

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

_____ /

VIDEOTAPE CONTINUED DEPOSITION OF

ALAN M. DERSHOWITZ

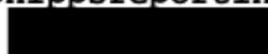
VOLUME 3
Pages 334 through 461

Tuesday, January 12, 2016
9:46 a.m. - 11:59 a.m.

Tripp Scott



Stenographically Reported By:
Kimberly Fontalvo, RPR, CLR
Realtime Systems Administrator



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 15 [REDACTED]
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 19 BY: KENNETH A. SWEDER, ESQ.
 20 [REDACTED]
 21 --and--
 22 WILEY, REIN
 23 [REDACTED]
 24 BY: RICHARD A. SIMPSON, ESQ.
 25 [REDACTED]

1 INDEX
 2
 3
 4 Examination Page
 5 VOLUME 3 (Pages 334 - 461)
 6
 7 ALAN M. DERSHOWITZ
 8 Direct (continued) By Mr. Edwards 341
 9 Certificate of Oath 459
 10 Certificate of Reporter 460
 11 Read and Sign Letter to Witness 461
 12 Errata Sheet (forwarded upon execution) 462
 13
 14 PLAINTIFF EXHIBITS
 15
 16 No. Page
 17 13 Journal Entries of Alfredo Rodriguez 379
 18 14 Excerpt - April 1, 2015 Transcript of 394
 19 Alan Dershowitz at Chabad Coral
 20 Springs
 21 15 Excerpt - Transcript dated January 4, 397
 22 2015 Interview of Alan Dershowitz by
 23 BBC News Breakfast & BBC News
 24 16 Composite documents 398
 25 17 Composite documents 401
 18 Composite Palm Beach Police Department 438
 Incident Reports

1 APPEARANCES (Continued):
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 11 BY: SIGRID STONE MCCAWLEY, ESQ.
 12 [REDACTED]
 13 ALSO PRESENT:
 14 Edward J. Pozzuoli, Special Master
 15 Sean D. Reyes, Utah Attorney General Office
 16 Travis Gallagher, Videographer
 17
 18
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1 SPECIAL MASTER POZZUOLI: Let's do some
 2 preliminaries before we start. I'm Ed
 3 Pozzuoli. I'm the special master appointed by
 4 Judge Lynch. I wanted to make sure that we put
 5 this on the record. The order that I'm
 6 traveling under is Judge Lynch's order of
 7 1/4/2016. And originally my partner, Ed
 8 Curtis, was appointed special master, but
 9 because of health reasons, I've agreed to pitch
 10 in and take his place with the consent of the
 11 parties. If the parties could just affirm and
 12 confirm that so that we can proceed.
 13 MR. EDWARDS: We agree.
 14 MR. SCOTT: We agree.
 15 MS. McCAWLEY: We agree.
 16 SPECIAL MASTER POZZUOLI: Okay.
 17 VIDEOGRAPHER: This is the 12th day of
 18 January, 2016, and the time is approximately
 19 9:46 a.m. This is the videotaped deposition of
 20 Alan Dershowitz in the matter of Bradley J.
 21 Edwards and Paul G. Cassell versus Alan
 22 Dershowitz.
 23 This deposition is being held at [REDACTED]
 24 [REDACTED]
 25 [REDACTED] My name is

1 BY MR. EDWARDS:

2 **Q. And haven't you also said earlier in your**
3 **testimony today that "I believe nothing in the**
4 **affidavit to be true"?**

5 A. No, I believe her name is probably true.
6 But no substantive statement -- that there is
7 nothing that she says that should ever be believed.
8 She's one of these people who lies so consistently,
9 and so repeatedly, and so transparently, and so
10 obviously that any lawyer who claims to be believing
11 her statement is acting unprofessionally.

12 **Q. Okay.**

13 A. And I wish I had the ability to give you
14 some backup to that, but I've been precluded from
15 doing that.

16 **Q. When did your representation of Jeffrey**
17 **Epstein begin?**

18 MR. SCOTT: Asked and answered in the last
19 depo, I believe.

20 MR. EDWARDS: It was asked, not answered.

21 A. At the time when he was first alerted to
22 the fact that he is -- let me amend that. Let me
23 amend that.

24 Over the years since I first met Jeffrey
25 Epstein, he has sought advice from me.

1 MR. INDYKE: Objection. Alan, this is
2 Darren Indyke. If you're going to discuss
3 statements that Jeffrey's made to you in
4 connection with requesting legal advice, then I
5 would instruct you not to answer.

6 MR. EDWARDS: I'm asking for the timing.

7 SPECIAL MASTER POZZUOLI: The question is
8 the time. When did your representation of
9 Mr. Epstein start?

10 A. It's not an easy question. My
11 representation in regard to this case started when
12 he was first accused of improper conduct with one or
13 two women in Palm Beach. But previously, he had
14 sought legal advice from me on a handful of other
15 matters.

16 BY MR. EDWARDS:

17 **Q. Is your recollection of the time period**
18 **when your representation of Mr. Epstein began with**
19 **respect to the criminal allegations against him in**
20 **Palm Beach sometime during the year of 2005?**

21 A. 2005 to 2006, I just don't have a current
22 recollection. I can check it out. It's easy to
23 find out.

24 Whenever the allegations first surfaced,
25 that's when he called me.

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Q. Well, okay, the evidence is going to speak for itself.

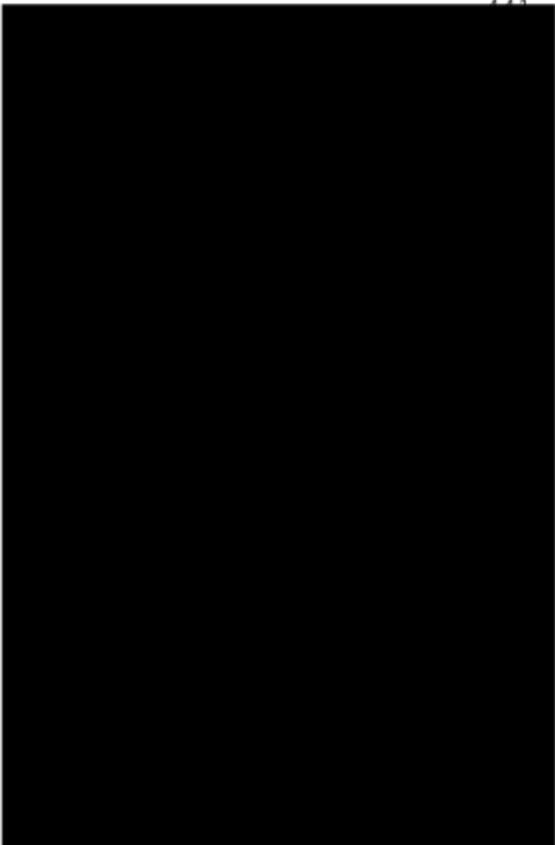
A. This is not evidence -- let me be very clear. This is a police report. I've had 50 years of experience as a criminal lawyer, and I know what credibility and what weight to give police reports. They are often one-sided, and they are regarded as very rough material, not corroborated. And so, I mean, it's obvious that the State Attorney didn't credit all these reports either, based on the --

SPECIAL MASTER POZZUOLI: Mr. Dershowitz, at this point, I'm going to ask you to stop.

Please ask a specific question about the exhibit or move forward one way or another.



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1 recollection about when they were. She remained
2 with him apparently, according to her own account,
3 taking money for prostitution when she was over 18,
4 when she was [redacted] over 18.

5 MR. SCOTT: Do you want to take a break?
6 Are you okay? We've been going for an hour and
7 a half.

8 THE WITNESS: Whichever you think.

9 SPECIAL MASTER POZZUOLI: Another ten
10 minutes, I think we'll break for lunch. Are
11 you good with that?

12 MR. EDWARDS: Absolutely. Thank you.

13 BY MR. EDWARDS:

14 **Q. In your statement that police reports are**
15 **often one-sided and you know what kind of weight to**
16 **give them, are you saying that the other minor**
17 **victims who gave statements in the police report**
18 **were also lying?**

19 MR. SCOTT: Objection, form,
20 argumentative.

21 MR. SIMPSON: Nonprivileged information.

22 BY MR. EDWARDS:

23 **Q. Are you claiming privilege or are you**
24 **saying you really don't know?**

25 MR. SIMPSON: Darren?



443

1 SPECIAL MASTER POZZUOLI: To the extent --
2 MR. INDYKE: Can you hear me?
3 SPECIAL MASTER POZZUOLI: Go ahead, make
4 your objection.
5 MR. INDYKE: To the extent that that
6 question requires Alan to disclose privileged
7 information, attorney-client or common
8 interest, Alan, I would instruct you not to
9 answer.
10 SPECIAL MASTER POZZUOLI: So qualify that.
11 BY MR. EDWARDS:
12 **Q. Okay. Haven't you in the past said that**
13 **the girls that accused Jeffrey Epstein of engaging**
14 **in sexual massages with them while they were minors**
15 **were also lying?**
16 A. I don't believe I said that. What I did
17 was -- in at least one instance I remember, I was
18 provided information about one woman, this is early
19 on, who had on her web page or whatever it was at
20 the time, I don't remember what the web situation
21 was then, she called herself "pimp juice" and she
22 had other terms that would affect her credibility,
23 and I brought that to the attention of the State
24 Attorney, as any defense lawyer would do.
25 And I questioned the credibility of the

444

1 one or two witnesses. But we never had any
2 conversation about 40 witnesses. And I have no idea
3 whether the 40 witness are lying, telling the truth
4 or saying something in between. I just have no
5 idea. I've never explored that.
6 **Q. Okay. During the investigation, you**
7 **represented Jeffrey Epstein, right?**
8 A. I never represented him alone. I
9 represented him always with a local counsel, with
10 Roy Black, with two --
11 **Q. I think we're miscommunicating. My**
12 **question is were you one of the attorneys that**
13 **represented Jeffrey Epstein?**
14 A. I was one, yes.
15 **Q. Did you represent anybody else in**
16 **connection with the investigation into Jeffrey**
17 **Epstein?**
18 A. Not that I can think of.
19 **Q. It was just Jeffrey Epstein?**
20 A. To my knowledge. To my recollection.
21 **Q. You know Ghislaine Maxwell, don't you?**
22 A. I do.
23 **Q. When the investigation in 2005 was**
24 **happening, did you speak with Ghalaine Maxwell?**
25 MR. SCOTT: Don't reveal any privileged

445

1 communications.
2 A. That would be privileged.
3 BY MR. EDWARDS:
4 **Q. Your conversation with Ghislaine Maxwell,**
5 **somebody who you have just told me you did not**
6 **represent, would be a privileged communication?**
7 A. It would be.
8 **Q. In what [REDACTED]?**
9 A. It would be privileged through --
10 SPECIAL MASTER POZZUOLI: Counsel, how
11 would that be privileged?
12 THE WITNESS: That would be privileged
13 because --
14 MR. SIMPSON: Darren.
15 SPECIAL MASTER POZZUOLI: Darren.
16 Darren, are you there?
17 MR. INDYKE: Can you hear me? You guys
18 are cutting out. So I'm sorry, I'm trying to
19 listen, but it's cutting in and out. Can you
20 hear me?
21 SPECIAL MASTER POZZUOLI: Yes. So the
22 question is -- go back to the question.
23 MR. SCAROLA: Could we first identify
24 which privileged information is being asserted?
25 MR. EDWARDS: I'm going to do that.

446

1 SPECIAL MASTER POZZUOLI: Well, I want to
2 hear the argument first. So let --
3 THE REPORTER: "Your conversation with
4 Ghislaine Maxwell, somebody who you have just
5 told me you did not represent, would be a
6 privileged communication?"
7 SPECIAL MASTER POZZUOLI: Go back up
8 further.
9 THE REPORTER: "When the investigation in
10 2005 was happening, did you speak with Ghalaine
11 Maxwell?"
12 MR. INDYKE: That's the question? Sorry.
13 I didn't hear the question.
14 SPECIAL MASTER POZZUOLI: That is the
15 question.
16 MR. INDYKE: To the extent that Alan's
17 information would invade the attorney-client
18 privilege and work product, which Jeffrey still
19 has a right to object, and common interest, I
20 would object to that -- I would object to
21 Alan's answering that question and instruct
22 Alan not to answer, please.
23 MR. EDWARDS: There cannot be any
24 attorney-client privilege in a communication
25 between Alan Dershowitz and Ghalaine Maxwell.

447

1 THE WITNESS: Yes, there can. Would you
2 like me to explain why?
3 SPECIAL MASTER POZZUOLI: I would like for
4 your lawyers to explain why.
5 THE WITNESS: They may not know this fact,
6 but my understanding is that there was a joint
7 defense agreement, and that would therefore
8 allow Jeffrey Epstein to assert the privilege
9 in relation to Ghislaine Maxwell. That's my
10 understanding.
11 BY MR. EDWARDS:
12 **Q. Ghislaine Maxwell was never the target of**
13 **the investigation, was she?**
14 A. You're a criminal lawyer. You know that
15 you don't need to be the target of an investigation
16 to need a lawyer.
17 **Q. Hasn't she just recently publicly said, I**
18 **was never the target of an investigation?**
19 MR. SCOTT: Objection, argumentative --
20 SPECIAL MASTER POZZUOLI: At this point,
21 I'm going to suggest that based upon what
22 Mr. Dershowitz has said, I certainly don't want
23 him invading the privilege either through a
24 direct or joint defense agreement, and so at
25 this point, I will rule that he's not required

448

1 to answer, but I will reserve for further
2 information.
3 We can go back and you can revisit this,
4 assuming that, you know, you have documentation
5 or there is no such joint defense agreement.
6 BY MR. EDWARDS:
7 **Q. Who were the parties to the joint defense**
8 **agreement?**
9 A. This is a long time ago. My recollection
10 is that very early on, there was a joint defense
11 agreement between several of the people who were of
12 interest to the District Attorney and to the federal
13 government. That's my recollection. And I would
14 always want to resolve doubts in favor of privilege.
15 We can check further. I would be happy to answer
16 the question if it's not privileged.
17 **Q. Who are the people that you remember being**
18 **part of the joint defense agreement?**
19 A. I'm just trying to think of whether --
20 MR. SCOTT: Don't answer anything
21 privileged.
22 A. I just -- I would rely on Darren for that.
23 MR. INDYKE: If you're asking him who are
24 the parties to the joint defense agreement, and
25 that would disclose information about witnesses

