

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

VIDEOTAPE CONTINUED DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 5
Pages 648 through 781

Wednesday, January 13, 2016
9:04 a.m. - 11:59 a.m.

Tripp Scott
110 Southeast 6th Street
Fort Lauderdale, Florida

Stenographically Reported By:
Kimberly Fontalvo, RPR, CLR
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15	Edward J. Pozzuoli, Special Master
16	Sean D. Reyes, Utah Attorney General Office
17	Marcy Martinez, Videographer
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1	Thereupon, the proceedings continued at 9:04 a.m.
2	VIDEOGRAPHER: Are now on the video
3	record. This is the 13th day of January, 2016.
4	The time is 9:04 a.m. This is the videotaped
5	deposition of Alan Dershowitz in the matter of
6	Bradley Edwards and Paul Cassell versus Alan
7	Dershowitz.
8	My name is Marcy Martinez. I am the
9	videographer representing Above & Beyond
10	Reprographics. Will the attorneys please
11	announce their appearances for the record.
12	MR. EDWARDS: Sure. On behalf of the
13	plaintiff today Brad Edwards, Jack Scarola,
14	Brittany Henderson and Paul Cassell.
15	MR. SIMPSON: On behalf of the defendant
16	and the witness, Richard Simpson, and Thomas
17	Scott will be joining. He just walked in.
18	MS. McCAWLEY: On behalf of nonparty
19	[REDACTED] Sigrid McCawley and my
20	colleague Meredith Schultz from Boies, Schiller
21	& Flexner.
22	MR. INDYKE: On behalf of Jeffrey Epstein,
23	Darren Indyke.
24	SPECIAL MASTER POZZUOLI: Ed Pozzuoli as
25	the special master.

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1 MR. SIMPSON: Is there anyone else on the
2 phone?
3 MR. MAISEL: Yeah, this is Nicholas
4 Maisel.
5 THE COURT REPORTER: Would you raise your
6 right hand, please?
7 Do you swear or affirm that the testimony
8 you are about to give will be the truth, the
9 whole truth, and nothing but the truth?
10 THE WITNESS: I do.
11 MR. SCAROLA: Nick, would you announce the
12 capacity in which you're appearing, please.
13 MR. MAISEL: Special research assistant
14 for Alan Dershowitz.
15 MR. SCAROLA: Thank you.
16 MR. EDWARDS: Are we ready?
17 SPECIAL MASTER POZZUOLI: Go ahead.
18 BY MR. EDWARDS:
19 **Q. Mr. Dershowitz, in January of 2015, when**
20 **you made the statements that Paul Cassell and Brad**
21 **Edwards participated in the fabricating of the**
22 **allegations that were made against you, what**
23 **information or evidence did you have in your**
24 **possession at that time to support those statements?**
25 MR. SIMPSON: Object to the form as overly

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1 general. You may answer.
2 A. As soon as the allegations were made
3 against me, I received a series of phone calls and
4 people approached me at various events and they
5 warned me about the reputation of Bradley Edwards.
6 They told me that he had, in their view,
7 participated in a major fraud with a man named
8 Rothstein, that he should be in jail for the
9 Rothstein events.
10 I received a phone call saying that he had
11 fabricated evidence when he was a prosecutor and
12 that he had knowingly failed to investigate police
13 fabrication of evidence in a case. Generally was
14 warned about the terrible reputation that
15 Mr. Edwards had.
16 I also received phone calls telling me
17 that Mr. Cassell was a zealot, that he had used me
18 in class as a whipping -- as a kind of an object of
19 hate and painted me as a liberal supporter of the
20 exclusionary rule and opponent of the death penalty,
21 and that he had no concern for the truth when it
22 came to his zealotry on behalf of alleged victims.
23 The calls were just -- the people who told
24 me this were just -- there were so many of them that
25 it was amazing to me.

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1 And I knew, of course, that I had never
2 met -- had no contact with [REDACTED]. I knew
3 that she was lying. I read her deposition, and as
4 an experienced lawyer with 50 years of experience,
5 it was absolutely clear to me that no lay person
6 with her lack of education could have written that
7 deposition.
8 I sought the advice of friends and others
9 with experience who confirmed the view that that
10 affidavit clearly had to have been written by
11 lawyers and certainly drafted by lawyers; the level
12 of detail, the structure of the sentences, all of
13 which led me conclusively to the belief that the
14 lawyers had written this affidavit.
15 I suspected from the very beginning that
16 this was part of an extortion plot in order to
17 obtain money. I later learned many, many, many
18 facts.
19 MR. EDWARDS: I object and move to strike
20 as nonresponsive and that the question calls
21 for information in his possession in January of
22 2015. I would ask for a ruling on that.
23 A. I'm providing that, but I'm giving the
24 context.
25 SPECIAL MASTER POZZUOLI: Denied. Move

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1 forward.
2 A. Okay. I knew that there was a financial
3 motivation here. I also knew that Cassell and
4 Edwards had lied when they said they were
5 representing [REDACTED] in a pro bono basis.
6 I had been informed repeatedly that they
7 were in it for the money and that they expected to
8 earn a lot of money from representing her and others
9 in this case and that they pretended to be pro bono
10 lawyers when they were, in fact, money-grubbing,
11 money-hungry lawyers who had earned a very
12 substantial amount of money already on these cases
13 and were expecting to earn more money.
14 Let me think of what other information I
15 had.
16 SPECIAL MASTER POZZUOLI: At the time of
17 the question.
18 A. At the time of my statements, right.
19 It's just inconceivable to me that this
20 uneducated woman could have come up with this story
21 on her own.
22 I understood the motives of the lawyers,
23 and I was convinced, therefore, it was my opinion
24 based on my experience, in fact, that she could not
25 have done this by herself and that she had to have

657	<p>1 worked in coordination with her lawyers.</p> <p>2 Her lawyers were also at that point</p> <p>3 claiming that the story should be believed because</p> <p>4 of who they were. Mr. Cassell, in my view,</p> <p>5 unethically signed his pleading with the University</p> <p>6 of Utah imprimatur, suggesting that he was a State</p> <p>7 actor, suggesting that he acted on behalf of his</p> <p>8 university, something I would never do and I've</p> <p>9 stopped clients from doing. When I represent</p> <p>10 people, I represent them on my own behalf, not on</p> <p>11 behalf of any university.</p> <p>12 The very fact that the Attorney General of</p> <p>13 Utah was here yesterday indicates that he may very</p> <p>14 well be a State actor and subject to the rules of</p> <p>15 State action rather than individual action.</p> <p>16 SPECIAL MASTER POZZUOLI: That portion I</p> <p>17 will strike. That sentence.</p> <p>18 A. Sorry.</p> <p>19 BY MR. EDWARDS:</p> <p>20 Q. Okay.</p> <p>21 A. I'm not finished.</p> <p>22 SPECIAL MASTER POZZUOLI: Is there any</p> <p>23 other information that you haven't touched</p> <p>24 on --</p> <p>25 THE WITNESS: I'm trying to --</p>	659	<p>1 no, no, no. No. Respond to the question that</p> <p>2 was answered and go ahead because I haven't</p> <p>3 heard any objection yet.</p> <p>4 MR. EDWARDS: I'm objecting to all of this</p> <p>5 as being nonresponsive to the question.</p> <p>6 SPECIAL MASTER POZZUOLI: Is there</p> <p>7 anything else that you would like to add to the</p> <p>8 answer?</p> <p>9 THE WITNESS: Yes.</p> <p>10 A. When the newspapers called me, they all</p> <p>11 asked me the following question --</p> <p>12 SPECIAL MASTER POZZUOLI: Was this in</p> <p>13 January?</p> <p>14 A. This was in January.</p> <p>15 BY MR. EDWARDS:</p> <p>16 Q. The question on the table is --</p> <p>17 SPECIAL MASTER POZZUOLI: Hang on one</p> <p>18 second.</p> <p>19 A. I'm going to tell you.</p> <p>20 MR. EDWARDS: What information that</p> <p>21 Mr. Dershowitz had in January 4, 2015, when he</p> <p>22 made the statement that Paul Cassell and Brad</p> <p>23 Edwards fabricated the allegations against him.</p> <p>24 MR. SIMPSON: The question was about in</p> <p>25 January of 2015.</p>
658	<p>1 SPECIAL MASTER POZZUOLI: -- as of, what,</p> <p>2 January?</p> <p>3 MR. EDWARDS: January of 2015.</p> <p>4 THE WITNESS: Oh, yes.</p> <p>5 MR. SCAROLA: January 4.</p> <p>6 MR. EDWARDS: January 4, 2015.</p> <p>7 A. Okay, that's the question. But, of</p> <p>8 course, I made a series of statements that continued</p> <p>9 beyond January 4, and they always took into account</p> <p>10 new developments and new information that I had.</p> <p>11 I was also aware that Mr. Cassell was</p> <p>12 promoting himself as a former federal judge and</p> <p>13 using his status and imprimatur in a false effort to</p> <p>14 try to add credibility to the story.</p> <p>15 And I did not make -- this is very</p> <p>16 important to this. I did not make a single call to</p> <p>17 a single newspaper or single television station, to</p> <p>18 my knowledge, or a single newspaper. I was</p> <p>19 constantly responding.</p> <p>20 MR. SCAROLA: That's not responsive.</p> <p>21 A. Excuse me. In the last deposition --</p> <p>22 SPECIAL MASTER POZZUOLI: No, no.</p> <p>23 A. -- there was an interruption by</p> <p>24 Mr. Scarola that I want to put on the record.</p> <p>25 SPECIAL MASTER POZZUOLI: No, no, no, no,</p>	660	<p>1 SPECIAL MASTER POZZUOLI: That's what it</p> <p>2 was. That was the original question, which is</p> <p>3 why he was afforded a tremendous amount of</p> <p>4 latitude.</p> <p>5 MR. EDWARDS: Understood.</p> <p>6 A. And I got continuing information all</p> <p>7 through January and amended my statements as</p> <p>8 consistent with the information that I got.</p> <p>9 The newspapers called me. They all said</p> <p>10 to me, why would anybody make a false allegation if</p> <p>11 he's a former Federal judge, if he's a professor, if</p> <p>12 he's a distinguished trial lawyer?</p> <p>13 Clearly the -- on the 4th of December,</p> <p>14 talking about that day, that's the day on which</p> <p>15 Mr. Cassell wrote to ABC --</p> <p>16 BY MR. EDWARDS:</p> <p>17 Q. January.</p> <p>18 A. January 4, 2015, that's the date on which</p> <p>19 Mr. Cassell wrote to ABC News asking them to</p> <p>20 publicize his client's story and to -- and again</p> <p>21 making it clear to ABC who he was and what he -- and</p> <p>22 who he had been and what offices he had held.</p> <p>23 And so it was clear to me at that point,</p> <p>24 and through January it became clearer and clearer</p> <p>25 that she could not have done this on her own, that</p>

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1 she had to have sat with her lawyers and concocted
2 this story, added the kind of detail to the story
3 that would make a lie seem plausible and credible.
4 And I think that any reasonable lawyer reading that
5 affidavit would have come to exactly the same
6 conclusion that I came to.
7 SPECIAL MASTER POZZUOLI: Okay.
8 BY MR. EDWARDS:
9 **Q. Mr. Dershowitz, when you first made the**
10 **statement on January 4, 2015 that Mr. Cassell and**
11 **Brad Edwards had participated in the fabrication of**
12 **these allegations, did you have before you any**
13 **affidavit or, as you have repeatedly called it,**
14 **deposition of [REDACTED]?**
15 MR. SIMPSON: Object to the form. It's
16 referring to a specific statement that has not
17 been identified for the witness.
18 A. Affidavit of [REDACTED]? What I had
19 was the lawyers' statements that were included in
20 the Complaint, which they then sought to publicize
21 all around the world and got more than a thousand
22 newspapers to cover the story, every television
23 station in the world, every radio station virtually
24 in the world, based on what they themselves had
25 written, actually gives me even a greater basis,

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1 because it wasn't at that point based on her
2 affidavit, it was based on what the lawyers had
3 said.
4 MR. EDWARDS: I object. Can I have the
5 question read back. I'm lost as to what the
6 question is anymore.
7 SPECIAL MASTER POZZUOLI: Ask -- reread
8 the question.
9 COURT REPORTER: "Mr. Dershowitz, when you
10 first made the statement on January 4, 2015
11 that Mr. Cassell and Brad Edwards had
12 participated in the fabrication of these
13 allegations, did you have before you any
14 affidavit or, as you have repeatedly called it,
15 deposition of [REDACTED]?"
16 BY MR. EDWARDS:
17 **Q. Did you?**
18 SPECIAL MASTER POZZUOLI: So that's the
19 question. Answer that question only.
20 MR. SCAROLA: Move to strike everything
21 else he's said.
22 A. On January 4th, to my memory, I did not
23 refer to a deposition or to whatever other word you
24 used -- what was the word?
25 MR. SIMPSON: Affidavit.

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1 MR. EDWARDS: Affidavit.
2 A. -- if I hadn't seen it at that point. I
3 don't remember the exact day when her affidavit came
4 in. I referred obviously to the pleadings. That
5 was the allegation, the allegation in the pleadings.
6 So if I said that you and Cassell sat and
7 helped her make it up, it was based on -- at that
8 point in time, based on you and her, primarily you
9 and Cassell, because she didn't submit -- it wasn't
10 an affidavit at that point.
11 It was your words, you, that were accusing
12 me of these heinous crimes without any basis. So I
13 surely had a basis on January 4th of attributing it
14 to you because it was your signature on the --
15 SPECIAL MASTER POZZUOLI: Hold on a
16 second. So I understand, the question is what
17 did you have on January 4th --
18 MR. EDWARDS: -- 2015 to support that
19 statement.
20 SPECIAL MASTER POZZUOLI: Just answer that
21 question first and then you can explain, but --
22 A. With due respect, Your Honor, I think the
23 question was, did you have the affidavit in front of
24 you.
25

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1 BY MR. EDWARDS:
2 **Q. Right. Okay. Did you have the affidavit**
3 **or deposition of [REDACTED] on that day?**
4 A. To my recollection, I did not. I had only
5 your characterization of the accusation which you
6 were making against me.
7 **Q. And in your experience as an attorney,**
8 **isn't it common knowledge that attorneys drafting**
9 **complaints or pleadings take the word of the client**
10 **to form the basis of that Complaint or pleading?**
11 A. No, it's not common knowledge. It's
12 common knowledge that unethical lawyers of the kind
13 that your reputation told me you were help the
14 clients --
15 MR. EDWARDS: I object. Move to strike as
16 nonresponsive.
17 SPECIAL MASTER POZZUOLI: That, I am going
18 to strike. Try -- try to answer the question.
19 A. But I think the generic answer is ethical
20 lawyers -- let me put it this way, ethical lawyers
21 should not elaborate on what a client tells them in
22 an affidavit.
23 In my experience, there's a continuum.
24 Many, many lawyers, when they see a statement by a
25 client, they'll say, no, no, no, no, could you

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1 please elaborate on that. You say you had sex with
2 him. Was it one time? Was it two times? Could it
3 have been six times? Could it have been on the
4 airplane? Could it have been -- et cetera.
5 So I think it's a continuum of the way
6 lawyers work with clients. The most ethical lawyers
7 don't change what a client says. They word for word
8 repeat what the client says.
9 The most unethical lawyers will put all of
10 their own thoughts, words, ideas if it strengthens
11 their position and strengthens their case.
12 From what I had been -- from the
13 information I knew at that time, I put you on the
14 extreme unethical end of the continuum.
15 SPECIAL MASTER POZZUOLI: That wasn't the
16 question, so I will strike the last sentence.
17 We need to get focused on answering the
18 question, so please try to do that.
19 A. Okay, I will do that.
20 BY MR. EDWARDS:
21 **Q. When you first made the statements that**
22 **Paul Cassell and Brad Edwards fabricated the**
23 **allegations --**
24 A. Would you read me the statement that you
25 say I made on January 4th so I can understand what

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1 you're saying?
2 **Q. Do you deny making the statement that Brad**
3 **Edwards and Paul Cassell fabricated the allegations**
4 **against you?**
5 A. I remember making a series of statements
6 over time. I do not remember what I said on
7 January 4th. In order to ask me what I had at the
8 time I made the statement, I need to know with
9 precision the exact statement you are referring to
10 and the exact date. I think that's a fair request.
11 **Q. We'll get that for you. It would be**
12 **easier had you made less statements, but we'll sift**
13 **through them.**
14 A. It would be easier if you had called --
15 MR. SIMPSON: There's no question. Object
16 to the sidebar comments.
17 SPECIAL MASTER POZZUOLI: Yes, let's --
18 BY MR. EDWARDS:
19 **Q. What are the names -- please list for me**
20 **all of the names of the people who told you that --**
21 **in quotes -- Brad Edwards was -- participated in a**
22 **major fraud with Rothstein. Names of people.**
23 MR. INDYKE: Objection based upon
24 attorney-client, work product, common interest.
25 SPECIAL MASTER POZZUOLI: Well, okay.

