -- does the police
14 report say "it was cover" --

15 A. That was --

16 Q. -- "for the sex trafficking"?

17 A. That was my conclusion when I reviewed the
18 materials.

19 Q. Okay. So your inclusion is that a
20 fair-minded reader of the police report would come to
21 that conclusion?

22 A. December 30th of 2014, knowing what we know
23 now, yes.

24 Q. Do you consider yourself a very suspicious
25 person?

1 A. No.

2 Q. Do you consider yourself a conspira -- having
3 a conspiratorial view?

4 A. Absolutely not.

5 Q. Do you consider yourself a crusader?

6 A. Well, crusader for justice, I would say, yes.

7 Q. If -- let me put it this way: In your view,
8 is evidence that a person, any person, any guest at
9 Mr. Epstein's house had a massage, evidence that that
10 person engaged in criminal sexual conduct, contact with
11 minors, because of the fact of having a massage?

12 A. You'd have to look at the context.

13 Q. On its own, is it any evidence -- doesn't
14 it -- is it any evidence at all, in your view?

15 A. It would be some evidence, yes.

16 Q. Notwithstanding that the report, on its face,
17 reflects both legitimate and illegitimate massages?

18 A. The report on its face, let's be clear,
19 reflects a lot of illegitimate sag -- massages and a
20 sporadic or isolated, you know, legitimate massages. So
21 the fact that somebody gets a massage in that context,
22 I -- I think is -- is -- raises, you know, the concerns
23 we have been talking about.

24 Q. Did you, before December 30th of 2014,
25 yourself personally, review what I think you referred to

1 in your testimony yesterday as the holy grail, an
2 address book of Mr. Epstein?

3 A. Pieces of it, yes.

4 Q. Did you review the entire document?

5 A. No.

6 Q. Did I understand yesterday that you
7 testified -- did I understand correctly yesterday, that
8 you testified that the fact that names were circled
9 indicated that those persons likely engaged in illegal
10 sexual contact with minors?

11 A. My -- my impression is the names that were
12 circled were circled by Alfredo Rodriguez when he was
13 busted by the FBI for involvement, and he was asked to
14 identify those who would have information about the sex
15 trafficking organization. And my -- based on all the
16 evidence I have, I believe the names that were circled
17 were those who would have that kind of information.

18 Q. So is it your testimony that if the name is
19 circled, it indicates that they have information, or
20 that they are criminals?

21 A. That they would have information about the
22 sex trafficking organization, and that would probably
23 mean that they were part of the organization. It may
24 mean that they were witnesses to what the organization
25 was doing.

1 But they would have information that the FBI,
2 among other law enforcement agencies, should be
3 following up on, if they are trying to piece together
4 what the sex trafficking organization was doing.

5 Q. Would you agree that a fair-minded person,
6 with that background that you just described, would not
7 go to the conclusion that the fact that a name is
8 circled indicates that that person has engaged in
9 criminal conduct?

10 A. They -- what it would indicate is that they
11 had information relevant to criminal activity. Now,
12 would they on the -- just the fact that a name was
13 circled, standing alone, reach that conclusion?

14 Well, that's a hypothetical question because
15 obviously in this case, there's lots of other
16 information.

17 Q. Did you understand -- it is true, is it not,
18 that Mr. Rodriguez was trying to sell that book?

19 A. That's true.

20 Q. And is it not also true that the people who
21 are circled are famous people?

22 A. I'd have to refresh my recollection as to
23 exactly who was circled, but I know that some famous
24 people were circled and some famous people were not
25 circled.

1 Q. Would it be a reasonable inference, or a
2 possible reasonable inference to draw, that
3 Mr. Rodriguez was trying to highlight people who would
4 be of interest to the Press for purposes of selling the
5 book?

6 A. No, because he was not talking to the Press.
7 He was talking to an FBI agent who had busted him for
8 criminal activity. And so I was assuming that what he
9 was trying to do, as many criminals do when they are
10 apprehended, was give information to law enforcement
11 agency that would be helpful so that they can catch
12 other "bigger fishes" is the phrase that's sometimes
13 used, so that the little fish would -- would get off or
14 get a cooperation deal from the law enforcement agency.

15 He was talking -- let's be clear. He was
16 talking to somebody he understood was an FBI agent at
17 the time, and so that was the context of the
18 conversation.

19 Q. Do you have any personal knowledge that it's
20 in the context of talking to the FBI that Mr. Rodriguez
21 circled those names?

22 A. I have reviewed -- I know I could refresh my
23 recollection here, but there's an FBI 302, a report of
24 interview of the circumstances surrounding
25 Mr. Rodriguez's arrest, and I believe I reviewed that

1 302.

2 Q. Do you know whether the FBI, at any point,
3 contacted Professor Dershowitz to discuss any evidence
4 he might have after his name was circled on this
5 document?

6 A. I don't have personal knowledge of what the
7 FBI did to follow up after that.

8 Q. Okay. One of the names that's circled in the
9 book is Courtney Love. Do you know who she is?

10 A. Not off the top of my head, no.

11 Q. If I mention to you or if I represent that
12 she's a famous actress, any reason to question that?

13 A. No.

14 Q. In your view, was Courtney Love involved in
15 sex trafficking?

16 A. I don't know.

17 Q. In your view, was Courtney Love a witness to
18 sex trafficking?

19 A. If -- is there a way -- are you representing
20 her name is circled?

21 Q. Her name is circled on the book. In fact, we
22 can show it --

23 A. Okay. Yeah.

24 Q. It is circled on the book.

25 A. Okay. Sure. Yeah, I mean, my -- my

1 understanding would be that if her -- and this is --
2 could I ask a question about the circling -- or your
3 representation?

4 Is the circling the same type of circling
5 that is done for Mr. Dershowitz, for example? Is it the
6 same, you know, handwriting, same ink, same -- same
7 appearance? You know, if it's consistent with the
8 circling -- are you representing it's consistent with
9 the circling?

10 Q. Mr. Cassell, we have a document produced in
11 discovery that has various names circled. Looking at
12 the document, I don't see any difference among the
13 circles. Are you aware of any document --

14 MR. SCAROLA: Could we have a look -- could
15 we see the document?

16 MR. SIMPSON: Take a -- go off the record for
17 one moment.

18 THE WITNESS: We are going off the video
19 record, 10:03.

20 (Thereupon, a recess was taken.)

21 THE VIDEOGRAPHER: We are back on the video
22 record, 10:08 a.m.

23 MR. SIMPSON: Okay. Back on the record. I'm
24 going to ask the reporter to mark as Cassell
25 Exhibit 5, a multi-page document. It's a copy of

1 the address book we have been speaking about, and
2 ask that Doc -- Mr. Cassell to take a look at
3 this, and I'm going to ask him about certain of
4 the entries.

5 (Cassell's I.D. Exhibit No. 5 - copy of
6 address book was marked for identification.)

7 MR. SIMPSON: And I will note, I put a few
8 flags on here --

9 THE WITNESS: Sure.

10 MR. SIMPSON: -- to direct your attention --

11 THE WITNESS: Correct, yeah.

12 MR. SIMPSON: -- which we can -- I'll note
13 the pages for the record just so we have them.
14 38, 76, and 85.

15 THE WITNESS: Okay. I just -- I just want to
16 take two minutes or so --

17 BY MR. SIMPSON:

18 Q. Yeah. Take -- take a moment to look at it.

19 A. Okay. I want to make a few notes, if that's
20 all right, just to get them in --

21 Q. You're going to mark on the --

22 A. No, not on the exhibit. I'm just going to
23 make notes to refresh my recollection so we don't have
24 to take time. I'm just -- I'm just making notes of the
25 context here. This will just take another minute is

1 all.

2 Q. Take as long as you want to look at the
3 document.

4 A. Super. Thank you.

5 Okay. Yeah. I think I'm -- I'm oriented
6 now. But I haven't looked at the Love entry.

7 Q. My -- my first --

8 A. I want to look at the Love --

9 Q. -- question is: Is this a copy of the
10 address book that you referred to in your testimony?

11 A. Yes.

12 Q. Okay. And if you would take a look at the --
13 I've marked the entries for Courtney Love. Take a look
14 at that one.

15 A. All right. I see it.

16 Q. Okay. And then if you look at the last
17 entry, there's an entry for Professor Dershowitz that's
18 also circled. It should be on the flag. It's
19 two-sided.

20 A. Oh, yeah.

21 Q. Do you see that one?

22 A. I see it.

23 Q. And then also the other one I marked is
24 Donald Trump.

25 A. Yes. Got it. I see those entries circled.

1 Q. So am I right -- I'm right, am I not, that
2 among the others circled are: Courtney Love, Donald
3 Trump, and Alan Dershowitz, correct?

4 A. Correct, among the others, yes.

5 Q. And they are all circled in the same way; are
6 they not?

7 A. Yeah. It's kind of a -- a box is what I
8 would say. Some, yes.

9 Q. Is there anything on the face of that
10 document that leads you to conclude that the circling --
11 the significance of the circling is any different for
12 one person than another?

13 A. No.

14 Q. So based on the document, do you infer that
15 Courtney Love was involved in some kind of sexual abuse
16 of minors?

17 A. I would infer that if I were running a
18 criminal investigation through the FBI and I'm trying to
19 find people who would have relevant information, she
20 would be one of the people I'd want to talk to. I mean,
21 the names that are circled here, Glenn Maxwell, one of
22 the identified traffickers, Epstein is circled, the
23 pilot -- one of the pilots is circled. So it's these
24 people that all seemed to be connected are -- are all
25 being marked here, and -- and the number of people that

1 are circled is, I would say, you know, 5 to 10 percent
2 of the -- of the names ball-parking in the dark.

3 Q. Do you know whether this address book was
4 Jeffrey Epstein's address book or Glenn Maxwell's
5 address book?

6 A. I'm not certain exactly whose book it is. I
7 actually thought it was Alfredo Rodriguez maintaining a
8 copy of records in case he was worried that Epstein
9 might try to have him killed at some point, and so this
10 was his insurance policy, I think he said, against that
11 happening.

12 MR. SIMPSON: Object to the nonresponsive
13 portion of the answer.

14 BY MR. SIMPSON:

15 Q. Is the answer to my question: You don't know
16 whether it was Jeffrey Epstein's or Glenn Maxwell's
17 address book?

18 A. I don't know. And the reason I don't know
19 that is because I actually believe it is neither --
20 neither of their -- that's -- is it one or the other?
21 Actually, I think it's a third possibility. I think
22 this was Alfredo Rodriguez's insurance policy against
23 getting knocked off by Jeffrey Epstein.

24 Q. So that's the view you have of the
25 significance of this document?

1 A. Yes. In part. I mean, there are other
2 reasons it's significant, as we have been talking about,
3 names are circled who appear to have relevant
4 information on Jeffrey Epstein's criminal activities.

5 Q. Donald Trump was a friend of Jeffrey Epstein;
6 is that not correct?

7 A. I really don't -- my understanding is, yes,
8 but I -- I don't have a lot of information about Trump.

9 Q. It's true also, is it not, that Mr. Trump was
10 a frequent visitor to Mr. Epstein's residence?

11 A. I -- I know that he visited frequent. I -- I
12 don't have a lot of information about Trump.

13 Q. And his name is circled in this book; is it
14 not?

15 A. I believe it is.

16 Q. Based on him -- assuming he's a frequent
17 visitor to Mr. Epstein's home, and that he's a friend of
18 Mr. Epstein's, and that his name is circled in this
19 book, do you infer that he was engaged in criminal
20 sexual abuse of minors?

21 MS. McCawley: I'm going to object to the
22 extent that your answer would reveal anything
23 that my client has told you.

24 THE WITNESS: No.
25

1 BY MR. SIMPSON:

2 Q. But based on your testimony previously, you
3 would consider all of those facts to be evidence that he
4 may have been?

5 A. They are, you know, certainly things that I
6 would want to follow up on.

7 Q. And --

8 A. If I were running an -- we were in the
9 context, I take it, of your question, you know, if
10 somebody is running an investigation into the
11 organization, so...

12 Q. Did you, in the course of your representation
13 of [REDACTED] [REDACTED] or any of the other Jane Doe clients you
14 have had who have had claims against Mr. Epstein, make
15 any effort to find out whether Mr. Trump had abused any
16 of them?

17 MR. EDWARDS: I would just object to this
18 being work-product privilege as it relates to
19 other cases that I'm working on with Paul that
20 Jack is not involved in.

21 MR. SIMPSON: Okay.

22 MR. EDWARDS: With respect to what we did
23 during our investigation on behalf of other
24 clients.

25 MR. SIMPSON: Okay.

1 MS. McCAWLEY: Right. And I object on that
2 to the extent that it reveals anything you did on
3 behalf of [REDACTED] [REDACTED].

4 MR. EDWARDS: I don't think Jack would know
5 to object to this, but because I know of another
6 case that we work on, that's protected by our
7 work-product privilege, who I talked to and who I
8 did not.

9 THE WITNESS: I'd like to --

10 MR. SCAROLA: In that case, I instruct you
11 not to answer.

12 THE WITNESS: All right.

13 MR. SIMPSON: All right. You're here,
14 Mr. Edwards, as a client, not an attorney,
15 correct?

16 MR. EDWARDS: Yes. That's my primary role in
17 being here, but I'm going to protect the
18 privilege to the extent that it's not being
19 protected by others who don't recognize that the
20 privilege needs to be protected on other matters.

21 MR. SIMPSON: Okay.

22 BY MR. SIMPSON:

23 Q. Mr. Cassell, as of December 30th of 2014,
24 were you aware that Professor Dershowitz had visited
25 Mr. Epstein's home and stayed as a guest for a week in

1 the company of his grandchildren, among other family
2 members?

3 A. I'm sorry. Which residence? Which Epstein
4 residence?

5 Q. Palm Beach.

6 A. Can you -- can you restate?

7 Q. Yes.

8 A. I mean that's kind of a compound question. I
9 mean...

10 Q. Well, let me rephrase it. I will be clear.

11 A. Yeah.

12 Q. Were you aware as of December 30th of 2014 --
13 let me back up a moment.

14 A. Sure.

15 Q. You indicated yesterday that part of the
16 basis for your conclusion that this pleading -- it was
17 appropriate to file this pleading accusing Professor
18 Dershowitz of misconduct was that he was a guest at the
19 Palm Beach house, correct?

