

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.

---

**PLAINTIFFS/COUNTERCLAIM DEFENDANT EDWARDS AND  
CASSELL'S RESPONSE TO DERSHOWITZ'S MOTION TO DETERMINE  
CONFIDENTIALITY OF COURT RECORDS**

Plaintiffs/Counterclaim Defendants Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys, hereby file this response to Dershowitz's Motion to Determine Confidentiality of Court Records. The records at issue are not confidential, and so the Court should deny Dershowitz's motion in its entirety.

**The court records at issue are three court filings by attorneys Edwards and Cassell in which they recite their client's (Mr. [REDACTED] allegations that she was sexually abused by Dershowitz. These records are hardly "confidential" in this defamation case, where the parties have claims and counterclaims about these sexual abuse Allegations. Rather, these records are an important part of this case, since they not only support the conclusion that Dershowitz abused Ms. [REDACTED] but also indisputably establish Edwards and Cassell's strong basis for filing the allegations on her behalf. Moreover, contrary to assertions made in Dershowitz's motion, these documents have never been found to be "confidential" by any other court. And Dershowitz has repeatedly referred to**

**these documents, not only in defamatory statements broadcast worldwide, but also in his pleadings before this Court and in recent depositions. Indeed, Dershowitz said in his media interviews that he wants “everything to be made public” and implied that Edwards and Cassell had something to hide. Accordingly, Dershowitz has failed to carry his heavy burden to justify sealing these presumptively-public documents.**

**I. DERSHOWITZ HAS NOT JUSTIFIED SEALING ALLEGED DEFAMATORY RECORDS THAT ARE INTEGRAL TO THIS DEFAMATION CASE.**

In his motion, Dershowitz never recounts the heavy burden that he must carry to seal the records at issue. To be sure, Florida Rule of Judicial Administration 2.420 allows for the sealing of “confidential” materials. But the Rule begins by recounting the overarching principle that “[t]he public shall have access to all records of the judicial branch of government, except as provided below.” Fla. R. Jud. Admin. 2.420(a). This rule is a codification of the Florida Supreme Court’s admonition that a “*a strong presumption of openness* exists for all court proceedings. A trial is a public event, and the filed records of court proceedings are public records available for public examination.” *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113, 118 (Fla. 1988) (emphasis added). In light of this presumption of openness, “[t]he burden of proof in [closure] proceedings shall always be on the party seeking closure.” *Id.* To obtain a sealing order, the party seeking sealing must carry a “heavy burden.” *Id.*

Remarkably, Dershowitz fails to acknowledge these well-settled principles. More important, he even fails to cite (much less discuss) the limited substantive exceptions to this general principle of access – and which specific exception he believes applies to this

case. Accordingly, it is impossible for Edwards and Cassell to respond with precision to his motion.

The exceptions that might arguably be in play in this case permit records to be maintained as confidential in order to:

- (i) Prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- (ii) Protect trade secrets;
- (iii) Protect a compelling governmental interest;
- (iv) Obtain evidence to determine legal issues in a case;
- (v) Avoid substantial injury to innocent third parties;
- (vi) Avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
- (vii) Comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law . . .

Fla. R. Jud. Admin. 2.420(c)(9) (codifying the holding in *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113 (Fla. 1988)). The only exception that seems to even arguably apply here is exception vi, which itself specifically provides that confidentiality is appropriate only where disclosure is “*not generally inherent* in the specific type of proceeding sought to be closed” (emphasis added). Of course, this lawsuit is a defamation action – involving a defamation claim by Edwards and Cassell and a defamation counterclaim by Dershowitz. Disclosure, discussion, and debate about the defamatory statements at issue lies at the heart of the case. Accordingly, disclosure of these materials is “inherent” in the case itself.

The principle that defamatory material in a defamation case cannot be sealed is recognized in *Carnegie v. Tedder*, 698 So.2d 1310 (2d DCA 1997). *Carnegie* involved a claim and counterclaim between two parties (Carnegie and Tedder), one of whom alleged that disclosure of

the materials in the records would be harmful to his professional reputation. *Carnegie* recited subsection vi's restriction on release of materials involving a privacy right, but noted that "statements Tedder alleged were defamatory and damaging were allegations in Carnegie's counterclaim for which she seeks damages. These matters were not peripheral to the lawsuit; they were inherent to it." *Id.* at 1312. Of course, exactly the same principle applies here: sexual abuse allegations filed by attorneys Edwards and Cassell for their client Ms. [REDACTED] are not peripheral to this lawsuit – they are inherent to it.

To see how "inherent" the sexual abuse allegations are to this lawsuit, the Court need look no further than Dershowitz's counterclaim in this case. Count I of Dershowitz's Counterclaim (styled as "False Allegations in the Joinder Motion") contends that Edwards and Cassell should pay him damages because they "filed a pleading in the Federal Action titled 'Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action' . . . ." Dershowitz Counterclaim at ¶ 14. Dershowitz's Counterclaim then goes on to quote at length from the Joinder Motion. His counterclaim contains, for example, this paragraph recounting the allegations:

The Joinder Motion then goes on to allege – without any supporting evidence – as follows:

One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin

Islands. In addition to being a participant in the abuse of Jane Doe #3 and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's coconspirators. Dershowitz would later play a significant role in negotiating the [Non-Prosecution Agreement] on Epstein's behalf. Indeed, Dershowitz helped negotiate an agreement that provided immunity from federal prosecution in the Southern District of Florida not only to Epstein, but also to "any potential coconspirators of Epstein." Thus, Dershowitz helped negotiate an agreement with a provision that provided protection for himself against criminal prosecution in Florida for sexually abusing Jane Doe #3. Because this broad immunity would have been controversial if disclosed, Dershowitz (along with other members of Epstein's defense team) and the Government tried to keep the immunity provision secret from all of Epstein's victims and the general public, even though such secrecy violated the Crime Victims' Rights Act.

Dershowitz Counterclaim at ¶ 15 (quoting Joinder Motion at 4).

Remarkably, having quoted at length from the Joinder Motion in his Counterclaim in this case, Dershowitz now seeks to have *that very same language* from the Joinder Motion deemed "confidential" and sealed. *Compare* Counterclaim at ¶15 (block quotation above) with Motion to Determine Confidentiality, Exhibit A at 4 (composite exhibit with proposed "confidential" document that includes paragraph beginning "[o]ne such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's . . ."). Dershowitz cannot come before this Court and file a counterclaim seeking damages from Edwards and Cassell for alleged defamatory statements and then ask to have those very same statements placed under seal as "confidential." *See Barron v. Florida Freedom Newspapers*, 531 So.2d at 119 ("although generally protected by one's privacy right, medical reports and history are no longer protected

when the medical condition becomes an integral part of the civil proceeding, *particularly when the condition is asserted as an issue by the party seeking closure*" (emphasis added)).

## **II. JUDGE MARRA'S ORDER IN HIS CASE DOES NOT REQUIRE THAT THE RECORDS BE SEALED IN THIS CASE.**

Dershowitz also appears to contend that Judge Marra's order striking some of the materials from the records at issue somehow requires that these stricken materials be kept confidential in this case. Dershowitz's argument misunderstands both the scope of Judge Marra's order and its effect in this case. His argument rests on a truncated – and misleading -- description of the events surrounding Judge Marra's ruling striking certain documents. A more complete description makes clear that Judge Marra has not determined the documents are somehow "confidential" even in the federal Crime Victims' Rights Act case – much less in this separate state defamation action.

Edwards and Cassell filed the federal case pro bono on behalf of two young women who were sexually abused as underage girls by Dershowitz's close personal friend – Jeffrey Epstein. In 2008, Edwards and Casell filed a petition to enforce the rights of "Jane Doe No. 1" and "Jane Doe No. 2" under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, alleging that the Government had failed to provide them rights with regard to a plea arrangement it was pursuing with Epstein. *Jane Doe No. 1 and Jane Doe No. 2 v. United States*, No. 9:08-cv-80736 (S.D. Fla.). In the course of that case, on October 11, 2011, the victims filed discovery requests with the Government, including requests specifically seeking information about Dershowitz, Prince Andrew, and others. Further efforts from the Government to avoid any discovery

followed (*see generally* Docket Entry or “DE” 225-1 at 4-5), ultimately leading to a further Court ruling in June 2013 that the Government should produce documents. DE 189. The Government then produced about 1,500 pages of largely irrelevant materials to the victims (DE 225-1 at 5), while simultaneously submitting 14,825 pages of relevant materials under seal to the Court. The Government claimed that these pages were “privileged” for various reasons, attaching an abbreviated privilege log.

While these discovery issues were pending, in the summer of 2014, Edwards and Cassell, contacted Government counsel to request their agreement to add two additional victims to the case, including Ms. [REDACTED] who was identified in court pleadings as “Jane Doe No. 3”). Edwards and Cassell sought to have her added to the case via stipulation, which would have avoided the need to include any detailed facts about her abuse. Weeks went by and the Government – as it had done on a similar request for a stipulation to add another victim – did not respond to counsel’s request for a stipulation. Finally, on December 10, 2014, despite having had four months to provide a position, the Government responded by email to counsel that it was seeking more time, indicating that the Government understood that victims’ counsel might need to file a motion with the court on the matter immediately. DE 291 at 3-5. Rather than file a motion immediately, victims’ counsel waited and continued to press the Government for a stipulation. *See id.* at 5. Finally, on December 23, 2014 – more than four months after the initial request for a stipulated joinder into the case – the Government tersely indicated its objection, without indicating any reason: “Our position is that we oppose adding new petitioners at this stage of the litigation.” *See* DE 291 at 5.

Because the Government now contested the joinder motion, Edwards and Cassell prepared a more detailed pleading explaining the justification for granting the motion. One week after receiving the Government's objection, on December 30, 2014, Ms. [REDACTED] (i.e., Jane Doe No. 3) and Jane Doe No. 4 filed a motion (and later a corrected motion) seeking to join the case. DE 279 and DE 280. (Note: DE 280 is the first of the three documents Dershowitz seeks to have declared "confidential" in this case.) Uncertain as to the basis for the Government's objection, the motion briefly proffered the circumstances that would qualify the two women as "victims" eligible to assert rights under the CVRA. *See* 18 U.S.C. 3771(e) (defining "crime victim" protected under the Act). With regard to Ms. [REDACTED], the motion indicated that when she was a minor, Jeffrey Epstein had trafficked her to Dershowitz and Prince Andrew (among others) for sexual purposes. Jane Doe No. 3 stated that she was prepared to prove her proffer. *See* DE 280 at 3 ("If allowed to join this action, Jane Doe No. 3 would prove the following . . . ."). The motion also provided specific reasons why Jane Doe No. 3's participation was relevant to the case, including the pending discovery issues regarding Dershowitz and Prince Andrew. DE 280 at 9-10 (explaining several reasons participation of new victims was relevant to existing issues).

After the motion was filed, various news organizations published articles about it. Dershowitz also made numerous media statements about the filing, including calling Jane Doe No. 3 "a serial liar" who "has lied through her teeth about many world leaders." <http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/>. Dershowitz also repeatedly called Edwards and Cassell "two sleazy, unprofessional, disbarable lawyers." *Id.* On

January 5, 2015, Dershowitz filed a motion to intervene to argue to have the allegations stricken. DE 282. Dershowitz also argued that Ms. [REDACTED] had not provided a sworn affidavit attesting to the truth of her allegations. On January 21, 2015, Edwards and Cassell filed a response for Ms. [REDACTED] and Jane Doe No. 4. DE 291. (Note: This is the second of the three documents Dershowitz seeks to have kept under seal here.) The response enumerated nine specific reasons why Ms. [REDACTED] specific allegations against Dershowitz were relevant to the case, including the fact that Ms. [REDACTED] needed to establish that she was a “victim” in the case, that pending discovery requests concerning Dershowitz-specific documents were pending, and that Dershowitz’s role as a defense attorney in the case was highly relevant to the motive for the Government and defense counsel to conceal the plea deal from the victims. DE 291 at 17-26 & n.17. The response included a detailed affidavit from Ms. [REDACTED] about the sexual abuse she had suffered from Epstein, Dershowitz, and other powerful persons. DE 291-1. On February 6, 2015, Edwards and Cassell filed a further pleading (and affidavit from Ms. [REDACTED] see DE 291-1) in support of her motion to intervene. (Note: this affidavit is the third of the three documents Dershowitz seeks to have declared confidential.)

On April 7, 2015, Judge Marra denied Ms. Giuffre’s motion to join the case. Judge Marra concluded that “at this juncture in the proceedings” details about the sexual abuse she had suffered was unnecessary to making a determination “of whether Jane Doe 3 and Jane Doe 4 should be permitted to join [the other victims’] claim that *the Government* violated their rights under the CVRA. The factual details regarding with whom and where the Jane Does engaged in sexual activities are impertinent to this central claim (i.e., that they were known victims of Mr.

Epstein and the Government owed them CVRA duties), especially considering that the details involve non-parties who are not related to the respondent Government.” DE 324 at 5 (emphasis in original). While Judge Marra struck those allegations, he emphasized that “Jane Doe 3 is free to reassert these factual details through proper evidentiary proof, should [the victims] demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court’s consideration. Judge Marra then denied M [REDACTED] motion to join the case, but allowed her to participate as trial witness: “The necessary ‘participation’ of [M [REDACTED]] in this case can be satisfied by offering . . . properly supported – and relevant, admissible, and non-cumulative – testimony as needed, whether through testimony at trial . . . or affidavits supported in support [of] the relevancy of discovery requests.” DE 324 at 8 (emphasis deleted). In a supplemental order, Judge Marra stated that the victims “may re-refile these documents omitting the stricken portions.” DE 325. The victims have recently refiled the documents.

In light of this history, Dershowitz is flatly incorrect when he asserts that “Judge Marra’s Order appropriately precludes the unredacted documents from being re-filed in this case on the public docket.” Confidentiality Motion at 3. To the contrary, the Order specifically permits factual details about Dershowitz’s sexual abuse of Ms [REDACTED] to be presented in regard to pertinent matters in the *federal CVRA case*. And certainly nothing in Judge Marra’s Order could render those documents confidential in *this state defamation case*, where the central issues swirl around Edwards and Cassell’s good faith basis for filing the allegations. Indeed, the order is not binding in any way in this case, because it is *res judicata* only as to Ms. [REDACTED] moving

party in that case), not as to her attorneys Edwards and Cassell. *See Palm AFC Holdings, Inc. v. Palm Beach County*, 807 So.2d 703 (4<sup>th</sup> DCA 2002) (“In order for res judicata to apply four identities must be present: (1) identity of the thing sued for; (2) identity of the cause of action; (3) identity of persons and parties; and (4) identity of the quality or capacity of the persons for or against whom the claim is made.”).

**III. EDWARDS AND CASSELL WILL BE PREJUDICED IF THEY ARE BARRED FROM QUOTING FROM THE RECORD WHILE DERSHOWITZ IS PERMITTED TO FREELY REFER TO THEM WHENEVER HE FINDS IT CONVENIENT.**

Dershowitz is also incorrect when he asserts that no prejudice will befall Edwards and Cassell if the records are placed under seal. To the contrary, placing the documents under seal would permit Dershowitz to continue to misrepresent and distort what is contained in those records while preventing Edwards and Cassell from correcting those misrepresentations. Dershowitz has repeatedly referred to details in the records when he has found it convenient to do so – treating the records as not confidential in any way. One clear example comes from Dershowitz’s recent deposition, where he gratuitously injected into the record a reference to a portion of Ms. [REDACTED] affidavit about him watching Ms. [REDACTED] perform oral sex on Epstein. And then, having injected that gratuitous reference into the record, he proceeded to try to rebut the reference with confidential settlement discussions – but did so by mispresenting what another attorney (David Boies) had said during the settlement discussions. So that the Court may have the full flavor of the exchange, the narrow question to Dershowitz (by attorney Jack

Scarola) and Dershowitz's extended answer are quoted in full – including Dershowitz's reference to the oral sex allegation that he now argues this Court should treat as “confidential”:

Q. [Y]ou [are] aware that years before December of 2014, when the CVRA pleading was filed, that your name had come up repeatedly in connection with Jeffrey Epstein's abuse of minors, correct? . . .

A. Let me answer that question. I am aware that never before 2014, end of December, was it ever, ever alleged that I had acted in any way inappropriately with regard to [REDACTED] at I ever touched her, that I ever met her, that I had ever been with her. I was completely aware of that. There had never been any allegation. She claims under oath that she told you that secretly in 2011, but you have produced no notes of any such conversation. You, of course, are a witness to this allegation and will be deposed as a witness to this allegation. I believe it is an entirely false allegation that she told you in 2011 that she had had any sexual contact with me. I think she's lying through her teeth when she says that. And I doubt that your notes will reveal any such information.

But if she did tell you that, she would be absolutely, categorically lying. So I am completely aware that never, until the lies were put in a legal pleading at the end of December 2014, it was never alleged that I had any sexual contact with [REDACTED]. I know that it was alleged that I was a witness to Jeffrey Epstein's alleged abuse and that was false. I was never a witness to any of Jeffrey Epstein's sexual abuse. And I wrote that to you, something that you have falsely denied. And I stand on the record. The record is clear that I have categorically denied I was ever a witness to any abuse, that I ever saw Jeffrey Epstein abusing anybody.

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

MS. McCAWLEY: I object. I object. I'm not going to allow you to reveal any conversations that happened in the context of a settlement discussion.

THE WITNESS: Does she have standing?

MS. McCAWLEY: I have a standing objection and, I'm objecting again. I'm not going to

THE WITNESS: No, no, no. Does she have standing in this deposition?

MR. SCOTT: Let's take a break for a minute, okay?

THE WITNESS: I'm not sure she has standing.

MR. SCAROLA: Are we finished with the speech?

MR. SCOTT: No. If he --

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

A. So the question -- the answer to your question is --

MR. SIMPSON: Wait a minute. Wait a minute. Wait a minute. Please don't disclose something that she has a right to raise that objection if she wants to.

MR. SCOTT: Exactly.

Deposition of Alan Dershowitz (Oct. 15, 2015) at 93-95 (attached as Exhibit 1); *see also* Deposition of Alan Dershowitz (Oct. 16, 2016) (attached as Exhibit 2) (also containing discussion of Ms. [REDACTED] affidavit).

The Court should be aware that within approximately two hours of this exchange, Ms. McCawley (David Boies' law partner) released a statement on his behalf, which stated that Dershowitz was misrepresenting what happened: "Because the discussions that Mr. Boies had with Mr. Dershowitz were expressly privileged settlement discussions, Mr. Boies will not, at least at this time, describe what was actually said. However, Mr. Boies does state that Mr.

Dershowitz description of what was said is not true.” Statement of Ms. McCawley on Behalf of David Boies (Oct. 15, 2015).

More broadly, the Court can readily see from this passage how Dershowitz is willing to inject into the record a part of Ms. [REDACTED] affidavit whenever it serves his purpose – and, indeed, to characterize the part of the affidavit as “preposterous.” But then he asks this Court to place the underlying affidavit under seal, so that the Edwards and Cassell stand accused having filed a “preposterous” affidavit without anyone being able to assess the validity of Dershowitz’s attack.

Dershowitz has referred to the court records that he now wishes to have the Court declare confidential not only in his deposition, but also in his widely-broadcast media attacks on Edwards and Cassell. For example, Dershowitz appeared on the British Broadcasting Corporation (the BBC) and was asked about the allegations:

Well, first of all they were made in *court papers* that they don’t even ask for a hearing to try to prove them. They put them in *court papers* in order to immunize themselves from any consequences from a defamation suit. *The story is totally made up*, completely out of whole cloth.

I don’t know this woman. I was not at the places at the times. It is part of a pattern of made up stories against prominent people and world leaders. And the lawyers in recent statement challenged me to deny the allegations under oath. I am doing that. I am denying them under oath, thus subjecting me to a perjury prosecution were I not telling the truth. *I am now challenging them to have their client put these charges under oath* and for them to put them under oath. I am also challenging them to repeat them outside of the context of court papers so that I can sue them for defamation. . . . And I will prove beyond any doubt not only that the story is totally false, but it was knowingly false: that the lawyers and the client *conspired together to create a false story*. That is why I am moving for their disbarment in challenges to be provided to the disciplinary committee.

*BBC Radio 4 - Sarah Montague* (Jan. 3, 2015) (<http://www.bbc.co.uk/programmes/p02g7qbc>).

Similarly, Dershowitz appeared on NBC's *Today Show* the morning after Edwards and Cassell made a filing for Ms. [REDACTED] say that the Edwards and Cassell – and Ms. [REDACTED] were all “lying” in the court documents:

Question from Savannah Guthrie: *In legal papers from the lawyers*, they say you've had, in fact, the opportunity to be deposed.

Answer from Alan Dershowitz: They're lying. They're lying.

Question: They show letters in which they offered to depose you.

Answer: And they didn't show my letters in response saying, (a), if you ask me about my legal relationship with Epstein and I'll be happy to answer. . . . And I responded that I would be happy to be deposed if you could give me any indication that I would be a relevant witness . . . . They will be proved – all of them [i.e., Cassell, Edwards, and Ms. [REDACTED]] to be categorically lying and *making up this story*. And it will be a terrible thing for rape victims. . . . We [Epstein and Dershowitz] had an academic relationship. I was never in the presence of a single, young, underaged woman. When I was with him, it was with prominent scientists, prominent academics. And they're just – again – lying about this. I never saw him doing anything improper. I was not a participant. I was not a witness.

Today Show, Jan. 22, 2015 (emphases added).

As another example, in *Miami Herald*, Dershowitz called the Joinder Motion that he seeks to have sealed “the sleaziest *legal document* I have ever seen. They [Edwards and Cassell] manipulated a young, suggestible woman who was interested in money. This is a disbarable offense, and they will be disbarred. They will rue the day they ever made this false charge against me” – i.e., Edwards and Cassell will “rue the day” they ever filed the Joinder Motion. *Miami Herald* (Jan. 3, 2015).

Most remarkably, Dershowitz took the public airwaves to represent that he wanted all of the information surrounding the allegations to “be made public,” while implying that Edwards and Cassell had something to hide. For example, on the BBC he claimed that he wanted “everything to be made public”:

Q: Would you encourage that it now be made public?

A: Of course, of course. *I want everything to be made public. I want every bit of evidence in this case to be made public. I want every allegation to be made public.* I want to know who else she’s accused of these horrible crimes. We know that she accused Bill Clinton of being on Jeffrey Epstein’s island and participating in sex orgy with underage girls. The records of the Secret Service will prove that President Clinton never set foot on that island. So that she lied. Now it’s possible to have a case of mistaken identification with somebody like me. It’s impossible to have a case of mistaken identification with Bill Clinton.

My only feeling is that if she has lied about me, which I know to an absolute certainty she has, she should not be believed about anyone else. She’s lied clearly about me, she’s lied clearly about Bill Clinton. We know that. We know that she’s lied about other public figures, including a former prime minister and others who she claims to have participated in sexual activities with. So I think it must be presumed that all of her allegations against Prince Andrew are false as well.

I think he [Prince Andrew] should clear the air as well.

If you’re squeaky clean and if you have never done anything like this, you must fight back with all the resources available to you. And that’s what I will do. I will not rest or stop until the world understands not only that I had nothing to do with any of this, but that she deliberately, with the connivance of her lawyer, lawyers, made up this story willfully and knowingly.

*BBC Radio 4 - Sarah Montague (Jan. 3, 2015) (<http://www.bbc.co.uk/programmes/p02g7qbc>).*

In another widely-broadcast interview on CNN, Dershowitz implied that there is no evidence supporting the allegations against him:

*Ask them [Edwards and Cassell] if they have any evidence . . . They're doing it for money. She's getting money for having sold her story. She wants to sell the book. They're trying to get into this lawsuit. They see a pot of gold at the end of the rainbow. They're [Edwards and Cassell] prepared to lie, cheat, and steal. These are unethical lawyers. This is Professor Cassell who shouldn't be allowed near a student. This is Professor Cassell, who is a former federal judge, thank God he no longer wears a robe. He is essentially a crook. He is essentially somebody who's distorted the legal profession. . . . Why would he charge a person with a sterling reputation for 50 years on the basis of the word alone of a woman who is serial liar, who has lied about former Prime Ministers, former Presidents, has lied demonstrably.*

*CNN Live (with Hala Gorani) (January 5, 2015). Of course, by placing "the evidence" in this case under seal, Defendant will be free to continue to try and insinuate that Edward and Cassell – and their client, Ms. [REDACTED] – had no evidence supporting the allegations against him, even though a mountain evidence strongly support [REDACTED] allegations. See Deposition of Paul Cassell (Oct. 16, 2015) at 61-117 (Exhibit 3); see also Depo of Pual Cassell (Oct. 17, 2015) (Exhibit 4).*

### CONCLUSION

The Court should deny Defendant/Counterclaim Plaintiff Alan Dershowitz's motion to place documents regarding Ms. [REDACTED] allegations against him under seal.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 23<sup>rd</sup> day of November, 2015.

/s/ Jack Scarola

Jack Scarola

Florida Bar No.: 169440

Attorney E-Mail(s): [REDACTED] and [REDACTED]

Primary E-Mail: [REDACTED]

Searcy Denney Scarola Barnhart & Shipley, P.A.

2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409

Edwards, Bradley vs. Dershowitz

Case No.: CACE 15-000072

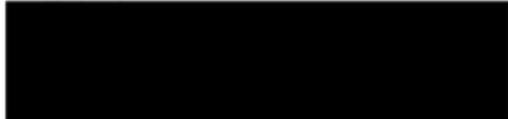
Edwards and Cassells Response to Dershowitz's Motion to Determine Confidentiality of Court Records

Page 18 of 20

SEAN D. REYES  
Utah Attorney General

By: JONI J. JONES  
JOEL A. FERRE  
Assistant Utah Attorneys General

Bradley J. Edwards  
FARMER, JAFFE, WEISSING,  
EDWARDS, FISTOS & LEHRMAN, P.L.  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale, Florida 33301



*And*

Paul G. Cassell  
*Pro Hac Vice Motion Pending*  
S.J. Quinney College of Law at the  
University of Utah  
383 S. University St.  
Salt Lake City, UT 84112



Attorneys for Plaintiffs Bradley J. Edwards and Paul G. Cassell

**COUNSEL LIST**

Thomas Emerson Scott, Jr., Esquire



Cole Scott & Kissane P.A.  
9150 S Dadeland Boulevard, Suite 1400  
Miami, FL 33156

Edwards, Bradley vs. Dershowitz

Case No.: CACE 15-000072

Edwards and Cassells Response to Dershowitz's Motion to Determine Confidentiality of Court Records

Page 19 of 20

[REDACTED]  
Attorneys for Defendant

Richard A. Simpson (pro hac vice)

[REDACTED]  
Mary E. Borja (pro hac vice)

[REDACTED]  
Ashley E. Eiler (pro hac vice)

[REDACTED]  
WILEY REIN LLP  
1776 K St. NW  
Washington, DC 20006  
[REDACTED]

COUNSEL LIST

Sigrid Stone McCawley, Esquire

[REDACTED]  
Boles Schiner & Flexner, LLP  
401 E Las Olas Boulevard., Suite 1200  
Fort Lauderdale, FL 33301

[REDACTED]  
Attorneys for Alan M. Dershowitz, Esquire

Thomas Emerson Scott, Jr., Esquire

[REDACTED]  
Cole Scott & Kissane P.A.  
9150 S Dadeland Boulevard, Suite 1400  
Miami, FL 33156

[REDACTED]  
Attorneys for Alan M. Dershowitz, Esquire

Bradley J. Edwards, Esquire

[REDACTED]  
mana@pantojustice.com  
Farmer Jaffe Weissing Edwards Fistos &  
Lehrman, P.L.  
425 N Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301

[REDACTED]  
Attorneys for Alan M. Dershowitz, Esquire

Kenneth A. Sweder, Esquire

[REDACTED]  
131 Oliver Street  
Boston, MA 02110

[REDACTED]  
Attorneys for Alan M. Dershowitz, Esquire

Ashley Eiler, Esquire

[REDACTED]  
Richard A. Simpson, Esquire

[REDACTED]  
Wiley Rein, LLP  
1776 K Street NW  
Washington, DC 20006

[REDACTED]  
Attorneys for Alan M. Dershowitz, Esquire

Joni J. Jones, Esquire

[REDACTED]  
Assistant Utah Attorney General  
160 E 300 S  
Salt Lake City, UT 84114

[REDACTED]  
Attorneys for Paul Cassell

# **Exhibit 1**

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 people that abused Virginia?

2 A. I told you I never asked her the question. 11:36:21

3 Q. Are you aware that years before December 11:36:48

4 of 2014, when the CVRA pleading was filed, that your  
5 name had come up repeatedly in connection with  
6 Jeffrey Epstein's abuse of minors, correct?

7 MR. SCOTT: Objection, form, overly broad. 11:37:16

8 A. Let me answer that question. I am aware 11:37:17  
9 that never before 2014, end of December, was it  
10 ever, ever alleged that I had acted in any way  
11 inappropriately with regard to [REDACTED]  
12 that I ever touched her, that I ever met her, that I  
13 had ever been with her. I was completely aware of  
14 that. There had never been any allegation.

15 She claims under oath that she told you 11:37:48  
16 that secretly in 2011, but you have produced no  
17 notes of any such conversation. You, of course, are  
18 a witness to this allegation and will be deposed as  
19 a witness to this allegation. I believe it is an  
20 entirely false allegation that she told you in 2011  
21 that she had had any sexual contact with me. I  
22 think she's lying through her teeth when she says  
23 that. And I doubt that your notes will reveal any  
24 such information.

25 But if she did tell you that, she would be 11:38:24

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 [REDACTED]

5 [REDACTED]

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 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.

---

CONTINUED VIDEOTAPE DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 2

Pages 180 through 333

Friday, October 16, 2015

9:18 a.m. - 12:26 p.m.

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

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

181

1 APPEARANCES:

2

3 On behalf of Plaintiffs:

4 SEARCY, DENNEY, SCAROLA

5 BARNHART & SHIPLEY, P.A.

6 2139 Palm Beach Lakes Boulevard

7 West Palm Beach, Florida 33402-3626

8 BY: JACK SCAROLA, ESQ.

9 jsx@searcylaw.com

10

11 On behalf of Defendant:

12 COLE, SCOTT & KISSANE, P.A.

13 Dadeland Centre II - Suite 1400

14 9150 South Dadeland Boulevard

15 Miami, Florida 33156

16 BY: THOMAS EMERSON SCOTT, JR., ESQ.

17 thomas.scott@csklegal.com

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

19 steven.safra@csklegal.com

20 --and--

21 SWEDER & ROSS, LLP

22 131 Oliver Street

23 Boston, MA 02110

24 BY: KENNETH A. SWEDER, ESQ.

25 ksweder@sweder-ross.com

--and--

WILEY, REIN

17769 K Street NW

Washington, DC 20006

BY: RICHARD A. SIMPSON, ESQ.

RSimpson@wileyrein.com

BY: NICOLE A. RICHARDSON, ESQ.

nrichardson@wileyrein.com

183

I N D E X

Examination	Page
VOLUME 2 (Pages 180 - 333)	
Direct By Mr. Scarola	184
Certificate of Oath	330
Certificate of Reporter	331
Read and Sign Letter to Witness	332
Errata Sheet (forwarded upon execution)	333
PLAINTIFF EXHIBITS	
No.	Page
1 Television Interview Transcript	193
2 Except from Deposition of Alan M. Dershowitz	193
3 Photograph - 8x10 - Color	194
4 Photograph - 8x10 - Color	197
5 Flight Log Information Sheet	198
6 Composite - Flight logs	240
7 Composite - Flight manuals	240
8 Photograph - 8x10 - Color	305
9 Composite - Calendar entries	306
10 Composite - Calendar entries	307
11 Composite - Calendar entries	307
12 Composite - Calendar entries	307

182

1 APPEARANCES (Continued):

2 On behalf of Jeffrey Epstein:

3 DARREN K. INDYKE, PLLC

4 575 Lexington Ave., 4th Fl.

5 New York, New York

6 BY: DARREN K. INDYKE, ESQ. (Via phone)

7

8 On behalf of [REDACTED]:

9 BOIES, SCHROEDER & FOMER, LLP

10 401 E. Las Olas Blvd., Ste. 1200

11 Fort Lauderdale, Florida 33301

12 BY: SIGRID STONE MCCAWLEY, ESQ.

13 smccawley@bsflp.com

14

15 ALSO PRESENT:

16 Joni Jones, Utah Attorney General Office

17 Travis Gallagher, Videographer

184

1 VIDEOGRAPHER: Going on the record. This

2 is day two of Alan Dershowitz's deposition.

3 The date is October 16, 2015, and the time is

4 approximately 9:18 a.m.

5 MR. SCAROLA: Would you please reswear the

6 witness.

7 THE COURT REPORTER: Would you raise your

8 right hand, please?

9 Do you swear or affirm that the testimony

10 you are about to give will be the truth, the

11 whole truth, and nothing but the truth?

12 THE WITNESS: Yes.

13 Thereupon:

14 ALAN M. DERSHOWITZ

15 having been first duly sworn, was examined and

16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SCAROLA:

19 Q. Mr. Dershowitz, what is rhetorical

20 hyperbole?

21 A. Rhetorical means verbal and hyperbole

22 means exaggeration.

23 Q. Something other than the truth, correct?

24 A. Truth --

25 MR. SCOTT: Objection, form, relevancy.

185

1 A. Truth has many, many meanings and is a  
2 continuum. The Supreme Court has held that  
3 rhetorical hyperbole cannot be the basis, for  
4 example, of perjury prosecutions or generally of a  
5 defamation prosecution.  
6 So it depends on the context. You might  
7 just look at the dictionary and probably get a  
8 variety of definitions for it.  
9 BY MR. SCAROLA:  
10 Q. Well, what I'm concerned about,  
11 Mr. Dershowitz, is not a dictionary definition. I  
12 want to know what your understanding of rhetorical  
13 hyperbole is.  
14 And do you agree that pursuant to your  
15 understanding of rhetorical hyperbole, it is an  
16 exaggeration beyond the facts?  
17 MR. SCOTT: Objection, argumentative and  
18 compound, three questions.  
19 A. No --  
20 MR. SCOTT: You can answer.  
21 A. -- I would not agree with that definition.  
22 BY MR. SCAROLA:  
23 Q. Okay. Then define it for us, if you  
24 would, please.  
25 A. I think I have already.

186

1 Q. I'm sorry, I missed the definition. Could  
2 you tell us what rhetorical hyperbole is?  
3 MR. SCOTT: Objection, repetitious. He's  
4 done it.  
5 A. Why don't we just read back my answer.  
6 BY MR. SCAROLA:  
7 Q. Because I didn't understand it, so I would  
8 like you to try to give us a direct response to that  
9 question if you're able to.  
10 A. I will repeat exactly what I said. A  
11 rhetorical means verbal and hyperbole means some  
12 exaggeration of the facts for political or other  
13 reasons, but generally it is truthful in a literal  
14 sense but perhaps -- it all depends on context.  
15 And if you tell me the context in which I  
16 used it, I will be happy to describe what I meant in  
17 that context. But I don't think you can really  
18 answer a question about what two words put together  
19 mean without understanding the context.  
20 Q. Okay. Well, we're going to talk about  
21 some context.  
22 Do you recall having been interviewed on  
23 CNN Tonight on January 5, 2015?  
24 A. I have no current recollection of --  
25 MR. SCOTT: Do you have a copy of the

187

1 transcript of the interview? We'd like to see  
2 it.  
3 MR. SCAROLA: That's exactly what I gave  
4 you, the photocopy.  
5 MR. SCOTT: We're doing it right now.  
6 Maybe we can move on and come back then.  
7 MR. SCAROLA: No, I would like to proceed.  
8 MR. SCOTT: Then let's stop until I get a  
9 copy of it. Because he -- I want --  
10 MR. SCAROLA: I don't think that's  
11 necessary because your client has told us that  
12 he has a superb memory and one of the things I  
13 would like to know is what he's able to recall.  
14 If he needs to refresh his memory, the  
15 transcripts will be here in just a moment, but  
16 I don't want to delay going forward.  
17 MR. SCOTT: Do you need the transcript to  
18 refresh your memory?  
19 THE WITNESS: Well, I have no memory of  
20 what specifically I said on a particular day in  
21 a particular interview.  
22 MR. SCOTT: Since you have a copy in front  
23 of him, why don't you just show him your copy  
24 then? Read the -- ask your question and let  
25 him read it.

188

1 BY MR. SCAROLA:  
2 Q. Do you recall having been interviewed on  
3 CNN Tonight by Don Lemon?  
4 A. Yes, I do.  
5 Q. Do you recall having been interviewed on  
6 CNN Tonight by Don Lemon in early January of 2015,  
7 where you spoke about matters that have become the  
8 subject of this litigation?  
9 A. Yes, I do.  
10 Q. Did you make the following statement  
11 during the course of that interview: "As to the  
12 airplanes, there are manifests that will prove  
13 beyond any doubt that I was never on a private  
14 airplane with this woman or any other underage  
15 girl"?  
16 MR. SCOTT: You need to see the  
17 transcript?  
18 THE WITNESS: No. No.  
19 A. That is a truthful statement. I would  
20 repeat it right now. I've reviewed the manifests.  
21 First, I know I was never on the airplane  
22 with any underage woman. I know that for a fact. I  
23 have absolutely no doubt in my mind about that. And  
24 the records that I reviewed confirm that.  
25 They have [REDACTED] a number of

1 airplane flights with Jeffrey Epstein. They have me  
2 on a number of flights, none -- let me emphasize,  
3 none within the relevant time period, none within  
4 the relevant time period. That is, there are no  
5 manifests that have me on Jeffrey Epstein's airplane  
6 during the time that [REDACTED] claims to  
7 have -- falsely claim [REDACTED] with me.

8 So, yes, not only recall making that  
9 statement, but I repeat it here today. And it is  
10 absolutely true. And it just confirms what I know,  
11 and that is [REDACTED] make up the entire  
12 story.

13 BY MR. SCAROLA:

14 Q. Your statement --

15 MR. SCOTT: What page are you reading  
16 from?

17 MR. SCAROLA: Page 5.

18 Q. Your statement was that you were never on  
19 a private airplane with this woman, which I assume  
20 was a reference [REDACTED] correct?

21 A. It is, yes [REDACTED]

22 Q. Or any other underage girl?

23 A. That's right.

24 Q. All right. How many times --

25 A. Well, let me be very clear. I have no

1 to the transcription, the official transcription of  
2 that testimony, was that, quote:

3 "Let me emphasize that the manifests that  
4 do exculpate me do not show me flying with [REDACTED]  
5 [REDACTED] not show me flying with any young  
6 women."

7 That was the testimony you gave under  
8 oath. Do you stand by that testimony today?

9 A. The manifests that I saw corroborate my  
10 own memory -- my own memory is as clear as could  
11 be -- that I never saw any inappropriately aged,  
12 underage women on any airplane to my knowledge that  
13 were visible to me at any time that I flew. That is  
14 my testimony, yes.

15 Q. Well, that's not a response to the  
16 question that I asked. Is it your testimony today  
17 that you never flew on a private airplane with,  
18 quote, "any young women"?

19 MR. SCOTT: Objection, form.

20 A. By young women, I obviously meant in that  
21 context underage women. And underage women in the  
22 context of sexuality. And, yes, I -- I stand by  
23 that statement.

24 BY MR. SCAROLA:

25 Q. All right. So your -- your clarification

1 idea who was in the front cabin of the airplane with  
2 the pilots. Obviously what I intended to say and  
3 what I say here now is I never saw an underage  
4 person on an airplane.

5 Now, when I -- when I flew with Jeffrey  
6 Epstein to the launch, my recollection is that there  
7 may have been a couple on the plane with their child  
8 who was going to see the launch. But that was  
9 certainly not the context in which I made the  
10 statement.

11 I never saw any underage, young person who  
12 would be the subject or object of any improper  
13 sexual activities. Had I seen Jeffrey Epstein ever  
14 in the presence of an underage woman in a context  
15 that suggested sexuality, I would have, A, left the  
16 scene; B, reported it; and, C, never had any further  
17 contact with Jeffrey Epstein.

18 Q. You have also made the statement that you  
19 were never on a private airplane with any underage  
20 women or any young women, correct?

21 A. The context was underage women in a sexual  
22 context. If it was a -- you know, a four-year-old  
23 child being carried by her mother, that would not be  
24 included in what I intended to say.

25 Q. Your sworn testimony yesterday, according

1 of your earlier testimony is that you never saw any  
2 young women in a sexual context?

3 A. That's not clarification. I think that's  
4 what I initially said. That's what I initially  
5 intended. And that's the way any reasonable -- any  
6 reasonable person would interpret what my original  
7 testimony was. So I don't believe my original  
8 testimony required any clarification.

9 Q. So what you meant to convey by the  
10 statement that you made when you said you never flew  
11 with any underage girl or any young women was you  
12 never flew with any underage girl or young women in  
13 a sexual context?

14 MR. SCOTT: Objection, form.

15 BY MR. SCAROLA:

16 Q. Is that correct?

17 A. Let me simply repeat the fact and that is,  
18 to my knowledge, I never flew on an airplane or was  
19 ever in the presence on an airplane with any  
20 underage woman who would be somebody who might be in  
21 a sexual context. I say that only to eliminate the  
22 possibility that some four-year-old was on the lap  
23 of a mother or somebody was on the airplane with  
24 family members.

25 But, no, I do not recall -- and I'm very

1 firm about this -- being on an airplane with anybody  
2 who I believed could be the subject of Jeffrey  
3 Epstein or anyone else's improper sexual activities.

4 MR. SCAROLA: All right. Let's mark the  
5 transcript that we've been referring to as  
6 Exhibit Number 1, please. That's the  
7 transcript of the television interviews that  
8 we'll be discussing.

9 (Thereupon, marked as Plaintiff Exhibit  
10 1.)

11 MR. SCOTT: This is actually 2, right? We  
12 had one yesterday, an article from the British  
13 newspaper?

14 MR. SCAROLA: No. It was not marked as an  
15 exhibit. This is the first exhibit that's been  
16 marked.

17 MR. SCOTT: No, I know that, but I thought  
18 we were going to mark that one. Maybe I was --  
19 I asked for that. Okay.

20 It was an answer and counterclaim about  
21 the allegation shown to the witness.

22 MR. SCAROLA: And Exhibit Number 2 will be  
23 the transcript from yesterday's proceedings  
24 that I have just referenced.

25 (Thereupon, marked as Plaintiff

1 A. I don't remember that I flew with her or  
2 not. I may have. But I don't recall necessarily.  
3 But I did meet -- I remember meeting a woman named  
4 [REDACTED] his does not look like [REDACTED] like the  
5 woman I met.

6 **Q. Okay. So that's a -- that's a different**

7 [REDACTED]

8 A. No, I don't know.

9 MR. SCOTT: Objection, form,  
10 argumentative.

11 A. I have no idea. I do not recognize this  
12 woman. She's not familiar to me at all.

13 I can tell you this: Without any doubt, I  
14 never met anybody dressed like this on any airplane  
15 or in the presence of Jeffrey Epstein or in any  
16 context --

17 BY MR. SCAROLA:

18 **Q. Did she have --**

19 A. -- related to this case.

20 **Q. -- more clothes on or less clothes on when**  
21 **you met her?**

22 MR. SCOTT: Objection, form. He said he  
23 never met her. Misrepresent --

24 BY MR. SCAROLA:

25 **Q. When you met the woman that you're**

1 Exhibit 2.)

2 MR. SCOTT: You don't have a copy of that,  
3 do you, of the transcript?

4 MR. SCAROLA: No. Got sent to you. I  
5 assume you have it.

6 BY MR. SCAROLA:

7 **Q. I'm going to hand you what we'll now mark**  
8 **as Exhibit Number 3.**

9 (Thereupon, marked as Plaintiff  
10 Exhibit 3.)

11 MR. SCOTT: There's no question.

12 MR. SWEDER: Yes.

13 BY MR. SCAROLA:

14 **Q. Do you recognize that young woman,**  
15 **Mr. Dershowitz?**

16 A. No.

17 **Q. Never saw her?**

18 A. Not that I know of.

19 **Q. Never flew on an private airplane with**  
20 **her?**

21 A. Not that I know of.

22 **Q. Do you recognize the name [REDACTED]**

23 A. I do recall that Jeffrey Epstein had a  
24 friend named [REDACTED]

25 **Q. That you flew with?**

1 **referencing, did she have more clothes on or less**  
2 **clothes on than that woman?**

3 A. Every woman that I met in the presence of  
4 Jeffrey Epstein was properly dressed, usually in  
5 suits and dresses and -- and appropriately covered  
6 up. I never met any women in the context of Jeffrey  
7 Epstein who were dressed anything like this.

8 **Q. Would you agree that that is a young woman**  
9 **in that photograph?**

10 A. I have no idea what her age is.

11 **Q. So you don't know whether she was underage**  
12 **or overage or a young woman or not a young woman?**

13 A. I don't --

14 MR. SCOTT: Objection, form.

15 A. -- know this woman, so I have no idea how  
16 old a woman in a picture is. She could be -- she  
17 could be 30. She could be 25. I have no idea.

18 BY MR. SCAROLA:

19 **Q. Or she could be 15 or 16?**

20 A. I don't think so.

21 **Q. But you don't know?**

22 A. This doesn't -- well, I don't know how old  
23 you are. This does not strike me --

24 **Q. Old enough to know that --**

25 MR. SCOTT: You're cutting --

1 BY MR. SCAROLA:  
 2 Q. -- that's a young woman.  
 3 MR. SCOTT: Objection. You're cutting the  
 4 witness off. You're not letting him finish.  
 5 A. This looks like a picture out of a Playboy  
 6 or Penthouse magazine. It does not look to me like  
 7 a person who is under the age of 16 or 17 or 18.  
 8 But I don't think you can tell anything from the  
 9 picture. I think you can tell much more from  
 10 meeting somebody and being with them and having a  
 11 conversation with them.  
 12 MR. SCAROLA: Let's mark this photograph,  
 13 if we could, as Exhibit Number 4.  
 14 (Thereupon, marked as Plaintiff  
 15 Exhibit 4.)  
 16 BY MR. SCAROLA:  
 17 Q. Does Exhibit Number 4 help you at all to  
 18 recognize this young woman?  
 19 A. I've never -- I have no -- no recollection  
 20 of this young woman at all.  
 21 Q. All right. Would you describe for us,  
 22 please, the [REDACTED] you flew with Jeffrey  
 23 Epstein on November 17, 2005?  
 24 A. First, I want to emphasize that that's  
 25 three years later than any of the issues involved in

1 [REDACTED] photographs. The photographs identify the woman as  
 2 [REDACTED] correct?  
 3 [REDACTED] Yes, sir.  
 4 MR. SCOTT: Mr. Dershowitz, take your  
 5 time --  
 6 THE WITNESS: Yeah.  
 7 MR. SCOTT: -- review the exhibits. Don't  
 8 be rushed by Mr. Scarola.  
 9 A. Yes, it's a different -- different  
 10 spelling of the name. The Tatiana on the manifest  
 11 is spelled [REDACTED]  
 12 The [REDACTED] ne photograph is  
 13 [REDACTED] I have no idea whether --  
 14 BY MR. SCAROLA:  
 15 Q. The last name --  
 16 A. -- they are the same person.  
 17 Q. -- is the same, [REDACTED] ht?  
 18 A. There's no last name.  
 19 Q. Well, read down a little bit further, if  
 20 you would, Mr. Dershowitz.  
 21 A. You mean as to a different flight?  
 22 Q. Yes, sir. Identifying the return flight  
 23 for the same [REDACTED]  
 24 A. I have no idea that it's a return flight.  
 25 I have nothing on the record that suggests that it's

1 this case. I have no recollection of flying with  
 2 this woman. I saw the name [REDACTED] on a manifest.  
 3 And my recollection of [REDACTED] -- I have  
 4 no recollection of flying with her, but my  
 5 recollection of [REDACTED] is that she was a serious,  
 6 mid 20s woman friend of Jeffrey Epstein, who I may  
 7 have met on one or two or three occasions when he  
 8 was with her in -- perhaps at Harvard University  
 9 where he was meeting with academics and scholars, or  
 10 perhaps -- I think that's probably the context  
 11 where -- where she might have been.  
 12 Q. But you never flew with her?  
 13 A. I have no recollection of flying with her.  
 14 Q. Okay. Well, let me see if this helps to  
 15 refresh your recollection, Mr. Dershowitz.  
 16 MR. SCAROLA: Let's mark this as Exhibit  
 17 Number 5, please.  
 18 THE WITNESS: Uh-huh, yes.  
 19 (Thereupon, marked as Plaintiff  
 20 Exhibit 5.)  
 21 BY MR. SCAROLA:  
 22 Q. Do you see that the name of the woman in  
 23 the photographs I have handed you is [REDACTED]  
 24 [REDACTED] a Victoria Secrets model?  
 25 The photographs, sir, look at the

1 a return flight. And it has different people on it.  
 2 So I have no reason to believe it's a return flight.  
 3 Q. Is the last -- the question that I asked  
 4 you, Mr. Dershowitz, is: Is the last name spelled  
 5 exactly the same as the last name is spelled in the  
 6 two photographs I have shown you?  
 7 A. Let me look. So, on the 20th of  
 8 November --  
 9 Q. Is the last name --  
 10 MR. SCOTT: Whoa, whoa --  
 11 BY MR. SCAROLA:  
 12 Q. -- spelled the same way on both the flight  
 13 log and the two photographs I have shown you?  
 14 A. On -- you mean on a flight log that I was  
 15 not on the flight? Is that right? You're talking  
 16 about a flight log that I was not on the flight,  
 17 right?  
 18 Q. That flight log shows you on multiple  
 19 flights, does it not?  
 20 A. It shows me not on that flight. It shows  
 21 me on a number of flights, but not on that flight.  
 22 MR. SCOTT: What's the date of the  
 23 flights?  
 24 THE WITNESS: The date of that flight  
 25 is -- looks like November 20th, 2005, more

201

1 than three years after [REDACTED] left  
2 for --  
3 BY MR. SCAROLA:  
4 **Q. Mr. Dershowitz --**  
5 MR. SCOTT: You're cutting the witness  
6 off.  
7 MR. SCAROLA: He's not answering my  
8 question, Tom.  
9 MR. SCOTT: Well --  
10 MR. SCAROLA: I want to know whether the  
11 last name is spelled the same or it isn't  
12 spelled the same on the flight log marked as an  
13 exhibit and on the photographs. That's a very  
14 direct question. It calls for a very direct  
15 yes or no response.  
16 And this witness has demonstrated a clear  
17 refusal to respond directly to direct  
18 questions, which will result, when we resume  
19 this deposition, in our requesting that the  
20 Court appoint a special master so that this  
21 deposition doesn't take two weeks to complete.  
22 MR. SCOTT: You know, Mr. Scarola, that's  
23 a nice speech and I appreciate it.  
24 MR. SCAROLA: Thank you.  
25 MR. SCOTT: I don't agree with your

202

1 characterization. And if you recall, months  
2 ago I suggested a special master for this  
3 deposition, for your clients' depositions and  
4 for [REDACTED] and your response to me  
5 was: I'll consider it, I won't pay for it. If  
6 your client wants to pay for it -- so basically  
7 you blew me off.  
8 So, I appreciate you finally come around.  
9 And your clients.  
10 MR. SCAROLA: Your client's misconduct has  
11 clearly convinced me, having now considered it,  
12 that it is absolutely necessary.  
13 MR. SCOTT: Okay. Now --  
14 BY MR. SCAROLA:  
15 **Q. So now could I get an answer to my**  
16 **question --**  
17 MR. SCOTT: Now that we have --  
18 BY MR. SCAROLA:  
19 **Q. -- whether the last name on the flight log**  
20 **is spelled exactly the same way as the last name in**  
21 **the photographs?**  
22 MR. SCOTT: Now that all the lawyers'  
23 speeches are done, read the question back and  
24 the witness will answer it.  
25 MR. SCAROLA: I will repeat the question.

