

IN THE CIRCUIT COURT OF THE 17th  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE 15-000072

BRADLEY J. EDWARDS, and  
PAUL G. CASSELL,

Plaintiffs,

v.

ALAN DERSHOWITZ,

Defendant.

**OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE  
HEARING AND MOTION TO STRIKE MOTION OF NON-PARTY VIRGINIA  
ROBERTS' MOTION FOR SANCTIONS**

Non-Party [REDACTED] by and through undersigned counsel, hereby responds to  
Defendant's Motion to Continue Hearing and Motion to Strike Motion of Non-Party [REDACTED]  
[REDACTED] Motion for Sanctions and states as follows:

**INTRODUCTION**

Dershowitz has had it his mission to publically disgrace [REDACTED] -- who was a  
victim of sexual trafficking when she was a minor -- calling her, among other things, a  
"prostitute" and a "bad mother" during his press conferences. See Affidavit of Sigrid McCawley  
("McCawley Affidavit") at Exhibit 1, Local 10 News, January 22, 2015. Dershowitz has  
subpoenaed Ms. [REDACTED] testimony in this matter and engaged in confidential settlement  
discussions with her lawyers. He then, knowingly, wrongfully and willfully, revealed those  
confidential settlement discussions to the New York Times for purposes of inflicting harm to  
[REDACTED] character by callously misrepresenting those confidential settlement

discussions ██████████ counsel immediately filed an emergency motion with the Court asking the Court to seal the offending affidavit that he filed with this Court and that had been intentionally leaked to the press. The Court granted Ms. ██████████ Motion to Seal and reserved ruling on her Motion to Strike and for Sanctions to allow counsel for Dershowitz time to respond. Dershowitz's counsel agreed that the matter would be heard at the Special Set Hearing on March 11, 2016. Now, just days before the special set hearing, Dershowitz has hired yet another set of new lawyers who he contends have a conflict with the March 11, 2016 date and therefore, asks the Court to cancel the Special Set Hearing. Dershowitz is clearly misstating his ability to have counsel present at this Friday's hearing because he testified that he has an attorney-client relationship with over 35 lawyers. See McCawley Affidavit at Exhibit 2 (Dershowitz's Deposition Transcript at pgs. 24-42). Surely one of his able counsel can be present at the hearing on the date they specifically agreed to. See McCawley Affidavit at Exhibit 3, E-mail Correspondence confirming the March 11<sup>th</sup> Special Set Hearing date.

What Dershowitz is really trying to do here is find a way to stall the sanctions hearing because he knows his conduct was in clear bad faith in two ways – first by intentionally revealing and misrepresenting confidential settlement discussions to the Court, public and press, and, second, even after the Court made a finding that the discussions were confidential and sealed the affidavit, Dershowitz directly violated that order by again misrepresenting those confidential settlement discussions at his deposition. Dershowitz knows he has no valid basis to avoid being sanctioned by this Court for his flagrant bad faith litigation conduct, so he is grasping for a way to try to avoid having the motion to strike and for sanctions heard.

Dershowitz's eleventh hour attempt to avoid having the sanctions motion heard is his unsupported argument that M ██████████ who was subpoenaed by him in this case and clearly injured by his conduct, does not have standing to seek recourse for Dershowitz's wrongful

actions against her. This argument is a red herring and indeed Dershowitz's own counsel stated that Ms. [REDACTED] had standing to participate and object in this proceeding. *See* McCawley Affidavit at Exhibit 2 (Dershowitz Deposition at 95). Dershowitz's other argument that is equally baseless is that he contends the parties may be settling, and therefore, he is intentionally stalling this hearing in the hopes of arguing that the Court would be divested of jurisdiction to hear this issue if the parties entered a voluntary dismissal. The Court can obviously retain jurisdiction over certain matters even if the parties did submit a stipulated dismissal to this Court – but more importantly – no such dismissal has been submitted.

### ARGUMENT

#### **1. Dershowitz's Is Repeatedly Engaging In Bad Faith Litigation Conduct And He Should Be Sanctioned.**

Mr. Dershowitz brings this motion in bad faith: it is a transparent attempt to avoid this Court's imposition of sanctions for his violation of this Court's Order and other behavior in contravention of Florida law<sup>1</sup>. By his own sworn testimony, Mr. Dershowitz is represented by 35 attorneys. He neither alleges that they no longer represent him, nor that they are unable to represent him competently in Friday's hearing. Indeed, it would be hard to find a party with more capable or plentiful representation. Instead, he has suddenly, allegedly, decided upon new counsel on the eve of his sanctions hearing. Conveniently, neither of those attorneys are available for the March 11, 2016 Special Set Hearing that Dershowitz's other counsel agreed to. (Defendant's Motion to Continue at 2).

The motion for sanctions arises, in part, over Mr. Dershowitz's flagrant violation of this

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<sup>1</sup> Dershowitz had full opportunity to brief these issues in response to Ms. [REDACTED] Motion to Seal and his most recent Motion to Strike is simply an effort to try to supplement his prior response without allowing Ms. [REDACTED] counsel sufficient time to respond in advance of the hearing. Accordingly, to the extent the Court moves the hearing to a later date, counsel for Ms. [REDACTED] reserves her right to supplement this filing.

Court's Order. This Court should not countenance Mr. Dershowitz's continued flouting of this Court's authority by allowing him to avoid the hearing on sanctions based on a bad faith maneuver to delay. "A trial court has broad discretion to impose sanctions on litigants for their conduct before the court," *Riley v. Associates Home Equity Servs., Inc.*, and this bad faith motion to avoid his hearing on the same constitutes additional grounds to grant the motion for sanctions. 850 So. 2d 661, 663 (Fla. Dist. Ct. App. 2003).<sup>2</sup>

2. **Ms. [REDACTED] Has Standing to Seek Redress for Dershowitz's Bad Faith Litigation Conduct as She is the Party Who Suffered Injury From That Conduct**

a. **Ms. [REDACTED] Has Suffered an Injury in Fact and has Standing Seek Relief from the Court for Her Injuries**

Individuals have standing to vindicate their own legal rights. A person has standing to redress a harm when they have "more than an indirect or inconsequential interest in the case." *See Sweetwater Country Club Homeowners Association Inc. v. Huskey Co.*, 613 So.2d 936 (Fla. 1<sup>st</sup> DCA finding that country club had standing to seek redress in the action where its interest in the property could be affected). Nonparties have standing if their rights are adversely affected. *See In re Piper Funds, Inc.*, 71 F.3d 298, 301 (8th Cir.1995). *See also Stoppa v. Bal Harbour Vill.*, 385 F. App'x 932, 934 (11th Cir. 2010) ("A non-party has standing to challenge a judgment on certain grounds if his "rights [are] directly compromised by the final judgment."); *Kem Mfg. Corp. v. Wilder*, 817 F.2d 1517, 1521 (11th Cir.1987) ("A non-party has standing to challenge a judgment on certain grounds if his "rights [are] directly compromised by the final

<sup>2</sup> With respect to Defendant's request for a continuance, Ms. [REDACTED] does not agree to a continuance for the reasons outlined in this brief in that Ms. [REDACTED] only believes it is simply a delay tactic being employed intentionally by Dershowitz. However, the undersigned counsel conferred with the Judge's JA, and through an administrative error, the Special Set Hearing was cancelled by Defendant's notice and was not re-set in accordance with the Special Set Revised Notice that Ms. [REDACTED] filed with the Court (McCawley Affidavit at Exhibit 4, Re-Notice of Special Set Hearing) and the Court cannot hear the matter on Friday at 10:00 am. The undersigned counsel is seeking alternative dates of the earliest possible special set time and will circulate those dates to counsel as soon as they are provided.

judgment.”); *Dunlop v. Pan Am. World Airways, Inc.*, 672 F.2d 1044, 1052 (2d Cir.1982) (holding a non-party must be “sufficiently connected and identified with the ... suit to entitle [him] to standing to invoke Rule 60(b)(6)”).

