

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  
MOTION FOR FINDING OF WAIVER BASED ON PLAINTIFFS'  
FAILURE TO PROVIDE A PRIVILEGE LOG OR, IN THE ALTERNATIVE,  
TO COMPEL PLAINTIFFS TO PROVIDE AN ITEMIZED PRIVILEGE LOG**

Defendant/Counterclaim Plaintiff ALAN M. DERSHOWITZ ("Dershowitz") respectfully moves this Court for entry of an Order ruling that Plaintiffs BRADLEY J. EDWARDS ("Edwards") and PAUL G. CASSELL ("Cassell") (together, "Plaintiffs") have waived any privilege or protection that may have otherwise applied to documents and information that are responsive to Dershowitz's discovery requests. In the alternative, Dershowitz requests that the Court enter an Order compelling Plaintiffs to provide an itemized privilege log by a date certain.

On February 11, 2015, Dershowitz served his First Sets of Document Requests and First Sets of Interrogatories on each of the Plaintiffs, individually (collectively, the "Initial Discovery Requests"). On March 13, 2015, Plaintiffs served their responses to the Initial Discovery Requests, which asserted that many of the documents and much of the information sought by Dershowitz are protected by the attorney-client privilege and/or the work product doctrine. *See*

**Exhibits A & B.** Plaintiffs did not, however, produce a single document to Dershowitz, nor did they provide a privilege log to substantiate their assertions of privilege. After months of delay, Plaintiffs finally produced some documents to Dershowitz in late July and early August 2015. On August 25, 2015, Plaintiffs served Supplemental Responses to Dershowitz's First Sets of Document Requests that continued to assert the attorney-client privilege and the work product doctrine as a basis for withholding responsive documents. **See Exhibit C.** To date, however, Plaintiffs still have not provided a privilege log in connection with the Initial Discovery Requests, despite numerous requests by Dershowitz and despite Plaintiffs' representation that they would provide such a privilege log no later than September 4, 2015.

On September 9, 2015, Plaintiffs served responses to Dershowitz's Second Set of Document Requests to Edwards and to Dershowitz's Third Set of Document Requests to Cassell (the "Additional Discovery Requests"). **See Exhibits D & E.** In response to Request No. 2 in the Additional Discovery Requests, both Plaintiffs objected *solely* on the basis of attorney-client privilege, *see id.*, but once again failed to provide any privilege log listing the specific documents that were withheld as privileged.

**1. Plaintiffs have waived their right to assert any privileges or protections by failing to provide a privilege log in a timely manner or by their own self-imposed deadline.** Without a privilege log, it is impossible to assess the basis of Plaintiffs' assertions of privilege or to determine the validity of those assertions. *See, e.g., Gen. Motors Corp. v. McGee*, 837 So. 2d 1010, 1033 (Fla. 4th DCA 2002) ("One purpose of the privilege log is to identify materials which might be subject to a privilege or work product protection so that a court can rule on the applicability of the privilege or protection prior to trial.") (internal quotation marks omitted) , *as*

*modified on clarification* (Mar. 5, 2003). It is also impossible to determine whether responsive documents exist and are being withheld, or whether there simply are no responsive documents.

Moreover, the failure to provide a privilege log is, in and of itself, a sufficient basis to conclude that Plaintiffs have waived any privilege or protection that may have attached to documents and information responsive to the Initial Discovery Requests and the Additional Discovery Requests. *See, e.g., Kaye Scholer LLP v. Zalis*, 878 So. 2d 447, 449 (Fla. 3d DCA 2004) (a waiver can be found based upon a party's failure to file a privilege log after objecting to discovery requests on the basis of privilege); *TIG Ins. Corp. of Am. v. Johnson*, 799 So. 2d 339, 340-42 (Fla. 4th DCA 2001) (same).<sup>1</sup>

**2. Plaintiffs must, at a minimum, be compelled to provide a comprehensive, itemized privilege log by a date certain.** Plaintiffs have indicated to Dershowitz that – if they provide a privilege log at all – they do not intend to log individual documents; rather, they plan to indicate broadly which “categories” of documents they have withheld.<sup>2</sup> This approach is inconsistent with Florida law. *See, e.g., Johnson*, 799 So. 2d at 341 (interpreting what is now Fla. R. Civ. P. 1.280(b)(6) as requiring a privilege log that specifies (1) the type of document; (2) the document's subject matter; (3) the date of the document; and (4) other information

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<sup>1</sup> As set forth in Dershowitz's Motion to Compel Plaintiffs' Production of Documents & Complete Responses to Interrogatories, filed on September 8, 2015, Plaintiffs' actions in filing this defamation lawsuit have also resulted in an at-issue waiver of any privilege or protection that may have otherwise attached to responsive information and documents. Plaintiffs' failure to file a privilege log presents a separate and independently sufficient basis for a finding of waiver.

<sup>2</sup> As noted above, Plaintiffs initially represented to Dershowitz that they would provide a privilege log in connection with the Original Discovery Responses no later than September 4, 2015. Most recently, however, Plaintiffs have indicated that they will not provide any sort of privilege log for certain documents located at their counsel's office – not even one that lists broad categories of documents that are being withheld – unless and until the Court orders them to do so.

needed to identify the document for a subpoena *duces tecum*, including, where appropriate, the author of the document, the recipient of the document, and, if not apparent, the relationship between the author and recipient). Thus, in the alternative to a finding of waiver, Plaintiffs must be compelled to produce, by a date certain, an itemized privilege log that lists each responsive document that was created before December 30, 2014,<sup>3</sup> but has been withheld on the basis of the attorney-client privilege or work product protection.

WHEREFORE, Defendant / Counterclaim Plaintiff ALAN M. DERSHOWITZ, by and through his undersigned counsel, respectfully requests this Honorable Court to enter an Order (a) ruling that, due to their continued failure to provide a privilege log, Plaintiffs have waived any privilege or protection that may have otherwise applied to documents and information that are responsive to the Initial Discovery Requests and the Additional Discovery Requests; or, in the alternative, (b) compels Plaintiffs to provide an itemized privilege log that comports with Florida law by a date certain.

#### **CERTIFICATE OF CONFERRAL**

Pursuant to the Court's Rules and Florida Rules of Civil Procedure, the undersigned counsel certifies that he has made a good faith attempt to resolve this matter with opposing counsel prior to filing this motion.

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<sup>3</sup> Dershowitz agrees that there is no reason to log individual documents that were created on or after December 30, 2014, which is the date on which the parties to this defamation lawsuit reasonably anticipated litigation.

Respectfully submitted,

/s/ Thomas E. Scott

Thomas E. Scott, Esq.

Florida Bar No. 149100

[REDACTED]

Steven R. Safra, Esq.

Florida Bar No. 057028

[REDACTED]

Richard A. Simpson (pro hac vice)

[REDACTED]

Mary E. Borja (pro hac vice)

[REDACTED]

Ashley E. Eiler (pro hac vice)

[REDACTED]

*Counsel for Alan M. Dershowitz*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail (email) at email address: [REDACTED], [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, [REDACTED], and I electronically filed the foregoing with the Clerk of Broward County by using the Florida Courts eFiling Portal this 10<sup>th</sup> day of September, 2015 .

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

# **EXHIBIT A**

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,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

NOTICE OF SERVING ANSWERS TO INTERROGATORIES

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned counsel, hereby file this Notice of Serving Answers to Interrogatories with the Court propounded by the Defendant, ALAN M. DERSHOWITZ, on February 11, 2015, and that a copy has been furnished to the attorney for the Defendant.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 13<sup>th</sup> day of March, 2015.

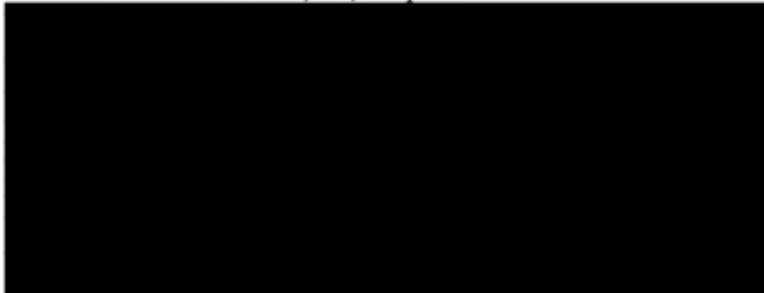
  
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JACK SCAROLA 750 263  
Florida Bar No.: 169440  
Attorney E-Mail(s): 



Edwards, Bradley vs. Dershowitz  
Case No.: CACE 15-000072  
Notice of Serving Answers to Interrogatories

**COUNSEL LIST**

Thomas Emerson Scott, Jr., Esquire



## ANSWERS TO INTERROGATORIES

### **1. State verbatim or as close as possible Each statement by Dershowitz that You assert defamed You.**

**ANSWER:** Until we have transcripts of all of the statements Mr. Dershowitz has publicly made, we are unable to identify each defamatory statement. In addition, it appears that Mr. Dershowitz continues to make defamatory statements at every opportunity he has to attract the attention of an audience. However, the general defamatory themes can be illustrated based on the currently available information, by the following examples which describe the specific statements made along with the program or source publishing the statements and the approximate date on which the statement was made or published by the media:

*Politico.com -- December 31, 2014*

Dershowitz called the allegations against him included in public filings by the Plaintiffs “totally made up and totally fabricated from beginning to end.”