203

1 BY MR. SCAROLA:  
2 **Q. Is the last name on the photograph spelled**  
3 **exactly the same way as the last name on the flight**  
4 **log?**  
5 A. If you're talking about a flight log that  
6 I was not on that flight, the answer is yes.  
7 **Q. All right. Thank you very much, sir.**  
8 **Now, that flight log also shows you flying**  
9 **repeatedly in the company of a woman named Tatiana,**  
10 **correct?**  
11 A. I've only seen one reference to [REDACTED]  
12 November 17. If you want to show me any other  
13 references, I'd be happy to look at them.  
14 **Q. All right, sir. Thank you.**  
15 **Let's go back to the --**  
16 MR. SCOTT: Are we done with this exhibit?  
17 MR. SCAROLA: We are done with the  
18 exhibit.  
19 MR. SCOTT: Okay. Then let's collect the  
20 exhibits so that we don't have a big -- then  
21 we'll turn them over to the court reporter to  
22 keep safekeeping.  
23 There you go, young lady, don't lose  
24 those, don't get them wet. And we'll proceed.  
25

204

1 BY MR. SCAROLA:  
2 **Q. Did you state during the same interview,**  
3 **the CNN Don Lemon interview: "She has said that**  
4 **Bill Clinton was with her at an orgy on Jeffrey's**  
5 **island"?**  
6 A. I did state that, yes.  
7 **Q. Was that statement intended as fact,**  
8 **opinion, or was it intended as rhetorical hyperbole?**  
9 MR. SCOTT: Do you understand the  
10 question?  
11 THE WITNESS: Yes, I do.  
12 A. It was a statement based on what I  
13 believed were the facts at the time I said them.  
14 Various newspapers and blogs had placed  
15 Bill Clinton on, quote, "orgy island" on -- in the  
16 presence of Jeffrey Epstein when there were orgies.  
17 And at the time I made that statement, I had a  
18 belief that she had accused Bill Clinton of  
19 participating or being -- as being a part of or an  
20 observer or -- or a witness or a participant in  
21 orgies on what was called Jeffrey Epstein's orgy  
22 island. That was my state of belief, honest belief  
23 at the time I made that statement.  
24 BY MR. SCAROLA:  
25 **Q. Yes, sir. And what I want to know is what**

205

1 the source of that honest belief was? Identify any  
2 source that attributed to [REDACTED] the  
3 statement that Bill Clinton was with her at an orgy  
4 on Jeffrey's island.

5 A. We can provide you about, I think, 20  
6 newspaper articles and blogs which certainly raise  
7 the implication that Bill Clinton had improperly  
8 participated in sexual activities on the island  
9 either as an observer or as a participant. The  
10 issue was raised on Sean Hannity's program. The  
11 headlines in various British media had suggested  
12 that.

13 It's my belief that [REDACTED]  
14 intended to convey that impression when she was  
15 trying to sell her story to various media, which she  
16 successfully sold her story to in Britain, that she  
17 wanted to keep that open as a possibility.

18 And then when I firmly declared, based on  
19 my research, that Bill Clinton had almost certainly  
20 never been on that island, she then made a firm  
21 statement that she -- which was a -- which was a  
22 perjurious statement, a firm perjurious statement  
23 saying that although Bill Clinton had been with her  
24 on the island and had had dinner with her, the  
25 perjurious statement was that Bill Clinton had been

206

1 on the island with her.

2 The lie was that she described in great  
3 detail a dinner with Bill Clinton and two underage  
4 Russian women who were offered to Bill Clinton for  
5 sex but that Bill Clinton turned down.

6 So she then put in her affidavit that  
7 although -- perjuringly, although she had seen Bill  
8 Clinton on that island, she then stated that she had  
9 not had sex with Bill Clinton. To my knowledge,  
10 that was -- to my knowledge at least, that was the  
11 first time she stated that -- that she not had sex  
12 with Bill Clinton. She had certainly implied, or at  
13 least some of the media had inferred from her  
14 statements that she may very well have observed Bill  
15 Clinton in a sexually compromising position.

16 So, when I made that statement to Don  
17 Lemon, I had a firm belief, based on reading  
18 newspaper accounts and blogs, that it was true.

19 Q. Can you identify a single newspaper that  
20 attributed to [REDACTED] the statement that  
21 Bill Clinton was with her at an orgy on Jeffrey's  
22 island?

23 A. I think there -- I don't have them in my  
24 head right now. But I do recall reading headlines  
25 that talked about things like, sex slave places

207

1 Clinton on orgy island, things of that kind. I  
2 would be happy to provide them for you. I don't  
3 have them on the top of my head.

4 Q. There's a big difference between saying  
5 that Bill Clinton was on Jeffrey's island and saying  
6 that Bill Clinton was at an orgy on Jeffrey's  
7 island, isn't there?

8 MR. SCOTT: Objection --

9 BY MR. SCAROLA:

10 Q. Do you recognize a distinction between  
11 those statements?

12 MR. SCOTT: Form.

13 A. I don't think that distinction was clearly  
14 drawn by the media.

15 BY MR. SCAROLA:

16 Q. I'm asking whether you recognize the  
17 distinction?

18 A. Oh, I -- I certainly recognize a  
19 distinction.

20 Q. Oh, so --

21 A. Let me finish. I certainly recognize a  
22 distinction between Bill Clinton being on the  
23 island, which I believe she perjuringly put in her  
24 affidavit, and Bill Clinton participating actively  
25 in an orgy. I also think it's a continuum.

208

1 And there is the possibility, which I  
2 don't personally believe to be true, that he was on  
3 the island. There was the possibility, which I  
4 don't believe to be true, that he was on the island  
5 when orgies were taking place. There was the  
6 possibility that he was on the island and observed  
7 an orgy, and there was the possibility that he was  
8 on the island and participated in an orgy.

9 Newspapers picked up those stories. I'll  
10 give you an example of a newspaper that actually  
11 said that that she had placed or that I was on the  
12 island and -- that I participated in an orgy along  
13 with Stephen Hawkins [sic.], the famous physicist  
14 from Cambridge University, that was a newspaper  
15 published in the Virgin Islands, which falsely  
16 claimed that I was at an orgy with Stephen Hawkins.

17 So, many newspapers were suggesting,  
18 implying, and I inferred from reading those  
19 newspapers that that's what she had said to the  
20 media.

21 If I was wrong about that based on  
22 subsequent information, I apologize. But I  
23 certainly, at the time I said it, believed it and  
24 made the statement in good faith in the belief that  
25 it was an honest statement.

209

1       **Q. Okay. So you now are withdrawing the**  
2 **statement that you made that [REDACTED] had**  
3 **that Bill Clinton was with her at an orgy on**  
4 **Jeffrey's island; that was wrong?**  
5       A. I don't know whether she ever said that.  
6 I would not repeat that statement and have not  
7 repeated that statement based on her denial. As  
8 soon as she denied it, I never again made that  
9 statement and would not again make that statement.  
10       **Q. You --**  
11       A. But I did reiterate the fact that she  
12 committed perjury when she said she was on the  
13 island with Bill Clinton.  
14       MR. SCAROLA: Move to strike the  
15 nonresponsive --  
16       A. That was the perjurious statement.  
17       MR. SCAROLA: Move to strike the  
18 nonresponsive portions of the answer.  
19 BY MR. SCAROLA:  
20       **Q. You have made a reference during that same**  
21 **CNN interview to this woman, referring to [REDACTED]**  
22 **[REDACTED] having a criminal record?**  
23       A. That's right.  
24       **Q. Okay. What -- what is a criminal record?**  
25       A. Well, the way I used the term is that she

210

1 committed a crime and legal -- some kind of  
2 proceedings resulted from her committing a crime.  
3 The crime she committed was stealing money from a  
4 restaurant that she worked at while she was also  
5 working for Jeffrey Epstein. And it was my  
6 information that there was a criminal record of her  
7 theft.  
8       **Q. How old was she at the time this alleged**  
9 **offense occurred?**  
10       A. I don't know. But old enough to be held  
11 criminally responsible in the State of Florida, to  
12 my knowledge. To my knowledge, I -- I recall a case  
13 where a 14-year-old boy was sentenced as an adult  
14 for --  
15       MR. SCAROLA: Mr. Scott --  
16       A. -- a serious --  
17       MR. SCAROLA: -- did my question ask  
18 anything about a 14-year-old boy?  
19       A. You asked if --  
20       MR. SCAROLA: Do we really need to listen  
21 to this?  
22       MR. SCOTT: You're asking questions, my  
23 client is providing his response.  
24       MR. SCAROLA: No, your client is not  
25 responding. Your client is filibustering.

211

1 Your client is doing everything he can to avoid  
2 giving direct answers to these questions.  
3       I would appreciate it if you would take a  
4 break, counsel your client that the speeches  
5 are not helpful to anyone, and especially not  
6 helpful to him.  
7       MR. SCOTT: If you want to take a break,  
8 I'll take a break and I will advise my client  
9 whatever I feel is appropriate, not what you  
10 instruct me to do.  
11       MR. SCAROLA: Okay. Well, if you think it  
12 might help at all in the progress of this  
13 deposition, then I do want to take a break. If  
14 you don't think taking a break would be  
15 helpful, I don't want to take a break.  
16       MR. SCOTT: Do you want to take a break or  
17 not?  
18       THE WITNESS: I'm going to leave it to  
19 your judgment. I'm happy to proceed --  
20       MR. SCOTT: Okay. I'll be glad to take a  
21 break.  
22       MR. SCAROLA: Thank you.  
23       MR. SCOTT: I can't say --  
24       MR. SCAROLA: Five minutes.  
25       MR. SCOTT: -- it will help you or

212

1 anything but --  
2       MR. SCAROLA: I can understand that you  
3 don't -- you don't have that control, but if  
4 there's any reasonable --  
5       MR. SCOTT: You know, Counsel --  
6       MR. SCAROLA: -- prospect that it might  
7 help, let's give it a try.  
8       MR. SCOTT: You know, I really don't  
9 appreciate the comments about my abilities as  
10 an attorney, like I don't have that control and  
11 things of nature. It really is --  
12       MR. SCAROLA: I don't have the control  
13 either.  
14       MR. SCOTT: It's not --  
15       MR. SCAROLA: I'm not trying to disparage  
16 you at all in any respect. I'm just suggesting  
17 that --  
18       MR. SCOTT: Okay.  
19       MR. SCAROLA: -- there is reason to doubt  
20 that it will do any good. But I want to give  
21 it a try.  
22       MR. SCOTT: Okay. Fine. Thank you.  
23       MR. SCAROLA: Thank you.  
24       VIDEOGRAPHER: Going off the record. The  
25 time is approximately 9:49 a.m.

1 (Recess was held from 9:49 a.m. until 10:01 a.m.)  
 2 VIDEOGRAPHER: Going back on the record.  
 3 The time is approximately 10:01 a.m.  
 4 MR. SCOTT: If you've finished your bagel,  
 5 we're ready to proceed, I think.  
 6 MR. SCAROLA: I think we are. I was  
 7 actually ready to proceed a little bit earlier,  
 8 but we'll proceed now.  
 9 BY MR. SCAROLA:  
 10 Q. Mr. Dershowitz, do you agree with the  
 11 basic concept that one is presumed to be innocent  
 12 until proven guilty?  
 13 A. Yes.  
 14 Q. Has [REDACTED] ever been proven to  
 15 be guilty of any crime at any time, anywhere, at any  
 16 age?  
 17 A. I don't know the answer to that question,  
 18 but I do know that she was brought into the legal  
 19 system for stealing money from her employer and I  
 20 think it's fair to characterize that as her having a  
 21 criminal record, yeah.  
 22 Q. To the extent that anyone might interpret  
 23 your comment that [REDACTED] was ever  
 24 convicted of a crime, they would be drawing a false  
 25 conclusion as far as you know, correct?

1 A. As far as I know, I don't know of her  
 2 having convicted of any crime. But I do know that  
 3 she was proceeded against for having stolen money.  
 4 And I don't think she contested that. I don't think  
 5 there's any dispute about the fact that she stole  
 6 money and engaged in other crimes as well.  
 7 Q. When did you find out about this alleged  
 8 crime?  
 9 A. As soon as the false allegation against me  
 10 was made public, I got call after call after call  
 11 from people telling me about [REDACTED]s, about  
 12 your 22 clients. The calls just kept coming in  
 13 because there was such outrage at this false  
 14 allegation being directed against me.  
 15 MR. SCAROLA: Move to strike the  
 16 unresponsive portion of the answer.  
 17 BY MR. SCAROLA:  
 18 Q. You found out as soon as the CVRA  
 19 complaint was -- the CVRA allegations referencing  
 20 you were filed; is that correct?  
 21 A. I didn't say that. I said as soon as they  
 22 were made public and as soon as the newspapers  
 23 carried these false stories, I received phone calls  
 24 and I learned about -- I learned about her encounter  
 25 with the criminal justice system.

1 Q. That would certainly have been prior to  
 2 February 23rd of 2015, correct?  
 3 A. Yes.  
 4 MR. SCOTT: Are you going back to the  
 5 exhibit now with the newspapers and --  
 6 MR. SCAROLA: Not yet.  
 7 MR. SCOTT: Okay.  
 8 BY MR. SCAROLA:  
 9 Q. Having reviewed the available airplane  
 10 flight logs, you are aware that Bill Clinton flew on  
 11 at least 15 occasions with Jeffrey Epstein on his  
 12 private plane, correct?  
 13 A. Yes.  
 14 Q. Have you ever attempted to get flight log  
 15 information with regard to Former President  
 16 Clinton's other private airplane travel?  
 17 A. No.  
 18 Q. Never made a public records request --  
 19 A. Yes.  
 20 Q. -- under the Freedom of Information Act  
 21 with regard to those records?  
 22 A. Well, we have made a Freedom of  
 23 Information request. My -- my attorney in New York,  
 24 Louis Freeh, the former head of the FBI, has made a  
 25 FOIA request for all information that would

1 conclusively prove that Bill Clinton was never on  
 2 Jeffrey Epstein's island, yes.  
 3 Q. And you were denied those records,  
 4 correct?  
 5 A. No, no, no.  
 6 Q. Oh, you got them?  
 7 MR. SCOTT: Well, wait a minute. Let's  
 8 take it slow. Ask a question.  
 9 A. As any lawyer knows, FOIA requests take a  
 10 long, long period of time. So they were neither  
 11 denied nor were they given to us. They are very  
 12 much in process.  
 13 BY MR. SCAROLA:  
 14 Q. When was --  
 15 A. While we're talking about -- may I  
 16 complete -- I want to amend one answer I gave  
 17 previously.  
 18 While we're talking about the plane logs,  
 19 I must say that during the recess, my wife Googled  
 20 Tatiana and found out that she was, in fact, 24  
 21 years old in 1995, at the time she flew on that  
 22 airplane. So that my characterization of her as  
 23 about 25 years old is absolutely correct.  
 24 And the implication that you sought to  
 25 draw by showing me those pictures was not only

217

1 demonstrably false, but you could have easily  
2 discovered that the implication you were drawing was  
3 demonstrably false by simply taking one second and  
4 Googling her name as my wife did.  
5 BY MR. SCAROLA:  
6 Q. And so at 25 years old, she wasn't a young  
7 woman?  
8 A. She was not the kind of woman that I was  
9 describing as underage. She was a mature, serious,  
10 I think I said in my public statements a model. I  
11 wasn't aware at the time that she was working for  
12 Victoria's Secrets, but Google demonstrates that.  
13 And I described her exactly, in exactly the right  
14 terms, a serious person.  
15 I always saw her dressed when I saw her --  
16 I saw her maybe on two or three occasions, dressed  
17 appropriately. She was a serious adult worker and I  
18 think you insult and demean her when you suggest  
19 that anything other than that she was a serious  
20 adult when she flew on that airplane.  
21 Q. You were asked on the occasion of that  
22 same Don Lemon CNN interview what possible motive  
23 the attorneys, Brad Edwards and Paul Cassell, could  
24 have had to have identified you in the pleading that  
25 was filed in the Crime Victim's Rights Act case.

218

1 Do you remember that?  
2 A. That's right, yes.  
3 Q. And your response was, quote --  
4 MR. SCOTT: Here's your transcript if you  
5 need to refer to it.  
6 BY MR. SCAROLA:  
7 Q. -- "They want to be able to challenge the  
8 plea agreement and I was one of the lawyers who  
9 organized the plea agreement. I got the very good  
10 deal for Jeffrey Epstein."  
11 Did you make that response?  
12 A. Yes.  
13 Q. So, you recognized as of January 5, 2015,  
14 that the reason why the statements were filed in the  
15 Crime Victim's Rights Act case was because the Crime  
16 Victim's Rights Act case had, as an objective,  
17 setting aside the plea agreement that you had  
18 negotiated for Jeffrey Epstein, correct?  
19 MR. SCOTT: Objection, form. Go ahead if  
20 you can answer it.  
21 A. There were multiple motives. One of the  
22 motives was crassly financial. They were trying to  
23 line their pockets with money. But as I also said,  
24 and I said this over and over again, they profiled  
25 me. They sat down with their client, knowing that

219

1 she has a history of lying, knowing that she is  
2 easily suggestible, and they basically pressured  
3 her, according to my sources, into including me when  
4 she didn't want to include me, because by including  
5 me, they could make a claim, false as it was, could  
6 make a false claim that a person who negotiated the  
7 NPA was also criminally involved with her.  
8 They also lied -- lied unethically and  
9 unprofessionally by saying that I negotiated that  
10 provision of the NPA, which gave me, myself, any  
11 kind of immunity from prosecution had I had improper  
12 sex with [REDACTED] which, of course, I did  
13 not. And that was one of the bases on which I was  
14 certain that they had engaged in unprofessional,  
15 disbarable and unethical conduct by including that  
16 provision, as well as including a provision that  
17 Prince Andrew was included because he, Prince  
18 Andrew, pressured a United States attorney to try to  
19 get a good deal for Jeffrey Epstein.  
20 That is so laughable. How any lawyer  
21 could put that in a pleading, it doesn't pass even  
22 the minimal giggle test. And I'm embarrassed for  
23 Professor Cassell that he would have signed his name  
24 to a pleading that alleges that Prince Andrew would  
25 pressure the United States attorney for the Southern

220

1 District of Florida into giving Jeffrey Epstein a  
2 good deal.  
3 MR. SCAROLA: Move to strike the  
4 unresponsive portions of the answer. And  
5 obviously the break didn't do any good.  
6 MR. SCOTT: Let's proceed.  
7 MR. SCAROLA: We're going to.  
8 BY MR. SCAROLA:  
9 Q. You stated, quote: "If they," referring  
10 to Bradley Edwards and Paul Cassell, "could find a  
11 lawyer who helped draft the agreement" --  
12 A. Right.  
13 Q. -- "who also was a criminal having sex,  
14 wow, that could help them blow up the agreement."  
15 Did you make that statement on --  
16 A. Yes. I just repeated it now, yes, under  
17 oath, yes.  
18 Q. Did you state the following in that same  
19 interview: "So they," referring to Bradley Edwards,  
20 Paul Cassell and [REDACTED] sat down  
21 together, the three of them, these two sleazy,  
22 unprofessional disbarable lawyers" --  
23 A. Uh-huh, uh-huh.  
24 Q. -- "they said" --  
25 MR. SCOTT: Let him ask the question.

1  
2 BY MR. SCAROLA:  
3 Q. -- "who would fit into this description?  
4 They and the woman got together and contrived and  
5 made this up."

6 Did you make that statement on national  
7 television?

8 A. Yes, and I just repeated it under oath. I  
9 believe that to be the case. I think that's exactly  
10 what happened. And I think that my source has  
11 corroborated that.

12 By the way, can I add at this point -- I  
13 don't mean to distract you, but I think the record  
14 would be more complete if I indicated that I did get  
15 a phone call last night from Michael, who told me  
16 that he had received numerous phone calls and texts  
17 from [REDACTED] trying to persuade her not to  
18 talk to me or cooperate with me and offering the  
19 help of a lawyer.

20 And I also -- although you didn't ask the  
21 question, Mr. Scarola, I think for completeness and  
22 fullness, I do want to say that you asked me whether  
23 or not I knew about what could be taped and what  
24 [REDACTED] did tape record some of what  
25 [REDACTED] told me, with her

1 who made transcripts of them.

2 Q. Did you turn them over to opposing  
3 counsel --

4 MR. SCOTT: The transcripts --

5 BY MR. SCAROLA:

6 Q. -- in the course of discovery?

7 MR. SCOTT: The transcripts we consider to  
8 be work product. If you make a request to  
9 produce, we'll provide them.

10 MR. SIMPSON: Just for completeness, they  
11 were also after your discovery request.

12 MR. SCOTT: Request to produce, we'll  
13 consider providing them.

14 BY MR. SCAROLA:

15 Q. Is there an entry in any privilege log  
16 that identifies these allegedly privileged work  
17 product documents?

18 MR. SIMPSON: We will -- the lawyers will  
19 address the document production issues. But  
20 two things, Mr. Scarola, first, they postdate  
21 your request and you have said several times  
22 there's no duty to supplement. And second,  
23 they're work product.

24 MR. SCAROLA: Well, sir, if they postdated  
25 a full and complete production, which we are

1 permission, and I have those tape recordings.

2 Q. Well, you're getting a little bit  
3 overexcited, Mr. Dersh [REDACTED] never tape  
4 recorded anything that [REDACTED] did you.

5 A. Did I say [REDACTED]?

6 Q. You misspoke.

7 A. I misspoke. You wouldn't know that. But,  
8 in fact, let me be clear.

9 I tape recorded, with her permission,  
10 Rebecca's statements to me about what Virginia  
11 Roberts had told her. And I just want to make sure  
12 that for completeness, even though you didn't ask  
13 the question yesterday, that's part of the record.

14 Q. Well, I actually did ask the question and  
15 my recollection is that you said you didn't even  
16 think about tape recording anything --

17 MR. SCOTT: No, that's not accurate. You  
18 never asked that.

19 BY MR. SCAROLA:

20 Q. But can you tell us, please, did you turn  
21 over those tape recordings in the discovery that you  
22 were required to make in this case?

23 A. The discovery -- these events occurred  
24 after April of 2015. And I certainly turned over  
25 the recordings and the -- recordings to my lawyers,

1 now told they do not, then you wouldn't be  
2 obliged to supplement the production that had  
3 already been completed. But it is not the date  
4 of the request that matters, it is the date of  
5 the production that matters.

6 And what we're now being told is there are  
7 allegedly highly relevant transcripts of a  
8 telephone conversation that occurred months ago  
9 when the last production that we received,  
10 which we are told still is not complete,  
11 occurred approximately two weeks ago.

12 So, there's no privilege log entry.  
13 There's no production of these documents. And  
14 there is clearly a very significant discovery  
15 violation if, in fact, such documents exist.

16 MR. SIMPSON: I'm not going to debate it  
17 here, Mr. Scarola, but your assertions are not  
18 accurate.

19 MR. SCAROLA: All right. There also was a  
20 subpoena duces tecum that was responded to  
21 tomorrow -- I'm sorry, yesterday. Can you tell  
22 us whether the documents that are now being  
23 described are included in response to the  
24 subpoena duces tecum on the flash drive that  
25 you provided to us?



1 BY MR. SCAROLA:

2 **Q. What's her phone number?**

3 A. Her phone number is known to Virginia  
4 Roberts and presumably -- and to [REDACTED]  
5 lawyers because she received phone  
6 [REDACTED] calls. So all you have to do is  
7 [REDACTED] if you will get that. But I  
8 think there's no reason to put her phone number in  
9 the public record so that she will receive massive  
10 amounts of phone calls from the media. Seems to me  
11 that any -- that a judge would try to prevent that  
12 from happening. I would hope so. And I'm -- you  
13 can get the name and the phone number from my lawyer  
14 as long as it's --

15 MR. SCOTT: We'll provide that.

16 A. -- done off the record, not so that the  
17 media can see it.

18 BY MR. SCAROLA:

19 **Q. You just swore under oath that lawyers**  
20 **contacted Rebecca; is that correct?**

21 A. I swore under oath that I was told by  
22 Michael that lawyers contacted Rebecca, yes.

23 **Q. Which lawyers?**

24 A. I don't know the answer to that.

25 **Q. Did you ask him?**

1 more accomplished.

2 MR. SCAROLA: Let's take it easy and slow.

3 BY MR. SCAROLA:

4 **Q. How did Michael tell you he knew these**  
5 **people he didn't speak to were lawyers?**

6 A. He told me that he received a phone call  
7 from [REDACTED] when his wife received  
8 numerous phone calls and texts from her all through  
9 the night. And that they received phone calls as  
10 well from her lawyers. One of them had a Miami  
11 phone number.

12 And I don't know how he knew they were  
13 lawyers. But that's what he conveyed to me. All I  
14 can tell you is what he told me, and I'm telling you  
15 that.

16 **Q. Did you ask him for the phone number?**

17 A. I did not.

18 **Q. Why not?**

19 A. I didn't think it was appropriate or  
20 necessary.

21 **Q. What was inappropriate about asking for**  
22 **the phone number to find out who was attempting to**  
23 **contact this witness?**

24 A. I was not particularly interested in that.  
25 All I was interested in was getting the truth from

1 A. I did.

2 **Q. And he said, I --**

3 A. He wouldn't answer that.

4 **Q. -- refuse to tell you?**

5 A. No, he didn't know the answer to that  
6 either because he didn't return the phone calls. He  
7 said --

8 **Q. How did he know they were lawyers if he**  
9 **didn't return the phone calls?**

10 A. Because they left messages, presumably.

11 **Q. With names that identified them as**  
12 **lawyers; is that right?**

13 MR. SCOTT: You're arguing with the  
14 witness --

15 A. I don't know the answer to that.

16 MR. SCAROLA: No, I'm trying to find out  
17 whether there's any logical basis for the  
18 stories that the witness is telling.

19 MR. SCOTT: And I think he's trying to  
20 explain it. And I think he's trying to do it  
21 in an easy, slow format. So, you know --

22 MR. SCAROLA: Okay. Well, let's take it  
23 easy --

24 MR. SCOTT: -- if we all take -- if we all  
25 take the tension down here, maybe we can get

1 the witness and trying to prevent her from having a  
2 media barrage that would interfere with their lives.

3 **Q. You told Don Lemon on CNN that the flight**  
4 **manifests would exonerate you, prove that you were**  
5 **not in the same place at the same time as Virginia**  
6 **Roberts, correct?**

7 A. That's right. And that's true.

8 **Q. You also told Don Lemon, quote, "I am**  
9 **waiving the statute of limitations or any immunity."**

10 A. That's right.

11 **Q. You were then subsequently asked to waive**  
12 **the statute of limitations and refused to, correct?**

13 A. Absolutely false.

14 I waived the statute of limitations by  
15 submitting a statement under oath. Had I not  
16 submitted that statement under oath, the statute of  
17 limitations would have been long gone. But by  
18 stating under oath categorically that I did not have  
19 any sexual contact with her, I waived the statute of  
20 limitations and could be prosecuted for the next  
21 five or so years for perjury in what I said was  
22 false.

23 But what I said was true, so I have no  
24 fear of any statute of limitations or any criminal  
25 prosecution. So, yes, I did waive the statute of

233

1 limitations, yes.  
2 **Q. You refused to waive the statute of**  
3 **limitations with regard to sexual crimes, correct?**  
4 A. I didn't refuse anything. I didn't feel I  
5 had any obligation to respond to you. And I did  
6 not.  
7 **Q. So, you were asked to waive the statute of**  
8 **limitations with regard to your sexual crimes and**  
9 **you refused to respond?**  
10 A. I was asked by you, utterly  
11 inappropriately, and what I had said -- and if you  
12 check what I said, I said if any reasonable  
13 prosecutor were to investigate the case and find  
14 that there was any basis, I would then waive the  
15 statute of limitations. I didn't waive the statute  
16 of limitations because you, a lawyer, for two  
17 unprofessional, unethical lawyers asked me to do so,  
18 what obligation do I have to respond to you?  
19 **Q. Well, you have no obligation to respond to**  
20 **me at all, Mr. Dershowitz, except now while you are**  
21 **under oath and I am asking you questions and I would**  
22 **greatly appreciate you responding to the questions**  
23 **that I ask.**  
24 MR. SCOTT: I think he's trying.  
25

234

1 BY MR. SCAROLA:  
2 **Q. You made the further statement in that**  
3 **same interview, "They dropped the dime on the media**  
4 **when they filed it," referring to the CVRA**  
5 **pleading --**  
6 A. Right.  
7 **Q. -- in which were you named?**  
8 A. Right.  
9 **Q. What is the basis for that statement?**  
10 A. The basis for that statement was that the  
11 filing was done virtually on the eve of New Year's  
12 on a day that the press was completely dead. And  
13 nonetheless, immediately upon the filing, I got a  
14 barrage of phone calls that led me to conclude, and  
15 led many, many, many other lawyers who called me to  
16 conclude that obviously somebody tipped somebody off  
17 that they didn't just happen to file -- to find in  
18 the middle of an obscure pleading which didn't even  
19 have a heading that indicated that I was involved or  
20 anybody else was involved.  
21 So, I'm certain that a dime was dropped to  
22 somebody saying, by the way, you want an interesting  
23 story, there's -- Prince Andrew of Great Britain and  
24 Alan Dershowitz have been accused of sexual  
25 misconduct. I still believe that.

235

1 **Q. And by dropping the dime on the media when**  
2 **they filed it, you intended to convey the message**  
3 **that Paul Cassell and Bradley Edwards intentionally**  
4 **generated the focus of press attention on that**  
5 **filing; is that correct?**  
6 A. Absolutely. Absolutely without any doubt.  
7 Why else would they have brought Prince Andrew into  
8 this filing? Prince Andrew had no connection to the  
9 NPA, no relevance at all. But they knew that by  
10 including Prince Andrew, this would drag my name  
11 into every single newspaper and media outlet in the  
12 world.  
13 It was outrageous for them to do this.  
14 Particularly because they did so little, if any,  
15 investigation, which will, of course, be determined  
16 when they're deposed. And -- and --  
17 **Q. Well, you've already made that**  
18 **determination, right?**  
19 MR. SCOTT: Wait.  
20 A. I'm convinced that -- that they did little  
21 or no investigation. They never even bothered to  
22 call me. That would have been --  
23 BY MR. SCAROLA:  
24 **Q. We'll get to that in just a moment.**  
25 A. -- a simple basic thing.

236

1 **Q. But right now -- right now could you**  
2 **please tell us was there anything other than your**  
3 **inferring that they must have contacted the media to**  
4 **support your conclusion that either Paul Cassell or**  
5 **Brad Edwards did, in fact, alert the media at the**  
6 **time of the filing of this pleading?**  
7 A. Yes.  
8 **Q. What else besides your inference?**  
9 A. When the BBC came to see me, the BBC  
10 reporter showed me an e-mail from Paul Cassell,  
11 which urged him, the BBC reporter, to ask me a  
12 series of questions. So I knew that Paul Cassell  
13 was in touch with the British media and was trying  
14 to stimulate and initiate embarrassing questions to  
15 be asked of me.  
16 And when I spoke to a number of reporters,  
17 they certainly -- obviously reporters have  
18 privilege, but they said things that certainly led  
19 me to infer that they had been in close touch with  
20 your clients or representatives on their behalf.  
21 **Q. What was the date of the e-mail --**  
22 A. I don't know.  
23 **Q. -- that you referenced in that response?**  
24 A. I don't know.  
25 **Q. Well --**

237

1 A. It was whenever -- I'm not sure I ever saw  
 2 the date. He just quickly showed me the e-mail and  
 3 I quickly looked at it.  
 4 **Q. The e-mail that you are referencing, in**  
 5 **fact, occurred after you had begun all of your media**  
 6 **appearances with respect to this filing --**  
 7 A. Let me be very clear about --  
 8 **Q. -- didn't it, sir?**  
 9 A. Let me be very clear about my media  
 10 appearances so that I --  
 11 **Q. How about just answering the questions?**  
 12 A. I'm trying to answer the question. All of  
 13 my media appearances --  
 14 **Q. The question is: Did it occur before or**  
 15 **after your media -- your media appearances? That**  
 16 **doesn't call for a speech --**  
 17 A. It came --  
 18 **Q. -- it calls for before or after.**  
 19 A. It came before some and after some. It  
 20 came, for example, before my appearance on the BBC  
 21 because they showed me the e-mail before they  
 22 interviewed me for the BBC. So some occurred -- it  
 23 occurred before some and it occurred after some.  
 24 **Q. All right. So it is your assertion that**  
 25 **this single e-mail that you have made reference to**

238

1 where Paul Cassell says "asks Dershowitz these  
 2 questions" occurred before your -- your media  
 3 appearances and after your media appearances; is  
 4 that correct?  
 5 MR. SCOTT: Objection, form, argumentative  
 6 and repetitious.  
 7 A. It occurred before some of the media  
 8 appearances, and it occurred after some of media  
 9 appearances, yes.  
 10 BY MR. SCAROLA:  
 11 **Q. Did it occur before your first media**  
 12 **appearances?**  
 13 A. My first media appearances came as the  
 14 result of phone calls I received from --  
 15 **Q. That's nonresponsive to my question, sir.**  
 16 A. -- newspapers --  
 17 **Q. I didn't ask you anything about what your**  
 18 **first media appearances occurred --**  
 19 A. Yes, you did.  
 20 **Q. -- as a result of. I asked you --**  
 21 MR. SCOTT: Let him ask his question.  
 22 BY MR. SCAROLA:  
 23 **Q. -- whether the e-mail that you claimed to**  
 24 **have seen was sent before or after your first media**  
 25 **appearance?**

239

1 MR. SCOTT: I think he's answered that  
 2 twice.  
 3 A. It came after. It came after.  
 4 BY MR. SCAROLA:  
 5 **Q. Thank you, sir. On January 5, you made**  
 6 **another CNN Live appearance in an interview with**  
 7 **Hala Gorani. Do you recall that?**  
 8 A. I do not recall the name of the person --  
 9 **Q. Take a look at the transcript, if you**  
 10 **would, please, page 15.**  
 11 MR. SCOTT: Take a moment to review the  
 12 transcript, please, Mr. Dershowitz.  
 13 THE WITNESS: Page 15.  
 14 MR. SCOTT: Take your time to review that.  
 15 A. Yeah, that name is not familiar to me but,  
 16 of course, I remember doing an interview, yes.  
 17 BY MR. SCAROLA:  
 18 **Q. All right, sir. And during the course of**  
 19 **that interview, you said: "There are flight**  
 20 **manifests. They will prove I was never on any**  
 21 **private airplane with any young woman." Correct?**  
 22 A. Yes.  
 23 **Q. Go to page 17, if you would.**  
 24 A. Uh-huh.  
 25 **Q. At line 4 of transcript of that same**

240

1 interview, you said: "She made the whole thing up  
 2 out of whole cloth. I can prove it by flight  
 3 records. I can prove it by my travel records."  
 4 **Did you make those statements?**  
 5 A. Yes, and they're absolutely true.  
 6 **Q. Okay. I am going to hand you every flight**  
 7 **record that has been produced in connection with**  
 8 **this litigation.**  
 9 A. Uh-huh.  
 10 MR. SCAROLA: Could we mark that as the  
 11 next composite exhibit, please?  
 12 (Thereupon, marked as Plaintiff  
 13 Exhibit 6.)  
 14 MR. SCAROLA: And mark this as the next  
 15 composite exhibit, which will be 7.  
 16 MR. SCOTT: These are all the flight  
 17 manuals?  
 18 MR. SCAROLA: As far as I know.  
 19 MR. SCOTT: Okay.  
 20 MR. SCAROLA: They're the only ones that  
 21 have been produced in discovery. If there are  
 22 more, I'm going to be interested to hear about  
 23 it.  
 24 (Thereupon, marked as Plaintiff  
 25 Exhibit 7.)

241

1 (Discussion off the record.)  
2 THE WITNESS: What's Number 6 then? I'm  
3 confused, there were two.  
4 BY MR. SCAROLA:  
5 Q. Have you ever seen Exhibit Number 6  
6 before?  
7 A. Exhibit Number 6. I don't believe so. It  
8 doesn't look familiar to me.  
9 Q. No?  
10 A. It does not look familiar to me.  
11 Q. Did you bother at any time to review  
12 discovery that was produced by Bradley Edwards and  
13 Paul Cassell responding to requests for information  
14 that supported the allegations [REDACTED]  
15 A. I'm not clear what you're asking.  
16 Q. I want to know --  
17 A. In which case? In which case are we  
18 talking?  
19 Q. This case. This case.  
20 A. Right.  
21 Q. Did you ever bother to review the  
22 discovery produced in this case responding to  
23 requests for all of the information that supported  
24 their belief in the truthfulness of Virginia  
25 Roberts' allegations against you?

242

1 A. I don't know if I reviewed everything.  
2 But I certainly, in preparation for this deposition,  
3 reviewed some of the documents that were produced in  
4 discovery. But I can't say I reviewed them all.  
5 Q. Well, having placed such substantial  
6 emphasis during the course of your public  
7 appearances on the flight logs exonerating you, it  
8 would certainly seem logical that one of the things  
9 that you would want to review would be all of the  
10 available -- all of the available flight logs,  
11 right?  
12 A. No.  
13 MR. SCOTT: Objection, argumentative.  
14 A. No.  
15 BY MR. SCAROLA:  
16 Q. No?  
17 A. No. Look, I knew I was never on a plane  
18 with any underage females under any circumstances.  
19 I knew that. I knew that as certainly as I'm  
20 sitting here today. So, I knew absolutely that if  
21 the manifests and the flight logs were accurate,  
22 they would, of course, exonerate me because I am  
23 totally, completely, unequivocally innocent of any  
24 of these charges.  
25 So of course I knew that I would be

243

1 exonerated by any flight logs that were innocent --  
2 that were complete and accurate, of course.  
3 Q. So you made the public statements  
4 repeatedly that the flight logs would exonerate you  
5 without having examined the flight logs to see  
6 whether they were accurate or not; is that correct?  
7 A. Well, I knew -- I knew that --  
8 Q. Did you say those things without having  
9 examined the flight logs?  
10 A. I said those things having looked at some  
11 of the flight logs at some point in time. But I  
12 knew for sure that the flight logs would exonerate  
13 me because I knew I was never on Jeffrey Epstein's  
14 plane with [REDACTED] any other young  
15 underage girls. So, I knew that to an absolute  
16 certainty. And I was prepared to say it. I'm  
17 prepared to say it again under oath here.  
18 And if your clients had simply called me  
19 and told me they were planning to do this, we  
20 wouldn't be here today because I could have shown  
21 them in one day that it was impossible for me to  
22 have had sex with their client on the island, in the  
23 ranch, on the airplanes, in Palm Beach. And they  
24 would have, if they were decent and ethical lawyers,  
25 not filed that.

244

1 And there are cases, legal ethics cases  
2 that say that lawyers are obliged to make that phone  
3 call. Lawyers are obliged to check if it's easy to  
4 check. Lawyers are obliged to, particularly when  
5 they're making extremely heinous charges against a  
6 fellow lawyer, do very, very, detailed  
7 investigations. And they didn't do that in this  
8 case.  
9 Q. I will represent to you that I have handed  
10 you all of the available flight logs produced in the  
11 discovery of this case. Could you show me, please,  
12 which of these flight logs exonerates you?  
13 A. The absence of evidence is evidence of  
14 absence. None of the flight logs have me on an  
15 airplane with [REDACTED] None of the flight  
16 logs have me [REDACTED] ing the relevant  
17 period of time when [REDACTED] says that she  
18 had sex with me in the presence of another woman.  
19 So, the flight logs clearly exonerate me.  
20 There's absolutely no doubt about that.  
21 Q. Well, the flight logs, in fact, confirm  
22 that you were in the same places at the same time as  
23 [REDACTED] on't they?  
24 A. No, they do not.  
25 Q. Do you -- do you deny that they confirm

245

1 that you were in the same place at the same time --

2 A. First [REDACTED]

3 Q. -- as [REDACTED]

4 MR. [REDACTED] the question.

5 THE WITNESS: Okay.

6 MR. SCOTT: Then you answer the question.

7 And Mr. Scarola will try to, you know, keep the

8 emotion down, I'm sure, so we can get through

9 this with less acrimony between everybody here.

10 A. Your client has adamantly refused, as well

11 as the lawyer --

12 BY MR. SCAROLA:

13 Q. No, sir, that's nonresponsive to my

14 question.

15 MR. SCOTT: Wait a minute.

16 BY MR. SCAROLA:

17 Q. My question is: Do you deny that the

18 flight logs corroborate that you were in the same

19 place at the same time [REDACTED]

20 A. So the question includes the word "time

21 and, therefore, I must answer in this way. Your

22 client --

23 Q. How to build a watch?

24 MR. SCOTT: Wait a minute, you're cutting

25 him off. He's been trying to answer the

246

1 question.

2 A. Your client has adamantly refused, and her

3 lawyers and your clients have refused to give me any

4 timeframes, any timeframes when your client claims

5 that she had improper -- falsely claims,

6 perjuringly claims that she had improper sexual

7 encounters with me.

8 So how can you possibly ask me a question

9 that includes the word "timeframes" when your client

10 has refused -- when [REDACTED] has refused to

11 give any timeframes? How can it be possible that

12 the flight logs show me being in the same time and

13 same place with her when she has refused to describe

14 any of the times that she claims to have been in

15 those places?

16 So the answer to the question is

17 categorically no, sir.

18 BY MR. SCAROLA:

19 Q. What is the question that you are

20 answering no to?

21 A. Whether or not the timeframe shows that I

22 could have been in the same place at the same time

23 as your client. Absolutely not. Because we don't

24 know what times your client -- now, if you know

25 that, you should have produced them in discovery and

247

1 I would be very anxious to see any timeframes when

2 [REDACTED] claims she was with me on the

3 island, claims she was with me on -- at the ranch,

4 claims she was with me on the airplanes, claims she

5 was with me in Palm Beach. And they will all

6 conclusively --

7 Q. You forgot --

8 A. -- prove --

9 Q. -- New York. Didn't you mean New York

10 also?

11 A. No, I did not mean New York --

12 Q. Oh, okay.

13 A. -- because New York is very different. I

14 was, in fact, in New York for large periods of time.

15 I was not, in fact, on the island during the

16 relevant timeframe. I was not in the airplane in

17 the relevant timeframe. I was not in Jeffrey

18 Epstein's Palm Beach home in the relevant timeframe.

19 And I was once in the ranch but under circumstances

20 where it would have been absolutely impossible for

21 me to have had any contact with her.

22 So if you will give me the timeframe, I

23 will be happy to answer your question. But without

24 timeframes, that question is an absolutely

25 inappropriate question. And the answer to it is no.

248

1 Q. Well, Mr. Dershowitz, it might be

2 inappropriate if you had not repeatedly made the

3 public statements that the flight logs exonerate

4 you.

5 A. They do.

6 Q. So what I am attempting to find out is the

7 basis upon which you can contend that the flight

8 logs exonerate you if you are now telling us you

9 don't even know when it is that you are alleged to

10 have been in the same place at the same time as

11 [REDACTED]

12 A. Okay.

13 Q. So how -- how can you make both those

14 statements?

15 A. Very simple, because I know the timeframe

16 that [REDACTED] A, knew Jeffrey Epstein. And

17 during that timeframe, I can conclusively prove that

18 I was never on Jeffrey Epstein's island where she

19 claimed to have sex with me. That the only time I

20 was at the ranch was with my wife, with the Ashe

21 family, with my daughter, the house was under

22 construction, we just simply stayed outside the

23 house and looked around. That the manifests show I

24 was never on Jeffrey Epstein's plane during that

25 period of time. And the manifests show that I never

1 flew down to Palm Beach during that relevant period  
2 of time.

3 So I have a timeframe not that was  
4 provided by your client but that was provided by the  
5 externalities of the case. And that timeframe  
6 coupled with the manifests clearly exonerate me  
7 without any doubt.

8 **Q. I want to make sure that I understood what  
9 you just said. "I never flew down to Palm Beach  
10 during the relevant timeframe"?**

11 A. I never flew down and stayed at Jeffrey's  
12 house in Palm Beach during that relevant period of  
13 time.

14 **Q. Okay. So you want to withdraw the  
15 statement that you never flew down to Palm Beach --**

16 MR. SCOTT: Objection.

17 BY MR. SCAROLA:

18 **Q. -- during that relevant period of time --**

19 A. Let me be --

20 MR. SCOTT: Objection.

21 BY MR. SCAROLA:

22 **Q. -- and what you want to say is, "I never  
23 flew down to Palm Beach and stayed at Jeffrey  
24 Epstein's house during that timeframe period,"  
25 correct?**

1 **Q. Which of the manifests are you referring  
2 to when you claim what you have claimed about the  
3 manifests, Exhibit Number 6 or Exhibit Number 7?**

4 A. I can only tell you that I have reviewed  
5 the manifests and they show, to me, that I was never  
6 on Jeffrey Epstein's airplane during the relevant  
7 period of time. That's all I can tell you now.

8 I'm not in a position where I look at all  
9 these documents now. If you point me to any  
10 particular trip that shows that I was on Jeffrey  
11 Epstein's plane, I would be happy to respond to  
12 that.

13 **Q. There are two separate collections of  
14 documents purporting to be flight manifests for  
15 Jeffrey Epstein's plane. When you made the public  
16 statements that you made regarding the flight logs  
17 or manifests exonerating you, were you referring to  
18 Exhibit Number 6 or Exhibit Number 7?**

19 A. I have no recollection as to which  
20 particular exhibits, which are formed for purposes  
21 of the legal case, I had reviewed. I know I had  
22 reviewed the manifests. Not only had I reviewed the  
23 manifests, but others reviewed the manifests and  
24 have conclusively told me that their review of the  
25 manifests shows that I was right.

1 MR. SCOTT: Objection, argumentative --

2 A. Let me be --

3 MR. SCOTT: -- mischaracterization.

4 A. Let me be clear. A, I never flew down on  
5 Jeffrey Epstein's plane during the relevant period  
6 of time.

7 BY MR. SCAROLA:

8 **Q. Flew down to where?**

9 A. To Palm Beach or anywhere else. I was  
10 never on Jeffrey Epstein's plane, according to the  
11 flight manifests and according to my own records,  
12 during the relevant period of time.

13 I have independent records of my travel  
14 which demonstrate that I was not in Jeffrey  
15 Epstein's house during the relevant period of time.  
16 And -- but the -- talking about the manifests, the  
17 manifests conclusively prove that I was never on the  
18 airplane during the relevant period of time.

19 So I don't know how you can claim that the  
20 manifests show that I was with [REDACTED]  
21 during the relevant period of time. They do not do  
22 that. And if you would testify under oath to that,  
23 I think you could be subject to pretty -- pretty  
24 scathing cross examination. So your statement is  
25 categorically false, sir.

1 **Q. Who else --**

2 MR. SCOTT: Avoid any attorney-client  
3 communications either with Ms. -- you know,  
4 with your current lawyers, please.

5 THE WITNESS: Okay.

6 BY MR. SCAROLA:

7 **Q. Who told you that they had reviewed the  
8 manifests and they confirmed your position?**

9 MR. SCOTT: Objection, work product.

10 MR. SCAROLA: Well, you know, Mr. Scott,  
11 he can't have it both ways. He can't insert  
12 into the record the gratuitous statements that  
13 he inserts into the record regarding others  
14 having corroborated his inaccurate testimony,  
15 and then refuse to tell us who those others  
16 are. It constitutes a waiver of whatever  
17 privilege might exist.

18 MR. SCOTT: He can -- he can tell who they  
19 are. I'm just saying he can't go into  
20 communications with them.

21 MR. SCAROLA: Well, he's already said what  
22 the communication was. The communication was  
23 these manifests prove your position.

24 MR. SCOTT: And he's answered that because  
25 based on his review of them, Mr. Scarola.

253

1 BY MR. SCAROLA:  
2 **Q. Who told you that the manifests confirm**  
3 **the accuracy of your public statements?**  
4 MR. SCOTT: If it involves lawyer-client  
5 privilege, don't answer it.  
6 THE WITNESS: Okay.  
7 BY MR. SCAROLA:  
8 **Q. You're refusing to answer?**  
9 A. No, I would like --  
10 MR. SCOTT: Instruct you not to answer.  
11 A. -- to answer. But I've been instructed  
12 not to answer. I would like to answer.  
13 You've made a statement --  
14 MR. SCOTT: There's no question pending.  
15 THE WITNESS: But he made a statement --  
16 MR. SCOTT: But there's no question  
17 pending, sir.  
18 BY MR. SCAROLA:  
19 **Q. What does it mean to make something up out**  
20 **of whole cloth?**  
21 A. It means that [REDACTED] your  
22 clients --  
23 **Q. No, sir. I haven't asked you anything**  
24 **about [REDACTED]. I haven't asked you**  
25 **anything about my clients.**

254

1 I want to know what the words "making  
2 something up out of whole cloth" mean.  
3 A. I said those words in the context of  
4 [REDACTED]  
5 [REDACTED]'s -- that's fine. Go  
6 ahead.  
7 BY MR. SCAROLA:  
8 **Q. What do the words mean?**  
9 A. That there was absolutely no basis for  
10 [REDACTED] him that she had any sexual  
11 contact with me. That the story was entirely false.  
12 I don't know where the metaphor derives about whole  
13 cloth, but certainly that's the common  
14 understanding. And I repeat under oath that  
15 [REDACTED] made up the entire story about  
16 having sexual contact with me out of whole cloth.  
17 **Q. During the course of the same interview**  
18 **that we have been referencing with Hala Gorani --**  
19 **for the record, that's H-A-L-A, G-O-R-A-N-I.**  
20 A. What page?  
21 **Q. Page 19.**  
22 You were asked: "I'm wondering, have you  
23 spoken to Jeffrey Epstein about this since these  
24 allegations came out in this suit in the United  
25 States? Have conversations happened there?"