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1 MR. INDYKE: Instruct Alan not to answer
2 to the extent it would disclose communications
3 of who made those --
4 SPECIAL MASTER POZZUOLI: Objection noted.
5 You can answer it.
6 A. What framework are you giving me in terms
7 of time?
8 SPECIAL MASTER POZZUOLI: In January.
9 BY MR. EDWARDS:
10 **Q. You told me that before you made these**
11 **statements, one of the things that you had in your**
12 **possession was a series of phone calls, "a bunch of**
13 **people called me" --**
14 A. That is right. That's true.
15 **Q. -- "and told me Brad Edwards participated**
16 **in major fraud with Rothstein." That's the first**
17 **question I want answered. What are the names of**
18 **those people?**
19 A. A number of them who called me were ones
20 who volunteered --
21 MR. SCAROLA: That's not a response to the
22 question.
23 BY MR. EDWARDS:
24 **Q. What are the names?**
25 SPECIAL MASTER POZZUOLI: Stop, stop.

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1 please, please, please.
2 A. I'm invoking the privilege, if you would
3 allow me, please. A number of those who called me
4 called me in tandem to volunteer to be my lawyer.
5 I'll give you an example.
6 SPECIAL MASTER POZZUOLI: No, no, hang on.
7 A. I can't name this person because he called
8 to give me legal advice, and I -- he gave me that
9 information as part of his legal advice.
10 BY MR. EDWARDS:
11 **Q. I'm not asking if one of the lawyers who**
12 **represented you and you have an attorney-client**
13 **privilege with has shared with you some information**
14 **that they believe to be the case.**
15 **I'm asking if you are using as support for**
16 **your statement that certain people told you and you**
17 **relied upon this -- and the particular "this" at**
18 **this point is that Brad Edward participated in a**
19 **major fraud with Scott Rothstein -- I want to know**
20 **the names of those people that you are relying upon**
21 **to test veracity of that statement, please. Names**
22 **of people.**
23 A. One of the names was of a person who I was
24 seeking legal representation from, and it was part
25 of my conversation with him regarding legal

<p style="text-align: right;">669</p> <p>1 representation.</p> <p>2 MR. SCAROLA: That's not a name.</p> <p>3 MR. EDWARDS: I'm sorry, I object and I</p> <p>4 ask --</p> <p>5 A. If I give you the name --</p> <p>6 SPECIAL MASTER POZZUOLI: I do think you</p> <p>7 have to give the name.</p> <p>8 A. Okay. The name of that person would be</p> <p>9 David Markus.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q. Okay.</p> <p>12 A. And he told me to check the docket --</p> <p>13 MR. SIMPSON: Just the question.</p> <p>14 BY MR. EDWARDS:</p> <p>15 Q. When did David Markus call you to tell you</p> <p>16 that he knew or believed that Brad Edwards</p> <p>17 participated in a major fraud with Rothstein?</p> <p>18 A. Within days. Within probably a day or</p> <p>19 two.</p> <p>20 Q. Did he tell you what it was that formed</p> <p>21 the basis for that statement that he made to you</p> <p>22 that you so relied upon?</p> <p>23 A. I don't recall.</p> <p>24 Q. Was it more than the fact that your</p> <p>25 client, Jeffrey Epstein, had filed a lawsuit making</p>	<p style="text-align: right;">671</p> <p>1 MR. INDYKE: Same objection, same</p> <p>2 instruction.</p> <p>3 SPECIAL MASTER POZZUOLI: He's --</p> <p>4 MR. EDWARDS: Calls for a yes or no.</p> <p>5 SPECIAL MASTER POZZUOLI: He's only asked</p> <p>6 if you aware that the case was dismissed at</p> <p>7 that time.</p> <p>8 A. I don't think I was. But a case being</p> <p>9 dismissed does not mean the allegation isn't true.</p> <p>10 SPECIAL MASTER POZZUOLI: I understand,</p> <p>11 but --</p> <p>12 BY MR. EDWARDS:</p> <p>13 Q. Okay. In addition to David Markus, can</p> <p>14 you please complete this list of people that you</p> <p>15 testified called you to tell you specifically that</p> <p>16 Brad Edwards participated in a major fraud with</p> <p>17 Rothstein?</p> <p>18 A. So, I spoke several times during that</p> <p>19 period of time at various events. And people --</p> <p>20 lawyers came over to me and told me --</p> <p>21 Q. I'm not asking where. Who? What are the</p> <p>22 names?</p> <p>23 A. I can tell you one of them --</p> <p>24 SPECIAL MASTER POZZUOLI: He's trying to</p> <p>25 be -- I would allow him to answer it. He's</p>
<p style="text-align: right;">670</p> <p>1 those allegations?</p> <p>2 A. I don't think he was aware that Jeffrey</p> <p>3 Epstein had made an allegation of that kind.</p> <p>4 Q. At the time when David Markus called you</p> <p>5 to tell you that Brad Edwards participated in a</p> <p>6 major fraud with Rothstein, did you already --</p> <p>7 A. That's not --</p> <p>8 Q. -- have or know that Scott Rothstein had</p> <p>9 testified under oath about that specific subject</p> <p>10 matter?</p> <p>11 A. Well, I can't imagine that you're relying</p> <p>12 on Scott Rothstein's credibility.</p> <p>13 Q. I'm asking, did you know?</p> <p>14 MR. SIMPSON: Just answer the question.</p> <p>15 BY MR. EDWARDS:</p> <p>16 Q. Yes or no?</p> <p>17 SPECIAL MASTER POZZUOLI: Did you know?</p> <p>18 A. I did not know.</p> <p>19 BY MR. EDWARDS:</p> <p>20 Q. Did you know at that point in time that</p> <p>21 the Complaint that was filed by your client, Jeffrey</p> <p>22 Epstein, against Brad Edwards, making those exact</p> <p>23 allegations, had been dismissed at the stage -- at</p> <p>24 the point in time when David Markus was making these</p> <p>25 statements to you that you so relied upon?</p>	<p style="text-align: right;">672</p> <p>1 trying to be responsive to the question.</p> <p>2 Please proceed.</p> <p>3 A. One of them was a former president or</p> <p>4 chairman or at least member of the Florida Bar</p> <p>5 committee who warned me about you.</p> <p>6 BY MR. EDWARDS:</p> <p>7 Q. Does he have a name?</p> <p>8 A. I don't remember his name. I don't</p> <p>9 remember his name, no. Of course he has a name, but</p> <p>10 I don't remember his name.</p> <p>11 Another was -- I mean -- just hard to</p> <p>12 pinpoint names, but it was something that was</p> <p>13 clearly in my mind that so many people were telling</p> <p>14 me -- telling me to look into the case of Rothstein,</p> <p>15 telling me that you were his protege.</p> <p>16 Q. Okay. Is it true, then, that you have the</p> <p>17 name of one person who you can identify told you</p> <p>18 that Brad Edwards participated in a major fraud with</p> <p>19 Rothstein?</p> <p>20 A. I was also aware, of course, of the</p> <p>21 Complaint that had been filed against you. And that</p> <p>22 was one -- I mean, I can't comment on that because</p> <p>23 of lawyer-client privilege.</p> <p>24 SPECIAL MASTER POZZUOLI: Listen to the</p> <p>25 question, Professor. Go ahead.</p>

<p style="text-align: right;">673</p> <p>1 BY MR. EDWARDS:</p> <p>2 Q. Is it now your testimony that you can only</p> <p>3 provide me with one name of one human being that</p> <p>4 called you and told you Brad Edwards participated in</p> <p>5 a major fraud with Rothstein?</p> <p>6 A. I will try to think of others.</p> <p>7 Probably -- I may have some notes of others. I will</p> <p>8 call around and find out whether my memory is</p> <p>9 correct or not.</p> <p>10 MR. SIMPSON: Professor --</p> <p>11 A. But I don't want to mention names without</p> <p>12 being sure.</p> <p>13 MR. SIMPSON: Just do you recall, as you</p> <p>14 sit here, the names?</p> <p>15 A. And right now, I don't recall names, other</p> <p>16 than a general discussion with my lawyers. And in</p> <p>17 the general discussion with my lawyers -- and I</p> <p>18 don't want to get into it --</p> <p>19 SPECIAL MASTER POZZUOLI: Then don't do</p> <p>20 it.</p> <p>21 BY MR. EDWARDS:</p> <p>22 Q. Are you relying upon the statements from</p> <p>23 your lawyers to support this allegation that the</p> <p>24 basis of your statement that Brad Edwards</p> <p>25 participated in the fabrication of the allegations</p>	<p style="text-align: right;">675</p> <p>1 MR. SIMPSON: He did not testify that</p> <p>2 he -- we went through long questions and</p> <p>3 answers in response to Mr. Edwards' questions.</p> <p>4 He did not say he was relying on what his</p> <p>5 lawyers told him in this case.</p> <p>6 SPECIAL MASTER POZZUOLI: I think that</p> <p>7 there is -- let me say this: I think the</p> <p>8 question was from Mr. Edwards whether he relied</p> <p>9 on statements from his lawyers. I do think</p> <p>10 that you have to answer that question.</p> <p>11 A. I would say that the statements from my</p> <p>12 lawyers played a small role. The larger role --</p> <p>13 BY MR. EDWARDS:</p> <p>14 Q. I want to know about that small role.</p> <p>15 SPECIAL MASTER POZZUOLI: Hang on one</p> <p>16 second. So now proceed.</p> <p>17 BY MR. EDWARDS:</p> <p>18 Q. Sure. I would like to know whose</p> <p>19 statements it was that played a small role in your</p> <p>20 belief that Brad Edwards fabricated cases based on</p> <p>21 the statements that they made to you that</p> <p>22 Brad Edwards participated in a major fraud with</p> <p>23 Rothstein. What are the name of those individuals?</p> <p>24 A. It's a complicated question here. So</p> <p>25 there are three issues that I understand. One, what</p>
<p style="text-align: right;">674</p> <p>1 against you was a list of people told you</p> <p>2 Brad Edwards participated in a major fraud with</p> <p>3 Rothstein; and, if so, I want to know the names of</p> <p>4 those lawyers that you are using to support that</p> <p>5 allegation?</p> <p>6 MR. SIMPSON: Well, we have asserted</p> <p>7 privilege as to communications with those who</p> <p>8 represented you. Please don't disclose that.</p> <p>9 MR. SCAROLA: Respectfully -- pardon me --</p> <p>10 the witness is the possessor of that privilege.</p> <p>11 He cannot make a statement disclosing the</p> <p>12 content of the communications that he is</p> <p>13 relying on and then he himself assert a</p> <p>14 privilege to refuse to provide further</p> <p>15 information with regard to the statement that</p> <p>16 he has made. We would request a ruling on the</p> <p>17 record as to whether there has already been a</p> <p>18 waiver.</p> <p>19 A. What I said, of course, was that --</p> <p>20 SPECIAL MASTER POZZUOLI: Excuse me. Hang</p> <p>21 on a second.</p> <p>22 MR. SCAROLA: We're requesting a ruling on</p> <p>23 the record as to whether there has been a</p> <p>24 waiver as a consequence of what has already</p> <p>25 been stated.</p>	<p style="text-align: right;">676</p> <p>1 was the basis for my belief that you had fabricated</p> <p>2 along with Mr. Cassell --</p> <p>3 Q. No, I'm asking for names of human beings.</p> <p>4 SPECIAL MASTER POZZUOLI: No, let me stop</p> <p>5 you. My understanding of your testimony was</p> <p>6 that whatever you received -- whatever</p> <p>7 information you received from your lawyers</p> <p>8 played a small role. That's what you testified</p> <p>9 to.</p> <p>10 THE WITNESS: That's right.</p> <p>11 SPECIAL MASTER POZZUOLI: Correctly,</p> <p>12 Mr. Edwards then followed up on that question</p> <p>13 and said, let's go into that small role.</p> <p>14 THE WITNESS: Okay.</p> <p>15 SPECIAL MASTER POZZUOLI: So now . . .</p> <p>16 BY MR. EDWARDS:</p> <p>17 Q. What are the names of those people that</p> <p>18 gave you this information that played a small role</p> <p>19 in --</p> <p>20 A. In what?</p> <p>21 Q. -- in your belief that Brad Edwards had</p> <p>22 participated in a major fraud with Rothstein which</p> <p>23 somehow furthered your belief that Brad Edwards and</p> <p>24 Paul Cassell fabricated the allegations against you?</p> <p>25 So I'm asking for names of the people.</p>

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1 A. So my best recollection, and it's now over
2 a year, is that that was a subject of conversation
3 with David Markus. It was also the subject of
4 conversation with --
5 MS. McCRAWLEY: I'm sorry, I didn't hear
6 that. If he's talking about conversations --
7 MR. EDWARDS: He said Davis Markus.
8 MS. McCRAWLEY: I'm sorry. I couldn't
9 hear.
10 A. Another lawyer -- other people sent me
11 newspaper clippings.
12 SPECIAL MASTER POZZUOLI: No, no, no.
13 A. Lawyer. Okay. The other lawyer who told
14 me about that was a lawyer named David Efron.
15 MR. SCAROLA: First of all, make sure the
16 list is complete, and then you want to know
17 every one.
18 BY MR. EDWARDS:
19 **Q. Is that it? David Markus, David Efron?**
20 A. Those are the two I remember offhand.
21 Plus, as I said, when I spoke -- I spoke
22 at several events in January --
23 **Q. Right now --**
24 A. -- and lawyers came -- people --
25 lawyers --

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1 SPECIAL MASTER POZZUOLI: Let me stop you.
2 BY MR. EDWARDS:
3 **Q. Let me get to the next question.**
4 A. Yes.
5 SPECIAL MASTER POZZUOLI: Let me ask the
6 witness, the question is limited to --
7 MR. EDWARDS: Yes, the lawyers who played
8 a small role.
9 SPECIAL MASTER POZZUOLI: The small role
10 around the lawyers, and I think the followup
11 question was, you've mentioned a second lawyer,
12 is there anybody else on that list?
13 BY MR. EDWARDS:
14 **Q. Yes.**
15 A. Two lawyers, yes. The lawyers who came
16 over to me at the events that I spoke at.
17 **Q. What are their names?**
18 A. I don't know.
19 **Q. How do you know that they're lawyers?**
20 A. Because it was a lawyers' event. And they
21 were trial lawyers. This was all trial lawyers at
22 the event. Florida trial lawyers.
23 **Q. You don't have the names of any of them;
24 is that right?**
25 A. I can describe one of them as somebody who

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1 came over to me and told me -- he may have given me
2 a card, which I conceivably may have at home, told
3 me that he was a former official of the Florida Bar
4 and was outraged at what had happened and told me to
5 please look into your background and then told me
6 about your background.
7 **Q. Dade Markus, is he a former student of
8 yours?**
9 A. Yes, yes.
10 **Q. Did he have anything to do with the
11 investigation into the -- Scott Rothstein or any of
12 that?**
13 A. I don't know.
14 **Q. David Efron, did he have any inside
15 personal information into who was or who was not
16 culpable in any aspect of the fraud with Scott
17 Rothstein?**
18 A. I don't know.
19 MR. SCAROLA: You want to know exactly
20 what they said.
21 BY MR. EDWARDS:
22 **Q. Before we go to the next statement that
23 apparently formed your basis for believing that
24 Brad Edwards and Paul Cassell fabricated the
25 allegations against you, can you tell me exactly**

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1 **word for word as you remember it what David Markus
2 and then what David Efron told you --**
3 SPECIAL MASTER POZZUOLI: Let's start with
4 the first one.
5 BY MR. EDWARDS:
6 **Q. -- what David Markus told you about the
7 participation of Brad Edwards in a fraud with
8 Rothstein?**
9 MR. SIMPSON: We assert privilege to the
10 extent that it's someone who he was getting
11 legal advice from.
12 SPECIAL MASTER POZZUOLI: I'm going to
13 allow the question. You can answer over
14 objection.
15 A. All I can tell you is what the total
16 information I had at that point. I can't now, as I
17 sit here, separate out what Markus said, what Efron
18 said, what the lawyers who I met at the events said.
19 I can give you a totality of what the conclusion was
20 that was reached. Each of them contributed
21 something.
22 BY MR. EDWARDS:
23 **Q. Where were you when you received this
24 communication from David Markus about his
25 understanding or belief that Brad Edwards**

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1 **participated in a major fraud with Rothstein?**
2 A. In my apartment, I suspect.
3 **Q. Do you remember this?**
4 A. I remember being in my apartment when the
5 story broke and getting call after call after call
6 from lawyers.
7 **Q. Was this a telephone call with David**
8 **Markus --**
9 A. Probably.
10 **Q. -- or an in-person meeting?**
11 A. It was -- well, I had both. I had both
12 with him. I had a telephone call and then we had a
13 meeting.
14 **Q. And in this, did he describe to you what**
15 **support he had for this statement that he was making**
16 **to you regarding the involvement of Brad Edwards in**
17 **a major fraud with Rothstein?**
18 MR. SCOTT: Objection, work product on
19 this whole line of questioning. He has the
20 name. If we're going to go beyond this, we
21 need a judicial ruling from the judge and you.
22 SPECIAL MASTER POZZUOLI: Well, I'm going
23 to allow the witness to answer it at this point
24 and overrule the objection without prejudice.
25 A. What is the question again?