The First Circuit has held that a non-party witness had standing to bring Rule 11 sanctions against a party. *Nyer v. Winterthur International*, 290 F.3d 456, 460 (1<sup>st</sup> Cir. 2002).

As in *Nyer*, there is no one situated in these proceedings to vindicate Ms. [REDACTED] rights except for herself, the person who was injured. Indeed, Mr. Dershowitz names no other person with standing who could seek redress for her injuries, and therefore, his standing argument is merely an attempt to violate her rights with impunity.

Ms. [REDACTED] has been injured in this action and she is entitled to seek sanctions against Dershowitz for his conduct. *C.f. Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599, 98 S. Ct. 1306, 1313, 55 L. Ed. 2d 570 (1978) (“allegations of further embarrassment . . . and additional exploitation of materials originally thought to be confidential establish injury in fact that would be redressed by a favorable decision of his claim.”). By extension, Ms. [REDACTED] has standing in seeking redress for publication of *her attorney’s statements* that were made during confidential settlement discussions. Ms. [REDACTED] suffered injury in fact when Mr. Dershowitz published and misrepresented her confidential settlement negotiations, and she, therefore, has standing to vindicate her rights.

b. As a Witnesses in This Case, Ms. [REDACTED] Has Standing to Seek Relief from the Court for Injuries She Has Suffered

Witnesses have standing to seek redress with the Court for injuries they suffer. *See Adamson-James v. Florida Dep’t of Corr.*, No. 6:11-CV-628-ORL-35TB, 2013 WL 1703541, at \*2 (M.D. Fla. Mar. 22, 2013) report and recommendation adopted, No. 6:11-CV-628-ORL-36, 2013 WL 1703520 (M.D. Fla. Apr. 19, 2013) (holding that “[i]f there was evidence that

Defendants were intimidating witnesses then those witnesses would have to seek the protection of the Court.”), citing *Refoule v. Ellis*, 74 F.Supp. 336, 343 (N.D.Ga.1947) (“If [the witnesses’] civil rights have been violated, they may institute proper proceedings to protect themselves, but such rights are not personal to plaintiff.”). See also *Foster v. Pall Aeropower Corp.*, 111 F. Supp. 2d 1320, 1322-23 (M.D. Fla. 2000) (“The Eleventh Circuit has permitted witnesses to pursue claims pursuant to the second clause of section 1985(2)”).

In *Westmoreland v. CBS, Inc.* 770 F.2d 1168 (D.C. Cir. 1985), a nonparty witness sought redress for defense counsel’s failed contempt proceedings against him. The D.C. Circuit Court of Appeals remanded the case to the district court for the imposition of Rule 11 sanctions against the party based upon the nonparty witness’s motion. Similarly, here, Mr. Dershowitz brought Ms. [REDACTED] into this action by issuance of his subpoena. Mr. Dershowitz violated her rights and injured her by revealing, and then mischaracterizing, confidential settlement discussions to the public, in contravention of this Court’s Order. Mr. Dershowitz has caused Ms. [REDACTED] to suffer an injury to her rights through these proceedings, and therefore may seek sanctions against Mr. Dershowitz. Both common sense and the law dictate that Ms. [REDACTED] can seek redress from this Court for her injuries.

c. As an Affected Nonparty under Rule 2.420, Florida Rules of Judicial Administration, Ms. [REDACTED] has Standing to Seek Redress for Her Injuries

Dershowitz lists a lot of things that Ms. [REDACTED] is not, but fails to light upon what she is. Under the Rule 2.420(b), Florida Rules of Judicial Administration, Ms. [REDACTED] is an “affected non-party,” as she is “a non-party identified by name in a Court record that contains confidential information pertaining to that non-party.” This Court established her identity as such when ruled on her motion to make her deposition testimony sealed and confidential pursuant to Rule 2.420, Florida Rules of Judicial Administration. “Affected non-parties” have rights in the

legal proceedings in which their information is involved” Rule 2.420(d)(2)(A).<sup>3</sup> Indeed, the Florida Rules of Judicial Administration endow “affected nonparties” with a number of rights, and nothing in these Rules at all indicates that an affected non-party would not have standing to seek sanctions when a party willfully violates the confidentiality and protections these Rules were designed to provide. Such an argument is contrary to public policy.

Comparably, under the Florida Rules of Criminal Procedure, a nonparty to a judicial proceeding has standing to challenge the release of discovery materials related to the proceeding. *Times Pub. Co. v. State*, 903 So. 2d 322, 326 (Fla. Dist. Ct. App. 2005), Fla. R. Crim. P. 3.220. Similarly, this Court should find that a nonparty in a civil case has standing to challenge the release of confidential settlement negotiations, particularly in this case, when those materials contain evidence of sexual crimes committed against her as a minor child. Allowing the release of this type of sensitive information related to an affected non-party victim of a crime to go unchallenged undermines the purpose of Fla. R. Crim. P. 3.220.

d. Mr. Dershowitz’s Arguments Fail

Unsurprisingly, Dershowitz has cited to no case in any jurisdiction where a court has found that an affected nonparty, or a nonparty witness, does not have standing to seek redress for injury they directly suffered by a party’s conduct. This Court has already adjudicated Ms. [REDACTED] privacy rights in this case when it ordered her testimony about the sexual abuse she suffered as a minor child to be sealed under Rule 2.420, Fla. R. Jud. Admin., and found Ms.

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<sup>3</sup> “For example, affected non-parties have standing to file a Notice of Confidential Information within Court Filing if the document was not initially filed in that manner.” Rule 2.420(d)(2)(A).

If a party moves to affect the confidentiality of an affected non-party, they must serve the affected non-party with notice of any such motions that would affect their confidential information. See 2.420 (d)(4), (e)(5).

Similarly, parties cannot make an oral motion to determine the confidentiality of trial court records unless “affected non-parties” are present or properly noticed. Rule 2.420 (h)(1)(B).

██████████ settlement negotiations to be confidential. See McCawley Affidavit at Exhibit 5, December 18, 2015, Emergency Motion to Seal Hr. Tr. at 23:11-25:8. It is this non-party, Ms.

██████████ who suffered injury in fact when Mr. Dershowitz intentionally, willfully and wrongfully disclosed confidential settlement discussions, and, therefore, she has standing to seek redress.

**CONCLUSION**

WHEREFORE, ██████████ respectfully requests that this Court deny Defendant's Motion to Continue Hearing and Deny His Motion to Strike Non-Party ██████████ Motion for Sanctions.

Dated: March 8, 2016

I

Respectfully submitted,

**BOIES, SCHILLER & FLEXNER LLP**  
401 East Las Olas Boulevard, Suite 1200  
Fort Lauderdale, Florida 33301

██████████

By: /s/Sigrid S. McCawley  
Sigrid S. McCawley, Esq.  
Florida Bar No. 129305

*Attorney for Non-Party Virginia Giuffre*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on March 8, 2016, a true and correct copy of the foregoing was served by Electronic Mail to the individuals identified below.