255

1 MR. INDYKE: Objection. This is Darren.  
2 Anything that relates to your conversations  
3 with Jeffrey --  
4 THE REPORTER: He's going to have to speak  
5 up.  
6 MR. SCOTT: You're going to have to speak  
7 up a little bit more, Counsel.  
8 MR. INDYKE: Objection. This is Darren  
9 Indyke. Anything that Alan might have to say  
10 to that, to the extent they are covered under  
11 conversations with Jeffrey Epstein, privileged  
12 under attorney-client privileges as well as  
13 common interest privileges.  
14 MR. SCOTT: Do you understand?  
15 THE WITNESS: I do.  
16 BY MR. SCAROLA:  
17 **Q. To which your response was: "Sure, sure,**  
18 **certainly I have been his lawyer and I did speak to**  
19 **him about it. I wanted to make sure that his memory**  
20 **and mine coordinated about when I was at his island.**  
21 **He was able to check. I was able to check. I**  
22 **checked with my friends who went with me."**  
23 **Did you make that answer to that question?**  
24 A. Yes.  
25 **Q. Disclosing the contents of your**

256

1 communication with Jeffrey Epstein, correct?  
2 A. I disclosed that I had spoken to him to  
3 find out whether he had any records of when I was on  
4 his island. And, yes.  
5 MR. INDYKE: Again, this is Darren Indyke.  
6 Jeffrey does not waive any attorney-client  
7 privileges here.  
8 BY MR. SCAROLA:  
9 **Q. Well, the reason why you were able to**  
10 **answer that question and discuss with the press what**  
11 **Jeffrey Epstein was telling you was because you**  
12 **weren't his lawyer at that time, right?**  
13 A. No, I was his lawyer at that time. I'm  
14 still his lawyer.  
15 **Q. Oh, what were you representing him on**  
16 **then --**  
17 A. The ongoing --  
18 **Q. -- that is, on January --**  
19 MR. SCOTT: Whoa.  
20 BY MR. SCAROLA:  
21 **Q. -- on January 5, 2015?**  
22 A. The ongoing --  
23 MR. INDYKE: My objection stands.  
24 MR. SCOTT: You can answer what you were  
25 representing him on, I think.

257

1 A. The ongoing issues --  
2 MR. SCOTT: But nothing about  
3 communications.  
4 A. Right. The ongoing issues relating to the  
5 NPA, which continue to this day. And I regard  
6 myself as his lawyer basically on all those -- all  
7 those issues.  
8 BY MR. SCAROLA:  
9 Q. So, when the pleadings were filed in the  
10 Crime Victims Rights Act regarding your conduct in  
11 relationship to ██████████ and Jeffrey  
12 Epstein, you were and still are his lawyer in the  
13 Crime Victim's Rights Act case; is that correct?  
14 A. I certainly am bound by lawyer-client  
15 privilege and communications, yes.  
16 Q. Okay. You go on to say in that same  
17 interview: "Only once in my life have I been in  
18 that area," referring to New Mexico.  
19 A. Yes.  
20 Q. "Only once in my life did my travel  
21 records show I was in New Mexico."  
22 A. Uh-huh.  
23 Q. Is that an accurate statement?  
24 A. To the best of my knowledge. I have no  
25 recollection of being in New Mexico other than

258

1 during that visit to the Ashes, which was not during  
2 the -- the narrower timeframe.  
3 The narrower timeframe, remember, is  
4 ██████████ visits Jeffrey Epstein in the late  
5 summer, the summer just before she's turning 16, of  
6 1999. She says she didn't commence having sexual  
7 activities with any of Epstein's friends until nine  
8 months later. That would put it in March or April  
9 of 2000. This visit occurred in January of 2000.  
10 It's the only time I recall having been in  
11 New Mexico.  
12 Q. Okay. I want to be sure now. You're not  
13 just saying that you were only at Jeffrey Epstein's  
14 ranch in New Mexico once; you are confirming your  
15 statement on national television that you have only  
16 been in New Mexico one time?  
17 A. My recollection right now is that I was  
18 only there once. I have no -- no other recollection  
19 of -- it's conceivable when I was a very young man,  
20 I could have been there. But I have no recollection  
21 of having been there. It certainly -- certainly I  
22 haven't been there recently. And during the  
23 relevant time period, I know I haven't been there.  
24 Q. "Recently" means --  
25 A. Fifteen --

259

1 Q. -- the last 10 years?  
2 A. I would say 15 --  
3 Q. Last 15 --  
4 A. -- years.  
5 Q. -- how about the last 20 years?  
6 A. I have -- I don't think so.  
7 Q. Okay.  
8 A. As I stand here today, I have no  
9 recollection of ever being in New Mexico except to  
10 visit the Ashes in January of 2000.  
11 I'm 77 years old. I've lived a long life.  
12 It is certainly possible that at some earlier point  
13 in my life -- I mean, I've been in most of the  
14 states. But I have no recollection of ever being in  
15 New Mexico.  
16 And I can tell you unequivocally the only  
17 time I was ever at Jeffrey Epstein's ranch was that  
18 one time with my wife with the Ashes, with my  
19 daughter. And we only stayed there for an hour and  
20 the house was not completed. It was under  
21 construction. And I certainly did not have any  
22 sexual encounter or any encounter with Virginia  
23 Roberts during that visit.  
24 MR. SCAROLA: Move to strike the  
25 unresponsive portions of the answer.

260

1 MR. SCOTT: We don't agree on that point,  
2 so let's go ahead.  
3 MR. SCAROLA: It's of any help, I can  
4 agree that you don't agree to any of my  
5 objections.  
6 MR. SCOTT: No, that's not true. I mean,  
7 I'm trying to work with you, sir.  
8 I have to tell you, this -- this is  
9 obviously one of the most acrimonious  
10 depositions I've sat through in my 40 plus  
11 years because of the personalities involved  
12 here and because of the personal issues. And  
13 it's quite difficult for everybody in this  
14 room.  
15 MR. SCAROLA: I agree.  
16 MR. SCOTT: And all I'm saying, and my  
17 client is -- who's 77, is trying to defend his  
18 life. And I understand you're trying to  
19 vigorously -- and you're a great lawyer --  
20 represent your clients. And it's -- this is  
21 not the typical deposition. And we're trying  
22 our very best, both of us.  
23 MR. SCAROLA: Thank you. And you're  
24 right, you and I do agree on something.  
25 MR. SCOTT: As you said yesterday, more

261

1 often than we usually say.  
2 MR. SCAROLA: Yes, sir.  
3 BY MR. SCAROLA:  
4 **Q. In interviews on January 4 and January 5,**  
5 **you claim to have completed the necessary work to**  
6 **identify documents exonerating you within an hour**  
7 **after learning of the accusations that were made,**  
8 **correct?**  
9 A. I don't remember having said that. But  
10 within a minute, I had clear knowledge that every  
11 document in the world would exonerate me because I  
12 knew for absolute certainty that every aspect of her  
13 allegation was totally false. That's why I  
14 challenged the other side to produce videos, to  
15 produce photographs. I knew that there could be no  
16 evidence inculpatory me because I knew I was  
17 innocent. So I knew that all of my records would  
18 prove that.  
19 Facts are facts. And I just wasn't in any  
20 contact or any sexual contact with [REDACTED]  
21 and I knew with absolute certainty that the facts  
22 would completely exonerate me. And if your clients  
23 had just called me, at the courtesy of simply  
24 calling me, I would have been able to point them to  
25 Professor Michael Porter of the Harvard Business

262

1 School. I would have been able to -- to alert them  
2 to the Ashes. I would have been able to tell them  
3 that I keep little black books which have all of my  
4 travel information. Although they were in the  
5 basement of Martha's Vineyard, I would have been  
6 happy to go up and get them.  
7 If they had just simply called me, I would  
8 have been able to persuade them without any doubt  
9 that these allegations were false. If they needed  
10 any persuading because I believe, as I sit here  
11 today, that they knew they were false at the time --  
12 certainly should have known, but I believe knew they  
13 were false at the time that they leveled them.  
14 **Q. My question related to your gathering**  
15 **documents that you claim exonerated you --**  
16 A. That's right.  
17 **Q. -- and your public statements were that**  
18 **within an hour, you --**  
19 A. Can you --  
20 **Q. -- had gathered the documents --**  
21 MR. SCOTT: Listen to the question.  
22 BY MR. SCAROLA:  
23 **Q. -- you had gathered the documents that**  
24 **exonerated you, correct?**  
25 MR. SCOTT: You can refer.

263

1 A. Where? Where? Can you point to that?  
2 BY MR. SCAROLA:  
3 **Q. Well, I'm asking you, sir, based upon your**  
4 **superb memory whether you remember having said --**  
5 MR. SCOTT: No, we're going to do --  
6 BY MR. SCAROLA:  
7 **Q. -- on Jan --**  
8 MR. SCOTT: He's going to take a moment to  
9 review the transcript and -- and that's -- any  
10 witness is entitled to do that. So why don't  
11 we take a break, he'll review transcript and  
12 we'll come back? We've been going an hour --  
13 MR. SCAROLA: Because I haven't asked him  
14 a question about the transcript.  
15 MR. SCOTT: You've asked --  
16 MR. SCAROLA: I'm asking him a question  
17 about his recollection.  
18 MR. SCOTT: Based upon what he said in the  
19 transcript.  
20 MR. SCAROLA: No, I'm asking him whether  
21 he has a recollection of having made public  
22 statements that within an hour, he had gathered  
23 the documents that proved his innocence,  
24 exonerated him.  
25

264

1 BY MR. SCAROLA:  
2 **Q. Do you remember having made those**  
3 **statements?**  
4 A. I do not, but it's true. I was able to  
5 gather documents literally within an hour. I was  
6 able to call Tom Ashe. He was able to access his  
7 daughter's journal notes that I had taught his  
8 daughter's class. I was able to find out where my  
9 other documents were.  
10 My wife made some phone calls immediately.  
11 We called the Canyon Ranch. We called and  
12 determined the dates of when I was in Florida. We  
13 called the Porters. We very, very, very quickly  
14 were able to gather information that conclusively  
15 would prove that she was lying about me having had  
16 sex with me on the island, in the ranch,  
17 particularly those two I was able to prove  
18 conclusively.  
19 And when a woman lies deliberately and  
20 willfully about two instances where she in great  
21 detail claims she had had sex, I think you can be  
22 clear that you should discount any other -- any  
23 other false allegations.  
24 MR. SCOTT: We've been going for an hour.  
25 Let's take a break for a few minutes. Then we

265

1 have another hour.  
2 MR. SCAROLA: I'm almost ready to take a  
3 break.  
4 MR. SCOTT: Okay.  
5 MR. SCAROLA: Could you read back the last  
6 question, please?  
7 First of all, I move to strike the  
8 unresponsive speech.  
9 And now read back the last question, if  
10 you would.  
11 (Requested portion read back as follows:)  
12 THE REPORTER: "Do you remember having  
13 made those statements?"  
14 Do you want me to read prior to that?  
15 MR. SCAROLA: No, that's fine. That's the  
16 question that I asked.  
17 BY MR. SCAROLA:  
18 Q. Is the answer yes?  
19 A. I don't remember specifically. I do  
20 generally remember having said that your clients  
21 could have easily discovered conclusive proof that  
22 [REDACTED] ing about me and that I  
23 of course, it was false --  
24 MR. SCAROLA: Tom --  
25 A. -- been able to uncover such proof.

266

1 MR. SCAROLA: That has nothing to do with  
2 the question I asked --  
3 MR. SCOTT: Let's take -- let's take a  
4 break like I suggested and we'll come back and  
5 then you can ask your question and -- okay?  
6 MR. SCAROLA: Well, while the question is  
7 pending, I would like an answer to the question  
8 before we break.  
9 MR. SCOTT: Did you answer the question?  
10 THE WITNESS: I thought I did.  
11 A. But what -- could you repeat the question?  
12 I'll try to answer it in a yes or no if I can.  
13 BY MR. SCAROLA:  
14 Q. Did you make the statement that within an  
15 hour of learning of these allegations, you had  
16 gathered documents that completely exonerated you?  
17 A. I don't recall those specific words --  
18 Q. Thank you, sir.  
19 A. -- but the truth --  
20 MR. SCOTT: That's it, and I think he  
21 indicated that before.  
22 MR. SCAROLA: That would be very helpful  
23 if we said that and then we stopped and we can  
24 take a break.  
25 MR. SCOTT: He previously had said that

267

1 and then explained it but now you have it  
2 directly answered. So we're -- we're at a  
3 break point.  
4 MR. SCAROLA: Thank you.  
5 VIDEOGRAPHER: Going off the record. The  
6 time is approximately 11:01 a.m.  
7 (Recess was held from 11:01 a.m. until 11:23 a.m.)  
8 VIDEOGRAPHER: Going back on the record.  
9 The time is approximately 11:23 a.m.  
10 BY MR. SCAROLA:  
11 Q. When did you last travel from outside the  
12 State of Florida to arrive in Florida?  
13 A. The day before yesterday, I think.  
14 Q. And where did you travel from?  
15 A. New York.  
16 Q. When were you last in Boston, in the  
17 Boston area?  
18 A. About two weeks ago.  
19 Q. So, if anyone had represented that you  
20 were going to be traveling from Boston to Florida  
21 this past weekend, that would have been a  
22 misrepresentation; is that correct?  
23 A. I have no idea what you're talking about.  
24 Q. Well, I'm talking about your personal  
25 travels. If anyone had represented that you were

268

1 going to travel from Boston to Florida and canceled  
2 travel arrangements from Boston to Florida this past  
3 weekend, that would have been a misrepresentation,  
4 correct?  
5 A. I have no idea what you're talking about.  
6 I'm sorry.  
7 Q. Well, what is it that you don't understand  
8 about that question? Either you were in --  
9 A. The basis --  
10 Q. -- Boston and were planning on traveling  
11 from Boston to Florida this past weekend or the last  
12 time you were in Boston was two weeks ago, so you  
13 couldn't have been planning --  
14 A. I --  
15 Q. -- on traveling from Boston to Florida.  
16 A. I was actually in Boston -- now that I  
17 checked my calendar, I was actually in Boston --  
18 here, I have -- aha. It says -- and my calendar  
19 says I was in Boston. Then it says leave for  
20 Florida, but that got changed. Yes, that got  
21 changed, right.  
22 Q. May I see that, please?  
23 A. No, this is my personal calendar.  
24 Q. Yes, I'm sorry, but if you refer to  
25 anything to refresh your recollection --

269

1 A. I have --

2 **Q. -- during the course of the deposition, I**

3 **am permitted to examine it.**

4 A. I have lawyer-client privileged

5 information in here, so I can't give it to you. I

6 can give it to you in a redacted form. I have a

7 quote from David Boies in here, which I'm sure --

8 MR. SCOTT: Don't --

9 A. -- nobody is going to want to see --

10 MR. SCOTT: We'll make a copy and give it

11 to you.

12 MR. SCAROLA: Thank you. Would you hand

13 it to your counsel, please?

14 MR. SCOTT: On that note, hold on to that.

15 THE WITNESS: But I need that back.

16 MR. SCOTT: Of course. Don't worry.

17 MR. SIMPSON: Hold on to it.

18 MR. SCOTT: That's why I gave it to him

19 because I'd lose it.

20 BY MR. SCAROLA:

21 **Q. Before January 21, 2015, what information**

22 **did you have regarding what Bradley Edwards and Paul**

23 **Cassell had gathered in the course of investigating**

24 **the accuracy of [REDACTED] accusations**

25 **against you?**

270

1 A. Well, first, I knew that anything they

2 gathered --

3 MR. INDYKE: Objection to the extent that

4 requires --

5 MR. SCOTT: Whoa.

6 MS. McCAWLEY: -- you to disclose anything

7 you gave --

8 THE COURT REPORTER: I can't hear.

9 I'm sorry, Mr. Indyke, can you repeat your

10 objection?

11 MR. SCOTT: Can you say that a little

12 louder?

13 MR. INDYKE: Darren Indyke. I would

14 object to the extent that your answer would

15 disclose anything you -- you obtained or

16 learned or any knowledge you gained in

17 connection with your representation of Jeffrey

18 Epstein.

19 MR. SCOTT: Do you understand that

20 instruction?

21 THE WITNESS: I do, yes.

22 Could you repeat the question?

23 BY MR. SCAROLA:

24 **Q. Yes, sir. I want to know what information**

25 **you had regarding what Bradley Edwards and Paul**

271

1 **Cassell had done in the course of their**

2 **investigation of the credibility of the accusations**

3 **made by [REDACTED] against you?**

4 A. Well, first and foremost, the most

5 important piece of information I had was my firm and

6 complete knowledge and memory that I had never had

7 any sexual contact with [REDACTED] under

8 any circumstances or any other underage girls. So I

9 knew --

10 **Q. The question I'm asking, sir --**

11 A. -- this information --

12 **Q. -- focuses on what knowledge you had**

13 **regarding what Bradley Edwards and Paul Cassell did**

14 **in the course of their investigation of the**

15 **credibility of the accusations against you made by**

16 **[REDACTED]**

17 A. That was the first and most important bit

18 of information; namely, that I couldn't have done it

19 and didn't do it. So I knew for sure that they

20 could not have conducted any kind of valid

21 investigation.

22 Second, I knew from -- that they also had

23 a letter from Mr. Scarola that said that multiple

24 witnesses had placed me in the presence of Jeffrey

25 Epstein and underage girls and I knew that

272

1 Mr. Scarola's letter was a patent lie. And they had

2 access to that letter and that information.

3 I also knew they were relying on

4 depositions of two house people of Jeffrey Epstein.

5 And I've read these two depositions. And I'm sure I

6 knew of other -- other information as well.

7 I knew that they had stated -- I knew that

8 they had stated publicly, or you had stated publicly

9 on their behalf as a witness, that you had stated

10 publicly that you had tried to depose me on these --

11 on this subject. I knew that that was a blatant lie

12 and unethical conduct because nobody ever tried to

13 depose me on this subject.

14 I had never been accused, nor did I have

15 any knowledge that anybody had ever falsely accused

16 me of having any sexual encounters. And I had a

17 great deal of information about the paucity or

18 absence of any legitimate investigation. And I also

19 knew that they hadn't called me, they hadn't tried

20 to call me, there was no record of an attempt to

21 call me or e-mail me. My e-mail is available on my

22 website. My phone number is available on my

23 website.

24 The most basic thing they could have done,

25 as courts have said, when you're accusing somebody

273

1 of outrageous, horrible, inexcusable misconduct, at  
2 least call the person and ask them if they can  
3 disprove it before you file a -- a statement. Not  
4 even asking for a hearing on it, not even basically  
5 seeking to prove it, just -- just putting it in a  
6 pleading as if scrolling on a bathroom stall.  
7 So, yes, I had -- I had a great basis for  
8 making that kind of statement and I repeat it here  
9 today. And we will find out in depositions what  
10 basis they actually had. And I'm anxiously awaiting  
11 Mr. Cassell's deposition this afternoon.  
12 MR. SCAROLA: Move to strike the  
13 non-responsive portion of that answer.  
14 Could I have a standing objection to  
15 unresponsive --  
16 MR. SCOTT: Sure.  
17 MR. SCAROLA: -- answers? That would be  
18 helpful. Thank you. I appreciate that. That  
19 will save us --  
20 MR. SCOTT: Absolutely. No, any time.  
21 MR. SCAROLA: -- save us some time.  
22 MR. SCOTT: Thank you, sir.  
23 BY MR. SCAROLA:  
24 Q. The one portion of what you just said that  
25 directly responded to my question was you knew in

274

1 early January of 2015 that Bradley Edwards and Paul  
2 Cassell had the sworn testimony of two -- did you  
3 refer to them as house --  
4 A. House people.  
5 Q. House staff?  
6 A. House staff.  
7 Q. House staff of Jeffrey Epstein's --  
8 A. That's right.  
9 Q. -- correct?  
10 And those two individuals are Juan Alessi  
11 and Alfredo Rodriguez, correct?  
12 A. That's right.  
13 Q. And you, in fact, were aware of the  
14 existence of that testimony from shortly after the  
15 time that the testimony was given, weren't you?  
16 A. Well, I was certainly aware of it at the  
17 time I made these statements.  
18 Q. Yes, sir. But you also knew as far back  
19 as 2009, when this sworn testimony was given, that  
20 you were specifically identified by name in the  
21 sworn testimony of Jeffrey Epstein's house staff  
22 members, right?  
23 A. I was identified by name in a manner that  
24 completely exculpated me, yes.  
25 Q. Okay. Well, let's -- let's take a look at

275

1 your assertion that the testimony of these two  
2 individuals completely exculpates you.  
3 A. Uh-huh.  
4 Q. The following question was asked of --  
5 MR. SCOTT: What you are reading from?  
6 MR. SCAROLA: I'm reading from the  
7 deposition transcript.  
8 BY MR. SCAROLA:  
9 Q. The following question was asked of --  
10 MR. SCOTT: The deposition transcript --  
11 BY MR. SCAROLA:  
12 Q. -- of Mr. Juan -- Mr. Juan Alessi and --  
13 MR. SCOTT: Let me object to the -- first  
14 of all, let me object to this format because he  
15 has not been provided a part of the deposition.  
16 You're reading portions from the deposition --  
17 MR. SCAROLA: Yes, I am.  
18 MR. SCOTT: -- which can be taken out of  
19 context. He has not had the ability to review  
20 the deposition. This is improper.  
21 MR. SCAROLA: Okay.  
22 MR. SCOTT: Cross-examination.  
23 BY MR. SCAROLA:  
24 Q. Do you recall the following questions  
25 having been asked of Mr. Alessi and the following

276

1 answers have been given during the course of this  
2 deposition which you contend completely exonerates  
3 you?  
4 "Question: Do you have any recollection  
5 of VR, referring to [REDACTED] coming to  
6 the house when Prince Andrew was there?  
7 "Answer: It could have been, but I'm not  
8 sure.  
9 "Question: When Mr. Dershowitz was  
10 visiting --  
11 "Answer: Uh-huh.  
12 "Question: -- how often did he come?  
13 "Answer: He came pretty -- pretty often.  
14 I would say at least four or five times a year.  
15 "Question: And how long would he stay  
16 typically?  
17 "Answer: Two to three days.  
18 "Question: Did he have massages sometimes  
19 when he was there?  
20 "Answer: Yes. A massage was like a treat  
21 for everybody. If they wanted, we call the  
22 massage, and they get -- excuse me -- and they  
23 have a massage.  
24 "Question: You said that you set up the  
25 massage tables, and would you also set up the

277

1 oils and towels?  
2 "Answer: Yes, ma'am.  
3 "Question: And did you ever have occasion  
4 to go upstairs and clean up after the massages?  
5 "Answer: Yeah, uh-huh.  
6 "Question: Did you ever find any  
7 vibrators in that area?  
8 "Answer: Yes. I told him yes.  
9 "Question: Would you describe for me what  
10 kinds of vibrators you found?  
11 "Answer: I'm not too familiar with the  
12 names, but they were like big dildos, what they  
13 call the big rubber things like that  
14 (indicating). And I used to go and put my  
15 gloves on and pick them up, put them in the  
16 sink, rinse it off and put it in Ms. Maxwell --  
17 Ms. Maxwell had in her closet, she had like a  
18 laundry basket. And you put laundry in. She  
19 have full of those toys."  
20 Is that testimony that exonerates you,  
21 Mr. Dershowitz? Is that what you were referring to?  
22 MR. SCOTT: Let me -- objection to the  
23 form, improper cross examination by taking  
24 excerpts out of depositions of witnesses.  
25

278

1 BY MR. SCAROLA:  
2 Q. Is it your contention that that testimony,  
3 under oath, of your friend, Mr. Epstein's staff  
4 person, exonerates you?  
5 A. First, a little background. Mr. Alessi  
6 was fired for theft of material from Mr. Epstein, so  
7 Mr. Alessi was not on a friendly basis with Jeffrey  
8 Epstein.  
9 Second, the description of the dildos and  
10 sex toys clearly refers to the area of the house  
11 that I was never in, the area of Ms. Maxwell's room,  
12 rather than the area of the room that I stayed in.  
13 Third, he gives no timeframe for the  
14 visits.  
15 And, fourth, he certainly didn't in any  
16 way confirm that I was there while [REDACTED]  
17 was there. His answer was simply that I was there  
18 from time to time. He's wrong about that. During  
19 the relevant timeframe, I was never in the house.  
20 And even taking outside the relevant  
21 timeframe, the only time I was in the house for more  
22 than one day was when my family, my wife, my son, my  
23 daughter-in-law, my then probably seven or  
24 eight-year-old granddaughter, who just graduated  
25 Harvard, and my probably four-year-old grandson, who

279

1 is a third-year student at Harvard, were all there  
2 with me. That was the only time that I stayed over  
3 more than one night. And I never stayed even one  
4 night during the relevant timeframe.  
5 But most importantly, he gives no  
6 timeframe. And clearly his reference to the sex  
7 toys is a reference to the part of the house that I  
8 was never permitted in and never entered.  
9 Q. What is the question that you think you  
10 were answering?  
11 A. Whether --  
12 MR. SCOTT: He was explaining to you  
13 exactly why he felt that that was  
14 inappropriate, which is exactly what you asked  
15 him.  
16 MR. SCAROLA: No, it is not.  
17 MR. SCOTT: Well, it is my recollection,  
18 so I don't know --  
19 MR. SCAROLA: Well, then --  
20 MR. SCOTT: I think he was defending --  
21 MR. SCAROLA: Let me try the same question  
22 over again.  
23 MR. SCOTT: I think he was defending  
24 his -- his position.  
25 THE WITNESS: Right.

280

1 BY MR. SCAROLA:  
2 Q. The question was: Is that part of the  
3 time that you claim exonerates you?  
4 A. Well, I think if you read the whole  
5 testimony, it clearly exonerates me and I think that  
6 part of the testimony in no way inculcates me and no  
7 reasonable person reading that could use that as a  
8 basis for making allegations that I had sexual  
9 encounters or misconduct with [REDACTED]  
10 So, when -- if that's the best testimony  
11 that your unprofessional clients relied on, then  
12 clearly that exonerates me.  
13 Again, the absence of evidence is evidence  
14 of absence. And the very idea that this is seen as  
15 some basis for concluding that I had sexual  
16 encounters with -- with [REDACTED] why wasn't  
17 he asked did he ever see me have a massage by  
18 [REDACTED] Did he ever see me have a sexual  
19 encounter with [REDACTED] Did he ever go to  
20 the room I was staying in and find any sex toys?  
21 The answers to all those questions, if  
22 truthful, would be no.  
23 Q. What was Mr. Alessi's motive against you?  
24 You've told us he was fired by Jeffrey Epstein, so  
25 he may have had some motive against Mr. Epstein.

281

1 **What was his motive against you?**  
2 A. I was Jeffrey Epstein's friend and lawyer  
3 and, in fact -- well, I can't get into this. But I  
4 can say this, I gave advice --  
5 MR. SCOTT: Be careful about anything  
6 involving --  
7 THE WITNESS: Okay.  
8 MR. SCOTT: -- Mr. Epstein, please.  
9 A. He could easily have believed that I was  
10 one of the causes of his firing.  
11 BY MR. SCAROLA:  
12 **Q. So, he was -- he may have been angry at**  
13 **you because you assisted in getting him fired?**  
14 A. It's --  
15 MR. SCOTT: Objection,  
16 mischaracterization.  
17 A. It's conjecture. It's possible. But in  
18 any event, even --  
19 BY MR. SCAROLA:  
20 **Q. It's conjecture, is that what you were**  
21 **about to say?**  
22 A. I'm saying I have -- I don't know what he  
23 was thinking, but there is a basis for him believing  
24 that. But most -- most important, even if you take  
25 everything he says as true, which it's not, it's

282

1 exculpatory because it has no suggestion that I ever  
2 had any sexual encounter with [REDACTED]  
3 And if I were a lawyer [REDACTED]  
4 MR. SCOTT: It's okay?  
5 A. -- I certainly would not base this heinous  
6 accusation on that flimsy read.  
7 BY MR. SCAROLA:  
8 **Q. You know the context in which that**  
9 **deposition was taken, don't you?**  
10 A. I don't recall it as I'm sitting here  
11 today.  
12 **Q. Do you remember that the lawsuit in which**  
13 **that deposition was taken was a lawsuit in which**  
14 **[REDACTED] being represented by Bob**  
15 **Josefsberg?**  
16 A. No.  
17 **Q. You know Bob Josefsberg, don't you?**  
18 A. We -- we were classmates at law school.  
19 **Q. You know Bob Josefsberg to be an extremely**  
20 **ethical, highly professional and extraordinarily**  
21 **well-respected lawyer, right?**  
22 A. Absolutely, yes.  
23 **Q. Absolutely?**  
24 A. Yeah.  
25 **Q. A man of impeccable honesty and integrity?**

283

1 A. Yes.  
2 **Q. A man who would never undertake to advance**  
3 **the cause of a client whom he believed to be**  
4 **incredible, right?**  
5 A. Yes. And a man who told me and a man  
6 who --  
7 MR. SCOTT: That's it.  
8 A. Okay. And a man who believes I'm  
9 innocent.  
10 BY MR. SCAROLA:  
11 **Q. You know that Bob Josefsberg would never**  
12 **file charges on behalf of a client alleging that she**  
13 **was lent out by Jeffrey Epstein for purposes of**  
14 **sexual abuse while she was a minor to academicians**  
15 **unless he absolutely had confidence that those**  
16 **statements were true --**  
17 MR. SCOTT: Let me object --  
18 BY MR. SCAROLA:  
19 **Q. -- right?**  
20 MR. SCOTT: -- that this is completely  
21 irrelevant to the issues in this case.  
22 Whatever Mr. Josefsberg thinks has nothing to  
23 do with this lawsuit. This is all your effort  
24 to try to put Josefsberg into this case to try  
25 to give some justification to your position.

284

1 A. I'll answer that question.  
2 BY MR. SCAROLA:  
3 **Q. Thank you.**  
4 A. And I also know Bob Josefsberg and know  
5 that he would never maintain a friendship, as he has  
6 with me, if he believed that I was one of the,  
7 quote, academicians --  
8 **Q. Well, how about --**  
9 A. -- with whom --  
10 **Q. -- answering my question --**  
11 MR. SCOTT: Wait a minute. No, no, no.  
12 A. You're going to let me finish.  
13 BY MR. SCAROLA:  
14 **Q. I know I'm going to go, but I don't have**  
15 **to like it --**  
16 MR. SCOTT: Yeah, but --  
17 BY MR. SCAROLA:  
18 **Q. -- when you're not being responsive to the**  
19 **questions that are being asked.**  
20 MR. SCOTT: Yeah, but you're  
21 interjecting --  
22 BY MR. SCAROLA:  
23 **Q. And --**  
24 MR. SCOTT: You're interjecting questions  
25 that are irrelevant utilizing Bob Josefsberg's

285

1 relationship with him and he has an ability to  
2 justify and explain his position in response --  
3 MR. SCAROLA: If it's responsive to the  
4 question.  
5 A. It's responsive. And as far as the  
6 filibustering is --  
7 BY MR. SCAROLA:  
8 Q. Do you remember what the question is?  
9 A. -- is concerned, I was here --  
10 Q. Do you remember what the question was?  
11 A. Yes. Yes.  
12 Q. What is the question?  
13 A. The question is -- no, why don't you  
14 repeat the question.  
15 Q. Yes, sir.  
16 A. So --  
17 Q. You know that Bob Josefsberg would not  
18 advance allegations on behalf of a client that that  
19 client had been lent out by Jeffrey Epstein to  
20 satisfy the sexual desires of friends of Jeffrey  
21 Epstein, including academicians, unless Bob  
22 Josefsberg believed those allegations to be true,  
23 right?  
24 A. I believe that -- I know that Bob  
25 Josefsberg would never maintain a friendship with

286

1 me, as he has, if he believed that I was one of  
2 those academicians. Bob Josefsberg knows that I was  
3 not one of those academicians, and the inference of  
4 your question is beneath contempt, sir.  
5 Q. Could we try to answer the question now?  
6 A. The answer is that Bob Josefsberg would  
7 never maintain a friendship with me if he believed  
8 that there was any possibility that I was among the  
9 academicians who she was accusing of sexual  
10 misconduct. I do not believe that she ever accused  
11 me of sexual misconduct to Bob Josefsberg, to the  
12 FBI, to the U.S. attorney, or even, sir, to you and  
13 Bradley Edwards, as she says in 2000, I think, '11.  
14 I think she made up this story on the eve of the  
15 filing in 2014.  
16 Q. You do agree that Bob Josefsberg would not  
17 have advanced the claims that he advanced if he did  
18 not have confidence that they were true, correct?  
19 A. I have no idea what he believed or knew at  
20 the time. I would say this: I know Bob Josefsberg  
21 is an extraordinarily ethical lawyer. I don't know  
22 what his responsibilities were in the case. I don't  
23 know whether his responsibilities were to make those  
24 kinds of judgments or whether his responsibility was  
25 simply to make sure that money was paid to each of

287

1 the people who the FBI had put on the -- the list.  
2 I just don't know what his responsibility was.  
3 I can say with confidence that he would  
4 only act ethically and would, A, not represent --  
5 not make any false statements the way your clients  
6 made them, and that I wish your clients had the  
7 ethics of Bob Josefsberg.  
8 Q. You then agree that if Bob Josefsberg  
9 advanced the claims that I have described in a  
10 complaint on behalf of a client, he would not have  
11 done so unless he believed those allegations to be  
12 true, having conducted a fair and reasonable  
13 investigation, correct?  
14 MR. SCOTT: Objection, asked and answered  
15 several times.  
16 A. I don't know the answer to that question  
17 because I don't know the context in which he made  
18 these arguments. All I do know is that he never  
19 would maintain a friendship with me if he believed  
20 in any way that I was one of the people that she had  
21 accused.  
22 BY MR. SCAROLA:  
23 Q. Did Alfredo Rodriguez, another one of your  
24 friend's staff persons, have a motive to lie against  
25 you?

288

1 A. Alberto Rodriguez --  
2 Q. No, sir, Alfredo Rodriguez.  
3 A. Alfredo Rodriguez, I never knew him by  
4 name. He was, of course, there out -- well outside  
5 of the timeframe of the alleged events in this case.  
6 And so anything that he would be able to testify to  
7 would bear no relationship whatsoever to the -- the  
8 allegations here.  
9 He was criminally prosecuted, to my  
10 memory, for having stolen material and turned it  
11 over to Bradley Edwards is my recollection. And as  
12 the result of that clearly had a motive to lie. And  
13 the same with Mr. Alessi, clearly would have a basis  
14 for believing that I may have played a role as  
15 Jeffrey Epstein's lawyer in seeking to do harm to  
16 him.  
17 But again, there's nothing in  
18 Mr. Rodriguez's testimony which is in any way  
19 inculpatory of me. I think he has me sitting and --  
20 and reading a book and drinking a glass of wine.  
21 Q. In the presence of young women?  
22 A. No.  
23 Q. No?  
24 A. I don't --  
25 Q. Do you --

289

1 A. -- believe that.  
2 Q. -- recall the following testimony --  
3 A. It wouldn't be true if he said it.  
4 Q. Yes, sir. Well, do you recall the  
5 following testimony having been given by Mr. Alfredo  
6 Rodriguez in a deposition that was taken on  
7 August 7, 2009?  
8 "Question: Mr. Rodriguez, you stated last  
9 time that there were guests at the house,  
10 frequent guests from Harvard. Do you remember  
11 that testimony?  
12 "Answer: Yes, ma'am.  
13 "Question: Was there a lawyer from  
14 Harvard named Alan Dershowitz?  
15 "Answer: Yes, ma'am.  
16 "Question: And are you familiar with the  
17 fact that he's a famous author and famous  
18 lawyer?  
19 "Answer: Yes, ma'am.  
20 "Question: How often during the six  
21 months or so that you were there was  
22 Mr. Dershowitz there?  
23 "Answer: Two or three times.  
24 "Question: And did you have any knowledge  
25 of why he was visiting there?

290

1 "Answer: No, ma'am.  
2 "Question: You don't know whether or not  
3 he was a lawyer acting as a lawyer or whether  
4 he was there as a friend?  
5 "Answer: I believe as a friend.  
6 "Question: Were there also young ladies  
7 in the house at the time he was there?  
8 "Answer: Yes, ma'am.  
9 "Question: And would those have included  
10 for instance, [REDACTED]  
11 "Answer: Yes, ma'am.  
12 "Question: Were there other young ladies  
13 there when Mr. Dershowitz was there?  
14 "Answer: Yes, ma'am.  
15 "Question: Do you have any idea who those  
16 young women were?  
17 "Answer: No, ma'am.  
18 "Question: Were there any of these --  
19 excuse me. Were any of these young women that  
20 you have said came to give massages?  
21 "Answer: Yes, ma'am."  
22 Do you recall that testimony having been  
23 given --  
24 A. Yes.  
25 Q. -- and those answers having been given to

291

1 that testimony?  
2 A. Yes.  
3 MR. SCOTT: Objection. This is totally  
4 improper cross examination of a witness by  
5 trying to use a deposition. The only purpose  
6 of doing this is to interject this into the  
7 record, which has no relevance and would not be  
8 admissible at trial. And in any case, he never  
9 actually has my client doing any of the things  
10 that you've accused him of.  
11 Go ahead, let's go ahead and do it.  
12 Answer the question. Answer the question.  
13 MR. SCAROLA: He did.  
14 A. Yes, I remember that.  
15 MR. SCAROLA: He said yes.  
16 A. Yes, I remember that, yes.  
17 BY MR. SCAROLA:  
18 Q. And do you know why it was that back in  
19 19 -- excuse me, back in 2009, August of 2009, four  
20 and a half years before you allege that this story  
21 about you was being made up out of whole cloth, that  
22 lawyers representing Jeffrey Epstein's victims,  
23 including Katherine Ezell, E-Z-E-L-L from Bob  
24 Josefsberg's office, who had filed the complaint  
25 alleging that you had -- excuse me, that Virginia

292

1 Roberts had been lent out for sexual purposes to  
2 academicians, were asking specific questions about  
3 you? Do you know why it was in 2009 they were doing  
4 that?  
5 A. I have no idea that it happened. And I  
6 imagine that they had a list of every academic that  
7 was in the house. Probably included --  
8 MR. SCOTT: I want to object to this whole  
9 procedure because you're taking pieces out of  
10 the record and not reading other pieces that  
11 totally absolve my client. For example,  
12 there's testimony by him that says --  
13 MR. SCAROLA: Is this an objection?  
14 MR. SCOTT: Yes, it's a statement into the  
15 record just like you're putting into the  
16 record. There's -- I want to show this to my  
17 client and refresh his memory as to some other  
18 testimony by this witness --  
19 MR. SCAROLA: There's no question pending  
20 as to what you can -- as to what you can  
21 refresh your client's memory. What you are  
22 doing is coaching him.  
23 MR. SCOTT: No, I'm not.  
24 MR. SCAROLA: Improperly.  
25 MR. SCOTT: And you are improperly reading

293

1 excerpts out of a deposition to try to imply  
2 something when there's other parts that totally  
3 are inconsistent with that. And if you're  
4 going to do that, then he has the ability under  
5 our rules to review the entire transcript of  
6 the deposition and that's what I'm permitting  
7 him to do, just like when we're in court.  
8 MR. SCAROLA: What I am doing,  
9 Mr. Scott -- what I am doing, Mr. Scott --  
10 MR. SCOTT: Have you read that now, sir?  
11 MR. SCAROLA: -- is reviewing the evidence  
12 that was relied upon by Bradley Edwards and by  
13 Paul Cassell in coming to the conclusion that  
14 the allegations that had been made by Virginia  
15 Roberts were, in fact, credible allegations.  
16 MR. SCOTT: And I'm --  
17 MR. SCAROLA: Because your own client has  
18 acknowledged that this is information that was  
19 available to both him and to them back in 2009.  
20 MR. SCOTT: And what I am doing is showing  
21 him portions of the same deposition that  
22 totally take a different position from this  
23 witness from what you have read, so that this  
24 record is a complete record and not a partial  
25 record with your inference only. And I feel

294

1 that that's totally appropriate. If we were in  
2 a courtroom, a judge would permit him to do it.  
3 So you have your position and I have mine.  
4 MR. SWEDER: Can we have the witness read  
5 that?  
6 BY MR. SCAROLA:  
7 **Q. Do you recall the following testimony**  
8 **having been given in that same deposition?**  
9 **"Question: All right. This is follow-up**  
10 **to questioning by Ms. Ezell. Ms. Ezell asked**  
11 **you about Mr. Dershowitz being present in**  
12 **Mr. Epstein's home, and I think you said -- I**  
13 **think you said Mr. Epstein and he and**  
14 **Mr. Dershowitz were friends?**  
15 **"Answer: Yes.**  
16 **"Question: She also, I think, asked was**  
17 **Mr. Dershowitz ever there when one of the young**  
18 **women who gave a massage was present in the**  
19 **home.**  
20 **"Answer: I don't remember that.**  
21 **"Question: That's where I want to clear**  
22 **up. Is it your testimony that Mr. Dershowitz**  
23 **was there when any of the women came to**  
24 **Mr. Epstein's home to give a massage?**  
25 **"Answer: Yes."**

295

1 **Do you remember that testimony having been**  
2 **given?**  
3 A. I assume that when your clients used the  
4 transcript as a basis for their false conclusion  
5 that I was guilty, they read the whole transcripts,  
6 not just the --  
7 BY MR. SCAROLA:  
8 **Q. Every word.**  
9 MR. SCOTT: Don't interrupt him.  
10 BY MR. SCAROLA:  
11 **Q. You don't need to assume that. I will**  
12 **stipulate they read every word.**  
13 MR. SCOTT: Mr. Scarola, he's speaking.  
14 You don't have a right to do this.  
15 A. And if you read every word, you will see  
16 that it's totally exculpatory, that I have no idea  
17 whether there were any young women in one part of  
18 the house when I was in another part of the house.  
19 It's completely consistent with my testimony that I  
20 have never seen any underage women. Let's see.  
21 And if you read the whole transcript,  
22 you'll see, I think:  
23 "Was Dershowitz ever there when one of the  
24 woman gave a massage?  
25 "I don't remember that.

296

1 "Were you in -- were you in any way  
2 attempting in your response to imply that  
3 Mr. Dershowitz had a massage by one of these  
4 young ladies?  
5 "I don't know, sir.  
6 "You have no knowledge?  
7 "No, sir.  
8 "And you certainly weren't implying that  
9 that occurred; you just have no knowledge,  
10 correct?  
11 "Answer: I don't know."  
12 And I would hope that your clients would  
13 be reading the whole thing in context, unlike what  
14 you've tried to do to try to create a false  
15 impression that this testimony in any way exculpates  
16 me.  
17 I have to say if this is what they relied  
18 on, my confirmation of their unethical and  
19 unprofessional conduct has been strongly  
20 corroborated by that and you're helping my case.  
21 BY MR. SCAROLA:  
22 **Q. Would it have been reasonable for Bradley**  
23 **Edwards and Paul Cassell to have relied upon the**  
24 **detailed reports of Palm Beach police department?**  
25 A. I don't know. I don't know what the Palm

297

1 Beach police department says.  
2 **Q. You never read those reports?**  
3 A. I don't know which reports you're  
4 referring to.  
5 **Q. All of the reports about Jeffrey Epstein.**  
6 MR. SCOTT: Asked and answered yesterday  
7 on this whole line.  
8 A. I probably did not read all the reports on  
9 Jeffrey Epstein. I'm sure I've read some of them.  
10 I do not recall --  
11 MR. SCOTT: Be careful about any work --  
12 attorney-client privilege.  
13 THE WITNESS: Right.  
14 A. I don't remember my name coming up. I was  
15 the lawyer during that period of time.  
16 BY MR. SCAROLA:  
17 **Q. To the extent that Bradley Edwards and**  
18 **Paul Cassell relied upon detailed reports from the**  
19 **Palm Beach police department in order to assess the**  
20 **credibility of [REDACTED] would it be**  
21 **reasonable for them to rely upon police reports?**  
22 A. I would hope that they would rely on all  
23 the police reports, including the ones that showed  
24 that she was involved in criminal actions, including  
25 the ones that would show that she took money as an

298

1 adult to provide sexual services to people.  
2 I would hope they would look at all the  
3 reports, not just selected portions of those  
4 reports.  
5 **Q. Would that include the reports of the**  
6 **Federal Bureau of Investigation?**  
7 A. I would hope so.  
8 **Q. Would that include the information**  
9 **provided by the U.S. Attorney's Office?**  
10 A. I would sure hope so, and I could tell you  
11 that the --  
12 **Q. Would that include --**  
13 A. Let me just say that the U.S. Attorney's  
14 Office has told me unequivocally that my name never  
15 came up in any context of any accusation against me  
16 during the negotiations.  
17 **Q. Is this part of your work product that**  
18 **you're waiving right now?**  
19 MR. SWEDER: No, no.  
20 A. My conversation with Jeffrey Sloman is not  
21 work product.  
22 MR. SCOTT: Here's a --  
23 BY MR. SCAROLA:  
24 **Q. What is the work product --**  
25 MR. SCOTT: Excuse me. Please review

299

1 this.  
2 A. Excuse me one second.  
3 MR. SCOTT: You know, you think this is  
4 funny and I think this man's -- and I think  
5 this man's --  
6 MR. SCAROLA: I think it's improper for  
7 you to be coaching the witness in the middle of  
8 examination. If you think that there's  
9 something that needs to be brought out, you do  
10 that in cross examination. You don't feed him  
11 information that you want him to be reading in  
12 the middle of my examination of this witness.  
13 MR. SCOTT: No. But it's also true that  
14 under our rules, when you read portions of a  
15 deposition, he has the ability to read other  
16 portions of the deposition which clarify the  
17 answers. That's done in every courtroom on  
18 every time a witness -- you have selected  
19 portions of it that are not accurate based on  
20 other portions and I am having him review them  
21 since you did not offer him the deposition to  
22 review.  
23 MR. SCAROLA: And that's what you do --  
24 MR. SCOTT: And I think that's totally  
25 proper --

300

1 MR. SCAROLA: -- in cross examination. It  
2 is --  
3 MR. SCOTT: -- to do. No --  
4 MR. SCAROLA: -- improper.  
5 MR. SCOTT: No.  
6 MR. SCAROLA: There's no question pending  
7 as to which that's relevant. But let's take a  
8 look at what you're showing him.  
9 MR. SCOTT: Sure. Why don't you read it  
10 into the record?  
11 THE WITNESS: I've read it.  
12 MR. SCOTT: Read it into the record so  
13 that Mr. Scarola is advised.  
14 A. "Okay. When Alan Dershowitz was in the  
15 house, I understand you to say that these local  
16 Palm Beach girls would come over to the house  
17 while he was there, but you're not sure if he  
18 had a massage from any of these girls?  
19 "Exactly.  
20 "And what would he do while these girls  
21 were in the house?  
22 "He would read a book with a glass of  
23 wine by the pool, stay inside.  
24 "Did he ever talk to any of the girls?  
25 "I don't know, sir.

301

1 "Certainly he knew they were there?"  
2 "I don't know, sir."  
3 That's the best you can do? That's really  
4 the best you can do? You think a professional  
5 lawyer would make these allegations based on "I  
6 don't know, sir."  
7 MR. SCAROLA: Is there a question pending,  
8 Mr. Scott?  
9 MR. SCOTT: He's reading -- you asked him  
10 what he was reading --  
11 MR. SCAROLA: Yes, sir.  
12 MR. SCOTT: -- from and I had him publish  
13 it.  
14 MR. SCAROLA: Yeah, I know, and then he  
15 went on to make a speech. So I know I don't  
16 have to do it, but I'm compelled to move to  
17 strike the unresponsive speeches.  
18 MR. SCOTT: And I consider these to be a  
19 response to the interrogation that you did  
20 taking excerpts improperly and not having the  
21 entire record in front of him, which he's  
22 entitled to do to make that the record is  
23 complete. And I intend to protect him in that  
24 way.  
25

302

1 BY MR. SCAROLA:  
2 Q. So we have agreed that it was reasonable  
3 for Bradley Edwards and Paul Cassell, in assessing  
4 the credibility of [REDACTED] to rely upon  
5 police reports, FBI reports, U.S. Attorney's Office  
6 information, and information from the Palm Beach  
7 County State Attorney's Office, correct?  
8 A. No.  
9 Q. No?  
10 A. No. It would not be enough for them to do  
11 that --  
12 Q. I didn't ask you whether it was enough.  
13 A. You said it was --  
14 Q. I asked you: Would it reasonable for them  
15 to rely upon those sources of information in  
16 assessing the credibility of [REDACTED]  
17 A. Not alone, not without looking at --  
18 Q. That wasn't my question.  
19 A. -- other sources of information.  
20 MR. SCOTT: Wait a minute.  
21 BY MR. SCAROLA:  
22 Q. Well, what he's relying upon --  
23 MR. SCOTT: You're not the judge here.  
24 Let him -- ask a question and let him answer it  
25 and not cut him off, please.