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1 SPECIAL MASTER POZZUOLI: Well, go back to
2 the question.
3 COURT REPORTER: "And in this, did he
4 describe to you what support he had for this
5 statement that he was making to you regarding
6 the involvement of Brad Edwards in a major
7 fraud with Rothstein?"
8 A. I'm sure he told me some information
9 involving his state of knowledge, but I can't
10 separate out now what different people told me. All
11 I remember is the totality of the conclusion that I
12 reached based on what they told me.
13 BY MR. EDWARDS:
14 **Q. What specifically did he tell you, if you**
15 **remember?**
16 MR. SCOTT: Same objection standing. I
17 just wanted to make sure we have a standing
18 objection.
19 SPECIAL MASTER POZZUOLI: I'll give you a
20 standing objection. I understand that piece.
21 If you don't remember, you don't remember or if
22 you can't describe it, rather than going
23 through again the generalities, so try to
24 answer his specific question.
25 A. Sure. Okay. The answer is I do remember

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1 the generalities, but I don't remember the
2 particulars of that. I would be happy to try to
3 refresh my recollection.
4 MR. SCAROLA: We're going to take a short
5 break.
6 VIDEOGRAPHER: Going off the record. The
7 time is 9:38 a.m.
8 (Recess was held from 9:38 a.m. until 9:45 a.m.)
9 VIDEOGRAPHER: Going back on the record.
10 The time is 9:45 a.m.
11 BY MR. EDWARDS:
12 **Q. Did David Markus say Brad Edwards**
13 **participated in a major fraud with Rothstein?**
14 MR. SCOTT: Objection, work product and
15 privileged.
16 SPECIAL MASTER POZZUOLI: I'll overrule
17 the objection.
18 MR. SCOTT: I have a question. Are we
19 taking the position that he has to answer the
20 question now and pending an appeal to the
21 judge? Is that what we're doing?
22 SPECIAL MASTER POZZUOLI: Or -- I will
23 reserve your right --
24 MR. SCOTT: Because you reserved on all
25 their stuff yesterday.

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1 SPECIAL MASTER POZZUOLI: I will reserve
2 on that, but I want him to answer the question
3 at this point. I believe that at this point,
4 given the inquiry and given the witness's
5 answers previously, that they've opened the
6 door, at least to this extent. But I will
7 reserve, but I want him to answer.
8 A. I will. I do not recall precisely what
9 David Markus or David Efron said. I do recall that
10 they -- to the best of my recollection, that they
11 both contributed to my general sense of what your
12 reputation was.
13 BY MR. EDWARDS:
14 **Q. I want to only stick with David Markus and**
15 **then we'll move on to David Efron.**
16 A. Okay.
17 **Q. All right. Did David Markus say anything**
18 **along the lines of, close to, Brad Edwards**
19 **participated in a major fraud with Rothstein?**
20 MR. SCOTT: Same objection.
21 A. My best recollection is that he said
22 something along those lines. He certainly said
23 something that led me to that conclusion.
24 BY MR. EDWARDS:
25 **Q. Did he tell you to look into a court file**

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1 or did he tell you Brad Edwards participated in a
 2 major fraud with Rothstein?
 3 MR. SIMPSON: We have a continuing
 4 objection on this, and also object to the form
 5 of that one.
 6 SPECIAL MASTER POZZUOLI: Yeah, well, the
 7 form I'm not going to rule on, but the form is
 8 awkward, at best.
 9 MR. SIMPSON: We just want in the record
 10 we have a continuing objection.
 11 SPECIAL MASTER POZZUOLI: Yes.
 12 BY MR. EDWARDS:
 13 Q. I've heard two statements. One is that
 14 David Markus said to look into a court file. And
 15 the other I understood you to say is, David Markus
 16 told me Brad Edwards participated in a major fraud
 17 with Rothstein, which is what gave the support for
 18 the statement that I ultimately made about
 19 Brad Edwards participating in the fabrication of
 20 these allegations.
 21 So I'm trying to understand, did David
 22 Markus tell you that Brad Edwards participated in a
 23 major fraud with Rothstein?
 24 SPECIAL MASTER POZZUOLI: You have a
 25 continuing objection, but you can answer.

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1 A. To the best of my recollection, it's more
 2 than a year ago now, he told me facts that led me to
 3 conclude that you had participated in a major fraud.
 4 He told me, for example, that what
 5 Brad Edwards -- that what Rothstein was selling were
 6 fake Edwards cases made up by people who didn't
 7 exist.
 8 He told me -- I think it was he who told
 9 me, but I can't be sure, that you were a protege,
 10 that you had offices that were very close to each
 11 other, that the fraud was very similar to what was
 12 being alleged against me. That's, again, my best
 13 recollection of a conversation that occurred over a
 14 year ago.
 15 BY MR. EDWARDS:
 16 Q. Did he tell you where he gathered that
 17 information that you just described to us?
 18 A. He did not. I think he -- no, he did not
 19 tell me precisely where he got it from, no.
 20 Q. Did he share with you his own conclusion
 21 that Brad Edwards participated in a major fraud with
 22 Rothstein?
 23 A. I don't recall that. That's not the
 24 nature of the way a conversation happens. I wasn't
 25 cross examining him. He was calling me to offer his

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1 assistance and to tell me how outrageous he thought
 2 this was. And in the course of the conversation, he
 3 mentioned to me that I should be very careful about
 4 you, that you had this reputation, and then he told
 5 me some things about your reputation that helped
 6 form my general impression about who you were and
 7 what you would do.
 8 Q. With respect to the reputation of
 9 Brad Edwards, did he tell you anything beyond
 10 describing what he understood to be as facts related
 11 to the Scott Rothstein fraud?
 12 A. I think he -- others also told me that --
 13 Q. I'm only talking about David Markus.
 14 A. Well, I can't separate out completely what
 15 David Markus told me and what others told me. I
 16 formed the holistic impression based on what a large
 17 number of people told me. That's the best I can do.
 18 Q. When was your first communication with
 19 David Markus?
 20 A. Oh, probably the day of the allegation or
 21 maybe the day after. But very, very soon
 22 thereafter.
 23 Q. Do you have journal entries indicating the
 24 telephone call that you had with David Markus?
 25 A. I don't journals entries of that kind, no.

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1 Q. Do you have phone records that would serve
 2 as evidence of the telephone call between yourself
 3 and David Markus?
 4 A. I suspect -- he called me, I remember that
 5 for sure. He called me.
 6 Q. Do you have telephone records that support
 7 his call to you?
 8 A. I don't know if the telephone records show
 9 who called you. If they do, probably we do.
 10 Q. On the days that you claim that you met
 11 with David Markus, do you have journal entries or
 12 any other diary notation that would -- that would
 13 serve as evidence of such a meeting?
 14 A. I'll check. I remember where we met. I
 15 don't remember exactly when. And if I paid for it,
 16 I may have paid for it by credit card. I'll check.
 17 I'll be happy to do that.
 18 Q. Did you meet with David Markus before or
 19 after appearing on the Don Lemon show on January 5,
 20 2015?
 21 A. I think I met with him before. I think I
 22 met with him before. I certainly communicated with
 23 him before.
 24 Q. Was it before your appearance on the Don
 25 Lemon show when David Markus provided you with

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1 **information that led you to conclude that**
2 **Brad Edwards participated in a major fraud with**
3 **Rothstein?**
4 A. I never said that publicly, of course, on
5 Lemon or any of the other shows. So, you're asking
6 me a compound question. Was it before I came to
7 that conclusion that then contributed to my belief
8 that you had worked -- that you had created false
9 testimony? It did.
10 MR. EDWARDS: What number exhibit are we
11 up to?
12 COURT REPORTER: Twenty-five.
13 MR. EDWARDS: Twenty-five, okay. I'll go
14 ahead and mark this transcript from the Don
15 Lemon interview as 25.
16 (Thereupon, marked as Plaintiff
17 Exhibit 25.)
18 BY MR. EDWARDS:
19 **Q. I'm going to show you the interview and**
20 **particularly the bracketed paragraph.**
21 A. Sure.
22 **Q. Do you see the section that we bracketed**
23 **there?**
24 A. Yeah. Yeah, let me just --
25 SPECIAL MASTER POZZUOLI: I'm going to

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1 look over your shoulder.
2 THE WITNESS: Sure.
3 BY MR. EDWARDS:
4 **Q. Is that a statement that you made on**
5 **January 5, 2015?**
6 A. Let me read into the record what I said.
7 **Q. I'm asking right now is that a statement**
8 **that you made?**
9 SPECIAL MASTER POZZUOLI: Which statement?
10 BY MR. EDWARDS:
11 **Q. The statement that is bracketed.**
12 MR. SIMPSON: Can I object? The record
13 doesn't reflect what that is, so the answer
14 will be misleading. You can't ask about a
15 statement that no one knows what it is.
16 BY MR. EDWARDS:
17 **Q. You can read the statement into the**
18 **record, but right now I'm just asking is that -- is**
19 **that an accurate transcript of your statement that**
20 **you're holding in your hand?**
21 MR. SIMPSON: Object to the form.
22 A. Let me respond to that. Yesterday you
23 read transcripts, and it turned out you left out
24 absolutely critical exculpatory --
25 MR. EDWARDS: Objection, nonresponsive,

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1 move to strike.
2 SPECIAL MASTER POZZUOLI: Hang on. Motion
3 to strike is granted. But here's the issue.
4 Let him identify the document first and lay the
5 predicate down and then go back into the
6 document. I don't want to tell you how to do
7 the deposition, but it makes it cleaner.
8 So, Brad, please have him identify the
9 document first and see what he knows about the
10 document and then move forward.
11 MR. SIMPSON: I think it's the portion of
12 it you're asking about, that's what we're
13 trying to identify.
14 BY MR. EDWARDS:
15 **Q. Sure. Well, the first question has**
16 **nothing do with the document. It is, did you appear**
17 **on the Don Lemon show January 5, 2015?**
18 SPECIAL MASTER POZZUOLI: That's an easy
19 question.
20 A. Yes, yes.
21 BY MR. EDWARDS:
22 **Q. Okay. In that interview -- can you**
23 **identify the transcript that you're holding in your**
24 **hand as a transcript of that interview?**
25 A. It seems like it is, yes.

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1 **Q. Okay. And does it seem to accurately have**
2 **transcribed, to the best of your memory, that**
3 **interview that you had with Don Lemon?**
4 MR. SIMPSON: Object to the form.
5 A. Yes.
6 BY MR. EDWARDS:
7 **Q. Can you read for us the portions that are**
8 **bracketed?**
9 A. No, because they're out of context. I
10 refuse to do that. That's what happened yesterday,
11 and you totally read it out of context. I will read
12 it for you in context.
13 I will read the question that was asked me
14 and I will read the entire answer, but I won't read
15 your selected excerpts which mislead everybody in
16 this transcript. No, I won't do that.
17 **Q. Okay.**
18 A. Because that would be a lie, and I'm under
19 oath. So I'll be happy to read the entire thing.
20 MR. SCOTT: Seems like a fair request.
21 MR. EDWARDS: If we're going to read
22 entire transcripts, not just the defamatory
23 remarks, we're going to be here all day.
24 A. We have time. The truth takes time and in
25 full context.

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1 SPECIAL MASTER POZZUOLI: Okay.
2 MR. SIMPSON: Wait for a question, please.
3 SPECIAL MASTER POZZUOLI: I believe it's
4 fair for the question starting -- the question
5 that starts right above the bracketed where
6 Mr. Lemon asks, "So why are you being targeted?
7 As you mentioned the lawyers, why would someone
8 target you, Alan Dershowitz, with these very
9 serious allegations?" And then from there
10 down, you don't need to read the whole thing,
11 but I think you'll get your point across that
12 way.
13 MR. EDWARDS: Okay.
14 SPECIAL MASTER POZZUOLI: That standpoint
15 would provide some level of context.
16 A. "Don Lemon: So, why are you being
17 targeted? As you mentioned the lawyers, why would
18 someone target you, Alan Dershowitz, with these very
19 serious allegations?"
20 My response: "Well, I fit beautifully
21 into the profile because they want to be able to
22 challenge the plea agreement, and I was one of the
23 lawyers who organized the plea agreement. I got the
24 very good deal for Jeffrey Epstein. I plead guilty
25 to getting him a good deal. That's my job. And if

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1 they can find a lawyer who helped draft the
2 agreement who was also a criminal having sex, wow,
3 that could help them blow up the agreement. So they
4 sat down together, the three of them, these two
5 sleazy, unprofessional, disbarable lawyers, Paul
6 Cassell, a former federal judge and current
7 professor, and another sleazy lawyer from Florida,
8 Brad Edwards, whose partner is in jail for 50 years
9 to trying to sell Epstein cases fraudulently, they
10 sat down together and they said, who would fit into
11 this description, a lawyer who knows Epstein who
12 helped draft, ha, Dershowitz. So they and the woman
13 got together and contrived and made this up."
14 That is a truthful statement, and I stand
15 by it.
16 SPECIAL MASTER POZZUOLI: Okay.
17 BY MR. EDWARDS:
18 **Q. In January -- on January 5, 2015, when you**
19 **made the statement that Brad Edwards and Paul**
20 **Cassell sat down with the woman together and**
21 **contrived and made this up, had you already spoken**
22 **with David Efron?**
23 A. Yes.
24 **Q. Okay. What is the date when you spoke to**
25 **David Efron?**

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1 A. I think he called me the day of the event,
2 the day the story was in the newspapers.
3 **Q. Would you have calendar entries or**
4 **telephone records to support the date of that call?**
5 A. I don't know about telephone records. I
6 don't have a calendar entry.
7 **Q. Did you meet with David Efron in person or**
8 **only by telephone?**
9 A. I did. I met with him in person.
10 **Q. And what did -- or did David Efron say**
11 **Brad Edwards participated in a major fraud with**
12 **Scott Rothstein?**
13 A. Again, I can only say that he gave me
14 facts and statements that led me to that conclusion,
15 which I stated in the interview, namely that
16 Rothstein had sold Epstein cases, and that Edwards
17 was his partner, and that his reputation was not
18 good in the community.
19 **Q. Did David Efron provide you with the**
20 **support for his alleged conclusion that**
21 **Brad Edwards' reputation is not good?**
22 MR. SIMPSON: Object to the form. Do we
23 have the continuing objection, sir?
24 SPECIAL MASTER POZZUOLI: Yes, continuing
25 objection.

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1 MR. SIMPSON: Thank you.
2 A. I think he -- I think he either brought me
3 or told me about some newspaper articles, which I
4 then read and formed my own conclusion. And he
5 also --
6 BY MR. EDWARDS:
7 **Q. Which newspaper articles did David Efron**
8 **provide you?**
9 A. I don't remember. But I -- at that point
10 in time, I was not reading the local newspapers, and
11 apparently there was some large coverage of the
12 Rothstein matter.
13 I didn't really know about the Rothstein
14 matter much at all. But when my accusation
15 occurred, I got lots and lots of calls from people
16 telling me about the Rothstein matter and giving me
17 all kinds of information about it.
18 **Q. Wasn't it within the context of what**
19 **you're now describing the Rothstein matter that Jack**
20 **Scarola attempted to depose you in 2011?**
21 A. I don't recall whether that was the
22 Rothstein matter. But I wasn't following it.
23 **Q. When you communicated with Mr. Scarola**
24 **about whether or not you could be subject or would**
25 **be subject to deposition, are you saying that you**