Additionally: “I’m planning to file disbarment charges against the two lawyers who signed this petition without even checking the manifests of airplanes or travel itineraries, et cetera.”

<http://www.politico.com/blogs/under-the-radar/2014/12/court-filing-levels-sex-claims-at-alan-dershowitz-200495.html>

*Wall Street Journal Law Blog – January 2, 2015:*

“It’s a completely, totally fabricated, made-up story,” Mr. Dershowitz told Law Blog in an interview Friday. “They made up this story out of whole cloth. I’m an innocent victim of an extortion conspiracy.”

<http://blogs.wsj.com/law/2015/01/02/dershowitz-im-an-innocent-victim-of-an-extortion-conspiracy/>

*New York Times – January 3, 2015:*

On Saturday, Mr. Dershowitz said he “categorically and unequivocally” denied all of the allegations. He said he would file disbarment proceedings against the lawyers who filed the motion, Bradley J. Edwards, a lawyer in Florida, and Paul G. Cassell, a former federal judge and a law professor at the University of Utah. “They are lying deliberately, and I will not stop until they’re disbarred,” Mr. Dershowitz said in a phone interview.

[http://www.nytimes.com/2015/01/04/us/prince-andrew-and-alan-dershowitz-are-named-in-suit-alleging-sex-with-minor.html?\\_r=0](http://www.nytimes.com/2015/01/04/us/prince-andrew-and-alan-dershowitz-are-named-in-suit-alleging-sex-with-minor.html?_r=0)

*El Nuevo Herald (The Miami Herald's afternoon paper, published in Spanish) – Jan. 2, 2015:*

Dershowitz negó las acusaciones, y las describió como parte de una conspiración para extorsionarlo. Calificó la demanda de “el documento judicial más sórdido que he visto.”

[Translation: Dershowitz denied the allegations, and described them as part of a conspiracy to extort him. He described the suit as “the most sordid judicial document I have ever seen.”]

“Ellos [Cassell y Edwards] manipularon a una muchacha joven y sugestionable que estaba interesada en el dinero”, dijo Dershowitz.

[Translation: “They [Cassell and Edwards] manipulated a very young and impressionable woman who was interested in the money”, declared Dershowitz.]

Dershowitz dijo que él se propone presentar acusaciones en contra de Edwards y Cassell. “Esta es una ofensa que puede costarles su licencia de abogados, y ellos la van a perder”, dijo Dershowitz. “Ellos van a arrepentirse del día en que hicieron esta acusación falsa en mi contra.”

[Translation: Dershowitz said that he intended to bring accusations against Edwards and Cassell. “This is a type of offense which could cost them their practicing lawyer licenses, and they are going to lose”, stated Dershowitz. “They (Cassell and Edwards) are going to regret the day [i.e., rue the day] they made a false accusation against me.”]

<http://www.elnuevoherald.com/noticias/sur-de-la-florida/article5398827.html>

*Miami Herald – January 3, 2015:*

Dershowitz denied the claims [that he was a witness to the abuse of minors by Epstein and others], describing them as part of an extortion plot. He called the filing “the sleaziest legal document I have ever seen.” “They [Edwards and Cassell] manipulated a young, suggestible woman who was interested in money,” Dershowitz said. Dershowitz said he intends to file complaints against Edwards and Cassell. “This is a disbarable offense, and they will be disbarred,” Dershowitz said. “They will rue the day they ever made this false charge against me.”

<http://www.miamiherald.com/news/local/community/broward/article5342709.html>

*BBC – January 3, 2015:*

“Well, first of all they were made in court papers that they don’t even ask for a hearing to try to prove them. They put them in court papers in order to immunize themselves from any

consequences from a defamation suit. The story is totally made up, completely out of whole cloth.

“And I will prove beyond any doubt not only that the story is totally false, but it was knowingly false: that the lawyers and the client conspired together to create a false story.”

“Q: They have said that they have tried to get testimony from you but that you have avoided their deposition requests. A: Totally false. That’s totally false. I have never been asked to be deposed.”

“I will not rest or stop until the world understands not only that I had nothing to do with any of this, but that she deliberately, with the connivance of her lawyer, lawyers, made up this story willfully and knowingly.”

<http://www.bbc.co.uk/programmes/p02g7qbc>

*Boston Globe – January 4, 2015:*

“They [Edwards and Cassell] are lying deliberately, and I will not stop until they’re disbarred,”

<http://www.bostonglobe.com/metro/2015/01/04/suit-accuses-prince-andrew-and-alan-dershowitz-sex-with-minor/0VhJMpZWMEJP3Ut8d7gexI/story.html>

(quoting phone interview with Dershowitz)

*Vice News – January 5, 2015:*

“I never met this woman, I never touched her, I wasn’t ever massaged by her — there was no contact, no contact whatsoever,” Dershowitz told CNN. “And I will prove it conclusively, and then I will bring disciplinary charges and prove that these lawyers knew that this was false, could easily have checked, and didn’t. And the end result will be that these lawyers will be disbarred.”

<https://news.vice.com/article/buckingham-palace-emphatically-denies-prince-andrew-had-sex-with-a-teenage-sex-slave>

*Huffington Post – January 5, 2015:*

On Friday, in the voicemail message for Goldman [of the Website Politico], Dershowitz said that the charges against him were “totally made up.” Goldman forwarded the message to The Huffington Post. Dershowitz called the woman a “serial liar” who he contended has a history of

making up false charges against public figures, including former President Bill Clinton. “It’s just a completely categorical lie made up to gain money for her, and I hope no one takes it in any way seriously,” he added. Dershowitz . . . told Politico earlier this week that he was planning legal action against the attorneys who signed off on the filing. “I’m planning to file disbarment charges against the two lawyers who signed this petition without even checking the manifests of airplanes or travel itineraries, et cetera,” he said to Politico.

[http://www.huffingtonpost.com/2015/01/03/alan-dershowitz-sexual-assault\\_n\\_6410380.html](http://www.huffingtonpost.com/2015/01/03/alan-dershowitz-sexual-assault_n_6410380.html)

A copy of the voicemail left by Dershowitz can be found at: <http://big.assets.huffingtonpost.com/Dershowitz.AMR>

The voicemail includes the statement from Dershowitz: “I don’t know what happened with any of the public figures [mentioned by Jane Doe No. 3], but I know that in my case I did have any contact with her. I would have been physically impossible for me to. It’s just a completely, categorical lie made up out of whole cloth in order to gain money for her.”

*CNN Live (with Hala Gorani) – January 5, 2015:*

“And if these lawyers, these sleazy unprofessional, unethical lawyers, Paul Cassell and Brad Edwards, if they had just done an hours’ worth of research and work, they would have seen she is lying through her teeth. That’s why I’m going after them, their bar cards. I’m seeking disciplinary action against them. I’m filing defamation lawsuits against them and their client.”

“Ask them [Edwards and Cassell] if they have any evidence . . . . They’re doing it for money. She’s getting money for having sold her story. She wants to sell the book. They’re trying to get into this lawsuit. They see a pot of gold at the end of the rainbow. They’re [Edwards and Cassell] prepared to lie, cheat, and steal. These are unethical lawyers. This is Professor Cassell who shouldn’t be allowed near a student. This is Professor Cassell, who is a former federal judge, thank God he no longer wears a robe. He is essentially a crook. He is essentially somebody who’s distorted the legal profession. . . . ”

“And so we [Jeffrey Epstein and I] can prove it [i.e., the falsity of the allegations] without any doubt. That’s what’s so absurd. That’s what’s so strange why two experienced lawyers would file this kind of statement knowing it was untrue. These [Cassell and Edwards] are virtually the equivalent of perjurers, and they have to be taken out of the legal profession. They can’t be allowed to have a bar card to victimize more innocent people. They claim to victims’ rights lawyers, but they’re not. They’re hurting victims. They’re hurting rape victims. Because they’re putting forward somebody who is not a rape victim who is claiming to be a rape victim. ”

<http://www.cnn.com/videos/world/2015/01/05/wrn-uk-sex-abuse-allegations-alan-dershowitz-intv.cnn>

*Today Show – January 5, 2015:*

“Her lawyers Paul Cassell, a former federal judge and Brad Edwards, deliberately and willfully filed this interpleading which they knew I had no opportunity to respond to in court, without doing any investigation, if they had simply investigated the manifests of the airplanes, if they had checked my travel records, if they had asked me and I could have given the names of these people who are witnesses, they would know the stories, totally, completely false.”

“These lawyers [Edwards and Cassell] engaged in unethical behavior and should be disbarred. . . . Because they filed a paper in which they didn’t ask to try to prove it, they didn’t say we alleged, we want to prove it. They just threw it in there, it’s the legal equivalent of scribbling something on a toilet stall and then running away. They didn’t think they would be any response and they will rue the day that they filed this unethical complaint because, they I believe will be disbarred.”

“They want to just throw this stink bomb and then avoid any responsibility for it...the truth will come out and it will show these two unethical lawyers should be disbarred.”

<https://www.youtube.com/watch?v=ZXePKTws0f0>

*Boston Globe – January 6, 2015:*

Dershowitz said (in what was described as a brief phone interview Tuesday) that Jane Doe No. 3’s claims are outrageous and her attorneys, including former federal judge Paul Cassell, should be disbarred. “[Cassell] is a money-grubbing, unethical sleazebag, a former federal judge who left the bench for money. The end result of this will be bankruptcy, disbarment, and eternal disgrace.”