303

1 A. Let me answer. "Rely" connotes to me that  
2 they would place a heavy emphasis on that to the  
3 exclusion of other things and that it would be  
4 enough. And so my answer is, yes, they certainly  
5 should have read all the reports. They certainly  
6 should have read all the transcripts. But they also  
7 should have called me, they should have made other  
8 inquiry, and they should have made sure that they  
9 read all of these depositions and reports in  
10 context.  
11 And if you're implying that there are FBI  
12 reports that in any way inculpate me, that's  
13 inconsistent with the information I have from Former  
14 Chief of Assistant Jeffrey Sloman, who was prepared  
15 to file an affidavit saying that that wasn't the  
16 case but was prevented from doing so by the Justice  
17 Department.  
18 MR. SCOTT: It's about noon now. So I  
19 guess we're heading -- we're wrapping this up?  
20 MR. SCAROLA: Not quite yet.  
21 BY MR. SCAROLA:  
22 Q. You do agree that the allegations that  
23 [REDACTED] made against Prince Andrew were  
24 well-founded allegations, correct?  
25 A. I have absolutely no idea. I've met

304

1 Prince Andrew on a number of occasions in a public  
2 context. He came and spoke in my class at Harvard  
3 law school. The dean then had a dinner in his -- or  
4 lunch in his honor. I was then invited to a dinner  
5 at the British Consulate.  
6 I've never seen him in the presence of any  
7 underaged women, so I have absolutely no basis for  
8 reaching any conclusion whatsoever about  
9 Prince Andrew.  
10 Q. So you don't know one way or another  
11 whether those allegations are true or false?  
12 A. Neither do you. Nobody would know except  
13 two people, I imagine. But I don't know. Of course  
14 not.  
15 Q. All right.  
16 A. But I presume --  
17 Q. You say you have never seen him --  
18 A. -- people innocent --  
19 Q. -- in the presence of any underaged women,  
20 but you've seen photographs of him in the presence  
21 of an underaged woman, correct?  
22 A. I have, yes.  
23 MR. SCAROLA: May we mark this as the next  
24 numbered exhibit, please.  
25 A. And I want to note --

305

1 THE REPORTER: Hold on. Hold on.  
2 A. -- the absence of any --  
3 MR. SCOTT: She can't take it down.  
4 THE WITNESS: Sorry.  
5 (Thereupon, marked as Plaintiff  
6 Exhibit 8.)  
7 THE REPORTER: It's okay. Go ahead.  
8 A. And I want to note the absence of any  
9 photograph of me with [REDACTED]  
10 BY MR. SCAROLA:  
11 Q. That's the photograph that you were  
12 referring to?  
13 A. I've seen this photograph in the  
14 newspapers.  
15 Q. Yes, sir. And the woman on the far right  
16 of that photograph, who is that?  
17 A. Ghislaine Maxwell.  
18 Q. The woman that you and your friend Jeffrey  
19 Epstein have traveled with repeatedly, correct?  
20 A. No. A woman who I may have traveled with  
21 on two or three occasions. I can't think of more  
22 times than that that I traveled with her, but it's  
23 possible. But not -- I wouldn't say repeated  
24 occasions. I've --  
25 Q. Well --

306

1 A. -- probably been in her presence fewer  
2 than a dozen times.  
3 Q. I'm going to hand you --  
4 A. But just to be clear, what I knew about  
5 Ghislaine Maxwell was that she was the daughter of a  
6 prominent British publisher --  
7 Q. I haven't asked you what you knew about  
8 Ghislaine Maxwell. I asked you --  
9 A. Well, you asked --  
10 Q. -- whether or not you recognized her in  
11 the photograph?  
12 A. Yes. Yes.  
13 Q. Thank you very much, sir.  
14 I'm going to hand you an airport codes log  
15 that identifies the airports that are identified by  
16 abbreviations in the case -- in case that is of some  
17 assistance to you in answering the next series of  
18 questions that I'm about to ask you.  
19 A. Right.  
20 Q. And I'm going to hand you this composite  
21 exhibit, which we will mark as the next numbered  
22 composite.  
23 A. Uh-huh, right.  
24 (Thereupon, marked as Plaintiff  
25 Exhibit 9.)

307

1 THE WITNESS: Excuse me, I need to take  
2 a very quick bathroom break.  
3 MR. SCAROLA: That's fine.  
4 THE WITNESS: Probably be two minutes or  
5 less than two minutes.  
6 VIDEOGRAPHER: Going off the record. The  
7 time is approximately 12:03 p.m.  
8 (Sidebar held off the record.)  
9 MR. SCAROLA: While we're waiting, let me  
10 mark the next numbered exhibits as well. That  
11 will save us some time.  
12 MR. SCOTT: What is this?  
13 MR. SCAROLA: Her calendar, his calendar.  
14 MR. SCOTT: Who's calendar is this,  
15 Carolyn's?  
16 MR. SCAROLA: Okay. This is Number 10.  
17 MR. SCOTT: Carolyn's calendar.  
18 (Thereupon, marked as Plaintiff  
19 Exhibit 10.)  
20 MR. SCAROLA: This is Number 11.  
21 (Thereupon, marked as Plaintiff  
22 Exhibit 11.)  
23 MR. SCAROLA: This is Number 12.  
24 (Thereupon, marked as Plaintiff  
25 Exhibit 12.)

308

1 BY MR. SCAROLA:  
2 Q. Mr. Dershowitz, I have handed you a  
3 composite exhibit that is marked as Number 9.  
4 A. Yes.  
5 Q. The first document in that composite is a  
6 page from --  
7 MR. SCOTT: Here's Number 9.  
8 BY MR. SCAROLA:  
9 Q. -- is a page from your wife's calendar; is  
10 that correct?  
11 A. Yes.  
12 MR. SCOTT: Take a moment to review the  
13 exhibit, please.  
14 A. Yes, it looks like -- I'm looking at the  
15 first page. It looks like my wife's -- my wife's  
16 handwriting, yes.  
17 BY MR. SCAROLA:  
18 Q. And the second page is another page from  
19 your wife's calendar; is that correct?  
20 A. Looks like it, yes.  
21 Q. And --  
22 MR. SCOTT: Take the time to review it  
23 before you answer questions, please.  
24 A. Right.  
25

309

1 BY MR. SCAROLA:  
 2 Q. And can you determine from the calendar  
 3 entries here where your wife is during the period of  
 4 time that's covered by these calendar entries?  
 5 A. I would have to look at a particular  
 6 entry. If it describes where she is, yes.  
 7 Q. Okay. Well, tell me where she is.  
 8 A. What day?  
 9 MR. SCOTT: Which one? What point?  
 10 BY MR. SCAROLA:  
 11 Q. The period covered by this calendar  
 12 between December 7 and December 13.  
 13 A. What year?  
 14 Q. You know what, I can't tell you what year  
 15 it is from these calendars. So you tell me.  
 16 I suggest to you that this is a calendar  
 17 from December of 2000, since the next two months at  
 18 the top of the calendar are January 2001 and  
 19 February 2001. So let's assume that since it is a  
 20 page from a calendar that appears to be December of  
 21 2000, that it's December of 2000.  
 22 That would be a reasonable conclusion,  
 23 wouldn't it?  
 24 A. I have no idea.  
 25 Q. You don't know?

310

1 A. I don't know. I mean, I don't know -- you  
 2 said you don't -- you can't tell what the year is,  
 3 so --  
 4 Q. Well, I'm telling --  
 5 A. -- I can't tell what the year is.  
 6 Q. -- you that it appears to be December 2000  
 7 because the next two months at the top of the  
 8 calendar are January of 2001 and February of 2001.  
 9 A. I only see -- I'm sorry, we're probably  
 10 looking at different things. I see November 2000,  
 11 December 2000. I don't see January or anything like  
 12 that. Maybe you can show them to me. Oh, it's on  
 13 the first page.  
 14 Q. First page, yes, sir.  
 15 A. So it's in reverse order.  
 16 Yeah, so the pages are in reverse order.  
 17 The first page says on top January 2001,  
 18 February 2001 and the second page says  
 19 November 2000, December 2000, yeah.  
 20 Q. So it appears we're looking at  
 21 December 2000, correct?  
 22 A. When we're looking at which page? When  
 23 we --  
 24 Q. Both pages.  
 25 A. Well, one is January/February and one is

311

1 December.  
 2 Q. One shows the subsequent two months and  
 3 the --  
 4 A. Okay.  
 5 Q. -- other one shows --  
 6 A. Yes.  
 7 Q. -- the preceding and following month,  
 8 correct?  
 9 A. Yes, that does look like it's December of  
 10 2000, yes.  
 11 Q. Okay, sir. So look at the calendar and  
 12 tell me where it appears your wife is during this  
 13 period of time.  
 14 A. The whole period of time?  
 15 MR. SCOTT: Please read the exhibit, all  
 16 the pages, thoroughly, so that you have a full  
 17 context.  
 18 A. It says, A.D. in Boston. That means I was  
 19 in -- in Boston.  
 20 It says Charleston, New York. It says  
 21 book fair. It says book fair. It says A.D. in  
 22 Boston.  
 23 It then says the Halbreiches arrive.  
 24 They -- they were probably our guests.  
 25

312

1 BY MR. SCAROLA:  
 2 Q. Your guests at home in Cambridge,  
 3 Massachusetts, right?  
 4 A. No, I don't know. I don't know.  
 5 Halbreiches arrive.  
 6 And I can't really tell from here where  
 7 Carolyn is. McDonalds -- let's see, this is 2000  
 8 and what year? 2001. 2000. Yeah, yeah.  
 9 So tell me what you're looking for. I'll  
 10 try to --  
 11 Q. I want to know where your wife was during  
 12 this period of time if you can tell from the  
 13 calendar entries.  
 14 A. Well, she may have been in -- there's  
 15 something about Charleston. There's something about  
 16 New York. There's something about me being in  
 17 Boston. I really can't tell much beyond that.  
 18 Q. Okay. So you don't know one way or  
 19 another from these calendar entries where your wife  
 20 was during this period of time; is that correct?  
 21 A. I can't tell that from this entry, no.  
 22 Q. What we can tell from the entry in the  
 23 bottom right-hand corner --  
 24 MR. SCOTT: Which page?  
 25 A. Which page?

313

1 BY MR. SCAROLA:  
2 Q. Of the first page of this composite is  
3 that there is a notation that says Alan Dershowitz  
4 11:45 a.m., New York City, right?  
5 A. Eleven -- A.D. 11:45 and then there's a  
6 word that I can't read.  
7 Q. How about a.m.?  
8 A. Oh, 5:00 a.m., New York City, yes.  
9 Q. Okay. Thank you, sir.  
10 And the next page, where did -- where did  
11 your wife have opera instructions?  
12 A. I have no idea. We go to the opera in  
13 Boston, we go to the opera in New York, we go to the  
14 opera in Florida. We do a lot -- a lot of opera. I  
15 don't know what "opera instructions" means.  
16 Maybe it would be best if you asked my  
17 wife about these things. It's her calendar.  
18 Q. I -- I intend to, sir, but --  
19 A. Sure.  
20 Q. -- these are calendars that you produced  
21 as part of the evidence that you contend exonerates  
22 you. So, I assumed that you had some knowledge of  
23 the meaning of these pages.  
24 A. No.  
25 Q. But I may be wrong.

314

1 A. We have --  
2 Q. So you're telling me that you don't know  
3 where she was and that's --  
4 A. We just -- we just gave you everything we  
5 had --  
6 MR. SCOTT: We provided hundreds and  
7 hundreds of pages. You're picking out one.  
8 BY MR. SCAROLA:  
9 Q. Let's go -- let's go to the next page, if  
10 we could, please, the third page in this composite.  
11 A. The third, okay. Third, okay.  
12 Q. And can we agree that this is a calendar  
13 from December of 2000?  
14 A. Yes.  
15 Q. Can we agree it's your calendar from  
16 December of 2000?  
17 A. That's right, yeah.  
18 Q. And can we also agree that during this  
19 period of time, you were making regular appearances  
20 in New York on Court TV?  
21 MR. SCOTT: Review the document before you  
22 answer the question, please.  
23 A. It says 12/30, Court TV, yes. There was a  
24 period of time where I had a contract with Court TV  
25 and I would appear when they asked me to, yeah.

315

1 BY MR. SCAROLA:  
2 Q. And you would appear in New York --  
3 A. Well, no --  
4 Q. -- for those Court TV appearances --  
5 A. I would appear --  
6 Q. -- on a regular basis, correct?  
7 A. I would appear wherever I was. So when I  
8 was in New York, I appeared in New York, but they  
9 would do it by remote when I was in a different  
10 city. And I clearly did some remotes for Court TV.  
11 Q. In fact, you took an apartment in New York  
12 for purposes of convenience to facilitate your  
13 New York Court TV appearances, correct?  
14 A. Totally false.  
15 Q. Did you have an apartment in New York  
16 during this period of time in December of 2000?  
17 A. I had an apartment for -- I've had an  
18 apartment in New York for 30 -- 30 years or more.  
19 But I certainly didn't take an apartment for  
20 purposes of Court TV, no.  
21 Q. On Tuesday, December 12, the entry is  
22 1:30, Jeff, correct?  
23 A. Right. Yeah.  
24 Q. And that's a reference to Jeffrey Epstein,  
25 correct?

316

1 A. I don't -- I don't know.  
2 Q. Well, what other Jeff might it be?  
3 A. I know -- I know many, many Jeffs.  
4 Q. Tell me which other Jeffs it might have  
5 been a reference to --  
6 A. I have no idea.  
7 Q. -- on this calendar page.  
8 A. I just have no idea. I would be  
9 speculating.  
10 Q. During the same period of time on  
11 December 12 when there's a calendar entry that  
12 reflects 1:30, Jeff, we know from the flight logs  
13 that Jeffrey Epstein traveled on December 11 from  
14 Palm Beach International Airport to Teterboro  
15 Airport, which is the private plane facility that  
16 services the New York Metropolitan area.  
17 A. I have no idea.  
18 Q. You don't know?  
19 A. No, I have no idea whether he was on that  
20 plane. I haven't seen the flight log.  
21 Q. Well, I'm calling your attention to the  
22 flight log. It's the next page.  
23 A. It's the next page here?  
24 Q. Yes, sir.  
25 A. Okay.

317

1 **Q. December 11, 2000, PBI to Teterboro,**  
2 **passengers, Jeffrey Epstein --**  
3 A. Wait a second. I have to find it.  
4 MR. SCOTT: Well, let him -- let him read  
5 the exhibit.  
6 A. What -- what's the date?  
7 BY MR. SCAROLA:  
8 **Q. December 11.**  
9 A. December 11. Yes, I see that.  
10 **Q. Palm Beach International Airport to**  
11 **Teterboro?**  
12 A. Right, yeah.  
13 **Q. Passengers, Jeffrey Epstein?**  
14 A. Right.  
15 **Q. GM, a reference to Ghislaine -- excuse me,**  
16 **Ghislaine Maxwell.**  
17 A. Uh-huh.  
18 **Q. And ET and Virginia, right?**  
19 A. That's what it says, yes, sir.  
20 **Q. And then we see three of the same four**  
21 **passengers leaving the New York area.**  
22 A. Uh-huh.  
23 **Q. To fly to another destination three days**  
24 **later on December 14, correct?**  
25 A. Yes.

318

1 **Q. And let's look at the next page of your**  
2 **wife's diary for December 13, the period of time**  
3 **when the flight log shows Jeffrey Epstein and**  
4 **Virginia in New York --**  
5 A. Uh-huh.  
6 **Q. -- at the same time when it would appear**  
7 **that you were in New York. And at the bottom of**  
8 **this calendar, Wednesday, December 13, A.D.,**  
9 **massage, right?**  
10 A. 10:00 a.m. it says? What is it?  
11 **Q. It says 10, 10-A.D. massage?**  
12 A. Yeah.  
13 **Q. Okay.**  
14 **Let's go to the next composite.**  
15 A. I don't have -- there's another page after  
16 that. Oh, the next composite.  
17 **Q. Yes, sir.**  
18 A. Yeah.  
19 **Q. Composite Number 10.**  
20 A. Uh-huh. But -- but I just want to be  
21 clear. So you're saying Carolyn was with me in  
22 New York during that period of time.  
23 **Q. No, I'm not saying that at all, sir. I**  
24 **suggest that when we take a close look at the**  
25 **calendar, it's going to reveal something other than**

319

1 **that, but that you were in New York at the same time**  
2 **Jeffrey Epstein --**  
3 A. And that Carolyn --  
4 **Q. -- and Virginia were in New York and you**  
5 **were --**  
6 A. And that Carolyn arranged for a massage.  
7 **Q. -- having a massage.**  
8 A. And that my wife arranged for a massage.  
9 **Q. No, I didn't say that at all, sir?**  
10 MR. SCOTT: Well, that's what he's saying  
11 that the record reflects.  
12 A. The record --  
13 MR. SCOTT: Don't cut him off.  
14 A. -- reflects that Carolyn -- Carolyn always  
15 wanted me to have massages because she thought it  
16 would relax me. I don't like massages particularly,  
17 but when Carolyn arranged massages, almost always we  
18 had them together at the same time. We would have  
19 the same masseuse, sometimes a man, sometimes a  
20 woman, come to the house and give us massages  
21 together.  
22 The idea that my wife would arrange for me  
23 to have a massage with an underage girl for sexual  
24 purposes is so bizarre and absurd as to defy any  
25 kind of credibility, but go on.

320

1 BY MR. SCAROLA:  
2 **Q. Yes. Thank you very much, sir.**  
3 A. Go on.  
4 **Q. I intend --**  
5 MR. SCOTT: Since you're both smiling,  
6 there seems to be some humor that I'm missing  
7 here. I guess I --  
8 MR. SCAROLA: Well, I'm missing the humor  
9 too.  
10 BY MR. SCAROLA:  
11 **Q. Let's go to Composite Exhibit Number 10.**  
12 A. Yeah.  
13 **Q. The first page of that composite exhibit**  
14 **is a photocopy of pages from your personal calendar**  
15 **in January 2001, correct?**  
16 A. That's right, yes.  
17 **Q. Another Court TV appearance on January 11,**  
18 **correct?**  
19 A. January 11.  
20 **Q. Yes, sir. Thursday, January 11, entry in**  
21 **the left-hand column, Court TV.**  
22 A. Entry on -- yes, January -- I see it as --  
23 I see it on January 12. I don't see it on  
24 January 11, but...  
25

321

1 BY MR. SCAROLA:  
2 Q. I'm sorry, maybe it is January 12, but  
3 some time between the 11th and 12th, either on the  
4 11th or on the 12th, it's Court TV, correct?  
5 A. No, no, no. You're just totally --  
6 Q. It's the 12th --  
7 A. -- wrong -- it's the 12th, yes.  
8 Q. Okay. Good. Thank you.  
9 A. It's clearly stated on the 12, yeah.  
10 Q. Okay. And then on Friday, the 19th, a  
11 week later, another Court TV appearance, correct?  
12 A. 19th. Yes.  
13 Q. Okay. And on the 26th on Friday,  
14 another Court TV appearance, correct?  
15 A. That's what it says, yes. These were  
16 all --  
17 Q. During this period of time --  
18 MR. SCOTT: Whoa. Let -- let him finish  
19 his answer.  
20 A. These are all scheduled appearances. I  
21 assume that I did them. These -- these were -- when  
22 they requested me to -- to do them, I would do them,  
23 yes.  
24 BY MR. SCAROLA:  
25 Q. Okay. And it looks like you're appearing

322

1 on a scheduled basis every Friday during this period  
2 of time?  
3 A. I don't think that was right. Yeah, I  
4 don't think that was right. I think that they  
5 called me when they wanted me. And it may have been  
6 several Fridays in a row, but I think it depended on  
7 breaking news at the --  
8 Q. What is "scheduled appearance" --  
9 MR. SCOTT: Well, wait a minute. Let him  
10 finish his questions [sic].  
11 A. It would depend very much on whether there  
12 was a particular trial because I would be the  
13 commentator on the trial, along with other lawyers.  
14 And there were some days when there were trials and  
15 some days when there weren't and I would be  
16 available because I was living in New York at the  
17 time.  
18 BY MR. SCAROLA:  
19 Q. On Tuesday, the 16th, there is an entry  
20 that says Epstein, right?  
21 A. On Tuesday, the 16th?  
22 Q. Yes, sir.  
23 A. Where are we? Which calendar now?  
24 Q. Page 2. Page 2 of the composite, Tuesday,  
25 the 16th, Epstein.

323

1 MR. SCOTT: Wait a minute. Let him get to  
2 it.  
3 A. 2 of the composite. Page 2, and what --  
4 what day are we on?  
5 MR. SWEDER: Do we even have it?  
6 MR. SCOTT: I'm sorry. Excuse me. Do we  
7 have copies of this exhibit?  
8 MR. SCAROLA: I've given you copies of  
9 everything --  
10 THE WITNESS: Were these produced in  
11 discovery?  
12 MR. SCOTT: I assume.  
13 A. Okay. What are we up to? What page?  
14 BY MR. SCAROLA:  
15 Q. Page 2 of Composite Exhibit Number 10.  
16 MR. SCOTT: Okay. Now, stop.  
17 BY MR. SCAROLA:  
18 Q. Tuesday, the 16th.  
19 MR. SCOTT: What year are we talking about  
20 now?  
21 MR. SCAROLA: 2001, the only year covered  
22 in this composite exhibit.  
23 A. Yeah, dinner foreign policy Epstein, that  
24 was dinner we had at Jeffrey Epstein's house with a  
25 group of very distinguished foreign policy experts,

324

1 yes.  
2 BY MR. SCAROLA:  
3 Q. All right, sir. Let's go to the next  
4 page. I've just focused on this period of time in  
5 January 2001 and on Friday, January 12 --  
6 A. So we're going back to Friday, January 12.  
7 Yeah.  
8 Q. Your wife is in Cambridge, correct?  
9 A. No, I don't think so. My wife was living  
10 in New York with me at the time. I don't see any  
11 record of her being in Cambridge.  
12 She was -- we were living together in  
13 New York at NYU downtown. I was a visiting scholar.  
14 Having been appointed by John Sexton of NYU to be a  
15 visiting scholar, we were there for the year. And  
16 my wife was with me during the year. Our daughter  
17 was in school in New York. She went to Little Red  
18 Schoolhouse in New York. And we had -- our life was  
19 in New York for a period of one year.  
20 Q. And on Friday, January 12, you had another  
21 massage, right?  
22 A. I don't see anything on my record that --  
23 Q. Massage, A.D.?  
24 A. We must be looking at the different pages.  
25 Q. Friday, January 12, page 4 --

37 (Pages 321 to 324)

325

1 A. Who's --  
2 **Q. -- of Composite Exhibit 10.**  
3 MR. SCOTT: Let me see the page you're  
4 talking about so he can --  
5 MR. SCAROLA: I've given you the entire  
6 calendar.  
7 MR. SCOTT: Come on, Jack.  
8 MR. SCAROLA: I've given you the entire  
9 composite --  
10 THE WITNESS: So you're talking about my  
11 wife's --  
12 MR. SCAROLA: Fourth page -- fourth page  
13 of Exhibit 10. You have Exhibit 10, I've given  
14 a copy of that.  
15 MR. SCOTT: I understand it and he has it  
16 front of him and I'm trying to get him to the  
17 right page. Thank you. Please take it down.  
18 BY MR. SCAROLA:  
19 **Q. Fourth page, Composite Exhibit 10.**  
20 A. Yes.  
21 **Q. Friday, January 12.**  
22 A. Okay. That's very simple. We were both  
23 in Cambridge and I had a massage in Cambridge. How  
24 do I know that? Because it had basketball. And  
25 that's where I play and watch basketball was in

326

1 Cambridge. So probably I was in Cambridge if it  
2 says B ball 3:30, 4:15 and says Cambridge with Ella,  
3 so I'm sure I was in Cambridge.  
4 **Q. All right. So --**  
5 A. But I'm -- I'm looking at my wife's  
6 calendar. I can't tell you and nor can you tell me  
7 where I was at that period of time.  
8 **Q. So, the basketball entries are references**  
9 **to your watching basketball in Cambridge?**  
10 A. No. They could be playing basketball. I  
11 played basketball in those days --  
12 **Q. Watching or playing basketball?**  
13 MR. SCOTT: Let him finish his answer,  
14 please.  
15 A. I either watched basketball or played  
16 basketball, yeah. I did not go to basketball games  
17 in New York, to my recollection, unless the Celtics  
18 were in New York and maybe we can check --  
19 MR. SCOTT: You've got about five minutes,  
20 Counsel.  
21 BY MR. SCAROLA:  
22 **Q. The Celtics didn't play from 4:15 to 5:00,**  
23 **did they?**  
24 A. No, but I did.  
25 **Q. You did?**

327

1 A. Uh-huh.  
2 **Q. Okay. Or from 3:30 to 4:15, that would be**  
3 **a playing time for you in Cambridge; is that**  
4 **correct?**  
5 A. You'd be asking me to speculate. I can't  
6 speculate based on my wife's calendar. It says  
7 utility bill, Reservoir address. That suggests  
8 Cambridge. Reservoir is our house in Cambridge.  
9 **Q. So, it would appear that this is another**  
10 **massage that you got somewhere?**  
11 A. But I would like to also say one thing. I  
12 don't -- I at least wonder were these records  
13 available to your clients at the time they made the  
14 false accusations against me or are they  
15 after-the-fact constructs designed to simply try to  
16 find excuses to justify their false allegations? It  
17 seems to me the latter is probably the case.  
18 **Q. And you are going to have an opportunity**  
19 **through your counsel to ask those questions.**  
20 A. And we will.  
21 **Q. And my clients are anxious to be able to**  
22 **answer those questions.**  
23 A. Not as anxious as I am to hear their  
24 answers.  
25 **Q. Okay.**

328

1 MR. SCOTT: Okay. Let's wrap it up.  
2 MR. SCAROLA: Not quite.  
3 MR. SCOTT: Yeah, it's 12:30. I'm ending  
4 this. That gives you three and a half hours.  
5 We take a lunch break and then we have three  
6 and a half.  
7 MR. SCAROLA: We don't need three and a  
8 half hours for lunch.  
9 MR. SCOTT: No, I didn't say that. I said  
10 we take an hour break and then we have three  
11 and a half hours with your client, just like...  
12 MR. SCAROLA: If -- if that's what you  
13 want to do --  
14 MR. SCOTT: That's the fair thing to do  
15 because that's why we're dividing it equally  
16 and I suggested that --  
17 MR. SCAROLA: I will state -- I will state  
18 for the record that Exhibits 2, 3 and 4 --  
19 excuse me, Exhibits 9, 10, 11 and 12,  
20 composite exhibits, directly conflict with the  
21 witness's assertion --  
22 MR. SCOTT: This is all a speech on your  
23 part.  
24 MR. SCAROLA: It is a speech.  
25 MR. SCOTT: It is a speech and --

329

1 MR. SCAROLA: I'm giving you notice as to  
 2 what you can do to do your homework. Okay?  
 3 They directly conflict with the witness's  
 4 assertion that the flight logs exonerate him.  
 5 In fact --  
 6 MR. SCOTT: Wait a minute.  
 7 MR. SCAROLA: -- the flight logs -- the  
 8 flight logs corroborate [REDACTED]  
 9 assertions.  
 10 MR. SCOTT: And I thank you very much for  
 11 that explanation and we look forward to  
 12 resuming this at the appropriate time and  
 13 responding to that.  
 14 THE WITNESS: And that is a false  
 15 statement.  
 16 MR. SCOTT: Thank you.  
 17 VIDEOGRAPHER: Going off the record. The  
 18 time is approximately 12:26 p.m.  
 19 (The proceedings ADJOURNED at 12:26 p.m.)  
 20  
 21  
 22  
 23  
 24  
 25

331

CERTIFICATE OF REPORTER

STATE OF FLORIDA  
 COUNTY OF BROWARD

I, KIMBERLY FONTALVO, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing videotape deposition of ALAN M. DERSHOWITZ; pages through 145; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 16th day of October, 2015.

\_\_\_\_\_  
 KIMBERLY FONTALVO, RPR, FPR, CLR

330

CERTIFICATE OF OATH

STATE OF FLORIDA  
 COUNTY OF BROWARD

I, the undersigned authority, certify that ALAN M. DERSHOWITZ personally appeared before me and was duly sworn on the 16th day of October, 2015.

Signed this 16th day of October, 2015.

  
*Kimberly Fontalvo*  
 KIMBERLY FONTALVO, RPR, FPR, CLR  
 Notary Public, State of Florida  
 My Commission No. EE 161994  
 Expires: 2/01/16

332

October 16, 2015

COLE, SCOTT & KISSANE, P.A.  
 Dadeland Centre II - Suite 1400  
 9150 South Dadeland Boulevard  
 Miami, Florida 33156  
 BY: THOMAS EMERSON SCOTT, JR., ESQ.  
 Re: Edwards v. Dershowitz

Please take notice that on the 16th day of October, 2015, you gave your deposition in the above cause. At that time, you did not waive your signature. The above-addressed attorney has ordered a copy of this transcript and will make arrangements with you to read their copy. Please execute the Errata Sheet, which can be found at the back of the transcript, and have it returned to us for distribution to all parties.

If you do not read and sign the deposition within a reasonable amount of time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court. If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return to the address listed below.

Very truly yours,

KIMBERLY FONTALVO, RPR, FPR, CLR  
 Phipps Reporting, Inc.  
 1615 Forum Place, Suite 500  
 West Palm Beach, Florida 33401  
 I do hereby waive my signature.

\_\_\_\_\_  
 ALAN M. DERSHOWITZ



# **Exhibit 3**

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/Counterclaim Defendants, vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.

VIDEOTAPED DEPOSITION OF

PAUL G. CASSELL

TAKEN ON BEHALF OF THE DEFENDANT

VOLUME I, PAGES 1 to 151

Friday, October 16, 2015

1:33 p.m. - 4:31 p.m.

110 Southeast 6th Street 110 Tower - Suite 1850 Fort Lauderdale, Florida 33301

Theresa Tomaselli, RMR

ESQUIRE DEPOSITION SOLUTIONS (954) 331-4400

APPEARANCES CONTINUED

Also on behalf of the Defendant:

SWEDER & ROSS, LLP BY: KENNETH A. SWEDER, ESQUIRE 131 Oliver Street Boston, Massachusetts 02110 Tel: 617.646.4466 Fax: 617.646.4470 E-mail: ksweder@sweder-ross.com

On behalf of the Witness:

UTAH ATTORNEY GENERAL'S OFFICE, P.A. BY: JONI J. JONES, ASSISTANT ATTORNEY GENERAL, Litigation Division 160 East 300 South Heber Wells Building - 6th Floor Salt Lake City, Utah 84114 Tel: 801.366.0100 Fax: 801.366.0101 E-mail: jonijones@utah.gov

Telephonically on behalf of Jeffrey Epstein:

DARREN K. INDYKE, PLLC BY: DARREN K. INDYKE, ESQUIRE 575 Lexington Avenue 4th Floor New York, New York 10022 Tel: 212.971.1314

Also Present:

DON SAVOY, Videographer BRADLEY J. EDWARDS ALAN M. DERSHOWITZ CAROLYN COHEN

ESQUIRE DEPOSITION SOLUTIONS (954) 331-4400

APPEARANCES OF COUNSEL

On behalf of the Plaintiffs:

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, P.A. BY: JOHN SCAROLA, ESQUIRE 2139 Palm Beach Lakes Boulevard West Palm Beach, Florida 33409 Tel: 561.686.6300 Fax: 561.383.9541 E-mail: mep@searcylaw.com

On behalf of [REDACTED]

BOIE, SCOTT & KISSANE, LLP BY: SIGRID STONE MCCAWLEY, ESQUIRE 401 East Las Olas Boulevard Suite 1200 Fort Lauderdale, Florida 33301 Tel: 954.356.0011 Fax: 954.356.0022 E-mail: smccawley@bsflp.com

On behalf of the Defendant:

WILEY REIN LLP BY: RICHARD A. SIMPSON, ESQUIRE AND: NICOLE A. RICHARDSON, ESQUIRE 1776 K Street Northwest Washington, DC 20006 Tel: 202.719.7000 Fax: 202.719.7049 E-mail: rsimpson@wileyrein.com

Also on behalf of the Defendant:

COLE, SCOTT & KISSANE, P.A. BY: THOMAS EMERSON SCOTT, JR., ESQUIRE 9150 South Dadeland Boulevard Dadeland Centre II - Suite 1400 Miami, Florida 33156 Tel: 305.350.5329 Fax: 305.373.2294 E-mail: thomas.scott@csklegal.com ESQUIRE DEPOSITION SOLUTIONS (954) 331-4400

INDEX OF EXAMINATION

Table with 2 columns: WITNESS, PAGE. Row 1: PAUL G. CASSELL, 6. Row 2: DIRECT EXAMINATION BY MR. SIMPSON, 6.

INDEX TO EXHIBITS

Table with 3 columns: EXHIBIT, DESCRIPTION, PAGE. Row 1: Cassell I.D. Exhibit No. 1 - Plaintiff's Response to Motion for Limited Intervention by Alan M. Dershowitz, 21. Row 2: Cassell I.D. Exhibit No. 2 - Jane Doe Number 3 and Jane Doe Number 4's Motion Pursuant to Rule 21 for Joinder in Action, 22. Row 3: Cassell I.D. Exhibit No. 3 - one-page document produced by the witness, 106.

(Original Exhibits have been attached to the original transcript.)

ESQUIRE DEPOSITION SOLUTIONS (954) 331-4400

01:10:55 1 Q. I would like to know why you alleged "and  
 01:10:57 2 other minors" given what you have said about your  
 01:11:01 3 knowledge of the factual basis, so to speak, for that  
 01:11:06 4 allegation.  
 01:11:06 5 A. Okay. There are going to be -- I'm going to  
 01:11:08 6 end up giving you nine reasons, each of which is  
 01:11:11 7 complicated, so I just want to -- if -- if -- I don't  
 01:11:13 8 want to be accused of -- of filibustering or anything.  
 01:11:15 9 I just want you to know that you have asked a broad  
 01:11:18 10 question that's going to require a broad and extended  
 01:11:20 11 answer. It -- it --  
 01:11:21 12 Q. Answer the question.  
 01:11:22 13 A. Okay. Then I'm going to refer to a -- I have  
 01:11:27 14 a -- well, actually, I don't.  
 01:11:28 15 Q. Let me ask you this: Before you refer to  
 01:11:30 16 something --  
 01:11:30 17 A. Yeah.  
 01:11:30 18 Q. -- please give me your best recollection of  
 01:11:34 19 what the basis was, the factual basis that you had in  
 01:11:37 20 mind. If the court said to you -- let me put it this  
 01:11:40 21 way. If you went to court and Judge Marra said,  
 01:11:43 22 Professor Cassell, what's your factual basis for this  
 01:11:46 23 allegation? Tell me. What would you say?  
 01:11:48 24 A. Right.  
 01:11:49 25 MS. McCAWLEY: Wait. Outside the context of

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:11:50 1 anything that's been communicated to you.  
 01:11:53 2 MR. SCAROLA: Excuse me. You have asked two  
 01:11:55 3 different questions now, and I need to understand  
 01:11:58 4 which question you are asking.  
 01:11:58 5 The question that you posed before just now  
 01:12:02 6 was: What was the reason for your including  
 01:12:06 7 those allegations in this pleading?  
 01:12:08 8 Now you have asked: What is the factual  
 01:12:10 9 basis? And that's going back to questions that  
 01:12:14 10 we have already covered, and we have, I think,  
 01:12:17 11 exhausted the ability to respond to that question  
 01:12:20 12 outside of privileged information.  
 01:12:23 13 Do you want to go back to the question about:  
 01:12:26 14 What was your reason for including those  
 01:12:28 15 allegations?  
 01:12:29 16 MR. SIMPSON: I'll ask the question a  
 01:12:30 17 different way.  
 01:12:31 18 MR. SCAROLA: Thank you.  
 01:12:31 19 BY MR. SIMPSON:  
 01:12:33 20 Q. Mr. Cassell, I'm going to ask you: If you're  
 01:12:37 21 in court and Judge Marra said to you, counsel, what is  
 01:12:42 22 the factual basis for your allegation that Professor  
 01:12:47 23 Dershowitz abused other minors, what would you say? And  
 01:12:51 24 if you wouldn't say something because it was privileged,  
 01:12:52 25 then don't include it. What would you tell the judge

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:12:55 1 was your basis for this?  
 01:12:56 2 A. All right. So the initial basis for it  
 01:13:00 3 was --  
 01:13:00 4 MR. SCAROLA: First of all, let me object  
 01:13:02 5 because Professor Cassell is not here as an  
 01:13:04 6 expert witness and hypotheticals are  
 01:13:06 7 inappropriate. You're calling for speculation on  
 01:13:08 8 his part. I'm not going to instruct him not to  
 01:13:10 9 answer, but it is an improper question.  
 01:13:14 10 MR. SIMPSON: I disagree, but you can answer  
 01:13:14 11 the question.  
 01:13:14 12 THE WITNESS: Right. So the -- the factual  
 01:13:17 13 basis would -- we are setting aside  
 01:13:21 14 attorney/client communications, right?  
 01:13:21 15 BY MR. SIMPSON:  
 01:13:22 16 Q. I'm asking: What would you tell the judge?  
 01:13:26 17 A. Right. So that -- I -- I -- that's  
 01:13:28 18 speculative to -- I don't think I can give a fair answer  
 01:13:30 19 at this point because that would have involved going  
 01:13:32 20 back to my client and -- and carving out what kinds  
 01:13:36 21 of things we were going to present to Judge Marra in  
 01:13:39 22 light of the posture of the case at that point.  
 01:13:42 23 So it's a speculative question. I would  
 01:13:46 24 have -- let me just -- without going into any  
 01:13:48 25 attorney/client privileged communications, I would have

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:13:51 1 provided an ample factual basis for those allegations.  
 01:13:55 2 MR. SIMPSON: I move to strike as  
 01:13:56 3 nonresponsive.  
 01:13:56 4 BY MR. SIMPSON:  
 01:13:58 5 Q. Let me ask it this way: We have talked  
 01:14:00 6 about -- somewhat about the basis for this allegation  
 01:14:02 7 about other minors. Putting aside information as to  
 01:14:09 8 which you're claiming privilege, tell me what you knew  
 01:14:13 9 as of December 30th, 2014, that formed the factual basis  
 01:14:20 10 for your -- for that allegation about other minors.  
 01:14:23 11 MR. SCAROLA: And I'll instruct you not to  
 01:14:25 12 answer that question for the same reason, that  
 01:14:27 13 when the same question was asked earlier, I  
 01:14:29 14 instructed you not to answer.  
 01:14:31 15 MR. SIMPSON: I'm -- I'm -- maybe we are not  
 01:14:33 16 being clear, Jack. I'm asking him to put  
 01:14:35 17 aside -- I mean, certainly, he -- he filed a  
 01:14:37 18 pleading. You've asserted privilege as to  
 01:14:40 19 certain aspects. I'm simply asking him, putting  
 01:14:43 20 aside whatever you're claiming privilege for,  
 01:14:45 21 right, so I'm not -- I'm not asking you right now  
 01:14:47 22 to tell me anything you're claiming as  
 01:14:49 23 privileged.  
 01:14:49 24 BY MR. SIMPSON:  
 01:14:50 25 Q. Tell me whatever is not privileged that

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:14:53 1 supports that allegation.  
 01:14:55 2 A. Okay. The privileged information, obviously,  
 01:14:58 3 you're asking me not to reveal at this point.  
 01:14:59 4 Q. I'm asking you -- I'm asking you to tell me  
 01:15:00 5 the nonprivileged information. And I'm not agreeing  
 01:15:04 6 with your privilege assertion --  
 01:15:04 7 A. Sure.  
 01:15:07 8 Q. -- but for purposes of this question --  
 01:15:07 9 A. For purposes of this question.  
 01:15:07 10 Q. -- I'm accepting it.  
 01:15:07 11 A. All right.  
 01:15:08 12 Q. Putting aside what you claim is privileged, I  
 01:15:10 13 want to know everything that's the factual basis for  
 01:15:12 14 including the allegation about other minors.  
 01:15:14 15 A. Okay. Privileged information which I'm not  
 01:15:17 16 disclosing in any way would have interacted with a vast  
 01:15:20 17 body of other information.  
 01:15:22 18 The vast body of other information would have  
 01:15:24 19 started with an 89-page police report from the Palm  
 01:15:29 20 Beach Police Department that showed for about a  
 01:15:30 21 six-month period in 2005, there was sexual abuse of  
 01:15:35 22 minor girls going on on a daily basis, in -- whenever  
 01:15:40 23 Jeffrey Epstein was in his Palm Beach mansion.  
 01:15:44 24 And on some cases, it was going on not once,  
 01:15:48 25 not twice, but three times during the day. That -- let

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:15:51 1 me just be clear. I mean, I -- I referred to the  
 01:15:53 2 89-page police report. I have offered to put it into  
 01:15:55 3 the record if -- if it would speed things up, but let's  
 01:15:58 4 just talk about some of the things that are in that  
 01:15:59 5 89-page police report.  
 01:16:02 6 This was a -- a very intensive investigation  
 01:16:05 7 that the Palm Beach Police Department put together.  
 01:16:07 8 They did, for example, what are called trash covers;  
 01:16:09 9 that is when trash came out of the -- of the mansion of  
 01:16:13 10 Epstein, the police would intercept the trash and then  
 01:16:16 11 they would go through the trash and look for  
 01:16:17 12 incriminating information.  
 01:16:19 13 And what they began to discover was memo  
 01:16:22 14 pads -- and I say "memo pads," let's be clear, pad after  
 01:16:26 15 pad after pad, or I guess I should say, sheet after  
 01:16:28 16 sheet after sheet that had the name of a girl, and then  
 01:16:33 17 there was a notation of something to the effect of a  
 01:16:35 18 massage.  
 01:16:36 19 And so the Palm Beach Police Department began  
 01:16:39 20 tracking down, well, wait a minute, these -- these are  
 01:16:41 21 girls giving massages and they don't seem to have any  
 01:16:44 22 specialized training in massages; they don't seem to be  
 01:16:47 23 masseuses in any sense of the term; what's going on  
 01:16:47 24 here?

And so the Palm Beach Police Department  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:16:52 1 began, you know, I guess what we would call  
 01:16:54 2 knock-and-talks, knocking on doors to try to get to some  
 01:16:57 3 of these girls, and they would get to the girls, and  
 01:16:59 4 many of them initially were -- were afraid to explain  
 01:17:02 5 what had happened.  
 01:17:03 6 But as they -- as they continued talking to  
 01:17:06 7 them, the girls began to explain that what was happening  
 01:17:09 8 was, they were going over to Epstein's house under the  
 01:17:13 9 guise of giving a massage, and when they got there, the  
 01:17:17 10 massage was, in fact, sexual activity.  
 01:17:19 11 And for many of the girls, I think, as I say  
 01:17:22 12 around 23, 24, something along those lines, they were  
 01:17:25 13 underage. They were under the age of consent in  
 01:17:28 14 Florida.  
 01:17:28 15 And so each and every one of those events was  
 01:17:30 16 a crime being perpetrated -- and let's be clear, not  
 01:17:35 17 just being perpetrated by Epstein, but by other people  
 01:17:36 18 who were involved there at the mansion.  
 01:17:38 19 And so what the -- the Palm Beach Police  
 01:17:40 20 Department was putting together was that this mansion in  
 01:17:43 21 Florida was the nest of sexual abuse of young girls here  
 01:17:48 22 in Florida that involved, literally, in the -- in this  
 01:17:53 23 period of time, more than a hundred events that they  
 01:17:57 24 were able to document of sexual abuse.

And when you put that together with the  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:18:01 1 pattern or practice that was being revealed there, there  
 01:18:03 2 were hundreds of acts of sexual abuse going on in the  
 01:18:06 3 mansion.  
 01:18:07 4 But then what becomes -- and this is where I  
 01:18:10 5 indicated that, you know, the answer would continue on.  
 01:18:12 6 The -- the problem was that the evidence was starting to  
 01:18:14 7 show that this was a much broader series of events. For  
 01:18:18 8 example, there were flight logs showing that Mr. Epstein  
 01:18:21 9 was then flying with underaged girls, and those flight  
 01:18:27 10 logs, you know, as -- as the flight logs began to  
 01:18:29 11 develop, for example, we have seen, I know in the last  
 01:18:32 12 day or two here, one underage girl was [REDACTED]  
 01:18:35 13 who is on the flight, you know, with Epstein, and with  
 01:18:39 14 Maxwell, and those sorts of things.  
 01:18:41 15 So you start to look at the flight logs and  
 01:18:43 16 you see what's going on is not just events that are  
 01:18:46 17 occurring in Florida, but it's occurring on a  
 01:18:50 18 multi-state basis, which now starts to make it a federal  
 01:18:53 19 crime. For example, we are seeing evidence that --  
 01:18:56 20 let's just talk about [REDACTED] since she's  
 01:18:58 21 central to this case.  
 01:18:59 22 We are seeing [REDACTED] flown  
 01:19:02 23 from Florida to New York where she's in the clutches of  
 01:19:07 24 Jeffrey Epstein who is sexually abusing her, you know,  
 01:19:12 25 many times a week. And not just Jeffrey Epstein, but

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:19:15 1 other powerful persons. For example, Ghislaine Maxwell  
01:19:18 2 is there with him on all of these flights and apparently  
01:19:21 3 being involved in the abuse.

01:19:24 4 Indeed -- and so you -- you have -- you  
01:19:27 5 have that. You also start to see on the flight logs,  
01:19:30 6 what to my mind are some very sinister things,  
01:19:34 7 suggesting that the pattern is not just confined to sort  
01:19:36 8 of, you know, the girls that are there in Florida, but  
01:19:39 9 it -- it is extending more broadly.

01:19:41 10 Like one of the -- to my mind, sinister and  
01:19:44 11 scary things on the flight logs is, we see, you know,  
01:19:48 12 [REDACTED] ho we know has been sexually abused,  
01:19:51 13 and we see Jeffrey Epstein, and then we see on the  
01:19:54 14 flight logs one female.

01:19:55 15 That's kind of an odd notation for a flight  
01:19:59 16 log because, you know, typically, I understand the  
01:20:02 17 flight logs, the purpose is, well, if something happens  
01:20:04 18 with the flight, or there's some question about who was  
01:20:06 19 on it, you want to know who -- who the person was who  
01:20:07 20 was on the flight.

01:20:08 21 So, to my mind, when I started to see on  
01:20:10 22 these flight logs entries like one female, I viewed that  
01:20:15 23 as a potential device for obscuring the fact that there  
01:20:17 24 was interstate trafficking of underage girls for  
01:20:19 25 purposes of sexual activity. Serious federal offenses.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:20:22 1 But then that evidence extended, you know,  
01:20:26 2 more broadly than that. The evidence also started to  
01:20:28 3 show, again, if we talk just about flight logs that  
01:20:31 4 the -- that underage girls such as [REDACTED] were  
01:20:34 5 being flown internationally from, for example, Peterboro  
01:20:39 6 in New York to -- to locations, just to pick one, you  
01:20:42 7 know, for example, in London, where again sexual abuse  
01:20:45 8 was occurring.

01:20:47 9 And so you started to put together this  
01:20:50 10 pattern of criminality that was started in this -- you  
01:20:54 11 know, I don't know what the right word is here. I don't  
01:20:56 12 want to -- I don't want to -- you know, you've heard  
01:20:58 13 discussions of hyperbole and things like that, but we  
01:21:01 14 have got this nest of -- of -- and I won't say snakes,  
01:21:04 15 but we have this nest of criminals in Florida, but it --  
01:21:07 16 it seems to be spreading to Epstein's mansion in New  
01:21:10 17 York; it seems to be spreading to Ghislaine Maxwell's  
01:21:14 18 flat in London, and -- and -- and it goes on.

01:21:17 19 So those are the kinds of things that would  
01:21:19 20 have formed the -- the -- the basis, particularly when  
01:21:25 21 you -- when you start to add in this fact: What the  
01:21:28 22 Palm -- going back now to Florida with the Palm Beach  
01:21:31 23 Police Department. What the Palm Beach Police  
01:21:33 24 Department has -- had discovered was not a one-off kind  
01:21:35 25 of event, you know, on one particular day, one

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:21:37 1 particular girl had been sexually abused.  
01:21:40 2 What the Palm Beach Police Department had  
01:21:42 3 discovered was brazen, notorious, repetitive activity  
01:21:46 4 sometimes occurring as often as three times in a  
01:21:48 5 particular day. And so that led me to believe that the  
01:21:51 6 sexual activity that was going on in Florida was such  
01:21:54 7 that someone who was a regular house guest there would  
01:21:57 8 have immediately come to the conclusion that, well,  
01:22:00 9 look, gee, there are these underage girls coming in here  
01:22:03 10 and they -- they seem to be -- you know, they don't seem  
01:22:06 11 to be here to be doing, you know, business activities;  
01:22:08 12 they -- they might be here doing other kinds of  
01:22:11 13 activities. So those would be the kinds of things that  
01:22:13 14 would -- would have formed the factual basis.

01:22:17 15 There are other things as well, but I'm sure  
01:22:18 16 you want to ask other questions in addition to that. So  
01:22:22 17 I'll stop there, but those -- that's -- I think gives  
01:22:24 18 you a small flavor of the kind of evidence that, you  
01:22:28 19 know, was form -- undergirding the allegations that were  
01:22:32 20 being presented here.

01:22:32 21 Q. It sounds like you quite passionately believe  
01:22:35 22 that there was strong evidence that Mr. Epstein had  
01:22:39 23 engaged in sexual misconduct; is that right?

01:22:41 24 A. I think "strong" understates it.

01:22:44 25 Q. In the course of that long answer, you didn't  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:22:48 1 mention Professor Dershowitz's name once.

01:22:51 2 A. I said flight logs. And let's talk about  
01:22:53 3 flight logs.

01:22:54 4 Q. Let me back up. You didn't answer his  
01:22:57 5 name -- mention his name once; is that -- is that your  
01:23:00 6 recollection as well?

01:23:00 7 A. That's correct. We were talking about a  
01:23:02 8 factual basis, and I'll be glad -- I told you that there  
01:23:05 9 were other things if you want, factual basis for -- for  
01:23:07 10 Mr. Dershowitz. I'll be glad to add that in. Let me --  
01:23:10 11 let's -- let me -- let me -- I would like to supplement  
01:23:11 12 my answer then if I could.

01:23:12 13 Q. Do you want to look at a document?

01:23:14 14 A. Yes.

01:23:14 15 Q. Let me first -- have we exhausted your  
01:23:16 16 recollection without documents of all the evidence that  
01:23:21 17 you would refer to to support the allegation that  
01:23:23 18 Professor Dershowitz abused other minors?

01:23:25 19 A. No.