<p style="text-align: right;">697</p> <p>1 had no idea which case -- that the case in which you 2 were being asked for deposition? 3 A. I wasn't following that case. I was only 4 interested in the fact that I was being asked to be 5 deposed on, A, lawyer-client privileged information 6 or, B, facts that weren't true; namely an allegation 7 that I had observed young women in the presence of 8 Jeffrey Epstein. I didn't focus on the nature of 9 the case at all. 10 Q. So did David Efron provide you with 11 newspaper articles about the Rothstein matter or did 12 he say Brad Edwards participated in a major fraud 13 with Rothstein? 14 MR. SIMPSON: Object to the form and -- 15 object to the form. 16 SPECIAL MASTER POZZUOLI: I'm not ruling 17 on the -- those are -- those are reserved for 18 later. But I mean -- you should try to ask one 19 question and give him one question at a time 20 and break that up. 21 BY MR. EDWARDS: 22 Q. Did David Efron do anything more than 23 provide you with newspaper articles on the Rothstein 24 matter? 25 A. Yes.</p>	<p style="text-align: right;">699</p> <p>1 instruction. 2 A. Yeah, I mean, obviously -- 3 SPECIAL MASTER POZZUOLI: Short of that. 4 A. -- I'm not the talking about material, 5 much of which I got from lawyer-client privileged 6 information. But I can't talk about that. 7 So I will talk about another person called 8 me, I don't remember the date, who had sued you, 9 because he said you had -- 10 BY MR. EDWARDS: 11 Q. Wait. We haven't left the Rothstein 12 matter yet we're going to move to that -- 13 A. He told me about the Rothstein matter. 14 Q. Oh, really? Okay. 15 A. Yeah. So he called me and he said, be 16 very careful about this sleazy guy Rothstein [sic], 17 he was sleazy when he represented me, he helped fake 18 evidence, he helped doctor a tape, he was sued, it 19 was dismissed on prosecutorial privilege, but not on 20 the merits. And he was also involved in the 21 Rothstein, and he just gave me also general 22 information about the Rothstein matter, which many, 23 many people gave me. That -- you are burdened with 24 that as part of your reputation, for better or 25 worse.</p>
<p style="text-align: right;">698</p> <p>1 Q. Okay. What specifically did he do in 2 addition to providing you with -- do or say in 3 addition to providing you with newspaper articles 4 about the Rothstein matter? 5 A. To the best of my recollection, this is a 6 year-old conversation, he told me that you were all 7 tied up in the Rothstein matter, that this was -- 8 involved your whole firm, that you were a protege of 9 his, and that the firm was selling Epstein cases and 10 defrauding lots and lots of people. That's the 11 general thrust of what he told me. 12 Q. Just so I'm clear, did he -- are you 13 saying he shared with you his conclusion that 14 Brad Edwards was involved in the Rothstein fraud? 15 MR. SIMPSON: Object to the form. 16 A. I wouldn't use the term "conclusion." 17 That's not the way conversations occur. He gave me 18 facts from which I drew my own conclusion. 19 BY MR. EDWARDS: 20 Q. Is there anyone else whose name you can 21 provide us today in addition to David Markus and 22 David Efron that provided you information from which 23 you concluded that Brad Edwards participated in a 24 major fraud with Rothstein? 25 MR. INDYKE: Same objection, same</p>	<p style="text-align: right;">700</p> <p>1 Q. I just want the names of the people who 2 gave it to you. That's all I'm asking. 3 A. I don't remember his name, but you would 4 know his name, the man who sued you. 5 Q. Okay. What facts specifically were you 6 given or were given to you by David Markus or David 7 Efron or anyone else regarding Brad Edwards 8 participating in a major fraud with Rothstein? 9 A. I would like to answer that question. 10 MR. INDYKE: Same objection, same 11 instruction. 12 SPECIAL MASTER POZZUOLI: Let me stop for 13 a second. You can answer it, but I think we've 14 plowed this ground some. So go ahead. 15 A. Let me answer it. I was told that you 16 were his protege, that you were Rothstein's protege. 17 That the two of you were essentially joined at the 18 hip, or were inseparable. That you had offices near 19 each other. That Rothstein didn't do anything 20 without conferring with you. That you were "the 21 brains of the operation," he was the rainmaker, you 22 were the brains of the operation. 23 I was told that the case for which he went 24 to jail for 50-something years involved Epstein. 25 That you had kind of jointly worked on Epstein</p>

<p style="text-align: right;">701</p> <p>1 matters. That I was -- let me see what else. 2 That's the thrust of it. That was the thrust of it. 3 BY MR. EDWARDS: 4 Q. Who told you that Scott Rothstein and 5 Brad Edwards were "joined at the hip"? 6 A. I heard that probably from more than one 7 person. 8 Q. Then give me more than one person's name. 9 That's fine. 10 A. I don't remember specifically who told me 11 that, but that certainly came out of my 12 conversations with the various lawyers, that you 13 were very close. 14 Q. Were you aware of my deposition being 15 taken in Mr. Scarola's office on the subject matter 16 of the Jeffrey Epstein suit against me and my 17 countersuit that related to the Rothstein matter 18 you're referring to? 19 MR. INDYKE: Same objection, same 20 instruction. 21 SPECIAL MASTER POZZUOLI: Well, short of 22 that objection, I didn't -- I didn't understand 23 the question. 24 MR. EDWARDS: I'm -- 25 SPECIAL MASTER POZZUOLI: If you</p>	<p style="text-align: right;">703</p> <p>1 testified in your deposition? 2 Q. No, I'm asking you. 3 A. I certainly have absolutely no memory of 4 that. Where would that have been? When would it 5 have been? 6 Q. Just answer, were you sitting at the 7 table? 8 A. I have no memory of that whatsoever. 9 Q. Okay. Okay. Who told you that -- 10 A. But if I was -- 11 Q. -- Scott Rothstein -- 12 A. -- I would like to see the transcript. 13 SPECIAL MASTER POZZUOLI: Hang on a 14 second. 15 BY MR. EDWARDS: 16 Q. Who told you that Scott Rothstein didn't 17 do anything without conferring with Brad Edwards? 18 A. I heard that routinely from a number of 19 people, that you were his brains. 20 Q. Can you please provide the names of those 21 number of people that told you that Scott Rothstein 22 did not do anything without me? 23 A. That would require going into privilege. 24 MR. SCAROLA: We would like a ruling on 25 whether there has been a waiver with respect to</p>
<p style="text-align: right;">702</p> <p>1 understood it, you can answer. But I didn't 2 understand the question. 3 MR. SIMPSON: Object to the form. Nor did 4 I. 5 BY MR. EDWARDS: 6 Q. So you testified that you were not really 7 aware of the Rothstein matter; is that right? 8 A. Yes. 9 Q. And my question is, when my deposition was 10 taken in that matter, were you aware of the fact 11 that my deposition was taken? 12 A. I think so. I think I was, yes. 13 Q. And how were you aware of the fact that my 14 deposition was taken? 15 MR. INDYKE: Same objection, same 16 instruction. 17 BY MR. EDWARDS: 18 Q. And were you aware of the testimony that I 19 provided at that deposition? 20 A. Not the details of it, certainly. 21 Q. Weren't you sitting at the table as I 22 testified for my deposition? 23 A. No. 24 Q. You weren't? 25 A. I was sitting at the table when you</p>	<p style="text-align: right;">704</p> <p>1 that privilege as a consequence of having 2 disclosed the content of this information. 3 MR. INDYKE: If Mr. Dershowitz is 4 referring to Mr. Epstein, then I would object 5 to -- 6 SPECIAL MASTER POZZUOLI: Did you get 7 that? 8 COURT REPORTER: No. 9 SPECIAL MASTER POZZUOLI: Can you repeat 10 the -- I want to make sure that we get the 11 record clear. 12 Go ahead and repeat your objection on the 13 phone, Darren. 14 MR. INDYKE: If Mr. Dershowitz, by 15 referring to privilege, is referring to 16 anything that he may have learned through his 17 representation of Mr. Epstein or through a 18 common interest agreement with Mr. Epstein, 19 then I would object to disclosure of the 20 contents. 21 MR. SCOTT: We also object on work product 22 because this is whole new area now, and I don't 23 think there's been any waiver. 24 SPECIAL MASTER POZZUOLI: Well, I'm going 25 reserve, consistent with yesterday's rulings,</p>

<p style="text-align: right;">705</p> <p>1 that we will protect the privilege for now and 2 we'll reserve for a later fuller discussion on 3 this. So we'll mark this and we'll move 4 forward. 5 MR. EDWARDS: Okay. 6 BY MR. EDWARDS: 7 Q. At the time when you were told that Scott 8 Rothstein did not do anything without conferring 9 with Brad Edwards, were you representing Jeffrey 10 Epstein? 11 A. Yes. 12 Q. What were the circumstances of your 13 learning that information that Scott Rothstein did 14 not do anything without conferring with 15 Brad Edwards? 16 MR. INDYKE: Same objection, same 17 instruction. 18 SPECIAL MASTER POZZUOLI: If you can 19 answer outside the privilege. 20 A. There's nothing outside of the privilege. 21 SPECIAL MASTER POZZUOLI: So I would say 22 the following: I'm going to, for now, grant 23 the objection, consistent with yesterday, and I 24 think we need to either -- whether it's in 25 front of me or in front of Judge Lynch, fully</p>	<p style="text-align: right;">707</p> <p>1 was told. But I was told that by a number of 2 people -- 3 Q. Did -- 4 A. -- using different phrases. 5 Q. Can you provide me the name of the number 6 of people that are outside of any of the common 7 interest or attorney-client privilege that told you 8 Brad Edwards was the brains behind the Scott 9 Rothstein operation? 10 A. I can't give you a name of somebody who 11 said those precise words outside the privilege. 12 Q. Can you give me the name of somebody who 13 said words similar to that effect outside the 14 privilege? 15 A. As I sit here now, I cannot. But I will 16 try to refresh my recollection. 17 Q. Okay. You also testified that you spoke 18 with somebody that told you Brad Edwards fabricated 19 evidence as a prosecutor. 20 A. That's right. That's right. 21 Q. What is the name of that person that told 22 you that information? 23 A. You know that. I don't. As I'm sitting 24 here today, I have no memory. But we can get that 25 for you. You, of course, know the name.</p>
<p style="text-align: right;">706</p> <p>1 explore the timing of what -- the timing of 2 when -- the timetable you're inquiring relative 3 to his representation and the scope of that 4 representation to best determine whether there 5 was a privilege and if it exists. So for 6 now -- 7 MR. INDYKE: I'm sorry, Your Honor, just 8 for the record, as well as any kind of common 9 interest agreement as well. 10 SPECIAL MASTER POZZUOLI: Fine. 11 BY MR. EDWARDS: 12 Q. The last statement that you testified you 13 were told was that Brad Edwards was the brains 14 behind the Scott Rothstein operation. 15 A. That's right. 16 Q. Who outside of the privilege that you have 17 with Jeffrey Epstein told you that information? 18 A. Well, outside the privilege and outside of 19 common interest privilege and joint defense 20 privilege. 21 Q. Outside of the privileges -- 22 A. All those three privileges. 23 Q. Yes. 24 A. I don't have any distinct -- I can't 25 separate out necessarily the sources of everything I</p>	<p style="text-align: right;">708</p> <p>1 Q. Why do you say that I know the name? 2 A. Because he sued you. 3 SPECIAL MASTER POZZUOLI: This is not -- 4 Mr. Dershowitz, answer the question that's been 5 asked and let's not have crosstalk. 6 A. I do not know the name. 7 BY MR. EDWARDS: 8 Q. At our next break, can you get us the name 9 of this individual? 10 A. I will try. I will try. 11 Q. When did you have a conversation with this 12 individual that told that you Brad Edwards 13 fabricated evidence as a prosecutor? 14 A. Shortly after the allegations in my case, 15 he called me. 16 Q. Did you meet with this person? 17 A. I did not. But -- I did not. 18 Q. Did you attempt to ascertain the 19 truthfulness -- 20 A. Yes. 21 Q. -- of this -- 22 MR. SCOTT: Listen to the question. 23 SPECIAL MASTER POZZUOLI: Listen to the 24 question. 25</p>

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1 BY MR. EDWARDS:
 2 **Q. -- of this individual's statements that**
 3 **Brad Edwards fabricated evidence as a prosecutor?**
 4 A. I did.
 5 **Q. What did you do to --**
 6 A. I --
 7 **Q. What did you do to ascertain the**
 8 **truthfulness of this gentleman's statements that**
 9 **Brad Edwards fabricated evidence as a prosecutor?**
 10 A. I obtained all of the pleadings that I
 11 could in the case, including the tampered videotape.
 12 I obtained the expert analysis of the videotape. I
 13 think I personally viewed the videotape. It was a
 14 jail videotape.
 15 And I came to my own independent
 16 conclusion that the videotape had been tampered
 17 with, that the defendant had been denied his due
 18 process rights, and that he would have prevailed in
 19 that lawsuit but for prosecutorial immunity.
 20 MR. SCAROLA: Could we inquire as to
 21 whether these materials that Mr. Dershowitz
 22 contends he relied upon have been disclosed in
 23 discovery in this case in response to
 24 production requests that clearly would have
 25 called for that production?

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1 MR. SIMPSON: I don't -- I will answer
 2 that question at a break. I'm not agreeing
 3 whether it's called for or not called, but I
 4 don't have a microscopic memory of everything
 5 that's been produced in the case. But
 6 certainly if it was called for and it was
 7 responsive, it was either produced or is on a
 8 privilege log.
 9 SPECIAL MASTER POZZUOLI: Let's deal with
 10 that at break between you guys. Go ahead.
 11 BY MR. EDWARDS:
 12 **Q. Is the person you are referring to Donald**
 13 **Baker?**
 14 A. I don't have his name in my mind, but I
 15 can find that out.
 16 **Q. Is this the lawsuit where the person sued**
 17 **Michael Satz, Judge Micheal Gates, the entire**
 18 **Hollywood Police Department, and in that list of**
 19 **defendants included the prosecutors of the case,**
 20 **which was Brad Edwards and some other prosecutor I**
 21 **don't remember the name?**
 22 A. That's not my recollection.
 23 **Q. Is your recollection that this is a**
 24 **lawsuit that was filed against Brad Edwards alone?**
 25 A. My focus was on the lawsuit filed against

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1 Brad Edwards. I don't -- I didn't focus on any
 2 other people who might have been sued. But I did
 3 focus on Brad Edwards and I did get the pleadings,
 4 and last year early in the year I read them. I --
 5 my research assistant went through all the
 6 pleadings. Either he or I or both of us viewed the
 7 videotape together. He wrote me some note about it.
 8 And I came to the conclusion that the lawsuit was a
 9 very valid one.
 10 **Q. Was that note that you just described a**
 11 **part of that conclusion that you reached?**
 12 A. No, the note was probably just, here is
 13 the video, here is this, here is that. It was
 14 just -- my recollection of the note, it was just an
 15 inventory of some kind.
 16 **Q. Did you read the jury trial transcript**
 17 **from the criminal case you're referring to?**
 18 A. Well, the civil case had no jury, had no
 19 trial. It was dismissed. The criminal case, I
 20 don't remember if I read the jury trial or if my
 21 research assistant did or -- I just don't remember
 22 that. I do remember reading the pleadings, which
 23 included excerpts from the trial.
 24 **Q. Did you read any of the transcripts from**
 25 **the testimony regarding that defendant's motion for**

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1 **ineffective assistance of counsel?**
 2 A. No, not that I can recall.
 3 **Q. Did you read any of the transcripts from**
 4 **the hearing on that defendant's complaints about**
 5 **misconduct on behalf of the City of Hollywood Police**
 6 **Department or any others?**
 7 A. I did -- I do remember reading about the
 8 fact that the actual physical tampering was done by
 9 the Hollywood Police Department. But the
 10 allegation, to my best of my memory, it's been a
 11 long time now, was that you covered it up or played
 12 a role in it.
 13 **Q. Did you review the criminal record of this**
 14 **individual that provided you with the information**
 15 **that Brad Edwards fabricated evidence as a**
 16 **prosecutor?**
 17 A. I don't remember reviewing his criminal
 18 record. I do recall that the crime itself -- no, I
 19 just -- I don't remember reviewing his criminal
 20 record. I may very well have, but I don't remember
 21 it now.
 22 **Q. When you say you do remember reviewing the**
 23 **crime itself, the crime was a battery on a law**
 24 **enforcement officer. Is that what you remember?**
 25 A. My recollection is that in the course of

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1 being arrested, he was accused of resisting arrest.
2 That's my best recollection. I may have that wrong.
3 And that he complained that they cut off -- that he
4 was assaulted and he was only defending himself, and
5 that they cut off the video at the point that would
6 show the complete context. That's my best
7 recollection. And it's, again, a long time ago.
8 **Q. Did you or your representative initiate**
9 **the contact with this individual who --**
10 A. No.
11 **Q. -- claimed that Brad Edwards fabricated**
12 **evidence as a prosecutor?**
13 A. No, no. To my knowledge and my
14 recollection, he initiated the contact.
15 **Q. Is this -- did this individual's criminal**
16 **record include a first-degree murder conviction?**
17 A. Certainly I was not aware of that, if it
18 did.
19 **Q. Did -- in your review of this record --**
20 A. I would find that hard to believe.
21 SPECIAL MASTER POZZUOLI: Listen.
22 A. He was out on the street when he called
23 me.
24 BY MR. EDWARDS:
25 **Q. Do you remember whether or not this**

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1 **defendant was sentenced to prison after his**
2 **conviction?**
3 A. I'm confused. Is the conviction you're
4 referring to after the events at issue?
5 **Q. The conviction of battery on a law**
6 **enforcement officer, the case I prosecuted.**
7 A. Did that take place before or after his
8 alleged conviction on a murder charge?
9 **Q. Well after.**
10 A. So, what you're asking me, if I knew about
11 a prior earlier first-degree murder conviction?
12 **Q. Sure. My first question is, did you know**
13 **about a prior earlier first-degree murder conviction**
14 **of this person whose word you're accepting that**
15 **Brad Edwards fabricated evidence as a prosecutor?**
16 **Did you know about that?**
17 A. I was not accepting his word. I'm aware
18 of how to be skeptical about words. I did an
19 independent evaluation of the evidence, then came to
20 my conclusion.
21 **Q. Were you aware of this gentleman's prior**
22 **murder conviction?**
23 A. I'm not aware of it as I sit here now, no.
24 I don't think I was.
25 **Q. Are you aware as you sit here now whether**

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1 **this gentleman was sentenced to prison after the**
2 **jury verdict finding him guilty of battery on a law**
3 **enforcement officer?**
4 A. My recollection is that he was offered a
5 plea if he would withdraw his lawsuit, and that he
6 refused to withdraw his lawsuit. I think that was
7 part of his Complaint, that he was coerced, that
8 there was an effort to try to coerce him into
9 pleading guilty. But, again, these were all matters
10 of record, and it's a year ago, so my recollection
11 is not as clear.
12 **Q. What documents do you have to support that**
13 **this gentleman was offered a plea in exchange for**
14 **him agreeing to withdraw a lawsuit?**
15 A. That was my memory.
16 **Q. In order for that to be the case, wouldn't**
17 **you agree that his lawsuit must have preceded his**
18 **jury trial in order for your logic to be correct?**
19 A. Of course not. Of course not, no. Why
20 would that be? A lawsuit almost certainly -- he may
21 have threatened a lawsuit previously and it was part
22 of a -- my understanding, again, it's long time ago,
23 was that there was -- there were plea bargaining
24 efforts after he was convicted and that there
25 were -- this is just my memory of a long time ago --

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1 that the -- that they would give him a consideration
2 in sentencing if he didn't go through with his
3 threat to bring a lawsuit. That was my
4 recollection.
5 **Q. In addition to talking to this particular**
6 **individual who told you that Brad Edwards fabricated**
7 **evidence as a prosecutor --**
8 A. Right, or participated in the fabrication.
9 **Q. -- did you speak to anyone else that was a**
10 **representative of his or his attorneys that**
11 **corroborated that allegation?**
12 A. Representative of his?
13 **Q. Anybody other than --**
14 SPECIAL MASTER POZZUOLI: That's the
15 question, yes.
16 A. Not to my recollection, no.
17 BY MR. EDWARDS:
18 **Q. Have you -- has anyone other than this**
19 **particular person you have identified told you that**
20 **Brad Edwards fabricated evidence as a prosecutor?**
21 A. That's a conclusion -- first of all, I
22 never, as far as I remember, never publicly stated
23 that. I've told you that that was part of what went
24 into my conclusion about your reputation and record
25 and background.