By: /s/Sigrid S. McCawley  
Sigrid S. McCawley

<p>Thomas E. Scott [REDACTED] Steven R. Safra [REDACTED], A. 9150 S. Dadeland Blvd., Suite 1400 Miami, Florida 33156 [REDACTED] <i>Counsel for Alan Dershowitz</i></p>	<p>Richard A. Simpson [REDACTED] [REDACTED] Ashley E. Eher [REDACTED] WILEY REIN, LLP 1776 K Street NW Washington, D.C. 20006 <i>Counsel for Alan Dershowitz</i></p>
<p>Charles H. Lichtman, Esq. BERGER SINGERMAN LLP 350 E. Las Olas Blvd. Suite 1000 Fort Lauderdale, FL 33301 [REDACTED] Email: [REDACTED] <i>Counsel for Alan Dershowitz</i></p>	<p>Bruce S. Rogow, Esq. BRUCE S. ROGOW, P.A. 100 NE 3<sup>rd</sup> Avenue, Suite 1000 Fort Lauderdale, FL 33301 [REDACTED]</p>
<p>Kenneth A. Sweder, Esq. SWEDER &amp; ROSS, LLP 131 Oliver Street Boston, MA 02110 [REDACTED] <i>Counsel for Alan Dershowitz</i></p>	<p>Jack Scarola SEARCY DENNEY SCAROLA BARNHART &amp; SHIPLEY, P.A. [REDACTED] 2139 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-6601 <i>Attorney for Plaintiffs</i></p>

IN THE CIRCUIT COURT OF THE 17th  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE 15-000072

BRADLEY J. EDWARDS, and  
PAUL G. CASSELL,

Plaintiffs,

v.

ALAN DERSHOWITZ,

Defendant.

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**AFFIDAVIT OF SIGRID S. McCAWLEY IN SUPPORT OF**  
**[REDACTED] S OPPOSITION TO DEFENDANT'S MOTION**  
**TO CONTINUE AND MOTION TO**

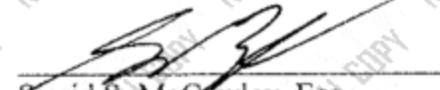
I, Sigrid S. McCawley, declare that the below is true and correct to the best of my knowledge, as follows:

1. I am a partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida.
2. I respectfully submit this Affidavit in support of [REDACTED] Opposition to Defendant Alan Dershowitz's Motion to Continue and Motion to Strike.
3. Attached hereto as Exhibit 1, is a true and correct copy of the January 22, 2015 Local 10 News Article.
4. Attached hereto as Exhibit 2, is a true and correct copy of Excerpts from the October 15, 2015 Deposition of Alan Dershowitz.
5. Attached hereto as Exhibit 3, is a true and correct copy of the February 16, 2016 Email Correspondence from to/from Sigrid McCawley.

6. Attached hereto as Exhibit 4, is a true and correct copy of the Re-Notice of Special Set Hearing for March 11, 2016.

7. Attached hereto as Exhibit 5, is a true and correct copy of Excerpts from the December 18, 2015 Hearing Transcript.

I declare under penalty of perjury that the foregoing is true and correct.

  
Sigrid S. McCawley, Esq.

STATE OF FLORIDA )  
 ) SS  
COUNTY OF BROWARD )

SWORN TO and subscribed before me this 8th day of March, 2016, by SIGRID S.  
McCAWLEY who  is personally known to me or who \_\_\_\_\_ produced  
\_\_\_\_\_ as identification.

Martha Robinson  
Notary Public, State of Florida  
Martha Robinson  
Printed Name



# EXHIBIT 1

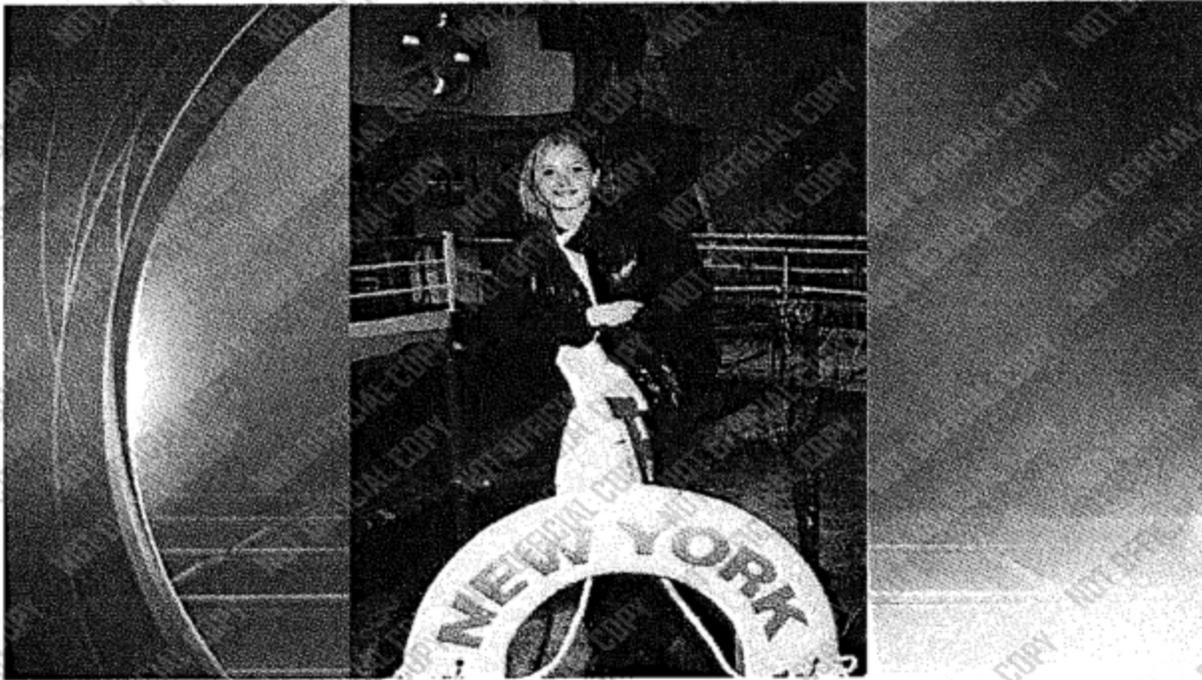


## Alan Dershowitz: 'Sex slave' accuser is serial liar, prostitute

Famed attorney slams woman who claims he had underage sex with her

Author: Bob Norman, Reporter, [bnorman@Local10.com](mailto:bnorman@Local10.com)

Published On: Jan 22 2015 06:03:14 PM EST Updated On: Jan 22 2015 06:20:00 PM EST



**PEMBROKE PARK, Fla.** -

Well-known attorney and Miami Beach resident Alan Dershowitz emphatically denied allegations made in newly-filed court papers that he had sex six times with an underage girl who at the time was serving as a "sex slave" for wealthy financier -- and convicted sex offender -- Jeffrey Epstein.

**Related:** Billionaire's 'sex slave' details allegations against Prince Andrew, Dershowitz

"This is a woman who is a serial liar," Dershowitz told Local 10 News reporter Bob Norman. "She's lied, lied, lied, lied."

"But she wasn't lying about being sexually abused by Jeffrey Epstein," said Norman.

"That is a different issue," said Dershowitz. "That is between her and Jeffrey Epstein."

The woman is [REDACTED] one of as many as 40 women who allege that Epstein recruited them while they were minors into a sex ring based at Epstein's Palm Beach mansion.

[REDACTED] alleges in a 14-page affidavit -- which included newly-released photos she said were taken by Epstein when she was 15 -- that Epstein groomed her as "sex slave" to gratify not only him but his powerful friends.

She wrote that she was introduced to Epstein at the mansion by heiress Ghislaine Maxwell, the daughter of the late British publisher Robert Maxwell, on the pretext that she would be paid to give him a "massage," which she wrote was Epstein's "code word for sexual encounters."

"From the first time I was taken to Epstein's mansion that day, his motivations and actions were sexual, as were Maxwell's," [REDACTED] writes in the affidavit. "My father was not allowed inside. I was brought up some stairs. There was a naked guy, Epstein, on the table in the room. Epstein and Maxwell forced me into sexual activity with Epstein ... I was paid \$200."