01:23:26 20 MR. SCAROLA: And let me say that you have a  
01:23:28 21 right to refer to whatever documents you choose  
01:23:31 22 to refer to, to be sure that you give a complete  
01:23:35 23 response to the question that has been asked, as  
01:23:38 24 long as you understand that whatever you refer to  
01:23:40 25 is going to be available to the other side, and

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:23:43 1 we would be happy to make it available to you.  
 01:23:45 2 MR. SIMPSON: And -- and I'll give you an  
 01:23:47 3 opportunity to look at that --  
 01:23:47 4 THE WITNESS: Sure --  
 01:23:47 5 BY MR. SIMPSON:  
 01:23:48 6 Q. -- but I'm entitled to ask first about your  
 01:23:50 7 recollection.  
 01:23:51 8 A. Okay.  
 01:23:51 9 Q. Based on your recollection --  
 01:23:51 10 A. Right.  
 01:23:52 11 Q. -- I want to know all the evidence --  
 01:23:52 12 A. Right.  
 01:23:54 13 Q. -- you were relying on here.  
 01:23:55 14 A. So what -- what I'm going to do is, I'm going  
 01:23:57 15 to make a list here on my -- on my notepad of all the  
 01:23:59 16 things, and then I'm going to compare that with notes I  
 01:24:01 17 have here. There may be a couple things that I don't  
 01:24:03 18 cover.  
 01:24:03 19 Q. As long as your counsel is okay with that.  
 01:24:04 20 A. Yeah.  
 01:24:05 21 Q. You understand you'll have to give that to  
 01:24:07 22 me?  
 01:24:07 23 A. Yeah. I'll give you the notes --  
 01:24:07 24 Q. All right.  
 01:24:09 25 A. -- and then I will compare with what I've got

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:24:11 1 there. So I mentioned the Palm Beach Police Department  
 01:24:14 2 report.  
 01:24:15 3 The next thing that I want to mention is the  
 01:24:19 4 Jane Doe 102 complaint. In August of 2009, Bob  
 01:24:27 5 Josefsberg -- who is, from what I understood, a very  
 01:24:32 6 well-regarded lawyer here in Florida; in fact, a lawyer  
 01:24:33 7 that was selected by the United States Government to  
 01:24:36 8 represent a number of the -- of the girls that had been  
 01:24:40 9 sexually abused by Jeffrey Epstein. He was -- he was  
 01:24:43 10 part of the procedure that was including the  
 01:24:45 11 nonprosecution agreement.  
 01:24:46 12 In August of 2009, he filed a complaint on  
 01:24:48 13 behalf of [REDACTED] that complaint indicated  
 01:24:54 14 that [REDACTED] had been sexually abused in  
 01:24:58 15 Florida, in New York, and in -- in other places, as I  
 01:25:02 16 recall. The thing that -- that I paid [REDACTED]  
 01:25:06 17 was that Mr. Josefsberg had said, [REDACTED] was  
 01:25:12 18 abused by -- and he gave some categories of people.  
 01:25:15 19 He mentioned, I think, business people. He  
 01:25:17 20 mentioned royalty, and he mentioned academicians. And  
 01:25:23 21 so to tie into your question, I knew that Professor  
 01:25:25 22 Dershowitz was an academician. And so what I was seeing  
 01:25:29 23 now was, that according to a very, very respected  
 01:25:32 24 attorney here in Florida, he had found [REDACTED]  
 01:25:34 25 to be credible, and had filed a lawsuit against

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:25:38 1 Mr. Epstein saying that she had been trafficked,  
 01:25:41 2 sexually trafficked, you know, not just abused by  
 01:25:44 3 Mr. Epstein, but now being forcibly sent to, you know,  
 01:25:48 4 other people to abuse.  
 01:25:49 5 And in the categories of people that were  
 01:25:52 6 sexually abusing her were academicians, and I knew that  
 01:25:58 7 Mr. Dershowitz fell within that category of -- of being  
 01:26:00 8 an academician. The -- that complaint also indicated  
 01:26:05 9 that there might be flight logs that would show that  
 01:26:08 10 [REDACTED] had been sexually abused in these  
 01:26:13 11 [REDACTED] And that started to indicate to me  
 01:26:16 12 that there might be what the law refers to as a common  
 01:26:19 13 scheme or plan. And that, just as [REDACTED] was  
 01:26:23 14 being trafficked to these powerful people in various  
 01:26:26 15 places, there might well be other girls.  
 01:26:28 16 And so I have mentioned a flight log, and let  
 01:26:31 17 you -- you wanted to talk about Mr. Dershowitz. On --  
 01:26:35 18 on December 30th, 2009, I was aware that there was a  
 01:26:39 19 flight log showing Mr. Dershowitz flying with Tatiana,  
 01:26:44 20 who as far as I can tell was not a business person, was  
 01:26:48 21 not providing financial advice or something else.  
 01:26:51 22 I understood that Mr. Epstein was a  
 01:26:53 23 billionaire who was heavily involved in financial  
 01:26:57 24 issues. I knew that Tatiana was on a plane with  
 01:27:01 25 Mr. Dershowitz, and then there was also, if I recall

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:27:01 1 correctly, working from memory as -- as you were  
 01:27:04 2 wondering about, there was a notation that  
 01:27:06 3 Mr. Dershowitz was on a plane with one female.  
 01:27:08 4 And so I was -- when I looked at that, I'm  
 01:27:11 5 seeing Mr. Dershowitz on a -- on a flight with a woman  
 01:27:15 6 who doesn't seem to be there for, frankly anything other  
 01:27:18 7 than sexual purposes or something along those lines with  
 01:27:21 8 Mr. Epstein, with Mr. Epstein, who is a sex trafficker,  
 01:27:25 9 and with one female which seemed to me to be a potential  
 01:27:30 10 entry for disguising international sex trafficking. So  
 01:27:33 11 that was of concern.  
 01:27:34 12 I then began to look at, well, I wonder, how  
 01:27:36 13 would I find out if Mr. Dershowitz had been abusing  
 01:27:39 14 other girls? Let's see. I knew that [REDACTED]  
 01:27:42 15 had been forced to -- to -- to -- to [REDACTED]  
 01:27:48 16 thing.  
 01:27:56 17 MS. McCRAWLEY: You're okay as long as  
 01:27:56 18 you're -- if you're revealing something that's in  
 01:27:59 19 an affidavit --  
 01:27:59 20 THE WITNESS: That's right.  
 01:27:59 21 MS. McCRAWLEY: -- that she submitted, you're  
 01:27:59 22 fine.  
 01:28:00 23 THE WITNESS: Right. So -- so what...  
 01:28:05 24 Let's see. What did I want, at this point --  
 01:28:05 25

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:28:05 1 BY MR. SIMPSON:  
 01:28:09 2 Q. Do you want the question back?  
 01:28:10 3 A. No. I'm just trying to remember what I was  
 01:28:12 4 thinking about with -- with regard to --  
 01:28:15 5 MR. SCAROLA: Do you need the response read  
 01:28:17 6 back up to the point --  
 01:28:18 7 THE WITNESS: Yeah, if you would do that,  
 01:28:20 8 yeah. I just --  
 01:28:20 9 MR. SCAROLA: -- about privilege arose.  
 01:28:20 10 THE WITNESS: Yeah. Let's just see what that  
 01:28:20 11 one --  
 01:28:21 12 MR. SCAROLA: Just read the last couple of  
 01:28:22 13 sentences back, or the last two sentences.  
 01:28:31 14 THE WITNESS: Oh, I'm sorry. Now I remember  
 01:28:32 15 exactly what I was thinking.  
 01:28:32 16 How would we go find out whether Mr. Epstein  
 01:28:35 17 was lending women, or in this case, underage  
 01:28:39 18 girls, to Mr. Dershowitz for sexual purposes?  
 01:28:41 19 Well, the first thing I want to do was ask -- you  
 01:28:45 20 know, I'd -- I'd go ask Jeffrey Epstein.  
 01:28:47 21 And so what I discovered when I started to  
 01:28:48 22 look at the transcripts, there were a number of  
 01:28:52 23 transcripts where Mr. Epstein was asked about  
 01:28:55 24 Alan Dershowitz. And rather than say, well, no,  
 01:28:57 25 he wasn't involved in any of these illegal

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:29:00 1 activities, Jeffrey Epstein took the Fifth as the  
 01:29:03 2 phrase, you know, to be more precise. He  
 01:29:05 3 exercised his right against compelled  
 01:29:06 4 self-incrimination and refused to answer the  
 01:29:08 5 question, which since these were civil cases,  
 01:29:11 6 indicated to me, since he was being represented  
 01:29:14 7 by very experienced legal counsel, that there was  
 01:29:16 8 more than an insignificant risk of incriminating  
 01:29:19 9 himself if he answered that.  
 01:29:20 10 And so Jeffrey Epstein now had taken the  
 01:29:23 11 Fifth. And one of the things that I was aware of  
 01:29:26 12 having been involved in, you know, civil  
 01:29:28 13 litigation and criminal litigation in other  
 01:29:30 14 cases, was that once somebody refuses to answer a  
 01:29:32 15 question like, you know: Do you know  
 01:29:35 16 Mr. Dershowitz? And they take the Fifth on that,  
 01:29:38 17 that you're then entitled to draw what's called  
 01:29:40 18 an adverse inference. You can -- you can infer  
 01:29:42 19 that, well, if they answered that question, they  
 01:29:44 20 would have --  
 01:29:44 21 MR. SCAROLA: Excuse me.  
 01:29:44 22 MS. McCAWLEY: Yeah, I want to make an  
 01:29:44 23 objection here --  
 01:29:44 24 MR. SCAROLA: Pardon me. Could you please  
 01:29:47 25 try to control your client --

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:29:47 1 MS. McCAWLEY: Yeah.  
 01:29:49 2 MR. SCAROLA: -- who keeps jumping up and  
 01:29:50 3 down and distracting everybody in the room?  
 01:29:52 4 MS. McCAWLEY: And there was also profanity  
 01:29:54 5 used earlier. I mean, we just have to settle  
 01:29:55 6 down on this side, and take a deep breath, and  
 01:29:58 7 let him answer his questions.  
 01:29:58 8 MR. SIMPSON: Look, I mean, the same thing  
 01:29:59 9 was happening on the other side.  
 01:30:00 10 MR. SCAROLA: No, sir.  
 01:30:00 11 MS. McCAWLEY: There was no profanity on this  
 01:30:00 12 side of the table.  
 01:30:00 13 MR. SCAROLA: No, no, no. There was never  
 01:30:03 14 anyone who jumped to their feet at any time  
 01:30:06 15 during the course of the last two days. The only  
 01:30:08 16 person who keeps jumping up is Alan Dershowitz.  
 01:30:13 17 Have him pass you a note quietly, if you would,  
 01:30:16 18 please.  
 01:30:18 19 MR. SIMPSON: I will disagree with your  
 01:30:19 20 characterization, but let me say the  
 01:30:20 21 argumentation --  
 01:30:21 22 MR. SCAROLA: Excuse me. Are you -- are you  
 01:30:22 23 making the representation --  
 01:30:22 24 MR. SIMPSON: No, I'm not.  
 01:30:23 25 MR. SCAROLA: -- that somebody on this side

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:30:24 1 of the room jumped up?  
 01:30:25 2 MR. SIMPSON: No, no, no, I'm not.  
 01:30:26 3 MR. SCAROLA: Okay. Thank you.  
 01:30:26 4 MR. SIMPSON: I'm not.  
 01:30:27 5 MR. SCAROLA: And I appreciate that.  
 01:30:27 6 MR. SIMPSON: And I --  
 01:30:29 7 MR. SCAROLA: And you do acknowledge that  
 01:30:30 8 Mr. Dershowitz has repeatedly been jumping up in  
 01:30:33 9 the middle of testimony, correct?  
 01:30:36 10 MR. SIMPSON: That's -- he just got up and  
 01:30:37 11 came over to me. That's the only time I'm aware  
 01:30:39 12 of, because I'm -- I'm looking at the witness,  
 01:30:41 13 but he did just do that, and I will pass notes.  
 01:30:44 14 We won't get up.  
 01:30:45 15 MR. SCAROLA: Okay. Well, I will tell you --  
 01:30:45 16 MR. SIMPSON: I'm not going to take time from  
 01:30:47 17 this.  
 01:30:47 18 MR. SCAROLA: I will -- I will, for the  
 01:30:49 19 record, as an officer of the court, represent  
 01:30:51 20 that there have been multiple times during the  
 01:30:54 21 course of Professor Cassell's deposition when  
 01:30:58 22 Alan Dershowitz has jumped up in the middle of  
 01:31:01 23 the testimony and excitedly whispered in your  
 01:31:07 24 ear.  
 01:31:07 25 You may not have realized it because you were

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:31:08 1 focusing on the witness, but everybody on this  
 01:31:10 2 side of the room has been distracted by his  
 01:31:13 3 unprofessional conduct.  
 01:31:16 4 MR. SIMPSON: I'm not going to argue with  
 01:31:18 5 you. And I --  
 01:31:18 6 MR. SCAROLA: Thank you.  
 01:31:18 7 MR. SIMPSON: -- I disagree with that  
 01:31:20 8 characterization. There is another attorney  
 01:31:22 9 sitting between us. We will pass notes.  
 01:31:24 10 MR. SCAROLA: Thank you.  
 01:31:25 11 MR. SIMPSON: And we -- and I believe,  
 01:31:29 12 Ms. McCawley, were you instructing not to answer  
 01:31:30 13 or what was happening? What did you -- what were  
 01:31:34 14 you raising?  
 01:31:34 15 MS. McCAWLEY: No. There was a lot of  
 01:31:35 16 yelling going on here, so I was trying to make  
 01:31:37 17 sure that everybody was quiet --  
 01:31:37 18 MR. SIMPSON: All right.  
 01:31:37 19 MS. McCAWLEY: -- so that the client could  
 01:31:37 20 answer.  
 01:31:37 21 MR. SIMPSON: All right. Let me back up.  
 01:31:37 22 BY MR. SIMPSON:  
 01:31:41 23 Q. Professor Cassell, I think you were in the  
 01:31:41 24 middle of an answer?  
 01:31:42 25 A. I was. Yes, if I could conclude --

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:31:43 1 MR. SIMPSON: All right. Could the court  
 01:31:44 2 reporter read me the last two lines of your  
 01:31:46 3 answer?  
 01:31:46 4 THE WITNESS: Okay.  
 01:31:46 5 (Thereupon, a portion of the record was read  
 01:31:46 6 by the reporter.)  
 01:31:46 7 BY MR. SIMPSON:  
 01:32:26 8 Q. Okay. Can you pick up then?  
 01:32:27 9 A. Sure. I'll pick up -- pick up the --  
 01:32:27 10 Q. Okay.  
 01:32:31 11 A. So I was beginning to draw an adverse  
 01:32:31 12 inference when Jeffrey Epstein, who is at the heart of  
 01:32:34 13 the sexual abuse of, not only Virginia Roberts, but  
 01:32:39 14 dozens and dozens and dozens of -- of girls literally  
 01:32:40 15 scattered across the globe, takes the Fifth, refuses to  
 01:32:43 16 answer the question, off the top of my head, I can't  
 01:32:46 17 recall exactly, but something along lines of: Do you  
 01:32:48 18 know Alan Dershowitz? And he says, I take the Fifth.  
 01:32:50 19 That sort of, frankly, startled me, that -- that this  
 01:32:55 20 international sex trafficker was taking the Fifth now  
 01:32:57 21 when asked about Mr. Dershowitz.  
 01:33:01 22 And so I was stymied in trying to get  
 01:33:04 23 information from Mr. Epstein at that point. I think  
 01:33:07 24 there were two depositions, if I recall correctly off  
 01:33:09 25 the top of my head, that -- that I had an opportunity to

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:33:11 1 review, in which he took the Fifth when asked questions  
 01:33:13 2 about Dershowitz.  
 01:33:14 3 So, at that point, in trying to figure out,  
 01:33:17 4 you know, whether Mr. Dershowitz was involved in  
 01:33:20 5 sexually abusing, not only [REDACTED] but in  
 01:33:24 6 other girls, then you go down to the next level, next  
 01:33:26 7 layer of the criminal conspiracy.  
 01:33:28 8 Epstein is at the top, so you go to the next  
 01:33:31 9 layer. These are, you know, basically the -- the women  
 01:33:33 10 who, from what I could gather, were -- were older than  
 01:33:36 11 the age that Epstein wanted to sexually abuse. I think  
 01:33:40 12 these were 22 and 23-year-old girls, so they had, you  
 01:33:44 13 know, essentially aged out of being his sexual abuse  
 01:33:47 14 victims, but they continued to -- what they would do is  
 01:33:50 15 collect girls for him under the age of 18, that I guess  
 01:33:53 16 was in his target range.  
 01:33:55 17 And so what -- so the next person I was [REDACTED]  
 01:33:58 18 talk to, you know, and get information from was [REDACTED]  
 01:34:01 19 [REDACTED] on a lot of these flight logs  
 01:34:04 20 with, you know, these girls that -- or women and with  
 01:34:07 21 Epstein and others, and so I wanted to talk to [REDACTED]  
 01:34:07 22 [REDACTED]  
 01:34:11 23 But what I discovered there was that, when  
 01:34:15 24 [REDACTED] s asked about Alan Dershowitz, she took  
 01:34:18 25 the Fifth, and there was -- she wasn't the only one.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:34:21 1 There was Miss Mucinska, who also took the Fifth when  
 01:34:25 2 asked questions about Alan Dershowitz.  
 01:34:27 3 And then there was [REDACTED] Miss [REDACTED]  
 01:34:30 4 who also took the Fifth. So what we -- what [REDACTED]  
 01:34:33 5 this point was Jeffrey Epstein's international sex  
 01:34:35 6 trafficking organization. I had the next echelon, and  
 01:34:38 7 both the top kingpin of the sex trafficking  
 01:34:42 8 organization, and the next echelon had taken the Fifth,  
 01:34:46 9 had refused to answer questions about Alan Dershowitz.  
 01:34:49 10 And so, at -- at that point, I was drawing an  
 01:34:51 11 adverse inference, not just from one person, but from  
 01:34:54 12 four persons, and that adverse inference was being  
 01:34:57 13 strengthened by the surrounding circumstances, some of  
 01:35:00 14 which we have already talked about.  
 01:35:00 15 One of the things that -- that really  
 01:35:02 16 bolstered the adverse inference that I was drawing in  
 01:35:05 17 this case was that I've mentioned those three girls,  
 01:35:09 18 [REDACTED] They were all covered  
 01:35:12 19 by a nonprosecution agreement. And the nonprosecution  
 01:35:15 20 agreement was highly unusual.  
 01:35:17 21 I -- I had been a federal prosecutor for  
 01:35:18 22 about four years, I had been a federal judge for about  
 01:35:21 23 five-and-a-half years, so I had seen a lot of -- of, you  
 01:35:23 24 know, nonprosecution types of arrangements. And one of  
 01:35:26 25 the things that was very unusual in this one is, it has

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:35:29 1 what I'll refer to as the blank-check immunity  
 01:35:33 2 provision.  
 01:35:34 3 There was a provision in the nonprosecution  
 01:35:36 4 agreement that said, this agreement will prevent federal  
 01:35:40 5 prosecution for international and interstate sex  
 01:35:43 6 trafficking, not only of Jeffrey Epstein, and not only  
 01:35:46 7 of the four women who were identified, but -- and this  
 01:35:49 8 is a direct quote: Any other potential co-conspirator,  
 01:35:53 9 close quote.

01:35:55 10 And so that was unusual because what it --  
 01:35:57 11 what it seemed to be doing was that somehow this  
 01:35:58 12 agreement was quite out of the normal and had been  
 01:36:00 13 designed to extend immunity to other people that might  
 01:36:04 14 have been associated with Epstein.

01:36:05 15 And I knew that that category included the  
 01:36:09 16 people that were involved in negotiating this highly  
 01:36:11 17 unusual provision included Mr. Dershowitz, who had been  
 01:36:14 18 heavily involved, not only in the drafting of the  
 01:36:18 19 agreement, but had also been involved remarkably in  
 01:36:22 20 attacking the credibility of these girls and saying  
 01:36:25 21 things like, you know, it was -- Epstein wasn't  
 01:36:28 22 targeting minor girls, which just struck -- you know, I  
 01:36:33 23 was -- I don't want to use a technical term,  
 01:36:35 24 gob-smocked, that a defense attorney with an obligation  
 01:36:37 25 to tell the truth was making a factual representation

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:37:40 1 that are said there, but Alessi puts Mr. Dershowitz at  
 01:37:46 2 the nest of this international sex trafficking  
 01:37:47 3 organization. Let's see. I think he said four or five  
 01:37:51 4 times a year, two or three -- you know, two or three  
 01:37:55 5 days when he goes there.

01:37:56 6 And let's be clear, I know Mr. Dershowitz had  
 01:37:58 7 said at some points like, I'm an attorney, and that's my  
 01:38:00 8 client and so forth. And Alessi said, no, but this was  
 01:38:03 9 not in a -- in a lawyer/client capacity; this is in a  
 01:38:09 10 friend capacity.

01:38:10 11 And so now we have Alessi putting him there  
 01:38:12 12 at the same time when young girls were there. And one  
 01:38:15 13 of the -- the -- the things that I picked up, so is  
 01:38:17 14 Alessi -- you know, is he able to figure out who these  
 01:38:19 15 girls are?

01:38:20 16 A photograph [REDACTED] shown to  
 01:38:22 17 Juan Alessi in the deposition, and he I.D.s the  
 01:38:26 18 photograph as, you know, V.R., so he -- he had, you  
 01:38:30 19 know, put two and two together.

01:38:30 20 So now I've got V.R. coming to the house at a  
 01:38:34 21 time when Mr. Dershowitz is also in the house, and  
 01:38:37 22 apparently spending, you know, two to three nights there  
 01:38:40 23 and doing this four or five times a year.

01:38:45 24 Now, Alessi wasn't the only one. There was  
 01:38:48 25 Alfredo Rodriguez who was there in about 2004 to 2005,

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:36:42 1 that Jeffrey Epstein was not targeting minor girls, when  
 01:36:44 2 the Palm Beach Police Department had collected, you  
 01:36:47 3 know, 23 of them that had all given essentially  
 01:36:50 4 interlocking stories about how they had all gone over to  
 01:36:54 5 this house, you know, the mansion, to give a massage and  
 01:36:57 6 when they had gotten there, they had been sexually  
 01:36:58 7 abused.

01:36:58 8 So the kingpin wouldn't talk. The next  
 01:37:01 9 echelon of the trafficking organization wouldn't talk.  
 01:37:03 10 So the next step was to say, okay, let's see if we can  
 01:37:06 11 find somebody, you know, lower level in there, you know,  
 01:37:08 12 a household employee or something like that; maybe they  
 01:37:10 13 will have some information about, you know, what this  
 01:37:12 14 criminal organization is doing.

01:37:14 15 Now, let's -- let's understand, you know,  
 01:37:16 16 given the pervasiveness of the -- of the criminal  
 01:37:19 17 activity, I -- I wasn't convinced that they were going  
 01:37:21 18 to be able to get in there and start saying exactly what  
 01:37:24 19 was going on because they might well be exposing  
 01:37:26 20 themselves to criminal -- you know, criminal  
 01:37:29 21 culpability.

01:37:30 22 But I -- I was able to read a sworn  
 01:37:32 23 deposition from Juan Alessi, and Juan Alessi -- I  
 01:37:37 24 think -- I don't know. Maybe just to speed things up  
 01:37:38 25 today, I won't go through all the things that are --

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:38:53 1 after the time period of [REDACTED] but it's part  
 01:38:56 2 of the common scheme or plan that we've been discussing  
 01:38:59 3 here.

01:38:59 4 And so in 2005, Alfredo Rodriguez says, yeah,  
 01:39:02 5 again, Mr. Dershowitz is there at a time when these  
 01:39:05 6 massages are going on. When you start to look at Alessi  
 01:39:09 7 and Rodriguez's statements in context where they're --  
 01:39:14 8 they're saying he's there at the same time the massages  
 01:39:16 9 are occurring, and with the West Palm Beach Police  
 01:39:19 10 Department reports showing that massages are of a sexual  
 01:39:22 11 nature, again, it started to put two and two together.

01:39:26 12 One of the things that was particularly  
 01:39:30 13 important about Rodriguez's situation was that Rodriguez  
 01:39:34 14 had an access to what's been called the little black  
 01:39:38 15 book, or I think he referred to it as the holy grail.  
 01:39:40 16 This was Jeffrey Epstein's, you know, telephone book  
 01:39:42 17 where he had telephone numbers in it.

01:39:45 18 And so Rodriguez had that and, you know, I  
 01:39:48 19 guess thought that this would be worth a lot of money  
 01:39:50 20 because it would -- you know, it would identify all of  
 01:39:52 21 the people that have been sexually abused by -- by  
 01:39:54 22 Jeffrey Epstein. And so he tried to sell it. The FBI  
 01:39:57 23 busted him for that.

01:39:58 24 And when the FBI busted him, now he's got  
 01:40:00 25 this book. And so the book went to Alessi, and

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:40:05 1 according to a -- to a later FBI report, Alessi  
 01:40:07 2 identified information that was pertinent to the FBI's  
 01:40:07 3 investigation.  
 01:40:11 4 And so when I look at the little black book  
 01:40:14 5 that I have seen copies of, there are a handful of names  
 01:40:17 6 in that black book that have been circled, apparently by  
 01:40:22 7 Mr. Rodriguez, and one of the names that's -- that has  
 01:40:25 8 been circled is Alan Dershowitz. And so that, to me,  
 01:40:30 9 was suggesting that Mr. Rodriguez had identified, you  
 01:40:35 10 know, Alan Dershowitz as somebody who had information  
 01:40:38 11 about this -- this international sex trafficking ring.  
 01:40:40 12 But just as a side note, but an important  
 01:40:42 13 note, when the -- the thing that was circled on the Alan  
 01:40:46 14 Dershowitz page was not a single phone number  
 01:40:49 15 indicating, you know, somebody had bumped -- you know,  
 01:40:51 16 Epstein had bumped into at one point. I believe there  
 01:40:56 17 were 10 or 11 phone numbers that were associated with  
 01:40:57 18 Mr. Dershowitz that had all been circled and an e-mail  
 01:41:00 19 address as well.  
 01:41:02 20 So that started to corroborate my sense that  
 01:41:05 21 Mr. Dershowitz was, indeed, a very close friend of  
 01:41:10 22 Jeffrey Epstein. Now, I had then continued to do --  
 01:41:14 23 there's been reference today to, you know, using Google  
 01:41:16 24 to do research and so forth. So I Googled Jeffrey  
 01:41:20 25 Epstein and one of the things that pops up rather

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:41:22 1 rapidly is an article in Vanity Fair.  
 01:41:25 2 And what you see in that article is, you  
 01:41:28 3 know, discussion about Mr. Epstein, but when you're  
 01:41:33 4 trying to do a profile of someone, you try to figure out  
 01:41:34 5 who that person's closest friends are.  
 01:41:35 6 And so the Vanity Fair author had gone to  
 01:41:38 7 Alan Dershowitz, you know, our -- Mr. Dershowitz here,  
 01:41:42 8 and had asked him, hey, what do you know about Jeffrey  
 01:41:45 9 Epstein?  
 01:41:48 10 And, again, off the top of my head, you want  
 01:41:47 11 to know what I can remember right now. What I can  
 01:41:49 12 remember right now is that in the Vanity Fair article,  
 01:41:53 13 the -- in the Vanity Fair article, Mr. Dershowitz said,  
 01:41:59 14 I've written 20-some odd books; there's only one person  
 01:42:03 15 outside my immediate family with whom I share drafts,  
 01:42:06 16 and that's Jeffrey Epstein.  
 01:42:08 17 So I took that as indicating a -- a very  
 01:42:10 18 close personal association that -- you know, among the  
 01:42:13 19 people that -- that obviously he's sharing this -- these  
 01:42:15 20 kinds of things that he wants evaluated before he shares  
 01:42:18 21 them with the broader world, there's his immediate  
 01:42:21 22 family and then there's -- there's Jeffrey Epstein.  
 01:42:23 23 There was also another similar quote in the  
 01:42:24 24 article that indicated that -- that Mr. Dershowitz said  
 01:42:29 25 that he wasn't interested in Epstein just because he had

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:42:32 1 a lot of money. I mean, Epstein was identified as a  
 01:42:32 2 billionaire in this article, billionaire with -- with a  
 01:42:38 3 B, so the record is clear.  
 01:42:39 4 But he said, look, if Epstein lost all his  
 01:42:43 5 money -- I'm paraphrasing here -- I would be, you know,  
 01:42:44 6 happy to walk down, you know, the Coney Island Boardwalk  
 01:42:47 7 with him and discuss things with him, as -- you know,  
 01:42:49 8 even if he didn't have any money.  
 01:42:50 9 So now I'm seeing Dershowitz is a very close  
 01:42:54 10 personal friend of Jeffrey Epstein. And then I started  
 01:42:58 11 to look at flight logs. There were -- there were some  
 01:43:01 12 very interesting things that I noticed on the flight  
 01:43:04 13 logs.  
 01:43:04 14 One of the things I noticed was when I began  
 01:43:07 15 to, you know, get into this, that, you know, I was  
 01:43:13 16 wondering, well, what -- well, how do these flight logs  
 01:43:14 17 come into the possession of, you know, law enforcement  
 01:43:16 18 agencies? And the answer turned out to be that they had  
 01:43:20 19 been provided by Epstein's defense attorney and -- and,  
 01:43:23 20 you know, coincidentally, I suppose, or in my mind,  
 01:43:27 21 suspiciously, they were not provided by just any defense  
 01:43:30 22 attorney on this rather large defense team. They were  
 01:43:33 23 provided by one attorney according to Detective Recarey.  
 01:43:36 24 Detective Recarey testified under oath that the flight  
 01:43:39 25 logs were provided to him by Alan Dershowitz.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:43:41 1 So one of the things that was -- was  
 01:43:43 2 interesting is, Dershowitz has had access to these  
 01:43:45 3 flight logs, and now I'm beginning to wonder, well, has  
 01:43:48 4 there been an opportunity to sanitize those flight logs  
 01:43:50 5 or remove any incriminating information?  
 01:43:52 6 And -- and one of the things that was  
 01:43:54 7 interesting about the flight logs that were produced --  
 01:43:56 8 I believe just so the record is clear, that was Exhibit  
 01:44:02 9 1 that -- if we could -- if I could refer -- I need to  
 01:44:04 10 refresh my recollection as to -- well, I don't -- you  
 01:44:07 11 may not want me to look at documents.  
 01:44:08 12 It was either Exhibit 1 or 2 this morning  
 01:44:11 13 during Dershowitz's deposition which was covering a time  
 01:44:15 14 period of January to, I believe, September 2005. These  
 01:44:20 15 were flight logs that were produced by Mr. Dershowitz to  
 01:44:23 16 the Palm Beach Police Department.  
 01:44:25 17 And you wonder why did they stop in  
 01:44:27 18 September -- you know, why stop in September 2005?  
 01:44:31 19 What's the significance of that? Well, later on,  
 01:44:35 20 additional flight logs were obtained, and sure enough,  
 01:44:39 21 who shows up on an October 2005 flight log with Jeffrey  
 01:44:45 22 Epstein? Mr. Dershowitz.  
 01:44:46 23 So that led to a suspicion that  
 01:44:49 24 Mr. Dershowitz had provided to the Palm Beach Police  
 01:44:52 25 Department flight logs that, the time period of which

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:44:54 **1** for the production had been carefully crafted to keep  
 01:44:57 **2** him out of it; in other words, to not produce the  
 01:44:59 **3** October 2005 version.  
 01:45:03 **4** The other thing I -- I began to discover as I  
 01:45:06 **5** started going through some flight logs, Dave Rogers, who  
 01:45:08 **6** is one of I think about three pilots that -- that  
 01:45:10 **7** Epstein regularly relied on to fly his -- you know, he  
 01:45:13 **8** had very fancy -- to use the technical term -- jets.  
 01:45:16 **9** There were about -- there were about three pilots there.  
 01:45:20 **10** One of them had some flight logs and that --  
 01:45:24 **11** that was Pilot Dave Rogers, if I'm recalling his name  
 01:45:26 **12** correctly. And so later on in the litigation, the sex  
 01:45:30 **13** abuse litigation against Epstein, flight logs were  
 01:45:34 **14** obtained from Dave Rogers, and it was possible to -- to  
 01:45:37 **15** compare -- I'm sorry. I don't mean to -- I want to make  
 01:45:40 **16** sure I get -- you know, the question is: How much can I  
 01:45:42 **17** remember and I'm trying to make sure I get -- get it all  
 01:45:44 **18** in.  
 01:45:45 **19** And so the flight logs were produced from  
 01:45:48 **20** Dave Rogers. And so Dave Rogers produced some flight  
 01:45:51 **21** logs, and some of the flights that he produced logs for  
 01:45:56 **22** coincided with the logs that Mr. Dershowitz had provided  
 01:45:59 **23** to the Palm Beach Police Department, and there were  
 01:46:01 **24** inconsistencies. And so that, again, aroused my  
 01:46:05 **25** suspicion that maybe Mr. Dershowitz when he had --

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:46:08 **1** MR. SCOTT: I just got a call from a lawyer  
 01:46:09 **2** on the screen. His -- his phone is not working,  
 01:46:10 **3** Epstein's lawyer, Darren Indyke.  
 01:46:10 **4** MR. SIMPSON: Why don't --  
 01:46:15 **5** MR. SCAROLA: Do you want to take a break for  
 01:46:17 **6** a second?  
 01:46:17 **7** MR. SIMPSON: Well, why don't -- well, why  
 01:46:17 **8** don't we let him finish his answer?  
 01:46:18 **9** MR. SCAROLA: Let him finish the answer.  
 01:46:20 **10** MR. SCOTT: Yeah, let's do that. You're  
 01:46:20 **11** right.  
 01:46:21 **12** MR. SCAROLA: Although it may take a while.  
 01:46:21 **13** THE WITNESS: It -- it's, I mean, the  
 01:46:21 **14** question --  
 01:46:21 **15** MR. SCAROLA: Yeah. But let's --  
 01:46:25 **16** MR. SCOTT: I don't care.  
 01:46:25 **17** MR. SCAROLA: Okay. Let's -- let's go ahead  
 01:46:27 **18** and finish.  
 01:46:27 **19** MR. SCOTT: Let's go ahead and finish the  
 01:46:29 **20** answer. We heard this much.  
 01:46:29 **21** MR. SCAROLA: Good. Thank you.  
 01:46:29 **22** THE WITNESS: Okay. So there --  
 01:46:31 **23** MR. SCOTT: I don't want to break him on a  
 01:46:32 **24** roll.  
 01:46:33 **25** MR. SCAROLA: Thanks.

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:46:33 **1** THE WITNESS: Right. No, I mean, I want to  
 01:46:36 **2** make -- I want to make clear that there was a lot  
 01:46:37 **3** of information that I was relying on in filing  
 01:46:40 **4** this pleading, and -- and, of course, the later  
 01:46:42 **5** pleading. So we are on the subject of flight  
 01:46:44 **6** logs.  
 01:46:44 **7** Flight logs showed that the flight logs  
 01:46:46 **8** Mr. Dershowitz had produced to Detective Recarey  
 01:46:49 **9** were incomplete and inaccurate. And so that led  
 01:46:52 **10** to concern on my part that Mr. Dershowitz had had  
 01:46:55 **11** an opportunity to sanitize the flight logs,  
 01:46:57 **12** had -- had -- had provided incomplete production,  
 01:47:01 **13** you know, obviously, very important production  
 01:47:02 **14** that the Palm Beach Police Department was looking  
 01:47:05 **15** at.  
 01:47:06 **16** Then we got some additional flight logs from  
 01:47:09 **17** Dave Rogers. And what those flight logs  
 01:47:11 **18** showed -- first off, let's talk again about  
 01:47:14 **19** the -- the production of those flight logs.  
 01:47:17 **20** My recollection is that Dave Rogers's flight  
 01:47:21 **21** logs were provided by Bruce Reinhart who was a  
 01:47:24 **22** former Assistant U.S. Attorney who had been  
 01:47:26 **23** inside the Southern District of Florida Office at  
 01:47:29 **24** a time when the Epstein case was the subject of  
 01:47:32 **25** regular discussion in that office.

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:47:33 **1** And then he had gone to work for some kind of  
 01:47:36 **2** a -- a law firm or private operation that was  
 01:47:39 **3** located adjacent to Mr. Epstein's business. And  
 01:47:44 **4** so, now, Reinhart, who appeared to be being paid  
 01:47:46 **5** by Mr. Epstein, and certainly was adjacent to  
 01:47:49 **6** Mr. Epstein's business office, was producing  
 01:47:51 **7** these flight logs.  
 01:47:52 **8** So that, again, aroused suspicion that the  
 01:47:54 **9** flight logs that were being produced would have  
 01:47:57 **10** been sanitized or inaccurate.  
 01:47:58 **11** But even -- I mean, you know, I think the  
 01:48:00 **12** problem with -- you know, you can't sanitize  
 01:48:02 **13** everything. That would be too suspicious. And  
 01:48:04 **14** so what -- what was -- was -- what was evident on  
 01:48:07 **15** these flight logs was, for example, approximately  
 01:48:11 **16** ten flights by Mr. Dershowitz with Tatiana has --  
 01:48:16 **17** has been discussed; with Maxwell; with Jeffrey  
 01:48:21 **18** Epstein. One of them had one female, which,  
 01:48:25 **19** again, in the context that I was looking at,  
 01:48:27 **20** seemed to be a potential code word for  
 01:48:28 **21** underage -- underage girl.  
 01:48:32 **22** And so those flight logs showed, you know,  
 01:48:35 **23** again, close association and travel with --  
 01:48:40 **24** with -- with -- with Mr. Dershowitz, and  
 01:48:47 **25** Mr. Epstein.

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

01:48:51 1 Another thing that I had, and I will not  
 01:48:53 2 reveal any privileged communications here or any  
 01:48:56 3 confidential information, but on December 30th, I  
 01:48:59 4 was aware that one of the preeminent lawyers in  
 01:49:02 5 the United States, David Boies, had agreed to  
 01:49:07 6 represent [REDACTED]. And given the vast  
 01:49:11 7 amount of business that -- that, you know, tries  
 01:49:13 8 to get in the door --  
 01:49:15 9 MR. SIMPSON: Could I interrupt? I mean, I  
 01:49:17 10 think we are going towards a waiver here.  
 01:49:19 11 MS. McCAWLEY: Yeah. No, no, no, I do not --  
 01:49:20 12 MR. SIMPSON: We can't have testimony  
 01:49:21 13 about --  
 01:49:21 14 MS. McCAWLEY: Yeah.  
 01:49:22 15 MR. SIMPSON: -- this is one of the most  
 01:49:22 16 respected people in the country, or lawyers in  
 01:49:26 17 the country, and then you won't answer the  
 01:49:28 18 questions --  
 01:49:26 19 THE WITNESS: Okay.  
 01:49:28 20 MR. SIMPSON: -- you said not to answer.  
 01:49:28 21 MS. McCAWLEY: Oh. Well, describing David  
 01:49:30 22 Boies in general --  
 01:49:30 23 MR. SIMPSON: I agree with the description.  
 01:49:31 24 MS. McCAWLEY: -- doesn't constitute a  
 01:49:32 25 waiver.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:49:32 1 MR. SIMPSON: He's a distinguished lawyer.  
 01:49:32 2 MR. SCAROLA: And I don't think we are  
 01:49:33 3 getting beyond anything that is a matter of  
 01:49:37 4 public record.  
 01:49:37 5 MR. SIMPSON: I just -- I --  
 01:49:38 6 MS. McCAWLEY: But I appreciate you --  
 01:49:38 7 MR. SIMPSON: Be aware of waiver.  
 01:49:39 8 MS. McCAWLEY: -- letting me know that.  
 01:49:40 9 THE WITNESS: All right. I will be -- I will  
 01:49:41 10 not waive anything, and if I start to do that, I  
 01:49:43 11 would certainly request the opportunity to -- to  
 01:49:45 12 retract what I'm doing, but I was aware -- since  
 01:49:48 13 the issue is, well, what's in the public record,  
 01:49:50 14 I was aware that, you know, probably the most  
 01:49:52 15 significant United States Supreme Court case  
 01:49:55 16 argued in the last 20 years was Bush versus Gore,  
 01:49:58 17 which was a case that essentially determined who  
 01:50:01 18 was going to be President of the most powerful  
 01:50:03 19 country in the world.  
 01:50:04 20 There were two attorneys who argued that case  
 01:50:05 21 in front of the United States Supreme Court, and  
 01:50:07 22 arguing for the Democratic Presidential  
 01:50:10 23 Candidate, Al Gore, was David Boies.  
 01:50:12 24 He had put his credibility on the line in  
 01:50:16 25 arguing the Bush versus Gore case, and without

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:50:19 1 going into any confidential communications or  
 01:50:22 2 trying to waive in any way, I knew that David  
 01:50:24 3 Boies had agreed to represent [REDACTED]  
 01:50:27 4 which gave me additional confidence in the fact  
 01:50:30 5 that I was also representing this young woman in  
 01:50:34 6 her effort to bring sex traffickers to justice,  
 01:50:37 7 and those who had sexually abused her to justice.  
 01:50:41 8 And so those are things that come to mind  
 01:50:46 9 immediately as -- let me just take a second and  
 01:50:50 10 see if there were other things regarding  
 01:50:56 11 Dershowitz that -- that come immediately --  
 01:51:01 12 immediately to mind.  
 01:51:03 13 Oh, one of the things was in the Jane Doe 102  
 01:51:09 14 complaint, which alleged academicians that had --  
 01:51:14 15 that had abused -- sexually abused Jane Doe 3,  
 01:51:19 16 there -- there were -- so that raises a question,  
 01:51:24 17 obviously, of who were the academicians that Bob  
 01:51:30 18 Josefsberg had identified?  
 01:51:31 19 I can't recall, actually. Let me -- the  
 01:51:33 20 record should be clear, I can't recall  
 01:51:34 21 immediately whether it was singular or plural.  
 01:51:36 22 It may have been plural, but if it's singular, I  
 01:51:36 23 don't want to suggest that there were other  
 01:51:40 24 academicians, but at least one academician had  
 01:51:42 25 sexually abused Jane Doe 3, according to the

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:51:45 1 complaint that had been filed by Bob Josefsberg.  
 01:51:48 2 There were two things that were of interest  
 01:51:49 3 to that: One was that Mr. Epstein, the man that  
 01:51:51 4 I wasn't able to get information from because he  
 01:51:54 5 was invoking the Fifth, had refused or declined  
 01:51:57 6 to file an answer to that complaint.  
 01:52:00 7 Rather than deny the allegations, he had,  
 01:52:03 8 ultimately, it's my understanding -- I don't have  
 01:52:05 9 inside information and I'm not trying to waive  
 01:52:07 10 any information, but my understanding is that  
 01:52:08 11 rather than answer the complaint, he settled the  
 01:52:11 12 case through the payment of some kind of  
 01:52:13 13 compensation that Jane Doe 102 found desirable  
 01:52:17 14 for dropping her claim.  
 01:52:19 15 The other thing that I found interesting is  
 01:52:21 16 that Josefsberg's partner, I believe it is,  
 01:52:25 17 Miss Ezell, had been to some of the depositions  
 01:52:29 18 of, for example, I believe Juan Alessi and  
 01:52:33 19 Alfredo Rodriguez. And I believe at least one of  
 01:52:35 20 those, and perhaps both of those. And she had  
 01:52:36 21 asked questions about Alan Dershowitz in those  
 01:52:38 22 depositions, but had not asked questions about  
 01:52:42 23 other academics in those depositions.  
 01:52:45 24 So that led me to conclude that Bob  
 01:52:51 25 Josefsberg and his outstanding law firm had

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:52:51 1 identified Alan Dershowitz as someone who had  
 01:52:54 2 information relevant -- and let's be clear, that  
 01:52:56 3 this is not a lawsuit about some contract dispute  
 01:52:58 4 or something -- that he was someone who had  
 01:53:00 5 information relevant to the sexual abuse of  
 01:53:02 6 underage girls and, indeed, they were asking  
 01:53:05 7 questions about what information -- what  
 01:53:07 8 information he might have.  
 01:53:09 9 Another -- I know, I remember now, there's a  
 01:53:11 10 whole other line of things that -- that I had in  
 01:53:13 11 mind at the time, and I think since you want to  
 01:53:16 12 test my memory -- I'm not -- let me be clear.  
 01:53:19 13 I'm not claiming I have a superb memory. I have  
 01:53:21 14 an average memory, but this is a subject that's  
 01:53:22 15 very important to me, and so I've worked, you  
 01:53:26 16 know, very hard to get all the information.  
 01:53:31 17 I would like to take a break.  
 01:53:32 18 MR. SCAROLA: Sure. Take a break.  
 01:53:33 19 THE VIDEOGRAPHER: We are going off the video  
 01:53:36 20 record, 3:27 p.m.  
 02:07:43 21 (Thereupon, a recess was taken.)  
 02:07:43 22 THE VIDEOGRAPHER: We are back on the video  
 02:08:03 23 record, 3:41 p.m.  
 02:08:06 24 THE WITNESS: I want to continue my answer.  
 02:08:08 25 I'm sorry. I got emotional there for a moment.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:09:23 1 let me clear all of that misunderstanding up.  
 02:09:25 2 You know, that's -- frankly, if I had gotten  
 02:09:28 3 something like that, that's what I would have  
 02:09:29 4 said.  
 02:09:30 5 The answer that came back was -- from  
 02:09:32 6 Mr. Dershowitz was something along the lines of,  
 02:09:34 7 if I remember correctly, well, tell me what  
 02:09:36 8 you -- you -- tell me what you want to know and  
 02:09:38 9 I'll decide whether to cooperate, was I think  
 02:09:41 10 the phrase that was used. And -- and so there  
 02:09:43 11 was an attempt, you know, a 2009 attempt, a 2011  
 02:09:46 12 attempt to get information from Mr. Dershowitz.  
 02:09:49 13 Then there was another subpoena without  
 02:09:52 14 deposition for -- for documents. You know, we  
 02:09:54 15 have heard a lot about records in this case that  
 02:09:57 16 could prove innocence. There was a records  
 02:09:58 17 request to Mr. Dershowitz in 2013. And, again,  
 02:10:01 18 my understanding was that there was no -- you  
 02:10:03 19 know, no documents were provided on that.  
 02:10:07 20 And so those -- I had that information.  
 02:10:11 21 Another bit of information that I had was that in  
 02:10:14 22 2011, I believe in early April -- this is not  
 02:10:16 23 attorney/client privileged information from  
 02:10:21 24 [REDACTED] this is a telephone call that  
 02:10:23 25 she placed from Australia where she had been

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:08:12 1 I want to do a good job for [REDACTED]  
 02:08:12 2 on -- on representing all the [REDACTED]  
 02:08:14 3 that is available to support her.  
 02:08:16 4 The next thing that I was thinking of was,  
 02:08:19 5 all right, then the question is: Well, what does  
 02:08:23 6 Mr. Dershowitz have to say about all this? So I  
 02:08:27 7 started to look at the information on that as  
 02:08:28 8 well.  
 02:08:29 9 In 2009, there had been a deposition request  
 02:08:34 10 sent to Mr. Dershowitz, and I -- I saw a document  
 02:08:37 11 showing that that had actually been served on --  
 02:08:40 12 on him, and, you know, to the extent that what I  
 02:08:44 13 saw was a -- I think a receipt from the process  
 02:08:46 14 server, or something along those lines, so I saw  
 02:08:51 15 attempt to contact him in -- in 2009.  
 02:08:53 16 And then I saw an additional attempt to  
 02:08:55 17 contact him in 2011. Mr. Scarola had sent him a  
 02:09:01 18 note and there was, you know, some back and  
 02:09:03 19 forth. The -- the one note that -- that jumped  
 02:09:06 20 out to me was one in which Mr. Scarola had  
 02:09:09 21 written to Mr. Dershowitz, I think the phrase  
 02:09:12 22 was: Multiple witnesses have placed you in the  
 02:09:14 23 presence of Jeffrey Epstein and underage girls; I  
 02:09:18 24 would like to depose you about those subjects.  
 02:09:21 25 And the answer that came back was not, well,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:10:27 1 essentially forced into hiding by Jeffrey  
 02:10:28 2 Epstein. She managed to escape and was hiding  
 02:10:31 3 out in -- in Australia, and that she would --  
 02:10:36 4 that somehow, you know, Mr. Scarola and  
 02:10:38 5 Mr. Edwards were able to reach her and there was  
 02:10:41 6 a telephone call that was made.  
 02:10:43 7 And in that telephone call she identified  
 02:10:46 8 Alan Dershowitz as someone who would have  
 02:10:48 9 relevant information about Jeffrey Epstein and  
 02:10:50 10 the sexual abuse of underage girls.  
 02:10:53 11 And so I had that information as well. So  
 02:11:01 12 that, as I understand, the question was: What  
 02:11:01 13 could I recall off the top of my head with regard  
 02:11:05 14 to the factual basis for information connecting  
 02:11:07 15 Mr. Dershowitz with the sexual abuse of minor  
 02:11:12 16 girls, plural, and that, sitting here at this  
 02:11:15 17 moment, is the best that I can recall for the  
 02:11:18 18 information along those lines.  
 02:11:18 19 BY MR. SIMPSON:  
 02:11:21 20 Q. Was that answer --  
 02:11:21 21 MR. SCAROLA: Excuse me. Before -- before  
 02:11:23 22 you go on to another subject, Professor Cassell  
 02:11:26 23 is entitled to refresh his recollection to give  
 02:11:29 24 you a complete response. So why don't you go  
 02:11:31 25 ahead and do that now. Make sure you've covered

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:11:34 1 everything.  
 02:11:34 2 MR. SIMPSON: I'm -- I think I get to ask the  
 02:11:36 3 questions, but I was going to ask the same  
 02:11:38 4 question.  
 02:11:39 5 MR. SCAROLA: Wonderful. We are on the same  
 02:11:40 6 page.  
 02:11:40 7 BY MR. SIMPSON:  
 02:11:41 8 Q. Mr. Cassell, you -- you mentioned that you  
 02:11:43 9 had something that you had prepared --  
 02:11:44 10 A. Yes.  
 02:11:44 11 Q. -- that would summarize --  
 02:11:46 12 A. Right.  
 02:11:46 13 Q. -- your knowledge.  
 02:11:48 14 A. Right.  
 02:11:48 15 Q. And now that you have exhausted your  
 02:11:51 16 recollection, could you produce that and let's just mark  
 02:11:54 17 it --  
 02:11:54 18 A. Yeah, sure.  
 02:11:55 19 Q. -- as an exhibit?  
 02:11:56 20 MR. SIMPSON: We are up to Exhibit 3, I  
 02:11:59 21 believe. Cassell 3.  
 02:12:01 22 THE WITNESS: Right. Now, there -- there are  
 02:12:01 23 two parts to this --  
 02:12:02 24 MR. SIMPSON: Can we mark it first and  
 02:12:02 25 then --

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:12:45 1 document produced by the witness was marked for  
 02:12:45 2 identification.)  
 02:13:10 3 THE WITNESS: All right. So let me -- if I  
 02:13:11 4 could look at this to see if it -- the top  
 02:13:13 5 portion of it to see if it refreshes my  
 02:13:13 6 recollection about --  
 02:13:13 7 BY MR. SIMPSON:  
 02:13:16 8 Q. Could I just see it for one second?  
 02:13:18 9 A. Sure. Absolutely.  
 02:13:21 10 Q. All right. Yeah. Let me just clarify one  
 02:13:27 11 point before you do that.  
 02:13:27 12 A. Yes, sir.  
 02:13:27 13 Q. In your answer, were you referring to the  
 02:13:28 14 evidence you could recall or the information you could  
 02:13:30 15 recall that supported your allegations as to both  
 02:13:34 16 [REDACTED] other minors, or were you treating  
 02:13:36 17 those separately?  
 02:13:37 18 A. No, I was not treating those separately. I  
 02:13:39 19 was -- for me, there's a common -- what -- what the law  
 02:13:42 20 refers to as a common scheme or plan in a --  
 02:13:42 21 Q. Okay.  
 02:13:44 22 A. -- a criminal conspiracy for international  
 02:13:46 23 trafficking that involved not just a single girl, but  
 02:13:49 24 multiple girls. So the answer was -- was with respect  
 02:13:52 25 to -- to multiple girls.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:12:04 1 THE WITNESS: Yeah. I just want the record  
 02:12:06 2 to be clear, that I'm only looking -- there's --  
 02:12:07 3 there's a pre-December 30th section and a  
 02:12:10 4 post-December 30th section, so the top part is  
 02:12:13 5 the -- is what I was working off of.  
 02:12:13 6 BY MR. SIMPSON:  
 02:12:15 7 Q. Okay.  
 02:12:15 8 A. Now, underneath this is -- you know, if you  
 02:12:18 9 have questions about what happened after December 30th.  
 02:12:19 10 Q. So you're -- you're prepared to produce the  
 02:12:22 11 entire document, but you're clarifying? I don't -- I  
 02:12:24 12 don't want to ask you -- if you're going to use it in  
 02:12:26 13 your testimony, then we will mark the whole thing.  
 02:12:27 14 MR. SCAROLA: Mark the whole thing. You can  
 02:12:30 15 use it.  
 02:12:30 16 MR. SIMPSON: Mark the whole thing and I'll  
 02:12:30 17 ask you about it.  
 02:12:30 18 THE WITNESS: That would be great.  
 02:12:33 19 Absolutely.  
 02:12:33 20 MR. SIMPSON: All right. I'm going to ask  
 02:12:35 21 the court reporter to mark as Cassell Exhibit 3,  
 02:12:36 22 a one-page document that the witness has just  
 02:12:42 23 handed to me. It's mostly typed. It has some  
 02:12:44 24 handwriting on it.