<p style="text-align: right;">717</p> <p>1 But the question again?</p> <p>2 Q. Right. A person's name. Tell me what</p> <p>3 other -- what other individual, if anyone, has ever</p> <p>4 told you Brad Edwards fabricated evidence as a</p> <p>5 prosecutor.</p> <p>6 A. I did not rely on his statement to me of</p> <p>7 that. I did my own research, came to my own</p> <p>8 conclusion about the facts based on my review of</p> <p>9 the --</p> <p>10 MR. EDWARDS: Object. Move to strike as</p> <p>11 Nonresponsive.</p> <p>12 SPECIAL MASTER POZZUOLI: Stay focused on</p> <p>13 the question being asked.</p> <p>14 A. No other name -- no other person told me</p> <p>15 that. I did it on the basis of my own research.</p> <p>16 BY MR. EDWARDS:</p> <p>17 Q. Can you tell me the names of all of the</p> <p>18 individuals that told you Brad Edwards has a</p> <p>19 terrible reputation?</p> <p>20 MR. INDYKE: Objection. Same objection.</p> <p>21 BY MR. EDWARDS:</p> <p>22 Q. Outside of the attorney-client privilege,</p> <p>23 the joint defense privilege and any other privileges</p> <p>24 that you maintain with Jeffrey Epstein, Ghislaine</p> <p>25 Maxwell or anyone else a part of that agreement.</p>	<p style="text-align: right;">719</p> <p>1 no to a question that clearly can be answered</p> <p>2 with a "yes" or "no" or "I don't remember"?</p> <p>3 SPECIAL MASTER POZZUOLI: Before anybody</p> <p>4 objects to his answer, let's see what he says.</p> <p>5 Go ahead, and then we'll work backwards.</p> <p>6 A. What's the question again? Just repeat --</p> <p>7 BY MR. EDWARDS:</p> <p>8 Q. Sure. Did you attempt to contact</p> <p>9 Brad Edwards or any representative of Brad Edwards</p> <p>10 to talk to him about any allegation of misconduct on</p> <p>11 his part before you relied on those allegations from</p> <p>12 these individuals you have identified?</p> <p>13 SPECIAL MASTER POZZUOLI: So, I've heard</p> <p>14 the question. I do think that it's either yes</p> <p>15 or no, and I'm going to allow you full latitude</p> <p>16 to explain. So please proceed in that manner.</p> <p>17 A. It's no with an explanation.</p> <p>18 SPECIAL MASTER POZZUOLI: Go ahead.</p> <p>19 A. Because I was not making these allegations</p> <p>20 public, as you made your allegations against me</p> <p>21 public without calling me, because I was not making</p> <p>22 these allegations public, because I was only using</p> <p>23 them as part of my own internal work product, my own</p> <p>24 internal dynamic, my own thinking process, I didn't</p> <p>25 think it was necessary for me to call you and ask</p>
<p style="text-align: right;">718</p> <p>1 MR. SIMPSON: Object to the form as</p> <p>2 becoming very redundant.</p> <p>3 SPECIAL MASTER POZZUOLI: You can answer.</p> <p>4 A. Several people who came to me at these Bar</p> <p>5 meetings told me that, and I just heard it from</p> <p>6 many, many people who called me.</p> <p>7 BY MR. EDWARDS:</p> <p>8 Q. Okay. I'm --</p> <p>9 A. But I'm having difficulty coming up with a</p> <p>10 specific name. I will check to see if I have any</p> <p>11 notes.</p> <p>12 Q. I just want the list of those many, many</p> <p>13 people in response to this question that told you</p> <p>14 Brad Edwards has a terrible reputation.</p> <p>15 A. Okay. And I, right now, cannot name any</p> <p>16 person other than the information that I have</p> <p>17 already provided you.</p> <p>18 Q. Did you ever attempt to contact</p> <p>19 Brad Edwards or any representative of Brad Edwards</p> <p>20 to talk to him about any allegation of misconduct on</p> <p>21 his part before you relied on these allegations you</p> <p>22 received?</p> <p>23 A. This will require -- I can't do this yes</p> <p>24 or no. I can only do this with an explanation.</p> <p>25 MR. SCAROLA: Could we start with a yes or</p>	<p style="text-align: right;">720</p> <p>1 you about it. And so I did not.</p> <p>2 BY MR. EDWARDS:</p> <p>3 Q. Did you attempt to contact Brad Edwards or</p> <p>4 any agent of Brad Edwards to talk to him before</p> <p>5 making the allegation that "Brad Edwards and Paul</p> <p>6 Cassell and [REDACTED] sat down together, the</p> <p>7 three of them, these two sleazy, unprofessional,</p> <p>8 disbarable lawyers, they and the woman got together</p> <p>9 and contrived and made this up"?</p> <p>10 A. Well --</p> <p>11 Q. Yes or no?</p> <p>12 A. The answer to that is with Brad Edwards,</p> <p>13 no. With Cassell, it would be a different answer if</p> <p>14 you want to ask me about that.</p> <p>15 Q. All right. Okay. Prior to January 5,</p> <p>16 2015, making the statement that they, Brad Edwards</p> <p>17 and Paul Cassell, and the woman got together and</p> <p>18 contrived and made this up, did you contact Paul</p> <p>19 Cassell?</p> <p>20 A. I tried to reach out to Paul Cassell</p> <p>21 through a number of mutual acquaintances, and was</p> <p>22 told that he had no interest in having any</p> <p>23 conversation with me.</p> <p>24 Q. Tell me the date that you first reached</p> <p>25 out to Paul Cassell through anyone.</p>

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1 A. I don't recall the date.
2 **Q. Is it your testimony that the date you**
3 **tried to reach out to Paul Cassell preceded**
4 **January 5, 2015, when you made the statement that**
5 **Brad Edwards and Paul Cassell and this woman got**
6 **together and contrived and made this up?**
7 A. That will require a "no" answer and an
8 explanation. Okay. The explanation is that before
9 you made your false allegation against me, you had
10 months and months and months to reach out and do all
11 the checking.
12 I was in an emergency situation. I was
13 getting calls, probably a hundred a day, from every
14 media in the world asking me to respond immediately.
15 And I had to respond at that point based on the best
16 information I had available to me. I could not hire
17 an investigator. I could not conduct a massive
18 research operation. I was being accused of the most
19 heinous crime imaginable, absolutely falsely, and I
20 had to respond immediately.
21 And my response was based on my state of
22 knowledge, my opinion, my professional opinion, and
23 I gave those at the time because I had to give a
24 response immediately. I couldn't say "no comment."
25 I couldn't say, "I refuse to answer." Others have

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1 done that. I was totally, totally innocent. And I
2 had to respond immediately to these false charges,
3 which is what I did.
4 I need to take a break.
5 MR. SCOTT: Take recess for a couple of
6 minutes.
7 SPECIAL MASTER POZZUOLI: Let's take a
8 ten-minute break. Lawyers, can you stay for
9 just a second. I want to deal with a secondary
10 matter dealing with a deposition on Saturday.
11 VIDEOGRAPHER: Going off the record. The
12 time is 10:32 a.m.
13 (Discussion held off video record only as follows:)
14 SPECIAL MASTER POZZUOLI: We are off the
15 video, but I wanted to have this on the record.
16 I've reviewed the confidentiality order that's
17 pending that was issued by Judge Lynch, and I
18 just want to be clear as we head into the
19 deposition on Saturday as to get the party's
20 view as to who should be in attendance at that
21 deposition. So, Ms. McCawley, why don't you
22 start.
23 MS. McCAWLEY: Sure. Sure. The
24 deposition is a confidential deposition that is
25 going to be held under seal. It will be filed

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1 under seal. And our position is that the
2 individuals who need to be present at that
3 deposition are the parties in this case, so the
4 actual -- Brad and Paul, their lawyers, and
5 Mr. Dershowitz and his lawyers.
6 No other individuals; for example,
7 Mr. Dershowitz's wife or anybody else can be
8 present at that deposition. It's a deposition
9 of who we contend is a sex abuse victim. It
10 should be closed and sealed, and nobody else
11 should be present.
12 SPECIAL MASTER POZZUOLI: Do you not want
13 me there?
14 MS. McCAWLEY: I do want you there.
15 Sorry.
16 MR. SIMPSON: Our position is that
17 Professor Dershowitz's wife should be permitted
18 to attend. They're married. She'll agree to
19 whatever confidentiality. She's worked with
20 him on the case as a paralegal. She's entitled
21 to be there.
22 We have advised -- and I don't know if
23 Darren is still on the line -- counsel for
24 Mr. Epstein that it's confidential and that
25 non-parties are not permitted to attend, per

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1 Ms. McCawley's position that it's between those
2 folks if they disagree about that. But as to
3 Mrs. Cohen, we're adamant she has a right to be
4 there and there's no legitimate basis for
5 excluding her.
6 SPECIAL MASTER POZZUOLI: Hang on one
7 second. Anything else?
8 MR. SCOTT: No.
9 SPECIAL MASTER POZZUOLI: Mr. Scarola,
10 Mr. Edwards, do you have an opinion on this?
11 MR. SCAROLA: No.
12 MR. EDWARDS: Our opinion is consistent
13 with the opinion of Sigrid McCawley or the
14 argument of Sigrid McCawley.
15 SPECIAL MASTER POZZUOLI: Darren, go
16 ahead.
17 MR. INDYKE: I would like to give this to
18 Florida counsel because this is the first I'm
19 hearing of it. But I would say that at the
20 very least, there's some confidentiality
21 obligations that are applicable to Ms. [REDACTED]
22 in connection with the settlement agreement
23 that was signed. And that Mr. Epstein should
24 have counsel there present to protect any
25 disclosures --

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1 MR. SCAROLA: We have a very strong
2 opinion on that.
3 MS. McCAWLEY: Right. And I just want to
4 be clear, Mr. Epstein's counsel has not
5 appeared in this case. I argued this issue
6 before the judge, and I have a confidentiality
7 order from Judge Lynch signed based on my
8 motion to quash.
9 SPECIAL MASTER POZZUOLI: I've rereviewed
10 both your motions and the order.
11 Darren, anything else?
12 MR. INDYKE: No, that's as far as I
13 understand right now.
14 SPECIAL MASTER POZZUOLI: Mr. Scarola, you
15 wanted to say something? You were -- you had
16 some strong opinion I wanted to hear.
17 MR. SCAROLA: The purpose of the
18 confidentiality motion was to exclude
19 Mr. Epstein from the deposition, among other
20 purposes. But we did not want to be in a
21 position where ██████████ ██████ was
22 obliged to give her testimony in front of any
23 of her abusers, but most specifically not in
24 front of the individual accused of having
25 maintained her as a sex slave for an extended

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1 period of time.
2 SPECIAL MASTER POZZUOLI: So, I've
3 reviewed both the motion that was filed as well
4 as the order. While the order lacks any real
5 specificity, my view of the order is as
6 follows: That the deposition on Saturday,
7 obviously the named parties and their
8 representatives can attend. The witness and
9 their counsel can attend. The court reporter
10 and myself. And that will be it.
11 If there is any further clarification from
12 Judge Lynch, I'm happy to consider it. But as
13 of right now, those are the only parties and
14 people that will be allowed to attend the
15 deposition.
16 MS. McCAWLEY: Thank you.
17 MR. SCOTT: You are excluding Ms. Cohen?
18 SPECIAL MASTER POZZUOLI: I'm excluding
19 Ms. Cohen and excluding Mr. Epstein's
20 attorneys.
21 MR. INDYKE: I just want to note my
22 objection, but I will take that up with Florida
23 counsel.
24 (Recess was held from 10:37 a.m. until 10:50 a.m.)
25 MS. McCAWLEY: Just for something for the

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1 record, I mentioned to Rick yesterday I have to
2 leave here at 3:45 this afternoon, so he made
3 representations that there wouldn't be any
4 testimony with respect to Boies Schiller
5 Flexner or those allegations that have
6 repetitively come up in the deposition outside
7 of counsel's presence. But I do have to leave
8 because I have to catch a plane, so I won't be
9 here this afternoon, and they've agreed to
10 that.
11 MR. SIMPSON: She's correct about the
12 agreement.
13 SPECIAL MASTER POZZUOLI: What we might
14 do, then, is break at that point if we're going
15 to have to come back anyway.
16 MR. EDWARDS: What time is that?
17 MS. McCAWLEY: 3:45.
18 THE WITNESS: If we could finish in a
19 couple of hours, I'd like to do that, if that's
20 possible.
21 SPECIAL MASTER POZZUOLI: It's not my
22 deposition.
23 MR. EDWARDS: At this stage and at this
24 pace, I don't see how that's possible. That
25 was my goal, but I don't see it happening.

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1 We'll see where we are.
2 THE WITNESS: I hope we get to this
3 letter. I spent all night reading it last
4 night at your request.
5 MR. EDWARDS: I think we'll at least make
6 a dent.
7 SPECIAL MASTER POZZUOLI: Let's go back on
8 and plow forward.
9 VIDEOGRAPHER: Okay. We're going back on
10 the record. The time is 10:50 a.m.
11 BY MR. EDWARDS:
12 **Q. So, in addition to the statements that --**
13 **or the information that you had in your possession**
14 **at the time that you made the public statement on**
15 **January 5, 2015, regarding Brad Edwards, you also**
16 **indicated initially that you had certain information**
17 **in your possession with respect to Paul Cassell as**
18 **well, correct?**
19 A. That's right, yes.
20 **Q. One of the things I wrote down is that you**
21 **were told that Paul Cassell is a zealot.**
22 A. Right.
23 **Q. When were you told Paul Cassell is a**
24 **zealot?**
25 A. Immediately.