449

1 that Alan knows about only because of his
2 representation of Jeffrey Epstein, then under
3 those circumstances, that is privileged. That
4 should not be disclosed.
5 SPECIAL MASTER POZZUOLI: Let me ask a
6 question. Are you suggesting that the parties
7 to a joint defense agreement, that information
8 in and of itself is privileged?
9 MR. INDYKE: Under certain circumstances.
10 I'm not familiar with the joint defense
11 agreement back then, but it's possible. If
12 they're mainly parties who are witnesses.
13 SPECIAL MASTER POZZUOLI: I'm going to
14 reserve on this and we're going to move forward
15 because I want to err on the side of protecting
16 the privilege and we can review this. I'll
17 reserve for further inquiry.
18 BY MR. EDWARDS:
19 **Q. Was this joint defense agreement in**
20 **writing?**
21 A. I have no recollection at this point.
22 **Q. When was the joint defense agreement**
23 **entered into?**
24 A. I have no recollection. I only remember
25 that there was at a point in time a joint defense

450

1 agreement. And I would have to check. And I also
2 don't want to -- I want to err on the side of not
3 revealing privileged information. But if it wasn't
4 part of a joint defense agreement, I would be
5 delighted to answer the question. I would be happy
6 to answer the question.
7 SPECIAL MASTER POZZUOLI: And we're going
8 to revisit this because we may have to come
9 back to the question.
10 MR. INDYKE: Your Honor, can I add one
11 consideration as well? I heard -- I don't know
12 which attorney --
13 SPECIAL MASTER POZZUOLI: Speak up.
14 MR. INDYKE: I'm going to put my -- I
15 heard -- I don't know which attorney made the
16 statement -- that work product privilege can be
17 waived by the attorney even though they're the
18 objections of the client. I don't believe
19 that's accurate. So, I would also object on
20 those grounds as well.
21 To the extent that any kind of information
22 that Alan has that's asked to be disclosed is
23 covered under the work product privilege, that
24 should also not be disclosed, and I would
25 object on that basis and instruct Alan not to

451

1 answer as well.
2 SPECIAL MASTER POZZUOLI: I'm aware of the
3 argument between counsel. The question that I
4 have is as follows: Is a -- was there, in
5 fact, a joint defense agreement? What form did
6 it take? And is it either subject to direct
7 privilege or to work product privilege?
8 And so those questions in that order need
9 to be answered for me, and we'd have to come
10 back and revisit those things. So I
11 appreciate -- thank you for the distinction,
12 but that's where I am on this issue.
13 MR. EDWARDS: Can I ask, then, just
14 specifically, was Ghislaine Maxwell a party to
15 the joint defense agreement?
16 MR. SCOTT: Asked and answered.
17 SPECIAL MASTER POZZUOLI: That goes back
18 to the question whether or not -- and this is
19 the question I have, is whether or not a
20 particular -- is it a violation of either the
21 privilege or work product privilege who the
22 particular participants are of a joint defense
23 agreement, if one, in fact, existed?
24 MR. EDWARDS: But if we're not able to
25 answer that question, then the communications

452

1 that he had with Ghislaine Maxwell, I should be
2 able to get into.
3 SPECIAL MASTER POZZUOLI: I -- well, that
4 assumes that the communications -- I would say
5 it this [REDACTED]. For purposes of right now, that
6 assumes the communications somehow fall outside
7 the privilege, either work product or
8 otherwise, and/or had been waived in some [REDACTED]
9 so that you can make inquiry. And so -- but
10 I'm not even there yet.
11 But because of the sensitivity around the
12 privilege, at this point, I'm going to reserve
13 and ask the parties to inquire further as to
14 the four questions that I had around the joint
15 defense agreement. And I don't want to impact
16 your rights to inquire until I understand that.
17 THE WITNESS: I will inquire of co-counsel
18 in the Epstein case, who would probably know
19 the answer to that, to those series of
20 questions.
21 SPECIAL MASTER POZZUOLI: It's a serious
22 enough issue that I don't want to --
23 MR. EDWARDS: I understand and I respect
24 it.
25 MR. SCOTT: We should also look into the

453

1 legal issues there, too.
2 SPECIAL MASTER POZZUOLI: Well, I would
3 count on the parties to make their best
4 argument, legal or factual.
5 BY MR. EDWARDS:
6 **Q. Do you know a person named [REDACTED]**
7 **[REDACTED]?**
8 A. No. I know vaguely who she is.
9 MR. INDYKE: Objection. To the extent,
10 Alan, that the only way you know the answer to
11 that question is through your representation of
12 Jeffrey Epstein, then I would instruct you not
13 to answer that question, as it violates the
14 privilege.
15 SPECIAL MASTER POZZUOLI: Short of that,
16 the question was straightforward. But outside
17 of privileged information.
18 A. The name is familiar, but I don't know --
19 I'm sure I've met her, but I don't know her.
20 BY MR. EDWARDS:
21 **Q. Fair to say she was --**
22 A. I don't think I've had a conversation with
23 her.
24 **Q. Fair to say, then, she was not a party to**
25 **the joint defense agreement?**

454

1 SPECIAL MASTER POZZUOLI: I'm going to
2 stop you. We've talked about this. I'm not
3 going to let you backdoor the conversation
4 until we flesh that out.
5 MR. EDWARDS: I understand, but if it's
6 somebody who clearly was not, meaning he
7 doesn't even know her. If she clearly was not,
8 then I want to get into those conversations.
9 That would be the easiest thing to do. I can
10 eliminate the people that may have been a part
11 of that. Okay, we'll leave those alone. But
12 people that he doesn't even know, I want to get
13 into what that person knows.
14 A. Let me shortcut this. To my knowledge, I
15 never had a conversation with this person.
16 BY MR. EDWARDS:
17 **Q. Okay. So that is somebody in these police**
18 **reports, if you review them, is listed as -- is**
19 **described as Jeffrey Epstein's sex slave at the**
20 **time. Are you aware of that?**
21 A. No.
22 **Q. Okay. Do you ever remember the**
23 **allegations of [REDACTED] being a sex slave to**
24 **Jeffrey Epstein?**
25 A. Not specifically.

455

1 Q. Do you ever remember the allegations of
2 various underage girls that [REDACTED] in
3 addition to Jeffrey Epstein, engaged in sexual acts
4 with minors during the investigation?
5 A. I don't have any recollection of that.
6 Q. In trying to ascertain whether the
7 witnesses who came forward against Jeffrey Epstein
8 then, or [REDACTED] coming forward against
9 Jeffrey Epstein now, are telling the truth or are
10 lying, have you gone to [REDACTED] to ask her
11 questions about the circumstances of this lawsuit?
12 A. I don't know her.
13 MR. INDYKE: Objection on the basis of
14 common interest privilege and on the basis of
15 attorney-client privilege and on the basis of
16 work product privilege.
17 SPECIAL MASTER POZZUOLI: He's already
18 answered he does not know her.
19 A. And I have also -- I think I can say
20 this -- no, I can't. I can't. It's covered by the
21 privilege.
22 BY MR. EDWARDS:
23 Q. Was [REDACTED] considered a
24 coconspirator of Jeffrey Epstein's during the
25 criminal investigation?

456

1 A. There are two criminal --
2 MR. INDYKE: Same objection.
3 BY MR. EDWARDS:
4 Q. The federal criminal investigation?
5 MR. SCOTT: Don't reveal any privileged
6 materials.
7 A. No. My recollection is during the federal
8 investigation, there were four named individuals who
9 were the subject of the nonprosecution agreement. I
10 remember two of them -- I remember at least one of
11 their names. I think I remember a second, but I'm
12 not sure.
13 I think she was one of those who was
14 granted immunity. But the immunity was limited to
15 four named individuals, all of whom were women. And
16 you could easily have found that out, and yet you
17 accused me of being one of the people who --
18 MR. EDWARDS: This is not responsive.
19 SPECIAL MASTER POZZUOLI: It was up
20 through that point. Let's move forward.
21 BY MR. EDWARDS:
22 Q. Didn't the nonprosecution agreement,
23 though, include as coconspirators -- didn't it say
24 all coconspirators of Jeffrey Epstein, including,
25 and then listed four names; that's how it went?

457

1 A. No. No, I don't think so. My
2 recollection is there were four names originally,
3 and then there was a request by the lawyers of the
4 four named people to eliminate their names.
5 MR. INDYKE: Mr. Dershowitz, if you're
6 going to go into work product, then I would
7 rather you -- I would instruct you not to
8 disclose.
9 SPECIAL MASTER POZZUOLI: At this point,
10 it's 12:00, is this a good place for you to
11 break?
12 MR. EDWARDS: This is fine.
13 SPECIAL MASTER POZZUOLI: 1:00?
14 THE WITNESS: I'm happy to do 12:30.
15 MR. SCOTT: 1:00 is fine.
16 SPECIAL MASTER POZZUOLI: 1:00 start back.
17 We're on break.
18 VIDEOGRAPHER: Going off the record. The
19 time is 11:59 a.m.
20 (A lunch recess was held from 11:59 a.m. until 1:05
21 p.m., after which the proceedings continued in
22 Volume 4.)
23
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458

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF BROWARD

I, the undersigned authority, certify
that ALAN M. DERSHOWITZ personally appeared
before me and was duly sworn on the 12th day of
January, 2016.
Signed this 14th day of January, 2016.

KIMBERLY FONTANA, Notary Public, State of Florida
My Commission No. FF 226848
Expires: 7/12/2019



A				
a.m (9)	360:17	agreed (3)	459:10 460:5	380:17
334:15,15	act (1)	338:9 359:3	460:22 461:3,4	Andrew (3)
338:19 374:12	405:18	416:25	461:25	394:2 397:6
375:17,17,19	acting (2)	agreement (23)	Alan's (2)	427:11
457:19,20	403:18 413:11	391:19 415:6	446:16,21	announce (1)
ABC (8)	action (2)	429:21 447:7	alerted (1)	339:3
344:17 373:13	459:18,19	447:24 448:5,8	413:21	answer (98)
373:21,22,23	acts (1)	448:11,18,24	Alfredo (4)	340:11 342:17
374:5,7 396:25	455:3	449:7,11,19,22	337:15 378:7,25	353:12,23,25
ability (2)	add (2)	450:1,4 451:5	379:13	354:1,3 360:2
409:14 413:13	423:24 450:10	451:15,23	allegation (10)	360:2,4 361:16
able (17)	added (1)	452:15 453:25	355:2 356:10	361:20,23,25
348:8 353:2	356:24	456:9,22	371:24 372:2	362:15,16,22
357:8,9,13	addition (1)	agrees (2)	372:15 376:8	362:24 363:1,5
█:2 371:15	455:3	369:22 370:2	376:13 377:3,5	363:6,20
374:19 376:10	address (1)	ahead (16)	403:18	376:20,21,24
376:15 390:23	460:15	377:14 383:13	allegations (22)	377:20,22
392:1 404:14	Adler (1)	393:11 396:2	341:6 342:21	379:8 380:6,20
411:9 420:6	380:17	397:18 400:19	345:20 346:13	380:22,25
451:24 452:2	Administrator...	402:22 409:4	355:18 361:10	381:22,23
above-address...	334:21	421:25 422:17	361:12 362:6	383:12,14
460:8	advice (4)	423:3 427:23	365:6 371:18	384:10,12
Absolutely (4)	413:25 414:4,14	434:25 441:2	373:19 385:18	385:12 390:8
364:15 411:22	415:10	441:14 443:3	407:22 410:6	395:6 398:18
425:25 442:12	affect (1)	airplane (3)	410:15 414:19	403:4 404:20
accept (1)	443:22	348:5 365:21	414:24 420:8	408:21,22
407:6	affidavit (17)	440:20	436:17 440:21	409:4,11,13,17
accommodate ...	385:6,8,17,19	al (17)	454:23 455:1	409:22 414:5
375:14	386:1,3,4,8,11	349:2 351:7,19	alleged (1)	416:16,18
account (2)	386:23,24,25	351:21,21,25	357:11	417:12,21
356:21 442:2	399:12 413:4	352:1,5,8,9,11	alleging (1)	418:12,24
accounts (1)	420:18 421:11	352:17,20,23	357:3	419:11,23
341:9	421:12	354:15 460:5	allow (2)	422:1,16,19
accurate (3)	affirm (2)	461:3	432:14 447:8	423:20 424:2
417:16 439:21	338:11 339:20	Alan (33)	allowed (2)	428:8,11 429:3
450:19	age (1)	334:7,11 337:7	349:22 350:3	429:4,5,7,8,10
accusation (2)	432:18	337:16,18	amazing (1)	431:4,16,20
371:23 439:2	ago (5)	338:20,21	433:1	432:15,19
accusations (2)	341:3 376:5	359:5 363:20	amend (2)	434:7 435:3,6
409:24 433:8	384:2 437:12	367:6,7 376:24	413:22,23	435:14,14
accused (7)	448:9	377:16,20	amount (2)	436:10,11,22
366:14 368:21	agree (9)	396:17 414:1	355:17 460:12	443:9 446:22
375:22 412:4	338:13,14,15	416:14,16	and-- (2)	448:1,15,20
414:12 443:13	343:13 353:14	443:6,8 446:22	335:13,17	450:5,6 451:1
456:17	403:13 416:10	446:25 449:1	and/or (1)	451:25 452:19
	416:22 428:8	450:22,25	452:8	453:10,13
		453:10 458:9	Anderson (1)	answered (16)

