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## Did Dershowitz Pay Big Bucks to Settle Sex Case?

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*Note: Since the original publication of this post, we've included additional statements by Alan Dershowitz about the circumstances under which he's prepared to waive confidential information.*

It's not over.

If you thought the settlement that Alan Dershowitz reached on Friday with the lawyers representing ██████████ puts the controversy to bed, you're naive. Possibly delusional. (██████████ alleged that she was coerced into having sex with Dershowitz and others when she was a minor. Here are [details about the settlement](#).)

The latest bombshell: Jack Scarola, counsel for ██████████ lawyers Paul Cassell and Bradley Edwards, emailed me this: "If Mr. Dershowitz were to request a waiver of the confidentiality provisions, we would agree to the request."

Talk about throwing down the gauntlet! That would mean spilling the terms of the settlement—about who had to shell out what to make this messy lawsuit go away. I assumed Cassell and Edwards paid Dershowitz and wanted confidentiality, since they admitted in the settlement to making "mistakes" in alleging that Dershowitz had sex with ██████████.

But David Boies, who represents ██████████ in a related matter, tells me I'm off target. In a phone conversation on Sunday, Boies dangled this tidbit of information before me: "I don't know the terms of the settlement, but I know that it was proposed that [Edwards and Cassell] be paid hundreds of thousands of dollars [by Alan Dershowitz] to drop the case."

My eyes widened. Go on, Mr. Boies, I said. He continued: "Ask Alan Dershowitz who paid whom. I know Dershowitz asked for confidentiality, and Edwards and Cassell will waive it . . . And if Dershowitz won't waive confidentiality, that should tell you if there's something incriminating."

So I rushed to ask Cassell and Edwards about waiving confidentiality, and got the response from Scarola that they'd essentially do it in a New York minute. Scarola also emailed me a post settlement statement (which I [covered](#) in part yesterday) that says this:

What is true is that Mr. Edwards and Professor Cassell entered into a monetary settlement that resolved the defamation claims they filed against Mr. Dershowitz, but they are precluded from revealing the economic terms of the settlement as the agreement requires the monetary specifics to remain confidential.

Though Dershowitz, citing the confidentiality agreement, wouldn't comment about compensation when I asked him about the settlement, Edwards and Cassell's statement makes it clear that money exchanged hands. But how much? And what about the implication that Dershowitz was the one who paid big bucks for the settlement that supposedly establishes his innocence?

I went back to Dershowitz to get some clarity. Clearly miffed, he took umbrage at Boies' comment: "David Boies doesn't know terms of the agreement because it's subject by confidentiality agreement. My lawyer has advised me that my discussion of the terms would breach the agreement, but I assure you there's nothing incriminating."

So how about waiving the confidentiality agreement to make everything transparent? Dershowitz's answer: No. "I'm sticking with the agreement . . . My lawyers tell me I can't change the settlement, which is multi-facted and complex."

*[Addition to original post]* Later, he adds, however: "I'd be prepared to enter negotiations to unseal confidential information and other matters if [Edwards, Cassell and Boies] are prepared to enter negotiations to unseal [REDACTED] deposition and my affidavit regarding Boies, which Boies Schiller has demanded be sealed." The point is, he says, is that "it has to be mutual."

So that's the end of the chapter.

Hah.

[REDACTED]

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