She wrote that she then began working for Epstein, and traveling around the country and world with him.

"Jeffrey Epstein and Ghislaine Maxwell trained me to do what they wanted, including sexual activities and the use of sexual toys," she wrote. "The training was in New York and Florida at Epstein's mansions. It was basically every day and was like going to school ... I was trained to be 'Everything a man wanted me to be.' It wasn't just sexual training -- they wanted me to be able to cater to all the needs of the men they were going to send to me."

In the affidavit, she alleges that Dershowitz was one of those men and that she had sex with him six times beginning when she was 16 at Epstein's residences, as well as on his jet and private island. She also added details about her allegations that Epstein -- who served 13 months in jail after being convicted of soliciting a minor for sex in 2008 -- ordered her to have sex on three occasions with Prince Andrew in London at the age of 17, paying her \$15,000 after the first instance.

**Read the entire 14-page affidavit here.**

Dershowitz said [REDACTED] was a prostitute and questioned whether she is now, at the age of 31, a fit mother for her three children.

"She's now an admitted prostitute," said Dershowitz. "I can tell you she is still a prostitute: she is selling these false stories now for money about me. That is a form of prostitution."

"Do you have any concern calling her a prostitute when she was victimized at such an early age by a wealthy man?" Norman asked.

"She was not victimized ... she made her own decisions in life," said Dershowitz.

"But at the age of 15 some would say ... she was taken advantage of," said Norman.

"I'm talking about the age of 19," said Dershowitz.

"But it started when she was 15," said Norman.

"I am not involved in that," he said. "I have no knowledge of that. That's between her, and the federal government and the people who victimized her. All I know is she has victimized me. At the age of 31 she has made up false allegations against me. She is a mother of three children, and she is now living a lie to her three children and the question is whether she is an adequate mother of her three children going around selling her false stories of prostitution."

Dershowitz is an admitted long-time friend of Epstein's who frequented his homes at the time [REDACTED] and other young girls were in Epstein's employ. But he insisted he never saw an underage girl in Epstein's company. A former Epstein employee, the late Alfredo Rodriguez, testified under oath that Dershowitz was at the Palm Beach mansion at the same time underage girls were at the home.

"That's not true," said Dershowitz. "I was never in Jeffrey Epstein's house or any of the houses in the presence of any young woman. Now were there other young women in other parts of the house giving massages when I wasn't around? I have no idea of that. I can only say I never saw a young underage woman. If I had I would have left the house and never come back, period."

He told Norman that he had one massage at Epstein's home and it was with an adult woman.

"I kept my underwear on during the massage," he said. "I don't like massages particularly."

One of the more salacious allegations made by [REDACTED] is that Dershowitz "was so comfortable with the sex that was going on that he would even come and chat with Epstein while I was giving oral sex to Epstein." Dershowitz called that allegation absurd.

"Alan Dershowitz was standing there and talking about what? The weather, the stock market? It's the most preposterous thing imaginable," said Dershowitz.

Dershowitz, who has issued a denial to [REDACTED] basic claims in a sworn affidavit of his own, said he would willingly be deposed on the matter. [REDACTED] attorneys have claimed that Dershowitz has refused to submit to deposition.

When questioned about it, Dershowitz said he would be deposed in the case, but only after [REDACTED] and her two lawyers are deposed. The lawyers have sued Dershowitz for defamation after he alleged they should be disbarred for initially putting [REDACTED] allegations in court papers.

"I am happy today to express my willingness to be deposed after the three of them are deposed," he said. "That's the order it should occur because they are the accusers. I am the one who is defending myself against their accusations."

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# EXHIBIT 2

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 DEPOSITION OF  
ALAN M. DERSHOWITZ

VOLUME 1  
Pages 1 through 179

Thursday, October 15, 2015  
9:31 a.m. - 4:13 p.m.

Cole Scott & Kissane  
110 Southeast 6th Street  
Fort Lauderdale, Florida

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

1 APPEARANCES:

2 On behalf of Plaintiffs:

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7 BY: JACK SCAROLA, ESQ.

8 [REDACTED]

9 On behalf of Defendant:

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15 [REDACTED]

16 BY: STEVEN SAFRA, ESQ. (Via phone)

17 [REDACTED]

18 --and

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23 [REDACTED]

24 --and

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[REDACTED]

1 APPEARANCES (Continued):

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On behalf of Jeffrey Epstein:

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--and

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On behalf of Virginia Roberts:

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Fort Lauderdale, Florida 33301  
BY: SIGRID STONE MCCAWLEY, ESQ.



ALSO PRESENT:

- Joni Jones, Utah Attorney General Office
- Travis Gallagher, Videographer

1 relieved any symptoms of atrial fibrillation or  
2 atrial flutter, until they recurred -- until it  
3 recurred about a month or maybe it's a month and a  
4 half now. I can give you the exact dates. Because,  
5 as I say, I have it on my -- on my machine.

6 Q. When did the atrial flutter occur? 09:54:16

7 A. I told you that I don't have the exact 09:54:20  
8 date, but it occurred about a month, month and a  
9 half ago, I think sometime in August of this year.  
10 But I can give you the exact date. As I said, I  
11 have it on my machine.

12 Q. So, what you have described as a 09:54:33  
13 recurrence of atrial fibrillation you are now  
14 describing as an atrial flutter?

15 A. You're confused, sir. Please listen to my 09:54:42  
16 answers. What I've said was that I had atrial  
17 flutter. Atrial flutter occurred after my initial  
18 atrial fib. I then had an ablation. The flutter  
19 and the fib both disappeared after the ablation.  
20 And my atrial fib has returned.

21 Q. Given your superb memory, would you please 09:55:13  
22 name for us each of the lawyers who has represented  
23 you in this case?

24 MR. SCOTT: Objection, form. 09:55:22  
25 Argumentative.

1 If you need a document or anything to 09:55:29  
2 refresh your memory, please let us know.

3 A. Well, I'll start with the names of my 09:55:34  
4 lawyers. I've been represented by Judge Scott and  
5 his law firm, including several associates and  
6 paralegals. I don't know their status, whether  
7 they're partners, associates or paralegals, but I've  
8 had contact with them.

9 I have been represented by Mr. Simpson's 09:55:54  
10 law firm, including several partners, associates,  
11 and paralegals. I've been represented by Kenneth  
12 Sweder and presumably some of his partners and  
13 associates.

14 I've been represented by Kendall Coffey 09:56:15  
15 and several of his associates and partners. I would  
16 say those are my main lawyers. But I've also had  
17 others.

18 I have sought the legal advice of Mark 09:56:34  
19 Fabiani, who was my former research assistant at  
20 Harvard. I've sought the advice of Mitchell Webber,  
21 who was my former research assistant at Harvard.

22 I was offered legal advice by Carlos 09:56:52  
23 Sires, who was -- who is a partner in the Boise firm  
24 who -- who volunteered to represent me along with  
25 one of his partners, but then withdraw from the

1 representation when he discovered that I had a  
2 conflict of interest.

3 I've had consultations with a variety of 09:57:18  
4 other lawyers over particular issues in the case,  
5 Floyd Abrams, who is probably the leading lawyer in  
6 the world on First Amendment, has advised me on my  
7 First Amendment rights to have said what I said  
8 truthfully and expressed my opinion about your  
9 clients.

10 I mean, that's the very beginning. But 09:57:51  
11 when the events first occurred, I got calls from  
12 dozens of lawyers outraged by the unethical conduct  
13 of your clients and offering to represent me  
14 pro bono, offering to do anything they could to see  
15 that these lawyers were appropriately punished and  
16 disciplined.

17 David Markus, for example, of the Miami 09:58:17  
18 Bar called and keeps calling asking if there's  
19 anything he can do to help me.