357:23 ■:14	April (4)	430:17 434:11	attempted (1)	aware (7)
363:25 379:3	337:16 368:3,11	435:4 436:8	376:8	345:9 350:7
382:20,22,25	388:7	437:21 441:10	attention (1)	352:18 426:18
409:10,14	argue (1)	450:22 451:16	443:23	440:12 451:2
412:23 413:18	418:21	asking (30)	attorney (16)	454:20
413:20 441:11	argument (4)	344:17 345:3,4	336:14 349:16	
451:9,16	370:19 446:2	347:7,10	356:19,22	B
455:18	451:3 453:4	352:15 370:1	361:23 381:10	back (28)
answering (2)	argumentativ...	372:5 374:24	404:9 438:19	359:10 371:17
373:25 446:21	343:16 346:23	380:24 381:21	443:24 448:12	372:11,13
answers (2)	353:10 359:1	383:1 386:1	450:12,15,17	373:4,10
340:9 435:22	363:10 370:25	393:5 394:10	459:15 460:8	375:18,21
anybody (12)	373:1 380:13	396:25 398:8,9	460:13	386:8 391:21
344:12 348:19	382:15 426:6	398:16 399:4	attorney-clien...	405:16 407:17
354:18,18	440:11 442:20	405:11 407:1	359:8,25 360:3	408:14 411:17
364:24 365:7	447:19	412:7 414:6	360:6 361:22	424:3,25
394:11 412:1	arrangements...	415:3,10 417:8	376:23 377:18	430:16 432:12
419:17 430:14	460:9	418:11 427:21	379:7 416:23	437:13 445:22
439:11 444:15	arrest (1)	448:23	417:1,3,10	446:7 448:3
anytime (1)	357:9	assert (2)	429:25 430:1,9	449:11 450:9
365:13	arrested (6)	369:1 447:8	430:11 435:7	451:10,17
apparently (4)	356:12,15,21	asserted (2)	435:15 443:7	457:16 460:10
372:16 373:7	357:2,4 379:13	430:14 445:24	446:17,24	backdoor (1)
405:19 442:2	articles (3)	assertion (2)	455:15	454:3
appearances (3)	373:12 374:14	426:19 430:12	attorneys (3)	backup (1)
335:1 336:1	375:10	assertions (3)	339:3 444:12	413:14
339:4	ascertain (1)	407:7 430:10,10	459:17	Bar (8)
appeared (1)	455:6	assisted (3)	attributed (5)	349:22,25 355:8
458:9	ascertaining (1)	■:12,21,24	382:4,12 383:22	366:3,10 390:3
appointed (2)	439:25	associated (2)	385:3 387:5	391:12,17
338:3,8	Ashe (2)	344:12 380:11	audience (7)	Barack (1)
appreciate (4)	419:24,24	Association (1)	366:18 368:16	371:2
349:13 407:6	aside (1)	366:3	368:17,23	Barak (20)
429:11 451:11	396:9	assume (6)	388:12,14,15	349:3 351:8
appreciated (1)	asked (32)	369:8 374:21	August (4)	371:11,14,15
375:14	348:1 357:22	392:1 405:17	405:24 406:3,4	372:3,16
appropriate (7)	■:11,14	422:9 436:2	406:14	373:17 375:22
350:7 354:5	360:11 361:7	assumed (2)	authorities (1)	376:9,13,17
370:6 373:20	363:25 365:13	433:3,5	350:7	377:6,10
394:24 398:11	373:12 374:2	assumes (2)	authority (1)	379:21 380:8
431:3	384:18 392:16	452:4,6	458:8	380:12 381:8
appropriately ...	399:23 402:6	assuming (1)	authorized (1)	383:17 420:14
354:11 372:19	402:25 403:9	448:4	459:8	Barak's (1)
399:7	405:10 408:1	attach (1)	Ave (1)	381:18
approximatel...	408:15 409:6	437:3	336:4	BARNHART ...
338:18 375:19	412:23 413:18	attachment (1)	avoided (1)	335:4
433:14	413:20 427:6	397:20	348:9	based (14)

356:21 360:2 364:10 377:18 417:18 425:5 425:15,21 426:14,16 436:5,22 438:20 447:21	353:9 354:2,16 362:20 364:1 364:23 367:10 367:12 368:19 371:3 375:8,9 382:19 383:2 386:24 394:20 395:11,12,12 396:20 403:6 403:24 413:3,5 413:19 422:12 423:6,10,13 425:6,7,12,15 426:14 433:16 434:2,6,16,18 435:12 436:6 436:13 437:23 439:18 441:5 443:16 450:18	big (1) 425:10 Bill (11) 351:6 353:5 354:6,8 383:23 384:4,5,23 385:18 386:12 386:17 bills (2) 387:11 391:2 bit (1) 418:18 Black (1) 444:10 blame (2) 348:23 351:11 blank (1) 460:15 Blvd (1) 336:8 Boies (5) 336:8 346:14 347:5 389:10 391:17 Boise (3) 346:18 347:15 351:19 Boise's (1) 346:24 books (1) 390:23 Boston (1) 335:15 bottom (1) 460:15 Boulevard (3) 335:4,10 460:3 bound (2) 363:1,23 Brad (2) 339:5 347:13 Bradley (4) 334:4 338:20 460:5 461:3 break (8) 374:9 393:10 411:13 441:3	442:5,10 457:11,17 Breakfast (2) 337:19 396:22 bring (5) 395:10 436:9,20 437:21 440:2 bringing (1) 389:1 Britain (1) 371:12 broad (6) 349:4 417:20 418:10 419:6 436:21 438:4 broader (2) 398:14 420:10 broken (2) 425:13 439:22 brought (2) 415:21 443:23 BROWARD (3) 334:1 458:5 459:4 Building (1) 460:19	371:24 373:20 408:18,19 420:20 card (2) 349:23,25 care (1) 431:15 Carlos (1) 346:25 case (16) 334:2 346:16 350:8 363:17 364:14 378:5 387:10,16 391:1 395:21 414:11 430:24 436:16 437:4 452:18 461:4 cases (3) 363:5 429:14 430:22 Cassell (11) 334:4 338:21 339:5 344:17 344:22 346:11 347:13 350:3 368:20 373:22 374:5 category (1) 383:18 cause (2) 395:22 460:7 caveat (1) 423:1 cell (1) 381:18 Centre (2) 335:9 460:2 certain (1) 449:9 certainly (4) 367:12 369:14 386:20 447:22 certainty (3) 419:15,16 433:20 Certificate (4)
C				
CACE (1) 334:2			call (8) 351:20 352:6 355:20 373:21 375:23,24 391:22 409:18	called (14) 348:1 359:22 371:14 373:11 373:13,13 374:5 408:23 414:25 419:24 419:25 420:2,3 443:21
calling (2) 347:24 419:18			calls (8) 344:20,22,23	
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	believed (11) 365:6 366:1 370:20,23 412:1 413:7 420:24 439:3 439:11,17,18	big (1) 425:10		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	believes (3) 354:18 394:1 397:5	Bill (11) 351:6 353:5 354:6,8 383:23 384:4,5,23 385:18 386:12 386:17		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	believing (3) 348:24 354:20 413:10	bills (2) 387:11 391:2		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	belongs (1) 430:6	bit (1) 418:18		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	belong (1) 430:4	Black (1) 444:10		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	belonged (1) 379:14	blame (2) 348:23 351:11		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	belongs (1) 430:6	blank (1) 460:15		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	Bench (2) 366:3,10	Blvd (1) 336:8		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	benefit (1) 341:4	Boies (5) 336:8 346:14 347:5 389:10 391:17		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	best (6) 344:6 367:7 409:14 417:24 418:1 453:3	Boise (3) 346:18 347:15 351:19		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1	beyond (2) 339:2 383:19	Boise's (1) 346:24		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		books (1) 390:23		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		Boston (1) 335:15		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		bottom (1) 460:15		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		Boulevard (3) 335:4,10 460:3		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		bound (2) 363:1,23		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		Brad (2) 339:5 347:13		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		Bradley (4) 334:4 338:20 460:5 461:3		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1		break (8) 374:9 393:10 411:13 441:3		
beginning (10) 345:15 365:11 365:15,18,23 411:21,24 412:20 420:12 434:1				

337:9,9 458:1 459:1 certify (3) 458:8 459:7,14 cetera (2) 407:4 420:20 Chabad (3) 337:16 388:16 390:4 chairman (1) 389:15 CHANGE (1) 461:7 CHANGES (1) 461:2 characterizati... 354:7 charge (3) 350:24 355:10 356:20 charges (4) 342:18 399:14 399:17 415:20 check (6) 355:12,21 375:24 414:22 448:15 450:1 checking (1) 357:7 chooses (2) 363:13 430:8 chosen (1) 405:18 chronology (3) 344:15 402:4 407:12 CIRCUIT (2) 334:1,1 circulated (2) 362:11,13 circumstances... 449:3,9 455:11 civil (1) 363:5 claim (5) 343:18 371:14 399:24 403:2	407:18 claimed (3) 348:10 372:2 402:6 claiming (2) 356:4 442:23 claims (5) 365:4 382:5 399:16 413:10 425:2 clarification (1) 429:23 clarify (2) 342:17 421:18 classes (1) 360:22 clean (2) 369:8,11 clear (3) 384:19 427:14 438:14 clearly (7) 344:5 348:23 █:7 368:24 415:25 454:6,7 Clerk (1) 460:13 client (10) 364:8 369:21 374:20 416:10 416:22,25 417:2 421:19 430:13 450:18 client's (1) 345:1 Clinton (12) 349:2 351:7 353:5 354:6,8 383:23 384:4,5 384:23 385:18 386:12,17 clock (4) 425:13 439:22 439:22,23 close (1) 381:4 closer (1)	381:20 cloth (9) 342:23 345:10 365:2,10 411:19,25 412:21 420:25 433:9 CLR (4) 334:20 458:15 459:22 460:18 Club (3) 421:4 422:7,24 CNN (3) 348:18 349:19 351:17 co-counsel (1) 452:17 coconspirator ... 455:24 coconspirator... 456:23,24 COLE (2) 335:9 460:2 colleague (1) 339:10 collect (1) 381:12 Columbia (1) 389:15 combination (1) 419:4 come (5) 346:1 362:9 395:21 450:8 451:9 comes (2) 387:19,19 coming (4) 359:16 373:3 421:19 455:8 comment (2) 354:5,11 Commission (1) 458:16 committed (1) 395:22 common (6)	361:19 417:10 429:21 443:7 446:19 455:14 communicatio... 376:6 406:16 410:24 416:14 417:8 445:6 446:6,24 communicatio... 406:5 416:2,4 418:6 445:1 451:25 452:4,6 complaint (4) 341:7 391:12,17 421:13 complaints (3) 390:2,3 391:17 complete (6) 340:11,12 352:4 365:1 400:2 410:1 completed (1) 340:6 completely (3) 342:22 350:12 385:25 composite (9) 337:20,21,22 397:23 400:6,8 400:21 401:3 406:1 compound (5) 346:23 354:22 377:13 412:3 412:24 conclude (2) 364:22 417:16 conclusion (2) 372:18 395:21 conclusively (3) 345:12,13 428:1 conduct (5) 391:6 407:2,3 408:9 414:12 confident (1) 394:17 confidential (1)	426:11 confidentialit... 364:9,10 confirm (1) 338:12 conflicting (1) 407:7 conform (2) 440:13,15 connected (1) 459:18 connection (3) 404:11 414:4 444:16 consecutive (1) 400:5 consent (1) 338:10 consequence (1) 361:12 consider (1) 389:3 consideration ... 450:11 considered (1) 455:23 consistent (3) 436:18 437:25 438:9 consistently (1) 413:8 consulted (1) 355:6 contact (8) 343:19 345:21 352:17 357:19 361:7,9 362:5 362:7 contacted (3) 361:13,15 362:3 context (5) 390:14 402:15 403:8 407:21 430:19 continuation (2) 340:3 405:6 continue (4)
---	--	--	--	--

340:7 365:13 369:7 390:23 continued (7) 334:10 336:1 337:8 340:1 408:25 457:21 459:9 contrary (1) 386:15 contrived (3) 344:1 345:16 346:19 conversation (8) 375:25 435:24 444:2 445:4 446:3 453:22 454:3,15 conversations ... 454:8 cooperate (3) 404:14 405:15 405:18 cooperation (6) 407:10 408:2,16 408:23,25 409:7 copied (1) 400:17 copies (2) 374:17 400:12 copy (15) 367:5 369:8,9 369:11 374:13 374:24 375:13 390:19 392:11 392:22 393:1 393:11 437:1 460:8,9 Coral (7) 337:16 368:3,10 368:11 388:6 388:16 390:4 correct (22) 341:12 342:20 343:11 344:3 345:23 346:3 347:25 350:18	370:24 379:1 379:18 388:25 397:7,11 399:10 405:9 405:11 407:15 412:25 416:4 424:23 440:25 correspondin... 406:10 corroborate (1) 351:13 corroborated ... 438:18 counsel (9) 377:14 383:7 397:22 430:1 444:9 445:10 451:3 459:15 459:17 count (2) 436:1 453:3 counting (1) 391:14 County (4) 334:1 356:19 458:5 459:4 couple (2) 400:17 404:4 course (10) 341:15 345:8,19 346:10 357:1 363:9 365:14 399:11 415:24 417:24 court (10) 334:1 339:18 342:11 364:6 391:4 401:3 422:18 430:18 437:18 460:13 covered (4) 363:13 426:25 450:23 455:20 crass (1) 350:9 created (1) 355:15	credibility (10) 371:3,4,8 436:1 438:16 439:25 440:8 441:8 443:22,25 credible (2) 374:8 439:10 credit (2) 428:5 438:20 crime (2) 355:3 412:5 crimes (1) 368:20 criminal (16) 348:19 395:18 395:20 397:14 399:14,16 407:2,3 408:9 414:19 436:16 438:15 447:14 455:25 456:1,4 critical (1) 347:23 cross (1) 394:15 current (2) 414:21 415:17 currently (1) 410:20 Curtis (1) 338:8 cutting (2) 445:18,19	417:13 418:15 419:7 427:4 434:22 442:25 445:14,15,16 448:22 date (3) 397:16 405:23 461:25 dated (6) 337:18 396:23 396:24 405:23 406:2 459:20 daughter (1) 420:3 David (5) 346:14,18,24 347:14 351:19 day (10) 338:17 384:11 392:10 396:25 425:13 439:23 458:10,12 459:20 460:6 days (3) 344:16 384:2 405:17 DC (1) 335:19 dealing (1) 438:5 Dear (1) 404:8 debating (1) 410:21 Debbie (1) 420:1 decide (1) 404:14 decided (1) 389:9 deciding (1) 398:10 declare (1) 461:22 defamatory (1) 355:18 Defendant (3)	334:8 335:8 339:8 defense (22) 361:13 363:14 391:19 443:24 447:7,24 448:5 448:7,10,18,24 449:7,10,19,22 449:25 450:4 451:5,15,22 452:15 453:25 defenses (3) 397:20 399:4,5 definitively (1) 381:21 degree (1) 377:7 deliberately (4) 341:17 343:10 344:24 433:20 delighted (2) 390:8 450:5 demonstrate (3) 348:8 365:2 403:13 denial (1) 407:7 denied (1) 399:17 denies (3) 386:9,12 393:6 DENNEY (1) 335:3 deny (5) 367:25 369:13 369:14 393:7 408:24 denying (1) 427:13 Department (3) 337:22 357:20 █:3 depends (1) 343:17 depo (2) 364:1 413:19 depose (10)
--	--	--	---	--