<p style="text-align: right;">729</p> <p>1 MR. INDYKE: Same objection, same 2 instruction. 3 A. Shortly there -- shortly after the 4 allegations were made. 5 BY MR. EDWARDS: 6 Q. And who told you that Paul Cassell is a 7 zealot? 8 MR. INDYKE: Same objection, same 9 instruction. 10 MR. SIMPSON: Outside the privilege. 11 A. Numerous people. That was a common term 12 used to describe him. I can tell you the people I 13 spoke to, but, again, I can't identify who precisely 14 would have used that term. 15 BY MR. EDWARDS: 16 Q. You previously said that numerous 17 people -- 18 A. They did. 19 Q. -- told you that Paul Cassell is a zealot, 20 and that assisted in providing the basis for your 21 statement that you made publicly about Paul Cassell. 22 I'm only asking for you to identify by 23 name the individuals that specifically told you Paul 24 Cassell is a zealot. I just want a list of names. 25 MR. SIMPSON: Objection, asked and</p>	<p style="text-align: right;">731</p> <p>1 led me to the conclusion that he was a zealot. 2 I also read a great deal of his material. 3 MR. EDWARDS: I move to strike as 4 nonresponsive to this question. 5 A. Okay. I'll give you some descriptions. 6 Q. I want the names of individuals. 7 SPECIAL MASTER POZZUOLI: Listen. 8 BY MR. EDWARDS: 9 Q. The names of individuals who told you that 10 Paul Cassell is a zealot. 11 A. I can't remember names, but I can give you 12 some descriptions, if you want. 13 Q. No, I want names of people. 14 A. Okay. 15 SPECIAL MASTER POZZUOLI: Hang on one 16 second. He's now answered the question. So -- 17 BY MR. EDWARDS: 18 Q. At this stage, you cannot provide me the 19 names of any individuals that told you Paul Cassell 20 is a zealot; is that correct? 21 A. I can give you descriptions, which would 22 lead you to be able to probably find out the names. 23 Q. Descriptions of people? 24 A. Description of people, yeah. 25 Q. Okay. Not descriptions of the statements;</p>
<p style="text-align: right;">730</p> <p>1 answered. 2 MR. INDYKE: Same objection, same 3 instruction. 4 SPECIAL MASTER POZZUOLI: In a 5 nonprivileged context. 6 MR. SCAROLA: So that the record is clear, 7 the question does not limit itself to a 8 nonprivileged context because our position is 9 the privilege has been waived. We understand 10 that we may only get a limited response, but 11 the question does not include the limitation. 12 MR. SCOTT: And this is -- our position is 13 that this is the entire area, and that even if 14 you accept, which we don't, that he waived the 15 other conversation, this has not been touched 16 on or waived. 17 MR. INDYKE: My position is that 18 Mr. Epstein waived no such privilege. 19 SPECIAL MASTER POZZUOLI: Okay. So with 20 that said, please provide an answer outside of 21 the context of the privilege, which will be 22 reserved for a later argument. 23 A. Right now all I can think of is the number 24 of people who gave me information about Paul 25 Cassell, but I cannot with specificity indicate who</p>	<p style="text-align: right;">732</p> <p>1 descriptions of the people? 2 A. No, description of people. 3 Q. Okay. I'll take right now descriptions of 4 the people who told you that Paul Cassell is a 5 zealot. 6 A. I got a number of calls from people who 7 were in litigation with Paul Cassell. He purports 8 to be an expert on false confessions. Apparently 9 he's not. 10 MR. EDWARDS: Object and move to strike as 11 nonresponsive. 12 SPECIAL MASTER POZZUOLI: I would agree 13 and grant that Motion to Strike. Provide the 14 descriptions of the names pursuant to the 15 question. 16 A. Okay. So a number of people who were 17 involved in litigation concerning his alleged 18 expertise as a witness on false confessions -- 19 BY MR. EDWARDS: 20 Q. Okay. 21 A. -- called me. 22 Q. Category number one, then, is people 23 involved in litigation currently with Paul Cassell 24 on false confession cases? 25 A. That's right, yes.</p>

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1 **Q. And are these people that you are**
 2 **describing lawyers or litigants?**
 3 A. Lawyers, lawyers. But not in a privilege.
 4 **Q. Do you remember which party these lawyers**
 5 **that you're describing represent?**
 6 A. Yes. The party opposed to Paul Cassell,
 7 the party that were challenging his expertise.
 8 **Q. How many different lawyers are you**
 9 **describing that are currently in litigation with**
 10 **Paul Cassell?**
 11 A. To my best recollection, two.
 12 **Q. Do these two lawyers work at the same law**
 13 **firm?**
 14 A. No.
 15 **Q. Do these two -- are these two lawyers, to**
 16 **the best of your understanding, working on separate**
 17 **false confession cases against Paul Cassell?**
 18 A. I think so, but I'm not absolutely
 19 certain.
 20 **Q. Do you know where it is that these two**
 21 **lawyers that you're describing practice?**
 22 A. My best recollection, this is just a
 23 recollection, one of them is in the midwest, maybe
 24 Chicago. And another I think in the mid south, I'm
 25 not positive, maybe Atlanta. But those are --

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1 again, I can probably find these names, but I don't
 2 have them off the top of my head.
 3 **Q. Have you provided these names or these**
 4 **descriptions in response to any requests for**
 5 **production in this case?**
 6 A. I don't provide that. My lawyers do. But
 7 I don't think anybody has ever -- these are not --
 8 MR. SIMPSON: Answer the question.
 9 A. I don't know the answer to that.
 10 BY MR. EDWARDS:
 11 **Q. Is there anything more that you can**
 12 **provide me in the way of description of the**
 13 **individuals that told you that Paul Cassell is a**
 14 **zealot?**
 15 A. No, but what I can do is give you names of
 16 people who called me and discussed with me Paul
 17 Cassell.
 18 **Q. We'll get there. Different category. Did**
 19 **these other people that called you, did they also**
 20 **tell you Paul Cassell is a zealot?**
 21 A. Well, I can only tell you again, as I said
 22 previously, on the basis of all the conversations I
 23 had with about Paul Cassell, I came to the
 24 conclusion, as some people had told me, that the
 25 people who told me that he was a zealot were

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1 correct. And I also did my own investigation.
 2 MR. SCAROLA: Did those include privileged
 3 and nonprivileged communications?
 4 BY MR. EDWARDS:
 5 **Q. Did those communications that led you to**
 6 **the conclusion that Paul Cassell is a zealot include**
 7 **both privileged and nonprivileged communications?**
 8 A. Yes.
 9 **Q. And with respect to the privileged**
 10 **communications, are you claiming that the**
 11 **communication that Paul Cassell is a zealot came**
 12 **from people with whom you share an attorney-client**
 13 **privilege because they're your attorneys or with**
 14 **whom you share a joint defense attorney-client**
 15 **privilege because they are attorneys or**
 16 **representatives of Jeffrey Epstein?**
 17 MR. SCOTT: Wait a minute. I'm objecting
 18 to that on work product and we're going to --
 19 SPECIAL MASTER POZZUOLI: Go ahead,
 20 Darren, get your --
 21 MR. INDYKE: Objection. Same objection,
 22 same instruction on a number of grounds,
 23 including attorney-client privilege as well as
 24 common interest.
 25 SPECIAL MASTER POZZUOLI: Read the

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1 question back.
 2 COURT REPORTER: "And with respect to the
 3 privileged communications, are you claiming
 4 that the communication that Paul Cassell is a
 5 zealot came from people with whom you share an
 6 attorney-client privilege because they're your
 7 attorneys or with whom you share a joint
 8 defense attorney-client privilege because they
 9 are attorneys or representatives of Jeffrey
 10 Epstein?"
 11 MR. INDYKE: In doing so, you're not only
 12 identifying the people but you're also
 13 identifying the contents of the disclosure.
 14 MR. SCAROLA: No, we're identifying the
 15 nature of the privilege being asserted.
 16 SPECIAL MASTER POZZUOLI: The nature of
 17 the privilege -- hang on a second.
 18 MR. SCAROLA: Thank you. I'm sorry.
 19 SPECIAL MASTER POZZUOLI: They're trying
 20 to identify the nature of the privilege being
 21 asserted. And I do think that if the witness
 22 does know the answer as opposed to a legal
 23 discussion, whoever's going to assert it, I
 24 think they're entitled to an answer on that.
 25 MR. SCOTT: Without any type of waiver

<p style="text-align: right;">737</p> <p>1 position.</p> <p>2 SPECIAL MASTER POZZUOLI: Without a</p> <p>3 waiver, but they're entitled -- because I don't</p> <p>4 think that waives -- I think it's the nature of</p> <p>5 what's being asserted.</p> <p>6 A. So without waiving --</p> <p>7 MR. SCOTT: Well, wait a minute. So let's</p> <p>8 ask the question again so we have it again.</p> <p>9 A. I know the question.</p> <p>10 MR. SCOTT: I don't. I'm not as smart as</p> <p>11 you are.</p> <p>12 THE WITNESS: I'm sorry.</p> <p>13 SPECIAL MASTER POZZUOLI: Let's go ahead</p> <p>14 and reread the question back so we get it</p> <p>15 precisely because that's how I ruled.</p> <p>16 COURT REPORTER: "And with respect to the</p> <p>17 privileged communications, are you claiming</p> <p>18 that the communication that Paul Cassell is a</p> <p>19 zealot came from people with whom you share an</p> <p>20 attorney-client privilege because they're your</p> <p>21 attorneys or with whom you share a joint</p> <p>22 defense attorney-client privilege because they</p> <p>23 are attorneys or representatives of Jeffrey</p> <p>24 Epstein?"</p> <p>25 MR. SCOTT: Answer that very concisely.</p>	<p style="text-align: right;">739</p> <p>1 record is clear as to which privilege is being</p> <p>2 asserted.</p> <p>3 MR. SCOTT: Jack, I totally agree with</p> <p>4 you. Thank you.</p> <p>5 SPECIAL MASTER POZZUOLI: Hang on one</p> <p>6 second. So based upon the correction, the</p> <p>7 privilege being asserted is both work product</p> <p>8 and attorney-client.</p> <p>9 MR. SCOTT: Both.</p> <p>10 SPECIAL MASTER POZZUOLI: And so the same</p> <p>11 ruling for now on the reservation.</p> <p>12 MR. SCOTT: And, Mr. Special Master, I'm</p> <p>13 objecting on both grounds consistent with what</p> <p>14 we discussed yesterday. I apologize. And</p> <p>15 thank you, Mr. Scarola.</p> <p>16 MR. SCAROLA: No apologies necessary. I</p> <p>17 just wanted the record to be clear.</p> <p>18 MR. SCOTT: I appreciate it.</p> <p>19 SPECIAL MASTER POZZUOLI: Well, I would</p> <p>20 accept your apology.</p> <p>21 BY MR. EDWARDS:</p> <p>22 Q. Mr. Dershowitz, are you willing to waive</p> <p>23 the attorney-client privilege to provide us the</p> <p>24 names of the individuals with whom you share a</p> <p>25 privilege that told you that Paul Cassell --</p>
<p style="text-align: right;">738</p> <p>1 A. Both.</p> <p>2 MR. INDYKE: I'm sorry, if there is</p> <p>3 discussion going on, I can't hear any of the</p> <p>4 discussion.</p> <p>5 SPECIAL MASTER POZZUOLI: No, there's --</p> <p>6 we've been quiet.</p> <p>7 BY MR. EDWARDS:</p> <p>8 Q. With respect to the communications with</p> <p>9 these individuals where you are the client, can you</p> <p>10 provide me with the names of those individuals?</p> <p>11 MR. SCOTT: Objection, work product.</p> <p>12 SPECIAL MASTER POZZUOLI: Yeah, so I'm</p> <p>13 going to grant the objection and allow them to</p> <p>14 assert the privilege at this point pending</p> <p>15 further review.</p> <p>16 MR. SCAROLA: I want to -- excuse me.</p> <p>17 Before we proceed, I want to get a</p> <p>18 clarification. This privilege that's being</p> <p>19 asserted is a work product privilege, correct?</p> <p>20 MR. SCOTT: And attorney-client privilege.</p> <p>21 MR. SCAROLA: Okay. Well, you said only</p> <p>22 work product.</p> <p>23 MR. SCOTT: Okay. I apologize. If I use</p> <p>24 one, I'm referring to both consistent with --</p> <p>25 MR. SCAROLA: I wanted to be sure that the</p>	<p style="text-align: right;">740</p> <p>1 MR. SCOTT: Don't answer the question.</p> <p>2 BY MR. EDWARDS:</p> <p>3 Q. -- is a zealot, a fact that you relied</p> <p>4 upon before making your public statement?</p> <p>5 MR. SCOTT: Objection. Work product. Do</p> <p>6 not answer that. He has a right to consult</p> <p>7 with counsel, and we haven't spoken.</p> <p>8 MR. INDYKE: Objection.</p> <p>9 BY MR. EDWARDS:</p> <p>10 Q. My only question is, are you willing to</p> <p>11 waive.</p> <p>12 SPECIAL MASTER POZZUOLI: Hang on one</p> <p>13 second.</p> <p>14 MR. INDYKE: Are we talking about only as</p> <p>15 to where Mr. Dershowitz is the client?</p> <p>16 MR. EDWARDS: Yes.</p> <p>17 MR. INDYKE: Okay.</p> <p>18 SPECIAL MASTER POZZUOLI: So, now repeat</p> <p>19 your question so it's clear.</p> <p>20 BY MR. EDWARDS:</p> <p>21 Q. Sure. Are you, Alan Dershowitz, willing</p> <p>22 to waive the attorney-client privilege to provide us</p> <p>23 the names of the individuals that told you Paul</p> <p>24 Cassell is a zealot?</p> <p>25 MR. SCOTT: Objection. Work product,</p>

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1 attorney-client privilege, and I'm instructing
2 him not to answer that question.
3 SPECIAL MASTER POZZUOLI: Okay. And where
4 he is the client?
5 MR. EDWARDS: Where he is the client.
6 SPECIAL MASTER POZZUOLI: You're
7 instructing him not to answer?
8 MR. SCOTT: Not to answer. I will discuss
9 it with him, and after a break, we can come
10 back to that question.
11 SPECIAL MASTER POZZUOLI: I believe the
12 witness has the right to consult with counsel
13 before answering that question. So we'll
14 proceed on that grounds.
15 MR. EDWARDS: Okay.
16 BY MR. EDWARDS:
17 **Q. Other than the two lawyers that you have**
18 **described that told you that Paul Cassell is a**
19 **zealot, and any attorneys with whom you share a**
20 **privilege, can you identify or describe any others**
21 **that you have not yet told us about that told you**
22 **Paul Cassell is a zealot?**
23 A. It's a common term that has been given to
24 me by numerous lawyers, but I can't right now give
25 you any more specificity. Sometimes it's "zealot,"

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1 sometimes the term is "true believer," sometimes the
2 term is an "extremist." But I've heard many terms
3 along those lines that would lead to a consistent
4 conclusion.
5 **Q. When did you receive these communications**
6 **from these various individuals that Paul Cassell is**
7 **a zealot?**
8 A. From the beginning up through recently.
9 **Q. Is it your testimony that you received**
10 **that information prior to January 5, 2015?**
11 A. Yes, yes.
12 **Q. Okay. And what was the form of that**
13 **communication, written or verbal?**
14 A. I don't remember. Well, I have to check.
15 I don't remember anything in writing. I think it's
16 all been -- I think it's all been verbal on the
17 phone and in person.
18 **Q. Have you met in person with the two**
19 **individuals that you described?**
20 A. No, no.
21 **Q. So when you are speaking about in-person**
22 **communication of the statement that Paul Cassell is**
23 **a zealot, you're talking about communications that**
24 **are privileged communications?**
25 A. I didn't understand the question. I'm

743

1 sorry.
2 **Q. Okay. The communications that Paul**
3 **Cassell is a zealot --**
4 A. Right.
5 **Q. -- outside of the two individuals with**
6 **whom you do not share privilege that you've**
7 **described --**
8 A. That's right.
9 **Q. -- are the remaining individuals that told**
10 **you that information and people that you have met**
11 **with in person, are those people all people with**
12 **whom you share a privilege?**
13 A. No.
14 **Q. Okay. What people have you met with in**
15 **person with whom you do not share a privilege that**
16 **have told you Paul Cassell is a zealot?**
17 A. I told you I spoke with numerous people.
18 I can't now specify a particular name with the word
19 "zealot." I can give you names of people I spoke to
20 who gave me information about Cassell.
21 MR. SCOTT: If they're not privileged.
22 A. They're not privileged.
23 SPECIAL MASTER POZZUOLI: That was his
24 question.
25

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1 BY MR. EDWARDS:
2 **Q. Please provide me the names of the**
3 **individuals you spoke to that provided you**
4 **information about Paul Cassell.**
5 A. I received a phone call from Senator Orrin
6 Hatch from whom -- for whom he worked. I received
7 phone call from a lawyer now -- a lawyer who he had
8 a litigation against somewhere in Arizona or
9 somewhere in the southwest whose name I don't right
10 now have on hand.
11 Another name that's popping into my mind,
12 but it's privileged. I had a conversation with the
13 former President of Ecuador, who had been a student
14 in one of my classes and was a colleague of
15 Mr. Cassell. We spoke -- I think I may have called
16 him or he may have called me, I don't remember
17 exactly.
18 **Q. This is the President of Ecuador?**
19 A. The former President of Ecuador.
20 Mr. Cassell knows who he is. And -- I can try to
21 think of other names of people who called me. I
22 will check and see if I have any information
23 further.
24 **Q. If you think of them while we're talking,**
25 **then let me know.**

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1 A. Sure.

2 **Q. What did the lawyer in Arizona tell you**

3 **about Paul Cassell?**

4 A. That he was a zealot and that he was a

5 pain in the ass. That was -- I remember that was

6 his exact words.

7 **Q. Is this somebody in addition to the other**

8 **two lawyers that you described?**

9 A. Yes.

10 **Q. So now we are up to three lawyers that**

11 **were in litigation with Paul Cassell that told you**

12 **that Paul Cassell is a zealot?**

13 A. At least three, yes.

14 **Q. Three that you've been able to describe?**

15 A. Yeah.

16 **Q. But as you sit here right now, unable to**

17 **name today?**

18 A. I can't, no.

19 **Q. Including this lawyer in Arizona?**

20 A. Yeah. I don't remember if it was Arizona

21 or New Mexico or Utah. It was a southwest case that

22 was a long, long -- apparently a lengthy litigation.

23 **Q. Did this lawyer in Arizona telling that**

24 **you Paul Cassell is a, quote, pain in the ass,**

25 **unquote, contribute --**

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1 A. No, no, not that statement. I mean, many

2 lawyers could be described that way. That would not

3 contribute to that. I myself have been described

4 that way.

5 **Q. Okay. So is there anything about the**

6 **communications that you had with this lawyer in**

7 **Arizona that in any way contributed --**

8 A. Yes.

9 **Q. Let me just finish the statement so that**

10 **we have a clean record.**

11 **-- contributed to your confidence in**

12 **making the public statement in January 5, 2015, that**

13 **Paul Cassell contrived or assisted in making up the**

14 **allegations?**

15 A. First let me be very clear that that was

16 an expression of an opinion.