20 There's a lawyer in Broward named Diner, 09:58:28  
21 who has offered to represent me. It goes on and on  
22 and on. The offers are still coming in. People are  
23 just absolutely outraged by the unprofessional and  
24 unethical conduct of your clients and are offering  
25 to help me right a wrong and undo an injustice.

1 MR. SCOTT: Just hold it. Somebody's 09:59:00  
2 making noise on the phone and it's causing a  
3 little disruption here. So, you know, I'm not  
4 sure who it is, one of you-all on the phone.  
5 Thanks.

6 BY MR. SCAROLA: 09:59:16

7 Q. Mr. Scott is obviously still representing 09:59:21  
8 you now; is that correct?

9 A. That's correct. 09:59:24

10 Q. Richard Simpson is still representing you 09:59:25  
11 now; is that correct?

12 A. That's correct. 09:59:27

13 Q. Ken Sweder is representing you now; is 09:59:28  
14 that correct?

15 A. That's correct, yes. 09:59:30

16 Q. Is Kendall Coffey representing you now? 09:59:30

17 A. Yes. 09:59:33

18 Q. Is Mark Fabiani representing you now? 09:59:35

19 A. Yes. 09:59:37

20 Q. And when I ask "are they representing you 09:59:38  
21 now," they're representing you now in this  
22 litigation; is that correct?

23 MR. SCOTT: I don't think that -- 09:59:45  
24 objection, form. I don't think that was  
25 specified.

1 MR. SCAROLA: Well, that's why I'm asking. 09:59:48

2 MR. SCOTT: As opposed to general advice. 09:59:50

3 A. Yes. Yes. 09:59:52

4 BY MR. SCAROLA: 09:59:53

5 Q. And Mark Fabiani is representing you with 09:59:53  
6 regard to this litigation; is that correct?

7 A. Yes, yes. 09:59:57

8 Q. Floyd Abrams is representing you now with 09:59:58  
9 regard to this litigation; is that correct?

10 A. Yes. 10:00:01

11 Q. Mitch Webber is representing you now with 10:00:02  
12 regard to this litigation; is that correct?

13 A. That's correct, yes. 10:00:06

14 Q. Is Steven Safra representing you with 10:00:11  
15 regard to this litigation?

16 A. Yes. 10:00:15

17 Q. Is Mary Borja representing you now with 10:00:15  
18 regard to this litigation?

19 A. Yes. 10:00:19

20 Q. Is Ashley Eiler representing you now with 10:00:20  
21 regard to this litigation?

22 A. That's not a name that immediately comes 10:00:24

23 to my head, but I believe it's an associate in one  
24 of the law firms. I don't know the names of all the

25 lawyers who are doing the background work on the

1 case for the law firms.

2 Q. Is Nicole Richardson representing you now 10:00:37  
3 with regard to this litigation?

4 A. Again, yes, yes. 10:00:41

5 Q. Is Gabe Groisman representing you now with 10:00:46  
6 regard to this litigation?

7 A. Yes. 10:00:49

8 Q. Is Ben Brodsky representing you now with 10:00:51  
9 regard to this litigation?

10 A. Ben Brodsky? I would have to check on 10:00:59  
11 that.

12 Q. Is Sarah Neely representing you now with 10:01:06  
13 regard to this litigation?

14 A. Sarah Neely has been my assistant and 10:01:09  
15 paralegal for the last some years and I have used  
16 her to perform paralegal work for me in this  
17 litigation.

18 Q. Is Nicholas Maisel representing you now 10:01:27  
19 with regard to this litigation?

20 A. Nicholas Maisel is my research assistant 10:01:31  
21 and paralegal on this litigation, yes.

22 Q. Is your wife representing you with regard 10:01:39  
23 to this litigation?

24 A. My wife has been instrumental in helping 10:01:42  
25 me gather all the records and information. She

1 knows more about records and where my records are  
2 kept and I've asked her to perform paralegal service  
3 in addition to her loving service as my wife.

4 Q. Is Harvey Silverglate representing you now 10:02:04  
5 with regard to this litigation?

6 A. Yes. 10:02:08

7 Q. Is Mark Fabiani representing you now with 10:02:09  
8 regard to this litigation?

9 A. You've asked me that question and the 10:02:12  
10 answer is --

11 Q. No, I asked you, sir, if he was your 10:02:14  
12 lawyer; but I haven't asked you whether he's  
13 representing you now with regard to this litigation.

14 A. The answer is yes. 10:02:20

15 Q. Is Floyd Abrams representing you now with 10:02:22  
16 regard to this litigation?

17 A. Yes. 10:02:25

18 Q. Is Jamin Dershowitz representing you now 10:02:26  
19 with regard to this litigation?

20 A. Yes. 10:02:30

21 Q. Is Nancy Gertner representing you now with 10:02:32  
22 regard to this litigation?

23 A. That requires a lengthier answer, if you 10:02:36  
24 will permit me.

25 Q. I haven't stopped you yet. 10:02:41

1 A. You've tried. 10:02:43

2 Q. Much as I may have liked to. 10:02:44

3 A. You've tried. 10:02:45

4 MR. SCOTT: Mr. Scarola, that's probably 10:02:47

5 one of the few times you and I agree on

6 something.

7 MR. SCAROLA: No, we've agreed on a lot, 10:02:52

8 Tom.

9 MR. SCOTT: Yeah, we -- I'm kidding you. 10:02:55

10 I'm kidding you.

11 MR. SCAROLA: I know you are. 10:02:57

12 A. Nancy Gertner is one of the attorneys who 10:02:58

13 called me immediately and expressed outrage at what

14 was happening to me and offered to help me.

15 Initially she wanted to help me by calling your

16 client, Professor Cassell, and explaining to him

17 that what I've been accused of could not possibly

18 have happened and there must have been a mistake or

19 something. And clearly she had confused me with

20 someone else.

21 And as I understand it, Nancy Gertner made 10:03:29

22 that phone call to your client, Professor Cassell,

23 and Professor Cassell reiterated his false

24 accusation against me.

25 Thereafter, Nancy Gertner volunteered to 10:03:42

1 become part of my legal team and to examine some of  
2 the witnesses in this case.

3 BY MR. SCAROLA:

10:03:55

4 Q. Did you ever accept that offer from Nancy  
5 Gertner --

10:03:56

6 A. Yes.

10:03:59

7 Q. -- so as to establish an attorney-client  
8 relationship with --

10:03:59

9 A. Yes.

10:04:04

10 Q. So she is one of your lawyers --

10:04:04

11 A. She is currently -- I regard her currently  
12 as one of my lawyers, yes.

10:04:05

13 Q. And is Mitch Webber one of your lawyers in  
14 this case?

10:04:08

15 A. Yes.

10:04:11

16 Q. But if I just give you a name without  
17 repeating the second part, "is that one of the  
18 lawyers in your case," will you understand --

10:04:12

19 A. I understand.

10:04:21

20 Q. -- that I'm asking you with regard to  
21 these -- each of these individuals whether they are  
22 a lawyer representing you in this case?

10:04:22

23 A. Yes.

10:04:30

24 Q. Okay. Anthony Julius?

10:04:30

25 A. Anthony Julius is a British barrister and

10:04:35

1 solicitor who I conferred with regarding the  
2 possibility of filing lawsuits against your clients  
3 in Great Britain. I continue to confer with him on  
4 matters relating to defamation.

5 Q. So you consider him to be one of your 10:04:54  
6 lawyers representing you with regard to matters  
7 relating to this lawsuit?