<http://www.bostonglobe.com/lifestyle/names/2015/01/06/alan-dershowitz-denies-woman-claim-underage-sex-vows-punish-her-attorneys/qr2kO6MJd2cD2djTSHBopO/story.html>

*Reuters – January 7, 2015:*

“Dershowitz told Reuters Monday that he would file a defamation lawsuit based on the lawyers’ public statements about the case. He also plans to file complaints with their respective states’ disciplinary boards asking that they be disbarred.”

“They [Cassell and Edwards] also said they had tried to depose Dershowitz and that he had refused, which Dershowitz called a ‘total lie.’ He said he received only one deposition request from the two lawyers five years ago, asking about his relationship with Epstein - and that it said nothing about any of the new allegations.”

<http://www.reuters.com/article/2015/01/07/us-andrew-lawsuit-dershowitz-idUSKBN0KF0DH20150107>

*Boston Globe – January 7, 2015:*

Dershowitz said the allegations against him, besides being false, contain faulty legal research, such as the age of consent in New Mexico and other states. “The truth is a defense in defamation, and I will prove that my statements about the lawyers are well-founded,” Dershowitz said. “I will not stop until they have acknowledged” the allegations against him are untrue.

<http://www.bostonglobe.com/metro/2015/01/06/sued-for-defamation-dershowitz-thrilled-chance-question-lawyers-sex-crime-accuser/21QibSrwnC343eKMadWNeL/story.html>

*Fox Business (Lou Dobbs) – January 7, 2015*

“They [Edwards and Cassell] did it for crass financial and political reasons. More to the point is [what] they didn’t do... I did the investigation in a day and was able to prove through all kinds of records that I couldn’t have been in these places. The woman is a serial liar. If they had done that investigation, they would have come to the same conclusion.”

[http://video.foxbusiness.com/v/3976630676001/alan-dershowitz-the-woman-is-a-serial-liar/?\\_sp=show-clips](http://video.foxbusiness.com/v/3976630676001/alan-dershowitz-the-woman-is-a-serial-liar/?_sp=show-clips)

*Lawrence O’Donnell – January 8, 2015:*

“Right now, they [Edwards and Cassell] have accused me of these horrendous things without a single affidavit, without a single piece of evidence.”

“Why any responsible lawyer would believe her and file this kind of charge ....they willfully and deliberately made this up in order to gain a litigation advantage, [to] line their pockets with money. And they have to pay a heavy consequence for this, and they will.”

Further statements found at:

<http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573>

*Greta van Susteren – Fox News – January 8, 2015*

“Lawyers are putting words in her [Jane Doe No. 3’s] mouth.”

“I’m going to file disciplinary charges against the lawyers [i.e., against Edwards and Cassell]. I’ve spoken to some of the world’s leading experts on ethics. And what they did was utterly unprofessional and improper.”

“I still can’t understand why they [i.e., Edwards and Cassell] would pick on me. . . . They picked on the wrong innocent victim. . . . I am not letting go of this thing until they admit that they essentially concocted this story and withdraw it.”

“I can now depose them [Edwards and Cassell]. . . . So they’re now at risk of a perjury prosecution if I can prove that they knowingly made a false allegation against me, which I think I can.”

“It [the allegation against me] is utterly irrelevant to their lawsuit. They [Edwards and Cassell] just put it in gratuitously.”

“The end will be that they [Edwards and Cassell] will be disbarred.

“These lawyers ought to be ashamed of themselves for doing this.”

<http://radio.foxnews.com/2015/01/08/greta-alan-dershowitz-this-time-its-personal/>

*Forbes – January 13, 2015:*

Dershowitz has called Cassell and his co-counsel Bradley Edwards “sleazy, unprofessional, unethical lawyers” who should have known that their client, Jane Doe #3, is “lying through her teeth.”

*American Lawyer/Palm Beach Daily Business Review – January 20, 2015:*

“They [Edwards and Cassell] want to void the plea agreement and needed to find a lawyer who knew Epstein before [the indictment], and had been on his island, his home in New Mexico, Palm Beach. I fit the bill. It was lawyer profiling.”

“Everyone is shocked that he [Cassell] would be part of this. I think he's always hated me because I'm his opposite. I'm the conventional liberal he hates: I'm against the death penalty, I'm pro-abortion rights, pro-gun control.”

*The Today Show - January 22, 2015:*

In response to a question from Savannah Guthrie that “In legal papers from the lawyers, they say you’ve had, in fact, the opportunity to be deposed,” Dershowitz responded: “They’re lying. They’re lying.”

In response to a question from Savannah Guthrie that “[t]hey show letters in which they offered to depose you,” Dershowitz responded: “And they didn’t show my letters in response saying, (a), if you ask me about my legal relationship with Epstein and I’ll be happy to answer. . . . And I responded that I would be happy to be deposed if you could give me any indication that I would be a relevant witness . . . .”

“They will be proved – all of them [i.e., Cassell, Edwards, and Jane Doe No. 3] – to be categorically lying and making up this story. And it will be a terrible thing for rape victims. They have put rape victims in a terrible position. Because when I unequivocally prove that they sat down and made this all up, tragically it will hurt all rape victims.”

“The lawyers are lying through their teeth when they say I’ve refused to be deposed. . . . We [Epstein and Dershowitz] had an academic relationship. I was never in the presence of a single, young, under-aged woman. When I was with him, it was with prominent scientists, prominent academics. And they’re just – again – lying about this. I never saw him doing anything improper. I was not a participant. I was not a witness. And I will prove it categorically.”

*Independent Online (UK) – January 22, 2015:*

" The lawyers are lying through their teeth when they say I have refused to be deposed."

*American Lawyer – January 28, 2015:*

Dershowitz has called both Cassell and Edwards, a Florida personal injury lawyer, “liars”...

<http://www.americanlawyer.com/id=1202716384195/Meet-the-Lawyer-Whos-Giving-Dershowitz-Hell#ixzz3QE8mX0Vl>

*Speech to the Dade County Bar Association – Feb. 20, 2015:*

“Of course, I didn’t know this woman [Jane Doe No. 3], I’d never heard of her, I never saw her, totally made up out of the blue, and made up by two irresponsible lawyers who hadn’t done sufficient checking. If they had called me and checked with me, they would see that I was in the places they said this happened only once each, both with my wife and my daughter and a group of witnesses and friends, including a very prominent professor at the Harvard business school. They never would have filed this drive by shooting. By the way, they didn’t even ask for a hearing, they didn’t say they would prove it.”

“Not only will I prevail in this case, because the accusation is totally – completely, completely – totally fabricated and made up. But I hope it will change the law. I hope it will make it impossible for future lawyers to just do these kind of drive by shootings, where without any real investigation, without any real preparation, they just make these allegations.”

“And yet these two lawyers – Brad Edwards, from, whose partner Rothstein is now in jail for 50 years for a Ponzi scheme involving the same case, and a guy named Cassell – filed this grievance, not grievance, just allegation against me in passing without doing even the most minimal of investigation, which would have proven conclusively that I not only didn’t, but couldn’t have, possibly done it.”

On information and belief, additional statements of an equivalent defamatory character can also be found in other publications and sources.

In addition to the specific sources cited above, many of the statements cited above were republished or rebroadcast on the internet and in other places.

In addition, on information and belief, Dershowitz made statements of an equivalent character in written or oral communications with various associates and acquaintances, including Ken Starr, Akhil Amar, and members of the faculty at the Harvard Law School.

**2. Separately for Each statement identified in response to the preceding Interrogatory, if any part of the statement is true, identify the part that is true.**

**ANSWER:** The factual assertions contained or implied in the statements quoted in answer to Interrogatory Number 1 were not true, notably with regard to claims that Edwards and Cassell with deliberately lying, had failed to conduct an investigation of the allegations before filing them, had manipulated or conspired with Jane Doe No. 3 to make intentionally false allegations about Mr. Dershowitz, and that Plaintiffs were motivated to participate in the filing of knowingly false accusations against the Defendant by a desire to achieve personal economic gain.

**3. Separately for Each statement identified in response to Interrogatory No. 1, if You believe the statement was made with knowledge that the statement was false or with reckless disregard of whether the statement was false or not, describe in detail All facts that support Your belief.**

**ANSWER:** Facts supporting belief that Dershowitz knew the statements described in response to Interrogatory No. 1 were false (and also made the statements with reckless disregard of whether the statements were false) are found in the documents and other materials and references provided in answer to Request for Production Number 2.

On information and belief, Dershowitz also learned significant information during the course of his representation of Jeffrey Epstein that would have made it clear that he was making false representations about Edwards and Cassell. He has revealed some of those facts publicly, and discovery regarding other such facts is on-going.

**4. Describe in detail All facts Concerning the “character assassination” referenced in paragraph 8 of the Complaint.**

**ANSWER:** See answer to Interrogatory number 1.

**5. Describe in detail All facts Concerning Dershowitz’s alleged “participation in Epstein’s criminal conduct” referenced in paragraph 16 of the Complaint.**

**ANSWER:** At the time of the filing of legal pleadings referencing the Defendant Dershowitz and continuing up to and including the time of the filing of these response, Plaintiffs had reason to believe and do in fact believe in good faith believe that Dershowitz participated in Epstein’s illegal sexual activities, including having criminal sexual relations with Jane Doe No. 3 – at Epstein’s direction and invitation -- in Florida, New York, and elsewhere. See documents and other materials and references provided in answer to Request for Production Number 2. Dershowitz also failed to disclose his awareness of illegal sexual behavior and abuse of minors by Epstein and others that occurred in Florida, New York, and elsewhere. Dershowitz also travelled on aircraft with Epstein and Epstein’s criminal associates (e.g, Sarah Kellen). Dershowitz also unethically assisted in providing criminal defense representation to Epstein in connection with possible federal and state criminal charges against him (Epstein), even though he (Dershowitz) was a witness to significant events concerning the crimes and even though he had his own personal interests in the outcome of the charging decision. As a result of all this, Dershowitz’s communications with Epstein fall with the crime/fraud/misconduct exception to the attorney-client privilege and work product doctrine. On information and belief, Dershowitz and Epstein possess significant other evidence regarding crimes against minor girls (including Jane Doe No. 3), but have refused – and are continuing to refuse --- to provide it to law enforcement or otherwise make it public.