17 **Q. What was? Be clearer.**

18 A. "So they sat down together, the three of

19 them, these clearly disbarred, unprofessional

20 lawyers," when you read it in context, it's clear I

21 wasn't saying I was there, I wasn't saying I saw

22 it. I was giving a scenario. They profiled me,

23 they did this, so they sat down together and they

24 made up this story.

25 So it was an expression --

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1 constitutionally protected expression of opinion,

2 and it was based on the totality of circumstances

3 that I had available to me at the time. That

4 included reputations of the two people who had made

5 up the story. It included the statements themselves

6 and how they were written and framed. Included the

7 fact that there was no affidavit, that it was

8 written, in fact, by the two lawyers.

9 So of course the lawyers played a role.

10 It was their own words that were being circulated to

11 millions -- hundreds of millions of people around

12 the world.

13 **Q. But you were -- you were saying and you**

14 **said and you conveyed something more than Paul**

15 **Cassell and Brad Edwards simply listened to their**

16 **client and put it on paper, you were saying --**

17 A. That's right.

18 **Q. -- you were saying and are still saying**

19 **Paul Cassell and Brad Edwards and [REDACTED]**

20 **concocted this story about me together?**

21 A. That's right.

22 **Q. Meaning it wasn't just her words; the**

23 **lawyers came up with these allegations. That's what**

24 **you were saying, right?**

25 A. I'm saying a combination. I said -- my

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1 exact words were:

2 "MR. DERSHOWITZ: So they and the woman

3 got together and contrived and made this up."

4 Yes.

5 **Q. Right. So, when I asked you what formed**

6 **the basis of your public statement that the lawyers**

7 **were involved in contriving and making this up, you**

8 **gave me a list of things, and one is --**

9 A. That's right.

10 **Q. -- Paul Cassell's reputation --**

11 A. That's right.

12 **Q. -- that was supported by various people**

13 **telling you various things.**

14 A. That's right.

15 **Q. One of those things being Paul Cassell is**

16 **a zealot. And so that's where we are right now in**

17 **understanding who these people were, when you got**

18 **this information. And that's what you're describing**

19 **for me, right?**

20 A. That's correct. But I'm saying to you

21 that it was the totality of circumstances. For

22 example, if a very imminent lawyer with a superb

23 reputation had made serious allegations, I would

24 be -- I mean, I knew in this case they were totally

25 false, but if I didn't know, if I didn't have that

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1 personal information, I would be more reluctant to
 2 express this opinion.

3 But knowing everything I knew, that the
 4 allegations were false, that there had to be
 5 financial motive, that there was so much
 6 specificity, that it was written by the lawyers
 7 themselves, that they didn't put it under seal, that
 8 they were trying to get the story out and circulated
 9 as widely as possible, all of that combined with
 10 their reputation led me to the opinion that this was
 11 the scenario.

12 By the way, I think it was partial
 13 scenario, I think as I've said before, there were
 14 dual motivations. One motivation was to profile me
 15 to try to -- that was a cover, really.

16 MR. EDWARDS: Object. Move to strike as
 17 nonresponsive.

18 SPECIAL MASTER POZZUOLI: Yeah, I think
 19 we've gone far afield. So granted. Move
 20 forward.

21 BY MR. EDWARDS:

22 **Q. What did the former President of Ecuador**
 23 **tell you about Paul Cassell?**

24 A. Again, all I remember is we had a
 25 conversation. You asked me who did I have a

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1 conversation with about Paul Cassell. My
 2 recollection is that he did not use the term
 3 "zealot" or anything like that. He just gave me
 4 information.

5 **Q. What information did he give you?**

6 A. That he is stubborn, that he would be
 7 difficult to get to change his views, that kind of
 8 thing, in general. But all of it contributed to an
 9 image.

10 I had never met Paul Cassell. I didn't
 11 know who he was other than having read some of his
 12 articles. But then I did a lot of research on him
 13 before I made these statements.

14 **Q. Okay. My question that's pending is, what**
 15 **did the former President of Ecuador tell you?**

16 A. That he was stubborn and probably would be
 17 difficult to get him to change his mind.

18 **Q. Okay. Is there anyone else other than the**
 19 **people that you have already either identified --**

20 A. Yes.

21 **Q. -- by name or described for me that gave**
 22 **you information --**

23 A. Yes.

24 **Q. -- about Paul Cassell that contributed to**
 25 **your belief about his reputation that gave you a**

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1 **confidence in the public statement you made about**
 2 **him on January 5, 2015?**

3 A. Yes.

4 **Q. Okay. Who are those individuals?**

5 A. But I want to be very clear. I'm talking
 6 about individuals who I spoke to about Paul Cassell,
 7 who gave me information that formed part of the
 8 large picture.

9 **Q. You've been clear on that. I get that.**

10 A. One of them is Akhil Amar, who is a
 11 professor at Yale Law School.

12 **Q. When did you talk to Akhil Amar?**

13 A. Shortly after this happened. Again, my
 14 recollection is he called me because he was so
 15 shocked.

16 **Q. And would that have been some date prior**
 17 **to January 5, 2015?**

18 A. I don't remember for sure. But it's -- I
 19 don't remember for sure.

20 **Q. Can you tell me what the substance of the**
 21 **conversation was that you had with Akhil Amar about**
 22 **Paul Cassell?**

23 A. Well, how shocked he was that Cassell
 24 would make a statement like this. And that he would
 25 try to talk to Cassell and persuade him that it

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1 couldn't be true. And that it would be a difficult
 2 conversation. That's my basic recollection.

3 **Q. Did Akhil Amar tell you that he thought**
 4 **highly of Paul Cassell?**

5 A. No.

6 **Q. Did he give you positive or negative**
 7 **information about Paul Cassell or Paul's reputation?**

8 A. I would say it was neutral but consistent.
 9 You have to know something about Akhil Amar. Akhil
 10 Amar is the nicest person in the world. I've never
 11 heard him say anything negative about any human
 12 being on the face of the earth, and I would never
 13 expect him to say in specific terms anything
 14 negative about anybody. But the information he
 15 provided me helped form the total picture that I had
 16 of Mr. Cassell.

17 **Q. Other than telling you that Mr. Cassell**
 18 **was stubborn, what other information did he provide**
 19 **you which helped to form the total picture?**

20 A. I think we discussed his views of
 21 victimization, his views of false confessions. We
 22 had a general discussion about his academic
 23 standing, about his general reputation, about --

24 **Q. When you says "his," you're speaking of**
 25 **Paul Cassell's or Akhil Amar's?**

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1 A. No, about Paul Cassell's. This is a
2 conversation with Akhil Amar.

3 **Q. Okay. What specifically, then, was the**
4 **substance of that conversation about Paul Cassell's**
5 **reputation that's helped to form the basis of the**
6 **big picture?**

7 A. The conclusion that I drew from it was
8 that he with a zealot and he was stubborn and that
9 he was an idealogue, and that he was rigid in his
10 views. But, again, this is a conclusion that I
11 reached on the basis of all the conversations I had.
12 I reached out, some people reach out to me, and
13 these are the kinds of things that we discussed.

14 **Q. Did Akhil Amar, in speaking about Paul**
15 **Cassell and his character and his reputation, tell**
16 **you that he feels Paul Cassell must genuinely**
17 **believe in the allegations?**

18 A. No.

19 **Q. Did he tell you or convey to you that Paul**
20 **Cassell did not believe in the allegations of this**
21 **claim?**

22 A. No.

23 **Q. Did Akhil Amar convey to you that Paul**
24 **Cassell's character or reputation were such that he**
25 **would place assertions or allegations in pleadings**

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1 **in which Paul Cassell did not believe?**

2 A. My best recollection -- again, this could
3 be him, it could be others, but it was partly from
4 what I spoke to him about is that Paul Cassell does
5 not believe that any woman is capable of lying about
6 sexual assault; that when a woman makes a claim of
7 sexual assault, it must be believed and it must be
8 credited without regard to the evidence.

9 That was certainly the impression I came
10 away with from my various conversations with a range
11 of people. And that was a pretty uniform view that
12 I got from the people around -- the people I spoke
13 to.

14 MR. EDWARDS: We're getting a little
15 feedback on the phone.

16 SPECIAL MASTER POZZUOLI: On the phone,
17 there is some background --

18 VIDEOGRAPHER: We're going off the record.
19 The time is 11:21 a.m.
20 (Recess was held from 11:21 a.m. until 11:27 a.m.)
21 VIDEOGRAPHER: We are back on the record.
22 The time is 11:27 a.m.

23 MR. EDWARDS: Can you read back for me the
24 last question and the last answer?
25 COURT REPORTER: "Did Akhil Amar convey to

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1 you that Paul Cassell's character or reputation
2 were such that he would place assertions or
3 allegations in pleadings in which Paul Cassell
4 did not believe?

5 "My best recollection -- again, this could
6 be him, it could be others, but it was partly
7 from what I spoke to him about is that Paul
8 Cassell does not believe that any woman is
9 capable of lying about sexual assault; that
10 when a woman makes a claim of sexual assault,
11 it must be believed and it must be credited
12 without regard to the evidence.

13 "That was certainly the impression I came
14 away with from my various conversations with a
15 range of people. And that was a pretty uniform
16 view that I got from the people around -- the
17 people I spoke to."

18 BY MR. EDWARDS:

19 **Q. Is there anything more about your**
20 **conversation with Akhil Amar that contributed to**
21 **your overall perspective on the reputation of Paul**
22 **Cassell, other than what you've already told me?**

23 A. Not that I can now think of.

24 **Q. How many times did you speak with Akhil**
25 **Amar about Paul Cassell?**

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1 A. I think twice.

2 **Q. And are you able to say with any certainty**
3 **whether or not it was before or after January 5,**
4 **2015?**

5 A. I can't say.

6 **Q. Did you ask Akhil Amar to reach out to**
7 **Paul Cassell?**

8 A. I did.

9 **Q. Other than Akhil Amar, is there anyone**
10 **else that you haven't already described or named**
11 **that gave you information about Paul Cassell?**

12 A. Okay, let me be very clear, I'm not
13 including people with whom I have a privilege, I'm
14 not including people that have a privilege with me.
15 And I want to be very clear about this, I
16 am not now allowed to describe any conversations
17 with the person who Sigrid McCawley is now here on
18 behalf of. So, I don't want a negative inference to
19 be drawn.

20 I would like to comment, if I could, about
21 a person who I'm not allowed to comment about. But
22 I want the record to be -- I don't want -- I have to
23 answer your question completely.

24 **Q. Okay. But this is all -- all of these**
25 **questions are about the basis that gave you the**

<p style="text-align: right;">757</p> <p>1 confidence to make the January 5, 2015 statement 2 that provided you information on Paul Cassell. 3 A. I misunderstood. I think your last 4 question said the universe of information about Paul 5 Cassell. That's why I had to put that on the record 6 involving the sealed -- 7 Q. Maybe it did, so let me just say -- let me 8 break this down. 9 SPECIAL MASTER POZZUOLI: That's how I 10 understood it. 11 BY MR. EDWARDS: 12 Q. Let's break this down into the people that 13 you were describing you spoke to prior to making the 14 public statement that we've been talking about, and 15 then we'll expand it beyond that time. 16 A. Okay. 17 Q. Okay. So, in addition to Akhil Amar, who 18 is next on the list? 19 A. You want me to repeat the names I gave you 20 or -- 21 Q. No, no, outside of the people we've 22 already discussed? 23 SPECIAL MASTER POZZUOLI: Who is next on 24 the list for what? 25</p>	<p style="text-align: right;">759</p> <p>1 my view, invade the privilege without 2 identifying the people. And so based on the 3 objection, I will grant the objection pending a 4 reservation to review the entire issue on the 5 privilege, as we've done before. 6 So move on. I think right now, move on on 7 this -- on the question because you specified 8 the question. 9 BY MR. EDWARDS: 10 Q. Did privileged communications assist in 11 forming your opinions about Paul Cassell? 12 MR. SCOTT: Same objection, same 13 instruction. 14 MR. INDYKE: Same objection. 15 SPECIAL MASTER POZZUOLI: And the same 16 ruling as the previous question. 17 BY MR. EDWARDS: 18 Q. Are we clear that I'm not asking what 19 those opinions are or the names of the individuals? 20 Just are there individuals -- is there privileged 21 communications that form the basis of your -- that 22 help to form the basis of your opinions? Just yes 23 or no, is there privileged communication -- 24 MR. SCOTT: Same objection, same 25 instruction.</p>
<p style="text-align: right;">758</p> <p>1 BY MR. EDWARDS: 2 Q. Who is next on the list of people that you 3 spoke with about Paul Cassell or his reputation that 4 gave you the confidence to make the public statement 5 that you made about Paul Cassell on January 5, 2015? 6 A. Outside of people within the various 7 privileges we've talked about. 8 Q. Well, I want to know are there people 9 within the privileges that we spoke about -- 10 MR. SCOTT: Objection. 11 BY MR. EDWARDS: 12 Q. Are there people within the privilege that 13 spoke to you that helped to form your opinions or 14 give you confidence to make the public statement 15 that you made in January 5, 2015? 16 MR. SCOTT: Objection, work product -- 17 MR. INDYKE: Objection -- 18 MR. SCOTT: -- attorney-client. I'm 19 instructing him not to answer that question. 20 MR. EDWARDS: I'm not even asking for the 21 identities first. I'm asking are there people. 22 MR. SCOTT: I'm not -- objection. 23 MR. INDYKE: Objection. Same objections. 24 SPECIAL MASTER POZZUOLI: Because you've 25 defined the topic so specifically, it would, in</p>	<p style="text-align: right;">760</p> <p>1 MR. INDYKE: Same objection, same 2 instruction. 3 SPECIAL MASTER POZZUOLI: Here's -- let me 4 just -- so I'm clear, we may -- it may be me or 5 it may be Judge Lynch who visits this issue, 6 and it may very well be that he will have to -- 7 the witness will have to answer these questions 8 after subsequent argument. 9 However, because the question defines the 10 topic and the matter that you're inquiring so 11 specifically without addressing the 12 individuals, but seeking the individuals whom 13 he shares whatever privilege is being asserted, 14 since the topic is so specifically defined in 15 your question, I think it would invade the 16 privilege, as I understand it. 17 And until we reach the overall decision on 18 whether privileged information of this type can 19 be -- to force the witness to answer it -- 20 require an answer from the witness, then I 21 would like to move on. 22 MR. SCAROLA: So that our position is 23 clear, there is no legal issue to address 24 unless there are materials over which a 25 privilege is being asserted.</p>

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1 We are entitled to know whether there are
 2 materials over which a privilege is being
 3 asserted, and we are entitled to know the
 4 nature of the privilege that is being asserted
 5 so that we can make a determination as to
 6 whether we even want to raise a legal issue.
 7 There's no legal issue to raise unless
 8 we've identified whether there is privileged
 9 material.
 10 That's what we're attempting to do, to
 11 establish for the record whether there is
 12 privileged material and the nature of privilege
 13 being asserted without getting into the
 14 substance of any privileged communication.
 15 SPECIAL MASTER POZZUOLI: I -- well taken.
 16 But my ruling will stand for now.
 17 BY MR. EDWARDS:
 18 **Q. Did you receive any e-mails about Paul**
 19 **Cassell or his reputation?**
 20 A. Not that I remember, but I can check.
 21 MR. INDYKE: Same objection.
 22 BY MR. EDWARDS:
 23 **Q. Did you receive any e-mails about the**
 24 **reputation of Brad Edwards?**
 25 MR. INDYKE: Same objection, same

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1 instruction.
 2 MR. SCOTT: Again, if they're in the
 3 context of privileged materials.
 4 A. Outside -- outside all of the privileges,
 5 I will have to check. I don't recall.
 6 BY MR. EDWARDS:
 7 **Q. Did you receive any e-mails about the**
 8 **reputation of Jack Scarola?**
 9 MR. INDYKE: Same objection, same
 10 instruction.
 11 A. I don't recall.
 12 BY MR. EDWARDS:
 13 **Q. Did you receive any e-mails about the**
 14 **reputation of Sigrid McCawley?**
 15 MR. SCOTT: Relevancy.
 16 MR. INDYKE: Same objection, same
 17 instruction.
 18 A. No. I've always had a very high regard
 19 for Sigrid McCawley prior to these allegations,
 20 which is why I was so shocked that she would lend
 21 her name to these false allegations.
 22 BY MR. EDWARDS:
 23 **Q. I don't believe there's any question**
 24 **pending.**
 25 **Who are the individuals by name that told**

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1 **you Paul Cassell, as a professor, used Alan**
 2 **Dershowitz as an object of hatred in his class?**
 3 A. I heard that from some students. Well,
 4 no, let me be clear. From a student. And I have no
 5 recollection of the name. But a student called me
 6 and told me that a friend of his who was in Paul
 7 Cassell's class remembered that he went after me on
 8 the -- two issues; on the death penalty and on the
 9 exclusionary rule, and used me as a kind of object
 10 example of, you know, a wrong-headed person. That
 11 he seemed to -- at least the student got a
 12 perception that he seemed to have an animus towards
 13 me. But I have to tell you that did not figure
 14 into -- that did not contribute to my conclusions
 15 about that. I'm controversial; I know that.
 16 **Q. Didn't we get here by me asking what did**
 17 **contribute, and you told me, amongst a laundry list**
 18 **of other things, that you were told that Paul**
 19 **Cassell used Alan Dershowitz as an object of hatred?**
 20 A. I may have thought about that. But as I
 21 think about it now, I don't think I really factored
 22 that in in any significant way into my assessment.
 23 **Q. So that I understand the source of that**
 24 **information, as you sit here today, it is a person**
 25 **who you cannot identify told you that a friend of**