399:25 402:6 402:11,13,18 402:19 403:3,7 403:10 405:11	determinable ... 355:14 determination... 374:8 determine (3) 432:24 439:9 441:16 determining (1) 375:23 dialogue (1) 408:25 dies (1) 364:8 difference (2) 422:11 425:10 different (8) 370:10 372:22 383:2 387:10 389:3,5 390:25 401:9 difficult (1) 398:15 diligence (3) 355:11,17 373:14 dinner (1) 361:1 direct (6) 337:8 340:1 409:22,22 447:24 451:6 directing (1) 388:18 directly (2) 376:11,12 disagree (2) 370:12 403:13 disbarrable (2) 343:25 344:5 disclose (4) 417:9 443:6 448:25 457:8 disclosed (4) 375:7 449:4 450:22,24 disclosing (1) 369:6	discovery (5) 375:1,7 378:5 429:13 430:22 discuss (2) 414:2 429:22 Discussion (1) 382:2 disease (1) 366:22 disprove (2) 352:6 355:22 distinct (2) 352:15 357:16 distinction (1) 451:11 distinguish (1) 430:9 distribution (1) 460:11 District (2) 391:4 448:12 divorced (1) 352:3 document (16) 380:10,15 381:2 398:4,6,8,10 398:14,24,25 399:3,3,5,6 400:4 461:22 documentary ... 345:25 documentatio... 448:4 documents (10) 337:20,21 348:8 369:9,17,20 402:4,9 403:12 404:1 doing (4) 347:23 392:10 392:20 413:15 dominant (2) 419:11 420:5 Don (4) 343:23 345:25 348:18 351:17 Donald (1)	379:23 doubt (1) 425:18 doubts (1) 448:14 due (2) 355:11 373:14 duly (1) 458:10	343:3,22 347:2 347:7,13,16 348:17 349:18 351:17 352:7 353:16 354:12 356:1 ■:1,19 359:9 360:9 362:4,18 363:3 363:16,21 364:3,12,21 366:8,11 368:9 368:14 369:11 369:18,23 370:1,11 371:9 373:2 374:15 374:17 375:16 375:20 377:2 377:21 378:4 378:23 379:11 380:18 381:6 382:3,18,24 383:7,21 384:7 384:21 385:15 385:23 386:5 386:10 387:24 388:5,13,20,21 391:9 392:3,9 392:15,18 393:5,24 394:5 394:10,18 395:3,7 396:17 396:20 397:2,9 397:18 398:3 398:22,23 399:9,18,22 400:8,20 401:1 401:7,11,22 402:2,24 404:6 404:16,21 405:3 406:8 407:16 408:19 409:12,19 410:2 411:3,11 411:16 412:6 412:14 413:1 413:20 414:6 414:16 416:9
			E	
			E (3) 336:8 337:1 460:19 e-mail (3) 396:25 397:19 406:10 e-mailed (1) 392:6 earlier (4) 359:15,17,18 413:2 early (2) 443:18 448:10 easier (2) 390:22 401:12 easiest (1) 454:9 easily (7) 355:14 356:25 372:20 373:11 408:11 440:13 456:16 easy (4) 365:12 414:10 414:22 420:16 Ed (3) 338:2,7 339:16 Edward (1) 336:13 Edwards (192) 334:4 337:8 338:13,21 339:5,5 340:2 340:18,19 341:21,24 342:5,9,24	

416:21 417:15	438:4	369:16 370:3,7	429:25 431:10	351:19 373:21
418:2,19	either (7)	397:20 399:5	433:13 434:5	Excerpt (2)
419:20 420:9	401:16 421:12	430:1,12	454:19 455:24	337:16,18
421:8,12 422:1	438:20 447:23	entries (4)	equivalent (1)	excerpts (1)
422:4,20,21	451:6,20 452:7	337:15 379:22	349:20	369:21
423:8,22 424:7	electronic (2)	379:23 431:9	erotic (2)	exculpatory (1)
424:13,17	342:7 375:12	entry (2)	434:12 435:5	370:9
426:9 427:19	elephant (1)	379:21 380:7	err (2)	execute (1)
428:9,24 431:1	368:25	Epstein (80)	449:15 450:2	460:9
431:5 432:3	eliminate (2)	336:3 339:13	Errata (3)	execution (1)
433:11,22,24	454:10 457:4	351:23,23	337:10 460:9	337:10
434:10,17	embarrassed (2)	█:8,21,24	461:1	exhibit (17)
435:2 436:7	369:4,5	359:6,12,23	ESQ (8)	378:13,20
437:2,8,16,19	EMERSON (2)	360:12 361:14	335:5,11,12,15	392:25 393:12
438:10 439:1	335:11 460:4	362:12 364:5	335:19 336:5,9	393:14,23
439:24 440:18	employee (2)	364:11 376:16	460:4	396:12 397:24
440:24 442:12	459:15,16	377:9 378:25	establish (3)	398:7 400:5,7
442:13,22	employer (2)	379:15 380:11	394:15 428:1,1	400:9,25 401:4
443:11 445:3	356:13,16	391:19 403:15	et (4)	406:1 437:7
445:25 446:23	enable (2)	407:2,14 408:9	407:4 420:20	438:24
447:11 448:6	416:11,23	413:17,25	460:5 461:3	exhibits (8)
449:18 451:13	encompass (1)	414:9,18 415:2	ethics (2)	337:12 378:14
451:24 452:23	347:18	415:15,23	350:6 355:5	392:8,23 393:1
453:5,20 454:5	encounters (2)	416:3,15 418:7	evaluated (1)	393:2 400:14
454:16 455:22	357:6 433:19	423:15,25	425:21	401:10
456:3,18,21	ended (1)	424:22 425:1,9	Eve (1)	existed (1)
457:12 460:5	409:1	425:17 426:2	380:17	451:23
461:3	engage (1)	426:13,19	event (3)	exists (1)
effect (1)	408:9	428:11,18,23	368:2 398:16	378:10
406:25	engaged (1)	429:1,12,24	425:11	experience (2)
effort (2)	455:3	430:5,15,21	evidence (12)	381:9 438:15
344:25 372:7	engagement (1)	431:11,13,22	346:1 426:18,24	experts (1)
Ehud (25)	368:10	432:16 434:12	427:1 428:6,21	355:6
349:2 351:7	engagements (1)	435:5,24 436:9	429:6 432:14	Expires (1)
371:2,11,14,15	387:9	436:15 437:5	433:15 438:11	458:17
372:3,16	engaging (1)	437:21 438:2	438:13 441:9	explain (5)
373:17 375:22	443:13	440:2 443:13	exact (2)	349:9 384:13,15
376:9,13,17	England (1)	444:7,13,17,19	370:17 410:18	447:2,4
377:6,10	372:14	447:8 449:2	exactly (2)	explained (1)
379:21 380:8	ENTER (1)	452:18 453:12	349:9 436:10	386:18
380:12 381:8	461:2	454:24 455:3,7	exaggerating (1)	explore (1)
382:6 383:4,17	entered (1)	455:9 456:24	353:1	376:10
383:17,20	449:23	Epstein's (15)	Examination (2)	explored (2)
420:14	entire (3)	351:22 352:12	337:3 340:1	441:11 444:5
eight (1)	341:11 412:21	363:4 367:9	examined (1)	exposed (1)
400:23	434:1	378:7 404:9	394:15	356:4
Eighty (1)	entitled (7)	421:5 422:8,25	example (2)	expression (1)

344:4	420:8	351:21 357:8	440:19 441:4,5	371:6,7,7 378:7
extent (16)	falsely (3)	373:18 397:25	441:9,12,15,17	383:16
359:4 361:18	356:21 357:3	406:11 410:11	441:21,23,24	Fort (3)
376:22 377:3,4	403:19	410:11,12	Florida (12)	334:18 336:9
379:5 416:13	falsity (2)	411:9 414:23	334:1,18 335:5	338:25
417:7 428:7	373:9 422:12	432:8	335:10 336:9	forth (1)
429:15 430:23	familiar (4)	fine (3)	338:25 355:8	356:3
443:1,5 446:16	378:8,9 449:10	404:6 457:12,15	458:4,16 459:3	Forum (1)
450:21 453:9	453:18	finish (5)	460:3,20	460:19
extraordinaril...	familiarize (1)	348:14 404:19	flown (1)	forward (9)
355:2	341:2	405:1 419:22	431:19	346:1 392:20,24
extraordinary...	far (4)	422:3	fly (1)	426:7 438:24
355:11,17	354:10 356:16	finished (1)	348:7	449:14 455:7,8
387:11 391:1	380:2 437:10	405:4	focus (2)	456:20
F	favor (1)	finishing (1)	384:17 418:18	forwarded (2)
face (2)	448:14	374:1	focusing (1)	337:10 460:13
341:10 382:1	February (2)	fired (1)	433:7	found (15)
fact (13)	366:4,14	356:16	follow (1)	351:24 353:8
341:11 363:17	federal (5)	first (10)	402:23	356:18,22
365:8 367:19	391:4,18 448:12	341:5 393:9	follow-up (2)	357:1 372:19
382:1 399:15	456:4,7	396:5 407:17	398:21 409:10	373:21 374:3,4
407:12 413:22	feel (1)	413:21,24	follows (1)	374:4,5 405:19
428:22 441:16	354:10	414:12,24	451:4	431:13 456:16
447:5 451:5,23	fellow (1)	445:23 446:2	Fontalvo (5)	460:10
facts (2)	355:10	fit (1)	334:20 458:15	four (13)
346:16 461:22	female (1)	383:17	459:6,22	344:16 381:7
factual (1)	407:14	five (15)	460:18	391:8,10,11,12
453:4	FF (1)	352:5 365:3	foot (1)	400:22 452:14
failing (1)	458:16	381:8 387:10	351:22	456:8,15,25
351:12	figure (1)	387:13,14,15	foregoing (2)	457:2,4
fair (6)	426:1	388:24 390:7	459:9 461:22	frame (1)
349:13 375:9,12	file (1)	390:10,25	form (24)	389:9
409:1 453:21	395:14	391:15 399:14	341:1 343:15	fraud (1)
453:24	filed (4)	400:22 412:24	346:22 354:22	356:5
fall (1)	355:18 356:19	Fl (1)	372:25 374:22	Frederick (1)
452:6	391:13 460:13	336:4	379:2 380:14	380:17
false (19)	files (1)	flesh (1)	382:14 383:9	friend (4)
341:11 342:18	381:14	454:4	387:18 394:3,8	344:6 345:7
342:22 345:9	filing (1)	flew (2)	397:11,13	354:8 381:5
345:20 346:13	394:22	384:4 431:14	410:23 412:24	friends (1)
352:12 356:20	filled (3)	FLEXNER (1)	416:5 417:20	415:10
356:21 365:5	385:8,19 386:3	336:8	418:13 436:21	front (4)
371:24 374:6	financial (1)	flight (18)	440:10 442:19	366:4 388:10
387:7 390:10	350:10	429:12,16	451:5	391:4 403:12
391:23 394:16	financially (1)	430:21 431:6	formally (3)	full (6)
402:16 410:6	459:18	431:14,21	415:2,4,15	346:3,9,10,14
	find (11)	432:7,24	former (5)	347:9,12

fully (2) 345:8 350:7	424:10 428:4 428:14 434:11	442:6 445:25 447:21 449:13	349:19 356:2 364:22	450:11,15
further (7) 407:4 446:8 448:1,15 449:17 452:13 459:14	435:4 436:10 438:16 442:16	449:14 450:7 450:14 452:12 454:1,3 457:6 457:18	half (1) 442:7 hand (1) 339:19 handful (1) 414:14	hearing (1) 420:7 heinous (4) 355:3,9 368:20 412:5 held (4) 338:23 364:6 375:17 457:20
G	given (2) 350:22,23	good (4) 429:9,10 442:11 457:10	handle (1) 340:14 handwriting (1) 374:18	helicopter (1) 384:5 help (5) 341:2 ■:8 359:22 387:25 388:22
G (2) 334:4 338:21	glanced (1) 431:17	Gorani (3) 349:19 356:2 364:22	Hang (7) 342:2 398:1,2 409:3 412:12 426:4 439:12	helpful (1) 387:20 hide (1) 345:23
gain (1) 350:10	go (35) 340:5 349:5,11 371:3 377:14 383:13 386:8 389:20 393:10 396:2 397:18 402:22 407:17 409:3 415:7 420:23 421:4 421:25 422:7 422:17,24 423:2 424:3 427:23 430:16 434:25 435:21 437:13 441:2 441:14 443:3 445:22 446:7 448:3 457:6	Gore (15) 349:2 351:7,21 351:21,25 352:1,1,5,8,10 352:11,17,20 352:23 354:15	happened (1) 348:11 happening (2) 444:24 446:10 happy (8) 352:2 361:25 362:25 426:21 438:8 448:15 450:5 457:14	highlighted (6) 342:13 378:16 388:7,19 396:3 441:6 history (3) 351:14 356:17 425:21
Gallagher (2) 336:15 339:1	generated (1) 344:22	Gore's (1) 351:19	hard (2) 381:21,24 Harvard (1) 360:19 Hawking (11) 366:15,22 367:2 367:2,6,8,21 368:4 370:22 420:14,17	hold (1) 419:23 home (2) 348:6 360:24
gatherings (1) 361:3	getting (1) 418:20	government (1) 448:13	Hawking's (1) 367:15 head (2) 368:6 426:22 health (1) 338:9 hear (8) 372:21 374:15 376:25 443:2 445:17,20 446:2,13	Honor (1) 450:10 hope (5) 349:8 351:9 367:18,20,22
Gehrig's (1) 366:22	goes (3) 363:11 371:8 451:17	grant (2) 364:19 434:25	heard (4) 372:23 408:11	horrible (1) 356:13 hour (3) 350:14 420:7 442:6 hour's (1) 432:23
general (3) 336:14 349:17 359:20	going (54) 340:5,8,9,14,25 342:14 343:6 344:10 347:6 349:5,6 352:14 362:1 364:18 374:10,11,16 375:18,21 378:15 387:17 392:1,23 393:15 396:2,6 396:7 400:4,24 402:4,21 408:7 408:8 411:17 414:2 418:21 424:25 432:12 434:24 437:14 438:11,22	granted (1) 456:14 Great (1) 371:12 grounds (2) 363:19 450:20 group (1) 390:4 grouping (1) 400:15 Guardian (3) 372:9 376:4,7 guess (1) 389:25 ■		house (3) 421:5 422:8,25 housekeepers ... 378:7 hundreds (1)
generated (1) 344:22		guilty (2) 368:19 404:10 guys (1) 445:17	H	
getting (1) 418:20		Hala (3)		
Ghalaine (3) 444:24 446:10 446:25				
Ghislaine (11) 421:3 422:6,23 427:10 444:21 445:4 446:4 447:9,12 451:14 452:1				
girl (1) 441:19				
girls (11) 384:6 436:9,18 436:19,20 437:22 438:1,4 440:3 443:13 455:2				
give (14) 339:21 340:9 341:19 369:15 395:13 413:13				