8 A. I'll stand by -- 10:05:00

9 MR. SCOTT: Objection, form. 10:05:01

10 A. -- my answer. I'll stand by my answer. 10:05:02

11 BY MR. SCAROLA: 10:05:04

12 Q. Charles Ogletree? 10:05:05

13 A. Charles Ogletree is a close personal 10:05:06

14 friend and colleague at the Harvard Law School with  
15 whom I have conferred about this case. I always  
16 have regarded him as a personal attorney and  
17 continue to confer with him about this case and the  
18 general picture. So, I do regard him as one of my  
19 lawyers in this litigation, yes. I certainly regard  
20 him as having been given privileged information as  
21 part of a lawyer-client privilege, yes.

22 Q. There -- there may be a time when I need 10:05:47  
23 more than just an answer to the question that I'm  
24 asking as to whether these individuals are or are  
25 not your lawyers in this case. That's not now.

1 So if you would, please, I would 10:06:01  
2 appreciate it if you would tell me only whether  
3 these individuals are or are not your lawyers in  
4 this case.

5 A. I'm sorry, but I cannot comply with that. 10:06:09  
6 I'm --

7 Q. Well, you can but you refuse to. 10:06:12

8 MR. SCOTT: Let's not interrupt him. 10:06:14

9 A. Let me complete my answer, please. 10:06:16

10 MR. SCOTT: It doesn't help the court 10:06:17  
11 reporter or the record.

12 A. I've been teaching legal ethics for close 10:06:19  
13 to 40 years. I understand the complexity of the  
14 lawyer-client relationship. And it's impossible as  
15 to some of the names you've mentioned to simply give  
16 a yes or no answer to whether they are representing  
17 me in this case.

18 What I can do is give you the facts and 10:06:39  
19 then you and others can draw legal conclusions from  
20 those facts. But I -- I cannot, under my oath to  
21 tell the truth, the whole truth and nothing but the  
22 truth, respond to questions with yes or no answers  
23 when those questions do not call for simplistic yes  
24 or no answers.

25

1 BY MR. SCAROLA: 10:07:01

2 Q. Is Philip Heymann a lawyer representing 10:07:01  
3 you in this case?

4 A. I have conferred with Philip Heymann on 10:07:04  
5 several occasions about several aspects of this case  
6 and I regard him, for purposes of lawyer-client  
7 privilege, as one of my lawyers on this case.

8 Q. David Oscar Markus, same question? 10:07:18

9 MR. SCOTT: We covered him, didn't we? 10:07:22

10 A. David Oscar Markus is a former student and 10:07:23  
11 research assistant of mine. Lives in Miami and  
12 practices law. And he has repeatedly called and  
13 offered me legal representation. Has offered to  
14 help me in the legal context of this case. And I've  
15 conferred with him on lawyer-client confidential  
16 basis about this case on several occasion.

17 BY MR. SCAROLA: 10:07:49

18 Q. Thomas Wiegand? 10:07:49

19 A. Thomas Wiegand is a litigator in Chicago 10:07:51  
20 with whom I worked along with Carlos Sires and  
21 Sigrid McCawley on the Guma Aguiar case in Florida.  
22 And as soon as this case occurred, Thomas Wiegand  
23 was one of those lawyers who called and offered to  
24 represent me and do whatever he could to help undo  
25 the injustice that had been perpetrated on me by

1 your clients' false and mendacious allegations  
2 regarding me and Virginia Roberts.

3 Q. Jeanne Baker? 10:08:30

4 A. Jeanne Baker is a long-term associate, 10:08:32  
5 legal associate and friend who also called and  
6 offered me legal help, legal representation, and I  
7 continue to confer with her on a privileged basis.

8 Q. Rick Pildes? 10:08:51

9 A. Rick Pildes is a professor at New York 10:08:53  
10 University law school and I sought his legal advice  
11 on a particular issue in this case. And continue to  
12 seek his legal advice.

13 Q. Susan Rosen? 10:09:03

14 A. Susan Rosen is a prominent lawyer in 10:09:04  
15 Charleston, South Carolina and a cousin of my  
16 wife's. And she has offered me legal advice about  
17 this case as recently as two days ago.

18 Q. Alex MacDonald? 10:09:24

19 A. Alex MacDonald is my personal lawyer in 10:09:25  
20 several instances in Massachusetts and he has  
21 offered me advice and consultation on this case,  
22 again volunteering in an effort to undo the horrible  
23 injustice that was done to me by your clients'  
24 mendacious willful and unprofessional conduct and  
25 leveling of false charges, sexual misconduct against

1 me at a time when they knew it wasn't true and  
2 seeking to repeat that charge after they knew that  
3 it was impossible that I could have engaged in any  
4 of the conduct that they have accused me of.

5 Q. Barbara Gillers? 10:10:05

6 A. Barbara Gillers is at professor at NYU law 10:10:06  
7 school and also the wife of Steven Gillers and she,  
8 along with Steven Gillers, have advised me and  
9 conferred with me about the legal ethics aspects of  
10 this case.

11 Q. So you consider her to be one of your 10:10:19  
12 lawyers in this case, is that --

13 A. I can -- 10:10:22

14 MR. SCOTT: Object to the form. Go ahead. 10:10:23  
15 Let me make an objection. I know you're just  
16 trying to answer, but go ahead, you can answer,  
17 sir.

18 A. Sorry. I regard my conversations with her 10:10:29  
19 as having come within the lawyer-client privilege.  
20 We've conferred on a number of occasions about the  
21 ethical misconduct of your clients.

22 BY MR. SCAROLA: 10:10:43

23 Q. Rana Dershowitz? 10:10:43

24 A. Rana Dershowitz is my niece and Harvard 10:10:45  
25 law school graduate, former chief counsel for the

1 U.S. Olympic Committee and a prominent lawyer in  
2 Colorado. And I've conferred with her on numerous  
3 occasions about litigation and strategy and aspects  
4 of this case.

5 Q. Ella Dershowitz? 10:11:05

6 A. Ella Dershowitz is my daughter and she has 10:11:06  
7 served as a paralegal helping me gather material. I  
8 don't think I regard her -- I certainly don't regard  
9 her as a lawyer in the case. But I regard her as  
10 somebody who has been a part of our kind of legal  
11 team.

12 Q. Ellen Dershowitz? 10:11:29

13 A. Ellen -- 10:11:32

14 Q. Elon? 10:11:33

15 A. Elon Dershowitz is my oldest son, child, 10:11:34  
16 and he has served repeatedly in a paralegal capacity  
17 in this case helping me to gather information and  
18 evidence and doing some investigative work for me.

19 Q. Nathan Dershowitz? 10:11:52

20 A. Nathan Dershowitz is my brother. He's a 10:11:52  
21 distinguished attorney in New York, had his own law  
22 firm. And he and I did a lot of our legal cases  
23 together and as soon as this case emerged, I  
24 conferred with him and have conferred with him on  
25 numerous occasions about this case.

1 Q. You consider him to be one of your lawyers 10:12:14  
2 in this case?

3 A. Yes. 10:12:16

4 Q. Ben Brafman? 10:12:17

5 A. Ben Brafman is one of the leading criminal 10:12:19  
6 lawyers and general lawyers in the City of New York?

7 He has volunteered to help me in any way he could in  
8 this case and we have conferred and I have sought  
9 legal advice from him in this -- in this matter.

10 Q. Arthur Aidala? 10:12:36

11 A. Arthur Aidala is a distinguished member of 10:12:38

12 the who's president of the Brooklyn Bar Association  
13 and a former district attorney in Brooklyn. He has  
14 volunteered to help me. He was outraged at the  
15 unethical behavior of your clients and has sought  
16 the opportunity to do everything in his power to try  
17 to undo the injustice perpetrated on me by your  
18 clients' mendacious and false and unethical  
19 allegations against me, and I continue to confer  
20 with him.

21 Q. David Zornow? 10:13:15

22 A. David Zornow is the senior litigating 10:13:17

23 partner at Skadden Arps in New York. He has offered  
24 to assist me in this matter and I've conferred with  
25 him and sought his legal advice.