20 A. No. It was more than that. He was a
21 frequent guest, a frequent overnight guest.

22 Q. My question is: As of December 30th, 2014,
23 were you aware that Professor Dershowitz had spent a
24 week at the Palm Beach house with family members,
25 including his grandchildren?

1 A. No.

2 Q. Okay. Do you think it's reasonable -- would
3 it be reasonable to believe that someone who is
4 committing criminal sexual abuse of minors at a home
5 where such abuse, as you understand it, is a daily
6 occurrence would bring his grandchildren to stay for a
7 week?

8 A. It would depend on the circumstances. I
9 mean, you know, so -- you know, it would depend on the
10 circumstances.

11 MR. SCAROLA: Are you representing that
12 Jeffrey Epstein was there at the time?

13 MR. SIMPSON: I'm not answering questions.
14 I'm asking questions.

15 MR. SCAROLA: Oh, okay.

16 BY MR. SIMPSON:

17 Q. So, in your view, you can -- let me -- let me
18 rephrase that.

19 You say it would depend on the
20 circumstances --

21 A. Sure. Sure.

22 Q. -- that's your answer?

23 A. Yes.

24 Q. Okay. So that you don't find it incongruous
25 that someone who knows that a particular home is the

1 scene of ongoing criminal abuse of minors, and who
2 himself, has engaged in that criminal abuse, would bring
3 his grandchildren to stay there for a week?

4 A. It would depend on the circumstances.

5 Q. When you say that Professor Dershowitz was a
6 regular guest at the mansion, at the Palm Beach house,
7 it's correct, is it not, that you're referring to a
8 period after [REDACTED] [REDACTED] had left for Thailand?

9 A. No.

10 Q. Are you aware of any evidence -- let me back
11 that up.

12 Are -- during the period that [REDACTED]
13 [REDACTED] contends she was sexually abused, which I
14 understand to be middle of 1999 to middle of 2002 -- is
15 that consistent with your understanding?

16 A. Approximately, yes.

17 Q. -- how many times did Professor Dershowitz
18 visit the Palm Beach mansion during that period?

19 A. My understanding is in the neighborhood of --
20 what was it? Three to five times a year, staying two to
21 three nights at a time.

22 Q. And was that your understanding as of
23 December 30th of 2014?

24 A. Yes.

25 Q. What was the basis for your understanding,

1 what pieces, what documents, or testimony?

2 A. Right. The information, you know, I gave a
3 long presentation yesterday. So it was that
4 information.

5 Q. I want to focus now specifically -- I'm not
6 looking for a full answer on your entire views --

7 A. Yeah, right.

8 Q. -- on the case.

9 A. I appreciate that.

10 Q. I just want to say, you've testified that you
11 understood as of December 30th, 2014, that Professor
12 Dershowitz had -- was a visitor at the Palm Beach
13 mansion three to five times during this relevant period
14 of 1999 to -- middle of 1999 to the middle of 2002.
15 What was the basis on December 30th of 2014, for just
16 that fact?

17 A. Right. I mean, I will take about a minute
18 here because there are a few things I want --

19 Q. Okay. And I want to make sure my question is
20 clear.

21 A. Sure.

22 Q. I'm not asking you about any of your
23 inferences about anything else. Just, what's the basis
24 for your belief that he visited three to five times
25 during that two-year period?

1 MR. SCAROLA: Could I ask for a
2 clarification? Are you looking only for direct
3 evidence and you want to exclude the
4 circumstantial evidence? Is that the way you
5 want to --

6 MR. SIMPSON: I'm asking. You can object to
7 the form.

8 BY MR. SIMPSON:

9 Q. My question is: What was -- what were you --
10 what did you have in mind as supporting your conclusion
11 or belief that he -- that Professor Dershowitz visited
12 three to five times during that relevant period?

13 MS. McCAWLEY: And I'm sorry. Can I just
14 place an objection on the record. I'm going to
15 object to the extent that -- so that you do not
16 reveal attorney/client privileged communication,
17 unless it's something that's already public that
18 she's revealed.

19 THE WITNESS: Okay. Right. So I'm going to
20 just exclude -- I take it your question isn't
21 asking about any communications.

22 BY MR. SIMPSON:

23 Q. My question is asking about that, but I
24 understand you're going to refuse to provide it.

25 MS. McCAWLEY: Unless it's already public.

1 THE WITNESS: Okay. So as of December 30th,
2 I'm going to exclude any communications from
3 [REDACTED] [REDACTED] from --

4 MR. SCAROLA: Except to extent that they have
5 already been made public. That is, if she has
6 given express permission to make disclosures,
7 these were not confidential communications, but
8 communications intended to be communicated to
9 third parties, then you are permitted to include
10 information from [REDACTED] [REDACTED] in your
11 response to that extent. And I -- go ahead.

12 THE WITNESS: Okay.

13 BY MR. SIMPSON:

14 Q. As of December --

15 A. Right.

16 Q. -- 30th, 2014 --

17 A. Right.

18 Q. -- correct? So --

19 A. Yeah, that's right.

20 Q. -- any -- any public statements by her after
21 December 30th, 2014 would not be included in the answer.

22 A. Okay.

23 MS. McCAWLEY: But let me be clear. Let me
24 be clear about my objection. To the extent that
25 she revealed something to you in a nonprivileged

1 context, in other words, information that was
2 going to be disclosed, not for advice, but
3 factual information that she intended to
4 disclose, that's no -- that's not privileged.
5 But if it's something that she communicated to
6 you in confidence with respect to getting legal
7 advice, then that would be privileged.

8 THE WITNESS: Right. Okay. So Juan Alessi's
9 deposition, Alfredo Rodriguez's deposition, and
10 then considerable circumstantial evidence which
11 we don't have to rehash here involving the close
12 personal association between Epstein and
13 Dershowitz.

14 I mean, again, we can rehash all of that, but
15 those were -- those are -- that's kind of a
16 quick -- because I know you want to get to a lot
17 of questions -- that's a quick sort of highlight
18 film, if you will.

19 BY MR. SIMPSON:

20 Q. Mr. Cassell, isn't it true that Mr. Rodriguez
21 was not hired until several years after the Summer --

22 A. 2004.

23 Q. Let me ask it again.

24 -- until well after 2002?

25 A. Yeah, about 2004.

1 Q. And Mr. Rodriguez would have no personal
2 knowledge of how often Professor Dershowitz visited
3 during a period two years or three years before he was
4 hired; isn't that true?

5 A. So, look, this is -- this is why I was trying
6 to speed up the answer to the question. We have a sex
7 trafficking organization that is running a common scheme
8 and plan that is continuing on until it was interrupted
9 by law enforcement about 2005 and 2006.

10 So what the -- the criminal organization is
11 doing in 2004, unless I have some significant evidence
12 that it's different than what was going on in 2002,
13 2001, 2000, 1999, I think it's reasonable to conclude
14 that the same sort of criminal activities are going on
15 later.

16 So if -- if you want -- if you want me to get
17 into the -- the full scope of the criminal organization,
18 we can get into it. But the fact that somebody in 2004
19 sees this going on, leads me to conclude that it's
20 probably the same thing going on in the absence of other
21 information in 2001.

22 Q. So from Mr. Rodriguez's testimony about what
23 was going on, so to speak -- and my question related,
24 what was going on the number of times that Professor
25 Dershowitz visited. That's the topic.

1 A. Right.

2 Q. That because he visited, according to
3 Mr. Rodriguez, several times a year in 2004, 2005, he
4 must have visited several times a year in 2000 -- 19- --
5 middle of 1999 to the middle of 2002.

6 A. I didn't say must have. I said that that's
7 going to be evidence of the common scheme and plan, and
8 then, in the absence of, you know, some falling out
9 between people or somebody becoming, you know, more
10 associated or less associated with a criminal
11 organization. I mean, if you want to get into the
12 circumstantial evidence, in 2003, there's an article on
13 which, you know, Dershowitz identifies himself --

14 Q. Let me interrupt you because I'm asking --

15 A. Okay.

16 Q. -- about -- my only question is evidence of
17 how -- not anything, whether engaged in conduct or
18 didn't engage in conduct, just how many times he came
19 during this period.

20 A. Right.

21 MR. SCAROLA: Excuse me, counsel. That's the
22 reason why I asked you to clarify whether you
23 want to limit this to direct evidence or whether
24 you want all of the evidence including
25 circumstantial evidence, because as we both know,

1 circumstantial evidence is good evidence. A
2 well-connected chain of circumstance can be --

3 MR. SIMPSON: We really don't need a speech.

4 MR. SCAROLA: -- a well-connected --

5 MR. SIMPSON: We really don't --

6 MR. SCAROLA: -- chain of circumstance may be
7 as compelling proof as direct evidence of a given
8 fact. That's the law.

9 If you don't want --

10 MR. SIMPSON: Really, sir.

11 MR. SCAROLA: -- the circumstantial
12 evidence --

13 MR. SIMPSON: Mr. Scarola --

14 MR. SCAROLA: -- tell us that.

15 MR. SIMPSON: -- please don't make speeches,
16 and please don't coach the witness.

17 MR. SCAROLA: Just tell us that. I'm not
18 coaching the witness. I'm asking you -- you're
19 asking ambiguous questions.

20 MR. SIMPSON: There's nothing ambiguous --

21 MR. SCAROLA: If you want only direct
22 evidence, we will give you only direct evidence.

23 If you want a full and complete answer, it's
24 got to include circumstantial evidence, so don't
25 cut him off when he's giving you that.

1 MR. SIMPSON: Really, objecting to the form
2 of the question preserves all of any problems
3 there may be with the question.

4 MR. SCAROLA: No, sir.

5 MR. SIMPSON: We don't need a speech.

6 MR. SCAROLA: It doesn't. It doesn't.

7 BY MR. SIMPSON:

8 Q. Mr. Cassell, is it your testimony that, from
9 Mr. Rodriguez's testimony about how often he says
10 Professor Dershowitz visited in a 2004/2005 time frame,
11 it's fair to draw an inference about how often he
12 visited in an earlier -- three-year earlier time frame?

13 A. In the circumstances of this case,
14 absolutely.

15 Q. And would it be fair to infer from the number
16 of times that Donald Trump visited three years later,
17 how often he visited at an earlier period?

18 A. I did not investigate the circumstances
19 involving Trump. He wasn't somebody that was coming up.

20 Q. Were you aware on December 30th of 2014 that
21 Donald Trump was quoted in Vanity Fair as saying: "I've
22 known Jeff" -- referring to Epstein -- oh, I'm sorry.
23 It was a New Yorker Magazine, not Vanity Fair. That he
24 was quoted as saying: "I've known Jeff" -- referring to
25 Epstein -- "for 15 years. Terrific guy. And he's a lot

1 of fun to be with." It even said that: "He likes
2 beautiful women as much as I do, and many of them are on
3 the younger side. No doubt about it, Jeffrey enjoys the
4 social -- social life"? Were you aware of that on
5 December 30th, 2014?

6 A. Possibly. I mean that sounds vaguely
7 familiar. Trump has just not been somebody that -- that
8 I've paid much attention to in this case.

9 Q. Based on that statement, and the facts we
10 discussed earlier about Mr. Trump visiting and being a
11 friend, and the other circumstances we discussed, are
12 you suspicious about whether he engaged in sexual
13 misconduct with minors?

14 MS. McCAWLEY: I'm going to object to the
15 extent that you can't reveal anything that my
16 client has informed you of.

17 THE WITNESS: Right. If we set aside that
18 information, I'm not -- I'm not suspicious, no,
19 not given the information I have.

20 BY MR. SIMPSON:

21 Q. Okay. So notwithstanding that his name is
22 circled in the address book, he was a good friend, he
23 visited often, and he was quoted as saying that Jeff was
24 a terrific guy who liked young women almost as much as
25 Trump did, you're not even suspicious?

1 A. Not -- you know, let's break that down in a
2 couple pieces.

3 The fact that his name is circled, if I were
4 running an FBI investigation, I'd go send somebody to
5 see what he knew about it, but no, it would take a lot
6 more for me to become suspicious that somebody is
7 involved in -- in sexual activity like that.

8 Q. Okay. So you would agree with me then, that
9 the fact that a person often visited the mansion, the
10 person -- the fact that a person was a friend of
11 Mr. Epstein for 15 years, the fact that the person had
12 stated publicly that: "Mr. Epstein liked young women
13 almost as much as I do myself," and the fact that the
14 name is circled in the address book is not sufficient to
15 raise a suspicion that that person engaged in sexual
16 misconduct?

17 A. So...

18 Q. Yes or no. It's a yes or no question.

19 A. It requires --

20 MR. SCAROLA: You're not required to answer
21 yes or no, if a yes or no response alone would be
22 misleading.

23 THE WITNESS: The problem is the word
24 "suspicion." I'm not particularly suspicious on
25 those facts, but it -- you know, what do you mean

1 by "suspicion"? If I -- if I were running an FBI
2 investigation and somebody circled a name as --
3 as saying, look, this fellow may have some
4 information, I'd go follow up on that.

5 If you say that's suspicion, then the answer
6 would be, yes. But I -- you know, based on that
7 information alone, no. I mean that -- that
8 wouldn't -- wouldn't be enough for me to, you
9 know, invest time and energy into that particular
10 possibility.

11 BY MR. SIMPSON:

12 Q. Okay. So none of those facts are sufficient
13 even to justify spending time and energy, correct?

14 A. Unless -- if I'm running -- this is -- again,
15 what do you mean by "suspicion"? Time and energy in the
16 context of somebody who is running a pro bono case with
17 limited resources to try to figure out what the sex
18 trafficking ring's going to do, I'm not going to chase
19 after that rabbit. It seems farfetched.

20 I'm going to focus my efforts on the people
21 who appear to be more directly involved.

22 Q. Okay. So based on the facts that I gave you
23 a moment ago, you think it's farfetched that Donald
24 Trump was engaged in abusing minors?

25 A. If that's all I had, I would not invest time

1 and energy in that, right.