**6. Describe in detail All facts Concerning Dershowitz’s alleged knowledge that the filing referenced in paragraph 17 of the Complaint was “an entirely proper and well-founded pleading.”**

**ANSWER:** See documents and other materials and references provided in answer to Request for Production Number 2. These materials make clear that Dershowitz had sexual relations with Jane Doe No. 3 and that a pleading filed by her lawyers to that effect was entirely proper and well-founded. In addition, the documents and other materials and references make clear that Dershowitz knew that Edwards and Cassell had conducted significant investigation before filing the pleading – and that Edwards and Cassell had significant supporting evidence for the pleading. Dershowitz also knew that he (along with Epstein and his criminal associates) had evaded efforts to depose him about these subjects, which provided further legitimate support for Edwards and Cassell making such a filing. As a law professor and criminal defense attorney, Dershowitz was also well aware of the obligations of attorneys to zealously advocate on behalf of their clients and to pursue the reasonable and legitimate objectives of their clients.

**7. Describe in detail All facts Concerning the “massive public media assault” referenced in paragraph 17 of the Complaint.**

**ANSWER:** See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell, as well as sources where additional statements can be found. Discovery on this subject is on-going, as Dershowitz is in the best position to provide this information. He alone knows which media sources he provided defamatory information to.

**8. Identify the (a) date, (b) time, and (c) broadcast or print media source of Each of the “multiple national televised interviews,” “statements to and repeated by national and international print news sources” and “various other forms nationally and internationally” alleged in paragraph 19 of the Complaint.**

**ANSWER:** See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell. Discovery on this subject is on-going, as Dershowitz is in the best position to provide this information. He alone knows which media sources he provided defamatory information to, and he alone continues to add to the list.

**9. To the extent that any of the “multiple national televised interviews,” “statements to and repeated by national and international print news sources” and “various other forms nationally and internationally” alleged in paragraph 19 of the Complaint have not been published or transcribed and produced by You in response to Dershowitz’s First Set of Document Requests to You in this action, separately for Each such statement or interview, please state as closely as possible what was said by Each person or source.**

**ANSWER:** See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell. Discovery is on-going regarding additional statements, the contents of which are best known by Dershowitz himself.

**10. Describe in detail All facts Concerning the allegation in paragraph 20 of the Complaint that Dershowitz’s “statements were false and known by him to be false at the time they were made.”**

**ANSWER:** See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell, as well as sources where additional statements can be found. As described above, these statements were all false. With regard to Dershowitz’s knowledge of the falsity of these statements, Dershowitz knew (for example) that he had had sexual relations with Jane Doe No. 3 multiple times (in Florida, New York, and elsewhere) when he denied having such relations with her. Dershowitz had also seen numerous underage girls while with Jeffrey Epstein, and had otherwise seen or been made aware of sexual abuse of those girls by Epstein and others. Dershowitz also knew that Edwards and Cassell had conducted a significant investigation into the allegations. Dershowitz also knew that other witnesses had either invoked the fifth amendment when asked about him or had put him at or near the scene of the crimes committed by Epstein against minors. Dershowitz also knew of the truth of many of the statements of Jane Doe No. 3. Dershowitz also knew that Edwards and Cassell had not conspired with Jane Doe No. 3. to fabricate charges against him – and that he had no evidence of such conspiracy or fabrication by them. See Answers to Requests for Production of Documents No. 2 for additional evidence on these points, which show (along with other evidence) that Dershowitz had knowledge that his statements were false.

**11. Describe in detail All facts Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.**

**ANSWER:** See answers to interrogatories numbers 1, 5, 6, 8, 9, and 10 above, as well as the documents and other materials and references provided in answer to Request for Production Number 2.

**12. Describe in detail All facts Concerning Dershowitz’s alleged “involvement in Epstein’s criminal conduct” as alleged in paragraph 21 of the Complaint.**

**ANSWER:** See answer to interrogatory number 5 above and documents provided in request for production number 2.

**13. Describe in detail Each instance in which Jane Doe #3 has provided information referencing Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.**

**ANSWER:** Edwards and Cassell lack sufficient information to determine all circumstances in which Jane Doe No. 3 has mentioned to others Dershowitz's name as someone who abused her or had information relevant to abuse.

With regard to when she has provided information related to this subject to them, Jane Doe No. 3 provided such information in telephone calls with Brad Edwards beginning in 2011.

Jane Doe No. 3 has also provided this information in a public affidavit, filed on January 21, 2015, in the CVRA case. Jane Doe No. 3 has also provided similar information on other occasions, but the specifics of those communications are protected by the attorney-client privilege and the work product doctrine.

**14. If You have ever seen a photograph or video of Jane Doe #3 with Dershowitz, then state when You saw the photograph or video, identify who took the original photograph or video, identify Each person who possesses a copy of the photograph or video, and state the location of Each such original and copy.**

**ANSWER:** Edwards and Cassell have not personally seen such a photograph or video. Discovery efforts to obtain photographic materials regarding Jane Doe No. 3 held by the U.S. Attorney's Office for the Southern District of Florida and/or other federal law enforcement and prosecuting agencies are on-going.

**15. For Each communication between You or anyone acting on Your behalf, and anyone from, or acting on behalf of, any media outlet Concerning this action, the Joinder Motion, or Dershowitz, and regardless of whether such communication was "on the record" or "off the record," (a) state the date of the communication; (b) state the participants in the communication; and (c) describe the contents of the communication.**

**ANSWER:** Objection, not reasonably calculated to lead to the discovery of admissible evidence; vague, harassing, work-product.

**16. Describe in detail All facts Concerning any assertion that Dershowitz was a "coconspirator" with Epstein.**

**ANSWER:** See answers to interrogatory number 5 above, as well as answers to interrogatories numbers 1, 6, 8, 9, 10 above. In addition, factual information is found in the documents and other materials and references provided in answer to Request for Production Number 2

Dershowitz knew of and participated in Epstein's scheme to commit sexual offenses against minors – including Jane Doe No. 3 -- and to cover up those offenses, including providing knowingly false information to law enforcement to conceal these crimes and a false affidavit on Jan. 5, 2015. These actions violated federal and state criminal statutes, including 18 U.S.C. § 2423(b); 18 U.S.C. § 2422; 18 U.S.C. § 2241(c); 18 U.S.C. § 1591; as well as federal and state prohibition against conspiring to violate these statutes or statutes like them, including 18 U.S.C. § 371; and 18 U.S.C. § 2423(e).

**17. Describe in detail All facts Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.**

**ANSWER:** The fact that the NPA benefits Dershowitz by blocking his prosecution, in the Southern District of Florida, for his crimes against minor girls does not appear to be disputed. *See* NPA at 5 (barring prosecution of any “potential co-conspirator of Epstein”). Many of the facts surrounding the negotiation of the NPA are revealed in correspondence between Jeffrey Epstein legal defense team (which included Dershowitz) and prosecutors the U.S. Department of Justice, including the U.S. Attorney's Office for the Southern District of Florida. That correspondence is well known and available to Dershowitz. Edwards and Cassell rely on that correspondence in answer to this interrogatory. But disclosure of the specifics of that correspondence is currently barred by a confidentiality order entered in the CVRA case.

Dershowitz has also claimed repeatedly in the media and (on information and belief) elsewhere that he obtained a very favorable deal for Jeffrey Epstein during plea discussions. Dershowitz has also suggested that he was the lead attorney on the defense team. In light of his willingness to take credit for the arrangement, it appears reasonable to conclude that he was involved in negotiating the unique co-conspirator arrangement. Further discovery on these issues is on-going. Of course, Dershowitz is in a position to shed light on this subject by revealing all of the negotiations concerning the NPA.

**18. Describe in detail All facts Concerning any actions allegedly taken by Prince Andrew, Duke of York to influence the terms of the NPA.**

**ANSWER:** Objection, this seeks information not reasonably calculated to lead to the discovery of admissible evidence in this defamation action.

Discovery on this subject is on-going not only in this case, but also in the CVRA case. In the CVRA case, Jane Does No. 1 and 2 (and, if permitted to join the action, Jane Does No. 3 and 4) have a pending discovery request for materials connected with Prince Andrew. On December 1, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded a Request for Admission (RFA) asking the Government to admit that it possesses “documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York); (c) Harvard Law Professor Alan Dershowitz.” While the Government denied that it had

documents reflecting contacts by Prince Andrew, it specifically admitted possessing documents reflecting contacts by Dershowitz. Gov't Answer to RFA #6. Since then, however, the Government has provided approximately 10,000 pages of documents associated with the NPA and Jeffrey Epstein to Judge Marra for in camera inspection. The privilege log for those documents is not sufficiently complete to review those documents for possible connection to Prince Andrew. In addition, even though the Government has had approximately one-and-half-years to complete production of documents, it has not yet completed production – and has not yet certified that it has produced all such documents to the Court for in camera inspection.