371:24	352:20 390:6	455:13 456:2	instructed (1)	444:6,16,23
hurt (2)	Incident (1)	457:5	364:13	446:9 447:13
394:1 397:6	337:22	information (...)	instructing (3)	447:15,18
<hr/> I <hr/>	include (2)	371:13,15,20	361:23 363:20	455:4,25 456:4
idea (7)	349:2 456:23	372:4,6,22	376:19	456:8
354:4 ■:10	included (1)	404:12,13	instruction (1)	investigators (1)
385:4 407:8	404:2	416:19 417:4	430:3	359:19
440:9 444:2,5	includes (1)	417:18 418:5	Intellectual (1)	invited (1)
identified (3)	434:19	418:23 419:2,3	361:3	368:23
349:4 400:14	including (5)	419:4 420:6	intend (3)	involved (10)
401:17	357:18 384:1	423:21 427:17	350:21 406:4	359:20 387:9,15
identify (4)	387:4 391:12	427:25,25	409:18	389:1,8,23
387:18 388:4	456:24	428:3 429:19	intent (2)	390:16,24
394:9 445:23	inclusion (1)	434:15 435:18	349:24 350:2	391:3,7
identifying (1)	416:5	436:3,4 440:7	interest (7)	irrelevant (1)
393:3	independent (1)	442:21 443:7	361:19 417:10	353:11
ignore (1)	426:10	443:18 445:24	429:21 443:8	irresponsible (...)
399:8	indicated (1)	446:17 448:2	446:19 448:12	357:7
II (2)	■:15	448:25 449:7	455:14	island (10)
335:9 460:2	indication (1)	450:3,21	interested (1)	348:5 351:22
image (1)	381:19	453:17	459:19	352:12 365:20
368:5	indicative (1)	initial (2)	interrupt (2)	367:9 383:24
imagine (1)	354:15	359:21 432:12	353:18 403:1	384:5,24 420:1
390:5	individual (1)	initially (4)	Interview (1)	420:2
immediately (2)	376:3	408:2,17 409:8	337:18	Islands (1)
348:3 371:21	individuals (3)	437:20	invade (5)	367:4
immunity (2)	347:18 456:8,15	innocence (1)	360:5 361:19	issue (11)
456:14,14	Indyke (46)	369:2	417:9 435:6	367:20 368:24
impact (1)	336:4,5 339:12	innocent (1)	446:17	402:13,18,19
452:15	339:12 359:4,7	350:9	invades (1)	410:19,19
implication (2)	359:24 360:4	inquire (5)	361:21	425:16 430:19
354:13 384:3	361:17 362:14	367:18 406:5	invading (2)	451:12 452:22
implied (1)	362:23 363:19	452:13,16,17	359:25 447:23	issued (1)
386:21	364:7,16	inquiry (4)	invalidate (1)	411:7
important (1)	376:18,21	355:5 431:3	420:21	issues (2)
427:17	377:12,16	449:17 452:9	investigate (1)	435:22 453:1
impossible (1)	379:5 414:1,2	instance (1)	395:21	<hr/> J <hr/>
418:12	416:13 417:7	443:17	investigated (3)	J (3)
improper (3)	418:14,15	instruct (16)	371:13 372:16	334:4 336:13
379:25 391:6	419:7,8 423:16	360:1 361:19	372:17	338:20
414:12	427:6 429:15	364:17 376:24	investigation (...)	J.E (1)
improperly (1)	434:22,22	377:19 379:8	346:3,9,10,15	441:25
403:18	436:24 443:2,5	384:9 414:5	347:9,17	Jack (3)
inability (1)	445:17 446:12	416:16 417:11	359:12,17,19	335:5 339:6
407:6	446:16 448:23	429:21 443:8	359:22 373:14	347:14
inappropriate...	449:9 450:10	446:21 450:25	419:18 420:6	January (24)
	450:14 453:9	453:12 457:7	437:4 438:2	

334:15 337:18	Jeffrey's (3)	KENNETH (1)	432:19 433:4,5	368:16
338:18 342:1	383:24 384:24	335:15	433:17,19	laughed (1)
342:25 343:23	414:3	Kimberly (5)	434:8,9 435:22	366:21
344:11,16	Joanne (1)	334:20 458:15	437:10 438:15	law (3)
345:13 349:19	419:24	459:6,22	440:2,7 441:1	350:4 357:6
350:11 351:18	joint (20)	460:18	441:2 442:15	415:9
360:10 396:24	363:14 391:19	kind (3)	442:24 444:21	Lawrence (1)
397:17,19	447:6,24 448:5	355:4 442:15	447:5,14 448:4	350:19
399:23 410:7	448:7,10,18,24	450:21	450:11,15	lawsuit (12)
458:11,12	449:7,10,19,22	KISSANE (2)	452:18 453:6,8	341:1 374:23
459:20 460:1,6	449:25 450:4	335:9 460:2	453:10,18,19	389:1,2 394:7
461:5	451:5,15,22	knew (17)	454:7,12	394:22 395:10
Jeffrey (78)	452:14 453:25	356:9,10 357:1	455:12,18	395:14 397:8
336:3 339:13	Jonathan (1)	357:2,3,5	knowing (7)	397:10 417:5
351:22,23,23	389:14	367:1 419:15	423:14 425:1,8	455:11
352:12 ■:8	journal (11)	424:21 426:2	428:11,18,25	lawsuits (1)
■:21,24	337:15 378:6,8	426:19 427:12	432:16	403:16
359:6,12	378:10,11,12	427:13 428:23	knowledge (9)	lawyer (18)
361:13 362:12	378:15,24	440:14 441:16	377:17 381:24	351:20 355:1,4
363:4 364:5,11	379:14,19,20	441:20	404:10 419:13	355:6,10
367:8 376:16	JR (2)	know (95)	424:1 426:11	360:13,14,16
376:23 377:9	335:11 460:4	340:13,17	428:12 444:20	361:5 362:1
377:19 379:7	jsx@searcyla...	341:19 347:3	454:14	363:22 364:13
379:15 380:11	335:6	349:1 351:23	known (3)	413:10 415:8
403:15 404:9	judge (4)	354:9,10	372:24 373:9	438:15 443:24
413:16,24	338:4,6 347:4	355:21 356:17	426:13	447:14,16
415:14,22	391:5	■:5,16,20,22	knows (6)	lawyer-client (...)
418:7 421:4	judges (1)	■:23 367:14	359:5 363:18	363:2,11,23
422:7,24	366:4	367:17,18	376:22 410:20	lawyers (25)
423:14,25	JUDICIAL (1)	376:2 377:8,9	449:1 454:13	341:16 343:9,17
424:21 425:1,9	334:1	377:10,22	ksweder@swe...	343:25 345:15
425:17 426:2	juice (1)	378:9 379:6	335:16	345:16,16
426:13,19	443:21	380:2,15,16,25	_____	348:23 349:25
428:11,18,23	jumped (2)	380:25 381:22	_____	351:11 357:18
428:25 429:12	402:20 407:24	381:25 385:3,5	Lakes (1)	357:24 ■:2,5
429:18 430:20	juror (1)	387:7 388:9,11	335:4	■:17 359:20
431:10,11,12	425:16	388:14,25	large (1)	363:7 366:4
432:16 433:12	juvenile (2)	393:19 394:13	360:25	394:12 399:24
434:5,12 435:4	357:9 ■:13	404:8,12	Las (1)	402:6 403:2
436:9 437:5,21	_____	409:17 415:4	336:8	439:3 447:4
438:2 443:13	K	415:22 417:23	Lastly (1)	457:3
444:7,13,16,19	K (3)	418:9,24	364:22	laying (1)
446:18 447:8	335:18 336:4,5	422:10 424:20	Lauderdale (3)	340:25
449:2 453:12	keep (2)	424:23 425:2	334:18 336:9	laypeople (1)
454:19,24	368:5 384:16	425:17 426:15	338:25	390:5
455:3,7,9,24	Ken (1)	429:3,4,5,7,8,9	laugh (3)	lead (1)
456:24	339:14	430:12 431:23	366:17,18	362:20

leader (2) 371:18,19	356:12,18,25 411:25 412:5	389:21,23 390:3,16 391:1	Lou (1) 366:22	343:4 344:5 369:13 371:17
leaders (6) 348:21 349:1 351:8 371:8 380:2 420:19	412:16 420:11 425:8,14 432:21	391:4,7,20 429:17	love (2) 363:6 367:17	383:1 393:6,7 394:19 411:18 419:13 420:12 424:4 439:2,5 441:7
learned (2) 346:21 373:7	lie (14) 352:24,25 353:3 385:20 400:1,2 400:3 402:7,10 403:4 407:18 407:23 410:1 422:10	litigations (1) 387:14	lunch (3) 392:7 442:10 457:20	man (1) 350:9
leave (2) 362:1 454:11	lied (20) 346:19 348:20 349:2 350:20 351:6,7,7,8,24 352:24 354:9 354:25 365:1 365:10,25 389:12 411:25 412:20 420:11 433:18	little (1) 418:18	lying (47) 350:17 351:14 355:16 356:14 356:17 394:25 403:6,8 411:21 419:13,16 421:2 422:5,22 423:9,12,14 425:1,8,8,11 425:21 426:12 428:10,17,22 428:25 432:15 433:12,21 434:4,11 435:4 435:5,10,11,19 435:20 436:8 437:20 440:9 441:18,20 442:18 443:15 444:3 455:10	manifest (1) 431:6
led (1) 432:12	lies (9) 355:13 362:11 362:12,17,21 385:8 386:3 412:18 413:8	LLP (2) 335:14 336:8	lynch (1) 338:4	manifests (6) 429:13,16 430:21 431:14 431:22 432:18
legal (9) 349:21 387:11 391:1 414:4,14 415:10 429:20 453:1,4	life (2) 354:20 433:17	local (1) 444:9	Lynch's (1) 338:6	Mar-a-Lago (3) 421:4 422:7,24
Lemon (4) 343:23 345:25 348:18 351:18	limitations (9) 394:21 395:9,18 395:19,24 396:14 397:12 397:15 399:12	log (1) 441:24	<hr/> M <hr/>	 
lend (1) 440:8	limited (1) 456:14	logs (10) 432:7,24 440:19 441:4,6,9,12 441:15,21,24	M (10) 334:7,11 337:7 458:9 459:10 460:5,22 461:3 461:4,25	mark (9) 392:25 393:11 396:6,8,9 397:18 400:5,8 401:11
length (1) 379:13	line (4) 424:13,16,18 461:7	long (10) 351:14,14 352:14 356:17 363:13 368:6 384:11 401:17 437:11 448:9	MA (1) 335:15	marked (10) 342:12 378:19 393:3,22 396:11 397:23 398:5 400:6 437:6,17
Leslie (1) 349:3	listed (4) 381:16 454:18 456:25 460:15	longer (1) 343:14	main (1) 390:13	marking (1) 392:23
let's (6) 338:1 374:9 384:15 392:20 432:23 456:20	listen (2) 348:13 445:19	look (12) 341:22 388:13 401:20,23 402:3 404:1,5 406:12 410:11 426:21 437:9 452:25	maintain (2) 364:9,10	Marra (2) 391:5,18
letter (12) 337:10 394:23 397:19 398:17 403:23 405:13 405:14,22 406:4,6,12 460:15	litigation (16) 387:10,16 389:4 389:6,9,19,20	longer (1) 343:14	major (1) 415:19	Martha's (1) 348:7
letters (2) 401:15 415:11		looked (3) 431:12 441:15 441:21	making (15)	massages (3) 434:12 435:5 443:14
Lewinsky (1) 353:7		looking (6) 398:13,13 402:9 432:5,7,24		master (123) 336:13 338:1,3 338:8,16 339:16,17 341:4 342:2,6
Lexington (1) 336:4		lose (1) 400:15		
liar (19) 350:20 351:1,4 351:5,13,15 353:4,9 356:5		lot (1) 416:6		
		lots (2) 415:9,9		

342:16 349:14	455:17 456:19	345:5	move (12)	411:13 418:24
353:14,20,24	457:9,13,16	Meredith (5)	353:14 384:8	419:17 430:8
354:2 359:3	material (6)	339:10 345:12	385:23 392:20	447:15,16
360:7 362:2	371:16 408:5,6	356:11 399:24	397:2 399:18	451:8
364:18 369:19	415:13 426:16	403:2	399:20 426:7	neither (1)
375:8 377:1	438:18	merely (2)	433:22 438:24	350:3
379:9 382:22	materials (4)	341:10 344:23	449:14 456:20	never (28)
383:10,13	423:5 435:23	met (6)	MSNBC (2)	351:21,22 352:9
384:9,14,17	436:22 456:6	351:22,25	341:25 342:25	353:6 354:9
385:9,13 386:7	matter (4)	352:11 353:2	multiple (3)	356:7,7,8,8
388:3,11,18	338:20 364:4	413:24 453:19	390:16 407:7	365:19,20,21
391:24 392:12	403:16 410:19	Mexico (1)	420:19	367:15 373:6
392:16,19	matters (3)	419:25		385:3,17 387:6
393:8,15,18	414:15 415:3,16	Miami (4)	N	402:18 406:25
395:5 396:7,15	Maxwell (14)	335:10 366:3,10	N (1)	407:13 423:25
396:19,23	421:3 422:6,23	460:3	337:1	441:17 444:1,5
397:4,21 398:1	427:10 444:21	mind (3)		444:8 447:12
398:20 399:1	444:24 445:4	355:15 384:20		447:18 454:15
399:19 400:11	446:4,11,25	441:22		New (4)
400:16 401:16	447:9,12	mine (1)	name (9)	336:5,5 341:8
402:21 404:19	451:14 452:1	354:8	338:25 342:20	419:25
405:1,21,25	McCawley ...	minimal (1)	359:16 367:15	news (9)
409:3,9,21	336:9 338:15	351:12	380:1 413:5	337:19,19 341:9
412:12 414:7	339:9,9 346:14	ministers (3)	432:8 453:18	342:10 350:11
416:17 417:21	346:16,18	371:7 383:16,16	460:15	360:10 396:3
418:16 419:9	347:14	minor (5)	named (12)	396:20,22
419:22 421:16	mean (5)	429:2 436:17,19	349:4 367:19,21	newspaper (6)
421:21 422:2	342:18 356:6	436:20 442:16	367:22 371:6	367:4,12 371:12
422:14 423:1	364:25 392:3	minors (3)	380:8 382:6	372:9 386:20
424:10 426:4,7	438:19	440:5 443:14	383:4 453:6	420:17
427:2,22	meaning (3)	455:4	456:8,15 457:4	newspapers (1)
428:19 430:16	386:16 429:1	minutes (5)	names (6)	384:1
430:23 431:2	454:6	352:5 374:10	380:2,23 456:11	nine (1)
431:20 433:10	means (2)	401:20 404:5	456:25 457:2,4	400:23
434:24 436:25	407:8 415:5	442:10	nasty (1)	non-parties (1)
437:14 438:21	meant (2)	miscommunic...	394:23	339:11
439:12 440:23	345:19 346:9	444:11	national (1)	non-privilege...
441:13 442:9	media (11)	missing (4)	342:10	377:25 416:7
443:1,3,10	344:19,20,25	404:3 406:13,19	nature (2)	418:8 423:4
445:10,15,21	353:1,3 375:12	406:20	420:15 421:20	non-responsiv...
446:1,7,14	403:20 410:4,8	moment (1)	nearly (2)	380:5,20
447:3,20 449:5	410:10 412:10	353:19	436:17 437:25	noncredible (1)
449:13 450:7	meeting (1)	money (4)	necessarily (1)	356:23
450:13 451:2	354:14	353:2 357:4	410:18	nonprivileged ...
451:17 452:3	men (2)	415:7 442:3	need (12)	404:13 416:3
452:21 453:2	356:20 360:25	Monica (1)	368:22,25 369:1	417:19 419:3
453:15 454:1	mental (1)	353:7	401:22 407:8	426:17 428:13