(Cassell I.D. Exhibit No. 3 - one-page  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:13:53 1 Q. Okay. So I may have some questions to  
 02:13:56 2 distinguish further between those two --  
 02:13:57 3 A. Yes.  
 02:13:58 4 Q. -- but is it fair to say that -- and I  
 02:14:02 5 realize you're going to refresh your recollection, but  
 02:14:05 6 that you had exhausted your recollection of the basis  
 02:14:07 7 for the allegation in this Exhibit 2, the motion to join  
 02:14:14 8 as to both Miss Roberts and other minors?  
 02:14:17 9 A. Yes.  
 02:14:17 10 Q. Okay. So then, now, take a look at that and  
 02:14:20 11 tell me if there's anything there that refreshes your  
 02:14:25 12 recollection as to something that you have not yet told  
 02:14:28 13 me about.  
 02:14:29 14 A. So this refreshes my recollection. Sarah  
 02:14:45 15 [REDACTED]  
 02:14:49 16 [REDACTED] name  
 02:14:52 17 [REDACTED]  
 02:14:53 18 there. Adrianna Mucinska was the full name of those --  
 02:14:58 19 that's the second echelon of the -- of the -- of the  
 02:15:00 20 criminal conspiracy.  
 02:15:06 21 Oh, this refreshes my recollection that  
 02:15:06 22 Jeffrey Epstein had answered some questions in the civil  
 02:15:11 23 litigation. He provided, for example, names of -- of  
 02:15:15 24 some people who were involved, but he took the Fifth  
 02:15:18 25 when asked -- he took -- he provided names of some

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:15:21 1 people who would have relevant information in the civil  
 02:15:25 2 cases, but when asked in deposition about  
 02:15:29 3 Mr. Dershowitz, he took the Fifth.  
 02:15:31 4 So I -- I found it significant that for some  
 02:15:33 5 people, he was willing to answer questions, but with  
 02:15:35 6 regard to Mr. Dershowitz, he took his -- he invoked his  
 02:15:39 7 Fifth Amendment right against compelled  
 02:15:41 8 self-incrimination presumably because revealing what he  
 02:15:44 9 knew about Mr. Dershowitz would, you know, cause  
 02:15:48 10 criminal -- criminal charges potentially to be filed  
 02:15:51 11 against him.  
 02:15:52 12 There was a common scheme or plan, and I'll  
 02:16:08 13 elaborate on that in a moment, but yeah, one of -- so  
 02:16:14 14 this was another point. I mentioned that -- that there  
 02:16:17 15 had been three efforts to get information from  
 02:16:18 16 Mr. Dershowitz by way of a 2009 deposition request, a  
 02:16:23 17 2011 deposition request, and further follow-up  
 02:16:26 18 correspondence from counsel on that, and a 2013 document  
 02:16:31 19 request all propounded to Mr. Dershowitz that had not  
 02:16:34 20 gone answered.  
 02:16:35 21 Yeah, and this was -- yeah, I'm sorry, this  
 02:16:37 22 slipped my mind at the time -- but when -- when we saw  
 02:16:40 23 Mr. Dershowitz not responding to these answers, you  
 02:16:44 24 know, maybe the mail didn't get delivered to him or  
 02:16:46 25 something like that. I don't -- I suppose that's, you

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:16:48 1 know, a theoretical possibility.  
 02:16:50 2 But -- but the reason I ruled out that  
 02:16:52 3 possibility, first, it didn't seem likely; but secondly,  
 02:16:55 4 there was a pattern of Mr. Epstein's associates evading  
 02:16:59 5 efforts to get information from them.  
 02:17:02 6 And so let me just go back to the earliest  
 02:17:05 7 instance of that. According to the Chief of Police in  
 02:17:07 8 the Palm Beach -- of the Palm Beach Police Department,  
 02:17:11 9 Mr. Dershowitz had said that he would make available  
 02:17:14 10 Mr. Epstein for questions about the -- the sex, you  
 02:17:18 11 know, abuse that was going on. And, you know,  
 02:17:21 12 Mr. Dershowitz had said to the Palm Beach Police  
 02:17:23 13 Department, yeah, we will make him available; no, we got  
 02:17:25 14 to reschedule it; you know, and then another time,  
 02:17:28 15 reschedule, another time. And so there were multiple --  
 02:17:32 16 according to the Chief of Police, there had been  
 02:17:34 17 multiple, you know, requests to interview Mr. Epstein  
 02:17:38 18 and Mr. Dershowitz had repeatedly said: Oh, yeah, we  
 02:17:41 19 will schedule that, and then it hadn't happened.  
 02:17:43 20 Now, obviously, there could have been a  
 02:17:45 21 situation there where, you know, an emergency had come  
 02:17:47 22 up for Mr. Epstein and he wasn't able to make a schedule  
 02:17:49 23 or something like that. But what I saw was a -- was a  
 02:17:52 24 pattern of offers to -- to meet and then withdrawals,  
 02:17:55 25 and that seemed to me to be a deliberately calculated

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:18:00 1 strategy to sort of stall the investigation to say:  
 02:18:03 2 Well, we will get you Epstein; oh, we can't meet now;  
 02:18:03 3 oh, we will get it now -- and then -- and so forth.  
 02:18:04 4 And one of the things that I noted from all  
 02:18:06 5 that was that Mr. Dershowitz, as Mr. Epstein's attorney,  
 02:18:09 6 never ultimately produced Epstein for a meeting with the  
 02:18:14 7 Palm Beach Police Department, having made another offer.  
 02:18:17 8 Now, obviously, something could have happened  
 02:18:19 9 there. I mean, I don't -- you know, I don't know what  
 02:18:21 10 was the communications and so forth, but as an attorney  
 02:18:24 11 trying to get information and unable to do that, I had  
 02:18:26 12 to make some reasonable inferences.  
 02:18:29 13 And so one of the inferences I began to draw  
 02:18:31 14 was that this was a stall tactic by Mr. Dershowitz, and  
 02:18:34 15 in my view, potentially, an unethical one, but I  
 02:18:37 16 don't -- I don't think we need to get into that in this  
 02:18:39 17 litigation.  
 02:18:40 18 What I saw was a stall tactic going on,  
 02:18:44 19 and -- and the reason I think it was a stall tactic, as  
 02:18:46 20 we are sitting here now in, what is it, October of 2015,  
 02:18:51 21 and Mr. Epstein has never been willing to answer  
 02:18:54 22 questions about his sexual abuse of these girls.  
 02:18:58 23 And this was back in around -- what was it?  
 02:19:01 24 I guess it would be 2005, 2006, you know, roughly a  
 02:19:04 25 decade ago, Mr. Dershowitz was offering to make Epstein

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:19:07 1 available. And then that never happened, and given the  
 02:19:11 2 ten-year pattern that -- that developed -- I guess I  
 02:19:12 3 should go back. I'm sorry. Let me correct my answer.  
 02:19:14 4 We should go back to December 30th, 2014. So  
 02:19:17 5 there -- there appeared to be about an eight-year period  
 02:19:21 6 of time during which Mr. Epstein had refused to answer  
 02:19:24 7 any questions about his sexual abuse of girls and yet,  
 02:19:29 8 Mr. Dershowitz said, oh, it's just a scheduling issue  
 02:19:30 9 and -- and we will get the Palm Beach Police Department  
 02:19:33 10 to -- to, you know, to meet and -- and learn all this.  
 02:19:37 11 The other thing that I'm -- that I'm seeing  
 02:19:39 12 here, so now there's -- there's -- Mr. Dershowitz had  
 02:19:42 13 been involved in concealing Mr. Epstein from the Palm  
 02:19:46 14 Beach Police Department, but there were others that had  
 02:19:47 15 done similar sorts of things.  
 02:19:49 16 So one of them was a Ghislaine Maxwell. I  
 02:19:55 17 will just call her Glenn Maxwell. I think that's kind  
 02:19:55 18 of the nickname I understand she goes by.  
 02:19:59 19 So Glenn Maxwell -- remember, she is -- she  
 02:19:59 20 is the one, you know, I think the record is clear, in --  
 02:20:03 21 in -- in litigation that, you know, an allegation has  
 02:20:06 22 [REDACTED] that she was the one that -- that brought  
 02:20:08 23 [REDACTED] to the -- into the sex trafficking,  
 02:20:12 24 and was heavily involved with -- you know, on all the --  
 02:20:15 25 not all the flights, but on many of the flights with

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:20:17 1 Jeffrey Epstein where -- where this seemed to be going  
02:20:19 2 on and was very close to Epstein, staying at the mansion  
02:20:22 3 frequently.

02:20:23 4 And so she would, obviously, be -- I guess if  
02:20:26 5 you have Epstein at the -- the top of the -- you know,  
02:20:27 6 the kingpin of the operation, Maxwell would be, you  
02:20:30 7 know, a close second or certainly at, you know, the  
02:20:32 8 higher echelon.

02:20:33 9 So, obviously, someone who would have, you  
02:20:35 10 know, very significant information about, you know, the  
02:20:38 11 sex trafficking, who were the other people that the --  
02:20:41 12 the girls were being trafficked to, what kind of abuse  
02:20:43 13 was going on, you know, what kinds of sex toys were  
02:20:46 14 being used to abuse them, because I think it was in her  
02:20:48 15 room or -- or adjacent to her room that many of these --  
02:20:52 16 these devices were located, and so she would have had  
02:20:55 17 very significant information to provide.

02:20:57 18 And so in connection with the civil cases  
02:21:00 19 that some of the girls had filed against Mr. Epstein,  
02:21:02 20 her deposition was set, in fact, by my co-counsel,  
02:21:05 21 Mr. Edwards, and then there was some haggling over a  
02:21:10 22 confidentiality agreement, you know, what are we  
02:21:12 23 gonna -- and that had all been worked out, and then she  
02:21:14 24 was set for a deposition and finally agreed, you know,  
02:21:16 25 to a deposition.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:22:28 1 what his excuse was, but, you know, evaded the  
02:22:31 2 deposition and, in fact, later information came to light  
02:22:33 3 he was hiding out in, you know, in the mansion of  
02:22:36 4 Epstein while he's claiming he's unavailable for -- for  
02:22:39 5 deposition.

02:22:39 6 So -- so this pattern of Mr. Dershowitz, you  
02:22:42 7 know, where there were three attempts to obtain  
02:22:44 8 information from him, if that's all I had, I guess that  
02:22:46 9 would have been one thing. But what I had was a pattern  
02:22:49 10 of people who were implicated in this sex trafficking  
02:22:52 11 ring evading questions, you know, quite in violation of  
02:22:57 12 court orders and depositions and things -- I shouldn't  
02:22:58 13 say court order -- in violation of the deposition  
02:23:01 14 notices that were being sent and agreements being made,  
02:23:03 15 you know, through counsel.

02:23:06 16 And then in addition to that, I had this, so  
02:23:11 17 why -- why would you think that, you know, there's this  
02:23:13 18 sex trafficking, you know, ring going on? It sounds  
02:23:17 19 kind of farfetched.

02:23:18 20 Well -- well, one of the things that I had  
02:23:19 21 available to me on December 30th was a photograph that  
02:23:22 22 was widely available on the Internet, and that  
02:23:26 23 photograph depicted three people.

02:23:28 24 It depicted Glenn Maxwell, Prince Andrew, and  
02:23:34 25 [REDACTED] the -- at the time that it looked

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:21:17 1 And just shortly, you know, I think a couple  
02:21:19 2 of days before that deposition, she canceled. And well,  
02:21:23 3 she didn't cancel. Her -- her attorney called to cancel  
02:21:26 4 the deposition and represented that Miss Maxwell was  
02:21:30 5 outside the United States of America and had no plans to  
02:21:33 6 return back to the United States.

02:21:35 7 And so, at that point, the deposition was --  
02:21:40 8 was not able to go forward. But it turned out that she  
02:21:43 9 had not left the United States for an extended period of  
02:21:46 10 time. She was spotted later at a wedding of a prominent  
02:21:48 11 person in New York.

02:21:50 12 And so that was Maxwell fitting into this  
02:21:52 13 pattern of, you know, Epstein was being told -- you  
02:21:56 14 know, the Palm Beach Police Department being told by  
02:21:57 15 Dershowitz that Epstein will answer your questions, and  
02:22:00 16 then, you know, not -- not getting information, Maxwell  
02:22:03 17 evading the deposition.

02:22:06 18 Jean Luc Brunel was another person who seemed  
02:22:09 19 to be very much involved in -- in trafficking the girls,  
02:22:10 20 and it was the same situation. A deposition was set to  
02:22:13 21 try to get answers, you know, who is involved, which  
02:22:16 22 girls are involved, what are their names, what's --  
02:22:17 23 what's going on?

02:22:18 24 And so Brunel's deposition is set and then  
02:22:26 25 he -- he finagles out of it too. I don't recall exactly

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:23:38 1 li [REDACTED] underage girl. She was not  
02:23:43 2 dressed in formal attire. And Prince Andrew had his arm  
02:23:47 3 around her, I think if memory serves, and right next --  
02:23:52 4 smiling in the background is Miss Maxwell, and it  
02:23:54 5 appeared that that was a private residence, presumably  
02:23:57 6 in London, close to Buckingham Palace where -- where  
02:24:00 7 Prince Andrew lived.

02:24:01 8 And so here was Prince Andrew with this  
02:24:03 9 underage girl with Glenn Maxwell, the -- the right-hand  
02:24:05 10 girl, if that's the right expression -- I probably  
02:24:07 11 should say -- strike that -- right-hand woman of --  
02:24:11 12 of -- of Mr. Epstein -- that were there and somebody had  
02:24:16 13 taken the photograph.

02:24:17 14 Given the surrounding circumstances, I  
02:24:19 15 thought perhaps Mr. Epstein had taken the photograph.  
02:24:21 16 So that would have shown [REDACTED] sexual abuse  
02:24:24 17 was not confined just to Florida, not confined to the  
02:24:27 18 New York mansion; it would have -- it would have  
02:24:31 19 presumably continued into London where one of, you know,  
02:24:37 20 the highest, most powerful persons in the governmental  
02:24:43 21 structure that -- that exists in England was now  
02:24:47 22 involved in -- in sexual abuse.

02:24:49 23 And so that created grave concern about, how  
02:24:52 24 far did this sex trafficking ring reach; what were their  
02:24:56 25 connections; what were their abilities to influence, you

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:25:01 1 know, law enforcement agencies in those countries, you  
 02:25:04 2 know, in England, or law enforcement agencies in this  
 02:25:07 3 country, through -- through power that, you know,  
 02:25:10 4 somebody at that level, fifth I think in line to the  
 02:25:15 5 British Throne, would have, you know, presumably access  
 02:25:17 6 to levers of power that other people might not -- might  
 02:25:21 7 not have.

02:25:22 8 And so that is the -- I believe is the -- the  
 02:25:29 9 information that I had available to me on December 30th  
 02:25:32 10 involving not just [REDACTED] at the entire sex  
 02:25:35 11 trafficking organization.

02:25:37 12 Q. Okay. And that -- just to clarify again, it  
 02:25:42 13 exhausts your refreshed recollection as to both the  
 02:25:46 14 information you were relying on as to the allegations  
 02:25:48 15 about [REDACTED] to the allegations about  
 02:25:52 16 other minors; is that right?

02:25:53 17 A. Correct.

02:25:53 18 Q. So I don't have to ask you separately about  
 02:25:55 19 Roberts?

02:25:56 20 A. That's right. No, and I gave you a heads-up,  
 02:25:58 21 that was going to be a long answer.

02:26:00 22 Q. You made Mr. Dershowitz look like an amateur.  
 02:26:03 23 If I could --

02:26:03 24 MR. SCAROLA: I'm sorry. Like a what?

02:26:04 25 MR. SIMPSON: Amateur, at the long answers.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:26:51 1 Mr. Dershowitz was trying to do the same  
 02:26:53 2 thing and it is a difficult situation.

02:26:55 3 A. All right.

02:26:55 4 Q. So I was not trying to make light of the  
 02:26:58 5 questions I'm asking you.

02:26:58 6 A. Right. This involves sexual abuse --

02:26:58 7 Q. I understand that.

02:27:01 8 A. -- of multiple girls.

02:27:02 9 Q. I understand that. Your -- I understand the  
 02:27:04 10 allegations that have been made.

02:27:06 11 A. And your side keeps attacking these girls.  
 02:27:09 12 That's why it's emotional for me.

02:27:12 13 Q. That -- that part is not true, but I will ask  
 02:27:15 14 questions --

02:27:15 15 A. I believe that part is true.

02:27:16 16 THE WITNESS: I would like to take a break.  
 02:27:18 17 I'm sorry.

02:27:19 18 THE VIDEOGRAPHER: We are going off the video  
 02:27:21 19 record, 4:01 p.m.

(Thereupon, a recess was taken.)

02:30:41 20 THE VIDEOGRAPHER: We are back on the video  
 02:30:47 21 record, 4:04 p.m.

02:30:47 22 (Thereupon, Kenneth A. Sweder, Esquire, Alan  
 02:30:47 23 M. Dershowitz and Carolyn Cohen left the  
 02:30:48 24 proceedings.)

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:26:07 1 THE WITNESS: Well, I wasn't trying to -- let  
 02:26:08 2 me be clear. I want the record to be clear: I  
 02:26:11 3 was not trying to filibuster. You asked me a  
 02:26:12 4 very direct question which was: I want to know  
 02:26:15 5 everything that was in your memory on December  
 02:26:17 6 30th, and as you can tell, this was a very  
 02:26:20 7 important subject to me, and it's very important  
 02:26:21 8 to Miss Roberts, and I wanted to be  
 02:26:24 9 comprehensive.

02:26:25 10 And I gave you the opportunity to say,  
 02:26:26 11 let's -- let's have a narrower question, and --  
 02:26:28 12 but you wanted the broad question and that's why  
 02:26:30 13 I did this, so I wasn't...

02:26:30 14 BY MR. SIMPSON:

02:26:30 15 Q. Mr. Cassell, I apologize for attempting humor  
 02:26:34 16 in this intense situation.

02:26:35 17 A. This is very important to me.

02:26:35 18 Q. I -- I -- I --

02:26:36 19 A. This is not -- this is not something that I  
 02:26:39 20 find funny.

02:26:40 21 Q. And -- well, it -- like I say, it's very  
 02:26:43 22 important to Mr. Dershowitz, or Professor Dershowitz  
 02:26:45 23 also. He was trying to answer questions. I'm not  
 02:26:47 24 questioning that you were trying to answer my question,  
 02:26:49 25 and I appreciate it.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:30:48 1 MR. SCAROLA: The record should reflect that  
 02:30:50 2 Mr. and Mrs. Dershowitz have -- are no longer  
 02:30:52 3 present.

02:30:53 4 MR. SIMPSON: Correct.

02:30:54 5 MR. SCAROLA: Thank you.

02:30:55 6 BY MR. SIMPSON:

02:30:56 7 Q. Mr. Cassell, would you agree with me that  
 02:31:00 8 accusing someone --

02:31:03 9 MS. McCAWLEY: Oh, I'm sorry. I just  
 02:31:04 10 realized that she stepped out to get water, I  
 02:31:06 11 believe. I didn't ask. I'm sure it's  
 02:31:08 12 probably okay --

02:31:08 13 THE WITNESS: It's all right.

02:31:08 14 MR. SCAROLA: It's all right.

02:31:11 15 MR. SIMPSON: That's okay with you?

02:31:11 16 THE WITNESS: Sure.

02:31:11 17 BY MR. SIMPSON:

02:31:13 18 Q. Would you agree with me that accusing a  
 02:31:17 19 person of -- an adult of engaging in sex with a minor is  
 02:31:24 20 a serious accusation?

02:31:26 21 A. Sure.

02:31:27 22 Q. And would you agree with me that the cause of  
 02:31:33 23 Victims' Rights is harmed and not furthered by false  
 02:31:39 24 allegations of sexual abuse?

02:31:41 25 A. Sure.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

# **Exhibit 4**

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/Counterclaim Defendants,  
vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.

VIDEOTAPED DEPOSITION OF  
PAUL G. CASSELL

TAKEN ON BEHALF OF THE DEFENDANT

VOLUME II, PAGES 152 to 335

Saturday, October 17, 2015

8:32 a.m. - 12:14 p.m.

425 North Andrews Avenue  
Suite 2  
Fort Lauderdale, Florida 33301

Theresa Tomaselli, RMR

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

APPEARANCES CONTINUED

Telephonically on behalf of Jeffrey Epstein:

DARREN K. INDYKE, PLLC  
BY: DARREN K. INDYKE, ESQUIRE  
575 Lexington Avenue  
4th Floor  
New York, New York 10022  
Tel: 212.971.1314

Also Present:

DON SAVOY, Videographer  
BRADLEY J. EDWARDS  
ALAN M. DERSHOWITZ (Telephonically)

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

APPEARANCES OF COUNSEL

On behalf of the Plaintiffs:

SEARCY DENNEY SCAROLA  
BARNHART & SHIPLEY, P.A.  
BY: JOHN SCAROLA, ESQUIRE  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33409  
Tel: 561.686.6300  
Fax: 561.383.9541  
E-mail: mep@searcylaw.com

On behalf of [REDACTED]

BOIES SCHILLER & FLEXNER, LLP  
BY: SIGRID STONE MCCAWLEY, ESQUIRE  
401 East Las Olas Boulevard  
Suite 1200  
Fort Lauderdale, Florida 33301  
Tel: 954.356.0011  
Fax: 954.356.0022  
E-mail: smccawley@bsflp.com

On behalf of the Defendant:

WILEY REIN LLP  
BY: RICHARD A. SIMPSON, ESQUIRE  
AND: NICOLE A. RICHARDSON, ESQUIRE  
1776 K Street Northwest  
Washington, DC 20006  
Tel: 202.719.7000  
Fax: 202.719.7049  
E-mail: rsimpson@wileyrein.com

Also on behalf of the Defendant:

COLE, SCOTT & KISSANE, P.A.  
BY: THOMAS EMERSON SCOTT, JR., ESQUIRE  
9150 South Dadeland Boulevard  
Dadeland Centre II - Suite 1400  
Miami, Florida 33156  
Tel: 305.350.5329  
Fax: 305.373.2294  
E-mail: thomas.scott@csklegal.com  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

INDEX OF EXAMINATION

2	WITNESS	PAGE
3	PAUL G. CASSELL	
4	CONTINUED DIRECT EXAMINATION	160
5	BY MR. SIMPSON	

INDEX TO EXHIBITS

7	EXHIBIT	DESCRIPTION	PAGE
8			
9		Cassell's I.D. Exhibit No. 4 - document	203
10		produced by the witness	
11		Cassell's I.D. Exhibit No. 5 - copy of	229
12		address book	
13		Cassell's I.D. Exhibit No. 6 - series of	309
14		e-mails, Bates numbered BE-510 -	-514

(Original Exhibits have been attached to the original transcript.)

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

1 DEPOSITION OF PAUL G. CASSELL

2 Saturday, October 17, 2015

3

00:00:01 4 THE VIDEOGRAPHER: We are now on the video  
00:00:03 5 record. Today is Saturday, the 17th day of  
00:00:07 6 October, 2015. The time is 8:32 a.m. We are  
00:00:10 7 here at 425 North Andrews Avenue, Fort  
00:00:14 8 Lauderdale, Florida, for the purpose of taking  
00:00:17 9 the videotaped deposition of Paul G. Cassell.

00:00:21 10 The case is Bradley J. Edwards and Paul  
00:00:24 11 G. Cassell versus Alan M. Dershowitz.

00:00:28 12 The court reporter is Terry Tomaselli, and  
00:00:31 13 the videographer is Don Savoy, both from Esquire  
00:00:34 14 Deposition Solutions.

00:00:37 15 Will counsel please announce their  
00:00:40 16 appearances for the record.

00:00:43 17 MR. SCAROLA: Jack Scarola on behalf of the  
00:00:46 18 Plaintiffs.

00:00:49 19 MR. SIMPSON: Richard Simpson of Wiley Rein  
00:00:52 20 on behalf of the Defendant and Counterclaim  
00:00:55 21 Plaintiff, Alan Dershowitz. With me is my  
00:00:58 22 colleague, Nicole Richardson, and Thomas Scott of  
00:01:01 23 Cole, Scott & Kissane, also for Mr. -- Professor  
00:01:04 24 Dershowitz.

00:01:07 25 MR. SCAROLA: Before we begin the deposition,  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:02:01 1 never thought to record it, but that's fine.

00:02:04 2 MR. SIMPSON: We don't -- we don't need to  
00:02:07 3 make that --

00:02:10 4 MR. SCAROLA: We don't need to discuss that.  
00:02:13 5 The question is --

00:02:16 6 MR. SIMPSON: What you're saying does --

00:02:19 7 MR. SCAROLA: -- are you going to produce the  
00:02:22 8 recording without the necessity of a new request  
00:02:25 9 to produce, or will it be necessary for us to  
00:02:28 10 file a new request to produce?

00:02:31 11 MR. SIMPSON: As Mr. Scott indicated  
00:02:34 12 yesterday, we will respond to you to the  
00:02:37 13 discovery request. We will confer at a break and  
00:02:40 14 respond to that question. I don't want to take  
00:02:43 15 time on the record debating it. After Mr. Scott  
00:02:46 16 and I have conferred at a break, we will respond  
00:02:49 17 further to your question.

00:02:52 18 MR. SCAROLA: All right. So that the record  
00:02:55 19 is clear, it is our position that the recording  
00:02:58 20 itself, any evidence of any communication between  
00:03:01 21 Mr. Dershowitz and Rebecca and/or Michael, any  
00:03:04 22 notes with respect to any such communications,  
00:03:07 23 text messages, e-mails, and an accurate privilege  
00:03:10 24 log as to everything that is being withheld is  
00:03:13 25 responsive to the earlier request to produce, and  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:00:52 1 we were informed for the first time yesterday  
00:00:55 2 morning of the existence of a recording of a  
00:00:58 3 telephone communication between Alan Dershowitz  
00:01:01 4 and a woman identified only as Rebecca.

00:01:04 5 That information was conveyed to us  
00:01:07 6 subsequent to Professor Dershowitz's sworn  
00:01:10 7 testimony that no recording existed, but now that  
00:01:13 8 we know that the recording existed and that it  
00:01:16 9 was obviously made according to the  
00:01:19 10 representations given to us, prior to the  
00:01:22 11 completion of the responses to our earlier  
00:01:25 12 discovery requests, I would like to know whether  
00:01:28 13 it is the Defendant's position that it is  
00:01:31 14 necessary for us to propound a new discovery  
00:01:34 15 request to get information that clearly should  
00:01:37 16 have been disclosed in response to the earlier  
00:01:40 17 discovery request.

00:01:43 18 Is that the position that you're taking?

00:01:46 19 MR. SIMPSON: First, Mr. Scarola, I believe  
00:01:49 20 you have mischaracterized Professor Dershowitz's  
00:01:52 21 testimony. You didn't ask the question whether  
00:01:55 22 he made a recording. Yesterday morning, he  
00:01:58 23 provided that information in response to a  
00:02:01 24 different question.

00:02:04 25 MR. SCAROLA: His exact testimony was: I  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:03:04 1 that the obligation was to have provided it to us  
00:03:07 2 previously and is to provide it to us now.

00:03:10 3 We understand that you're considering that  
00:03:13 4 and you will respond, so we can proceed with the  
00:03:16 5 deposition.

00:03:19 6 MR. SIMPSON: Yes. And we disagree about  
00:03:22 7 that, and as you know, we have a motion to compel  
00:03:25 8 regarding your inadequate privilege log.

00:03:28 9 MS. McCAWLEY: Just before we begin, I'm  
00:03:31 10 sorry, I didn't announce my appearance for the  
00:03:34 11 record. Sigrid McCawley from Boies, Schiller &  
00:03:37 12 Flexner, and I have a standing objection that I'd  
00:03:40 13 just like to repeat on the record.

00:03:43 14 MR. SCOTT: Feel better that you got that off  
00:03:46 15 your chest?

00:03:49 16 MS. McCAWLEY: With respect to -- excuse me.  
00:03:52 17 With respect to my client [REDACTED],  
00:03:55 18 she is asserting her attorney/client privilege  
00:03:58 19 with her attorneys and is not waiving it through  
00:04:01 20 any testimony here today, and that I object to  
00:04:04 21 any testimony elicited that would be used as a  
00:04:07 22 subject of waiver for her attorney/client  
00:04:10 23 privilege.

00:04:13 24 MR. SIMPSON: Would you reswear the witness,  
00:04:16 25 please?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

1 Thereupon,  
2 PAUL G. CASSELL,  
3 having been first duly sworn, was examined and testified  
4 as follows:

5 THE WITNESS: I do.  
6 CONTINUED DIRECT EXAMINATION  
7 BY MR. SIMPSON:

00:04:01 8 Q. Good morning --  
00:04:01 9 A. Good morning.  
00:04:01 10 Q. -- Mr. Cassell.  
00:04:03 11 As of December 30th, 2014, had you ever met  
00:04:08 12 with [REDACTED] on?  
00:04:10 13 [REDACTED]  
00:04:10 14 Q. And how many times had you met with her in  
00:04:14 15 person?  
00:04:14 16 A. Once.  
00:04:15 17 Q. When was that?  
00:04:16 18 A. Approximately May 2014.  
00:04:20 19 Q. May of 2014?  
00:04:21 20 A. Yes.  
00:04:21 21 Q. Who was present for that meeting?  
00:04:24 22 A. I'm just pausing for a second because I  
00:04:28 23 don't -- I think we're --  
00:04:28 24 Q. I -- I'm not --  
00:04:30 25 A. -- clearly not trying to get into

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:05:28 1 Q. And when you say "all day," what time period  
00:05:31 2 are you referring to?  
00:05:32 3 A. 9:00 to 5:00.  
00:05:33 4 Q. 9:00 to 5:00. Okay. And was that through  
00:05:38 5 lunch; you just stayed through eight hours; is that --  
00:05:40 6 what's your recollection of that?  
00:05:41 7 A. Yeah, I remember we were working very hard  
00:05:43 8 on -- on it, so I think we had, if I recall correctly,  
00:05:46 9 had lunch brought in and worked straight through that.  
00:05:49 10 Q. Any other meetings in person with  
00:05:53 11 Miss Roberts before December 30th of 2014?  
00:05:57 12 A. No.  
00:05:57 13 Q. Any telephone calls with her that you -- you  
00:06:03 14 had, obviously, before December 30th, 2014?  
00:06:07 15 A. I believe there were a couple of -- of  
00:06:09 16 telephone calls.  
00:06:09 17 Q. And can you tell us when those were?  
00:06:12 18 A. Let's see. Roughly September 2014. Give or  
00:06:18 19 take a month. I mean, you know, sometime after May and  
00:06:22 20 before December 30th.  
00:06:23 21 Q. Okay. And were those telephone calls between  
00:06:27 22 just you and Miss Roberts, or was anyone else on the  
00:06:31 23 line?  
00:06:32 24 A. No. It was just the two of -- just  
00:06:34 25 Miss Roberts and I.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:04:31 1 attorney/client communication.  
00:04:32 2 Q. I'm not asking you for what was said at this  
00:04:34 3 point. I'm just asking you who was present. I'm going  
00:04:36 4 to ask you where it was, those kind of questions.  
00:04:39 5 A. Sure. Yeah. The main person who was present  
00:04:42 6 was Bradley J. Edwards, my Co-Plaintiff in this case.  
00:04:45 7 Q. Okay. And Miss Roberts obviously was  
00:04:47 8 present?  
00:04:47 9 A. Yes.  
00:04:48 10 Q. Anyone else present?  
00:04:49 11 A. You know, there were -- this was at the  
00:04:53 12 Farmer, Jaffee office here, and so persons who were  
00:04:56 13 associated with the law firm were assisting, but those  
00:05:00 14 were the main people.  
00:05:00 15 Q. Okay. Do you remember any of those other  
00:05:02 16 people associated with the law firm who were present?  
00:05:05 17 A. Present for, you know, coming in and  
00:05:08 18 assisting, I believe Brad's assistant, Maria, was there,  
00:05:13 19 and perhaps others at the firm, but it was -- it was  
00:05:17 20 basically Brad and I.  
00:05:18 21 Q. Was there anyone else who attended for the  
00:05:21 22 entire meeting or a substantial portion of the meeting?  
00:05:23 23 A. No.  
00:05:23 24 Q. Okay. How long did the meeting last?  
00:05:26 25 A. Approximately all day.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:06:35 1 Q. Okay. And are you able to distinguish the  
00:06:38 2 calls in your mind as two separate telephone calls?  
00:06:40 3 A. I -- I think there were either one or two  
00:06:43 4 calls. I think there may have been two, but it -- it  
00:06:46 5 would not have been more than two that I can recall.  
00:06:49 6 Q. Okay. How long did each of the telephone  
00:06:51 7 calls last?  
00:06:52 8 A. Less than five minutes.  
00:06:54 9 Q. I'm going to ask you a question now, but  
00:06:59 10 before you answer it, pause, because I believe you will  
00:07:01 11 be instructed not to answer it --  
00:07:03 12 A. Okay.  
00:07:03 13 Q. -- but want to -- I think -- we disagree on  
00:07:07 14 the privilege --  
00:07:07 15 A. Sure.  
00:07:07 16 Q. -- we believe it's been waived.  
00:07:07 17 My question is: During the meeting, did you  
00:07:11 18 discuss Professor Dershowitz?  
00:07:13 19 MS. McCRAWLEY: I'm going to object to any  
00:07:15 20 discussion of what my client told you during any  
00:07:19 21 situation where you were representing her as  
00:07:21 22 an -- an attorney.  
00:07:22 23 MR. SIMPSON: So -- and I think we had an  
00:07:24 24 agreement yesterday, if you follow your own  
00:07:28 25 counsel's instruction on not answering, are you

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:07:28 1 also going to follow Miss McCawley's instructions  
 00:07:32 2 on not answering on behalf of --  
 00:07:32 3 MR. SCAROLA: [REDACTED] will follow the  
 00:07:36 4 instructions [REDACTED] counsel. It is  
 00:07:38 5 not his privilege to waive, and he is ethically  
 00:07:42 6 obliged to respect the direction coming from  
 00:07:46 7 [REDACTED]  
 00:07:48 8 [REDACTED] I'm -- I'm simply,  
 00:07:49 9 Mr. Scarola, making my record that the witness --  
 00:07:52 10 MR. SCAROLA: I understand that.  
 00:07:52 11 MR. SIMPSON: Right. We disagree.  
 00:07:53 12 MR. SCAROLA: I understand, but you can  
 00:07:54 13 assume the same way I have authorized you to  
 00:07:58 14 assume that Professor Cassell will follow my  
 00:08:01 15 instructions, Professor Cassell will also follow  
 00:08:04 16 all instructions concerning the assertion of  
 00:08:07 17 attorney/client privilege expressed on the record  
 00:08:10 18 by Miss McCawley on behalf [REDACTED]  
 00:08:13 19 MR. SIMPSON: All right.  
 00:08:14 20 BY MR. SIMPSON:  
 00:08:16 21 Q. So, Mr. Cassell, based on that, I will assume  
 00:08:21 22 that if I ask you what you recall the discussion being  
 00:08:24 23 at the meeting or at each of the phone calls, that  
 00:08:29 24 you're not going to answer those questions; is that  
 00:08:29 25 correct?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:08:29 1 MS. McCAWLEY: Yes.  
 00:08:30 2 THE WITNESS: Yeah, obviously not.  
 00:08:30 3 BY MR. SIMPSON:  
 00:08:30 4 Q. Okay.  
 00:08:32 5 A. I mean, I have a duty to my client which I'm  
 00:08:36 6 going to respect.  
 00:08:36 7 Q. All right. So we'll -- we'll take that up  
 00:08:37 8 later with the judge.  
 00:08:39 9 As of December 30th, 2014, had you spoken  
 00:08:44 10 about this case with David Boies, and the question is  
 00:08:47 11 just: Had you spoken --  
 00:08:48 12 MS. McCAWLEY: Objection.  
 00:08:48 13 BY MR. SIMPSON:  
 00:08:50 14 Q. -- not what the discussion was.  
 00:08:51 15 MS. McCAWLEY: Objection. It's the  
 00:08:52 16 common-interest privilege.  
 00:08:52 17 BY MR. SIMPSON:  
 00:08:53 18 Q. I'm only asking if there was a discussion, no  
 00:08:55 19 substance at all. Just, was there a discussion?  
 00:08:58 20 MS. McCAWLEY: I'm going to instruct you not  
 00:09:00 21 to answer that.  
 00:09:01 22 MR. SIMPSON: Okay. You're taking the  
 00:09:02 23 position that the fact of whether or not --  
 00:09:04 24 MS. McCAWLEY: Yes, because you're also  
 00:09:06 25 trying to get into the timing of communications,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:09:08 1 and all that goes into the advice that they were  
 00:09:08 2 giving her and surrounding that advice, so I  
 00:09:11 3 would object to that.  
 00:09:12 4 MR. SCAROLA: Could I have the question read  
 00:09:15 5 back?  
 00:09:15 6 (Thereupon, a portion of the record was read  
 00:09:15 7 by the reporter.)  
 00:09:33 8 MS. McCAWLEY: And I would like to clarify  
 00:09:33 9 what case as well that you're referring to.  
 00:09:34 10 MR. SIMPSON: All right. Let me ask the  
 00:09:36 11 question, and -- and I will note for the record  
 00:09:38 12 that yesterday, the witness testified that the  
 00:09:40 13 fact that Mr. Boies was representing Virginia  
 00:09:42 14 Roberts was significant to him. So it's sort of  
 00:09:47 15 being used as a sword and a shield here, but I  
 00:09:48 16 have only asked the question. I'll clarify.  
 00:09:48 17 MR. SCAROLA: We haven't used it any way yet.  
 00:09:51 18 MR. SIMPSON: Well, the -- the witness  
 00:09:52 19 volunteered. Shall I put it that way? And we  
 00:09:54 20 have a waiver.  
 00:09:54 21 BY MR. SIMPSON:  
 00:09:55 22 Q. But, in any event, my question is: Have you  
 00:09:58 23 spoken -- before December 30th of 2014, had you spoken  
 00:10:02 24 with David Boies about [REDACTED] ations  
 00:10:06 25 regarding Professor Dershowitz?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:10:10 1 MR. SCAROLA: Without getting into the  
 00:10:13 2 substance of any such discussions, you can answer  
 00:10:16 3 that question.  
 00:10:17 4 THE WITNESS: My recollection is no.  
 00:10:20 5 MR. SCOTT: I think you're right on that one.  
 00:10:20 6 BY MR. SIMPSON:  
 00:10:22 7 Q. Okay. So the answer is, no, you had not  
 00:10:23 8 spoken with him?  
 00:10:23 9 A. My recollection --  
 00:10:24 10 MR. SCAROLA: Judge Scott has issued a  
 00:10:27 11 ruling, so --  
 00:10:29 12 MR. SCOTT: I wrote several opinions on that  
 00:10:29 13 actually.  
 00:10:29 14 MR. SCAROLA: -- we'll proceed.  
 00:10:29 15 THE WITNESS: Let me go back --  
 00:10:29 16 MR. SCOTT: In the context of criminal  
 00:10:33 17 lawyers.  
 00:10:33 18 THE WITNESS: I'm trying to remember if I  
 00:10:34 19 wrote any opinions on that one when I was a  
 00:10:36 20 judge. My -- I don't recall, but -- I don't  
 00:10:41 21 recall. I -- my recollection is I had not  
 00:10:42 22 personally spoken to David Boies before December  
 00:10:44 23 30th, 2014.  
 00:10:44 24 BY MR. SIMPSON:  
 00:10:45 25 Q. Okay. Had you, before December 30th of 2014,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:10:53 1 spoken with any other lawyers at Mr. Boies' firm?  
 00:10:58 2 **A. My recollection is, no.**  
 00:11:02 3 **Q.** And after December 30th of 2014, have you  
 00:11:08 4 spoken with Mr. Boies about [REDACTED]  
 00:11:13 5 allegations against --  
 00:11:15 6 MS. McCAWLEY: Again, I'm going to object.  
 00:11:15 7 BY MR. SIMPSON:  
 00:11:16 8 **Q.** -- Professor Dershowitz?  
 00:11:19 9 MS. McCAWLEY: Sorry. I will let you finish.  
 00:11:19 10 I'm objecting to this. I think it gets into  
 00:11:20 11 the substance of conversations under the  
 00:11:24 12 common-interest privilege, whether there was a  
 00:11:25 13 conversation, but you're getting into the  
 00:11:27 14 substance of what the conversation was about, and  
 00:11:28 15 I think that is a violation of her -- her  
 00:11:31 16 privilege.  
 00:11:31 17 MR. SCAROLA: And just so that I can clarify  
 00:11:34 18 our position on the record, I think that we can  
 00:11:38 19 identify the general subject matter in order to  
 00:11:42 20 support our position that it falls within the  
 00:11:45 21 common-interest privilege. So we are willing to  
 00:11:48 22 answer the question about the general subject  
 00:11:51 23 matter to support our assertion of  
 00:11:53 24 common-interest privilege, but not get into the  
 00:11:56 25 substance of the communications beyond that.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:11:58 1 MR. SIMPSON: And I believe it's the same  
 00:12:00 2 question that was answered a moment ago for a  
 00:12:02 3 different time period, and again, I'm not asking  
 00:12:05 4 for any substance. I'm just asking whether,  
 00:12:07 5 since December 30th, 2014, you have discussed the  
 00:12:13 6 allegations [REDACTED] inst Professor  
 00:12:17 7 Dershowitz.  
 00:12:17 8 THE WITNESS: I would like to confer with my  
 00:12:19 9 counsel on that question. It gets into a  
 00:12:22 10 complicated legal issue that I'm not sure I  
 00:12:25 11 can --  
 00:12:25 12 MR. SIMPSON: You want to confer on a  
 00:12:26 13 privilege issue; is that right?  
 00:12:27 14 THE WITNESS: I want to confer with my  
 00:12:29 15 counsel before answering that question anyway.  
 00:12:32 16 MR. SIMPSON: I just want to clarify --  
 00:12:32 17 MR. SCAROLA: With respect to privilege.  
 00:12:33 18 MR. SIMPSON: All right. As long as it's  
 00:12:35 19 with respect to privilege, you're entitled to do  
 00:12:37 20 that.  
 00:12:37 21 THE WITNESS: Okay.  
 00:12:38 22 THE VIDEOGRAPHER: We are going off the video  
 00:12:40 23 record, 8:45 a.m.