1 Q. Charles Johnson? 10:13:31

2 A. Charles Johnson is my former research 10:13:32

3 assistant and paralegal. I think we've taken his  
4 name off the list of lawyers because he now, I  
5 think, performs more of a journalistic job than a  
6 legal one, though he has offered to help me gather  
7 information on your clients.

8 Q. When did you cease considering Charles 10:14:02  
9 Johnson to be your lawyer with regard to matters  
10 relating to this case?

11 A. After a conference with my attorneys in 10:14:10  
12 Washington, D.C. about ten days ago or so. We went  
13 through the list and that was one that I said was  
14 too close a question and I would regard him more as  
15 a blogger and a journalist than as a lawyer. But  
16 it's a close question.

17 Q. David Efron? 10:14:32

18 A. David Efron is a prominent lawyer in 10:14:33  
19 Miami, Florida and Puerto Rico. He was one who  
20 called me immediately and offered his assistance,  
21 the assistance of his law firm. I've conferred with  
22 him repeatedly about this case.

23 Q. In an attorney-client capacity; is that 10:14:54  
24 correct?

25 A. Yes. 10:14:57

1 Q. Ashe? 10:14:57

2 A. Thomas Ashe is not a lawyer. He was one 10:14:58  
3 of the first people I called on the day I was  
4 informed of the lies being spread by your clients.  
5 Because he could help me gather all the information  
6 necessary to prove that the only time I was ever in  
7 New Mexico was visiting him and his wife, who is a  
8 prominent film person, and his daughter, who is a  
9 sex offender prosecutor in the Brooklyn District  
10 Attorney's Office who specializes in sex  
11 trafficking.

12 I needed to call them to prove what I knew 10:15:49  
13 immediately, that the only time I was ever at  
14 Jeffrey Epstein's ranch was when I went to visit the  
15 Ashes in New Mexico. I spoke to their daughter, the  
16 prosecutor's, class. She was then in high school,  
17 and took a day trip to Santa Fe.

18 Ashe had known -- had heard that Jeffrey 10:16:15  
19 Epstein had bought a ranch, a very large ranch in  
20 New Mexico and Ashe was very interested in the  
21 outdoors and asked me if I would do him a favor and  
22 call to see if we could just take a look at what the  
23 ranch looked like. And I did that.

24 And we spent about an hour looking around 10:16:35  
25 the house that was under construction. And I needed

1 Ashe to gather all the evidence for me, including  
2 journal entries in his daughter's journal,  
3 photographs, other evidence and proof of our visit  
4 to the ranch, which your client encouraged Virginia  
5 Roberts to include in an affidavit -- perjurious  
6 affidavit, that she submitted with details, false  
7 and mendacious details that could not have occurred  
8 about an alleged sexual encounter between her and me  
9 at the ranch in New Mexico.

10 Q. Which of my clients are you swearing under 10:17:30  
11 oath encouraged Virginia Roberts to include  
12 allegations of an encounter with you at the  
13 New Mexico ranch?

14 A. Both of them, both of your clients, both 10:17:49  
15 Judge Cassell and Mr. Edwards were both involved in  
16 encouraging your client to file a perjurious  
17 affidavit that they knew or should have known was  
18 perjurious and did know was perjurious recently when  
19 they sought to file another defamatory allegation in  
20 the federal proceeding.

21 Q. Was the encouragement such that what you 10:18:21  
22 are charging Bradley Edwards and Professor Paul  
23 Cassell with doing was suborning perjury?

24 A. Absolutely. 10:18:34

25 MR. SCOTT: Objection, form. 10:18:35

1 absolutely, categorically lying. So I am completely  
2 aware that never, until the lies were put in a legal  
3 pleading at the end of December 2014, it was never  
4 alleged that I had any sexual contact with Virginia  
5 Roberts.

6 I know that it was alleged that I was a 11:38:46  
7 witness to Jeffrey Epstein's alleged abuse and that  
8 was false. I was never a witness to any of Jeffrey  
9 Epstein's sexual abuse. And I wrote that to you,  
10 something that you have falsely denied. And I stand  
11 on the record. The record is clear that I have  
12 categorically denied I was ever a witness to any  
13 abuse, that I ever saw Jeffrey Epstein abusing  
14 anybody.

15 And -- and the very idea that I would 11:39:18  
16 stand and talk to Jeffrey Epstein while he was  
17 receiving oral sex from [REDACTED], which she  
18 swore to under oath, is so outrageous, so  
19 preposterous, that even David Boies said he couldn't  
20 believe it was true.

21 MS. McCAWLEY: I object. I object. I'm 11:39:40  
22 not going to allow you to reveal any  
23 conversations that happened in the context of a  
24 settlement discussion.

25 THE WITNESS: Does she have standing? 11:39:46

1 MS. McCAWLEY: I have a standing objection 11:39:47

2 and, I'm objecting again. I'm not going to --

3 THE WITNESS: No, no, no. Does she have 11:39:49  
4 standing in this deposition?

5 MR. SCOTT: Let's take a break for a 11:39:51  
6 minute, okay?

7 THE WITNESS: I'm not sure she has 11:39:54  
8 standing.

9 MR. SCAROLA: Are we finished with the 11:39:57  
10 speech?

11 MR. SCOTT: No. If he -- 11:39:58

12 MR. SCAROLA: I'd like him to finish the 11:39:59  
13 speech so that we can get to my question and  
14 then we can take a break.

15 A. So the question -- the answer to your 11:40:02  
16 question is --

17 MR. SIMPSON: Wait a minute. Wait a 11:40:04  
18 minute. Wait a minute. Please don't disclose  
19 something that she has a right to raise that  
20 objection if she wants to.

21 MR. SCOTT: Exactly. 11:40:13

22 THE WITNESS: Okay. 11:40:14

23 MR. SCOTT: Ask your question. 11:40:17

24 MR. SWEDER: Maybe you want to read back 11:40:20  
25 the last couple of sentences.

# EXHIBIT 3

**Sigrid McCawley**

---

**From:** Sigrid McCawley  
**Sent:** Tuesday, February 16, 2016 11:10 AM  
**To:** 'Mary E. Pirrotta'; Simpson, Richard; Borja, Mary; Eiler, Ashley; thomas.scott@csklegal.com; [REDACTED]  
**Cc:** [REDACTED] Brad Edwards ([REDACTED]); Paul Cassell [REDACTED]  
**Subject:** RE: Regarding: Edwards, Bradley vs. Dershowitz (File #: 20150013)

Hello Mary – the parties have agreed to move my motions set for tomorrows hearing to the special set that is already on the calendar for March 11<sup>th</sup> and bump the March 11<sup>th</sup> motions to a later date special set. My understanding is that Jack is in agreement with that plan. I am preparing now a Notice of Cancellation for tomorrow's hearing and rescheduling my motions for the March 11<sup>th</sup> date. I don't believe Jack's presence is required for the re-scheduled March 11<sup>th</sup> motions as they are motions that relate to non-party [REDACTED]. Dershowitz's lawyers will then file a Notice of Cancellation for their Motions pending on March 11<sup>th</sup> and move them to a later special set hearing time.

Thank you,  
Sigrid

Sigrid S. McCawley  
Partner  
**BOIES, SCHILLER & FLEXNER LLP**  
401 East Las Olas Blvd., Suite 1200  
Fort Lauderdale, FL 33301

[REDACTED]

**From:** Mary E. Pirrotta [mailto:[REDACTED]]  
**Sent:** Tuesday, February 16, 2016 10:59 AM  
**To:** Simpson, Richard; Borja, Mary; Eiler, Ashley; Sigrid McCawley; [REDACTED]  
**Cc:** [REDACTED] Brad Edwards [REDACTED] Paul Cassell [REDACTED]  
**Subject:** RE: Regarding: Edwards, Bradley vs. Dershowitz (File #: 20150013)

I received a Notice of Hearing for March 11 (a date that was not coordinated with us) for some of the matters that were scheduled for tomorrow but not all. Is that correct?