Edwards and Cassell are aware that on about May 3 through 8, 2007, Prince Andrew's mother -- Queen Elizabeth II -- visited the United States, and was apparently hosted by President George W. Bush. Who came with the Queen and what (if any) discussions were held about the case, either directly or indirectly at that time, are unknown at this time. Of course, the NPA was concluded several months later on favorable terms, including the highly unusual "blank check" provision that provided immunity from federal prosecution to Epstein's "potential co-conspirators."

Edwards and Cassell are also aware Prince Andrew was a close friend of Jeffrey Epstein at the time that the NPA was being negotiated, and that Jeffrey Epstein hired a battery of attorneys to negotiate favorable terms for the NPA (including Dershowitz). Based on all of the information found in the documents and other materials and references provided in answer to Request for Production Number 2, it also appears that Epstein was gathering blackmail material on his powerful friends (through Jane Doe No. 3 and others), including Prince Andrew. Details of contacts between Epstein and Prince Andrew while the NPA was being negotiated are accessible to Dershowitz (as a close personal friend and confidante of Epstein's), but are not (at this time) accessible to Edwards and Cassell. Both Epstein and Prince Andrew have refused repeated efforts by legal counsel for various victims who have attempted to obtain information on this subject. Efforts to obtain further information from Prince Andrew on these subjects are on-going.

**19. Describe in detail any actual or potential book, television, movie, or other media deal(s) Concerning Jane Doe #3's allegations about being a sex slave.**

**ANSWER:** Objection; vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Construing the term "deal" as a paid media appearance, no deal exists. With regard to "potential" deal, the term "potential" is vague and impossible to respond to with precision.

**20. State the date when You first became aware of any allegation by Jane Doe #3 that she has had sex with Dershowitz and describe in detail All actions You took, including All documents reviewed and All persons with whom You communicated and the dates and contents of those communications, to determine if the allegation was true.**

**ANSWER:** Edwards and Cassell were aware that Dershowitz was a close personal friend and confidant of Jeffrey Epstein in approximately 2008 and read whatever public articles were available. Edwards and Cassell also had extensive evidence that Epstein was involved in brazen daily sexual crimes against underage girls in 2008 and following, as shown in the documents and other materials and references provided in answer to Request for Production Number 2. Those brazen sexual crimes often involved Epstein's friends and confidants. Those crimes were also conducted with such frequency and in such a way that it would have been extremely unlikely for someone staying overnight with Epstein (or traveling on his personal jet) to have been unaware of those crimes.

Extensive discovery was taken in the civil cases against Mr. Epstein, and Dershowitz was mentioned by several witnesses as being a friend, as opposed to just a lawyer to Epstein, he was on the private plane of Mr. Epstein numerous times, and each witness who would have actual knowledge of Mr. Dershowitz's involvement either invoked the 5<sup>th</sup> amendment when asked about Dershowitz or provided testimony consistent with Dershowitz's criminal knowledge or involvement.

In about March or April 2011, on a telephone interview with Edwards, Jane Doe No. 3 disclosed that she had been sexually abused by Dershowitz. It is public record that the materials that Edwards and Cassell reviewed and collected in connection with related investigations include the extensive materials provided in answer to Request for Production Number 2.

**21. Describe in detail All facts Concerning any investigation by You or on Your behalf of Jane Doe #3.**

**ANSWER:** Except to the extent disclosed in materials provided in response to Request to Produce, Plaintiffs object based on the attorney-client and work product privileges.

**22. Are You aware whether Jane Doe #3 ever give her body for sexual activity for hire or ever agreed to secure other persons for the purpose of prostitution or for any other lewd or indecent act and, if so, state Your knowledge as to when and how many times.**

We are aware of Mr. Epstein paying Doe #3 for sex, the details of which are disclosed in the filed affidavit of Jane Doe#3. Mr. Dershowitz undoubtedly knows these details much more intimately, and we expect him to provide those details consistent with his statement that he has "nothing to hide."

**23. Describe in detail All harm that You suffered as a result of any allegedly defamatory statements by Dershowitz.**

**ANSWER:** Edwards and Cassell have suffered defamation per se, as the defamatory statements were intended to and did injure Edwards' and Cassell's professional reputations. Their injuries are ongoing and continuing in nature.

Edwards and Cassell also suffered presumed damages.

Cassell suffered general damages and special damages. These damages include mental pain and anguish and suffering, personal humiliation, damage to reputation both past and future, and impairment of ability to earn a living or seek better employment. These damages also include lost income past and future and lost earning capacity, including lost opportunities for legal consulting and paid expert witness testimony.

Edwards and Cassell have also incurred costs and attorneys' fees associated with efforts to protect his reputation from ongoing assaults including the prosecution of this cause of action. The amount of those costs and attorneys' fees is increasing as the action progresses.

Edwards and Cassell seek recovery for all of the damages, costs, and attorneys' fees. They also seek pre- and post-judgment interest.

**24. State separately the amount of compensatory, punitive, and any other damages that You are seeking from Dershowitz and explain how You calculate Each amount reasonably calculated to lead to the discovery of admissible evidence.**

**ANSWER:** All damage amounts are presently unliquidated but are reasonably anticipated to well exceed hundreds of thousands of dollars for each of the Plaintiffs. After presentation of the facts to a jury of the circumstances of the defamatory statements and also of the net worth of Dershowitz, the Plaintiffs will leave the determination of fair and reasonable compensation and appropriate punitive damages in the sound and well-informed discretion of a jury.

For lost past and future income, Cassell is gathering the relevant information for an economic damages expert to derive a calculation. It appears that the Cassell's income earned outside of his employment as a law professor has fallen since Dershowitz began his media assault as a direct result of that media assault and will remain at a depressed level in the future. A calculation of the amount of loss will be provided when an appropriate expert is retained and advises as to the relevant materials needed for such a calculation. Damages for lost income and lost earning capacity are alone expected to be several hundreds of thousands of dollars.

For punitive damages, the evidence at trial will demonstrate (among other things) that Dershowitz acted deliberately, willfully, with actual malice, and with the specific intent to harm Edwards and Cassell. Accordingly, under F.S.A. § 768.73, there is no cap on the amount of punitive damages that may be awarded. Given (1) the flagrancy, deliberateness, willfulness, egregiousness and reprehensibility of Dershowitz's attacks, (2) his repetition of the attacks in numerous forums around the globe, (3) his significant wealth, (4) the need to punish Dershowitz for his wrongful and outrageous conduct in the past; (5) the need to deter Dershowitz and others from similar misconduct in the future, and (6) other related

factors punitive damages in the amount of millions of dollars may be appropriate and will not unduly economically castigate or bankrupt Dershowitz.

Costs and attorneys' fees will be sought and calculated in the ordinary manner at the conclusion of the proceedings. Pre- and post-judgment interest will also be sought and calculated in the ordinary manner at the conclusion of the proceedings.

Paul G. Cassell

PAUL G. CASSELL

STATE OF UTAH )

COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 11 day of March, 2015 by Paul Cassell who is personally known to me or who has produced personal knowledge (type of identification) as identification and who did did not take an oath.

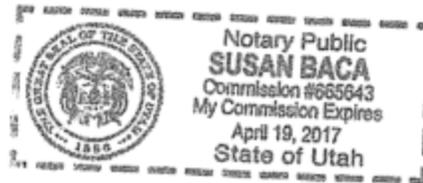
Susan Baca

Notary Public

~~State of Florida at Large~~ State of Utah <sup>SMB</sup>

My Commission expires:

Commission No:



*[Handwritten Signature]*

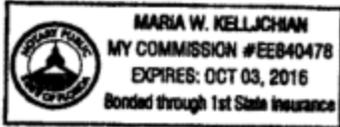
Bradley J. Edwards

STATE OF FLORIDA )

COUNTY OF Broward )

BEFORE ME, the undersigned authority, personally appeared this day Bradley J. Edwards, who  is personally known to me or  produced \_\_\_\_\_, as identification, and who, after being duly sworn, did state that he/she executed the foregoing Answers to First Set of Interrogatories and that the same are true and correct to the best of his knowledge

Subscribed and sworn to before me this 12<sup>th</sup> day of March, 2015.



*[Handwritten Signature: Maria W. Kelljhan]*  
\_\_\_\_\_  
Signature of Notary Public, State of Florida

\_\_\_\_\_  
Print / Typed Name, Notary Public

My commission expires:

# **EXHIBIT B**

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,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

**ANSWERS TO DEFENDANT DERSHOWITZ'S FIRST SET OF DOCUMENT  
REQUESTS TO BRADLEY J. EDWARDS AND PAUL G. CASSELL**

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby respond to Defendant, Alan M. Dershowitz's, First Set of Document Requests dated February 11, 2015 to Plaintiffs as follows:

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

**1. All Documents Concerning the alleged "character assassination" referenced in paragraph 8 of the Complaint.**

*See* complaint from Jeffrey Epstein v. Bradley J. Edwards. *See also* pleadings and materials in the case file in this case.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

**2. All Documents Concerning Dershowitz's alleged "participation in Epstein's criminal conduct" referenced in paragraph 16 of the Complaint.**

Edwards and Cassell object to this request as being vague, overbroad, and unreasonably burdensome, as well as seeking irrelevant and inadmissible evidence and information not

reasonably calculated to lead to the discovery of admissible evidence. Edwards and Cassell have collected documents pointing to Dershowitz's involvement in Epstein's sexual abuse of underage girls over a nearly seven year period of time, including legal work that they did in connection with the long-running case of *Does v. United States*, 9:08-cv-80736-KAM (S.D. Fla. filed July 7, 2008). They have also represented numerous victims in civil actions against Jeffrey Epstein, which involved many pleadings which are public documents. Of course, these cases also involved numerous attorney-client communications as well as materials covered by the work-product doctrine.