2 Q. And you referred to your pro bono case. What
3 is your best estimate of how much money you have made
4 representing victims of Jeffrey Epstein?

5 A. In which case are we talking about now?

6 Q. Any -- any case representing a victim of
7 Jeffrey Epstein.

8 A. I need to confer with --

9 MS. McCAWLEY: Yeah. I'm going to object.

10 BY MR. SIMPSON:

11 Q. And that -- that's a fact -- that's not a
12 privileged question. That's a factual question.

13 A. Factual. Well, there are -- there are --

14 Q. Just how much money? You don't have to tell
15 me who the clients are. Just how much money?

16 A. Okay. I need to --

17 MR. SIMPSON: There's a question pending. I
18 object to a break. There's no possible
19 privilege.

20 MR. SCAROLA: He has a privilege -- he has a
21 privilege question. He wants to consult with
22 counsel.

23 MR. SIMPSON: Well, really? My question is
24 how much money, and that's privileged?

25 MR. SCAROLA: It may be. I don't know. We

1 need to talk.

2 THE WITNESS: That's why I need to --

3 MR. SCOTT: There's no federal law or state
4 law that supports that financial information and
5 fees is privileged.

6 MS. McCAWLEY: We can argue about that
7 because that's in my motion, so we can argue
8 about that.

9 MR. SIMPSON: Well, can -- can --

10 MR. SCOTT: That one, I know all about.

11 MR. SCAROLA: You're objecting to our taking
12 a break --

13 MR. SIMPSON: I am objecting --

14 MR. SCAROLA: -- while this question is
15 pending?

16 MR. SIMPSON: That's correct.

17 MR. SCAROLA: It is our position that the
18 witness has a legal question about privilege. We
19 are going to take a break. We are going to talk
20 about it. It may turn out that it's not a
21 problem at all. I don't know.

22 THE VIDEOGRAPHER: We are going off the video
23 record, 10:38.

24 MR. SIMPSON: With my note, we are taking a
25 break over my objection.

1 THE VIDEOGRAPHER: 10:38.

2 (Thereupon, a recess was taken.)

3 THE VIDEOGRAPHER: We are back on the video
4 record, 10:49 a.m.

5 BY MR. SIMPSON:

6 Q. Back on the record. My question,
7 Mr. Cassell, was: What is your best estimate of how
8 much money you have made representing victims of Jeffrey
9 Epstein?

10 A. In which case are we talking about?

11 Q. In -- in any case. Combined total.

12 A. Okay. With regard to the CVRA case, that's
13 pro bono, no money there. With regard to the other
14 cases, I'd like to answer your question, but due to
15 confidentiality obligations that have been imposed upon
16 me by Jeffrey Epstein, in the course of negotiating
17 those cases, I'm not permitted to answer that question.

18 MR. SCAROLA: We are certainly willing to
19 respond appropriately to a court order in that
20 regard, but it requires a court order to release
21 us from the contractual confidentiality
22 obligations that we are under.

23 BY MR. SIMPSON:

24 Q. Is it your testimony, Mr. Cassell, that there
25 are confidentiality agreements with Mr. Epstein that

1 preclude you from giving the total amount paid without
2 breaking it down into particular cases?

3 A. I'm sorry. I didn't understand.

4 Q. Oh, maybe that wasn't clear. Let me do it
5 this way so we avoid --

6 A. Yeah.

7 Q. -- the confidentiality issues.

8 In how many cases have you been counsel for a
9 person suing Mr. Epstein alleging that she was a victim?

10 A. Counsel of record?

11 Q. Put it this way. How -- well, start with
12 that, counsel of record.

13 A. I believe three.

14 Q. Okay. And in addition to those three, have
15 you assisted other counsel in some way without becoming
16 counsel of record in cases by women suing Mr. Epstein
17 alleging that they had been abused?

18 A. I believe there's one other case in addition
19 to the counsel of record case.

20 Q. And without telling me --

21 A. I'd -- I'd have to go double-check my record.
22 This is an approximate best recollection.

23 Q. All right.

24 A. It's about four.

25 Q. To the best of your recollection, you were

1 counsel of record in three cases and you were involved
2 in another case -- at least one other case in which you
3 did not appear --

4 A. That's right.

5 Q. -- as counsel of record; is that correct?

6 A. That's -- that's my recollection right now,
7 yeah.

8 Q. All right. How many of those cases have been
9 resolved at this point?

10 A. All. All -- of the four, I recall all four
11 have been resolved.

12 Q. Okay. Without telling me the amount, did you
13 receive -- all four were settled; is that right?

14 A. Correct.

15 Q. Without telling me the amount, is it correct
16 that in all four of those cases, you received a legal
17 fee?

18 A. I think that starts to call for a question I
19 need to consult with my attorney about.

20 Q. Simply the question of whether in each of
21 them you received a fee?

22 A. I just want to...

23 THE WITNESS: Is -- is there any problem --

24 MR. SCAROLA: You can respond to that. You
25 can answer yes or no to that question.

1 THE WITNESS: Yes, I received something.

2 BY MR. SIMPSON:

3 Q. Okay. Was the fee -- and if it's different
4 for the -- the cases, tell me, but was it a contingent
5 fee or some kind of hourly fee?

6 MR. SCAROLA: That -- that does get into
7 attorney/client privileged matters. The terms --

8 MR. SIMPSON: You're instructing him not to
9 answer?

10 MR. SCAROLA: -- the terms of the
11 representation are attorney/client privilege. I
12 instruct him not to answer.

13 MR. SIMPSON: All right.

14 BY MR. SIMPSON:

15 Q. In addition to these four cases that have
16 been resolved, are you representing any other clients
17 who are alleging, in a case seeking monetary damages,
18 that they were abused by Jeffrey Epstein?

19 A. I --

20 MS. McCAWLEY: I'm going to object to the
21 extent that this seeks any information related to
22 [REDACTED] [REDACTED] that could be deemed privileged
23 or confidential.

24 THE WITNESS: So what's the...
25

1 BY MR. SIMPSON:

2 Q. I'm -- I'm trying to close a loop here.

3 A. Yeah.

4 Q. I'm asking whether you were involved in any
5 other cases in which claims have been made against
6 Jeffrey Epstein for damages that are still active; they
7 have not been resolved?

8 A. So we are talking civil cases, unresolved
9 civil cases against Jeffrey Epstein right now?

10 Q. Unresolved cases seeking money from Jeffrey
11 Epstein.

12 MR. SCAROLA: And to the extent that that
13 question calls for matters that are of public
14 record, then, obviously, you can respond.

15 THE WITNESS: Right. Yeah. None.

16 BY MR. SIMPSON:

17 Q. Are there -- and I'm not asking for the name.
18 Are there any not of public record that --

19 A. What would be a "not"?

20 Q. Well, if you had made a claim that's not in
21 suit, for example.

22 A. Oh, against Jeffrey Epstein?

23 Q. Yes.

24 A. Yeah. No, I don't -- I don't think there's
25 anything. Yeah, no -- no claims against Epstein, right.

1 Q. And -- and it's true, is it not, that if
2 you're successful in the CVRA case, in setting aside the
3 nonprosecution agreement, you expect to get other
4 clients who will have claims against Jeffrey Epstein?

5 A. If we -- in civil claims?

6 Q. Claims for damages, claims for money from
7 Jeffrey Epstein.

8 A. That -- I mean, that starts to -- if the
9 nonprosecution agreement is set aside?

10 Q. Yes, if you're successful.

11 A. I haven't really -- that sounds pretty
12 speculative. I haven't really thought about the
13 civil -- the focus of the CVRA case is criminal. I
14 haven't thought about, you know, whether, civil claims
15 could somehow arise out of that. I mean, we are talking
16 about, you know, events that took place long ago. There
17 would be statute of limitations issues, you know.
18 Whether they are viable civil claims at this point has
19 not been something that I have, you know, given much
20 thought to.

21 Q. So is it your testimony then that you have
22 not thought about the question of whether success in the
23 CVRA case may or result in you obtaining additional
24 clients with claims for money damages against Jeffrey
25 Epstein?

1 A. Yeah. That hasn't been something that I have
2 focused on, no. I mean...

3 Q. It is -- it is correct, is it not, that you
4 anticipate that if you are successful in setting aside
5 the nonprosecution agreement, that the names of
6 additional victims will become known; didn't you testify
7 to that yesterday?

8 A. I -- I'm not -- I must be confused here. I
9 don't remember.

10 Q. Well, wait -- I don't want to -- you know,
11 let me ask the question --

12 A. Yeah.

13 Q. -- rather than my recollection.

14 A. Yeah, yeah. That's what I'm not...

15 Q. My question is: Do you anticipate that if
16 you're successful in setting aside the nonprosecution
17 agreement, that the names of additional victims will
18 become known?

19 A. Additional Epstein victims at this point?

20 Q. Yes.

21 A. Again, it's pretty speculative. The --
22 the issue -- you know, the case, you know, the events
23 were roughly a decade ago. I mean, we are always hoping
24 that there might be somebody additional that would come
25 forward, but that hasn't been the focus of the

1 litigation.

2 Q. Whether --

3 A. And you always hope that there are -- yeah, I
4 mean, any time you file a case, ah, I hope some more,
5 you know, witnesses will come forward to support that
6 case, but that hasn't been the focus, trying to secure
7 additional -- additional witnesses. That is a
8 possibility, though. I mean, I think in fairness to
9 your question, that is a possibility that, you know,
10 if -- if the case attracts attention and -- and
11 somebody, you know, says, you know, gosh, now that I --
12 I -- I -- you know, I moved away to escape Epstein and
13 now it's safe for me to come back, or -- or now I
14 realize I have a claim, that's always a possibility.

15 I certainly wouldn't want to suggest that,
16 you know, we are ruling that possibility out.

17 Q. And for the same reason that additional
18 witnesses might become available -- known, additional
19 clients might become known, correct?

20 A. That is a theoretical possibility, yes.

21 Q. In these four cases that you mentioned, the
22 three that were, which you were counsel of record and
23 one in which you were not, did you meet at any time in
24 person with the clients? And if it's different as to
25 some than others, tell me that, but --

1 A. Yes.

2 Q. In all four, you met with the clients?

3 A. In three of the four.

4 Q. And were those three the three in which you
5 were counsel of record?

6 A. Yes.

7 Q. As of December --

8 A. I believe I was counsel of record on all
9 three of those. I would have to double-check. I know I
10 was counsel of record in the federal case. The two of
11 them are state cases, I believe, that it was pro hac in
12 the state cases.

13 Q. Okay. I won't ask you the names, but in the
14 four cases, what are the initials of your clients?

15 A. Okay. So the -- the --

16 Q. Put it this way: How are they identified in
17 the caption that you filed?

18 A. Well, also the three that were filed, one
19 was -- one was the initials S.R. I referred to
20 [REDACTED] S.R. yesterday. That was the Jane Doe case in
21 Federal Court in front of Judge Marra.

22 There were two state claims. I'll -- I'll
23 identify the clients as E.W. and L.M.

24 Q. And then the fourth one?

25 A. The fourth one, I believe -- the initial M.

1 and I believe the last initial was B., but I may be
2 wrong about the B. First initial M.

3 Q. At the -- okay. At the time that you filed
4 the joinder motion --

5 A. Yes.

6 Q. -- in the federal case, so December 30th of
7 2014, you knew that naming Prince Andrew would generate
8 substantial publicity, correct?

9 A. I knew it would attract a lot of attention.
10 Yeah, I mean, "substantial" we could debate, but, sure,
11 I knew that that was going to -- you know, once you
12 start exposing the extent of this criminal activity,
13 obviously, there were going to be a lot of people
14 interested, yes.

15 Q. And you also knew that naming Professor
16 Dershowitz would attract publicity?

17 A. Well, when you say "naming," one of the
18 things you've got to understand is the names were
19 already in the case, both Prince Andrew and Alan
20 Dershowitz. We had pending discovery requests for
21 information about both of them. So when you say "naming
22 them," you know, they were already named in the case.

23 Now, would the additional allegations have
24 attracted additional attention? Sure.

25 Q. Mr. Cassell, it's true, is it not, that the

1 filing on December 30th of 2014, was the first time that
2 you had ever, yes, ever on behalf of [REDACTED] [REDACTED] or
3 any other client, accused Professor Dershowitz or
4 Prince Andrew of sexual abuse in a public filing?

5 A. If you're talking about direct allegation,
6 that's correct.

7 Q. Had you ever public -- well, at no other time
8 that -- you expected when you filed the pleading on
9 December 30th, 2014, that it would be -- be something of
10 public record that would generate publicity, correct?

11 A. Public record, the focus was not generating
12 publicity. Of course, when you file an allegation like
13 that, there certainly would have been -- we would
14 anticipate there would have been publicity, absolutely.

15 Q. And before December 30th of 2014, to the best
16 of your knowledge, neither you, nor anyone else, had
17 told Professor Dershowitz that there were allegations
18 that he personally had engaged in sexual misconduct?

19 A. Um...

20 MS. McCawley: I'm going to object to that
21 date if that reveals anything that would be
22 privileged between something that would have been
23 communicated by the client.

24 MR. SIMPSON: No. These are communications
25 to Professor Dershowitz.

1 MR. SCAROLA: Yes. And that could very well
2 include attorney/client privileged
3 communications.

4 MR. SIMPSON: Let me -- I'll ask my question.

5 BY MR. SIMPSON:

6 Q. My question is: Did you ever advise
7 Professor Dershowitz that there were allegations that he
8 had engaged, himself, in sexual misconduct with minors?

9 A. Not me personally, no.

10 Q. Are you aware of any e-mail, letter, other
11 communication from anybody that went to Professor
12 Dershowitz that told Professor Dershowitz that he had
13 been accused of engaging in misconduct himself?

14 A. Well, there -- I mean, I'm aware that there
15 was a deposition request in 2009. There was a
16 deposition request in 2011. That was accompanied by an
17 exchange of correspondence that said, for example,
18 numerous witnesses have placed you in the presence of
19 Jeffrey Epstein and underage girls. It didn't then go
20 on to say, and you were committing sexual abuse of them,
21 but it said numerous witnesses had -- had done that.

