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By Email

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Re: [redacted] *v. Maxwell*, [redacted]

Dear Counsel:

As you know, this firm represents Intervenor Alan Dershowitz in the above-referenced case.

It has recently come to our attention that plaintiff's counsel provided reporters from the *Washington Post* with submissions from a disciplinary proceeding pending before the

Florida Bar that reference information that was developed during discovery in this case. In keeping with plaintiff's enduring practice of insisting on selective confidentiality to bolster her own accusations while concealing evidence that undermines her claims, the materials provided to the *Post* include cherry-picked and misleading characterizations of evidence that is sealed and/or designated confidential under the protective order governing this action—to say nothing of the fact that it is simply false. In several instances, the materials plaintiff's counsel provided to the *Post* directly reproduce exhibits that were marked confidential in this case *by plaintiff*, and which *plaintiff filed under seal* before the district court. These disclosures violate both the spirit and the letter of the district court's orders, and appear calculated to hamstring Professor Dershowitz—who respects and will abide by the court's orders—in responding to the accusations against him.

Most notably, the materials provided to the *Washington Post* repeat the outrageous claim that [redacted] "came forward" and "corroborated" Ms. [redacted] accusations against Dershowitz when she "testified under oath that she had been trafficked by Mr. Epstein and had had sex with Mr. Dershowitz." As plaintiff's counsel are well aware, Ms. [redacted] testimony is marked confidential and remains under seal; indeed, *plaintiff herself filed the relevant deposition transcript under seal* before the district court. *See* ECF No. 701-1. Yet the materials provided to the *Washington Post* repeat specific details from Ms. [redacted] sealed deposition, including specific sex acts she claims occurred with specific individuals. Plaintiff's counsel's selective characterization of this sealed evidence to a national newspaper is an outrageous violation of the district court's orders. *See* ECF No. 62 ¶ 4 ("CONFIDENTIAL information shall not be disclosed or used for any purpose except the preparation and trial of this case."); *see also, e.g.*, *Taylor v. Teledyne Techs., Inc.*, 338 F. Supp. 2d 1323, 1343 (N.D. Ga. 2004) (publicly summarizing and paraphrasing confidential documents violated protective order even without verbatim disclosure).

This is especially so given that the totality of this individual's testimony and other documents produced confidentially in discovery (none of which plaintiff's counsel elected to describe to reporters) demonstrate that her claims are utterly unworthy of belief.[1] Among other things, in emails sent in 2016, [redacted] claimed that she received help from "the Russians" and the hacker network Anonymous in responding to a hack of her email by the CIA; that Hillary Clinton sent "Special Agents Forces Men" to "intimidate[]" and "ruff[] (sic) . . . up" her friend in an effort to "to protect [Ms. Clinton's] presidential campaign"; that she possessed video and photographic evidence against both Ms. Clinton and Donald Trump that she would release to Wikileaks and Russian media by Sunday, October 23, 2016; that she possessed video footage of Bill Clinton, Prince Andrew, and Richard Branson having sex with her friend which was backed up on "several USB sticks" that she had "securely sent . . . to various different locations throughout Europe"; and that another friend had—while the two "were showering together"—showed her physical evidence that "Donald Trump liked flicking and sucking her nipples until

[1] As you know, on June 21, 2017, we, on behalf of Professor Dershowitz ,wrote to Judge Sweet asking that, in the event that [redacted] deposition were unsealed (or its designation as "confidential" by the parties withdrawn), the Court permit public disclosure of her emails.

they were raw." Notably, in these emails, [redacted] mentions Professor Dershowitz, but she does not allege that she was trafficked to or had sex with him.

As you know, [redacted] provided this information, on the record, to a New York *Post* journalist with the expressed hope that it would be published. Although these allegations, if credible, would have been the story of a lifetime — videos and eye witness accounts of sexual misconduct by two presidential candidates, a former president, and one of the world's leading entrepreneurs— the New York *Post* declined to publish them, presumably, and not surprisingly, because it did not find [redacted] credible. Nonetheless, thereafter, [redacted], represented by the same lawyers who represent the plaintiff in the above-captioned case, was permitted to testify that Professor Dershowitz had sex with her. These same lawyers have now provided documents to the Washington *Post* repeating the false charges, but have failed to provide the *Post* with the emails that fatally undermine them. These selective disclosures, and this use of the court's protective and sealing orders "as a sword," are manifestly improper.

Professor Dershowitz intends to pursue all available remedies for violations of the district court's orders, including sanctions. That said, to remedy the gross imbalance in available information created by counsel's improper disclosures, we ask that the parties' counsel immediately agree to a stipulation, to be so-ordered by [redacted], unsealing and removing the confidentiality designations from [redacted] emails. This will allow for *full* public disclosure of these matters—where their falsity, exposed to the "sunlight" of public review, will be manifest—and it will permit Professor Dershowitz to respond fully to the accusations plaintiff's counsel leaked to the *Washington Post*. Only with such full disclosure can the public decide who is telling the truth.

Please let us know your response to this request by noon on February 9, 2018.

Very truly yours,

Andrew G. Celli, Jr.