Without waiving these objections, privileges, or other protections, Edwards and Cassell produce the following attached materials.

On information and belief, Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.

**3. All Documents Concerning Dershowitz's alleged knowledge that the filing referenced in paragraph 17 of the Complaint was "an entirely proper and well-founded pleading."**

See answer to request #2 above and to request #24 below.

**4. All Documents Concerning the alleged "massive public media assault" referenced in paragraph 17 of the Complaint.**

For details regarding the massive public media assault, see Edwards' and Cassell's answer to interrogatory #2. Because the media assault was conducted by Dershowitz himself making statements to media sources of his choosing, Edwards and Cassell do not possess documents concerning the assault.

**5. All Documents Concerning the "multiple national televised interviews," "statements to and repeated by national and international print news sources" and "various other forms nationally and internationally" alleged in paragraph 19 of the Complaint.**

For details regarding the interviews, statements, and other similar communications, see Edwards' and Cassell's answer to interrogatory #2. Because the media assault was conducted by Dershowitz himself making statements to the media, Edwards and Cassell do not possess documents concerning the interviews and statements referenced here.

**6. All Documents Concerning the allegation in paragraph 20 of the Complaint that Dershowitz's "statements were false and known by him to be false at the time they were made."**

See answer to request #2 above and to request #24 below. Additionally, remaining relevant and responsive documents can be found in the public court files of all of the criminal and civil actions ever brought against Jeffrey Epstein related to his sexual abuse of children.

**7. All Documents Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.**

See answer to request #2 above and to request #24 below.

**8. All Documents Concerning Dershowitz's alleged "involvement in Epstein's criminal conduct" as alleged in paragraph 21 of the Complaint.**

See answer to request #2 above and to request #24 below.

**9. All Documents that reference Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.**

See answer to request #2 above and to request #24 below.

**10. All Documents Concerning drafts of any declaration or affidavit of Jane Doe #3.**

Objection, immaterial and not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

Without waiving any objection, affidavits have been filed by Jane Doe #3 in Does v. United States, 08-80736.

**11. All photographs and video in the original, native format in which they were taken (not a paper copy) of Jane Doe #3 with Dershowitz.**

None in Plaintiffs' possession.

**12. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request, of Dershowitz at (i) Epstein's Manhattan home in New York City, New York; (ii) Epstein's home in Palm Beach, Florida; (iii) Epstein's Zorro Ranch in Santa Fe, New Mexico; (iv) Little Saint James island in the U.S. Virgin Islands; and (v) Epstein's airplane, on the same date and time that Jane Doe #3 also was present at such location.**

None in the possession of Edwards or Cassell.

**13. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request that evidence and/or show Jane Doe #3 was present at the same location as Dershowitz on that same date and time.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege; work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**14. All Documents Concerning Jane Doe #3's presence at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Dershowitz was also present.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**15. All Documents Concerning whether Dershowitz was present at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Jane Doe #3 alleges to have been present.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege; work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**16. All statements, written or recorded, that Plaintiffs or Jane Doe #3 have provided to anyone that reference Dershowitz by name.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

**17. All notes, writings, photographs, and/or audio or video recordings made or recorded by or of Jane Doe #3 on the dates on which Jane Doe #3 allegedly was present with Dershowitz, including but not limited to any diary, journal, or calendar entries on those dates, regardless whether the notes, writings, photographs, and/or audio or video recordings refer to Dershowitz. To the extent that any responsive materials are photographs or video recordings, please provide them in the original, native format in which they were taken (not a paper copy).**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**18. All notes of, or notes prepared for, any statements or interviews in which Plaintiffs or Jane Doe #3 referenced Dershowitz by name or other description.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**19. All Documents Concerning communications between You or anyone acting on Your behalf and anyone from, or acting on behalf of, any media outlet Concerning Dershowitz or this action, whether or not such communications were "on the record" or "off the record."**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

**20. All Documents Concerning any press release Concerning this action, the Joinder Motion, or Dershowitz, or Jane Doe #3.**

Objection as to "all documents concerning" in that it requests information not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

Without waiving objection, Dershowitz already possesses a copy of a press release sent to the media by Edwards and Cassell on or about January 2, 2015, that read as follows:

Out of respect for the court's desire to keep this case from being litigated in the press, we are not going to respond at this time to specific claims of indignation by anyone. As you may know, we are litigating a very important case, not only for our clients but crime victims in general. We have been informed of Mr. Dershowitz's threats based on the factual allegations we have made in our recent filing. We carefully investigate all of the allegations in our pleadings before presenting them. We have also tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests. Nevertheless, we would be pleased to consider any sworn testimony and documentary evidence Mr. Dershowitz would like to provide which he contends would refute any of our allegations.

The point of the pleading was only to join two of our clients in the case that is currently being litigated, and while we expected an agreement from the Government on that point, we did not get it. That disagreement compelled us to file our motion. We intend only to litigate the relevant issues in Court and not to play into any sideshow. We feel that is in our clients' best interest and consequently that is what we are doing.

We have every intention of addressing all of the relevant issues in the course of proper legal proceedings. Toward that end we have issued an invitation (a copy of which is attached below) to Alan Dershowitz to provide sworn testimony and any evidence he may choose to make available regarding the facts in our recent pleading that relate to him. The invitation has been extended by Jack Scarola, who is familiar with the issues. We would obviously welcome the same cooperation from Prince Andrew should he choose to avail himself of the same opportunity.

Dershowitz already possesses a copy a press release sent to the media by Jack Scarola on or about January 7, 2015, that read as follows:

Mr. Dershowitz harshly attacks Mr. Edwards and Professor Cassell for not trying to talk to him before naming him in legal papers. But, in truth, and as supported by numerous documents, on at least three occasions since 2009, Mr. Dershowitz was informed that he was a key witness in the litigation against Jeffrey Epstein and was requested to testify. We advised him at that time as follows:

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

Despite this notice to Mr. Dershowitz, he failed to respond or testify in any fashion. Mr. Dershowitz has not responded to multiple efforts to take his testimony beginning in 2009.

**21. All Documents Concerning any assertion that Dershowitz was a "co-conspirator" with Epstein.**

Edwards and Cassell object to this request as vague, uncertain, and overbroad.

See also answer to request #2 above and to request #24 below.

See also answer to request #10 above.

**22. All Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.**

Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA. Edwards and Cassell have asked him to produce this information, and will all be

responsive to this request as well. *See* Plaintiffs' Third Request to Produce to Defendant Nos. 2, 3, and 4.

Edwards and Cassell also have received from the U.S. Attorney's Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein's legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the *Does v. United States*, No. 9:08-cv-80736-KAM. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

See also answer to request #2 above (including the NPA itself and its provision granting immunity from prosecution to "any potential co-conspirators of Epstein") and to request #24 below.

**23. All Documents Concerning any actions allegedly taken by Prince Andrew, Duke of York, to influence the terms of the NPA.**

Edwards and Cassell have attempted to question Prince Andrew about his actions in this regard, but have been rebuffed by Prince Andrew and representatives of the British throne and/or government.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards and Cassell have propounded discovery requests seeking such documents in the CVRA case. *See* Request for Admission (RFA) (December 1, 2011) (asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York".)

*See also* Answer to Request #2 above.

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**24. All Documents Concerning any request for the deposition of Dershowitz.**

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

*See* response to RFP #20.

Dershowitz already has in his possession a request from Jack Scarola to take his deposition, sent via email on January 3, 2015, which reads as follows:

Dear Mr. Dershowitz:

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

Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's.

Thank you for your anticipated cooperation.

Sincerely,

Jack Scarola

**25. All Documents Concerning any investigation of Dershowitz.**

This request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Without waiving this objection:

See response to RFP #2.

See also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors.

See also the criminal Palm Beach State Attorney's Office file regarding Jeffrey Epstein.

See also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.

**26. All notes of any investigation of Jane Doe #3's allegations against Dershowitz.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, vague, indefinite, overly broad, burdensome.

**27. All telephone records, including but not limited to records for any cell phone, for any telephone used by Jane Doe #3 between January 1, 1999 and December 31, 2002.**

None in possession of Edwards and Cassell.

**28. All Documents Concerning Jane Doe #3's diary or journal.**

No diary or journal is in the possession of Edwards and Cassell.

Beyond that and to the extent that the request for documents "concerning" an unspecified diary or journal, Edwards and Cassell object to this request because it is uncertain and overbroad, seeks irrelevant and inadmissible information and is not reasonably calculated to lead to the discovery of relevant and admissible evidence. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the attorney-client privilege. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the work product doctrine.\

**29. All Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe #3's allegations about being a sex slave.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

**30. All Documents Concerning Your retainer agreement with Jane Doe #3.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, harassing.

**31. All Documents Concerning any investigation of Jane Doe #3.**

Objection, in that this request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Also, objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing

**32. All Documents identified in Your responses to Dershowitz's First Set of Interrogatories to You in this action.**

*See* the documents and answers provided to these requests for production of documents.