**From:** Simpson, Richard [mailto:rsimpson@wheylein.com]  
**Sent:** February 16, 2016 10:54 AM  
**To:** Mary E. Pirrotta <[REDACTED]>; Borja, Mary <[REDACTED]>; Eiler, Ashley [REDACTED]  
**Cc:** [REDACTED]; Paul Cassell [REDACTED]  
**Subject:** RE: Regarding: Edwards, Bradley vs. Dershowitz (File #: 20150013)

Those hearings are being taken off calendar and rescheduled

**From:** Mary E. Pirrotta [REDACTED]

**Sent:** Tuesday, February 16, 2016 10:47 AM

**To:** Borja, Mary; Eiler, Ashley; [REDACTED] Simpson, Richard; [REDACTED]

**Subject:** Regarding: Edwards, Bradley vs. Dershowitz (File #: 20150013)

Please confirm hearings scheduled for tomorrow 2/17 at UMC (8:45 a.m.) and Specially Set at 10:00 a.m.

Thank you.

\*\*\*\*\*  
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EXHIBIT 4

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE 15-000072

BRADLEY J. EDWARDS, and  
PAUL G. CASSELL,

Plaintiffs,

v.

ALAN DERSHOWITZ,

Defendant.

**RE-NOTICE OF SPECIAL SET HEARING**

**(1 hour)**

YOU ARE HEREBY NOTIFIED that the February 17, 2016 hearing is being rescheduled before the **Honorable Thomas Lynch, IV**, Circuit Court Judge, Seventeenth Judicial Circuit Court, Broward County Courthouse, 201 S.E. 6<sup>th</sup> Street, Room 950, Fort Lauderdale, Florida 33301, to Friday, March 11, 2016 beginning at 10:00 a.m., and will address the following matters:

- 1) Non-Party  Motion to Strike And For Sanctions;
- 2) Non-Party  Supplemental Motion to Strike and For Sanctions
- 3) Defendant Alan Dershowitz's Motion in Limine to Overrule Objections

**NOTICE TO DISABLED PERSONS**

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Seventeenth Judicial Circuit's ADA Coordinator at 201 S.E. Sixth Street, Fort Lauderdale, FL 33301, telephone number (954) 831-7721, within two (2) working days of receipt of this document. TDD users may also call 1-800-955-8771 for the Florida Relay Service.

Dated: February 16, 2016

Respectfully submitted,

**BOIES, SCHILLER & FLEXNER LLP**

Sigrid S. McCawley, Esq.

[REDACTED]  
Florida Bar No. 129305

401 East Las Olas Boulevard, Suite 1200

Fort Lauderdale, Florida 33301  
[REDACTED]

By: /s/Sigrid S. McCawley

Sigrid S. McCawley, Esq.

*Attorney for Non-Party Virginia Giuffre*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Mail on February 16, 2016 to the individuals identified on the attached Service List.

By: /s/Sigrid S. McCawley

Sigrid S. McCawley

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2139 Palm Beach Lakes Blvd.  
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*Attorney for Plaintiffs*

EXHIBIT 5

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS, and  
PAUL G. CASSELL,

Plaintiffs,

vs.

ALAN DERSHOWITZ,  
Defendant.

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TRANSCRIPT OF NON-PARTY [REDACTED]  
EMERGENCY MOTION TO SEAL

DATE TAKEN: December 18, 2015  
TIME: 9:26 a.m. - 9:45 a.m.  
PLACE: Broward County Courthouse  
201 Southeast 6th Street  
Fort Lauderdale, Florida 33301  
BEFORE: Thomas M. Lynch, IV, Circuit Court Judge

This cause came on to be heard at the time and place  
aforesaid, when and where the following proceedings were  
reported by:

Michele Cameron  
Magna Legal Services  
[REDACTED]

1 APPEARANCES:

2 On behalf of Non-Party, [REDACTED]  
3 SIGRID MCCAWLEY, ESQUIRE  
4 BOIES, SCHILLER & FLEXNER, LLP  
401 East Las Olas Boulevard  
Suite 1200  
5 Fort Lauderdale, Florida 33301  
[REDACTED]

6  
7 On behalf of the Defendant:  
8 STEVEN R. SAFRA, ESQUIRE  
9 COLE, SCOTT, KISSANE, P.A.  
9150 South Dadeland Boulevard  
Suite 1400  
10 Miami, Florida 33156  
[REDACTED]

11  
12  
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NO EXHIBITS MARKED  
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1 negotiations between the parties. It is  
2 without question that these were settlement  
3 conversations.

4 I appreciate what he is trying to refer  
5 to, this later mediation with Judge  
6 Streitfeld. There is a mediation that has  
7 gone on in the last couple of weeks with  
8 Judge Streitfeld. These were confidential  
9 settlement negotiations that started in May  
10 and went up to the present; so to say that --

11 THE COURT: I agree with you. I think  
12 they're confidential settlement discussions.  
13 I'm going to grant the Motion to Seal.

14 MS. MCCAWLEY: Thank you, Your Honor.

15 MR. SAFRA: Well, Your Honor --

16 THE COURT: Over the strong objection of  
17 the Defendant.

18 MR. SAFRA: Can I, for the record --

19 MS. MCCAWLEY: Thank you.

20 MR. SAFRA: -- at least also reserve  
21 that for the relief that needs to be shown  
22 irreparable harm, death, or manifest injury,  
23 and it's our position that that hasn't been  
24 shown in the requested relief.

25 THE COURT: You don't think confidential

1 settlement agreements should be sealed? I  
2 know you don't think they are confidential  
3 settlement agreements --

4 MR. SAFRA: Well --

5 THE COURT: -- but if they are, which  
6 I've made that finding, you don't think they  
7 should be sealed?

8 MR. SAFRA: Well, you're making the  
9 finding that they were confidential  
10 settlement --

11 THE COURT: I am.

12 MR. SAFRA: -- but that wasn't at issue  
13 here, and they haven't even filed the  
14 opposition, and we have our Motion in Limine;  
15 so you're ruling upon that when --

16 THE COURT: No. I'm just sealing these  
17 because I think they should be sealed.

18 MR. SAFRA: Okay.

19 THE COURT: Although, you know --

20 MR. SAFRA: Take your words for the  
21 future.

22 THE COURT: -- everyone is aware of --

23 MR. SAFRA: Understood.

24 THE COURT: Well, everyone. Whoever  
25 read the New York Times is aware of the

1 situation; so I will grant the motion.

2 MR. SAFRA: For clarity, the Motion in  
3 Limine, when that gets scheduled, is your  
4 finding that it's a settlement  
5 communication --

6 THE COURT: I'll listen to any argument  
7 anyone has on any issue. We're not doing  
8 that today.

9 MR. SAFRA: Just the seal.

10 THE COURT: I'm available for hearings  
11 anytime after the 3rd of January.

12 MR. SAFRA: And can I state, so you  
13 don't get a disagreement where we end up back  
14 before the Court -- just because I'm aware  
15 and I want to raise --

16 MS. MCCAWLEY: Right.

17 MR. SAFRA: -- it and so that you have  
18 an opportunity, it is our position or my  
19 client's position that these meetings  
20 occurred in New York and that the sealing  
21 would apply to the public filings and in  
22 Florida.

23 MS. MCCAWLEY: Your Honor, if the intent  
24 here is to continue to spew the confidential  
25 settlement negotiations and have