

EPSTEIN – 5TH AMENDMENT

DERSHOWITZ DEPOSTIIONS:

1. Dersh Depo Vol 2 – question by Scarola – pg 218 – “So you recognized as of 1-5-15 that the reason why the statements were filed in the CVRA case was because the CVRA case had, as an objective, setting aside the plea agreement that you had negotiated for JE, correct”
2. Cassell vol 1 pg 55 – discussing caption of CVRA – Cassell says “it’s a civil case. However, the ultimate aim of the – the action is to try to invalidate a nonprosecution agreement and allow criminal prosecution..our position as I understand it...is that this action is an action that is ancillary to a contemplated criminal prosecution of JE , four women who were assisting him in international sex trafficking and the other co-conspirators that would be involved...”
3. Cassell vol 1 pg 85 – “there was a provision in the NPA that said this agreement will prevent federal prosecution for international and interstate sex trafficking not only of JE and not only of the four women who were identified but ...any other potential co-conspirator...unusual...designed to extend immunity to other people that might have been associated with Epstein...included Mr Dershowitz”
4. Cassell vol 1 pg 99 – “I knew that David Boies had agreed to represent VR which gave me additional confidence in the fact that I was also representing this young woman in her effort to bring sex traffickers to justice, and those who had sexually abused her to justice”
5. Cassell vol 1 pg 100 – critical of JE assertion of 5th –
6. Cassell vol 2 pg 257 – the focus of the CVRA is criminal - setting aside of NPA (rather than eliciting further monetary civil claims)
7. Cassell vol 2 pg 306 – re Prince Andrew, use of influence to corrupt case v JE

9	Victim’s Reply to Government’s Response to Emergency Petition . . .	7/11/2008	2	“For all these reasons, the Government’s response lacks merit. The Court should therefore declare the proposed non-prosecution agreement an illegal one, since it was reached in violation of the CVRA, and order the Government to confer with Petitioner and the other victims in this matter before reaching any disposition in this case.”
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			7	“Here, the wealthy defendant has escaped all federal punishment – a plea deal that Petitioner would have strenuously objected to . . . if the Government had given her the chance.”
			10-11	“The question then arises as to the appropriate remedy. The obvious remedy is to declare the non-prosecution agreement illegal and direct that the Government proceed to negotiate a new agreement – in a process that respects Petitioner’s (and all other victims’) rights.”
			14	“This Court must therefore protect her rights by declaring the non-prosecution agreement invalid.”
			16	“The Court should enter an order finding the non-prosecution agreement in this case was negotiated in violation of the CVRA and therefore is illegal and invalid.”
Plaintiff's MOTION for Summary Judgment <i>REDACTED– Jane Doe #1 and Jan Doe #2's Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies by Jane Doe.</i>	3/21/2011	29		“Here, the wealthy defendant has escaped all federal punishment – a plea deal that Jane Doe # 1 and Jane Doe # 2 would have strenuously objected to . . . if the Government had given her the chance.”
		37		“When other plea agreements have been negotiated in violation of federal law, they have been stricken by the courts.”
		39		“The Non-Prosecution Agreement that the Government entered into in this case was simply illegal. . . . the only issue for the Court is whether the Agreement was lawful. It was not, and so the Court invalidate it.”
127	RESPONSE/REPLY <i>Jane Doe #1 and Jane Doe #2 Response to Government's</i>	12/5/2011	1-2	“Given such allegations (and, indeed, even without such allegations), this Court possesses broad remedial powers to craft an appropriate remedy for the violations.

	<p><i>Sealed Motion to Dismiss for Lack of Subject Matter Jurisdiction</i> by Jane Doe.</p>		<p>One such remedy is an order invalidating the non-prosecution agreement as illegal, thereby affording the victims an opportunity to confer with the Government about whether it should file federal criminal charges against Epstein for sexually abusing them. Such a remedy would not violate Epstein’s constitutional rights because he was and is a party to the illegal agreement – and, indeed, he orchestrated the illegality. In addition, the victims are seeking numerous other remedies”</p>
		5	<p>“Instead, the victims seek (among other remedies) the invalidation of an illegal non-prosecution agreement so that they can confer with the Government about an appropriate prosecution of the crimes Epstein committed against them.”</p>
		7	<p>“Second, in any event, the victims are entitled to have the Court invalidate the non-prosecution agreement because it is illegal. Third, entirely apart from invalidating the agreement the victims are entitled to seek a wide range of ‘legal’ and equitable remedies apart from, or in addition to, invalidation of the illegal agreement.”</p>
		9	<p>“Thus, unlike the <i>Walker</i> case where the agreement was an accident, here the illegal agreement was a deliberate plan. In such circumstances, any equitable claim Epstein has for specific performance of the non-prosecution agreement disappears.”</p>
		13	<p>“For all these reasons, the victims will be able to prove that the Court should set aside the non-prosecution agreement as the appropriate remedy in this case.”</p>
		14	<p>“Here, numerous discrete remedies lie within the Court’s power to award. In particular, the victims are asking the Court to award all of the following remedies: . . . A declaration that the non-prosecution agreement is accordingly illegal; A declaration invalidating the illegal non-prosecution agreement in whole, or in the alternative, a declaration invalidating the illegal non-prosecution agreement to the</p>

				extent that it purports to bar prosecution of Epstein’s crimes against Jane Doe #1 and Jane Doe #2”
			15-16	“Most important, a declaration that the non-prosecution agreement is illegal and void would assist the victims in various ways (including ways described in the victims’ supplemental sealed pleading on remedies).”

311	MOTION Jane Doe No. 1 and Jane Doe No. 2’s Protective Motion Pursuant to Rule 15 to Amend Their Petition to Conform to Existing Evidence and to Add Jane Doe No. 3 and Jane Doe No. 4 as Petitioners by Jane Doe.	2/6/2015	7-8	“The Court went on to rule for the victims on the rescission issue, explaining that ‘in their petition and supplemental pleadings, Jane Doe 1 and 2 have identified a remedy which is likely to redress the injury complained of – the setting aside of the non-prosecution agreement as a prelude to the full unfettered exercise of their conferral rights at a time that will enable the victims to exercise those rights meaningfully.’”
			12	“Of course, the point of the litigation was not to obtain the NPA’s ‘disclosure’ but rather the NPA’s <i>invalidation</i> .”
318	REPLY in Support of re 311 Motion to Amend/Correct <i>Jane Doe No. 1 and Jane Doe No 2S Reply in Support Of Their Protective Motion Pursuant to Rule 15 to Amend Their Petitiion</i>	3/19/2015	3	“Remarkably, rather than suggest any prejudice to itself, the Government claims that Jeffrey Epstein – the man who sexually molested Jane Doe Nos. 1, 2, 3, and 4 – somehow has been harmed because he lacks ‘notice’ that the victims are challenging the validity of the non-prosecution agreement. . . . But in any event, Epstein is well aware of the challenge to the non-prosecution agreement.”