**33. All Documents Concerning Your claim for damages in this action.**

*See* the documents and answers provided to these requests for production of documents.

In addition, see redacted tax return information from Cassell regarding his claim for special damages.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

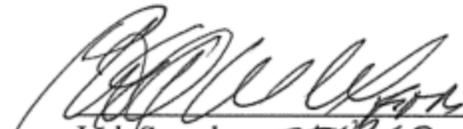
**34. All Documents referred to or relied upon by Plaintiffs to prepare "Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action," which was filed in the Federal Action as Docket Entry #279.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

**35. All Documents referred to or relied upon by Plaintiffs to prepare the Complaint in this action.**

Plaintiffs relied on the various defamatory statements made by Alan Dershowitz to prepare the complaint. *See, e.g.*, Answer to Interrogatory #2. To the extent that materials are sought regarding communications with legal counsel, objection under the attorney-client privilege and work-product doctrine.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 13<sup>th</sup> day of March, 2015.

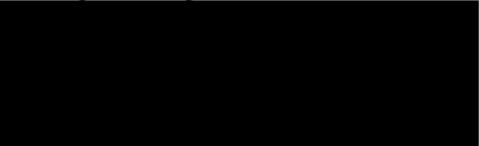


Jack Scarola 250263  
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Searcy Denney Scarola Barnhart & Shipley, P.A.



Attorneys for Plaintiffs

Edwards, Bradley vs. Dershowitz  
Case No.: CACE 15-000072  
Answers To Defendant Dershowitz's First Set Of Document Requests  
to Edwards and Cassell

**COUNSEL LIST**

Thomas Emerson Scott, Jr., Esquire



Cole Scott & Kissane P.A.



Attorneys for Defendant

# **EXHIBIT C**

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,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

---

**SUPPLEMENTAL ANSWERS TO DEFENDANT DERSHOWITZ'S FIRST SET OF  
DOCUMENT REQUESTS TO BRADLEY J. EDWARDS AND PAUL G. CASSELL**

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby file this supplemental response to Defendant, Alan M. Dershowitz's, First Set of Document Requests dated February 11, 2015 to Plaintiffs as follows:

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

**1. All Documents Concerning the alleged "character assassination" referenced in paragraph 8 of the Complaint.**

*See* complaint from Jeffrey Epstein v. Bradley J. Edwards. *See also* pleadings and response to Interrogatory #1 filed in this case. Plaintiffs have requested documents in the possession of Defendant Dershowitz which memorialize his character assassination of Plaintiffs. Numerous documents within the Defendant's still incomplete production reflect false and defamatory assaults on the Plaintiffs' character by the Defendant.

**2. All Documents Concerning Dershowitz's alleged "participation in Epstein's criminal conduct" referenced in paragraph 16 of the Complaint.**

Edwards and Cassell object to this request as being vague, overbroad, and unreasonably burdensome, as well as seeking irrelevant and inadmissible evidence and information not reasonably calculated to lead to the discovery of admissible evidence. Edwards and Cassell have collected many pages of documents pointing to Dershowitz's involvement in Epstein's sexual

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to Edwards and Cassell

abuse of underage girls over a nearly seven year period of time, including legal work that they did in connection with the long-running case of *Does v. United States*, 9:08-cv-80736-KAM (S.D. Fla. filed July 7, 2008) including Docket Entry 291 and all accompanying exhibits. See also all publicly available materials in the long-running case of *Epstein v. Edwards et al.*, 502009CA040800XXXXMBAG (Circuit Court of the 15<sup>th</sup> Judicial Cir. For Palm Beach County, Florida), including for example Edwards' motion for summary judgment. See also all publicly available police reports and investigative files generated in the course of the Palm Beach Police Department's criminal investigation of Jeffrey Epstein. They have also represented numerous victims in civil actions against Jeffrey Epstein, which involved many pleadings which are public documents. Of course, these cases also involved numerous attorney-client communications as well as materials covered by the work-product doctrine.

See also all pleadings, discovery responses and depositions in the following civil proceedings in which Jeffrey Epstein was named as a party:

State Court in Palm Beach County:

502008CA037319xxxxMB  
502008CA025129xxxxMB  
502008CA006332xxxxMB  
502008CA028058xxxxMB  
502008CA028051xxxxMB  
502008CA020614xxxxMB  
502008CA006596xxxxMB  
502008CA005240xxxxMB.

United States Southern District of Florida:

08-80893  
08-80232  
08-80380  
08-80994  
08-80993  
08-80811  
08-80381  
08-80804  
08-80811  
09-80469  
09-80591

09-80656  
09-80802  
09-81092  
10-81111  
10-80447

*See also* pleadings and response to Interrogatories #1 and #2 filed in this case.

On information and belief, Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.

**3. All Documents Concerning Dershowitz's alleged knowledge that the filing referenced in paragraph 17 of the Complaint was "an entirely proper and well-founded pleading."**

See answer to request #2 above and to request #24 below.

**4. All Documents Concerning the alleged "massive public media assault" referenced in paragraph 17 of the Complaint.**

For details regarding the massive public media assault, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to media sources of his choosing, Edwards and Cassell do not possess documents concerning the assault.

**5. All Documents Concerning the "multiple national televised interviews," "statements to and repeated by national and international print news sources" and "various other forms nationally and internationally" alleged in paragraph 19 of the Complaint.**

For details regarding the interviews, statements, and other similar communications, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to the media, Edwards and Cassell do not possess documents concerning the interviews and statements referenced here.

**6. All Documents Concerning the allegation in paragraph 20 of the Complaint that Dershowitz's "statements were false and known by him to be false at the time they were made."**

See answer to request #2 above and to request #24 below.

**7. All Documents Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.**

See answer to request #2 above and to request #24 below. Additionally, Defendant Dershowitz is himself aware of the various television and radio programs on which he spoke about the Plaintiffs, as well as other public statements he made, and is in a superior position to obtain video, audio and written transcripts of those statements to the extent they are not already available and readily accessible on the world wide web. Plaintiffs are awaiting Defendant's production of materials not otherwise available.

**8. All Documents Concerning Dershowitz's alleged "involvement in Epstein's criminal conduct" as alleged in paragraph 21 of the Complaint.**

See answer to request #2 above and to request #24 below.

**9. All Documents that reference Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.**

See answer to request #2 above and to request #24 below.

**10. All Documents Concerning drafts of any declaration or affidavit of Jane Doe #3.**

Objection, immaterial and not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

Without waiving any objection, affidavits have been filed by Jane Doe #3 in Does v. United States, 08-80736.

**11. All photographs and video in the original, native format in which they were taken (not a paper copy) of Jane Doe #3 with Dershowitz.**

None in Plaintiffs' possession.

**12. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request, of Dershowitz at (i) Epstein's Manhattan home in New York City, New York; (ii) Epstein's home in Palm Beach, Florida; (iii) Epstein's Zorro Ranch in Santa Fe, New Mexico; (iv) Little Saint James island in the U.S. Virgin Islands; and (v) Epstein's airplane, on the same date and time that Jane Doe #3 also was present at such location.**

None in the possession of Edwards or Cassell.

**13. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request that evidence and/or show Jane Doe #3 was present at the same location as Dershowitz on that same date and time.**

None.

**14. All Documents Concerning Jane Doe #3's presence at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Dershowitz was also present.**

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

**15. All Documents Concerning whether Dershowitz was present at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Jane Doe #3 alleges to have been present.**

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

**16. All statements, written or recorded, that Plaintiffs or Jane Doe #3 have provided to anyone that reference Dershowitz by name.**

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

**17. All notes, writings, photographs, and/or audio or video recordings made or recorded by or of Jane Doe #3 on the dates on which Jane Doe #3 allegedly was present with Dershowitz, including but not limited to any diary, journal, or calendar entries on those dates, regardless whether the notes, writings, photographs, and/or audio or video recordings refer to Dershowitz. To the extent that any responsive materials are photographs or video recordings, please provide them in the original, native format in which they were taken (not a paper copy).**

None in Plaintiffs' possession, custody or control.

**18. All notes of, or notes prepared for, any statements or interviews in which Plaintiffs or Jane Doe #3 referenced Dershowitz by name or other description.**

None in Plaintiffs' possession, custody or control.

**19. All Documents Concerning communications between You or anyone acting on Your behalf and anyone from, or acting on behalf of, any media outlet Concerning Dershowitz or this action, whether or not such communications were "on the record" or "off the record."**

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

**20. All Documents Concerning any press release Concerning this action, the Joinder Motion, or Dershowitz, or Jane Doe #3.**

Objection as to "all documents concerning" in that it requests information not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

Without waiving objection, Dershowitz already possesses a copy of a press release sent to the media by Edwards and Cassell on or about January 2, 2015, that read as follows:

Out of respect for the court's desire to keep this case from being litigated in the press, we are not going to respond at this time to specific claims of indignation by anyone. As you may know, we are litigating a very important case, not only for our clients but crime victims in general. We have been informed of Mr. Dershowitz's threats based on the factual allegations we have made in our recent filing. We carefully investigate all of the allegations in our pleadings before presenting them. We have also tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests. Nevertheless, we would be pleased to consider any sworn testimony and documentary evidence Mr. Dershowitz would like to provide which he contends would refute any of our allegations.