22 And I think a reasonable inference would be
23 that, you know, you're verily sure that a witness and
24 then that also raises the possibility of -- well, I
25 mean, I think Professor Dershowitz mentioned yesterday,

1 that if you're in the presence of a convicted sex
2 offender, or a sex offender and sex abuse is going on,
3 you would have obligations, for example, at a minimum to
4 report that, and it raises the possibility of other
5 criminal activity as well.

6 Q. Is it your testimony, Mr. Cassell, that
7 telling a person that multiple people have identified
8 you as a witness to some activity is fair notice that
9 you, yourself, are accused of engaging in criminal
10 misconduct?

11 A. So -- so you, I think, recharacterized the
12 letter that went to Mr. Dershowitz in 2011. The letter,
13 as I recall, doesn't say he is a witness. It says, if I
14 recall -- we can double-check the language -- but I
15 believe the language says: Numerous witnesses have
16 placed you in the presence of Jeffrey Epstein, underaged
17 girls, and Epstein. Then, you know, so at that point,
18 given what we know in this case, given that at that
19 point in 2011, there had been an ongoing set of
20 allegations against Mr. Epstein, I -- I think your
21 question doesn't -- doesn't take into account this
22 surrounding context.

23 Not to mention the fact there had been a 2009
24 deposition request and a 2013 document request.

25 Q. Okay. I think you accurately characterized

1 the communication about the deposition request that
2 multiple persons have placed you in the presence --

3 A. Right.

4 Q. -- of minors --

5 A. Right.

6 Q. -- correct?

7 A. I believe that's my recollection. Numerous
8 witnesses have placed you in the presence of sex
9 offend -- at that point, convicted sex offender Jeffrey
10 Epstein, who was convicted of sexually abusing underaged
11 girls, and underaged girls, and those are the subjects
12 we would like to question you about.

13 And rather than getting a response that says,
14 well, let me clear that all up, the response that's
15 received was, something along the lines of, give me more
16 information and -- and, quote: I'll decide whether I
17 want to cooperate, close quote, or something along those
18 lines.

19 Q. Mr. Cassell, let me -- I'm going to read to
20 you --

21 A. Good.

22 Q. -- from the letter itself --

23 A. Okay.

24 Q. -- and tell me if it's consistent with your
25 recollection.

1 MR. SIMPSON: I'm sorry. You were right,
2 yes.

3 MR. SCAROLA: Can you just show it to him?

4 MR. SIMPSON: I'll read it, and then if he
5 wants to look at it, that will be fine.

6 MR. SCAROLA: Thank you.

7 BY MR. SIMPSON:

8 Q. This is a letter from Mr. Scarola to
9 Mr. Dershowitz dated August 23rd, 2011. The second
10 sentence says -- well, I'm going to read the whole
11 thing.

12 MR. SCAROLA: Yeah, thank you.

13 BY MR. SIMPSON:

14 Q. "We do not" --

15 MR. SCAROLA: It's short, so it would be
16 helpful if you just read the whole thing.

17 BY MR. SIMPSON:

18 Q. Yeah.

19 "We do not intend to inquire about any
20 privileged communications or attorney work
21 product. We do, however, have reason to believe
22 that you have personally observed Jeffrey Epstein
23 in the presence of underaged females, and we
24 would like the opportunity to question you under
25 oath about those observations. Thank you for

1 your anticipated cooperation. Signed, Jack
2 Scarola."

3 If you would like to --

4 A. Sure.

5 Q. -- take a look at the letter to refresh
6 yourself, you're welcome to.

7 A. Great. Thanks. Okay.

8 Q. Now, first, you're aware, are you not, that
9 Professor Dershowitz answered that letter and said the
10 assertion that he had observed Mr. Epstein in the
11 presence of underage --

12 MR. SCAROLA: Females.

13 BY MR. SIMPSON:

14 Q. -- females was not true?

15 A. Something along those lines, yeah.

16 Q. Yeah. And I will read it from that letter --

17 A. Okay. That would be good. Yeah, that would
18 be great.

19 Q. And "I have never" -- this is a letter from
20 Mr. Dershowitz to Mr. Scarola, August 29th, 2011.

21 "Dear Mr. Scarola, I have never personally
22 observed Jeffrey Epstein in the presence of
23 underaged females. I do not believe you have any
24 reasonable basis for believing that I have. If
25 you have -- if you claim to have reason to

1 believe, please provide me with any such reason.
2 I am certain I can demonstrate to you that it is
3 false."

4 Is that consistent with your recollection of
5 the response?

6 A. That sounds about right, yeah.

7 Q. So Mr. Dershowitz did not ignore the letter;
8 he responded to it, correct?

9 A. I think that's right.

10 Q. And go back to the first letter.

11 A. But, now, if we are -- if we're talking
12 about -- yeah, there's that one letter and now there's a
13 response letter, right.

14 Q. My question to you is: Does the statement to
15 a person that "we have reason to believe that you have
16 personally observed another person in the presence of
17 underage females and we would like to ask you about your
18 observations," put the recipient on notice that you,
19 yourself, are accused of criminal conduct in abusing
20 minors?

21 A. Well, it puts you on notice that you're a
22 potential, obviously, witness to this and then therefore
23 you could have potential involvement.

24 Let me give you a simple illustration. It'll
25 take about 20 seconds. If somebody says --

1 Q. Well, let me back up. My first question,
2 though, if you can answer the question.

3 MR. SCAROLA: No. I'm sorry. The witness is
4 entitled to complete his response. If you
5 don't -- if you believe it to be unresponsive,
6 you can move to strike it, but he's entitled to
7 complete it.

8 MR. SIMPSON: He --

9 MR. SCAROLA: So go ahead and complete your
10 response.

11 MR. SIMPSON: Can we have a -- you can give
12 an explanation, but a yes or no with an
13 explanation.

14 MR. SCAROLA: You already got that. Could we
15 now have the completion of the response?

16 THE WITNESS: Here's the simple illustration
17 I think makes it pretty clear: If somebody says,
18 we have observed you in the presence of a kilo of
19 cocaine, we would like to question you about the
20 presence -- about your observations of this, that
21 doesn't directly state that you are a drug user
22 or a drug dealer, but it certainly puts you on
23 notice that you're associated with that criminal
24 activity and somebody is going to question you
25 about it.

1 In the context of this case, to say, you have
2 been observed in the -- in -- by numerous
3 witnesses in the presence of a convicted sex
4 offender and underage girls, and we would like to
5 talk to you about those observations, I think
6 that puts you on notice that you're in -- in --
7 in jeopardy of -- of criminal activity,
8 particularly when you combine that with the fact
9 that there is a duty to report child abuse in
10 many states in this country, including the State
11 of Florida.

12 And so that if those observations were such
13 that they would give rise to a reasonable
14 inference that sex abuse was -- of children was
15 going on and you'd be obligated to report it, as
16 I think Mr. Dershowitz conceded yesterday, yes,
17 you -- I think that puts you on notice that --
18 that those kinds of things are being alleged.

19 BY MR. SIMPSON:

20 Q. So, first, the letter itself, the letter from
21 Mr. Scarola simply says, you were -- you were personally
22 -- you personally observed Jeffrey Epstein in the
23 presence of underaged females, correct?

24 A. Correct.

25 Q. It does not say, you witnessed abuse of any

1 minor; we have reason to believe you observed abuse of
2 minors?

3 A. If those words do not appear there, but come
4 on, we -- we know -- we know in the context of this
5 case, when somebody is asking to take a deposition about
6 your observation of young girls, they weren't talking
7 about preparations for birthday parties. They were
8 talking about sexual abuse of children.

9 And that was what Mr. Dershowitz was going to
10 be asked about. And he did not -- he did not take that
11 opportunity to try to clear the record; instead, we are,
12 you know, here today, because among other reasons, he --
13 he -- he wasn't deposed then.

14 Q. I want -- I want to comment. I'm just a
15 little bit non -- nonplussed, so I want to come back to
16 this again.

17 A. Well, I'm -- I have to tell you, I'm a little
18 bit nonplussed that somebody would say that letter
19 doesn't put you on notice that you're potentially
20 involved in criminal activity. I mean, come on.

21 Q. I -- my question wasn't potentially involved
22 in criminal activity. We disagree about whether it does
23 that.

24 A. Okay. I think it does.

25 Q. I suspect you -- that's how you read it?

1 A. I think it puts you on notice in the context
2 of a country which has required people to report the
3 sexual abuse of children, and somebody wants to talk to
4 you about your observations of a convicted sex offender
5 with underage girls, that that's going to be one of the
6 subjects that's going to be discussed, yes.

7 Q. My question was -- my initial question was:
8 Does -- do the statements in this letter put the reader
9 on notice that you, personally, are accused of abusing
10 minors yourself, not that you have in some knowledge or
11 evidence that someone else did it, but that you,
12 yourself, did it; is that a way to give fair notice?

13 A. Well, in fair notice in what context? You
14 know, is he on notice that a lawsuit is going to be
15 filed the next day?

16 Simply from that piece of -- that letter
17 alone, they are on notice, you know -- I mean, I think
18 that puts you on notice that there are serious
19 allegations afoot and it would be in your best interest
20 if you hadn't done anything, to show up, attend a
21 deposition, let all the facts come out so that everybody
22 can know them.

23 Q. Would you agree that accusing someone of
24 themselves abusing a minor is different than accusing
25 someone of having knowledge that somebody else did it?

1 A. Yes.

2 Q. And to accuse someone of abusing a minor is a
3 serious, serious accusation of criminal conduct,
4 personal criminal conduct, not just failing to report
5 somebody else, but you, yourself, are abusing people?

6 A. Oh, yeah.

7 MR. SCAROLA: Are you suggesting that that's
8 not criminal conduct?

9 MR. SIMPSON: I'm -- I'm -- my question
10 stands.

11 BY MR. SIMPSON:

12 Q. What is the answer to that?

13 A. It is a very serious charge, I agree. That's
14 why we are all here today.

15 Q. Okay. And -- and if you wanted to put
16 someone on fair notice that they are accused themselves
17 of being a sex offender, a criminal who has abused
18 children, wouldn't you tell them that?

19 A. That's a speculative question because that
20 letter was designed to try to collect information about
21 an international sex trafficking organization. And so
22 as to -- you know, I'm not going to speculate as to why
23 Mr. Scarola wrote it that way. But my sense, based on
24 the public record is, that he was trying to get as much
25 information as he could about what Jeffrey Epstein and

1 his criminal associates were doing. And he thought that
2 Mr. Dershowitz would have information and was trying to
3 collect that.

4 Now, whether the -- the -- the tentacles of
5 the organization would extend so that they wrapped
6 around Mr. Dershowitz himself, I guess was the subject
7 that -- that Mr. Scarola, I am assuming, was hoping to
8 explore. But Mr. Dershowitz prevented that opportunity.

9 Q. And Mr. Dershowitz, you knew, had been
10 Mr. Epstein's attorney, correct?

11 A. Correct.

12 Q. And you knew, just as we have seen here today
13 with multiple assertions of privilege, that he could not
14 testify about anything he learned as an attorney?

15 A. He could testify, and the letter itself says,
16 we are not going to ask you about any communications; we
17 are going to ask you about observations of sex abuse by
18 a convicted sex offender, and your personal knowledge of
19 that. That would not have erased in the -- and
20 Mr. Scarola's a very good attorney, and I'm sure all of
21 his questions that we saw the last couple of days would
22 have been very narrowly focused on observations about
23 what this criminal organization was doing.

24 Q. And so to the bottom line is that your view,
25 your sworn testimony, this letter of August 23rd, 2011,

1 put Mr. Dershowitz, Professor Dershowitz, on fair notice
2 that he was being accused of being a sex offender
3 himself?

4 A. We -- we have gone over this. I think it put
5 him on fair notice that there were serious questions
6 being raised about what he knew about this criminal
7 organization, what the potential criminal responsibility
8 he had for failure to report sexual abuse of a child, as
9 well as other possibilities.

10 MR. SIMPSON: I'm going to move to strike as
11 nonresponsive.

12 BY MR. SIMPSON:

13 Q. My question is a very narrow one, whether
14 this letter, in your opinion, under oath, fairly put
15 Mr. -- Professor Dershowitz on notice that he himself
16 was accused of abusing minors.

17 A. Again, that's a vague question. I've tried
18 to give the best answer I can. That was certainly a
19 potential area of questioning. I think that puts him on
20 notice that it would have been in his best interest to
21 appear to answer those questions.

22 MR. SIMPSON: I'm going to object to the
23 answer again as nonresponsive.

24 BY MR. SIMPSON:

25 Q. It's a really simple question.

1 Does that letter put Mr. Dershowitz on fair
2 notice that he's accused of being a sex offender
3 himself?

4 MR. SCAROLA: Objection. Repetitious. To
5 the extent that you can improve upon the answer,
6 you can improve upon the answer. If you can't,
7 all you need to do is say that.

8 THE WITNESS: I -- and I'll try to --
9 obviously, I want to be responsive --

10 BY MR. SIMPSON:

11 Q. Let -- let me ask --

12 A. -- to your question.

13 Q. I'll ask you a different question.

14 A. I don't think that's a yes or no question
15 because of -- of you're including vague terms like fair
16 notice and -- and those sorts of things. So -- but go
17 ahead and ask your questions and I'll -- I mean, go
18 ahead.

19 Q. You're a former federal judge?

20 A. Right.

21 Q. A former Supreme Court law -- law clerk?

22 A. Yes.

23 Q. Professor at a law school?

24 A. Yes.

25 Q. Reading as -- reading the language of this

1 letter, in your opinion, does the language itself put
2 the recipient on notice that the recipient is accused of
3 abusing minors himself?

4 A. It puts him on notice that that is going to
5 be a potential subject of inquiry at the -- at the --
6 the deposition.

7 Q. So your answer then is, yes, it puts the --
8 the -- the person on notice; that's your reading?

9 A. You're -- I think you're putting words in my
10 mouth. You're -- you're trying to ask, you know, a
11 question that on the one hand, you're suggesting is
12 narrow, and on the other hand is broad. It -- I mean,
13 this is probably the simplest way to answer that
14 question.