432:14 434:9	450:19,25	359:10,13	416:10 419:11	orgy (5)
434:14 435:18	objection (64)	obtained (8)	420:16 423:14	367:8 368:4
442:21	343:15 346:22	357:13 359:14	425:7 426:17	370:22 383:24
nonprosecutio...	353:10,19	378:6 417:18	427:5,8 432:20	384:24
456:9,22	354:22 ■:15	418:23 419:2,5	433:10 435:9	original (1)
nonresponsive...	359:1,4,24	429:19	435:17 436:8	460:12
385:24 386:5	361:17 362:14	obtaining (3)	438:11 442:6	originally (2)
395:3 397:2	362:14,23	■:8,12,24	443:12 444:6	338:7 457:2
409:20 433:23	363:10,19	obvious (1)	454:11,17,22	outlines (2)
Normally (1)	364:7,16,19	438:19	Olas (1)	433:3,4
392:22	370:25 372:25	obviously (6)	336:8	outrageously (1)
Notary (1)	376:18 377:12	342:19 356:7,8	old (1)	420:7
458:16	377:13,16	362:25 413:10	357:11	outside (12)
notes (4)	379:2,5 380:13	441:23	Oliver (1)	379:10 426:11
375:5 378:14	382:14,20	occasion (1)	335:14	427:2,7,7
393:19 459:13	383:5,8 394:3	369:1	Olmert (4)	428:6 429:8,10
notice (1)	394:8 412:3,23	occasions (4)	382:6 383:4,17	429:16 436:4
460:6	414:1 416:5,13	360:20 385:21	383:20	452:6 453:16
number (14)	417:7,20	411:5,6	one-sided (2)	overlap (1)
345:11,14,15	418:10,13,14	offense (1)	438:17 442:15	440:6
360:25 381:16	419:6,7 421:17	395:23	opened (1)	overly (5)
389:16,17	423:17 426:6	offered (3)	367:19	417:20 418:10
390:25 398:24	429:15 434:21	346:25 348:7	opening (1)	419:6 436:21
399:1 401:15	434:22,23,25	389:11	395:2	438:4
411:5,6 432:9	436:21,24	office (2)	openly (1)	overnight (1)
numbers (3)	438:3 440:10	336:14 392:4	355:18	374:14
381:8,13,17	441:10 442:19	Oh (1)	opinion (3)	
numerous (3)	443:4 447:19	385:4	344:4 350:5	P
351:3 386:20	453:9 455:13	okay (58)	354:18	P.A (3)
420:20	456:2	338:16 340:12	opportunity (...)	335:4,9 460:2
NW (1)	objections (1)	340:23 343:6	350:22,23 351:9	p.m (1)
335:18	450:18	344:10 345:2	367:20,23,25	457:21
O	objective (8)	345:11 346:6,8	394:14 395:14	page (12)
O'Donnell (1)	426:24 427:1	347:21 348:12	401:5 402:20	337:3,14 378:12
350:19	428:6,21 429:6	348:15 352:19	407:25	378:15 379:20
oath (10)	432:13 433:15	353:5 359:10	oppose (1)	393:11 401:15
337:9 368:1	436:3	364:20 375:16	440:8	423:23 424:5
385:7,16	obligation (6)	379:17 381:2,7	option (1)	424:12 443:19
394:14,25	350:6 355:11	386:14 387:8	369:22	461:7
395:1 399:17	364:9 389:11	389:7 390:18	order (6)	pages (5)
439:18 458:1	398:16 399:13	393:17 395:25	338:5,6 353:22	334:13 337:5
object (11)	oblige (1)	400:4 402:25	394:21 400:9	400:21 401:2
359:21 380:19	394:21	403:25 406:18	451:8	459:10
383:7 387:17	obliged (1)	407:17 409:15	ordered (3)	paid (2)
416:15 435:21	430:2	409:19 411:12	392:13,15 460:8	415:7,12
446:19,20,20	obtain (4)	411:14,15	ordering (1)	Palm (12)
	357:13 ■:2	413:12 415:14	460:13	335:4,5 337:22

348:5 356:19 357:19 ■:3 359:21 414:13 414:20 436:16 460:20	346:15 350:20 355:21 366:15 367:22 369:3 371:2,5 373:8 379:24,24 380:3 381:12 381:14 412:18 413:8 415:10 419:19,21 420:12,14 438:6 448:11 448:17 454:10 454:12 456:17 457:4	371:15 373:22 persuaded (1) 386:2 perused (1) 441:23 Phipps (1) 460:18 phone (9) 335:12 336:5 351:20 352:6 371:24 373:20 381:8,13 420:20 photograph (2) 427:9,11 photographs (1) 427:5 physically (2) ■:6 365:3 piece (2) 434:3 440:7 pieces (6) 387:10,15 389:3 389:5,22 390:25 pimp (1) 443:21 pitch (1) 338:9 place (4) 338:10 340:16 457:10 460:19 places (1) 365:3 Plaintiff (7) 337:12 378:19 393:22 396:11 397:23 400:6 437:6 Plaintiffs (3) 334:5 335:2 339:6 plane (7) 431:10,15,23 432:1 433:2 441:9,20 planes (1)	441:25 plea (2) 404:10,11 pleading (1) 347:24 please (15) 339:3,19 360:4 392:12 393:14 396:8 397:13 401:6 422:18 430:17 438:23 446:22 460:6,9 460:14 plenty (1) 426:25 PLLC (1) 336:4 point (24) 344:11 345:7 346:17,24 352:21,23 353:5 355:13 386:15 390:14 391:3 410:9 420:21 426:20 429:9,10 438:22 447:20 447:25 449:21 449:25 452:12 456:20 457:9 police (14) 337:22 357:20 ■:3,24 437:3 438:1,14,16 440:4,12,14 442:14,17 454:17 Porter (1) 420:1 portion (5) 380:4,20 388:19 396:4 405:4 portions (1) 433:23 posed (1) 423:17 position (1)	377:4 positive (1) 372:10 possessor (1) 429:24 possible (6) 427:15,16,18,24 435:25 449:11 possibly (1) 348:11 potential (3) 389:8,9 391:12 power (1) 363:12 powerful (1) 370:19 Pozzuoli (120) 336:13 338:1,3 338:16 339:16 339:17 342:2,6 342:16 349:14 353:14,20,24 354:2 359:3 360:7 362:2 364:18 369:19 375:8 377:1 379:9 382:22 383:10,13 384:14,17 385:9,13 386:7 388:3,11,18 391:24 392:12 392:16,19 393:8,15,18 395:5 396:7,15 396:19,23 397:4,21 398:1 398:20 399:1 399:19 400:11 400:16 401:16 402:21 404:19 405:1,21,25 409:3,9,21 412:12 414:7 416:17 417:21 418:16 419:9 419:22 421:16
paper (1) 380:24 part (9) 341:5 353:3 357:1 391:25 405:25 407:2 448:18 450:4 454:10 participants (1) 451:22 participated (1) 367:8 particular (5) 368:16 422:15 440:1 451:20 451:22 particularly (3) 355:8,9 431:12 parties (13) 338:11,11 360:24 361:1 430:25 448:7 448:24 449:6 449:12 452:13 453:3 459:16 460:11 parties' (1) 459:17 partner (2) 338:7 346:25 party (2) 451:14 453:24 passing (1) 431:25 Paul (4) 334:4 338:21 339:5 347:13 penalties (1) 461:22 pending (2) 360:8 410:20 people (28)	percent (3) 419:15,16 433:20 period (6) 359:15 414:17 416:1 422:13 425:17 440:6 perjurers (1) 349:21 perjuring (2) 439:22,23 perjurious (2) 407:13 440:16 perjury (1) 461:22 permit (1) 417:3 person (16) 345:7 350:24 354:20,24 355:3 372:23 375:23 376:7 381:11 403:5 438:8,9 440:1 453:6 454:13 454:15 personal (5) 381:4,10,13,15 381:18 personally (3) 376:6 377:9 458:9 persuade (2)	planes (1)	position (1)	

421:21 422:2	370:19	428:7 429:8,10	338:12 342:16	provided (4)
422:14 423:1	preserve (2)	429:25 430:2,4	421:22 427:23	█:18 370:6
424:10 426:4,7	354:3 368:22	430:5,8,9,11	proceedings (1)	375:1 443:18
427:2,22	President (1)	430:13 435:7	457:21	public (8)
428:19 430:16	349:2	435:15,23	process (2)	349:10 351:16
430:23 431:2	Presidents (1)	436:4 442:23	342:11 390:1	416:11,24
431:20 433:10	371:7	446:18,24	produce (3)	417:17 418:22
434:24 436:25	press (7)	447:8,23	392:15,17	418:25 458:16
437:14 438:21	385:1 402:13,16	448:14 449:16	393:16	publication (4)
439:12 440:23	409:16 410:24	450:16,23	produced (6)	373:16,18 376:2
441:13 442:9	411:5,9	451:7,7,21,21	392:13 429:13	376:3
443:1,3,10	pressured (1)	452:7,12	430:22,24,25	publicize (2)
445:10,15,21	344:7	453:14 455:14	440:17	344:18,25
446:1,7,14	presumably (1)	455:15,16,21	product (22)	publicly (6)
447:3,20 449:5	376:14	privileged (39)	342:5,14 359:8	365:25 372:3,5
449:13 450:7	presumption (1)	359:7 378:3	359:25 360:3,6	372:7,8 447:17
450:13 451:2	355:15	404:11 406:5	361:22 369:15	publish (5)
451:17 452:3	previous (3)	408:5,6 415:13	374:18 375:4,6	369:20 371:16
452:21 453:2	406:16 421:13	416:8,19	430:4,5,10	372:15,19
453:15 454:1	423:18	417:25 418:6	446:18 450:16	373:19
455:17 456:19	previously (6)	418:24 419:4	450:23 451:7	published (6)
457:9,13,16	357:3 414:13	423:21 426:16	451:21 452:7	371:25 373:6,12
practice (1)	416:17 418:17	427:25,25	455:16 457:6	373:16 427:9
350:4	419:10 423:2	428:2 434:19	production (1)	427:11
precise (3)	primarily (1)	435:18,22	391:25	publishing (9)
399:2 428:14,16	441:15	436:3,22 443:6	profession (1)	341:19 366:7
precluded (1)	prime (3)	444:25 445:2,6	349:22	368:8 369:10
413:14	371:7 383:16,16	445:9,11,12,24	Professional (1)	369:17,23,24
prefer (1)	Prince (3)	446:6 448:16	459:7	394:9 421:6
407:9	394:1 397:6	448:21 449:3,8	professor (5)	pulled (1)
preliminaries ...	427:10	450:3 453:17	339:15 376:25	343:7
338:2	prior (6)	456:5	415:9 430:6,6	pure (1)
preparing (1)	357:5 364:10	privileges (1)	prosecutor (1)	350:9
390:1	415:1,14,23	423:17	395:20	purport (2)
preposterous (...)	416:1	privy (2)	prostitution (1)	396:16 406:21
341:10 366:23	privately (1)	341:5,6	442:3	purpose (3)
366:24,25	373:8	probable (1)	protected (1)	368:15,18
370:23 377:6,7	privilege (58)	395:22	357:12	395:18
387:4 420:13	360:6 361:22	probably (10)	protecting (1)	purposes (7)
426:3	363:2,11,14,15	381:15 410:7	449:15	353:21,22
presence (1)	363:20,24	411:4 413:5	prove (6)	395:20 396:16
407:14	379:10 416:11	416:7 428:22	345:11,13	405:21 437:22
present (2)	416:23 417:1,3	437:11 440:12	350:21 351:6,6	452:5
336:12 339:16	417:10,11	440:15 452:18	351:9	pursuant (1)
presented (1)	418:17,21	problem (1)	provide (3)	429:20
394:20	419:10 426:25	340:15	367:5 409:22	put (7)
presents (1)	427:1,3,7,8	proceed (4)	417:4	338:4 344:15,25

394:14 400:13 421:14 450:14 putting (2) 347:23 356:2	419:23 420:25 421:20,22,25 422:15,17,18 423:16,18,20 424:2,3,25 426:8 427:3,6 427:20 428:8 428:10,12,20 430:17,18 431:16,21 432:12,15 433:23,25 434:8 435:1,3 435:6,15 437:13,20,24 438:23 439:13 439:13,14 440:22,25 443:6 444:12 445:22,22 446:12,13,15 446:21 448:16 449:6 450:5,6 450:9 451:3,18 451:19,25 453:11,13,16	range (4) 351:8 366:15 371:5 379:23 rape (7) 356:3,4,6,6,20 357:3,11 raped (1) 356:8 read (16) 337:10 ■:6 378:10 390:21 401:7 404:7,23 404:24 405:8 408:13 409:5 420:16,18 460:9,12 461:22 reading (7) 342:3 375:10,11 404:20,22 405:4 437:11 really (3) 354:17 391:20 442:24 Realtime (1) 334:21 reason (10) 340:21 425:6 433:16 434:16 434:18 435:12 436:5,13 437:23 461:7 reasonable (4) 392:17 403:5 425:18 460:12 reasons (3) 338:9 365:25 366:21 recall (7) 344:6 394:4 403:22 406:24 410:10 417:6 441:24 recalled (2) 376:4 420:3 receive (4) 398:4,6,24,25	received (4) 398:7,8 399:3,6 receiving (1) 398:10 recess (2) 375:17 457:20 recollection (38) 357:16 359:14 359:16,18 367:7 376:1 382:7,10,11,16 383:6,15,18,25 387:13 388:1 388:23 390:9 393:10 395:15 395:16 399:2 409:23 410:13 414:17,22 415:17,19 432:17 442:1 444:20 448:9 448:13 449:21 449:24 455:5 456:7 457:2 record (23) 338:5 339:4 341:20 348:19 354:3 356:13 374:11 375:18 382:2 390:21 393:4 396:16 404:7,22,25 405:5,9,22 409:2 411:5,6 457:18 459:12 recording (1) 366:9 records (6) 355:22 357:12 ■:6,13 359:10 440:16 recruited (3) 421:3 422:6,23 refer (1) 424:14 reference (1) 411:1	referenced (2) 393:21 405:22 references (1) 441:24 referring (2) 342:20 411:10 reflect (2) 409:2 431:22 reframe (1) 434:25 refresh (3) 387:25 388:22 393:9 refreshed (1) 395:16 refuse (1) 364:14 refused (5) 373:19,23 374:7 407:23 409:24 regard (3) 414:11 415:12 436:19 regarded (1) 438:17 regarding (4) 345:19 391:20 398:5 407:21 Registered (1) 459:6 REIN (1) 335:18 relate (1) 429:17 related (2) 397:14 403:15 relates (1) 359:5 relating (4) 342:19 345:20 362:17 365:17 relation (2) 403:18 447:9 relations (2) 353:6 379:25 relationship (9) 360:12 376:23
Q				
qualified (1) 412:8 qualify (3) 379:9 411:23 443:10 quashed (1) 373:7 question (142) 340:12,20,22 345:3 347:8 348:13,14 352:15 354:17 360:5,8,11 361:16,20 362:3,8,22,24 365:14 367:24 368:1 372:22 373:15,24 376:12 377:18 377:20,22 379:10 380:6,7 380:22 381:22 381:23 382:21 382:25 383:2,9 383:11 384:8 384:10,10,18 384:19 385:10 385:11,14 386:7 395:4,6 395:8 396:5 398:19,21 399:20,21 402:5,25 403:9 404:23 407:18 407:20 408:13 408:18,19 409:4,5,10,13 409:22 414:7 414:10 416:20 417:12,22 418:12,18,25	questioned (1) 443:25 questions (13) 340:9 342:14 362:1 363:1 377:14 402:1 421:8,23,24 451:8 452:14 452:20 455:11 quicker (1) 417:14 quickly (2) 357:8,25 quote (1) 367:5	raise (2) 339:18 430:1 ranch (3) 348:5 365:19,20	R	

