

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/Counterclaim Defendants,

vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.

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**DEFENDANT/COUNTERCLAIM PLAINTIFF ALAN M. DERSHOWITZ'S  
SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO JANE DOE NO. 3'S  
MOTION TO QUASH OR FOR PROTECTIVE ORDER**

Defendant/Counterclaim Plaintiff Alan Dershowitz ("Dershowitz") respectfully submits this Supplemental Memorandum in Opposition to the Motion to Quash or for Protective Order Regarding Subpoena filed by non-party Jane Doe No. 3 (the "Motion to Quash").

On September 21, 2015, the non-party who submitted the Motion to Quash under the pseudonym "Jane Doe No. 3" filed a lawsuit captioned [REDACTED] v. *Ghislaine Maxwell*, Case No. 15-cv-07433 (S.D.N.Y.) (the "Maxwell Action"). A copy of the complaint in the Maxwell Action is attached as Exhibit A. By publicly filing the complaint in the Maxwell Action in her own name, [REDACTED] ("[REDACTED]") made a voluntary decision to identify herself and therefore no longer has any plausible argument that she should be permitted to proceed anonymously, either in this defamation action or otherwise.<sup>1</sup>

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<sup>1</sup> As set forth in Dershowitz's Memorandum in Opposition to the Motion to Quash, [REDACTED] chose to identify herself publicly even before she filed the Maxwell Action. Moreover, at a

Even more significantly, ██████ public allegations in the Maxwell Action eliminate any argument that she should be excused from providing discovery in this action based on concerns of confidentiality and privacy. ██████ alleges in her complaint in the Maxwell Action that she was sexually abused and sexually trafficked by Jeffrey Epstein (“Epstein”) and Ghislaine Maxwell (“Maxwell”) between 1999 and 2002. *See generally* Exhibit A. ██████ further alleges that Maxwell defamed her by disputing ██████ account of this time period. *See id.*

The subpoena served upon ██████ in this case seeks deposition testimony and the production of documents concerning ██████ false and gratuitous allegations that she was abused by Dershowitz on multiple occasions during the time period she was purportedly a “sex slave.” In other words, the subpoena seeks discovery relating to the very same allegations that ██████ placed at issue by publicly filing the Maxwell Action.

In ██████ Motion to Quash, she seeks an order from the Court that quashes the subpoena altogether or significantly limits the scope of the testimony and documents she must provide. Among other arguments, ██████ contends that the subpoena is “oppressive” because it “seeks highly personal and sensitive information [about] the time when she was being sexually abused as a minor” and because it seeks “confidential” and “personal” information about payments made to ██████ during the time when she was purportedly trafficked by Epstein. Motion to Quash, at 4, 9.

As set forth in Dershowitz’s Opposition to the Motion to Quash (the “Opposition”), ██████ assertions of confidentiality and privacy lacked any legal or factual support at the time she filed the Motion to Quash. Even assuming that ██████ arguments were valid when she

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recent public deposition in this case, ██████ given name was used on multiple occasions in the presence of her counsel, who did not raise any objection.

initially raised them, however, [REDACTED] has now voluntarily waived her prior claims of privacy and confidentiality. By filing the Maxwell Action, [REDACTED] has placed her allegations of being a “sex slave” at issue in a public litigation where she is seeking monetary recovery. [REDACTED] thus has no valid basis to assert that the very same matters are somehow “highly personal,” “sensitive,” or “confidential” for purposes of this defamation action. Motion to Quash, at 4, 9.

Separate and apart from the Maxwell Action, Plaintiffs Paul Cassell and Bradley Edwards (together, “Plaintiffs”) deposed Dershowitz in this action on October 15 and 16, 2015. Plaintiffs’ counsel inquired in detail about the truth of [REDACTED] allegations that she had sex with Dershowitz on multiple occasions when she was a minor. In pursuing this line of questioning, Plaintiffs’ counsel relied on documents that were not available at the time when they filed the initial pleading asserting [REDACTED] false and outrageous allegations against Dershowitz. This questioning shows that – contrary to [REDACTED] assertions in the Motion to Quash – the subpoena issued to [REDACTED] seeks testimony and documents that are directly relevant to this lawsuit. Dershowitz must be permitted to test the veracity of [REDACTED] allegations against him.

For the reasons set forth above and in his Opposition, Dershowitz respectfully requests that the Court enter an order that (1) denies [REDACTED] request to quash the subpoena issued by Dershowitz; and (2) denies [REDACTED] request for a protective order that would modify the subpoena.

Respectfully submitted,

/s/ Thomas E. Scott

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail (email) at email address: [jsx@searcylaw.com](mailto:jsx@searcylaw.com), [mep@searcylaw.com](mailto:mep@searcylaw.com), [scarolateam@searcylaw.com](mailto:scarolateam@searcylaw.com) to: **Jack Scarola, Esq.**, Searcy Denney Scarola Barnhart & Shipley, P.A., Counsel for Plaintiff, 2139 Palm Beach Lakes Blvd., West Palm Beach, Florida 33409, and I electronically filed the foregoing with the Clerk of Broward County by using the Florida Courts eFiling Portal this 26<sup>th</sup> day of October, 2015 .

By: s/Thomas E. Scott  
THOMAS E. SCOTT  
FBN: 149100

# **EXHIBIT A**

**United States District Court  
Southern District of New York**



**COMPLAINT**

[REDACTED]

NATURE OF THE ACTION

[REDACTED]

JURISDICTION AND VENUE

[REDACTED]

PARTIES

[REDACTED]

FACTUAL ALLEGATIONS

[REDACTED]

against Ghislaine Maxwell are untrue.”

[REDACTED]

claims are obvious lies.”

[REDACTED]

*The New York Daily News*

COUNT I  
DEFAMATION

[REDACTED]