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1 **that person that you cannot identify --**
 2 A. That's right.
 3 **Q. -- told you that --**
 4 MR. SCAROLA: Told him.
 5 BY MR. EDWARDS:
 6 **Q. -- told him that Paul Cassell used you as**
 7 **an example on two issues, the death penalty and**
 8 **exclusionary rule, in his class?**
 9 A. And more generally about my approach to
 10 criminal law. That's why I would never make a
 11 statement like that publicly.
 12 You're asking me what was in my mind.
 13 That was a factor in my mind. When you get a phone
 14 call about somebody, you don't forget it, it stays
 15 in your mind and it becomes a small part.
 16 As I now think about it, I think too small
 17 a part to even factor into my decision. I don't
 18 think I really let that weigh on my decision. It
 19 may have weighed on my attitude toward Paul Cassell,
 20 but I don't think it would have affected my decision
 21 as to whether he would do what I said he did -- what
 22 I believe he did.
 23 **Q. What are the names -- other than those**
 24 **that you have identified or described for us -- what**
 25 **are the other names in addition to those that you**

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1 **have described or named for us that gave you**
2 **information about Paul Cassell?**
3 A. As I sit here now, I'm sure there are
4 many, but I can't identify any specific names, and
5 if I can think of any, I will certainly let you
6 know.
7 **Q. Can you tell me the additional names other**
8 **than Akhil Amar that you communicated with and asked**
9 **to communicate with Paul Cassell?**
10 A. Nancy Gertner, former federal judge.
11 MR. SCOTT: Again, not privileged.
12 A. Well, it's complicated. At the time I
13 asked her to reach out, I did not regard her as my
14 attorney. Since that time, she has offered to help
15 represent me. So we're now in a privileged
16 relationship.
17 But when I called and asked her -- I think
18 she called me. I had no idea who knew Paul Cassell,
19 but a number of people called and said, what can we
20 do? Can we call Paul? How can he be doing this?
21 This is -- even Senator Hatch offered to call Paul
22 Cassell because he couldn't believe -- he said, I
23 cannot believe this allegation against you. I know
24 you. I know you to be a very honorable man. I
25 cannot believe that allegation against you. And I'm

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1 going to call Paul Cassell.
2 BY MR. EDWARDS:
3 **Q. Okay. Going back to Nancy Gertner, when**
4 **did you establish an attorney-client relationship**
5 **with Nancy Gertner?**
6 A. Sometime thereafter.
7 **Q. Sometime?**
8 A. After she called Cassell, and Cassell
9 would not do anything to try to resolve the matter.
10 **Q. Okay. Do you know when it was that you**
11 **asked Nancy Gertner to reach out to Paul Cassell?**
12 A. Shortly after the allegations. Again, she
13 called me, and she just couldn't believe that
14 anybody would be making these allegations.
15 **Q. Was it before or after the statement that**
16 **we have discussed that was made by you on the Don**
17 **Lemon show on January 5, 2015, that you asked Nancy**
18 **Gertner to reach out to Paul Cassell?**
19 A. I don't remember. It could have been
20 before. But it might have been after. I just don't
21 remember.
22 **Q. And is there a formal memorialization of**
23 **the attorney-client relationship between yourself**
24 **and Nancy Gertner?**
25 A. I don't know the answer to that as we sit

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1 here now, but she's one of my lawyers and she's
2 included on my list of lawyers and I regard her as
3 one of my attorneys.
4 **Q. Is there anyone else that is on the list**
5 **of people other than those that you've either**
6 **described or named already that provided you**
7 **information about Paul Cassell?**
8 A. I'm sure there are many, but not that I
9 can identify now. Well, I can give you one more.
10 The BBC reporter who interviewed me showed me an
11 e-mail from Paul Cassell in which Paul Cassell gave
12 her a list of questions to ask me, while claiming
13 that he was not speaking to the media.
14 That led me to conclude that he was a
15 liar. And that happened very early on. That he was
16 absolutely a liar because he categorically stated
17 that he had never spoken to the media, never would
18 speak to the media. And here I had an e-mail from
19 him showed to me by BBC that proved he was
20 absolutely lying through his teeth. So I concluded
21 that he is a liar who has no concern for the truth.
22 **Q. When did Paul Cassell categorically deny**
23 **ever speaking to the media?**
24 A. In his press releases where he says, we do
25 not speak to the media, we've never spoken to the

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1 media, only Dershowitz speaks to the media, lying by
2 omission and by commission, failing to state that he
3 was trying to get publicity through ABC, that he was
4 pleading with ABC and he was trying to sell her
5 story to tabloids. So he was lying by omission,
6 lying by commission, and so were you.
7 **Q. Have you produced -- do you have a list**
8 **from BBC or -- reporter or anyone else that**
9 **indicates a list of questions or whatever it is**
10 **you're testifying to --**
11 A. Yes.
12 **Q. -- that came from somebody other than Paul**
13 **Cassell?**
14 A. I don't understand that question.
15 **Q. Well, you just threw in "and so were you,"**
16 **and we're only talking about a list of questions**
17 **that you know about from the BBC.**
18 MR. SCOTT: I'm not sure -- can you
19 rephrase the question so we have it clear?
20 MR. EDWARDS: Sure.
21 BY MR. EDWARDS:
22 **Q. I asked for you to identify anyone else**
23 **that provided you information about Paul Cassell**
24 **that helped to form your opinions. Your answer was,**
25 **a BBC reporter. Do you know her name?**

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1 A. You must, because you know it's a her.
 2 **Q. I'm asking you, do you know her name?**
 3 A. I provided it and we have -- it's part of
 4 the record.
 5 **Q. As you sit here today, do you know her**
 6 **name?**
 7 A. No, I don't know the names of reporters.
 8 **Q. Okay. And the thing that that BBC**
 9 **reporter whose name you do not know right now --**
 10 A. But I can get it for you.
 11 **Q. I'm just describing the reporter since you**
 12 **don't know her name. The reporter whose name you do**
 13 **not recall right now provided you an e-mail --**
 14 A. No.
 15 **Q. Showed you an e-mail?**
 16 A. No.
 17 MR. SCOTT: Let him ask the question.
 18 SPECIAL MASTER POZZUOLI: Let him finish.
 19 BY MR. EDWARDS:
 20 **Q. I understood your testimony, and please**
 21 **correct me if I'm wrong, that this BBC reporter**
 22 **showed you an e-mail of questions from Paul Cassell**
 23 **that were requested by Paul Cassell to be directed**
 24 **to you.**
 25 A. Yes. But it was not done by the reporter.

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1 It was done by the producer. It was a man producer.
 2 And he told me and showed me on his BlackBerry or
 3 his iPhone the questions that Paul Cassell had asked
 4 him to ask me.
 5 **Q. In addition to the questions that Paul**
 6 **Cassell had asked him to ask you, is it your**
 7 **testimony that Paul Cassell spoke to the media about**
 8 **the allegations or the facts as Paul understood them**
 9 **in the case?**
 10 A. Yes, I don't about spoke, but we know that
 11 he -- yes, we know he spoke to ABC. I think I can
 12 give you the names of the people he spoke to there.
 13 Jim Hill.
 14 MR. SCAROLA: Pardon me. I think there's
 15 a feedback problem again.
 16 MR. SIMPSON: On the phone, there seems to
 17 be a feedback problem.
 18 MR. SCAROLA: Cross talk.
 19 MR. INDYKE: Do you know if it's coming
 20 from Darren Indyke or another phone?
 21 SPECIAL MASTER POZZUOLI: There's no way
 22 to know.
 23 MR. SIMPSON: It's not there now.
 24 BY MR. EDWARDS:
 25 **Q. I want to limit this so that I can**

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1 **understand exactly what you're saying to this BBC**
 2 **reporter that you have identified that provided you**
 3 **information that helped to support your opinions**
 4 **about Paul Cassell.**
 5 A. That's right.
 6 **Q. Okay. That person provided you an e-mail**
 7 **or you saw through this person an e-mail that Paul**
 8 **Cassell -- that evidenced questions that Paul**
 9 **Cassell wanted you to be asked?**
 10 A. It was my recollection it was an e-mail
 11 from Paul Cassell to the producer is my
 12 recollection.
 13 **Q. Okay. In addition -- so my question**
 14 **that's pending is, in addition to the questions, is**
 15 **there anything in the body of that e-mail or that**
 16 **you were told by this reporter that Paul Cassell**
 17 **spoke or communicated with the BBC beyond the**
 18 **content of those questions?**
 19 A. Yes, the reporter told me that Paul
 20 Cassell had spoken to him, and my recollection is
 21 that they had spoken and then he sent him a
 22 follow-up e-mail is my recollection. Again, it's a
 23 year ago. And this was at the time that Paul
 24 Cassell was saying and you were saying through your
 25 lawyers and certainly trying to convey the

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1 impression that you were trying to keep this case
 2 out of the media and that it was I who was putting
 3 it into the media, while it turns out that
 4 secretly --
 5 MR. EDWARDS: Object. Move to strike as
 6 nonresponsive.
 7 SPECIAL MASTER POZZUOLI: Are you almost
 8 finished?
 9 A. Almost done.
 10 Secretly you were communicating with the
 11 media and trying very hard to get them to cover this
 12 story in a way negative to me.
 13 BY MR. EDWARDS:
 14 **Q. Was this a reporter or a producer that was**
 15 **telling you this information?**
 16 A. Producer.
 17 **Q. And what is the name of that producer, if**
 18 **you know?**
 19 A. We can find that out. But I'm sure you
 20 have the e-mail. I'm sure Cassell has the e-mail.
 21 SPECIAL MASTER POZZUOLI: Do you know?
 22 A. I don't know the name of the producer.
 23 BY MR. EDWARDS:
 24 **Q. And what was it that this producer told**
 25 **you that Paul told him?**

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1 A. To please ask me very critical and hard
2 questions. And I assumed -- this is an
3 assumption -- that the reason the BBC may have
4 called me was they were put on to it by Paul
5 Cassell, who urged them to call me.
6 **Q. My question, if we back up a few, though,
7 is beyond the substance of the questions from Paul
8 Cassell, do you have information that Paul Cassell
9 spoke to them?**
10 A. Yes.
11 **Q. Okay. And I think, as you said, yes,
12 because I talked to this reporter. What did the
13 reporter tell you that Paul Cassell said beyond the
14 substance of those questions?**
15 A. It's the producer.
16 **Q. Producer.**
17 A. Not the reporter. The reporter was part
18 of the conversation, too, but I think the
19 conversations had been between Paul Cassell and the
20 producer.
21 The conclusion I drew from our
22 conversation was that Paul Cassell had reached out
23 to BBC and asked to have them ask me hard questions,
24 and the questions were all very critical and hard
25 questions designed to make her story believable.

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1 And that the producer then responded to
2 Cassell and said send me an e-mail, and Cassell sent
3 an e-mail with the questions listed. And they, in
4 fact, asked me those questions.
5 **Q. Okay.**
6 A. But the point of my answer is that at the
7 same time, you, Mr. Scarola, and Mr. Cassell were
8 communicating to the press --
9 MR. EDWARDS: Object and move to strike as
10 nonresponsive.
11 SPECIAL MASTER POZZUOLI: I would agree
12 with that and grant the motion. Go ahead and
13 ask your next question.
14 BY MR. EDWARDS:
15 **Q. Beyond the communication from Paul Cassell
16 to a producer, ask Alan Dershowitz these questions,
17 is it your understanding that Paul Cassell
18 communicated anything further to that producer?**
19 A. Yes.
20 **Q. Okay. What did the producer tell you that
21 Paul Cassell said to him beyond "ask Alan Dershowitz
22 these questions"?**
23 A. Well, the producer certainly came to the
24 interview having been, it seemed to me, briefed by
25 Cassell and came with a conclusion that he had

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1 reached that I was guilty. So I can draw a
2 reasonable inference that he was told that by Paul
3 Cassell.
4 **Q. Did the producer tell you that he was told
5 anything beyond "ask Alan Dershowitz these
6 questions"?**
7 A. The producer told me that he had other
8 communications with Cassell. But beyond that, I had
9 to draw my own inferences.
10 **Q. Without you drawing your own inferences,
11 did the producer tell you the substance of those
12 other communications with Paul Cassell beyond "ask
13 Alan Dershowitz these questions"?**
14 A. No.
15 SPECIAL MASTER POZZUOLI: We're beginning
16 to approach a break, so as your deposition --
17 find a time in the next 10 or 15 minutes or so.
18 MR. EDWARDS: I think this is as good a
19 time as any.
20 THE WITNESS: I'm happy to go on.
21 MR. SIMPSON: Take a break.
22 MR. SCOTT: Take a break.
23 SPECIAL MASTER POZZUOLI: I don't want to
24 interrupt a flow.
25 MR. EDWARDS: This is good stopping point,

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1 and then we'll take a break and be back.
2 VIDEOGRAPHER: We're going off the record.
3 The time is 11:52 a.m.
4 SPECIAL MASTER POZZUOLI: You can go off
5 the record but stay on the record.
6 With respect to the issues over privilege,
7 and as it appears that this witness may be held
8 over beyond today, I would ask the parties to
9 discuss and see if you can agree among
10 yourselves how you wish, if you wish, to
11 address those issues so that whether it's in
12 front of me or in front of Judge Lynch, so that
13 in several weeks or whenever he's reset, should
14 there need to be a readdressing of questions
15 that were not answered because of that issue,
16 just as I'm not foretelling -- don't take
17 anything in it, but just for purposes of
18 scheduling, we probably ought to try to deal
19 with -- I would suggest that the parties try to
20 deal with that issue between now and the next
21 time Mr. Dershowitz sits for deposition.
22 MR. SCAROLA: That absolutely makes sense.
23 And we will be filing, after we have received
24 the transcript, an appropriate Motion to
25 Compel, and I think that it is best that the

<p style="text-align: right;">777</p> <p>1 Court deal with that motion. 2 SPECIAL MASTER POZZUOLI: I'm -- 3 MR. SCAROLA: I think it's beyond the 4 scope of the responsibilities that have been 5 agreed to be resolved by you, and that would be 6 our request. 7 SPECIAL MASTER POZZUOLI: Okay. I wanted 8 to raise that just from the purposes of just an 9 administrative standpoint. 10 MR. SCAROLA: Yes. Thank you very much. 11 (Recess was held from 11:54 a.m. until 1:04 p.m. 12 after which the proceedings continued in Volume 6.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">779</p> <p style="text-align: center;">CERTIFICATE OF REPORTER</p> <p style="text-align: center;">STATE OF FLORIDA COUNTY OF BROWARD</p> <p style="text-align: center;">I, KIMBERLY FONTALVO, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing videotape continued deposition of ALAN M. DERSHOWITZ; pages 648 through 455; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.</p> <p style="text-align: center;">I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.</p> <p style="text-align: center;">Dated this 14th day of January, 2016.</p> <p style="text-align: center;">_____ KIMBERLY FONTALVO, RPR, CLR</p>
<p style="text-align: right;">778</p> <p style="text-align: center;">CERTIFICATE OF OATH</p> <p style="text-align: center;">STATE OF FLORIDA COUNTY OF BROWARD</p> <p>I, the undersigned authority, certify that ALAN M. DERSHOWITZ personally appeared before me and was duly sworn on the 13th day of January, 2016.</p> <p style="text-align: center;">Signed this 17th day of January, 2016.</p> <div style="text-align: center;">  <p><i>Kimberly Fontalvo</i> KIMBERLY FONTALVO, RPR, CLR Notary Public, State of Florida My Commission No. FF 226848 Expires: 7/12/2019</p> </div>	<p style="text-align: right;">780</p> <p>January 14, 2016 COLE, SCOTT & KISSANE, P.A. Dadeland Centre II - Suite 1400 9150 South Dadeland Boulevard Miami, Florida 33156 BY: THOMAS EMERSON SCOTT, JR., ESQ. thomas.scott@csklegal.com</p> <p>Re: Bradley Edwards, et al., v. Alan M. Dershowitz</p> <p>Please take notice that on the 12th day of January, 2016, you gave your deposition in the above cause. At that time, you did not waive your signature.</p> <p>The above-addressed attorney has ordered a copy of this transcript and will make arrangements with you to read their copy. Please execute the Errata Sheet, which can be found at the back of the transcript, and have it returned to us for distribution to all parties.</p> <p>If you do not read and sign the deposition within a reasonable amount of time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court.</p> <p>If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return to the address listed below.</p> <p>Very truly yours,</p> <p>KIMBERLY FONTALVO, RPR, CLR Phipps Reporting, Inc. 1551 Forum Place Building 200, Suite E West Palm Beach, Florida 33401 I do hereby waive my signature.</p> <p>_____ ALAN M. DERSHOWITZ</p>

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