15 If I had gotten that letter, I would have
16 said, schedule the deposition in the next 24 hours, and
17 come on down here now, and I will be available for a
18 week. That's what I would have said if I had gotten
19 that letter.

20 MR. SIMPSON: Move to strike as
21 nonresponsive.

22 BY MR. SIMPSON:

23 Q. Is it your testimony you can't answer yes or
24 no whether that letter, on its face, puts the recipient
25 on notice that the recipient is accused himself of

1 having abused minors? Can you answer that: Yes or no?

2 A. No. I think a yes-or-no answer would be
3 misleading, given the context of this case.

4 Q. You referred in your earlier testimony to --
5 strike that for a moment.

6 You referred in your earlier testimony to an
7 article that appeared today regarding
8 Professor Dershowitz's deposition testimony, correct?

9 A. I don't think so.

10 Q. Okay. Are you aware that -- well, perhaps it
11 was [REDACTED] McCawley who referred to it.

12 Do you recall there being a reference this
13 morning to an article being published about
14 Professor Dershowitz's testimony?

15 MS. McCAWLEY: Oh, I'm sorry. It was me. I
16 objected to the extent -- only to the extent it
17 revealed something public that had been stated in
18 public.

19 BY MR. SIMPSON:

20 Q. Okay. And I -- you recall that?

21 A. Yeah, I recall the objection. I think
22 there's an article that came out yesterday or a
23 communication. I -- I -- you know, I can't remember
24 the -- exactly where I -- I know that I received a
25 communication, either through publication or in some

1 other way from the -- from the -- you know, I became
2 aware that there was a statement that the -- what's the
3 name of the outfit? It's the Business Investor --

4 MR. SCAROLA: Daily Business Review.

5 THE WITNESS: Daily Business Review that was
6 stating that David Boies was saying that the
7 representations made by Mr. Dershowitz were
8 false.

9 MR. SCAROLA: I did just coach the witness.
10 I apologize.

11 THE WITNESS: Yeah. And, I'm sorry, just for
12 the name of that, so...

13 BY MR. SIMPSON:

14 Q. And you -- in your earlier testimony, you
15 referred to it -- you didn't recall the name, but you
16 referred to it as a reputable --

17 A. That's right.

18 Q. -- publication?

19 A. That's right. That's the one we are talking
20 about, right.

21 Q. Right. And in that article it states:

22 "McCawley," referring to our colleague,
23 "later issued a statement on Boies's behalf
24 saying, because the discussions that Mr. Boies
25 had with Mr. Dershowitz were expressly privileged

1 settlement discussions, Mr. Boies will not, at
2 least at this time, describe what was actually
3 said. However, Mr. Boies does state that
4 Mr. Dershowitz's description of what was said is
5 not true."

6 A. That's the one.

7 Q. You read that?

8 A. Yeah. I -- I learned of it -- yeah, I don't
9 remember whether I read or how I got it, but yeah,
10 that's the one.

11 Q. In light of that statement by Mr. Boies,
12 would you agree that any privilege has been waived?

13 A. I would not.

14 Q. So --

15 A. That's -- that's a newspaper article.

16 Q. It's a pub -- it's a quote. Let me clarify.
17 That's a statement -- quoting a statement issued by
18 Ms. McCawley and quoting Mr. Boies as saying,
19 Mr. Dershowitz's description of what was said is not
20 true, so that's a public statement by Mr. Boies saying
21 that Mr. Dershowitz's testimony is not true; is that a
22 waiver in your view?

23 A. No. And that would require -- I'm with --
24 I'm just putting you on notice, talking about notice, if
25 you want me to, I could give you the law professor

1 answer as to why that's not a waiver. Off the top of my
2 head, I can start talking about that.

3 Q. No. I don't -- I don't need that.

4 A. Right. That's why I just wanted to let you
5 know, so...

6 Q. But I really wanted to clarify -- and what I
7 wanted to clarify was --

8 A. I do not -- let me just be clear, so the
9 record is clear: I absolutely do not believe that's a
10 waiver and I could give you an extended answer, but I
11 know time is drawing short --

12 Q. All right.

13 A. -- so...

14 Q. But you -- what I want to clarify is that,
15 notwithstanding that statement, you will continue to
16 answer all my questions about the substance of
17 discussions with Mr. Boies; you're continuing not to
18 answer, you're continuing --

19 MS. McCAWLEY: Yes --

20 MR. SCAROLA: You just said you --

21 MS. McCAWLEY: -- I believe --

22 MR. SCAROLA: -- continue to answer.

23 MS. McCAWLEY: I'm sorry.

24 MR. SIMPSON: I'm sorry.

25 MS. McCAWLEY: Continue not to answer.

1 MR. SCAROLA: Why don't you start over again?

2 MR. SIMPSON: No. I just want --

3 MS. McCAWLEY: We disagree with
4 your characterization of that as a waiver. It
5 was a statement that was issued in order to stop
6 the waivers that Mr. Dershowitz was trying to
7 engage in, and we -- we don't agree that's a
8 waiver and we will not allow any testimony
9 regarding those communications.

10 MR. SIMPSON: Okay. I disagree with the
11 position and the characterization, but I just
12 wanted to clarify on the record, I didn't have to
13 ask those questions again.

14 MR. SCAROLA: Sure.

15 MS. McCAWLEY: I understand.

16 MR. SIMPSON: And, obviously, our position is
17 that if it hadn't already been -- if it hadn't
18 already been waived -- either it wasn't
19 privileged or hadn't been waived, it's now
20 waived.

21 THE WITNESS: And my -- just --

22 MR. SIMPSON: I don't have a question.

23 THE WITNESS: I know, but I -- but I think
24 now in light of, since the record has these
25 characters, I just want to put one sentence into

1 the record, which is: It doesn't seem to me that
2 an attorney can inject into a deposition
3 confidential settlement proceedings, have
4 somebody deny that, and then say, aha, they're no
5 longer confidential settlement proceedings, so
6 that's --

7 MR. SIMPSON: There's no question pending. I
8 move to strike the comments.

9 THE WITNESS: Right. I just didn't want your
10 comments to -- to reflect back on my earlier
11 answer.

12 BY MR. SIMPSON:

13 Q. I want to go back, Mr. Cassell, get back to
14 yesterday's exhibits. I'm going to hand you what was
15 marked yesterday as Cassell Exhibit Number 2, which is
16 the joinder motion, and when you have that in front of
17 you --

18 A. Got it.

19 Q. Do you have that in front of you?

20 A. I do.

21 Q. All right. Would you -- find my copy of
22 it -- if you would turn to page -- bottom of page 3,
23 part of -- top of page 4; do you have that?

24 A. Got it.

25 Q. All right. I'm going to read it. Tell me if

1 I've read it correctly.

2 A. Okay.

3 Q. "Epstein also sexually trafficked the
4 then-minor Jane Doe" -- and that's [REDACTED] [REDACTED],
5 correct?

6 A. Yes.

7 Q. -- "making her available for sex to
8 politically-connected and financially-powerful people.
9 Epstein's purposes in lending Jane Doe, along with other
10 young girls, to such powerful people were to ingratiate
11 himself with them for business, personal, political, and
12 financial gain, as well as to obtain potential blackmail
13 information."

14 Did I read that correctly?

15 A. You did.

16 Q. What did you mean by "obtain potential
17 blackmail information"?

18 A. Okay. Let me just double-check.

19 Once the criminal organization had put the
20 bait out, so to speak, to various people, and they took
21 the bait that -- you know, I'm -- I'm speaking
22 colloquially here. These are -- these are young girls
23 who are being sexually abused. Once the criminal
24 organization had gotten people to sexually abuse
25 these -- these young girls, at that point, they had

1 information that they could use to blackmail those
2 people and -- and then get favors in exchange.

3 And that's Epstein at the head of the
4 organization would be the one who would benefit most
5 directly from the black -- the blackmail information.

6 Q. And by "blackmail information," do you mean
7 that Mr. Epstein then had information that he could
8 threaten to disclose if the other person didn't do what
9 Epstein asked them to do?

10 A. Precisely.

11 Q. As of December 30th, 2014, if [REDACTED] [REDACTED]
12 had access to publicity, she had exactly the same
13 ability to blackmail people; isn't that true?

14 A. Absolutely not. A billionaire has far more
15 resources than a victim of child sex abuse, particularly
16 one that has been forced into hiding in Australia to
17 escape the criminal organization.

18 So for you to suggest that [REDACTED] [REDACTED]
19 had the same ability to blackmail somebody as Jeffrey
20 Epstein is, I think, preposterous.

21 Q. As of -- [REDACTED] -- [REDACTED] [REDACTED] had the same
22 ability as Jeffrey Epstein to reveal publicly the names
23 of the people who she says sexually abused her, as did
24 Mr. Epstein; isn't that true?

25 A. You're talking about physical ability to

1 speak words. They both have the same physical ability
2 to speak the English language, yes.

3 Q. And, in fact, before, at least three years
4 before December 30th, 2014, she had the ability to be
5 quoted in an article, more than one article, in the
6 Daily Mail in London about her experiences, correct?

7 A. That's correct.

8 Q. And am I correct that as of December 30th,
9 2014, you didn't know whether she was paid for that
10 interview or not?

11 A. I wasn't sure. That's right.

12 Q. And after December 30th, 2014, the references
13 to Prince Andrew and Professor Dershowitz generated
14 international publicity; isn't that true?

15 A. Okay. Which -- yes, I mean, in a general
16 sense, I could ask which allegations, but these
17 allegations did generate publicity, certainly.

18 Q. Yes. The allegations in your joinder motion
19 that Prince Andrew and Professor Dershowitz had abused
20 ██████████ ██████████, then known as Jane Doe Number 3,
21 generated a firestorm of publicity; did it not?

22 A. It generated a lot of publicity, yes.

23 Q. And within days of that, you were -- you were
24 participating in attempting to arrange an interview with
25 ABC News; isn't that true?

1 A. That -- within days of -- the chronology is
2 important here: The allegations were filed in this
3 pleading on December 30th. Several days after that,
4 Mr. Dershowitz then took to the airwaves to denounce,
5 not only Brad and me, but -- but particularly of concern
6 to me was [REDACTED] [REDACTED], this victim of sex
7 trafficking.

8 And, at that point, as one of -- as one of
9 her attorneys, I was looking for a way to respond to
10 that media assault on her by Mr. Dershowitz.

11 MR. SIMPSON: Move to strike as
12 nonresponsive.

13 BY MR. SIMPSON:

14 Q. Did -- within 24 hours of this pleading being
15 filed, there was publicity about the allegations against
16 Prince Andrew and Mr. Dershowitz -- Professor
17 Dershowitz; isn't that correct?

18 A. I don't know the exact time frame, but
19 that -- you know, roughly that time frame sounds about
20 right.

21 Q. If Mr. -- if Professor Dershowitz had never
22 said anything, wouldn't you expect that these
23 allegations as to Prince Andrew, in particular, and
24 Professor Dershowitz would get substantial publicity?

25 A. There was -- there was --

1 MR. SCAROLA: Excuse me. To the extent the
2 question calls for speculation, I object.

3 MR. SIMPSON: No. I'm asking for his state
4 of mind when he filed this document.

5 THE WITNESS: There's no doubt that --

6 MR. SCAROLA: So the question is: At the
7 time of the filing --

8 MR. SIMPSON: Please -- please don't coach
9 the witness.

10 MR. SCAROLA: No, I'm not coaching him. I
11 just want to understand the question. You're
12 asking what his state of mind was at the time of
13 filing?

14 MR. SIMPSON: Did he -- did he anticipate --

15 MR. SCAROLA: Because the other question was:
16 What do you -- what's your position today.

17 MR. SIMPSON: Mr. Scarola, really.

18 MR. SCAROLA: That's -- that's a different
19 question. So I just want to know which one
20 you're asking.

21 Do you want to know his state of mind then,
22 or his state of mind today?

23 MR. SIMPSON: I will take that as an
24 objection to the form of the question.

25

1 BY MR. SIMPSON:

2 Q. As of --

3 MR. SCAROLA: It's a request for a
4 clarification of an ambiguous question.

5 MR. SIMPSON: It's coaching the witness.

6 BY MR. SIMPSON:

7 Q. As of --

8 A. Yeah, I don't need any coaching. I mean...

9 Q. Let me ask the question.

10 As of December 30th -- that's true -- as
11 of --

12 A. Right --

13 Q. -- we agree that's coaching.

14 A. -- but that wasn't coaching. That wasn't
15 coaching, so the suggestion that it's coaching is -- is
16 not fair.

17 Q. Okay. We disagree.

18 As of December 30th, 2014, did you anticipate
19 that naming Prince Andrew in a public filing as having
20 abused [REDACTED] [REDACTED] would generate substantial
21 publicity?

22 A. "Substantial" is a debatable word, but
23 certainly, it's going to generate publicity, yes.
24 Publicity about the allegations.

25 Q. Yes. And -- and the allegations are that

1 Prince Andrew had sexually abused [REDACTED] [REDACTED],
2 correct?

3 A. That was one of the allegations in here,
4 sure.

5 Q. And the allegations that Professor Dershowitz
6 had sexually abused [REDACTED] [REDACTED], correct?

7 A. That's right. It was in a -- what we were --
8 what we were starting to document and allege here was
9 that terrible things that Epstein's criminal
10 organization had done.

11 Q. Let me refer you to page 6 --

12 A. Okay.

13 Q. -- of your filing. It's the first full
14 paragraph.

15 A. Yep.

16 Q. I'm going to read it. "Epstein also
17 trafficked Jane Doe Number 3 for sexual purposes to many
18 other powerful men."

19 A. Okay.

20 Q. "Including numerous prominent American
21 politicians, powerful business executives, foreign
22 presidents, a well-known prime minister, and other world
23 leaders. Jane -- Epstein required Jane Doe Number 3 to
24 describe the events that she had with these men so that
25 he could potentially blackmail them."

1 Did I read that correctly?

2 A. You did.

3 Q. With respect to blackmail, the ability to
4 blackmail, is that the same potential we talked about a
5 moment ago in your testimony?