The point of the pleading was only to join two of our clients in the case that is currently being litigated, and while we expected an agreement from the Government on that point, we did not get it. That disagreement compelled us to file our motion. We intend only to litigate the relevant issues in Court and not to play into any sideshow. We feel that is in our clients' best interest and consequently that is what we are doing.

We have every intention of addressing all of the relevant issues in the course of proper legal proceedings. Toward that end we have issued an invitation (a copy of which is attached below) to Alan Dershowitz to provide sworn testimony and any evidence he may choose to make available regarding the facts in our recent pleading that relate to him. The invitation has been extended by Jack Scarola, who is familiar with the issues. We would obviously welcome the same cooperation from Prince Andrew should he choose to avail himself of the same opportunity.

Dershowitz already possesses a copy a press release sent to the media by Jack Scarola on or about January 7, 2015, that read as follows:

Mr. Dershowitz harshly attacks Mr. Edwards and Professor Cassell for not trying to talk to him before naming him in legal papers. But, in truth, and as supported by numerous documents, on at least three occasions since 2009, Mr. Dershowitz was informed that he was a key witness in the litigation against Jeffrey Epstein and was requested to testify. We advised him at that time as follows:

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

Despite this notice to Mr. Dershowitz, he failed to respond or testify in any fashion. Mr. Dershowitz has not responded to multiple efforts to take his testimony beginning in 2009.

**21. All Documents Concerning any assertion that Dershowitz was a "co-conspirator" with Epstein.**

See answer to request #2 above and to request #24 below.

See also answer to request #10 above.

**22. All Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.**

Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA. Edwards and Cassell have asked him to produce this information, and will all be responsive to this request as well. See Plaintiffs' Third Request to Produce to Defendant Nos. 2, 3, and 4.

Edwards and Cassell also have received from the U.S. Attorney's Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein's legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the *Does v. United States*, No. 9:08-cv-80736-KAM. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

See also answer to request #2 above (including the NPA itself and its provision granting immunity from prosecution to "any potential co-conspirators of Epstein") and to request #24 below.

**23. All Documents Concerning any actions allegedly taken by Prince Andrew, Duke of York, to influence the terms of the NPA.**

Edwards and Cassell have attempted to question Prince Andrew about his actions in this regard, but have been rebuffed by Prince Andrew and representatives of the British throne and/or government.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards and Cassell have propounded discovery requests seeking such documents in the CVRA case. *See* Request for Admission (RFA) (December 1, 2011) (asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York".)

*See also* Answer to Request #2 above.

**24. All Documents Concerning any request for the deposition of Dershowitz.**

*See* response to RFP #20.

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to Edwards and Cassell

Dershowitz already has in his possession a request from Jack Scarola to take his deposition, sent via email on January 3, 2015, which reads as follows:

Dear Mr. Dershowitz:

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

Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's.

Thank you for your anticipated cooperation.

Sincerely,

Jack Scarola

**25. All Documents Concerning any investigation of Dershowitz.**

This request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Without waiving this objection:

See answer to request #2 above and to request #24 above.

See also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors.

See also the criminal Palm Beach State Attorney's Office file regarding Jeffrey Epstein.

See also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.

**26. All notes of any investigation of Jane Doe #3's allegations against Dershowitz.**

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, vague, indefinite, overly broad, burdensome.

**27. All telephone records, including but not limited to records for any cell phone, for any telephone used by Jane Doe #3 between January 1, 1999 and December 31, 2002.**

None in possession of Edwards and Cassell.

**28. All Documents Concerning Jane Doe #3's diary or journal.**

No diary or journal is in the possession of Edwards and Cassell.

Beyond that and to the extent that the request for documents "concerning" an unspecified diary or journal, Edwards and Cassell object to this request because it is uncertain and overbroad, seeks irrelevant and inadmissible information and is not reasonably calculated to lead to the discovery of relevant and admissible evidence. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the attorney-client privilege. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the work product doctrine.\

**29. All Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe #3's allegations about being a sex slave.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing.

**30. All Documents Concerning Your retainer agreement with Jane Doe #3.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, and harassing.

**31. All Documents Concerning any investigation of Jane Doe #3.**

Objection, in that this request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Also, objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing

**32. All Documents identified in Your responses to Dershowitz's First Set of Interrogatories to You in this action.**

*See* the documents and answers provided to these requests for production of documents.

**33. All Documents Concerning Your claim for damages in this action.**

*See* the documents and answers provided to these requests for production of documents and the answers to interrogatories, all of which support a claim of statements that are defamatory per se.

Cassell withdraws his claim for special economic losses relating to lost wages and diminished earning capacity.

**34. All Documents referred to or relied upon by Plaintiffs to prepare "Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action," which was filed in the Federal Action as Docket Entry #279.**

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

**35. All Documents referred to or relied upon by Plaintiffs to prepare the Complaint in this action.**

Edwards, Bradley vs. Dershowitz  
Case No.: CACE 15-000072  
Supplemental Answers To Defendant Dershowitz's First Set Of Document Requests  
to Edwards and Cassell

Plaintiffs relied on the various defamatory statements made by Alan Dershowitz to prepare the complaint. *See, e.g.*, Answer to Interrogatories #1 and #2.

See answer to request #2 above and to request #24 above.

To the extent that materials are sought regarding communications with legal counsel, objection under the attorney-client privilege and work-product doctrine.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 28<sup>th</sup> day of AUGUST, 2015.



Jack Scarola

Florida Bar No.: 169440

Attorney E-Mail(s): [REDACTED] and

Primary E-Mail: [REDACTED]

Searcy Denney Scarola Barnhart & Shipley, P.A.

[REDACTED]  
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Attorneys for Alan M. Dershowitz

# **EXHIBIT D**

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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**RESPONSE TO SECOND SET OF DOCUMENT**  
**REQUESTS TO BRADLEY J. EDWARDS**

Bradley J. Edwards, by and through his undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby responds to Defendant, Alan M. Dershowitz's, Second Set of Document Requests dated August 12, 2015 as follows:

1. Any and all insurance policies that may be responsive to the allegations of defamation asserted against You by Dershowitz in this case, including but not limited to any insurance policies that might cover the cost of defense in this matter or make a payment on Your behalf (or reimburse You for a payment that You make) to Dershowitz as the result of any settlement or judgment in this case.

**RESPONSE:** See Attached.

2. All Documents\* Concerning\*\* any form of compensation to You in connection with Your representation of the individual referred to as "Jane Doe No. 3" in the matter styled *Jane Doe #1, et al., v. United States of America*, Case No. 08-80736-CIV-MARRA/JOHNSON

Edwards, Bradley vs. Dershowitz  
Case No.: CACE 15-000072  
Response to Defendant's Request to Produce

(S.D. Fla.), or in connection with any services You have provided, or agreed to provide, on behalf of or for the benefit of Jane Doe No. 3, regardless of the source of the compensation.

**RESPONSE:** Objection, attorney-client privilege.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 9<sup>th</sup> day of Sept., 2015.



Jack Scarola  
Florida Bar No.: 169440  
Attorney E-Mail(s): [REDACTED] and  
mep@searcylaw.com  
Primary E-Mail: [REDACTED]  
Searcy Denney Scarola Barnhart & Shipley, P.A.

[REDACTED]  
[REDACTED]  
Attorney for Plaintiff(s)

COUNSEL LIST

Sigrid Stone McCawley, Esquire

[REDACTED]

Boies Schiller & Flexner, LLP

[REDACTED]

[REDACTED]

Attorneys for Alan M. Dershowitz

Thomas Emerson Scott, Jr., Esquire

[REDACTED];  
[REDACTED];  
[REDACTED]

Cole Scott & Kissane P.A.

[REDACTED]

Attorneys for Alan M. Dershowitz

Kenneth A. Sweder, Esquire

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Attorneys for Alan M. Dershowitz

Ashley Eiler, Esquire

[REDACTED]

Mary E. Borja, Esquire

[REDACTED]

Richard A. Simpson, Esquire

[REDACTED]

Wiley Rein, LLP

# **EXHIBIT E**

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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**RESPONSE TO THIRD SET OF DOCUMENT REQUESTS TO PAUL G. CASSELL**

Paul G. Cassell, by and through his undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby respond to Defendant, Alan M. Dershowitz's, Third Set of Document Requests to Paul G. Cassell dated August 12, 2015 as follows:

1. Any and all insurance policies that may be responsive to the allegations of defamation asserted against You by Dershowitz in this case, including but not limited to any insurance policies that might cover the cost of defense in this matter or make a payment on Your behalf (or reimburse You for a payment that You make) to Dershowitz as the result of any settlement or judgment in this case.

**RESPONSE:** See attached.

2. All Documents\* Concerning\*\* any form of compensation to You in connection with Your representation of the individual referred to as "Jane Doe No. 3" in the matter styled *Jane Doe #1, et al., v. United States of America*, Case No. 08-80736-CIV-MARRA/JOHNSON (S.D. Fla.), or in connection with any services You have provided, or agreed to provide, on behalf of or for the benefit of Jane Doe No. 3, regardless of the source of the compensation.

Edwards/Cassell vs. Dershowitz  
Case No.: CACE 15-000072  
Response to Third Set of Document Requests to Paul G. Cassell

**RESPONSE:** Objection, attorney-client privilege.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 9<sup>th</sup> day of Sept, 2015.



Jack Scarola  
Florida Bar No.: 169440  
Attorney E-Mail(s): [REDACTED]

[REDACTED]  
[REDACTED]  
Searcy Denney Scarola Barnhart & Shipley, P.A.

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