377:19 379:6	rephrase (1)	368:22	344:23 405:13	353:22 370:8
380:16 381:11	340:22	request (3)	response (28)	396:4 401:6,24
381:15,19,20	report (9)	370:6 398:5	344:19 347:8,12	449:16 454:18
relative (2)	357:10 437:3,11	457:3	361:9 362:10	459:11
459:15,16	438:14 440:4	requested (6)	370:5 377:17	reviewed (1)
release (1)	440:13,14	403:15 404:17	380:5 400:1	441:8
357:20	442:17 459:8	407:19 416:15	404:7,18 405:7	revisit (3)
relevancy (3)	reported (2)	417:2 459:11	405:7,11,12,14	448:3 450:8
353:19 438:3,4	334:20 385:1	requesting (1)	405:20 406:1,7	451:10
relevant (1)	reporter (14)	414:4	406:13,14,15	Reyes (3)
417:4	337:9 339:18	requests (1)	406:19,21,23	336:14 349:16
rely (1)	342:11 401:3	403:22	419:12 420:5	349:16
448:22	408:15 409:6	require (1)	437:23	RICHARD (1)
relying (1)	422:18 430:18	355:9	responsive (7)	335:19
418:23	430:20 437:18	required (2)	340:10 380:21	Rick (1)
remained (1)	446:3,9 459:1	355:17 447:25	384:7 385:25	339:7
442:1	459:7	requires (2)	399:20 427:20	right (43)
remember (27)	Reporting (1)	360:5 443:6	456:18	339:19 345:2,24
343:4 346:4	460:18	reread (1)	restrict (2)	346:2 347:20
366:12 368:2	reports (7)	430:17	363:12 383:8	348:22,25
368:12 370:17	337:22 ■:25	research (3)	restricting (1)	350:16 352:10
370:17 376:5	386:20 438:16	350:14 420:18	363:7	360:8 362:21
378:21 379:15	438:20 442:14	432:24	result (1)	363:18 364:25
388:24 390:7	454:18	reserve (4)	344:24	366:2,16,19,23
398:10 402:5	represent (8)	448:1 449:14,17	retained (3)	367:18 373:15
424:4 425:4	346:25 359:23	452:12	415:2,4,15	373:25 378:13
432:10 437:10	389:11,13,14	reserved (1)	retainer (2)	384:13,15
443:17,20	444:15 445:6	353:21	415:6,11	389:19 391:13
448:17 449:24	446:5	resolve (1)	retired (1)	395:11,12
454:22 455:1	representatio...	448:14	390:15	402:17 411:20
456:10,10,11	359:6 364:11	respect (8)	retirement (1)	412:8 421:23
remembers (1)	413:16 414:8	405:8 410:15	390:22	425:13 426:3
383:1	414:11,18	414:19 418:16	retracted (2)	430:7 432:6
repeat (7)	415:1,8,20,23	422:14,16	387:2,6	434:15,20
365:12,13	429:18,20	430:3 452:23	retracting (1)	435:16 439:17
384:19 395:6	449:2 453:11	respond (10)	382:13	439:22 444:7
416:20 422:18	represented (8)	348:14 362:5	return (1)	446:19 452:5
435:25	360:14 373:5	394:24 397:4	460:15	rights (1)
repeated (2)	437:5 438:2	398:11,12,17	returned (1)	452:16
351:3 387:1	444:7,8,9,13	405:19 428:15	460:10	road (1)
repeatedly (7)	representing (4)	438:8	reveal (4)	432:13
348:20 354:24	339:2,6 364:4	responded (11)	417:24,25	■
365:9 402:15	436:15	360:13 402:22	444:25 456:5	■
403:20 413:9	Reprographic...	403:21 406:6	revealing (3)	■
433:18	339:2	407:5,11 408:4	362:25 423:21	■
repetitious (1)	reputation (4)	408:5,7,10,23	450:3	■
359:2	350:9,25 355:4	responding (2)	review (8)	■

	353:13 run (1) 374:7	436:2,18 440:1 scan (1) 392:7	362:22 363:10 363:25 364:20 366:6 368:8 369:8,16,20,24 370:3,7,25 372:25 374:1 374:13,16,24 375:15 376:19 376:25 377:13 378:1 379:2 380:13 381:3 382:14,20 383:5 384:12 385:11 387:17 390:19 392:1,6 392:13 393:2 393:13,17 394:3,8 396:6 400:13,18,24 401:5,9,19,24 404:4,24 406:24 408:21 411:1,13 412:3 412:23 413:18 416:5 417:20 418:10 419:6 421:6,10,18 423:4 424:6,9 424:12,14 426:6 434:21 435:21 436:21 438:3 440:10 441:10 442:5 442:19 444:25 447:19 448:20 451:16 452:25 456:5 457:15 460:2,4	424:11 426:5 435:8 436:3 439:13 456:11 section (1) 378:16 sections (2) 340:5 342:13 see (18) 341:22 343:1 369:16,22 370:3,7,8 378:22 381:2,3 388:14 391:21 392:14 404:1 405:13 406:7 406:13 424:20 seeing (4) 410:10 429:16 432:17 441:24 seek (1) 404:13 seen (22) 348:10 350:15 372:4 378:18 378:21 385:6 385:16,19 386:11,14 407:13 423:25 427:5,9 429:6 429:12 430:20 431:8,9 432:1 432:13 433:15 sell (3) 353:1 374:5 379:14 selling (1) 372:14 sense (1) 378:9 sensitivity (1) 452:11 sent (5) 357:14 395:8,13 396:25 397:11 sentence (1) 366:17 separate (1)
	S			
	SAFRA (1) 335:12 sanctioned (1) 391:5 sat (3) 343:24 360:22 384:5 satisfactory (1) 405:20 Saturday (1) 376:11 saw (7) 352:2 356:7 █:6 408:9 432:9,10,10 saying (39) 344:7 346:4,20 354:13 363:6 364:23 367:6 368:3,12 370:17 373:4 382:10,11 383:18 385:7 387:13,19,21 388:24 390:7 402:15 403:6,6 403:23 408:4,5 408:7,10 412:1 425:10,11 427:15 432:4 435:17 439:21 441:6 442:16 442:24 444:4 says (21) 364:23 381:17 385:5,17,22 386:4 396:20 396:22 405:14 406:4 413:7 423:7,11 425:6 425:12,20 433:16 434:4	436:2,18 440:1 scan (1) 392:7 Scarola (45) 335:3,5 339:6 340:13 346:13 347:14 353:18 353:23 370:5 374:9,25 375:5 392:25 394:20 394:23 398:6,9 398:18 400:3 401:14 402:12 403:19,23 404:8 405:10 405:23 406:9 406:14,15 408:3,13,17,18 409:2,8,15,17 409:23 410:12 410:13 411:2,4 429:23 434:7 445:23 Scarola's (2) 406:13 411:3 schedule (1) 407:8 Schiller (5) 336:8 347:6 389:10,14 391:17 Schultz (1) 339:10 scientists (1) 360:25 Scott (113) 334:17 335:9,11 338:14 339:7,7 340:13 341:18 342:4 343:1,15 346:22 347:4 348:13 351:16 353:10,13 354:1,22 357:22 █:14 359:1 360:1 361:21 362:15	362:22 363:10 363:25 364:20 366:6 368:8 369:8,16,20,24 370:3,7,25 372:25 374:1 374:13,16,24 375:15 376:19 376:25 377:13 378:1 379:2 380:13 381:3 382:14,20 383:5 384:12 385:11 387:17 390:19 392:1,6 392:13 393:2 393:13,17 394:3,8 396:6 400:13,18,24 401:5,9,19,24 404:4,24 406:24 408:21 411:1,13 412:3 412:23 413:18 416:5 417:20 418:10 419:6 421:6,10,18 423:4 424:6,9 424:12,14 426:6 434:21 435:21 436:21 438:3 440:10 441:10 442:5 442:19 444:25 447:19 448:20 451:16 452:25 456:5 457:15 460:2,4 seal (1) 355:20 Sean (2) 336:14 349:16 SEARCY (1) 335:3 second (11) 342:3 398:2,2 403:1 412:13	424:11 426:5 435:8 436:3 439:13 456:11 section (1) 378:16 sections (2) 340:5 342:13 see (18) 341:22 343:1 369:16,22 370:3,7,8 378:22 381:2,3 388:14 391:21 392:14 404:1 405:13 406:7 406:13 424:20 seeing (4) 410:10 429:16 432:17 441:24 seek (1) 404:13 seen (22) 348:10 350:15 372:4 378:18 378:21 385:6 385:16,19 386:11,14 407:13 423:25 427:5,9 429:6 429:12 430:20 431:8,9 432:1 432:13 433:15 sell (3) 353:1 374:5 379:14 selling (1) 372:14 sense (1) 378:9 sensitivity (1) 452:11 sent (5) 357:14 395:8,13 396:25 397:11 sentence (1) 366:17 separate (1)
Rodriguez (4) 337:15 378:8,25 379:13 room (2) 368:24,25 ROSS (1) 335:14 rough (1) 438:18 Roy (1) 444:10 RPR (4) 334:20 458:15 459:22 460:18 █				
rule (1) 447:25 ruled (4) 347:4 416:18 418:17 419:10 rules (2) 340:8 355:8 ruling (1)				

381:25	343:19 345:21	336:9 339:9	349:14 354:8	353:14,20,24
separately (2)	352:17 353:6	346:14,16,18	356:3 ■:3	354:2 359:3
401:11,18	365:5 433:17	347:14	365:4 373:4	360:7 362:2
September (1)	433:19 437:22	similar (1)	380:8 381:9	364:18 369:19
406:16	443:14 455:3	440:5	382:6 383:4	375:8 377:1
serial (17)	share (1)	simple (5)	425:11 445:5	379:9 382:22
350:20 351:1,4	381:24	347:7 352:6	446:4 454:6,17	383:10,13
351:5,13,15	She'll (1)	424:4 428:17	soon (1)	384:9,14,17
353:4,8 356:12	356:4	428:22	375:13	385:9,13 386:7
356:25 411:25	Sheet (3)	simply (1)	sorry (3)	388:3,11,18
412:15 420:11	337:10 460:10	433:25	363:2 445:18	391:24 392:12
425:7,21	461:1	■	446:12	392:16,19
432:21 440:9	SHIPLEY (1)	■	sought (2)	393:8,15,18
series (1)	335:4	■	413:25 414:14	395:5 396:7,15
452:19	short (4)	■	sounds (1)	396:19,23
serious (2)	374:9 384:16	single (6)	381:10	397:4,21 398:1
355:2 452:21	419:9 453:15	344:18,21 423:6	source (7)	398:20 399:1
serving (1)	shortcut (1)	423:10,13	372:5 377:23	399:19 400:11
433:12	454:14	425:20	388:4 418:24	400:16 401:16
set (3)	show (20)	Sires (1)	421:23,24	402:21 404:19
351:22 396:8	343:7,12 345:12	346:25	426:11	405:1,21,25
408:11	345:22 356:11	sit (2)	sources (13)	409:3,9,21
setting (4)	378:11,15	367:14 431:18	357:18 ■:12	412:12 414:7
385:14 408:2,16	387:23 388:1	situation (1)	417:19,25	416:17 417:21
409:7	395:15 396:2	443:20	418:8 427:16	418:16 419:9
seven (2)	397:13,21	six (7)	427:16,18,24	419:22 421:16
381:8 400:23	399:24 400:4	365:3,5 380:23	428:13 434:9	421:21 422:2
SEVENTEEN...	400:20 411:8	381:8 385:21	434:19 435:25	422:14 423:1
334:1	437:1 440:19	391:20 400:22	South (2)	424:10 426:4,7
sex (35)	441:4	shown (2)	335:10 460:3	427:2,22
352:9,16,25	show (20)	354:19 378:14	Southeast (2)	428:19 430:16
365:4,18 367:2	354:19 378:14	sic (2)	334:17 338:24	430:23 431:2
370:21 371:2,4	side (3)	388:7 433:23	speak (5)	431:20 433:10
371:10,18	344:18 449:15	signature (3)	368:23 438:11	434:24 436:25
372:3 374:6	450:2	460:7,14,21	444:24 446:10	437:14 438:21
375:22 377:6	sign (6)	434:5 454:19,23	450:13	439:12 440:23
382:5 383:4,16	337:10 395:9	sleazy (1)	speaking (10)	441:13 442:9
383:19 385:18	397:12 399:10	343:25	341:9,16 343:9	443:1,3,10
385:21 386:12	460:12,14	smccawley@b...	362:17 366:12	445:10,15,21
386:17 395:1	signed (4)	336:10	368:2,10 369:4	446:1,7,14
399:15 402:14	385:7 386:2	social (1)	387:8 388:9	447:3,20 449:5
403:10 410:15	415:6 458:12	360:16	special (123)	449:13 450:7
420:19 433:13	Sigrid (6)	socialize (1)	336:13 338:1,3	450:13 451:2
434:5 440:3		376:17	338:8,16	451:17 452:3
441:18 454:19		socialized (2)	339:16,17	452:21 453:2
454:23		377:10 380:12	341:4 342:2,6	453:15 454:1
sexual (10)		somebody (15)	342:16 349:14	455:17 456:19