6 A. Sure.

7 Q. And you're referring there to --

8 A. Roughly, yeah. I mean, if there's something
9 that you want clarified, go ahead and clarify it.

10 Q. I just -- I just wanted to make sure I
11 understand correctly that when you refer that -- to
12 Epstein requiring [REDACTED] [REDACTED] to describe these
13 events so that he could potentially blackmail them, what
14 you had in mind was, Epstein wanted to know what
15 [REDACTED] [REDACTED] did with these men so that he had the
16 ability to threaten to disclose it if they didn't do
17 what he wanted them to do?

18 A. That was -- that was part of it, yes.

19 Q. And isn't it true you could have
20 accomplished -- in terms of furthering [REDACTED]
21 [REDACTED] legal interests, you could have accomplished
22 exactly the same thing by saying Epstein also
23 trafficked -- trafficked Jane Doe Number 3 for sexual
24 purposes to other well-known men, period?

25 A. No, I don't think so.

1 Q. Okay. You felt that it furthered her legal
2 interests to specify American politicians, powerful
3 business executives, foreign presidents, a well-known
4 prime minister and other world leaders; that was your --
5 you -- you believe that furthered her legal interest?

6 A. Yes.

7 Q. Did you also anticipate that that would
8 titillate the Press, so to speak, that there would be a
9 lot of speculation on who these people are?

10 A. That wasn't the -- that wasn't the focus
11 of the -- those comments, no.

12 Q. You said it wasn't the focus. Did you
13 realize it would happen?

14 A. Sure. I mean, this was a case that had
15 been already -- this litigation had been going on at
16 that point for seven years and lots of people were
17 following it. This is -- this case is one of the most
18 egregious examples of a violation of Crime Victims'
19 Rights in the history of this country.

20 And so against that context, yes, there were
21 going to be people interested in every word that was
22 going into this pleading. Whether we had gone more
23 broadly or more narrowly than what we did, people were
24 going to be interested in this.

25 Q. And as of December 30th of 2014, [REDACTED] [REDACTED]

1 had the same ability to disclose who these individuals
2 were publicly, as did Jeffrey Epstein, correct, because
3 she had personal knowledge of who they were?

4 A. She had the ability to speak the words, but,
5 again, I think it's preposterous to say that a victim of
6 sex trafficking has the same power as the sex trafficker
7 to disclose information.

8 For example, [REDACTED] [REDACTED] could be
9 attacked, and I think as we were talking about
10 yesterday, we have seen evidence of the kind of attack
11 that powerful people can mount against the victims of
12 sex trafficking. So to say that the young women in sex
13 trafficking schemes have the same power as their
14 traffickers to do this -- I'm sorry. I'm going to have
15 to take a break.

16 THE VIDEOGRAPHER: We are going off the video
17 record, 11:32 a.m.

18 (Thereupon, a recess was taken.)

19 THE VIDEOGRAPHER: We are back on the video
20 record, 11:36 a.m.

21 BY MR. SIMPSON:

22 Q. Had you finished your answer, Mr. Cassell?

23 A. I think I had.

24 Q. Okay.

25 A. Thank you. Thank you for letting me take a

1 break. I appreciate that.

2 Q. Okay.

3 MR. SCAROLA: Could you just read back the
4 last question for me? I just want to orient
5 myself as to where we are. Thank you.

6 (Thereupon, a portion of the record was read
7 by the reporter.)

8 MR. SCAROLA: Yeah, I didn't I think the
9 answer was --

10 THE WITNESS: I guess I was mid-sentence, so
11 think I will just stick with the same word,
12 preposterous. And one -- one thing that occurred
13 to me during the break, in the context of this
14 case, is that there had been allegations that
15 Epstein was part of the -- the sex trafficking
16 organization, had video cameras mounted
17 throughout many of his -- his mansions. And so,
18 whereas a young woman could say, or a young girl
19 could say, look, I was a victim of sex abuse,
20 people would attack her; people wouldn't believe
21 her, that unless she had, you know, corroborating
22 evidence, people would say, well, look, it didn't
23 happen.

24 And so Epstein had managed to collect
25 apparently a lot of videotapes and other kinds of

1 information that would have been -- given him the
2 ability to make the blackmail kinds of charges
3 that the girls that he was trafficking would --
4 would not have had the ability to do.

5 BY MR. SIMPSON:

6 Q. Mr. Cassell, didn't you testify yesterday
7 that any videotapes from Mr. Epstein's house had been
8 destroyed?

9 A. I -- when I used the word "destroyed," I
10 probably should have been more precise. They had been
11 concealed from law enforcement, is what I meant. That
12 when Palm Beach Police Department went up to the Epstein
13 mansion, they found surveillance cameras and other
14 cameras. I can't remember exactly where the cameras
15 were, but they found surveillance cameras, and when they
16 looked for the tapes associated with those cameras, I
17 used the word "destroyed"; and as I say, I probably
18 should have said they were missing. And so they were
19 never able to locate those -- those missing videotapes.

20 Q. So as of December 30th of 2014, to your
21 knowledge, there were no videotapes available?

22 A. There were no videotapes available to law
23 enforcement or to Brad and his pro bono crime victim
24 attorneys to help document our case. We were trying to
25 get those and we are continuing to try to get those,

1 but, obviously, Epstein and his criminal associates have
2 had the ability to -- to destroy the evidence that's
3 been -- that we have been trying to gather.

4 Q. And in -- in your answer a couple of
5 questions --

6 A. I -- I'm sorry. I shouldn't say "destroyed."
7 They have been able to conceal would probably be a more
8 accurate term, the -- the evidence that we are trying to
9 gather.

10 Q. In my answer -- in my answer --

11 A. Yeah.

12 Q. -- in the question and answer, your answer to
13 my question a couple of questions ago, you talked about
14 whether Mr. Epstein and [REDACTED] [REDACTED] would have the
15 same or equal ability to disclose --

16 A. Right.

17 Q. -- what these prominent politicians,
18 et cetera, had done, correct?

19 A. Correct.

20 Q. Without attempting to make any comparison,
21 you would agree, would you not, that as of December
22 30th, 2014, [REDACTED] [REDACTED] had the ability to name the
23 names of the people who are referenced in this document?

24 A. Physical ability, yes.

25 Q. And -- well, let me ask this: You say a

1 well-known prime minister. Is that Prime Minister
2 Barak?

3 MS. McCAWLEY: I'm gonna instruct you not to
4 reveal any attorney/client communications you had
5 with [REDACTED] [REDACTED] on the specifics of her
6 counsel to you about these individuals.

7 BY MR. SIMPSON:

8 Q. Is one of the other -- one of the powerful
9 business executives, Les Wexner?

10 MS. McCAWLEY: Again, same instruction.

11 BY MR. SIMPSON:

12 Q. Okay. Now, you mentioned yesterday -- well,
13 a moment ago, you testified that these -- in your view,
14 these allegations about other powerful men furthered
15 [REDACTED] [REDACTED]' legal position in the case, correct?

16 A. Yes.

17 Q. And it's also your position, I assume, that
18 the allegations regarding Professor Dershowitz and
19 Prince Andrew furthered [REDACTED] [REDACTED]' legal position; is
20 that right?

21 A. Absolutely.

22 Q. Does the fact that Judge Marra struck those
23 allegations as impertinent, scandalous, and completely
24 irrelevant to the case, cause you to reassess?

25 MR. SCAROLA: Excuse me. Is that -- is that

1 intended to be a direct quote?

2 MR. SIMPSON: Back up.

3 BY MR. SIMPSON:

4 Q. What is your understanding of Judge Marra's
5 ruling with respect to these allegations about Professor
6 Dershowitz and Prince Andrew?

7 A. That they were premature.

8 Q. That's your understanding of his order?

9 A. Yes.

10 Q. Okay.

11 A. And I -- maybe I should -- I see some
12 skepticism there, so let me explain why I think those
13 allegations --

14 Q. Yeah. Well, we can pull --

15 A. -- are appropriate.

16 Q. -- we will pull out the order itself --

17 A. Sure.

18 Q. -- at the appropriate time, but first, your
19 understanding is that the judge didn't find that those
20 allegations, at the time they were made, were so
21 irrelevant to the case, that they should be stricken
22 from the public record?

23 A. In that pleading at that time, remember, we
24 had in our -- our brief -- let me explain the -- the
25 nine reasons why we thought that those allegations were

1 relevant to the case, since I think your question calls
2 for that.

3 Q. Are those the nine reasons you gave
4 yesterday?

5 A. No, I didn't have a chance to.

6 Q. Are they the nine reasons that are set forth
7 in your -- in your brief?

8 A. They are. Those are the nine reasons that
9 are set forth in the brief.

10 Q. Okay. And -- and Judge Marra had that brief
11 in front of him when he held that, these allegations
12 were so not relevant to the issues before the court,
13 that they would be stricken and not part of the public
14 record?

15 A. At that time, in that particular pleading --
16 I think you're mischaracterizing Judge Marra's ruling in
17 its entirety. He specifically said that the allegations
18 could be reasserted, if they were relevant to issues
19 that are -- that were coming up. And so, in following
20 that ruling, we went to the U.S. Attorney's Office,
21 propounded discovery requests and said, look, we believe
22 you're sitting on information that Dershowitz was, you
23 know, connected with the -- with the criminal
24 trafficking here; we would like you to produce those
25 documents.

1 And rather than say, hey, we don't have any
2 such documents, the U.S. Attorney's Office gave us the
3 response indicating, to our view, that there were such
4 documents, and as you know, since you're one of
5 Mr. Dershowitz's attorneys, we have drafted a pleading
6 now to try and collect that information, that law
7 enforce -- federal law enforcement agencies have
8 collected, and -- and to figure out the appropriate way
9 to litigate that so that we can get that information and
10 move forward with the case.

11 That's just one example of -- of how the
12 allegations, if they were premature at that point, are
13 no longer going to be premature as the case moves along.

14 Q. Is it or is it not your understanding that
15 Judge Marra ruled that the allegations in this pleading
16 in front of you were so irrelevant to the pleading in
17 which they were stated, that they should be stricken
18 from the public record?

19 A. In that particular pleading at that
20 particular time, that's right.

21 Q. Does that cause you to reassess, in any way,
22 having filed this document?

23 A. Well, I think certainly as a tactical matter,
24 we should have reserved the -- the allegations for --
25 for another motion. I -- I think that's -- you know,

1 certainly, with the -- you're -- now, we are now sort of
2 speculating, would we have done something different if
3 we knew that? And the answer to that is, sure, we would
4 have tried to do something that Judge Marra thought was
5 the appropriate way to handle it, so...

6 Q. And Judge Marra also reminded counsel of
7 their Rule 11 obligations; didn't he?

8 A. That's right. Yeah.

9 Q. And did it cause you to question, not
10 tactics, but whether you were acting properly in filing
11 this?

12 MR. SCAROLA: Excuse me. I --

13 MR. SIMPSON: I'm just asking if it caused
14 him to reassess.

15 MR. SCAROLA: I understand what you're
16 asking, and you're asking him about his mental
17 processes in connection with pending litigation.
18 That's work product. I instruct you not to
19 answer that question.

20 BY MR. SIMPSON:

21 Q. All right. You testified yesterday that one
22 reason that you found the filing of the complaint on
23 behalf of Jane Doe 102, who is [REDACTED], by
24 the -- Bob Josefsberg and -- and why that was
25 significant was that Bob Josefsberg had been selected by

1 the United States Attorney for the Southern District of
2 Florida to represent victims, correct?

3 A. Yes. Through the -- through the NPA, yeah,
4 there was an apparatus that led to his selection.

5 Q. And does that answer reflect holding the U.S.
6 Attorney for the Southern District of Florida in that
7 office in high regard?

8 A. Sure.

9 Q. Do you contend that at the time the United
10 States Attorney for the Southern District of Florida
11 negotiated the NPA, they knew that Professor Dershowitz,
12 himself, had been involved in abuse of minors?

13 A. I don't know exactly what information they
14 had. I do know that we have been propounding discovery
15 requests on all of these subjects, including
16 Professor Dershowitz's involvement, when the U.S.
17 Attorney knew. They are asserting privilege over that.
18 I would wish they would waive the privilege or at least
19 provide the information to pro bono crime victims'
20 attorneys that they have, so we can get to the bottom of
21 this.

22 But there have been, you know, a nonstop
23 series of assertions of privilege and other barriers
24 interposed against us in this case, and I think
25 inappropriately so, and -- and we have been arguing that

1 now for a number of years.

2 Q. Would you agree with me that if the United
3 States Attorney's Office had been aware that Professor
4 Dershowitz had engaged in sexual misconduct with minors,
5 or himself had observed Mr. Epstein do so, that it would
6 have been improper and unethical for them to let Mr. --
7 Professor Dershowitz negotiate the terms of the NPA with
8 them?

9 A. If they had direct personal knowledge of
10 that, sure. I mean, the -- the -- but the realities are
11 a little bit more complicated in that Professor
12 Dershowitz, over the last couple of days as
13 frequently -- has frequently used the word "continuum,"
14 and so if they were certain of that, it absolutely would
15 have -- would have been unethical.

16 The question is: Well, what if they had a
17 suspicion or what if -- you know, a reasonable suspicion
18 or a possible suspicion. Those are the kinds of
19 dimensions that you've got to, you know, take into
20 account in the real world about, you know, what they --
21 what they would have done.

22 I mean, it seems pretty clear, for example,
23 that at some point, you know, later on, they got a black
24 book in which Professor Dershowitz's name had been
25 circled. Now, what they did with that information, I --

1 I don't know.

2 Q. And what they did with the fact that Courtney
3 Love and Donald Trump were circled, you don't know also,
4 correct?

5 A. That's right. Fair point.

6 Q. But somehow it's suspicious as to
7 Mr. Dershowitz, but not as to anyone else?

8 MR. SCAROLA: Objection. Argumentative.

9 THE WITNESS: And I'm -- I'm glad to argue on
10 that point, let me, because they --

11 MR. SIMPSON: I'll withdraw the question.

12 THE WITNESS: All right. Because I would
13 have a --

14 MR. SIMPSON: Let --

15 THE WITNESS: -- a substantial argument on
16 that.

17 MR. SIMPSON: I -- I will withdraw the
18 question.

19 BY MR. SIMPSON:

20 Q. With respect, again, to the --

21 MR. SCAROLA: And I'll withdraw the
22 objection.

23 MR. SIMPSON: Thank you.

24 BY MR. SIMPSON:

25 Q. At the time that you filed this joinder

1 motion, Exhibit 2, you knew that the United States
2 Attorney's Office had denied having any contact -- any
3 documents reflecting any contact with Prince Andrew;
4 isn't that true?

