

From: Tonja Haddad Coleman <[REDACTED]>
To: Jack Scarola <[REDACTED]>, [REDACTED], [REDACTED], Chester Brewer <[REDACTED]>, Brad Edwards <[REDACTED]>, Jack Goldberger <[REDACTED]>, [REDACTED]
CC: Mary McCann <[REDACTED]>, Stan Pottinger <[REDACTED]>, [REDACTED], Tonja Haddad Coleman <[REDACTED]>

Subject: RE: Epstein.

Date: Thu, 28 Sep 2017 13:54:10 +0000

Mr. Scarola:

On September 26 we received the following email from yet another attorney for [REDACTED]:

Boies Schiller will be representing [REDACTED] as a non-party witness at her deposition in this action. As [REDACTED] testimony may implicate sensitive issues of sexual trafficking as a minor, we are requesting your agreement that the deposition will be designated as confidential and subject to an agreed protective order confirming its confidential treatment. Please confirm that you are agreeable, because if you are not, then we will need to postpone the deposition to seek a Court order with respect to the confidential nature of the deposition.

This email came did not come from Stan Pottinger who Brad twice advised me was representing [REDACTED]. It came from Sigrid McCawley, Brad's current co-counsel on a number of other matters relating to Mr. Epstein. So, you were no doubt aware of her intent to require confidentiality and seek a protective order regarding [REDACTED]' deposition well before Ms. McCawley sent us that last minute email. In that email she made it very clear that if we did not agree to confidentiality, the deposition would be postponed while she sought a court order. We did not agree and responded to her accordingly with the understanding, based on Ms. McCawley's clear message, that the deposition would be postponed. As your office has made clear to me on several occasions, available dates in your own schedule are taken quickly, so it should come as no surprise to you that when the deposition was postponed the date was filled quickly so that Mr. Epstein's counsel could meet other equally pressing commitments. Moreover, Ms. McCawley responded in her email hours later (and after Mr. Epstein's counsel committed to other matters) simply with the statement that "I understand your position", rather than conceding that no confidentiality would be sought. My client will not, and should not, be forced to incur the expense of this deposition if [REDACTED] is simply going to refuse to answer questions based on claims of confidentiality regarding matters she has made very public. We received no assurances otherwise in Mrs. McCawley's response.

Consequently, [REDACTED]' deposition is not taking place on October 5, 2017, and neither you nor she should make travel arrangements to attend.

While we are on the subject of scheduling, I have asked you several times now to provide me with available dates for depositions of [REDACTED], and have yet to receive any from you.

Tonja Haddad Coleman, Esq.
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-----Original Message-----

From: Jack Scarola [mailto:]
Sent: Wednesday, September 27, 2017 8:23 PM
To: Tonja Haddad Coleman < >; < >; Chester Brewer < >; Brad Edwards < >; Jack Goldberger < >; < >; < >
Cc: Mary McCann < >; Stan Pottinger < >; < >
Subject: Re: Epstein.

Based upon the persistent refusal of every defense lawyer on this and other requests to clarify your discovery intentions, I am confirming my travel arrangements and schedule for this coming week based upon all of the attorney depositions and the deposition of < > < > proceeding as noticed in NY. Should any of these depositions not proceed for any reason attributable to you, including the continued assertion of attorney client privilege, be on notice of our intention to seek sanctions in the form of costs and fees for all of the time wasted as a direct result of your clearly unprofessional conduct.

On Sep 26, 2017, at 7:28 PM, Jack Scarola < > wrote:

< > < > deposition has been scheduled at a time and place selected by you. It was scheduled to take advantage of one of the very limited number of dates available to conduct discovery. We did not cancel the deposition. The fact that an attorney representing a witness asked a question about confidentiality of the deposition transcript, which you rejected, followed almost immediately by the attorney's concession, does not justify cancellation of the deposition. It is obvious that you have seized upon the discussion of confidentiality to manufacture yet another excuse to try to postpone this trial.

Please be on notice that you either show up and take the deposition as you noticed it or you will have forfeited the right to take the deposition, and we don't care either way. Ms. < > will be testifying at trial.

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