457:9,13,16	344:3,9,19	419:2,12	stories (2)	substance (1)
specific (11)	345:23 347:10	421:14 439:9	372:14 420:13	410:17
342:21 352:15	351:16 352:13	440:13,16	story (31)	substantive (1)
375:23 387:20	355:24 356:24	441:7 442:17	344:18 345:1,1	413:6
422:19 425:11	367:11 368:15	states (2)	345:17 347:3	suffers (1)
433:8 438:7,8	370:2,14,14,16	342:19 364:6	350:12 352:4	366:22
438:9,23	370:18 372:6	statute (9)	353:1,3 354:14	suggest (3)
specifically (4)	372:24 373:4,6	394:21 395:9,17	365:1,5,10,15	381:20 427:12
372:1 386:16	373:8,9,16	395:19,24	365:17,17,22	447:21
451:14 454:25	375:21 382:4,9	396:13 397:12	373:23,23	suggested (3)
specifics (1)	382:12,17	397:15 399:11	374:6,7 375:24	355:5,6 398:14
365:24	383:1,3,22	stayed (1)	412:21 419:14	suggesting (2)
speculation (1)	384:22,25	419:25	420:23 421:1	379:24 449:6
380:14	385:2,16	Ste (1)	433:1,21 434:1	suing (2)
speech (1)	386:14,19,23	336:8	440:5,8	394:2 397:7
388:7	386:24 387:1	stealing (3)	straight (2)	suit (3)
spoke (2)	387:12,19,22	356:12,16 357:4	343:6 344:16	391:16,16,18
366:10 411:4	391:23 393:7,7	stemmed (1)	straightforwa...	Suite (4)
spoken (2)	394:11,19	436:16	439:14 453:16	335:9 338:24
345:6 372:23	396:17 397:16	stenographic (1)	Street (4)	460:2,19
Springs (7)	397:25 402:10	459:13	334:17 335:14	summer (3)
337:17 368:3,10	402:16 409:15	stenographica...	335:18 338:24	425:3,4,5
368:11 388:6	410:3 411:3,23	334:20 459:8	strike (6)	supervision (1)
388:16 390:5	413:6,11	step (1)	380:4 384:8	359:20
stand (10)	420:11 424:4	400:18	385:23 397:3	support (3)
341:14 343:11	425:14,20	Stephen (11)	399:18 433:22	418:5 419:2
343:19 344:8	428:4,5,14,16	366:15,22 367:2	strongly (1)	426:18
346:6 347:11	432:20 437:24	367:2,6,8,21	427:11	supports (1)
348:25 355:24	437:25 439:4	368:4 370:22	studied (2)	428:7
356:5 368:12	442:14 450:16	420:14,16	431:15,21	supposed (2)
start (4)	statements (48)	steps (1)	study (1)	347:5 361:16
338:2 340:25	341:1,3,23	351:12	431:7	Supreme (1)
414:9 457:16	342:9 343:2,5	sterling (1)	studying (1)	364:6
started (2)	343:8 344:10	350:25	431:6	sure (28)
340:14 414:11	344:14 345:4,6	Steven (2)	subject (8)	338:4 341:21
state (10)	345:9 349:4,6	335:12 367:15	399:16 403:15	346:21 350:2,6
345:5 356:19,22	349:7,24	steven.safra@...	407:24,25	361:15 362:5
394:25 395:1	369:12,13	335:12	410:19 423:16	378:11,17
438:19 443:23	370:9,13	stickers (2)	451:6 456:9	384:22,22
458:4,16 459:3	374:20,21	378:13 401:13	subjects (1)	387:25 396:9
stated (4)	375:6,15	STONE (1)	399:13	398:22 400:9
362:2 403:20	386:22 387:2,4	336:9	submitted (1)	402:3 407:5
415:24 461:23	393:5 411:7,9	stop (4)	404:9	410:11,12
statement (82)	411:17 412:10	395:5 402:22	submitting (1)	412:9,9,11
341:8,12,13,14	414:3 416:12	438:22 454:2	399:12	417:23 426:10
342:7,8 343:11	416:24 417:17	store (1)	Subsequent (1)	435:3 439:2
343:13,20	418:3,5,22,25	357:5	397:11	453:19 456:12

surfaced (1) 414:24	390:7	339:20 354:23	442:8,10	401:24 404:6
surprise (1) 415:18	target (3) 447:12,15,18	354:23 356:22	444:11,18	410:6 411:23
surprised (1) 352:3	teacher (1) 350:5	379:15 407:13	448:19 453:22	413:21 414:8
swear (1) 339:20	teenager (3) 421:4 422:7,24	413:3 440:22	455:19 456:11	414:17 416:1
Sweder (4) 335:14,15	teeth (3) 348:20 350:17	testing (2) 433:25 434:2	456:13 457:1	420:2,25
339:14,14	tell (17) 341:18 343:5	thank (4) 396:10 400:18	thinking (1) 417:23	425:18 429:1
sworn (1) 458:10	349:5 362:19	442:12 451:11	Third (1) 436:3	431:24 433:13
systematically... 433:18	363:6,18	thing (13) 345:14,19,19	THOMAS (2) 335:11 460:4	433:18 434:3
Systems (1) 334:21	371:10 373:3	352:8 381:22	thomas.scott... 335:11 460:4	437:12 440:6
<hr/>	376:14,21	383:5 387:20	thought (8) 347:4,12 357:12	443:20 448:9
T	388:25 400:21	393:13 401:8	376:4 390:15	449:25 454:20
tabloids (2) 372:14 373:12	410:23 419:17	420:17 425:23	390:15,22	457:19 460:7
take (19) 338:10 340:16	422:10 431:17	426:3 454:9	399:7	460:12
349:25 351:12	435:19	things (15) 345:14 347:22	thousand-pou... 368:25	timeframe (2) 424:21 425:3
352:14 369:21	telling (11) 363:8 389:13	351:4 366:25	thousands (1) 380:2	times (4) 340:16 351:3
374:9,10 378:1	402:12 420:13	390:24 393:20	three (12) 343:24 377:13	412:24 432:9
385:12 390:20	432:25 435:13	398:9 411:24	381:7 389:16	timing (1) 414:6
400:11 401:19	436:6,13 440:5	415:7 418:11	389:17,24	Tipper (1) 352:1
401:24 404:4	444:3 455:9	420:12,15	400:22 427:16	today (11) 364:4 369:10
410:14 442:5	ten (3) 400:23 405:17	421:13 432:4	427:18,24	370:8 379:18
451:6 460:6	442:9	451:10	435:25 436:5	392:2,4,14,19
taken (3) 349:21 352:5	term (1) 390:5	think (55) 350:6 354:5	thrust (1) 390:13	412:2 413:3
378:25	terms (2) 410:18 443:22	357:17 367:23	tie (1) 376:15	431:18
talk (3) 344:10 390:4	terrible (1) 356:13	369:16 370:7	time (53) 338:18 340:14	told (8) 348:4 354:19
428:2	test (1) 349:6	370:18 372:9	344:12,13	355:14 362:25
talked (3) 344:12 395:17	tested (1) 439:8	373:24 374:25	345:3,5 346:17	372:8 376:7
454:2	testified (3) 379:12 423:2	375:1,12	346:24 352:14	445:5 446:5
talking (11) 343:18,18	441:12	376:10 378:1,3	353:5 356:9	Tom (3) 339:7 354:3
349:10,11	testify (1) 364:14	382:8 383:12	359:15 367:16	419:24
353:7 360:10	testifying (1) 383:8	384:25 386:18	374:12 375:19	tomorrow (1) 393:16
372:1,11,13	testimony (8) 393:8	387:20 388:2	378:1 381:13	Tonight (1) 351:17
420:10 421:10		389:24,25	382:13 385:12	top (1) 426:22
tape (1)		391:22 393:2	386:19 387:9	total (10) 352:4 400:1,2,2
		393:10 394:24	387:12 390:14	402:7,10 403:4
		397:13 403:5	390:17,20	407:18,23
		406:9,10	391:2 392:7,17	409:25
		408:22 409:1		
		410:20 416:25		
		423:19,20		
		424:7,9 426:22		
		427:3,22 431:2		
		431:25 441:13		

	waiving (1) 397:12	400:5,8 441:2 442:10 454:11	willfully (5) 341:17 343:10 343:20 344:24 433:21	342:5,13 350:15 359:8,25 360:3 360:6 361:22 369:15 374:18 375:4,5 430:4 430:5,10 446:18 450:16 450:23 451:7 451:21 452:7 455:16 457:6
	walk (1) 349:15	we're (22) 345:4 347:5 349:6 369:16 370:3,7 372:11 372:13 374:10 384:11 391:7 391:10,11,15 396:7 408:8 438:5 444:11 449:14 450:7 451:24 457:17	willing (3) 343:7 365:5 405:16	worked (1) 345:16
	want (43) 340:16,21 342:17 343:1 344:8 345:25 347:13,17 363:17 368:5 370:4 377:6,8 389:22 393:19 400:12,20 401:12,17 404:4 418:8 420:23 422:19 424:14 427:13 428:1,11,15,15 429:23 437:1 437:13 442:5 446:1 447:22 448:14 449:15 450:2,2 452:15 452:22 454:8 454:12	we've (6) 342:12,12 364:1 378:5 442:6 454:2	willingly (1) 405:15	working (1) 359:11
	virtually (1) 349:20	web (2) 443:19,20	wish (2) 413:13 460:14	world (9) 348:21 349:1 351:8 371:7,18 371:19 380:2 412:5 420:19
	volume (4) 334:13 337:5 424:6 457:22	weight (2) 438:16 442:15	witness (27) 337:10 339:23 343:8 348:16 354:4 384:10 384:16 388:16 396:22,24 405:24 406:3 407:3 409:18 411:15 417:13 423:19 424:16 427:4 431:25 442:8 444:3 445:12 447:1,5 452:17 457:14	wouldn't (6) 357:20 390:11 390:12 408:6 415:18 425:15
	voluntary (5) 408:1,16,23,24 409:7	welcome (6) 346:3 347:9 394:6,13 397:8 397:10	witnessed (1) 407:1	write (2) 390:23 461:2
	voracity (1) 439:8	went (1) 456:25	witnesses (5) 444:1,2 448:25 449:12 455:7	writing (1) 449:20
	vote (1) 352:1	weren't (3) 347:6 375:3 436:17	woman (9) 344:1 348:19,20 351:1 353:7 368:6 370:20 441:19 443:18	written (4) 344:17 410:24 411:7,8
	vs (1) 334:6	West (2) 335:5 460:20	women (3) 359:21 414:13 456:15	wrong (1) 354:20
	<hr/> W <hr/>	Wexner (1) 349:3	word (8) 341:25 342:25 351:1,13 364:23 423:6 423:10,13	wrote (3) 394:23 403:22 421:8
	wait (2) 340:10,12	whatsoever (1) 352:20	words (4) 344:21 370:18 399:3 410:21	<hr/> Y <hr/>
	waiting (1) 427:4	whereabouts (1) 440:17	work (23)	yeah (5) 348:25 396:13 400:13 416:8 440:17
	waive (12) 395:19,24 398:9 399:4 416:11 416:22 417:1,2 430:7 460:7,14 460:21	Whichever (1) 442:8		year (5) 340:4 341:3
	waived (4) 399:11 418:22 450:17 452:8	wide (3) 351:8 371:5 379:23		
	waiver (5) 394:20 395:8,14 397:20 399:5	wife (1) 420:2		
		WILEY (1) 335:18		

362:7 376:5	457:20	17769 (1)	459:20 460:1,7	337:22
414:20	110 (2)	335:18	461:5	455 (1)
years (5)	334:17 338:23	18 (7)	2139 (1)	459:10
350:25 357:11	12 (3)	337:22 429:2	335:4	459 (1)
399:14 413:24	334:15 400:23	432:16 437:7	226848 (1)	337:9
438:14	461:5	437:18 442:3,4	458:16	460 (1)
Yep (1)	12:00 (1)	19 (1)	23 (1)	337:9
424:19	457:10	433:14	406:4	461 (3)
York (3)	12:30 (1)	1998 (2)	248 (4)	334:13 337:5,10
336:5,5 341:8	457:14	425:3,4	423:23 424:5,13	462 (1)
young (2)	1200 (1)		424:16	337:10
356:20 441:19	336:8			4th (2)
YouTube (1)	12th (3)	2	3	336:4 397:17
388:14	338:17 458:10	20 (2)	3 (2)	
	460:6	366:4,14	334:13 337:5	5
Z	13 (3)	200 (1)	33156 (2)	5 (5)
zero (1)	337:15 378:20	460:19	335:10 460:3	343:23 349:19
436:1	400:23	20006 (1)	33301 (2)	351:18 360:10
	131 (1)	335:19	336:9 338:25	397:19
	335:14	2002 (1)	334 (3)	50 (2)
0	14 (7)	425:5	334:13 337:5	350:25 438:14
02110 (1)	337:16 357:11	2005 (10)	459:10	575 (1)
335:15	393:23 398:7	359:11,17 388:7	33401 (1)	336:4
	401:2 433:19	414:20,21	460:20	6
1	460:1	415:14,23	33402-3626 (1)	
1 (4)	1400 (2)	416:2 444:23	335:5	6th (2)
337:16 368:3,11	335:9 460:2	446:10	341 (1)	334:17 338:24
388:7	14A (1)	2006 (2)	337:8	7
1,000 (1)	401:1	359:11 414:21	379 (1)	7/12/2019 (1)
419:16	14th (2)	2007 (1)	337:15	458:17
1/4/2016 (1)	458:12 459:20	359:11	394 (1)	74 (3)
338:7	15 (6)	2009 (2)	337:16	378:12,15
1:00 (3)	337:18 396:12	403:14 421:13	397 (1)	379:20
457:13,15,16	406:3 424:13	2011 (5)	337:18	8
1:05 (1)	424:18 433:13	372:11 373:5,10	398 (1)	
457:20	15-000072 (1)	403:14 405:24	337:20	8 (3)
10:20 (1)	334:2	2013 (1)		342:25 344:16
374:12	1500 (1)	403:14	4	399:23
10:22 (1)	338:24	2015 (12)	4 (4)	87-page (1)
375:17	1551 (1)	337:16,18	337:18 350:11	437:3
10:30 (2)	460:19	342:25 343:23	396:24 457:22	8th (2)
375:17,19	16 (5)	344:11 360:10	40 (5)	345:13 406:16
100 (2)	337:20 397:24	366:4,14 368:3	436:17 437:25	9
419:15 433:20	398:5,24 399:1	368:11 396:24	440:4 444:2,3	
11 (2)	17 (4)	410:7	401 (2)	9 (1)
400:23 405:24	337:21 400:7,21	2016 (8)	336:8 337:21	425:4
11:59 (3)	401:4	334:15 338:18	438 (1)	9:46 (2)
334:15 457:19		458:11,12		

334:15 338:19
9150 (2)
335:10 460:3
99 (1)
425:4