5 A. They had -- there were -- there were various
6 discovery requests that had been propounded, and I think
7 with regard to one, they had denied, and my recollection
8 is with regard to another, where there had been an
9 assertion of privilege.

10 Q. Is it not true, that before December 30th,
11 2014, in response to a request asking the government:
12 Are there any documents reflecting contact with -- by
13 Prince Andrew regarding the NPA, the government
14 represented, there were none?

15 A. That -- with regard to the -- you're talking
16 about RFPs, request for production of documents, I
17 believe that's -- I believe that's correct.

18 Q. And on December 30th, 2014, knowing that, you
19 named Prince Andrew in this motion, correct?

20 A. Correct.

21 Q. And is it your testimony that you believe
22 that Prince Andrew somehow attempted to influence the
23 negotiations of an NPA in the United States as to
24 Mr. Epstein?

25 A. I don't have direct evidence of that, but I

1 certainly believe I have a good-faith basis, along with
2 my co-counsel, to explore that subject, and try to see
3 how someone who is fifth in line to the British Throne
4 might have been able to use the contacts and power that
5 he has to influence a -- a -- a disposition in this --
6 in the Crime Victims' Rights Act case that it would have
7 been favorable to one of his friends and potentially
8 favorable to himself.

9 Q. And -- and you have that view,
10 notwithstanding that the government had represented they
11 have no record of that?

12 A. They didn't -- no, no, no, no. Let's not --
13 not -- let's not slip and try to get me to admit
14 something that is not what the record reflects. The
15 government said they did not have documents. They did
16 not say that they didn't have any information along
17 those lines.

18 To the contrary: They asserted a whole
19 series of privileges every time we tried to get
20 information along these lines. So the fact that they
21 didn't have a letter, signed Prince Andrew, saying,
22 please do the best you can for this convicted sex
23 offender is one thing. That's the request for
24 production of documents.

25 But they never said that they -- they -- that

1 something along these lines had never happened and, to
2 the contrary, we were faced with assertions of privilege
3 over roughly, if I remember correctly, about 10,000
4 pages of documents where a whole host of privileges were
5 being asserted.

6 Q. Do you think it's credible that the United
7 States Attorney's Office would be discussing an NPA with
8 a member of the British Royal Family?

9 A. Not directly, but there certainly are
10 possibilities of surrogates. I -- my -- somebody who is
11 that powerful certainly wouldn't go out at it directly.
12 What they would probably do is try to find the best
13 lawyers they could around the United States and -- and,
14 you know, and some of the, you know, big-named lawyers
15 and try to bring them in there to -- to work a deal.
16 That's, I think, how, you know, we're -- you're
17 asking -- your question is asking for speculation and
18 I'm saying that -- that based on, how would you
19 influence a deal in an American criminal justice system?
20 You go try to get the best defense lawyers you could and
21 see -- you know -- you know, figure out which political
22 party was in power; and try to get people who are
23 well-connected to that political party, things like
24 that.

25 So that's the way that I think somebody might

1 have gone about trying to -- to put pressure for a -- a
2 favorable plea deal.

3 Q. And that's what you just referred to as
4 speculation, correct?

5 A. Well, your question said: Well, how would
6 they go do this? And I -- I -- I gave you my answer as
7 to how I think somebody could well do that, yes.

8 Q. And -- and your pleading doesn't allege how
9 someone would do it; it alleges that they did it; isn't
10 that correct?

11 A. Did what?

12 Q. Let me -- let me rephrase it.

13 A. No. I -- I -- the --

14 Q. I -- I withdraw the question.

15 A. Yeah.

16 Q. We only have about ten minutes here. There
17 are a couple of things that I --

18 A. Sure. Absolutely.

19 Q. -- wanted to get before we -- we will come
20 back to these when we resume. We have a lot more
21 questions.

22 A. Great. I look forward to it.

23 MR. SIMPSON: I'm going to ask the reporter
24 to mark as Exhibit -- what are we up to -- 6,
25 Exhibit 6, a document bearing Bates stamp numbers

1 BE-510 through -514.

2 (Cassell's I.D. Exhibit No. 6 - series of
3 e-mails, Bates numbered BE-510 - -514 was marked for
4 identification.)

5 BY MR. SIMPSON:

6 Q. I will give that to the witness. And to
7 identify the document further, it's a series of e-mails,
8 the most -- the latest one in date being at the top,
9 which appears to be an e-mail from Paul Cassell to
10 Jacqueline S. Jesko on Sunday, January 4th, 2015 at
11 12:48 p.m.

12 A. Right.

13 Q. My first question is whether you, in fact,
14 sent this e-mail that -- that this -- had this exchange
15 of e-mails with Miss Jesco?

16 A. Yes.

17 Q. And Miss Jesko -- who is Miss Jesko?

18 A. She works for -- which -- which -- oh,
19 Nightline. She works for Nightline, yes.

20 Q. So she's with ABC News?

21 A. I believe that's right, yes.

22 Q. And --

23 A. I mean, I -- I can't remember. The network
24 wasn't significant to me, but she's with the Nightline
25 program. I knew that was a major program. I don't

1 know -- I can't recall sitting here today whether
2 Nightline, is that an ABC program or NBC or -- or some
3 other network.

4 Q. If you look at the exhibit, the e-mail in the
5 second -- the bottom half of the first page, it has her
6 e-mail address. Does that -- @abc.com?

7 A. Yeah, yeah, yeah. That's good. Thank you.

8 Q. So ABC. So in this e-mail on January 4th of
9 2015, you told Miss Jesko of CBS News [sic] that --

10 MS. McCAWLEY: ABC. I'm sorry. You said

11 CBS.

12 MR. SIMPSON: I'm sorry.

13 THE WITNESS: There you go.

14 MS. McCAWLEY: Now, we are really confused.

15 MR. SIMPSON: I'm sorry. Let me start again,
16 and thank you.

17 MS. McCAWLEY: Sure.

18 BY MR. SIMPSON:

19 Q. In this e-mail on January 4th, 2015, you told
20 Miss Jesko of ABC News, quote: I represent, along with
21 Brad Edwards in Florida, the young woman who was
22 sexually abused by Prince Andrew and Alan Dershowitz,
23 period, close quote. Have I quoted that correctly?

24 A. You have.

25 Q. So is it fair to say that in this e-mail, you

1 have told ABC News that Mr. -- Professor Dershowitz, in
2 fact, had abused [REDACTED] [REDACTED]?

3 A. No. I think it says that I'm the lawyer who
4 is representing someone who has -- has made those
5 allegations.

6 Q. That's how you read this e-mail?

7 A. Yes.

8 Q. In the e-mail you identified [REDACTED] [REDACTED] as:
9 "The young woman who was sexually abused by
10 Prince Andrew and Alan Dershowitz."

11 That doesn't read to you as a statement that
12 she was abused?

13 A. In context, I think it was understood that I
14 was the attorney representing her with that claim.

15 MR. DERSHOWITZ: Move on.

16 BY MR. SIMPSON:

17 Q. Who --

18 THE WITNESS: I'm sorry. What was that?

19 Who -- who was that?

20 MR. SIMPSON: Who is speaking?

21 THE WITNESS: I heard somebody say "move on"
22 or something. Could somebody identify
23 themselves, please? Did I --

24 MR. SIMPSON: In any event, I -- I will move
25 on.

1 THE WITNESS: Well -- well, who -- I'm sorry.
2 Who was that? The speaker? I want to know who
3 is on the line here. Could somebody identify
4 themselves, please?

5 If somebody is eavesdropping in my
6 deposition, I would like to know who it is.

7 MR. SIMPSON: No one has the call-in number
8 other than counsel and parties.

9 THE WITNESS: So --

10 MR. SIMPSON: To my knowledge.

11 MR. SCAROLA: Yeah, but that --

12 THE WITNESS: But who is that person?

13 MR. SCAROLA: -- that doesn't preclude
14 someone from sharing that call-in number. And
15 it is appropriate that anybody on the line
16 identify themselves.

17 And if the people on the line refuse to
18 identify themselves, then it's our intention to
19 cut off the line, and the people who are
20 authorized to be on the line can call back in.

21 MR. SCOTT: I agree with that.

22 MR. SIMPSON: Could -- could the people on
23 the line identify themselves?

24 MR. SCAROLA: Okay --

25 MR. DERSHOWITZ: Alan Dershowitz.

1 MR. SCAROLA: -- cut it off.

2 MS. McCAWLEY: He just -- he just --

3 THE WITNESS: So he --

4 MR. SIMPSON: Alan Dershowitz. Anyone else?

5 MR. SCAROLA: So the only person on the line
6 is Alan Dershowitz, and it was Mr. Dershowitz who
7 made the comment "move on"; is that correct?

8 MR. SIMPSON: Well, he's the only one on the
9 line. I know -- I've only got three minutes left
10 here.

11 MR. SCAROLA: Well, I'll give you three more
12 minutes. I want to know: Was it Mr. Dershowitz
13 who made that comment "move on" because if it
14 wasn't, there's somebody else on the line --

15 MR. WEINBERG: I -- I --

16 MR. SCAROLA: -- that refuses to identify
17 themselves.

18 MR. WEINBERG: Marty Weinberg for Epstein.
19 I've been on the line on occasion. I have a mute
20 button and have said nothing and just kept on
21 going with no statements on my end.

22 MR. DERSHOWITZ: It was me who said it. I --
23 I -- I thought my mute button was on.

24 THE COURT REPORTER: I can't hear. I can't
25 hear.

1 MR. SIMPSON: Okay. I --

2 THE COURT REPORTER: I can't hear.

3 MR. SIMPSON: I heard it and I'll -- I'll
4 repeat it.

5 MR. SCAROLA: "It was me who said it."

6 MR. SIMPSON: "And I thought my mute
7 button" --

8 MR. SCAROLA: "I thought my" --

9 MR. SIMPSON: -- "was on."

10 MR. SCAROLA: -- "mute button was on."

11 And that was Mr. Dershowitz making that
12 comment?

13 MR. SIMPSON: Yes, it was.

14 MR. SCAROLA: Okay. Thank you.

15 MR. DERSHOWITZ: I was trying to instruct my
16 attorney.

17 MR. SCAROLA: Then we are ready to move on.

18 BY MR. SIMPSON:

19 Q. Have you told any -- all right.

20 Putting aside counsel who are working with
21 you, and putting aside those who you identified as being
22 within the common-interest privilege --

23 A. Right.

24 Q. -- so not those people --

25 A. Right.

1 Q. -- have you told anyone that Professor
2 Dershowitz abused [REDACTED] [REDACTED] or any other minor?

3 A. No. I've -- what I have tried to say is that
4 I'm representing a young woman who has made those
5 allegations. As an attorney, I'm proud to represent
6 her, proud to present her case in court, proud to
7 present arguments to whoever will listen that she's been
8 sexually abused by various people.

9 Q. Okay. And you have spoken with
10 representatives of the News Media on the record and off
11 the record about this case; isn't that -- is that not
12 correct?

13 A. Well, on the record, yes; with regard to off
14 the record, there have been some communications that I
15 think now have been turned over to the -- to the
16 defense. So I don't -- I'm not sure if there still
17 remain any off the record -- I suppose probably there
18 are a few, but I would -- I think most of the -- what
19 were originally off-the-record communications have now
20 been provided to -- to the defense time.

21 Q. Mr. Cassell, is it not true -- true, that you
22 have spoken with reporters on what you referred to as
23 quote, background, close quote?

24 A. Yeah. I mean that's different than -- your
25 earlier question was off the record and on the record.

1 There is an intermediate category of
2 background information as well, and I have spoken to
3 some reporters in that capacity, yes.

4 Q. And -- and -- and background means that it's
5 not for attribution, correct?

6 A. Right. The background means the reporter can
7 use the information, but shouldn't attribute it to a
8 particular person.

9 Q. And, in fact, you have --

10 A. Or let me -- let me just clarify. Some
11 time -- well, background, I think, you know, we are now
12 talking about sort of -- when I use the term
13 "background," it would generally mean that this is
14 something maybe that you want to investigate and see if
15 you can confirm in other ways, but it shouldn't be
16 sourced to -- that I shouldn't be quoted directly
17 because they are going to have to find other -- other
18 sources that confirm that same information.

19 Q. Okay. And so my question is that it is true
20 that you have spoken with a number of reporters on
21 background about [REDACTED] [REDACTED] allegations in this
22 case, correct?

23 A. Well, a number -- a few, I would say, is
24 probably a more accurate characterization.

25 Q. And in any of those background conversations,

1 did you ever identify [REDACTED] [REDACTED] as someone who had
2 been sexually abused by Mr. -- Professor Dershowitz?

3 A. I tried to identify myself as the attorney
4 representing someone who said that she had been sexually
5 abused by Dershowitz. I think you've received -- you
6 know, we can go through -- you know, we have produced, I
7 think, 2,500 pages of discovery. Many of those pages
8 are media communications. And, you know, we can go
9 through, and I think you know that there are a number of
10 examples, many examples, where I have said, I represent
11 a woman who has alleged that... Some verbal formulation
12 along those lines.

13 I mean, attorneys represent victims all the
14 time and -- and I don't think people generally
15 understand when an attorney makes a statement, that the
16 attorney is adopting and vouching for that statement.
17 They are -- they are serving in a representative
18 capacity.

19 Q. Have you finished your answer?

20 A. I have.

21 Q. Okay. Do you -- are you a party to any fee
22 agreement of any kind that would relate to a possible
23 recovery from Les Wexner?

24 MS. McCAWLEY: Objection to the extent that
25 it reveals any confidential communications with

1 your client, my client, or any joint defense
2 communications. You can't reveal that.