(Thereupon, a recess was taken.)  
 00:14:50 24 THE VIDEOGRAPHER: We are back on the video  
 00:14:50 25  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:14:54 1 record, 8:47 a.m.  
 00:14:54 2 MR. SCAROLA: As it turns out, while we may  
 00:14:57 3 reach some issue of privilege at some point in  
 00:14:59 4 this discussion, the answer to your pending  
 00:15:01 5 question is, no, so there's no privilege concern.  
 00:15:04 6 MR. SIMPSON: All right. I'll -- I'll ask  
 00:15:06 7 the witness for the --  
 00:15:07 8 MR. SCAROLA: Sure.  
 00:15:08 9 MR. SIMPSON: -- the -- the answer. I'll  
 00:15:10 10 move to -- I'll reask the question.  
 00:15:11 11 THE WITNESS: Sure. That will be good.  
 00:15:11 12 BY MR. SIMPSON:  
 00:15:12 13 **Q.** My question is: I believed you had already  
 00:15:15 14 answered the question as to before December 30th, 2014,  
 00:15:19 15 you had discussed Miss Roberts' allegations against  
 00:15:21 16 Professor Dershowitz, and you said, no; is that right?  
 00:15:25 17 MR. SCAROLA: David Boies.  
 00:15:28 18 MR. SIMPSON: David Boies. I'm sorry.  
 00:15:28 19 THE WITNESS: Before December 30th, no  
 00:15:31 20 discussions that I can recall with David Boies.  
 00:15:31 21 BY MR. SIMPSON:  
 00:15:34 22 **Q.** After December 30th, 2014, did you have any  
 00:15:37 23 discussions with David Boies about Professor Dershowitz?  
 00:15:42 24 **A. Can I --**  
 00:15:44 25 MR. SCAROLA: You can answer yes or no.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:15:45 1 THE WITNESS: Yes.  
 00:15:46 2 BY MR. SIMPSON:  
 00:15:47 3 **Q.** You did.  
 00:15:47 4 **A. Yes.**  
 00:15:48 5 **Q.** What was the substance of those  
 00:15:51 6 communications?  
 00:15:52 7 MS. McCAWLEY: I'm going to object to that.  
 00:15:53 8 You -- it's under the common-interest privilege  
 00:15:55 9 and it's Virginia's privilege to waive, and she's  
 00:15:57 10 not waiving it.  
 00:15:58 11 MR. SIMPSON: Okay.  
 00:15:58 12 MR. SCAROLA: We -- we assert the  
 00:16:01 13 common-interest privilege with regard to the  
 00:16:02 14 substance as well.  
 00:16:03 15 MR. SIMPSON: All right. And that -- that  
 00:16:04 16 will be -- that will be asserted as to all  
 00:16:06 17 questions about the substance of the discussions  
 00:16:09 18 with Mr. Boies; is that right?  
 00:16:11 19 MR. SCAROLA: I can't say that for sure.  
 00:16:14 20 MR. SIMPSON: All right. Let me ask my  
 00:16:15 21 question then.  
 00:16:15 22 MR. SCAROLA: And let -- maybe this -- maybe  
 00:16:17 23 this will help you and maybe it won't. But,  
 00:16:20 24 obviously, there have been some public statements  
 00:16:27 25 with regard to this general area. If the

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:16:33 1 communications were not considered to be  
 00:16:34 2 privileged at the time that they were made, we  
 00:16:37 3 can answer questions about that. If they were  
 00:16:39 4 considered to be privileged at the time they were  
 00:16:41 5 made, we can't answer questions.  
 00:16:42 6 So I can't tell you that there's a blanket  
 00:16:45 7 assertion. We need to hear the question.  
 00:16:47 8 THE WITNESS: I need the question back.  
 00:16:47 9 MR. SIMPSON: All right.  
 00:16:48 10 BY MR. SIMPSON:  
 00:16:49 11 Q. What did you discuss with Mr. Boies about the  
 00:16:53 12 allegations against Professor Dershowitz?  
 00:16:55 13 MR. SCAROLA: And that is common-interest  
 00:16:58 14 privilege information and we do assert a  
 00:17:00 15 privilege.  
 00:17:00 16 BY MR. SIMPSON:  
 00:17:01 17 Q. Did you discuss with Mr. Boies any  
 00:17:06 18 discussions he had had with Professor Dershowitz?  
 00:17:08 19 MS. McCAWLEY: Objection.  
 00:17:09 20 MR. SCAROLA: Same objection. Same  
 00:17:11 21 instruction.  
 00:17:11 22 BY MR. SIMPSON:  
 00:17:12 23 Q. Did you discuss with Mr. Boies any documents  
 00:17:15 24 that Mr. Boies had reviewed?  
 00:17:18 25 MR. SCAROLA: Well, let me -- again, I don't  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:17:23 1 want to be asserting a privilege to questions as  
 00:17:26 2 to which the answer is no, so you can answer  
 00:17:34 3 generally as to whether the subject matter was  
 00:17:40 4 covered in any discussion that you had with  
 00:17:42 5 Mr. Boies.  
 00:17:43 6 THE WITNESS: Okay.  
 00:17:44 7 MR. SCAROLA: Okay. If the answer is no. If  
 00:17:47 8 the answer -- as I sink down in this chair, if  
 00:17:51 9 the answer may be yes, you can't respond.  
 00:17:56 10 MR. SIMPSON: I -- I -- that's a new version.  
 00:17:58 11 MS. McCAWLEY: I'm afraid -- yeah, I want  
 00:18:00 12 to -- I'm sorry. I want to confer on that  
 00:18:01 13 because I have an objection.  
 00:18:02 14 THE WITNESS: I have to say I want to confer,  
 00:18:04 15 I'm confused, too, so let's take a short break.  
 00:18:06 16 MR. SIMPSON: Again, you're conferring on the  
 00:18:06 17 privilege now, not the substance?  
 00:18:06 18 THE WITNESS: That's right.  
 00:18:06 19 MR. SCAROLA: Can we go off the record?  
 00:18:14 20 MR. SIMPSON: Yes.  
 00:18:14 21 THE VIDEOGRAPHER: Going off the video  
 00:18:17 22 record, 8:48 a.m.  
 00:19:54 23 (Thereupon, a recess was taken.)  
 00:19:54 24 THE VIDEOGRAPHER: We are back on the video  
 00:20:06 25 record, 8:52 a.m.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:20:00 1 MR. SCAROLA: Because of concern about a --  
 00:20:14 2 an inadvertent potential waiver of the  
 00:20:18 3 work-product privilege, while it is not our  
 00:20:21 4 intent to assert a privilege with regard to  
 00:20:27 5 nonexistent communications, any effort to  
 00:20:33 6 identify the subject matter of communications in  
 00:20:37 7 the questions that you asked will require that we  
 00:20:40 8 assert work-product privilege with regard to  
 00:20:43 9 those questions.  
 00:20:44 10 MR. SIMPSON: Okay. We disagree, obviously,  
 00:20:46 11 on that position.  
 00:20:47 12 MR. SCAROLA: We understand.  
 00:20:48 13 MR. SIMPSON: So I will ask some additional  
 00:20:49 14 questions and we will see if the witness answers  
 00:20:53 15 them.  
 00:20:53 16 MR. SCAROLA: If it begins: "Did you talk  
 00:20:54 17 about," the answer is going to be an assertion of  
 00:20:58 18 privilege.  
 00:20:58 19 MR. SIMPSON: Okay.  
 00:20:58 20 MR. SCAROLA: Okay?  
 00:20:59 21 MR. SIMPSON: I'll ask the questions.  
 00:21:00 22 BY MR. SIMPSON:  
 00:21:05 23 Q. Did you discuss with Mr. Boies any meetings  
 00:21:09 24 Mr. Boies had had with Professor Dershowitz?  
 00:21:12 25 MS. McCAWLEY: Objection.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:21:13 1 MR. SCAROLA: Objection. Same instruction.  
 00:21:15 2 BY MR. SIMPSON:  
 00:21:15 3 Q. Did you discuss with Mr. Boies his views as  
 00:21:20 4 to the credibility of [REDACTED]  
 00:21:22 5 MR. SCAROLA: Same objection.  
 00:21:23 6 MS. McCAWLEY: Objection.  
 00:21:23 7 MR. SCAROLA: Same instruction.  
 00:21:25 8 BY MR. SIMPSON:  
 00:21:25 9 Q. Did you discuss with Mr. Boies any  
 00:21:35 10 allegations about sexual misconduct by Les Wexner?  
 00:21:41 11 MR. SCAROLA: Same objection.  
 00:21:44 12 MS. McCAWLEY: Objection.  
 00:21:44 13 MR. SCAROLA: Same instruction.  
 00:21:44 14 MR. SIMPSON: That's the same question you  
 00:21:46 15 allowed to be answered. Did you -- let me ask it  
 00:21:47 16 a different way.  
 00:21:47 17 BY MR. SIMPSON:  
 00:21:48 18 Q. Did you discuss, in any way, Les Wexner with  
 00:21:51 19 Mr. Boies?  
 00:21:51 20 MR. SCAROLA: Same objection.  
 00:21:51 21 MS. McCAWLEY: Objection.  
 00:21:53 22 MR. SCAROLA: Same instruction.  
 00:21:55 23 MR. SIMPSON: He's instructed not to answer  
 00:21:55 24 whether that topic was discussed?  
 00:21:56 25 MR. SCAROLA: Yes.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:21:57 1 MS. McCAWLEY: Yes.  
 00:21:57 2 MR. SIMPSON: Okay.  
 00:21:57 3 BY MR. SIMPSON:  
 00:22:02 4 Q. Did you discuss former Prime Minister Barak  
 00:22:06 5 with Mr. Boies?  
 00:22:08 6 MR. SCAROLA: Same objection.  
 00:22:08 7 MS. McCAWLEY: Objection.  
 00:22:08 8 MR. SCAROLA: Same instruction.  
 00:22:10 9 BY MR. SIMPSON:  
 00:22:12 10 Q. Yesterday, you mentioned that one of the  
 00:22:14 11 reasons that supported your conclusion that it -- you  
 00:22:20 12 had an adequate basis to allege in the joinder motion  
 00:22:25 13 that the allegations against Professor Dershowitz was  
 00:22:29 [REDACTED] representing [REDACTED] yes,  
 00:22:31 [REDACTED] do you recall that?  
 00:22:35 16 A. Yes.  
 00:22:36 17 Q. And you said that because of how highly  
 00:22:40 18 regarded Mr. Boies was, I think you mentioned the Bush  
 00:22:45 19 v. Gore case; is that right?  
 00:22:45 20 A. Yes.  
 00:22:45 21 Q. I used to work for his opponent in Bush v.  
 00:22:49 22 Gore case. They are both very good.  
 00:22:50 23 A. I'm trying -- I was trying to remember. I'm  
 00:22:51 24 sorry to take time, but who was the other lawyer?  
 00:22:53 25 Q. Ted Olson.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:22:54 1 A. Ted, that's right. That's...  
 00:22:55 2 Q. But that's a side note.  
 00:22:57 3 My question is: Given your high regard for  
 00:23:00 4 Mr. Boies, would you -- would his views as to the  
 00:23:07 5 credibility [REDACTED] something that would  
 00:23:10 6 be important to you in evaluating the case?  
 00:23:12 7 MS. McCAWLEY: Objection.  
 00:23:12 8 MR. SIMPSON: Are you instructing him not to  
 00:23:15 9 answer?  
 00:23:15 10 MS. McCAWLEY: I mean, is it a hypothetical?  
 00:23:18 11 MR. SIMPSON: No. I'm just asking whether  
 00:23:19 12 his views -- those views -- I'm not asking what  
 00:23:19 13 the views are. I'm simply asking whether those  
 00:23:23 14 views would be important to him.  
 00:23:23 15 MR. SCAROLA: You may answer that question.  
 00:23:25 16 THE WITNESS: Yes.  
 00:23:25 17 BY MR. SIMPSON:  
 00:23:28 18 Q. And if I -- I may have asked this already,  
 00:23:30 19 but did you discuss with Mr. Boies his views as to the  
 00:23:35 20 credibility of Miss Roberts?  
 00:23:38 21 MS. McCAWLEY: Objection.  
 00:23:38 22 MR. SCAROLA: Same objection. Same  
 00:23:40 23 instruction.  
 00:23:41 24 BY MR. SIMPSON:  
 00:23:53 25 Q. Prior to December 30th of 2014, had you

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:23:58 1 discussed [REDACTED] allegations of sexual  
 00:24:07 2 misconduct against Professor Dershowitz with Bob  
 00:24:14 3 Josefsberg?  
 00:24:14 4 A. Me personally?  
 00:24:18 5 Q. Yes, you personally.  
 00:24:18 6 A. No.  
 00:24:18 7 Q. After December 30th of 2014, had you -- did  
 00:24:24 8 you discuss with Mr. Josefsberg Ms. Roberts' allegations  
 00:24:30 9 against Professor Dershowitz?  
 00:24:32 10 A. Not personally, no.  
 00:24:32 11 Q. You say not personally. Are you aware of  
 00:24:36 12 someone else who had those discussions of -- with Mr. --  
 00:24:39 13 had any discussions on that topic with Mr. Josefsberg?  
 00:24:43 14 MR. SCAROLA: To the extent that that  
 00:24:46 15 question would call for any information that was  
 00:24:51 16 communicated to you in the context of the  
 00:24:55 17 common-interest privilege, you should not answer.  
 00:25:00 18 THE WITNESS: All right. I'm not going to...  
 00:25:03 19 MR. SCAROLA: So you -- you can answer it if  
 00:25:04 20 any such communication came to you outside the  
 00:25:07 21 context of the common-interest privilege, but you  
 00:25:10 22 may not include in your response any information  
 00:25:12 23 derived from the common-interest privilege.  
 00:25:12 24 BY MR. SIMPSON:  
 00:25:15 25 Q. And my question right now is not the

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:25:17 1 substance. We will get to that. But, to your  
 00:25:19 2 knowledge -- put -- let me rephrase that.  
 00:25:24 3 Did someone tell you that they had discussed  
 00:25:28 4 with Mr. Josefsbergs -- Josefsberg, the allegations made  
 00:25:32 5 by Miss Roberts against Professor Dershowitz?  
 00:25:35 6 MR. SCAROLA: You may only answer that  
 00:25:36 7 question to the extent that you had any  
 00:25:39 8 communication regarding that subject matter with  
 00:25:43 9 someone outside the common-interest privilege, or  
 00:25:46 10 the attorney/client privilege for that matter.  
 00:25:46 11 BY MR. SIMPSON:  
 00:25:48 12 Q. I'm simply -- I'm not asking for substance,  
 00:25:50 13 just the name if you did.  
 00:25:52 14 MR. SCAROLA: Well, I understand that, but  
 00:25:54 15 following along the same lines as before, you are  
 00:25:57 16 asking us to identify the subject matter of a  
 00:26:01 17 communication that is privileged. We won't  
 00:26:04 18 answer questions regarding the subject matter of  
 00:26:07 19 privileged communications, but if  
 00:26:09 20 Professor Cassell had a conversation with Sam  
 00:26:14 21 Smith standing on the street corner about Bob  
 00:26:17 22 Josefsberg, he can answer that question.  
 00:26:20 23 BY MR. SIMPSON:  
 00:26:20 24 Q. Did you have a conversation with anyone --  
 00:26:24 25 just narrow question: Did you have a conversation with

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:26:26 1 anyone who told you that they, that person, had  
 00:26:32 2 discussed the subject matter of [REDACTED]  
 00:26:36 3 allegations against Professor Dershowitz with  
 00:26:38 4 Mr. Josefsberg? Just did you discuss it with anyone?  
 00:26:41 5 MR. SCAROLA: Same objection. Same  
 00:26:42 6 instruction.  
 00:26:42 7 MR. SIMPSON: Okay.  
 00:26:43 8 MR. SCAROLA: If you want to rephrase the  
 00:26:44 9 question to ask him whether he had such a  
 00:26:46 10 conversation with anyone outside the  
 00:26:48 11 attorney/client or work-product privilege, that's  
 00:26:51 12 a question that we are obliged to answer.  
 00:26:55 13 The question, as you phrased it, is a  
 00:26:56 14 question that we are precluded from answering.  
 00:26:59 15 MR. SIMPSON: That's a very strange notion of  
 00:27:01 16 privilege.  
 00:27:01 17 BY MR. SIMPSON:  
 00:27:01 18 Q. But let me ask it this way: Did you discuss  
 00:27:07 19 with anyone who is not an attorney -- let me rephrase it  
 00:27:15 20 a different way.  
 00:27:16 21 You testified yesterday about your  
 00:27:18 22 understanding of the scope of the alleged  
 00:27:21 23 common-interest privilege, correct?  
 00:27:23 24 A. Yes.  
 00:27:23 25 Q. Putting aside the people within the scope of  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:27:23 1 that privilege --  
 00:27:23 2 A. Yes.  
 00:27:27 3 Q. -- that you identified --  
 00:27:27 4 A. Uh-huh.  
 00:27:30 5 Q. -- your definition of it --  
 00:27:31 6 A. Right. That's right.  
 00:27:31 7 Q. -- did you discuss the topic -- did anyone  
 00:27:34 8 tell you they had discussed the topic of Virginia  
 00:27:37 9 Roberts's allegations against Professor Dershowitz with  
 00:27:40 10 Mr. Josefsberg?  
 00:27:41 11 MR. SCAROLA: You may not answer that  
 00:27:44 12 question to the extent the question still  
 00:27:45 13 encompasses attorney/client privileged  
 00:27:49 14 communications. If you want to rephrase the  
 00:27:50 15 question to exclude both common-interest  
 00:27:55 16 privileged communications and attorney/client  
 00:27:57 17 privileged communications, that's a question we  
 00:28:00 18 are prepared to answer.  
 00:28:01 19 Otherwise, we are prohibited from answering  
 00:28:04 20 the question as phrased as a consequence of it  
 00:28:09 21 encompassing privileged communications.  
 00:28:12 22 MR. SIMPSON: As he defined the  
 00:28:14 23 common-interest privileged group, it included  
 00:28:17 24 attorney/client, but I think at this point the  
 00:28:20 25 explanations you're providing aren't really  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:28:23 1 helpful. So please just instruct him to answer  
 00:28:25 2 or not answer, and we will let the judge decide.  
 00:28:27 3 MR. SCAROLA: Well, the instruction -- I only  
 00:28:29 4 gave the explanation in the hope that it might  
 00:28:31 5 facilitate the examination and allow you to move  
 00:28:33 6 to areas where you can get substantive  
 00:28:36 7 information.  
 00:28:36 8 I apologize if you consider it a waste of  
 00:28:39 9 time. So I will simply instruct Professor  
 00:28:42 10 Cassell not to answer the question as phrased.  
 00:28:45 11 If you ever want an explanation as to the basis  
 00:28:47 12 of my instruction, I'm prepared to give that to  
 00:28:50 13 you.  
 00:28:50 14 MR. SIMPSON: Thank you. That -- that's a  
 00:28:51 15 helpful way to proceed.  
 00:28:52 16 MR. SCAROLA: Okay.  
 00:28:53 17 BY MR. SIMPSON:  
 00:28:56 18 Q. Have you -- well, let's start this way: Have  
 00:28:58 19 you discussed with any of the attorneys within what you  
 00:29:05 20 described as the common-interest attorney/client group,  
 00:29:12 21 whether that person had discussed with Mr. Josefsberg  
 00:29:16 22 [REDACTED] allegations against Professor  
 00:29:20 23 Dershowitz?  
 00:29:20 24 MR. SCAROLA: Same objection. Same  
 00:29:20 25 instruction.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:29:20 1 BY MR. SIMPSON:  
 00:29:22 2 Q. Have you discussed with anyone who is not an  
 00:29:27 3 attorney for Miss Roberts whether -- strike that.  
 00:29:33 4 Has anyone who is not an attorney for  
 00:29:35 5 Miss Roberts told you that they had discussed with  
 00:29:40 6 Mr. Josefsberg the allegations against -- by Virginia  
 00:29:46 7 Roberts against Professor Dershowitz?  
 00:29:47 8 MR. SCAROLA: Same objection. Same  
 00:29:48 9 instruction.  
 00:29:48 10 BY MR. SIMPSON:  
 00:29:59 11 Q. Have you personally spoken with anyone else  
 00:30:03 12 at Mr. Josefsberg's firm, other than him, about Virginia  
 00:30:12 13 Roberts's allegations against Professor Dershowitz?  
 00:30:15 14 A. Not to my knowledge.  
 00:30:16 15 MS. McCAWLEY: I'm sorry. I'm sorry. Can  
 00:30:18 16 you read that back?  
 00:30:19 17 MR. SCAROLA: Was a communication with anyone  
 00:30:20 18 else in Bob Josefsberg -- Bob Josefsberg's firm,  
 00:30:25 19 personal communication between Professor Cassell  
 00:30:28 20 and any firm member of Bob Josefsberg.  
 00:30:31 21 MS. McCAWLEY: Okay.  
 00:30:31 22 BY MR. SIMPSON:  
 00:30:31 23 Q. And the answer was, not that you recall?  
 00:30:34 24 A. Not to my knowledge. I don't know all the  
 00:30:34 25 members of his firm, but I certainly have no  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:30:37 **1** recollection of talking to, you know, anyone who is --

00:30:39 **2** who was in his firm.

00:30:40 **3** Q. Okay.

00:30:41 **4** A. I -- I think the record should be clear,

00:30:43 **5** I'm -- I'm an attorney and a law professor in Salt Lake

00:30:46 **6** City, Utah, and my understanding, he's an attorney here

00:30:49 **7** in Florida. So I don't ordinarily interact with --

00:30:51 **8** with, you know, attorneys in Florida, other than the

00:30:54 **9** ones that I'm interacting with on -- on this case.

00:30:56 **10** MR. SCAROLA: Which is now occurring on a

00:30:58 **11** very regular basis.

00:31:01 **12** BY MR. SIMPSON:

00:31:01 **13** Q. Mr. Cassell --

00:31:01 **14** MR. SCOTT: No teaming, Mr. Scarola, please.

00:31:01 **15** BY MR. SIMPSON:

00:31:04 **16** Q. -- did -- didn't you testify yesterday that

00:31:06 **17** the fact that Mr. Josefsberg's firm had filed a

00:31:10 **18** complaint against Miss Roberts, who is also your client,

00:31:12 **19** to be significant to your evaluation of the case?

00:31:15 **20** A. Yes.

00:31:15 **21** Q. And if it -- if that was significant to

00:31:18 **22** evaluation of the case, why are you telling us you don't

00:31:20 **23** normally talk with attorneys in Florida? Doesn't he

00:31:25 **24** represent -- at one point, represent the same client?

00:31:26 **25** A. Right.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:31:27 **1** Q. And so wouldn't it be natural for you to be

00:31:29 **2** speaking with -- at least within the realm of something

00:31:33 **3** one might expect for you to speak?

00:31:35 **4** A. If I were a solo representative of Virginia

00:31:38 **5** Roberts, that would be the case, but I think you're

00:31:40 **6** obviously aware that I have co-counsel on this case, and

00:31:43 **7** there are other attorneys who are also participating in

00:31:46 **8** this matter.

00:31:47 **9** So I think it would be obvious that if

00:31:50 **10** there's a division of labor, it might not be along the

00:31:53 **11** lines that you're suggesting. And I can't go any

00:31:55 **12** further without going into work product and other issues

00:31:59 **13** surrounding Miss Roberts' representation.

00:32:01 **14** Q. Has Mr. Boies ever told you that he believes

00:32:06 **15** Miss Roberts was mistaken in her accusations against

00:32:08 **16** Professor Dershowitz?

00:32:09 **17** MR. SCAROLA: Same objection. Same

00:32:11 **18** instruction.

00:32:12 **19** MS. McCAWLEY: Same instruction.

00:32:13 **20** THE WITNESS: I'd like to confer with my

00:32:15 **21** counsel on a attorney/client privilege issue in

00:32:19 **22** connection with that question.

00:32:19 **23** MS. McCAWLEY: Can I just write down the

00:32:19 **24** question and --

00:32:20 **25** MR. SIMPSON: I'll -- I'll rephrase it.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:32:20 **1** BY MR. SIMPSON:

00:32:22 **2** Q. Have you ever -- I'll rephrase the question.

00:32:25 **3** Have you ever discussed with Mr. Boies his

00:32:30 **4** views as to whether or not Miss Roberts is mistaken in

00:32:37 **5** her allegations against Professor Dershowitz?

00:32:39 **6** MS. McCAWLEY: Objection.

00:32:39 **7** MR. SCAROLA: Same objection. Same

00:32:40 **8** instruction.

00:32:45 **9** BY MR. SIMPSON:

00:32:46 **10** Q. Prior to December 30th of 2014, had you

00:32:52 **11** personally reviewed any of the flight logs that had been

00:32:56 **12** referred to in the testimony in this case?

00:32:58 **13** A. All right?

00:33:02 **14** Q. My only question is whether you personally

00:33:03 **15** reviewed them.

00:33:04 **16** A. Yes.

00:33:04 **17** Q. What flight logs have you reviewed; how would

00:33:07 **18** you describe them?

00:33:08 **19** A. Both Exhibit 1 and Exhibit 2 that were shown

00:33:13 **20** to Mr. Dershowitz yesterday.

00:33:15 **21** Q. If -- I believe those were Exhibits 6 and

00:33:19 **22** 7 --

00:33:19 **23** A. Okay.

00:33:19 **24** Q. -- but can we agree that flight logs were

00:33:21 **25** marked as exhibits?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:33:22 **1** A. Right. The two composite exhibits of flight

00:33:26 **2** logs I had examined previously.

00:33:27 **3** Q. Okay. So the same documents that Professor

00:33:30 **4** Dershowitz was shown at his deposition; is that right?

00:33:34 **5** A. That's my recollection, yes.

00:33:35 **6** Q. Okay. When did you review those?

00:33:37 **7** A. So one of the reviews was in May 2014. There

00:33:46 **8** may have also been an earlier review at an earlier --

00:33:53 **9** earlier time, but I definitely remember reviewing them

00:33:55 **10** in May -- approximately May 2014.

00:33:58 **11** Q. Would -- do you -- isn't it true that those

00:34:02 **12** flight logs support Professor Dershowitz's testimony

00:34:07 **13** that he was never on a plane with [REDACTED]?

00:34:10 **14** A. No.

00:34:12 **15** Q. How do they not? What is -- what is the

00:34:14 **16** explanation for your conclusion in that regard?

00:34:16 **17** A. Right. We talked about this yesterday, so

00:34:20 **18** I'll incorporate to speed things up some of the

00:34:22 **19** testimony that I gave yesterday.

00:34:23 **20** What the flight logs showed was, to my mind,

00:34:26 **21** evidence of potential doctoring, evidence of -- of

00:34:30 **22** selective presentation of evidence. Mr. Dershowitz had

00:34:34 **23** presented to a law enforcement agency, at their request,

00:34:37 **24** apparently what I understood to be the -- the -- I

00:34:40 **25** understood that he had been requested by a law

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:34:42 1 enforcement agency to provide flight logs relevant to  
00:34:46 2 this investigation.

00:34:47 3 And rather than providing all the flight logs  
00:34:49 4 that were available at that time, he appears to have  
00:34:52 5 provided flight logs that went from January 2005 through  
00:34:57 6 September 2005, knowing that he appeared on an  
00:35:01 7 October -- I may be off by one month here -- but on an  
00:35:04 8 October 2005 flight log.

00:35:06 9 So that, to my mind, had indicated that  
00:35:08 10 Professor Dershowitz was providing selective information  
00:35:11 11 to law enforcement. Those concerns -- this is, you  
00:35:15 12 know, there's -- there's more to it.

00:35:18 13 The other problem was that the flight logs  
00:35:22 14 that Mr. Dershowitz had produced were inconsistent with  
00:35:26 15 the flight logs that Dave Rogers, one of Mr. Epstein's  
00:35:31 16 pilots had, so there were now inconsistencies on these  
00:35:35 17 flight logs. And it seemed to be -- it seemed to me to  
00:35:39 18 be surprising that during the period of time where  
00:35:41 19 [REDACTED] involved, Mr. Dershowitz was not  
00:35:45 20 [REDACTED] flight logs.

00:35:46 21 Now, it is possible, I suppose, and that  
00:35:49 22 seems to be Mr. Dershowitz's position, that the reason  
00:35:52 23 he's not on those flight logs is that he was not on  
00:35:54 24 those flights. But given all of the information -- and  
00:35:57 25 I won't take your time this morning to go through -- all

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

00:35:59 1 the information I had about this international sex  
00:36:03 2 trafficking organization, it seemed to me that it was  
00:36:06 3 also possible that the sex trafficking organization,  
00:36:08 4 which was represented by, you know, vast resources and  
00:36:12 5 the ability to produce witnesses and documents and other  
00:36:15 6 information that would -- would cover up the existence  
00:36:19 7 of this organization, had gone through the flight logs  
00:36:22 8 and had made necessary alterations to -- to conceal the  
00:36:26 9 scope of -- of the -- of the operation.

00:36:29 10 In addition to that, when I started to  
00:36:33 11 compare the Dave Rogers' flight logs with the David --  
00:36:36 12 excuse me. I am going to get a drink.

00:36:42 13 When I started to compare the -- oh, I'm  
00:36:46 14 sorry. I should be looking at the camera.

00:36:48 15 When I started -- when I started to compare  
00:36:49 16 the Dave Rogers' flight logs with the Dershowitz --  
00:36:54 17 which we call them the Dershowitz flight logs, which  
00:36:56 18 were the logs that he had produced, there were  
00:36:58 19 inconsistencies, and so it struck me as odd that there  
00:37:03 20 were these inconsistent flight logs.

00:37:03 21 The other thing that I noticed is, I don't  
00:37:06 22 believe that Dave Rogers was the exclusive pilot for  
00:37:08 23 Mr. Epstein. And so I had a concern -- excuse me. I'm  
00:37:13 24 sorry.

00:37:13 25 I had a concern that the flight logs that --

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

00:37:16 1 that covered the jet were not just the David Rogers'  
00:37:20 2 flight logs, but there should be flight logs for other  
00:37:22 3 pilots which were not apparently being produced.

00:37:25 4 And so, in light of all that, what I was  
00:37:27 5 seeing was a -- a production of flight logs that was  
00:37:32 6 incomplete. And then I started to hear from  
00:37:35 7 Mr. Dershowitz that, well, these records prove  
00:37:37 8 conclusively I couldn't have done that. And I knew to  
00:37:40 9 an absolute certainty, that the records were  
00:37:42 10 inconsistent and inaccurate; and for somebody who had  
00:37:45 11 apparently carefully produced these records, to  
00:37:48 12 represent that these conclusively prove that he wasn't  
00:37:52 13 on the flights, seemed to me to be inaccurate  
00:37:54 14 information.

00:37:55 15 So that was -- those were the kinds of things  
00:37:56 16 I was thinking about.

00:37:59 17 Q. Mr. Cassell, is it your testimony --

00:38:02 18 MR. SIMPSON: Well, first of all, I move to  
00:38:03 19 strike the nonresponsive portion of the answer.

00:38:03 20 BY MR. SIMPSON:

00:38:07 21 Q. Mr. Cassell, is it your testimony that you  
00:38:08 22 have sufficient information to conclude and allege that  
00:38:12 23 Professor Dershowitz falsified documents and gave  
00:38:16 24 falsified documents to a prosecuting authority?

00:38:19 25 A. It is my belief that Professor Dershowitz  
ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

00:38:22 1 provided incomplete production to law enforcement  
00:38:25 2 agencies.

00:38:25 3 Q. Is it your testimony under oath that you have  
00:38:28 4 sufficient information to allege that Professor  
00:38:31 5 Dershowitz intentionally provided false information to a  
00:38:37 6 prosecuting authority?

00:38:38 7 A. It is my position that he provided incomplete  
00:38:42 8 information to a prosecuting authority and inaccurate  
00:38:45 9 information to a prosecuting authority.

00:38:47 10 Now, as to precisely what his state of mind  
00:38:49 11 was when he was producing the incomplete and inaccurate  
00:38:52 12 information, that remains to be this -- you know, that  
00:38:54 13 was one of the topics that I was hoping could have been  
00:38:56 14 covered in -- in the depositions here in the last two  
00:38:59 15 days, but unfortunately, there wasn't sufficient time.

00:39:03 16 Q. Let me ask it a different way. You -- you  
00:39:05 17 gave a long answer in which you described reasons you  
00:39:08 18 apparently believe that these flight logs were not  
00:39:13 19 merely incomplete, but that someone had false --  
00:39:16 20 falsified them. And did I understand you correctly?

00:39:20 21 MR. SCAROLA: Excuse me. The question that  
00:39:22 22 was asked was limited to the time period prior to  
00:39:26 23 December 30th. The answer that was given was  
00:39:29 24 limited to the time period prior to December  
00:39:31 25 30th.

ESQUIRE DEPOSITION SOLUTIONS

(954) 331-4400

00:39:32 1 Are you now asking for an expansion of that  
 00:39:35 2 response to include information that's been  
 00:39:38 3 gathered since December 30th?  
 00:39:40 4 MR. SIMPSON: I will take your objection to  
 00:39:43 5 the form.  
 00:39:44 6 Can we have the question back?  
 00:39:44 7 (Thereupon, a portion of the record was read  
 00:40:06 8 by the reporter.)  
 00:40:06 9 MR. SCAROLA: And I object. The question is  
 00:40:07 10 vague and ambiguous because it fails to identify  
 00:40:09 11 the time period about which you are inquiring.  
 00:40:09 12 BY MR. SIMPSON:  
 00:40:14 13 Q. Mr. Cassell, as you sit here today, are you  
 00:40:18 14 prepared, based on the information you have available to  
 00:40:21 15 you, to assert that Professor Dershowitz intentionally  
 00:40:28 16 provided misleading or doctored documents to a  
 00:40:34 17 prosecuting authority?  
 00:40:37 18 A. **So based on all the information I have today?**  
 00:40:39 19 Q. Yes.  
 00:40:40 20 A. **Yes.**  
 00:40:40 21 Q. What do you base -- what is the basis for  
 00:40:44 22 that conclusion, and include information up until today?  
 00:40:48 23 A. **All right. So, obviously, that's an**  
 00:40:51 24 **open-ended question.**  
 00:40:52 25 Q. I -- just answer the question, please, as  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:40:55 1 best you can.  
 00:40:55 2 A. **Sure. All right. Well, let me just --**  
 00:40:58 3 **that's a lot -- there's a lot of things to get into on**  
 00:41:00 4 **that.**  
 00:41:02 5 **Let's start with the events of the last two**  
 00:41:05 6 **days, the deposition of Mr. Dershowitz, which in my mind**  
 00:41:10 7 **demonstrates repeated false statements that were made by**  
 00:41:14 8 **Mr. Dershowitz.**  
 00:41:15 9 **Let's begin with the overarching point about**  
 00:41:18 10 **the deposition of the last two days. I've been**  
 00:41:20 11 **practicing law -- law since about 1986. And in my**  
 00:41:26 12 **experience, I have never seen a more evasive effort to**  
 00:41:30 13 **avoid answering questions, and to essentially run out**  
 00:41:34 14 **the clock so that detailed questions could not be asked**  
 00:41:38 15 **by my attorney. And I witnessed over the last two days,**  
 00:41:41 16 **Mr. Dershowitz was asked a series of very simple**  
 00:41:44 17 **questions; where were you on this day; or what's the**  
 00:41:46 18 **name; or what time, things like that, and instead of,**  
 00:41:49 19 **you know, giving an -- an immediate answer, he ended up**  
 00:41:53 20 **giving a very extended answer commonly punctuated with**  
 00:41:57 21 **disparaging remarks that seemed to have nothing to do**  
 00:42:00 22 **with answering the question.**  
 00:42:01 23 **So I drew the inference from that that**  
 00:42:03 24 **Mr. Dershowitz did not want to answer questions over the**  
 00:42:07 25 **last two days.**  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:42:08 1 **Another thing that happened during the**  
 00:42:10 2 **deposition, and I will not repeat what was said in the**  
 00:42:14 3 **deposition, because there was immediately an objection**  
 00:42:17 4 **from Ms. McCawley, but there were two points in the**  
 00:42:19 5 **deposition where Mr. Dershowitz made representations**  
 00:42:22 6 **about what a New York Attorney David Boies would say,**  
 00:42:25 7 **and I'm not going into any --**  
 00:42:27 8 Q. I -- I just want to say if he starts talking  
 00:42:30 9 about it --  
 00:42:31 10 MS. McCAWLEY: No, I -- I object to any  
 00:42:32 11 reference --  
 00:42:33 12 MR. SIMPSON: -- then I get to ask all the  
 00:42:34 13 questions if he should say anything.  
 00:42:34 14 MS. McCAWLEY: I think he's just  
 00:42:35 15 acknowledging that -- I'm sorry. I think he's  
 00:42:37 16 acknowledging that that occurred. I object to  
 00:42:39 17 any -- any discussion of any settlement  
 00:42:43 18 communications in the context of that privilege.  
 00:42:44 19 MR. SCAROLA: I don't intend to get into any  
 00:42:48 20 settlement discussions. We are not going to  
 00:42:50 21 repeat the substance of the objected-to  
 00:42:51 22 testimony.  
 00:42:51 23 MR. SIMPSON: My point, I just want it to be  
 00:42:54 24 on notice --  
 00:42:54 25 MS. McCAWLEY: Yes.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:42:55 1 MR. SIMPSON: -- is if this witness starts  
 00:42:56 2 saying anything about his communications or why  
 00:43:00 3 he -- he's coming to a conclusion, he's putting  
 00:43:02 4 that forth as a basis, he has opened the door.  
 00:43:05 5 You can't put it forth and park and not let  
 00:43:07 6 me ask for all the discussions.  
 00:43:09 7 MR. SCAROLA: You can -- you can proceed and  
 00:43:10 8 you know not to include privileged --  
 00:43:10 9 THE WITNESS: Yes.  
 00:43:13 10 MR. SCAROLA: -- communications.  
 00:43:13 11 THE WITNESS: There was a newspaper that  
 00:43:15 12 reported -- a Florida business newspaper that  
 00:43:18 13 promptly after Mr. Dershowitz said that Mr. Boies  
 00:43:21 14 had made certain representations, a Florida --  
 00:43:24 15 respected Florida business newspaper immediately  
 00:43:27 16 reported that David Boies had said, that was a  
 00:43:29 17 false statement.  
 00:43:31 18 And in light of that, I now had David Boies  
 00:43:34 19 saying that Mr. Dershowitz was making false  
 00:43:37 20 statements under oath during the -- the  
 00:43:38 21 deposition that occurred over the last two days.  
 00:43:41 22 In addition to that, I had -- again, during  
 00:43:44 23 the deposition, I heard Mr. Dershowitz say that  
 00:43:46 24 Attorney Bob Josefsberg had said that -- words to  
 00:43:52 25 the effect that he, Josefsberg, did not believe  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:43:54 1 [REDACTED]  
 00:43:55 2 [REDACTED] was an attorney who had  
 00:44:00 3 represented Miss Roberts based on public  
 00:44:00 4 information, and I knew that that would be a  
 00:44:02 5 gross violation of Mr. Josefsberg's  
 00:44:04 6 attorney/client obligations. And as a result of  
 00:44:09 7 that, it seemed to me that, once again,  
 00:44:09 8 Mr. Dershowitz was giving false information under  
 00:44:12 9 oath in an effort to exculpate himself from the  
 00:44:17 10 sex trafficking that he had been involved with.

In addition to that, I learned during the deposition on Thursday that it had, quote, not crossed my mind, close quote -- I believe that's a direct quote from Mr. Dershowitz -- to record a conversation with a woman allegedly named Rebecca who had allegedly made certain statements. That was on Thursday.

And then yesterday, Friday, I learned that Mr. Dershowitz, not only had it crossed his mind to make a recording, he had, in fact, made such a recording; and in fact, had it transcribed; and in fact, turned it over to his attorneys. So, once again, I had what appeared to be a false statement under oath by Mr. Dershowitz in an attempt to exculpate himself from the -- the sex

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:45:03 1 trafficking that we -- we have evidence he has  
 00:45:06 2 been involved with.  
 00:45:06 3 The false statements or certainly misleading  
 00:45:12 4 statements continue. I suppose, some of these  
 00:45:14 5 could be a matter of judgment. The -- they raise  
 00:45:18 6 grave concern to me.  
 00:45:18 7 One of them was that we had propounded an  
 00:45:20 8 interrogatory requesting the basis for  
 00:45:23 9 Mr. Dershowitz's statements that [REDACTED]  
 00:45:26 10 had a criminal record. And he said [REDACTED]  
 00:45:29 11 she's admitted that she had sex with various  
 00:45:32 12 people, so that renders her a criminal, and  
 00:45:34 13 something along those lines, which I didn't think  
 00:45:36 14 was very accurate.  
 00:45:38 15 But in any event, that was the answer he  
 00:45:39 16 gave. And then I learned during the deposition  
 00:45:42 17 in the last two days, that Mr. Dershowitz had  
 00:45:45 18 [REDACTED] he says shows that  
 00:45:46 19 [REDACTED] money from a  
 00:45:50 20 restaurant and had been criminally charged with  
 00:45:51 21 that.  
 00:45:52 22 That was not produced to us during discovery,  
 00:45:54 23 even though it would have been obviously  
 00:45:56 24 relevant, and it was directly called for in the  
 00:45:58 25 discovery that we were provided with.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:46:02 1 You know, I also have -- I would like to  
 00:46:05 2 refresh my recollection and if -- if counsel --  
 00:46:10 3 that's --  
 00:46:10 4 MR. SCAROLA: You can refresh your  
 00:46:12 5 recollection on anything you need to.  
 00:46:12 6 THE WITNESS: All right. I'd like to refresh  
 00:46:15 7 my recollection by looking at --  
 00:46:16 8 MR. SIMPSON: Actually, I -- I object to this  
 00:46:17 9 answer as nonresponsive. I haven't heard  
 00:46:20 10 anything about flight logs once.  
 00:46:21 11 MR. SCAROLA: You can continue.  
 00:46:23 12 THE WITNESS: These -- you know, these all go  
 00:46:27 13 to the statements.  
 00:46:27 14 BY MR. SIMPSON:  
 00:46:28 15 Q. You're looking at a document?  
 00:46:29 16 A. Yeah. Let's mark it as an exhibit if you'd  
 00:46:32 17 like. This is a memory aid to me.  
 00:46:34 18 Q. Did you prepare it?  
 00:46:35 19 A. Yes, I did. All right. Let's see. At page  
 00:46:42 20 114 of a rough transcript that I saw prepared of  
 00:46:46 21 Thursday's testimony, Mr. Dershowitz was asked. Quote:  
 00:46:50 22 You know [REDACTED] of the only person  
 00:46:52 23 who has sworn under oath that you were present at  
 00:46:55 24 Jeffrey Epstein's Palm Beach home with young girls,  
 00:46:58 25 right? Answer: No.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:47:02 1 That seemed to me to be false or at the very  
 00:47:05 2 least misleading testimony given that Mr. Dershowitz  
 00:47:07 3 knew that Juan Alessi, among potentially other people,  
 00:47:11 4 had identified him as having been in the presence of  
 00:47:14 5 Jeffrey Epstein and young girls at the Florida mansion  
 00:47:17 6 and, indeed, had identified a photograph of Virginia  
 00:47:20 7 Roberts.  
 00:47:21 8 At page 164 of the transcript, Mr. Dershowitz  
 00:47:25 9 was asked, quote: All of the manifests that have been  
 00:47:28 10 produced in this litigation, the ones that you say  
 00:47:31 11 corroborate your testimony and exonerate you,  
 00:47:34 12 demonstrate that you never flew on Jeffrey Epstein's  
 00:47:37 13 plane in the company of your wife, correct? Answer:  
 00:47:41 14 No, that's not true. I don't know that.  
 00:47:44 15 And, again, in the context of this litigation  
 00:47:46 16 where the flight logs have been, as this question that  
 00:47:48 17 I'm answering tends to show, are so central for  
 00:47:52 18 Mr. Dershowitz to testify under oath that he didn't know  
 00:47:56 19 whether his wife was depicted on the flight log, struck  
 00:47:59 20 me as, at the very least, misleading information, but I  
 00:48:02 21 concluded in my opinion was actually deliberately false  
 00:48:05 22 information, particularly, given this litigation where  
 00:48:08 23 he has produced, not only his own personal travel  
 00:48:11 24 record, but all of his wife's travel records for the  
 00:48:14 25 relevant period of time.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:48:15 1 So I thought that was, again, a deliberate  
00:48:19 2 false statement under oath designed to exculpate him  
00:48:22 3 from his criminal involvement in this international sex  
00:48:26 4 trafficking ring.

00:48:27 5 At another point in the transcript, he was  
00:48:29 6 asked, quote, -- no, I'm sorry. He stated, quote: I  
00:48:32 7 challenge you to find any statement where I said I have  
00:48:35 8 never traveled outside the presence of my wife, close  
00:48:38 9 quote, representing that there would be no such  
00:48:42 10 statement there, when, in fact, I'm aware of an American  
00:48:45 11 Lawyer quotation attributed to him from January 15th,  
00:48:48 12 2015, quote: I've been married to the same woman for 28  
00:48:52 13 years. She goes with me everywhere, close quote. And,  
00:48:56 14 again, you know, this -- I understand sometimes people  
00:48:59 15 may go away from their wife, but the American Lawyer  
00:49:01 16 was, obviously, on January 15th, 2015, asking about:  
00:49:05 17 Well, have you been outside the presence of your wife in  
00:49:08 18 situations where you might have interacted with Virginia  
00:49:10 19 Roberts? And that was the answer that he gave to the  
00:49:12 20 American Lawyer.

00:49:13 21 And based on -- on my review of the flight  
00:49:15 22 logs, I thought that was, again, a deliberate effort to  
00:49:20 23 obscure and try to exculpate himself from his  
00:49:23 24 involvement in this International sex trafficking ring.

00:49:26 25 The -- he also said yesterday: Nobody knows  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:49:33 1 about Prince Andrew and Virginia, except for the two of  
00:49:36 2 them. And, again, I thought that was at a minimum,  
00:49:39 3 deliberately mis -- misleading information and more  
00:49:41 4 likely deliberately false information, because  
00:49:43 5 Mr. Dershowitz was aware of the photograph and had long  
00:49:47 6 been aware of the photograph that shows Prince Andrew  
00:49:50 7 with his arm around [REDACTED] ding next to a  
00:49:53 8 beaming Glenn Max [REDACTED] lved in this  
00:49:56 9 international sex trafficking organization.

00:49:59 10 And in the circumstances of that photograph,  
00:50:01 11 it seems quite likely that the photographer who took  
00:50:04 12 that picture was the head of the international sex  
00:50:07 13 trafficking ring, Jeffrey Epstein. And so for him to  
00:50:10 14 say that only two people knew what went on was, again,  
00:50:14 15 deliberately false information, because I know he is the  
00:50:17 16 attorney for Jeffrey Epstein, and he could have asserted  
00:50:20 17 attorney/client privilege over that, said, I can't get  
00:50:22 18 into my communications with my client about what he was  
00:50:25 19 doing with Prince Andrew.

00:50:26 20 But instead he said, no one knows what  
00:50:29 21 happened, other than those two people in circumstances  
00:50:31 22 where it was quite clear that there would have been  
00:50:34 23 others who would have been aware of that.

00:50:35 24 Now, the question is: Why do I think the --  
00:50:39 25 the -- you know, there are inaccuracies in the flight  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:50:41 1 logs. And I could refresh my recollection here by  
00:50:45 2 looking at, I think it's docket entry 291 of our  
00:50:49 3 pleading that we presented on January 21st to  
00:50:51 4 Judge Marra where we provided specific itemized examples  
00:50:54 5 of inconsistencies between the Dave Rogers' flight log  
00:50:58 6 and the -- again, I'll call it, the Alan Dershowitz  
00:51:01 7 flight log, which was a selected presentation of flight  
00:51:03 8 log information.

00:51:04 9 And when you see those inconsistencies, it  
00:51:06 10 becomes very hard to believe that all of the information  
00:51:09 11 that was provided in those flight logs was accurate. So  
00:51:11 12 when I take all of that information, put it together, I  
00:51:14 13 believe that there's sufficient -- I have a sufficient  
00:51:17 14 basis for believing at this point in time, that  
00:51:19 15 Mr. Dershowitz has, indeed, provided inaccurate  
00:51:22 16 information to -- to law enforcement agencies, or at a  
00:51:25 17 minimum has provided -- has produced inaccurate  
00:51:29 18 information through circumstances beyond his control.

00:51:32 19 But when he continually represents that the  
00:51:34 20 information is accurate and exonerates him, I believe  
00:51:37 21 that that is a deliberately false statement.

00:51:41 22 MR. SIMPSON: Move to strike the answer --  
00:51:42 23 the nonresponsive portion of the answer.

00:51:46 24 MR. SCAROLA: Which portion is that?

00:51:47 25 MR. SIMPSON: 99 percent of it. I think at  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:51:50 1 the end, we got to the flight logs.

00:51:52 2 I move to strike the nonresponsive portion.  
00:51:54 3 BY MR. SIMPSON:

00:51:55 4 Q. Mr. Cassell, you came here today looking for  
00:51:57 5 an opportunity to give that statement; did you not?

00:51:59 6 A. If it was relevant to an answer I was giving,  
00:52:03 7 yes.

00:52:03 8 Q. The answer to my question is, yes, you came  
00:52:05 9 here today looking for a question to which you could  
00:52:08 10 respond with that prepared statement?

00:52:10 11 A. I was prepared to give that -- I anticipated  
00:52:13 12 that a very good attorney for Mr. Dershowitz might ask a  
00:52:15 13 question where that would be relevant. And if that  
00:52:18 14 question were asked and I was given the opportunity to  
00:52:20 15 make that statement, I wanted to be prepared to give it  
00:52:23 16 in the most accurate way that I could.

00:52:25 17 MR. SIMPSON: I would like the reporter to  
00:52:27 18 mark as Exhibit -- are we up to 4 -- Exhibit 4,  
00:52:31 19 the document that Mr. Cassell was referring to.  
00:52:34 20 I'll let the reporter do that.

00:52:36 21 THE WITNESS: Okay.  
00:52:36 22 (Cassell's I.D. Exhibit No. 4 - document  
00:52:36 23 produced by the witness was marked for identification.)