3 THE WITNESS: All right. So I'm going to
4 follow that instruction and not answer.

5 BY MR. SIMPSON:

6 Q. With respect to the -- what's now still
7 Exhibit 2, the motion for limited intervention --

8 MR. SCAROLA: Let me just observe for the
9 record that it's 12:02. I don't think we used
10 the three minutes that I said I was going to give
11 you, but we will go to 12:03 anyway.

12 MR. SIMPSON: This line of questioning will
13 take a little -- a little time, so --

14 MR. SCAROLA: Well, what's a "little"? Oh,
15 so you --

16 MR. SIMPSON: Five minutes.

17 MR. SCAROLA: So you prefer to wait then?

18 MR. SIMPSON: Let me ask -- I can ask you a
19 few questions here.

20 THE WITNESS: Sure.

21 BY MR. SIMPSON:

22 Q. I'm going to keep going. On the -- this is
23 your brief actually --

24 A. Which --

25 Q. -- Exhibit 1.

1 A. Which -- let me just make sure which one is
2 it. I have Exhibit 2, but I don't think I have
3 Exhibit 1.

4 Q. Oh, I probably have Exhibit 1. Let me give
5 you Exhibit 1. I will give you 2 back so we don't lose
6 it --

7 A. Okay.

8 Q. -- or keep it in front of you with the
9 others.

10 A. Okay. So, now, let's see. Okay. Yeah. I
11 have it.

12 Q. In preparing this brief, did you personally
13 review the citations to the record that were given to
14 support the factual assertions?

15 A. As opposed to somebody else on the legal
16 team?

17 Q. Yes. I'm trying to ascertain whether you,
18 yourself, reviewed citations -- I'm going to be asking
19 you about a deposition transcript -- citations to the
20 record evidence that are cited as representing to the
21 court as supporting the factual assertions?

22 A. I mean, I reviewed some, and others. You
23 know, maybe I need to -- this is starting to get into
24 work product. If you're asking, you know, what did Brad
25 do, what did you do, what did the paralegals do --

1 Q. Let -- let me ask you a different question
2 then.

3 A. Okay.

4 Q. By -- by submitting this brief with your name
5 signing it, you were representing that the factual
6 allegations, factual assertions, were support -- are
7 supported by the record citations that are given for
8 those, correct?

9 A. Yeah. I mean, obviously, when you write a
10 brief, you're -- you're -- you know, you're trying to
11 represent that this is the best product I can come up
12 with.

13 Now, you know, in a 40-page brief did --
14 did -- is there some, you know, error in citation or
15 something like that? I have to -- I'm not perfect. I'm
16 sure that's a possibility, but, you know, I worked hard
17 to try to put together the best product that I could on
18 behalf of [REDACTED] [REDACTED] when I filed this brief.

19 Q. And -- and in general, when a lawyer signs a
20 brief, it's a representation to the court that the
21 citations to the record support the factual --

22 A. Yeah, to the --

23 Q. -- propositions given to the court?

24 A. Yeah, that's right. To the best of, you
25 know, your ability, sure.

1 Q. Take a look if you would at page 29 --

2 A. Okay.

3 Q. -- the top of the page --

4 A. Okay.

5 Q. -- the statement: "Jane Doe number 3 came to
6 the house when Dershowitz was there." And then it's
7 "Id." which is a citation to the Alessi deposition, page
8 73, line 18 to 20. Do you see that?

9 A. I do.

10 Q. So that sentence if I -- do you agree with me
11 that sentence is representing to the court that [REDACTED]
12 [REDACTED] came to the Palm Beach house when Professor
13 Dershowitz was there?

14 A. Yes.

15 Q. I'm going to read you what's cited for that
16 proposition. I can show it to you if you like.

17 A. I would like to see it because, you know,
18 it's possible I'm off.

19 Q. Let me read it for the record.

20 A. Sure.

21 Q. And I will read what is cited. It's page 73,
22 lines 22 to 25.

23 Actually -- I'm -- yeah, I'm sorry. 73, 18
24 to 20. Line 18:

25 "Not sure. When Mr. -- Mr. Dershowitz was

1 visiting?

2 "Uh-huh. Answer.

3 "Question: How often did he come?

4 "Answer: He came pretty -- pretty often. I
5 would says as least four or five times a year."

6 And that's what is cited as the support for
7 the proposition --

8 A. I'd -- I would like to look at the document.

9 Q. I'm going to give you the document before I
10 ask you to comment on it.

11 A. Sure.

12 Q. I will -- I will go beyond what was cited to
13 the court --

14 A. Okay.

15 Q. -- to put it in context.

16 A. But I mean, there's -- this is a large --
17 well, that's what I'm saying. I would like -- my
18 recollection is that there are number of parties to the
19 Alessi depo --

20 Q. No. My -- my only question is in this brief,
21 the lawyers signing it represented to the court that
22 this citation supported that factual assertion.

23 A. But that's true, yes.

24 Q. Okay. I will read it.

25 "Do you have any recollection of V.R.,

1 [REDACTED] [REDACTED], coming to the house when
2 Prince Andrew was there? Question.

3 "Answer: It could have been, but I'm not
4 sure.

5 "Not sure. When Mr. Dershowitz was visiting?

6 "Uh-huh.

7 "How often did he come?

8 "He came pretty -- he pretty often. I would
9 says at least four or five times a year."

10 A. Okay.

11 Q. Do you want to take a look at that?

12 A. Yeah.

13 MS. RICHARDSON: Page 73.

14 BY MR. SIMPSON:

15 Q. Page 73, line -- it's right here (indicating)
16 if it helps you find it.

17 A. Yeah. Okay. All right. That's what those
18 lines say, yes.

19 Q. Okay. So my -- my question is: In your
20 view, as an attorney, does that quotation -- does that
21 testimony support the assertion that Professor
22 Dershowitz and [REDACTED] [REDACTED] were in the house at the
23 same time?

24 A. Those -- those lines 18 to --

25 Q. And if you want to put it in the context of a

1 couple of lines above it that do refer to [REDACTED]
2 [REDACTED], put it in the context.

3 My question is: Does that, fairly read,
4 constitute testimony that [REDACTED] [REDACTED] and Professor
5 Dershowitz were in the house at the same time?

6 A. Those three sentences, three lines.

7 Q. What -- yes, what the brief cites.

8 A. Those -- those three lines: "Not sure. When
9 Mr. Dershowitz was visiting. Uh-huh. How often did he
10 come?" Those -- those three lines, I agree, that looks
11 like a miscitation there. I agree with you on that.

12 Q. And isn't it true that -- first of all,
13 nothing else is cited in the brief or elsewhere to
14 support -- put -- put aside.

15 Other than [REDACTED] [REDACTED] own testimony,
16 this is the only evidence that you cited to the court to
17 support --

18 A. No, no, no, no, no. That would require a
19 30-minute answer.

20 Q. Okay. I won't ask you a 30-minute answer --

21 MR. SCAROLA: How about -- how about wrapping
22 it up then because it's now 12:10.

23 MR. SIMPSON: I will wrap it up. I have one
24 more -- one more question.

25 THE WITNESS: Okay.

1 BY MR. SIMPSON:

2 Q. And that is: I just want to confirm that you
3 do agree with me that what was cited to the court for
4 the proposition that they were together, in this
5 sentence, doesn't support that proposition?

6 A. I will agree with you that there appears to
7 be a miscitation of the line number -- of the lines 18
8 through 20.

9 Now, you're saying that there is not
10 information outside of 8 -- lines 18 through 20 to
11 support the allegation, and that's going to require a
12 much longer answer.

13 Q. I don't want a long answer, but I do want to
14 clarify. When you say "outside" --

15 MR. SCAROLA: You also said one more
16 question.

17 MR. SIMPSON: Well, I -- let me just finish
18 this, so we are not going to have this hanging,
19 because I want to make sure we are communicating.

20 THE WITNESS: Okay. Sure.

21 BY MR. SIMPSON:

22 Q. I understand you're -- you're saying that
23 there -- there may be evidence --

24 A. Yeah.

25 Q. -- elsewhere?

1 A. The lawyer -- look, this is not the first
2 time --

3 Q. I'm not asking the --

4 A. -- a lawyer has cited the wrong line number
5 on a transcript or something, and if you're suggesting
6 that -- you know, I will concede that I cited the wrong
7 line number for that particular assertion.

8 Q. And this is what I want to clarify: When you
9 say the wrong line number, if you look at the quotation,
10 there is, up above -- you cited 18 to 20 -- 22 to 25 --
11 no, 18 to 20. I'm sorry. You cited 18 to 20 which is
12 -- do you see that?

13 A. I do see 18 to 20, yes.

14 Q. And those lines don't refer to [REDACTED]
15 [REDACTED] coming to the house, correct?

16 A. Lines 18 to 20 do not refer to [REDACTED]
17 [REDACTED] -- oh, no, wait a minute. Now, this is --
18 because when I look at it here, line 15:

19 "Do you have any recollection of V.R.,
20 [REDACTED] [REDACTED], coming to the house when
21 Prince Andrew was there?"

22 Answer: "It could have been. I'm not sure.

23 "Not sure. When Mr. Dershowitz was
24 visiting?"

25 So now when I read it, actually, I'm now

1 going to withdraw my earlier answer, I would -- because
2 you know, it's getting late in the day. I'm getting a
3 little fuzzy here. When Mr. Dershowitz was visiting,
4 uh-huh, could be an affirmative answer read in context
5 to saying, I don't recall about Prince Andrew, but I do
6 recall [REDACTED] [REDACTED] being there. And I think when
7 we unpack the entirety of the deposition, which we don't
8 have time right now, that the context that I'm
9 suggesting now would be accurate. So I am not prepared
10 to say, as I sit here right now, that those were the
11 wrong line numbers.

12 Perhaps those are the correct line numbers,
13 but what I think I should have done was to cite
14 additional parts of the transcript that would have, in
15 context, made clear that the assertion was correct.

16 MR. SCAROLA: With that --

17 MR. SIMPSON: I -- I just need to finish this
18 one or two questions, but this is the topic, so
19 let me finish it.

20 BY MR. SIMPSON:

21 Q. Did you ever watch the video --

22 MR. SCAROLA: Running out of tape --

23 BY MR. SIMPSON:

24 Q. -- of the transcript?

25 MR. SCAROLA: We are also running out of tape

1 right now.

2 MR. SIMPSON: I've got --

3 THE VIDEOGRAPHER: Two minutes.

4 MR. SIMPSON: Two minutes. All right. That
5 won't take --

6 BY MR. SIMPSON:

7 Q. I want you to look at the video of that --
8 that testimony. Would you play it, please, for the
9 witness? This is from the videotape of the deposition.

10 THE WITNESS: I do not want to watch just --
11 I want to watch -- what -- what I'm seeing here
12 as I dive into this, I would -- if you're going
13 to ask me questions about what's in these
14 particular lines, I want to see -- I want to go
15 back. I want all of the -- the relevant parts of
16 [REDACTED] [REDACTED] testimony played. And I
17 believe there are approximately four points in
18 the transcript where she's mentioned, so can we
19 play all four of those?

20 MR. SCAROLA: We are not going to do that.
21 We have run out of time. Per agreement, this was
22 supposed to stop at noon.

23 MR. SIMPSON: Okay.

24 MR. SCAROLA: It is now 12:12, so this
25 deposition is ended. There were a lot of things

1 that I would have like to have finished with
2 Professor Dershowitz and wasn't permitted to do
3 that. So by agreement, this deposition is now
4 over.

5 MR. SIMPSON: It -- it's -- it's ending over
6 my objection and the witness's --

7 MR. SCAROLA: I -- I understand that.

8 MR. SIMPSON: -- the -- I'm going to make my
9 record.

10 MR. SCAROLA: Okay.

11 MR. SIMPSON: -- the witness's refusal to
12 look at the videotape of the portion of the
13 deposition that he just characterized in his
14 testimony as suggesting an affirmative answer to
15 the question of whether [REDACTED] [REDACTED] and
16 Professor Dershowitz were there at the same time,
17 and I will represent --

18 MR. SCAROLA: That record is clear.

19 MR. SIMPSON: -- and anyone looking at that
20 videotape would know, to a moral certainty, that
21 that was false.

22 THE WITNESS: Okay. And I -- I want to make
23 clear that I would be happy to look at
24 everything. We will do that at another time
25 perhaps.

1 MR. SCAROLA: Right.

2 THE VIDEOGRAPHER: We are going off the video
3 record, 12:14 p.m.

4

5 (Witness excused.)

6 (Deposition was adjourned.)

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DEPOSITION ERRATA SHEET

Assignment no: 220190

BRADLEY J. EDWARDS and PAUL G. CASSELL vs.
ALAN M. DERSHOWITZ

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my deposition/examination under oath taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of _____,
2015.

PAUL G. CASSELL

DEPOSITION ERRATA SHEET

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PAUL G. CASSELL



DEPOSITION ERRATA SHEET

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PAUL G. CASSELL



C E R T I F I C A T E O F O A T H

STATE OF FLORIDA)

COUNTY OF BROWARD)

I, the undersigned authority and Notary Public certify that PAUL G. CASSELL personally appeared before me and was duly sworn on Saturday, the 17th day of October, 2015.

Sworn to before me this 19th day of October, 2015.

Theresa Tomaselli, RMR
Notary Public - State of Florida
My Commission No. FF 226528
My Commission Expires 8/27/2019
220190

REPORTER'S CERTIFICATE

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4 I, THERESA TOMASELLI, Registered Merit
5 Reporter and Notary Public in and for the State of
6 Florida at Large, do hereby certify that I was
7 authorized to and did report said deposition in
8 stenotype; and that the foregoing pages are a true and
9 correct transcription of my shorthand notes of said
10 deposition.

11 I further certify that said deposition was
12 taken at the time and place hereinabove set forth and
13 that the taking of said deposition was commenced and
14 completed as hereinabove set out.

15 I further certify that I am not an
16 attorney or counsel of any of the parties, nor am I a
17 relative or employee of any attorney or counsel of party
18 connected with the action, nor am I financially
19 interested in the action.

20 The foregoing certification of this
21 transcript does not apply to any reproduction of the
22 same by any means unless under the direct control and/or
23 direction of the certifying reporter.

24 DATED this 19th day of October, 2015.

25

THERESA TOMASELLI
220190