00:52:59 24 MR. SIMPSON: I just want to make that part  
00:53:00 25 of the record.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:53:00 1 BY MR. SIMPSON:  
 00:53:02 2 Q. Before Wednesday of this week, you had none  
 00:53:07 3 of the information that you just described about  
 00:53:10 4 Professor Dershowitz's testimony, correct?  
 00:53:12 5 A. Correct.  
 00:53:12 6 Q. I'm trying to look at my notes here of your  
 00:53:26 7 long answer, but one thing you indicated that -- was the  
 00:53:30 8 fact that Professor Dershowitz gave long answers is  
 00:53:34 9 somehow indicative of false answers or perjury --  
 00:53:34 10 MR. SCAROLA: That is --  
 00:53:34 11 BY MR. SIMPSON:  
 00:53:30 12 Q. -- is that right?  
 00:53:39 13 MR. SCAROLA: That is an absolute  
 00:53:40 14 mischaracterization of the statement that  
 00:53:43 15 Professor Cassell made. He did not refer to the  
 00:53:47 16 length of the answers, but rather their  
 00:53:47 17 nonresponsiveness.  
 00:53:47 18 BY MR. SIMPSON:  
 00:53:52 19 Q. Let me -- let me ask a different question.  
 00:53:55 20 Go back to the flight logs themselves.  
 00:53:57 21 A. Okay.  
 00:53:57 22 Q. My initial question that got us going down  
 00:54:01 23 this line was: Isn't it true that the flight logs  
 00:54:05 24 themselves support Professor Dershowitz's testimony that  
 00:54:13 25 he was never on a plane with [REDACTED] face

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:54:17 1 of the flight logs support that proposition?  
 00:54:20 2 A. The face of the flight logs for the relevant  
 00:54:23 3 period of time, we can call it the hot period of time or  
 00:54:25 4 whatever you want, did not reveal the presence of  
 00:54:27 5 Mr. Dershowitz on those flights, yes.  
 00:54:29 6 Q. Okay. So during the period -- well,  
 00:54:32 7 actually, there's no flight log that shows Virginia  
 00:54:34 8 Roberts and Professor Dershowitz on the same airplane,  
 00:54:37 9 correct?  
 00:54:37 10 A. That's my understanding, yes.  
 00:54:39 11 Q. And --  
 00:54:39 12 MR. SCAROLA: By name. You're -- you're --  
 00:54:39 13 MS. McCAWLEY: And it --  
 00:54:41 14 MR. SCAROLA: -- asking whether she was there  
 00:54:43 15 identified by name?  
 00:54:45 16 BY MR. SIMPSON:  
 00:54:47 17 Q. To your knowledge, isn't it correct that  
 00:54:49 18 there is no flight log that's been produced in this case  
 00:54:51 19 by any party that reflects Professor Dershowitz and  
 00:54:55 20 [REDACTED] same plane, as you read the  
 00:54:58 21 flight log?  
 00:54:59 22 MR. SCAROLA: I'm sorry. Are you asking  
 00:55:02 23 whether those same names appear on the flight log  
 00:55:06 24 together?  
 00:55:06 25 MR. SIMPSON: My question, I think, is

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:55:06 1 perfectly clear.  
 00:55:08 2 BY MR. SIMPSON:  
 00:55:08 3 Q. My question, Mr. Cassell, is: You reviewed  
 00:55:11 4 the flight logs, correct?  
 00:55:12 5 A. Correct.  
 00:55:12 6 Q. You reviewed them in some detail, correct?  
 00:55:14 7 A. Correct.  
 00:55:15 8 Q. Is there any entry on those flight lines --  
 00:55:17 9 logs that you read as putting Professor Dershowitz and  
 00:55:21 10 Miss Roberts on the same plane?  
 00:55:23 11 A. No.  
 00:55:24 12 Q. And so your testimony about questions about  
 00:55:26 13 the completeness and accuracy of those flight logs goes  
 00:55:33 14 to whether the logs are -- let me rephrase that.  
 00:55:39 15 The answer that you gave about your question  
 00:55:43 16 as -- your views as to the completeness of the flight  
 00:55:47 17 logs and whether they may have been changed in some  
 00:55:50 18 ways, goes to whether those logs are conclusive, not  
 00:55:54 19 whether they, in fact, support Professor Dershowitz's  
 00:55:58 20 testimony that he was not on a plane with Virginia  
 00:56:02 21 Roberts?  
 00:56:03 22 MR. SCAROLA: I'm going to object to the form  
 00:56:04 23 of the question as vague and ambiguous. I don't  
 00:56:08 24 understand it.  
 00:56:08 25 THE WITNESS: And I won't give a long answer,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:56:08 1 but I -- I think, as I previously indicated, you  
 00:56:11 2 can't just look at the face of these documents  
 00:56:14 3 without -- with -- you know, against the context  
 00:56:17 4 of an international sex trafficking ring that's  
 00:56:19 5 trying to cover up what it's doing. You can't  
 00:56:21 6 just look and documents and assume that they are  
 00:56:22 7 100 percent accurate without that -- having that  
 00:56:24 8 context in mind.  
 00:56:25 9 BY MR. SIMPSON:  
 00:56:26 10 Q. And so am I right, that on the face of the  
 00:56:29 11 flight logs, there's nothing showing [REDACTED]  
 00:56:32 12 and Professor Dershowitz on the same [REDACTED]  
 00:56:35 13 A. That's correct.  
 00:56:35 14 Q. And -- go on.  
 00:56:40 15 And so do I understand correctly that your  
 00:56:57 16 position is that the flight logs may not be complete or  
 00:57:06 17 may have been changed, but you do not dispute, that on  
 00:57:10 18 their face, they support Professor Dershowitz's  
 00:57:13 19 testimony?  
 00:57:14 20 MR. SCAROLA: Objection.  
 00:57:16 21 MS. McCAWLEY: Objection.  
 00:57:16 22 MR. SCAROLA: Compound.  
 00:57:16 23 THE WITNESS: Could you just aggregate that?  
 00:57:19 24 BY MR. SIMPSON:  
 00:57:20 25 Q. You follow the objections very well.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

00:57:22 1 A. I was thinking of that as well.  
 00:57:22 2 BY MR. SIMPSON:  
 00:57:22 3 Q. Let me --  
 00:57:23 4 A. I wasn't --  
 00:57:23 5 Q. Let me --  
 00:57:25 6 A. -- following their answer.  
 00:57:25 7 Q. Let me -- let me just ask a different  
 00:57:27 8 question.  
 00:57:27 9 A. Sure. Thanks.  
 00:57:31 10 Q. You testified that you have -- at some  
 00:57:35 11 length, about why you question the accuracy of the  
 00:57:40 12 flight logs, correct?  
 00:57:43 13 A. Correct.  
 00:57:43 14 Q. But I may be redundant, but you don't  
 00:57:45 15 question that what they show on their face supports  
 00:57:48 16 Professor Dershowitz's testimony --  
 00:57:48 17 MS. McCAWLEY: Objection.  
 00:57:48 18 BY MR. SIMPSON:  
 00:57:50 19 Q. -- that he was not on a plane with Virginia  
 00:57:52 20 Roberts?  
 00:57:53 21 A. The -- you know, the -- the sex trafficking  
 00:57:56 22 ring run by Jeffrey Epstein has produced Epstein flight  
 00:57:59 23 logs that appear to show that -- that Dershowitz and  
 00:58:04 24 [REDACTED] not on the plane, so...  
 00:58:06 25 [REDACTED] er to my question is, yes?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:58:09 1 MR. SCAROLA: I'm sorry.  
 00:58:09 2 THE WITNESS: Which question now?  
 00:58:10 3 MR. SIMPSON: The question you just -- could  
 00:58:12 4 you read back my -- my question and the answer?  
 00:58:12 5 BY MR. SIMPSON:  
 00:58:31 6 Q. Let me ask it again.  
 00:58:31 7 A. Okay.  
 00:58:31 8 Q. That's fine.  
 00:58:33 9 A. I mean, I thought I was --  
 00:58:33 10 MR. SCAROLA: There's no question pending.  
 00:58:34 11 THE WITNESS: I'm sorry.  
 00:58:35 12 BY MR. SIMPSON:  
 00:58:35 13 Q. What were you about to say?  
 00:58:36 14 A. I was about to say that the records that they  
 00:58:39 15 produced -- I'm -- I'm sorry...  
 00:58:42 16 Q. The records -- the records that were  
 00:58:44 17 produced --  
 00:58:44 18 A. On -- on their face, I cannot give you a  
 00:58:47 19 flight log that ha [REDACTED] Alan Dershowitz  
 00:58:50 20 sitting next to each other, yes.  
 00:58:51 21 Q. And you also -- you also testified a moment  
 00:58:54 22 ago that Professor Dershowitz in his testimony in the  
 00:58:57 23 last couple of days, had testified tha [REDACTED]  
 00:59:03 24 had been arrested for stealing cash; [REDACTED]  
 00:59:08 25 you recall that?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

00:59:08 1 A. I recall his testimony to that effect, yes.  
 00:59:10 2 Q. And you testified that no support for that  
 00:59:14 3 had been produced in discovery; is that correct?  
 00:59:16 4 A. That's my understanding, yes.  
 00:59:17 5 Q. Isn't it true that in Mr. Alessi's  
 00:59:20 6 deposition, he describes that under oath and says that  
 00:59:23 7 it happened?  
 00:59:24 8 A. I don't have a recollection of criminal  
 00:59:27 9 charges having been discussed in the Alessi deposition.  
 00:59:31 10 Q. Is it -- well, let me -- let me ask you: Is  
 00:59:34 11 it your testimony that you understood that, in fact,  
 00:59:40 12 Miss Roberts had been accused of stealing money from her  
 00:59:44 13 employer?  
 00:59:47 14 MS. McCAWLEY: I'm going to object to the  
 00:59:48 15 extent it gets into any conversations that you  
 00:59:49 16 had with Virginia on any of these issues.  
 00:59:52 17 THE WITNESS: Yeah, I'm trying to -- if your  
 00:59:55 18 question is about the Alessi depo, I don't --  
 00:59:58 19 don't immediately recall him discussing --  
 01:00:01 20 discussing them.  
 01:00:03 21 BY MR. SIMPSON:  
 01:00:04 22 Q. If I represent to you that Mr. Alessi, in his  
 01:00:07 23 deposition, referred to a police report and an arrest of  
 01:00:11 24 Miss Roberts, do you have any reason to question that?  
 01:00:13 25 MR. SCAROLA: Could we -- could we pull out

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:00:14 1 the deposition? And if you have got a reference  
 01:00:16 2 in the deposition, let's take a look at it.  
 01:00:17 3 MR. SIMPSON: I'm just asking for his  
 01:00:18 4 recollection right now. The document will speak  
 01:00:20 5 for itself. But I want to --  
 01:00:21 6 MR. SCAROLA: Yes, it will.  
 01:00:21 7 MR. SIMPSON: He -- he made a very serious  
 01:00:23 8 accusation. I would like to get an answer to my  
 01:00:25 9 question. Does he recall whether, in that  
 01:00:27 10 deposition that all the parties in this case  
 01:00:29 11 have, Mr. Alessi said under oath, that she had  
 01:00:32 12 been arrested and charged with stealing from her  
 01:00:34 13 employer.  
 01:00:35 14 THE WITNESS: When you -- the question built  
 01:00:37 15 in a serious accusation, the -- the -- the -- the  
 01:00:39 16 statement I was making is that we had propounded  
 01:00:42 17 an interrogatory to Mr. Dershowitz saying:  
 01:00:44 18 What's the basis for your assertion that  
 01:00:46 19 Miss Roberts had a criminal record? And that  
 01:00:49 20 answer didn't refer to an Alessi depo. If it --  
 01:00:51 21 this is one of the problems that I'm having.  
 01:00:53 22 When -- when -- you know, when you come into  
 01:00:56 23 a deposition, both sides are supposed to turn  
 01:00:58 24 everything over. And then if I get a question  
 01:01:00 25 about, well, what if -- you know, we're relying

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:01:01 1 on this piece of the Alessi depo and it's not in  
 01:01:03 2 the answers to interrogatories, it's hard for me  
 01:01:05 3 to -- to give an answer to that. So -- so that's  
 01:01:07 4 the -- that's the concern I have.  
 01:01:10 5 MR. SIMPSON: I move -- I move to strike as  
 01:01:11 6 nonresponsive.  
 01:01:11 7 BY MR. SIMPSON:  
 01:01:12 8 Q. My question went to whether -- let me back  
 01:01:18 9 up. If -- if I'm -- unless I misunderstood you --  
 01:01:21 10 MR. SCAROLA: The question was: Did he  
 01:01:23 11 recall the contents --  
 01:01:23 12 MR. SIMPSON: I'm asking the question.  
 01:01:23 13 MR. SCAROLA: -- of the Alessi deposition.  
 01:01:24 14 MR. SIMPSON: I'm withdrawing it. I will ask  
 01:01:25 15 a new question.  
 01:01:26 16 MR. SCAROLA: Okay. Thank you.  
 01:01:26 17 BY MR. SIMPSON:  
 01:01:27 18 Q. I understood you in your -- the long answer  
 01:01:32 19 that you gave a while ago to suggest that Professor  
 01:01:36 20 Dershowitz had either testified falsely or failed to  
 01:01:41 21 provide relevant information on which he was basing his  
 01:01:44 22 testimony about Miss Roberts's arrest; is that right?  
 01:01:46 23 A. Yes.  
 01:01:46 24 Q. And that assertion would be incorrect if  
 01:01:50 25 there's a deposition in this case that all the parties

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:01:53 1 have that include that information?  
 01:01:55 2 MR. SCAROLA: Mr. Simpson, there was an  
 01:01:58 3 express reference to an answer to interrogatory,  
 01:02:01 4 and the absence of any reference to an arrest for  
 01:02:06 5 theft in your client's sworn answer to  
 01:02:09 6 interrogatory. That's --  
 01:02:09 7 MR. SIMPSON: We -- we --  
 01:02:11 8 MR. SCAROLA: -- exactly what the testimony  
 01:02:12 9 was.  
 01:02:12 10 MR. SIMPSON: If you object to the form,  
 01:02:13 11 please just object to the form. I think it's a  
 01:02:15 12 proper question --  
 01:02:17 13 MR. SCAROLA: I -- I object --  
 01:02:17 14 MR. SIMPSON: -- in our discovery response.  
 01:02:18 15 MR. SCAROLA: -- I object to your  
 01:02:19 16 misrepresentation of the earlier testimony. I'm  
 01:02:21 17 sure it was not intentional, and that's why I'm  
 01:02:25 18 calling it to your attention so that we don't go  
 01:02:27 19 down a rabbit trail.  
 01:02:30 20 MR. SIMPSON: I'm not going down any rabbit  
 01:02:32 21 trail. I'm really -- objection to the form will  
 01:02:34 22 preserve it.  
 01:02:34 23 BY MR. SIMPSON:  
 01:02:37 24 Q. My question is whether you were aware at the  
 01:02:44 25 time that Professor Dershowitz testified that, in fact,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:02:48 1 Mr. Alessi had also testified previously about the  
 01:02:54 2 arrest of Miss Roberts for stealing from her employer?  
 01:02:57 3 A. I didn't recall that. If that's in there,  
 01:03:00 4 you're -- you're making a representation, and I know  
 01:03:01 5 you're a fine lawyer, so I'll accept your  
 01:03:04 6 representation.  
 01:03:05 7 I didn't recall that when he was testifying  
 01:03:06 8 a -- a day or two ago on that subject.  
 01:03:15 9 MR. SCAROLA: We have been going for about an  
 01:03:17 10 hour. Is it time to take a break? Is that  
 01:03:19 11 convenient for you?  
 01:03:19 12 MR. SIMPSON: We can take a break now.  
 01:03:21 13 THE VIDEOGRAPHER: We are going off the video  
 01:03:22 14 record, 9:35 a.m.  
 01:15:01 15 (Thereupon, a recess was taken.)  
 01:15:01 16 THE VIDEOGRAPHER: We are back on the video  
 01:15:28 17 record, 9:47 a.m.  
 01:15:30 18 THE WITNESS: I need to take two minutes, if  
 01:15:34 19 I may, and just supplement the long answer that I  
 01:15:34 20 gave about the series of things.  
 01:15:36 21 By looking over my checklist, I noticed that  
 01:15:38 22 item 5 of the 12 items was not given during my  
 01:15:42 23 testimony. I'm --  
 01:15:42 24 BY MR. SIMPSON:  
 01:15:44 25 Q. I don't -- I'm not going to ask about item 5.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:15:45 1 It's in the record as part of your -- your -- your --  
 01:15:49 2 A. I would like to just supplement --  
 01:15:50 3 MR. SCAROLA: That's fine. That's fine. If  
 01:15:51 4 you don't want to hear it, that's okay.  
 01:15:51 5 THE WITNESS: I'd like --  
 01:15:53 6 MR. SCAROLA: Just as long as it's noted that  
 01:15:54 7 there was an inadvertent omission.  
 01:15:56 8 THE WITNESS: Yeah.  
 01:15:56 9 BY MR. SIMPSON:  
 01:15:58 10 Q. As part of -- I'm going to go back actually  
 01:16:02 11 to --  
 01:16:02 12 A. Sure.  
 01:16:02 13 Q. -- the questions I was asking. One question  
 01:16:06 14 about the -- the flight logs again.  
 01:16:08 15 A. Okay.  
 01:16:08 16 Q. It's true, is it not, that you have no  
 01:16:12 17 personal knowledge as to whether Professor Dershowitz or  
 01:16:15 18 some other member of Jeffrey Epstein's defense team  
 01:16:21 19 prepared those logs for production to the government?  
 01:16:23 20 A. I don't have personal knowledge of -- of  
 01:16:25 21 that, that's right.  
 01:16:26 22 Q. And you would agree, would you not, that it's  
 01:16:33 23 the duty of a defense counsel to represent a client  
 01:16:38 24 zealously within the bounds of the law, correct?  
 01:16:40 25 A. Correct.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:16:41 **1** Q. In fact, I think you testified yesterday  
 01:16:44 **2** about your duty with respect to Miss Roberts along those  
 01:16:47 **3** lines, correct?  
 01:16:48 **4** A. **That's right.**  
 01:16:48 **5** Q. And so with respect to Professor Dershowitz's  
 01:16:52 **6** representation of Jeffrey Epstein, he would have been  
 01:16:57 **7** acting unethically if he didn't attempt to negotiate the  
 01:17:00 **8** best resolution for his client that he could, consistent  
 01:17:05 **9** with the law; is that correct?  
 01:17:06 **10** A. **Right. Consistent with the law, yes.**  
 01:17:09 **11** Q. And so you wouldn't --  
 01:17:09 **12** A. **I'm sorry. Let me just -- consistent with**  
 01:17:11 **13 the law and with the ethical obligations of attorneys.**  
 01:17:14 **14 Attorneys cannot make, for example, false**  
 01:17:16 **15 representations when they are negotiating those kinds of**  
 01:17:18 **16 things.**  
 01:17:18 **17** Q. Right. The duty as a defense counsel,  
 01:17:22 **18** Professor Dershowitz's duty was to attempt to obtain the  
 01:17:27 **19** best resolution he could for Jeffrey Epstein consistent  
 01:17:31 **20** with the law and legal ethics, correct?  
 01:17:34 **21** A. **That's correct.**  
 01:17:34 **22** Q. And, in fact, if he had not done that, he  
 01:17:39 **23** would have been acting unethically, correct?  
 01:17:41 **24** A. **That's correct.**  
 01:17:41 **25** Q. And would you agree that it would be  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:17:46 **1** inappropriate, totally inappropriate, to infer anything  
 01:17:55 **2** negative about an attorney because the attorney  
 01:17:58 **3** represented someone accused of heinous crimes?  
 01:18:01 **4** A. **Just the fact of representation alone?**  
 01:18:04 **5** Q. Yes.  
 01:18:04 **6** A. **Yeah, that's right. Sure, of course,**  
 01:18:06 **7 everyone is entitled to a defense.**  
 01:18:08 **8** Q. As -- before December 30th of 2014, had you  
 01:18:18 **9** reviewed the Palm Beach Police report?  
 01:18:22 **10** A. **Portions of it, yes.**  
 01:18:23 **11** Q. Had you reviewed the entire report?  
 01:18:25 **12** A. **I think I reviewed most of it, but I don't**  
 01:18:31 **13 think I've gone through it page by page.**  
 01:18:32 **14** Q. When did you do that?  
 01:18:35 **15** A. **Well, let's see. Before December 30th, 2014,**  
 01:18:41 **16 Brad and I filed the case in about July 2008, so it was**  
 01:18:49 **17 about a six-year period of time, and I remember I'd been**  
 01:18:56 **18 to Florida a couple of times on this case, once in 2010**  
 01:19:03 **19 and I think another a year or two later. And I**  
 01:19:07 **20 remember, at least on one of those times, reviewing the**  
 01:19:09 **21 report here with -- I don't know if I can...**  
 01:19:15 **22** MS. McCAWLEY: Yeah. I wouldn't go into  
 01:19:15 **23** anything.  
 01:19:15 **24** THE WITNESS: To the -- right. So we just --  
 01:19:15 **25** we just want to know --  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:19:19 **1** MS. McCAWLEY: The location is fine.  
 01:19:20 **2** THE WITNESS: The location, once  
 01:19:22 **3** personally -- once here in Florida, and then in  
 01:19:25 **4** my office in -- while in Salt Lake City.  
 01:19:25 **5** BY MR. SIMPSON:  
 01:19:28 **6** Q. And are you able to place in time when you  
 01:19:29 **7** reviewed these portions of the police report, other than  
 01:19:35 **8** before December 30th of 2014?  
 01:19:37 **9** A. **Not precisely, no.**  
 01:19:40 **10** Q. And do I understand correctly from your  
 01:19:42 **11** testimony yesterday that that police report is one of  
 01:19:47 **12** the things you relied on to support making the  
 01:19:51 **13** allegations against Professor Dershowitz that are  
 01:19:54 **14** included in the joinder motion?  
 01:19:56 **15** A. **That's right.**  
 01:19:56 **16** Q. It's also true, is it not, that that police  
 01:20:01 **17** report includes an interview with an adult woman who was  
 01:20:07 **18** retained to provide massages at Jeffrey Epstein's  
 01:20:11 **19** residence for guests, among others; isn't that correct?  
 01:20:14 **20** A. **I believe that's correct.**  
 01:20:16 **21** Q. And based on that, is it your testimony that  
 01:20:20 **22** it's fair to presume that a reference that a guest got a  
 01:20:24 **23** massage is a code word for abusing a minor sexually?  
 01:20:31 **24** MR. SCAROLA: I'm sorry. Are you -- are you  
 01:20:33 **25** isolating --  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:20:33 **1** MR. SIMPSON: I don't -- I don't want a  
 01:20:34 **2** speech, Mr. Scarola. If you object to the form,  
 01:20:36 **3** object to the form, and I -- if it's not a proper  
 01:20:38 **4** question --  
 01:20:38 **5** MR. SCAROLA: I want a clarification of the  
 01:20:39 **6** question, please. Are you isolating only that  
 01:20:39 **7** piece --  
 01:20:39 **8** MR. SIMPSON: I -- the question --  
 01:20:41 **9** MR. SCAROLA: -- of information?  
 01:20:42 **10** MR. SIMPSON: I'm -- I am asking a question  
 01:20:45 **11** that's perfectly clear. If you think it's  
 01:20:46 **12** objectionable, it won't -- it will stand.  
 01:20:49 **13** MR. SCAROLA: I'm going to object on the  
 01:20:50 **14** basis that it is vague and ambiguous. It is  
 01:20:53 **15** unclear whether you're asking for him --  
 01:20:55 **16** MR. SIMPSON: Please don't coach the witness.  
 01:20:56 **17** MR. SCAROLA: -- to isolate -- to isolate his  
 01:20:59 **18** focus to that single piece of evidence.  
 01:20:59 **19** MR. SIMPSON: I object on the coaching of the  
 01:21:01 **20** witness.  
 01:21:01 **21** BY MR. SIMPSON:  
 01:21:02 **22** Q. My question is: Is it reasonable,  
 01:21:06 **23** considering that the police report on its face shows  
 01:21:11 **24** evidence -- let me back this up. Ask another question  
 01:21:16 **25** to you.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:21:16 1 Are you aware that the police report reflects  
 01:21:21 2 that the woman I referred to who was hired to give  
 01:21:24 3 massages, told them that she never touched anyone  
 01:21:28 4 inappropriately?  
 01:21:29 5 **A. I think that there are -- there is**  
 01:21:32 6 **information along those lines in the police report, yes.**  
 01:21:34 7 **Q.** Okay. And so do you acknowledge that the  
 01:21:37 8 police report, on its face, reflects both reports of  
 01:21:41 9 massages that involved improper sexual contact --  
 01:21:45 10 contact and massages that were perfectly legitimate?  
 01:21:50 11 **A. Yes, but not in the same proportion.**  
 01:21:54 12 **Q.** My question wasn't proportion. The -- the  
 01:21:57 13 report on its face, you understood, reflected that there  
 01:22:01 14 were massages given at Mr. Epstein's residence that were  
 01:22:06 15 perfectly legitimate?  
 01:22:08 16 **A. Some -- it was basically a few isolated**  
 01:22:13 17 **examples from what I could see.**  
 01:22:14 18 **Q.** So you would characterize what was said in  
 01:22:18 19 the police report as "a few isolated examples"?  
 01:22:21 20 **A. Well, given the backdrop that they had --**  
 01:22:25 21 **Q.** No. My question -- it's a yes or no  
 01:22:26 22 question. Is that how you would characterize it?  
 01:22:27 23 **MR. SCAROLA:** Excuse me. The witness is not  
 01:22:29 24 confined to answering yes or no, if yes or no  
 01:22:31 25 would be misleading.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:23:34 1 **A. That sounds accurate with the information I**  
 01:23:37 2 **have, yes, she doesn't sound like she would fit his**  
 01:23:40 3 **type.**  
 01:23:40 4 **Q.** And so do you agree with me then --  
 01:23:42 5 **A. And she's over the age of 18, which is**  
 01:23:44 6 **another reason why wouldn't fit his type, so...**  
 01:23:47 7 **Q.** But you acknowledge that -- that this  
 01:23:50 8 woman -- that the police report reflects a woman over --  
 01:23:54 9 well over the age of 18, being hired to give perfectly  
 01:23:57 10 legitimate massages, correct?  
 01:23:58 11 **A. Yeah. That was cover for the sex trafficking**  
 01:24:01 12 **that was going on.**  
 01:24:01 13 **Q.** Okay. So you're now -- does the police  
 01:24:04 14 report say "it was cover" --  
 01:24:04 15 **A. That was --**  
 01:24:05 16 **Q.** -- "for the sex trafficking"?  
 01:24:07 17 **A. That was my conclusion when I reviewed the**  
 01:24:09 18 **materials.**  
 01:24:09 19 **Q.** Okay. So your inclusion is that a  
 01:24:11 20 fair-minded reader of the police report would come to  
 01:24:14 21 that conclusion?  
 01:24:15 22 **A. December 30th of 2014, knowing what we know**  
 01:24:18 23 **now, yes.**  
 01:24:19 24 **Q.** Do you consider yourself a very suspicious  
 01:24:24 25 person?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:22:33 1 BY MR. SIMPSON:  
 01:22:33 2 **Q.** It's a different position than was taken  
 01:22:35 3 previously, but --  
 01:22:36 4 **A. I mean, I was just going to give one**  
 01:22:38 5 **sentence, and the one sentence would be, in the context**  
 01:22:41 6 **of this whole police report where they had 24,**  
 01:22:44 7 **approximately, minor girls who were -- who were being**  
 01:22:47 8 **sexually abused, the references to legitimate massages I**  
 01:22:51 9 **would view as isolated.**  
 01:22:53 10 **Q.** So you're coming to the conclusion, looking  
 01:22:56 11 at the police report, that they are isolated; is that  
 01:22:59 12 right?  
 01:22:59 13 **A. Yes.**  
 01:23:01 14 **Q.** And do you think a fair-minded reader of the  
 01:23:04 15 police report would reach that conclusion?  
 01:23:05 16 **A. Absolutely.**  
 01:23:07 17 **Q.** And were you aware that the police report, to  
 01:23:12 18 give a bit more detail, reflected that a woman who was  
 01:23:14 19 described as having tattoos was hired to give  
 01:23:17 20 deep-tissue Swedish massages. Do you recall that being  
 01:23:20 21 in the -- in the police report?  
 01:23:22 22 **A. Something along those lines, yes.**  
 01:23:23 23 **Q.** And she also -- that woman also told the  
 01:23:26 24 police that she was not Jeffrey Epstein's type, that she  
 01:23:30 25 wasn't thin, had tattoos, didn't fit his type?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:24:25 1 **A. No.**  
 01:24:25 2 **Q.** Do you consider yourself a conspira -- having  
 01:24:31 3 a conspiratorial view?  
 01:24:31 4 **A. Absolutely not.**  
 01:24:34 5 **Q.** Do you consider yourself a crusader?  
 01:24:36 6 **A. Well, crusader for justice, I would say, yes.**  
 01:24:41 7 **Q.** If -- let me put it this way: In your view,  
 01:24:49 8 is evidence that a person, any person, any guest at  
 01:24:54 9 Mr. Epstein's house had a massage, evidence that that  
 01:25:01 10 person engaged in criminal sexual conduct, contact with  
 01:25:07 11 minors, because of the fact of having a massage?  
 01:25:13 12 **A. You'd have to look at the context.**  
 01:25:16 13 **Q.** On its own, is it any evidence -- doesn't  
 01:25:19 14 it -- is it any evidence at all, in your view?  
 01:25:21 15 **A. It would be some evidence, yes.**  
 01:25:22 16 **Q.** Notwithstanding that the report, on its face,  
 01:25:26 17 reflects both legitimate and illegitimate massages?  
 01:25:30 18 **A. The report on its face, let's be clear,**  
 01:25:32 19 **reflects a lot of illegitimate sag -- massages and a**  
 01:25:36 20 **sporadic or isolated, you know, legitimate massages. So**  
 01:25:38 21 **the fact that somebody gets a massage in that context,**  
 01:25:42 22 **I -- I think is -- is -- raises, you know, the concerns**  
 01:25:45 23 **we have been talking about.**  
 01:25:47 24 **Q.** Did you, before December 30th of 2014,  
 01:26:03 25 yourself personally, review what I think you referred to

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:26:07 1 in your testimony yesterday as the holy grail, an  
 01:26:12 2 address book of Mr. Epstein?  
 01:26:17 3 **A. Pieces of it, yes.**  
 01:26:18 4 **Q. Did you review the entire document?**  
 01:26:21 5 **A. No.**  
 01:26:21 6 **Q. Did I understand yesterday that you**  
 01:26:25 7 **testified -- did I understand correctly yesterday, that**  
 01:26:26 8 **you testified that the fact that names were circled**  
 01:26:33 9 **indicated that those persons likely engaged in illegal**  
 01:26:39 10 **sexual contact with minors?**  
 01:26:41 11 **A. My -- my impression is the names that were**  
 01:26:44 12 **circled were circled by Alfredo Rodriguez when he was**  
 01:26:47 13 **busted by the FBI for involvement, and he was asked to**  
 01:26:51 14 **identify those who would have information about the sex**  
 01:26:54 15 **trafficking organization. And my -- based on all the**  
 01:26:58 16 **evidence I have, I believe the names that were circled**  
 01:27:00 17 **were those who would have that kind of information.**  
 01:27:02 18 **Q. So is it your testimony that if the name is**  
 01:27:05 19 **circled, it indicates that they have information, or**  
 01:27:08 20 **that they are criminals?**  
 01:27:09 21 **A. That they would have information about the**  
 01:27:12 22 **sex trafficking organization, and that would probably**  
 01:27:15 23 **mean that they were part of the organization. It may**  
 01:27:18 24 **mean that they were witnesses to what the organization**  
 01:27:19 25 **was doing.**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:27:20 1 **But they would have information that the FBI,**  
 01:27:24 2 **among other law enforcement agencies, should be**  
 01:27:26 3 **following up on, if they are trying to piece together**  
 01:27:28 4 **what the sex trafficking organization was doing.**  
 01:27:32 5 **Q. Would you agree that a fair-minded person,**  
 01:27:37 6 **with that background that you just described, would not**  
 01:27:41 7 **go to the conclusion that the fact that a name is**  
 01:27:44 8 **circled indicates that that person has engaged in**  
 01:27:46 9 **criminal conduct?**  
 01:27:48 10 **A. They -- what it would indicate is that they**  
 01:27:51 11 **had information relevant to criminal activity. Now,**  
 01:27:54 12 **would they on the -- just the fact that a name was**  
 01:27:55 13 **circled, standing alone, reach that conclusion?**  
 01:27:59 14 **Well, that's a hypothetical question because**  
 01:28:01 15 **obviously in this case, there's lots of other**  
 01:28:02 16 **information.**  
 01:28:02 17 **Q. Did you understand -- it is true, is it not,**  
 01:28:06 18 **that Mr. Rodriguez was trying to sell that book?**  
 01:28:09 19 **A. That's true.**  
 01:28:10 20 **Q. And is it not also true that the people who**  
 01:28:13 21 **are circled are famous people?**  
 01:28:15 22 **A. I'd have to refresh my recollection as to**  
 01:28:22 23 **exactly who was circled, but I know that some famous**  
 01:28:25 24 **people were circled and some famous people were not**  
 01:28:29 25 **circled.**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:28:29 1 **Q. Would it be a reasonable inference, or a**  
 01:28:36 2 **possible reasonable inference to draw, that**  
 01:28:39 3 **Mr. Rodriguez was trying to highlight people who would**  
 01:28:42 4 **be of interest to the Press for purposes of selling the**  
 01:28:45 5 **book?**  
 01:28:46 6 **A. No, because he was not talking to the Press.**  
 01:28:49 7 **He was talking to an FBI agent who had busted him for**  
 01:28:52 8 **criminal activity. And so I was assuming that what he**  
 01:28:54 9 **was trying to do, as many criminals do when they are**  
 01:28:58 10 **apprehended, was give information to law enforcement**  
 01:29:01 11 **agency that would be helpful so that they can catch**  
 01:29:03 12 **other "bigger fishes" is the phrase that's sometimes**  
 01:29:06 13 **used, so that the little fish would -- would get off or**  
 01:29:09 14 **get a cooperation deal from the law enforcement agency.**  
 01:29:12 15 **He was talking -- let's be clear. He was**  
 01:29:14 16 **talking to somebody he understood was an FBI agent at**  
 01:29:17 17 **the time, and so that was the context of the**  
 01:29:18 18 **conversation.**  
 01:29:19 19 **Q. Do you have any personal knowledge that it's**  
 01:29:22 20 **in the context of talking to the FBI that Mr. Rodriguez**  
 01:29:25 21 **circled those names?**  
 01:29:26 22 **A. I have reviewed -- I know I could refresh my**  
 01:29:30 23 **recollection here, but there's an FBI 302, a report of**  
 01:29:33 24 **interview of the circumstances surrounding**  
 01:29:35 25 **Mr. Rodriguez's arrest, and I believe I reviewed that**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:29:38 1 **302.**  
 01:29:39 2 **Q. Do you know whether the FBI, at any point,**  
 01:29:47 3 **contacted Professor Dershowitz to discuss any evidence**  
 01:29:53 4 **he might have after his name was circled on this**  
 01:29:56 5 **document?**  
 01:29:57 6 **A. I don't have personal knowledge of what the**  
 01:29:58 7 **FBI did to follow up after that.**  
 01:30:01 8 **Q. Okay. One of the names that's circled in the**  
 01:30:05 9 **book is Courtney Love. Do you know who she is?**  
 01:30:08 10 **A. Not off the top of my head, no.**  
 01:30:12 11 **Q. If I mention to you or if I represent that**  
 01:30:16 12 **she's a famous actress, any reason to question that?**  
 01:30:19 13 **A. No.**  
 01:30:21 14 **Q. In your view, was Courtney Love involved in**  
 01:30:25 15 **sex trafficking?**  
 01:30:26 16 **A. I don't know.**  
 01:30:27 17 **Q. In your view, was Courtney Love a witness to**  
 01:30:32 18 **sex trafficking?**  
 01:30:33 19 **A. If -- is there a way -- are you representing**  
 01:30:36 20 **her name is circled?**  
 01:30:38 21 **Q. Her name is circled on the book. In fact, we**  
 01:30:40 22 **can show it --**  
 01:30:40 23 **A. Okay. Yeah.**  
 01:30:40 24 **Q. It is circled on the book.**  
 01:30:42 25 **A. Okay. Sure. Yeah, I mean, my -- my**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:30:44 **1** understanding would be that if her -- and this is --

01:30:46 **2** could I ask a question about the circling -- or your

01:30:48 **3** representation?

01:30:50 **4** Is the circling the same type of circling

01:30:52 **5** that is done for Mr. Dershowitz, for example? Is it the

01:30:56 **6** same, you know, handwriting, same ink, same -- same

01:30:59 **7** appearance? You know, if it's consistent with the

01:31:02 **8** circling -- are you representing it's consistent with

01:31:04 **9** the circling?

01:31:07 **10** Q. Mr. Cassell, we have a document produced in

01:31:09 **11** discovery that has various names circled. Looking at

01:31:14 **12** the document, I don't see any difference among the

01:31:17 **13** circles. Are you aware of any document --

01:31:20 **14** MR. SCAROLA: Could we have a look -- could

01:31:21 **15** we see the document?

01:31:25 **16** MR. SIMPSON: Take a -- go off the record for

01:31:28 **17** one moment.

01:31:28 **18** THE WITNESS: We are going off the video

01:31:30 **19** record, 10:03.

01:36:22 **20** (Thereupon, a recess was taken.)

01:36:22 **21** THE VIDEOGRAPHER: We are back on the video

01:36:24 **22** record, 10:08 a.m.

01:36:30 **23** MR. SIMPSON: Okay. Back on the record. I'm

01:36:31 **24** going to ask the reporter to mark as Cassell

01:36:36 **25** Exhibit 5, a multi-page document. It's a copy of

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:36:44 **1** the address book we have been speaking about, and

01:36:49 **2** ask that Doc -- Mr. Cassell to take a look at

01:36:51 **3** this, and I'm going to ask him about certain of

01:36:55 **4** the entries.

01:37:03 **5** (Cassell's I.D. Exhibit No. 5 - copy of

01:37:03 **6** address book was marked for identification.)

01:37:03 **7** MR. SIMPSON: And I will note, I put a few

01:37:03 **8** flags on here --

01:37:03 **9** THE WITNESS: Sure.

01:37:06 **10** MR. SIMPSON: -- to direct your attention --

01:37:06 **11** THE WITNESS: Correct, yeah.

01:37:09 **12** MR. SIMPSON: -- which we can -- I'll note

01:37:10 **13** the pages for the record just so we have them.

01:37:16 **14** 38, 76, and 85.

01:37:24 **15** THE WITNESS: Okay. I just -- I just want to

01:37:25 **16** take two minutes or so --

01:37:25 **17** BY MR. SIMPSON:

01:37:27 **18** Q. Yeah. Take -- take a moment to look at it.

01:37:29 **19** A. Okay. I want to make a few notes, if that's

01:38:07 **20** all right, just to get them in --

01:38:07 **21** Q. You're going to mark on the --

01:38:09 **22** A. No, not on the exhibit. I'm just going to

01:38:11 **23** make notes to refresh my recollection so we don't have

01:38:13 **24** to take time. I'm just -- I'm just making notes of the

01:38:15 **25** context here. This will just take another minute is

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:38:22 **1** all.

01:38:23 **2** Q. Take as long as you want to look at the

01:38:26 **3** document.

01:38:27 **4** A. Super. Thank you.

01:38:51 **5** Okay. Yeah. I think I'm -- I'm oriented

01:38:54 **6** now. But I haven't looked at the Love entry.

01:38:54 **7** Q. My -- my first --

01:38:57 **8** A. I want to look at the Love --

01:38:57 **9** Q. -- question is: Is this a copy of the

01:39:02 **10** address book that you referred to in your testimony?

01:39:05 **11** A. Yes.

01:39:05 **12** Q. Okay. And if you would take a look at the --

01:39:08 **13** I've marked the entries for Courtney Love. Take a look

01:39:13 **14** at that one.

01:39:13 **15** A. All right. I see it.

01:39:14 **16** Q. Okay. And then if you look at the last

01:39:16 **17** entry, there's an entry for Professor Dershowitz that's

01:39:21 **18** also circled. It should be on the flag. It's

01:39:26 **19** two-sided.

01:39:28 **20** A. Oh, yeah.

01:39:29 **21** Q. Do you see that one?

01:39:30 **22** A. I see it.

01:39:31 **23** Q. And then also the other one I marked is

01:39:32 **24** Donald Trump.

01:39:36 **25** A. Yes. Got it. I see those entries circled.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:39:47 **1** Q. So am I right -- I'm right, am I not, that

01:39:50 **2** among the others circled are: Courtney Love, Donald

01:39:54 **3** Trump, and Alan Dershowitz, correct?

01:39:55 **4** A. Correct, among the others, yes.

01:39:57 **5** Q. And they are all circled in the same way; are

01:40:00 **6** they not?

01:40:00 **7** A. Yeah. It's kind of a -- a box is what I

01:40:04 **8** would say. Some, yes.

01:40:06 **9** Q. Is there anything on the face of that

01:40:08 **10** document that leads you to conclude that the circling --

01:40:13 **11** the significance of the circling is any different for

01:40:16 **12** one person than another?

01:40:17 **13** A. No.

01:40:18 **14** Q. So based on the document, do you infer that

01:40:23 **15** Courtney Love was involved in some kind of sexual abuse

01:40:30 **16** of minors?

01:40:30 **17** A. I would infer that if I were running a

01:40:35 **18** criminal investigation through the FBI and I'm trying to

01:40:37 **19** find people who would have relevant information, she

01:40:40 **20** would be one of the people I'd want to talk to. I mean,

01:40:43 **21** the names that are circled here, Glenn Maxwell, one of

01:40:45 **22** the identified traffickers, Epstein is circled, the

01:40:48 **23** pilot -- one of the pilots is circled. So it's these

01:40:51 **24** people that all seemed to be connected are -- are all

01:40:55 **25** being marked here, and -- and the number of people that

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:40:57 **1 are circled is, I would say, you know, 5 to 10 percent**  
 01:41:00 **2 of the -- of the names ball-parking in the dark.**  
 01:41:03 **3 Q.** Do you know whether this address book was  
 01:41:07 **4 Jeffrey Epstein's address book or Glenn Maxwell's**  
 01:41:11 **5 address book?**  
 01:41:12 **6 A.** I'm not certain exactly whose book it is. I  
 01:41:16 **7 actually thought it was Alfredo Rodriguez maintaining a**  
 01:41:19 **8 copy of records in case he was worried that Epstein**  
 01:41:22 **9 might try to have him killed at some point, and so this**  
 01:41:25 **10 was his insurance policy, I think he said, against that**  
 01:41:28 **11 happening.**  
 01:41:29 **12 MR. SIMPSON:** Object to the nonresponsive  
 01:41:31 **13 portion of the answer.**  
 01:41:31 **14 BY MR. SIMPSON:**  
 01:41:32 **15 Q.** Is the answer to my question: You don't know  
 01:41:34 **16 whether it was Jeffrey Epstein's or Glenn Maxwell's**  
 01:41:38 **17 address book?**  
 01:41:39 **18 A.** I don't know. And the reason I don't know  
 01:41:41 **19 that is because I actually believe it is neither --**  
 01:41:44 **20 neither of their -- that's -- is it one or the other?**  
 01:41:46 **21 Actually, I think it's a third possibility. I think**  
 01:41:48 **22 this was Alfredo Rodriguez's insurance policy against**  
 01:41:51 **23 getting knocked off by Jeffrey Epstein.**  
 01:41:55 **24 Q.** So that's the view you have of the  
 01:42:04 **25 significance of this document?**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:42:06 **1 A.** Yes. In part. I mean, there are other  
 01:42:08 **2 reasons it's significant, as we have been talking about,**  
 01:42:10 **3 names are circled who appear to have relevant**  
 01:42:13 **4 information on Jeffrey Epstein's criminal activities.**  
 01:42:17 **5 Q.** Donald Trump was a friend of Jeffrey Epstein;  
 01:42:22 **6 is that not correct?**  
 01:42:23 **7 A.** I really don't -- my understanding is, yes,  
 01:42:26 **8 but I -- I don't have a lot of information about Trump.**  
 01:42:29 **9 Q.** It's true also, is it not, that Mr. Trump was  
 01:42:34 **10 a frequent visitor to Mr. Epstein's residence?**  
 01:42:38 **11 A.** I -- I know that he visited frequent. I -- I  
 01:42:41 **12 don't have a lot of information about Trump.**  
 01:42:43 **13 Q.** And his name is circled in this book; is it  
 01:42:47 **14 not?**  
 01:42:47 **15 A.** I believe it is.  
 01:42:48 **16 Q.** Based on him -- assuming he's a frequent  
 01:42:52 **17 visitor to Mr. Epstein's home, and that he's a friend of**  
 01:43:00 **18 Mr. Epstein's, and that his name is circled in this**  
 01:43:03 **19 book, do you infer that he was engaged in criminal**  
 01:43:09 **20 sexual abuse of minors?**  
 01:43:11 **21 MS. McCAWLEY:** I'm going to object to the  
 01:43:13 **22 extent that your answer would reveal anything**  
 01:43:16 **23 that my client has told you.**  
 01:43:16 **24 THE WITNESS:** No.  
 01:43:17 **25**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:43:17 **1 BY MR. SIMPSON:**  
 01:43:17 **2 Q.** But based on your testimony previously, you  
 01:43:20 **3 would consider all of those facts to be evidence that he**  
 01:43:26 **4 may have been?**  
 01:43:28 **5 A.** They are, you know, certainly things that I  
 01:43:31 **6 would want to follow up on.**  
 01:43:32 **7 Q.** And --  
 01:43:34 **8 A.** If I were running an -- we were in the  
 01:43:36 **9 context, I take it, of your question, you know, if**  
 01:43:38 **10 somebody is running an investigation into the**  
 01:43:42 **11 organization, so...**  
 01:43:43 **12 Q.** Did you, in the course of your representation  
 01:43:47 **13 of Miss Roberts or any of the other Jane Doe clients you**  
 01:43:56 **14 have had who have had claims against Mr. Epstein, make**  
 01:43:58 **15 any effort to find out whether Mr. Trump had abused any**  
 01:44:02 **16 of them?**  
 01:44:04 **17 MR. EDWARDS:** I would just object to this  
 01:44:09 **18 being work-product privilege as it relates to**  
 01:44:10 **19 other cases that I'm working on with Paul that**  
 01:44:12 **20 Jack is not involved in.**  
 01:44:12 **21 MR. SIMPSON:** Okay.  
 01:44:15 **22 MR. EDWARDS:** With respect to what we did  
 01:44:16 **23 during our investigation on behalf of other**  
 01:44:18 **24 clients.**  
 01:44:19 **25 MR. SIMPSON:** Okay.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:44:20 **1 MS. McCAWLEY:** Right. And I object on that  
 01:44:20 **2 to the extent that it reveals anything you did on**  
 01:44:23 **3 behalf of [REDACTED]**  
 01:44:23 **4 MR. [REDACTED]** would know  
 01:44:26 **5 to object to this, but because I know of another**  
 01:44:28 **6 case that we work on, that's protected by our**  
 01:44:30 **7 work-product privilege, who I talked to and who I**  
 01:44:32 **8 did not.**  
 01:44:32 **9 THE WITNESS:** I'd like to --  
 01:44:32 **10 MR. SCAROLA:** In that case, I instruct you  
 01:44:34 **11 not to answer.**  
 01:44:34 **12 THE WITNESS:** All right.  
 01:44:37 **13 MR. SIMPSON:** All right. You're here,  
 01:44:39 **14 Mr. Edwards, as a client, not an attorney,**  
 01:44:41 **15 correct?**  
 01:44:42 **16 MR. EDWARDS:** Yes. That's my primary role in  
 01:44:44 **17 being here, but I'm going to protect the**  
 01:44:46 **18 privilege to the extent that it's not being**  
 01:44:47 **19 protected by others who don't recognize that the**  
 01:44:50 **20 privilege needs to be protected on other matters.**  
 01:44:52 **21 MR. SIMPSON:** Okay.  
 01:44:53 **22 BY MR. SIMPSON:**  
 01:44:58 **23 Q.** Mr. Cassell, as of December 30th of 2014,  
 01:45:03 **24 were you aware that Professor Dershowitz had visited**  
 01:45:09 **25 Mr. Epstein's home and stayed as a guest for a week in**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:45:14 **1** the company of his grandchildren, among other family  
 01:45:18 **2** members?  
 01:45:19 **3** **A. I'm sorry. Which residence? Which Epstein**  
 01:45:23 **4** **residence?**  
 01:45:23 **5** **Q.** Palm Beach.  
 01:45:25 **6** **A. Can you -- can you restate?**  
 01:45:25 **7** **Q.** Yes.  
 01:45:27 **8** **A. I mean that's kind of a compound question. I**  
 01:45:30 **9** **mean...**  
 01:45:30 **10** **Q.** Well, let me rephrase it. I will be clear.  
 01:45:31 **11** **A. Yeah.**  
 01:45:32 **12** **Q.** Were you aware as of December 30th of 2014 --  
 01:45:36 **13** let me back up a moment.  
 01:45:37 **14** **A. Sure.**  
 01:45:37 **15** **Q.** You indicated yesterday that part of the  
 01:45:40 **16** basis for your conclusion that this pleading -- it was  
 01:45:44 **17** appropriate to file this pleading accusing Professor  
 01:45:49 **18** Dershowitz of misconduct was that he was a guest at the  
 01:45:53 **19** Palm Beach house, correct?  
 01:45:55 **20** **A. No. It was more than that. He was a**  
 01:45:57 **21** **frequent guest, a frequent overnight guest.**  
 01:46:01 **22** **Q.** My question is: As of December 30th, 2014,  
 01:46:06 **23** were you aware that Professor Dershowitz had spent a  
 01:46:10 **24** week at the Palm Beach house with family members,  
 01:46:13 **25** including his grandchildren?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:46:15 **1** **A. No.**  
 01:46:15 **2** **Q.** Okay. Do you think it's reasonable -- would  
 01:46:20 **3** it be reasonable to believe that someone who is  
 01:46:23 **4** committing criminal sexual abuse of minors at a home  
 01:46:28 **5** where such abuse, as you understand it, is a daily  
 01:46:33 **6** occurrence would bring his grandchildren to stay for a  
 01:46:35 **7** week?  
 01:46:35 **8** **A. It would depend on the circumstances. I**  
 01:46:37 **9** **mean, you know, so -- you know, it would depend on the**  
 01:46:40 **10** **circumstances.**  
 01:46:40 **11** **MR. SCAROLA:** Are you representing that  
 01:46:41 **12** Jeffrey Epstein was there at the time?  
 01:46:42 **13** **MR. SIMPSON:** I'm not answering questions.  
 01:46:44 **14** I'm asking questions.  
 01:46:45 **15** **MR. SCAROLA:** Oh, okay.  
 01:46:45 **16** **BY MR. SIMPSON:**  
 01:46:47 **17** **Q.** So, in your view, you can -- let me -- let me  
 01:46:50 **18** rephrase that.  
 01:46:52 **19** You say it would depend on the  
 01:46:54 **20** circumstances --  
 01:46:54 **21** **A. Sure. Sure.**  
 01:46:54 **22** **Q.** -- that's your answer?  
 01:46:55 **23** **A. Yes.**  
 01:46:56 **24** **Q.** Okay. So that you don't find it incongruous  
 01:47:00 **25** that someone who knows that a particular home is the

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:47:08 **1** scene of ongoing criminal abuse of minors, and who  
 01:47:12 **2** himself, has engaged in that criminal abuse, would bring  
 01:47:16 **3** his grandchildren to stay there for a week?  
 01:47:18 **4** **A. It would depend on the circumstances.**  
 01:47:21 **5** **Q.** When you say that Professor Dershowitz was a  
 01:47:33 **6** regular guest at the mansion, at the Palm Beach house,  
 01:47:41 **7** it's correct, is it not, that you're referring to a  
 01:47:43 **8** period after [REDACTED] left for Thailand?  
 01:47:47 **9** **A. No.**  
 01:47:49 **10** **Q.** Are you aware of any evidence -- let me back  
 01:47:55 **11** that up.  
 01:47:57 **12** Are -- during the period that Virginia  
 01:47:59 **13** Roberts contends she was sexually abused, which I  
 01:48:02 **14** understand to be middle of 1999 to middle of 2002 -- is  
 01:48:09 **15** that consistent with your understanding?  
 01:48:10 **16** **A. Approximately, yes.**  
 01:48:12 **17** **Q.** -- how many times did Professor Dershowitz  
 01:48:14 **18** visit the Palm Beach mansion during that period?  
 01:48:17 **19** **A. My understanding is in the neighborhood of --**  
 01:48:21 **20** **what was it? Three to five times a year, staying two to**  
 01:48:25 **21** **three nights at a time.**  
 01:48:26 **22** **Q.** And was that your understanding as of  
 01:48:29 **23** December 30th of 2014?  
 01:48:32 **24** **A. Yes.**  
 01:48:32 **25** **Q.** What was the basis for your understanding,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:48:38 **1** what pieces, what documents, or testimony?  
 01:48:41 **2** **A. Right. The information, you know, I gave a**  
 01:48:44 **3** **long presentation yesterday. So it was that**  
 01:48:46 **4** **information.**  
 01:48:48 **5** **Q.** I want to focus now specifically -- I'm not  
 01:48:50 **6** looking for a full answer on your entire views --  
 01:48:50 **7** **A. Yeah, right.**  
 01:48:53 **8** **Q.** -- on the case.  
 01:48:53 **9** **A. I appreciate that.**  
 01:48:54 **10** **Q.** I just want to say, you've testified that you  
 01:48:57 **11** understood as of December 30th, 2014, that Professor  
 01:49:03 **12** Dershowitz had -- was a visitor at the Palm Beach  
 01:49:04 **13** mansion three to five times during this relevant period  
 01:49:09 **14** of 1999 to -- middle of 1999 to the middle of 2002.  
 01:49:14 **15** What was the basis on December 30th of 2014, for just  
 01:49:20 **16** that fact?  
 01:49:21 **17** **A. Right. I mean, I will take about a minute**  
 01:49:23 **18** **here because there are a few things I want --**  
 01:49:25 **19** **Q.** Okay. And I want to make sure my question is  
 01:49:28 **20** clear.  
 01:49:28 **21** **A. Sure.**  
 01:49:29 **22** **Q.** I'm not asking you about any of your  
 01:49:30 **23** inferences about anything else. Just, what's the basis  
 01:49:34 **24** for your belief that he visited three to five times  
 01:49:38 **25** during that two-year period?

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:49:39 1 MR. SCAROLA: Could I ask for a  
 01:49:40 2 clarification? Are you looking only for direct  
 01:49:42 3 evidence and you want to exclude the  
 01:49:44 4 circumstantial evidence? Is that the way you  
 01:49:46 5 want to --  
 01:49:46 6 MR. SIMPSON: I'm asking. You can object to  
 01:49:48 7 the form.  
 01:49:48 8 BY MR. SIMPSON:  
 01:49:48 9 Q. My question is: What was -- what were you --  
 01:49:51 10 what did you have in mind as supporting your conclusion  
 01:49:57 11 or belief that he -- that Professor Dershowitz visited  
 01:50:02 12 three to five times during that relevant period?  
 01:50:04 13 MS. McCAWLEY: And I'm sorry. Can I just  
 01:50:06 14 place an objection on the record. I'm going to  
 01:50:07 15 object to the extent that -- so that you do not  
 01:50:10 16 reveal attorney/client privileged communication,  
 01:50:12 17 unless it's something that's already public that  
 01:50:15 18 she's revealed.  
 01:50:15 19 THE WITNESS: Okay. Right. So I'm going to  
 01:50:17 20 just exclude -- I take it your question isn't  
 01:50:19 21 asking about any communications.  
 01:50:19 22 BY MR. SIMPSON:  
 01:50:22 23 Q. My question is asking about that, but I  
 01:50:24 24 understand you're going to refuse to provide it.  
 01:50:25 25 MS. McCAWLEY: Unless it's already public.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:51:23 1 context, in other words, information that was  
 01:51:25 2 going to be disclosed, not for advice, but  
 01:51:26 3 factual information that she intended to  
 01:51:28 4 disclose, that's no -- that's not privileged.  
 01:51:30 5 But if it's something that she communicated to  
 01:51:32 6 you in confidence with respect to getting legal  
 01:51:36 7 advice, then that would be privileged.  
 01:51:39 8 THE WITNESS: Right. Okay. So Juan Alessi's  
 01:51:45 9 deposition, Alfredo Rodriguez's deposition, and  
 01:51:49 10 then considerable circumstantial evidence which  
 01:51:52 11 we don't have to rehash here involving the close  
 01:51:55 12 personal association between Epstein and  
 01:52:00 13 Dershowitz.  
 01:52:00 14 I mean, again, we can rehash all of that, but  
 01:52:03 15 those were -- those are -- that's kind of a  
 01:52:04 16 quick -- because I know you want to get to a lot  
 01:52:06 17 of questions -- that's a quick sort of highlight  
 01:52:09 18 film, if you will.  
 01:52:09 19 BY MR. SIMPSON:  
 01:52:11 20 Q. Mr. Cassell, isn't it true that Mr. Rodriguez  
 01:52:14 21 was not hired until several years after the Summer --  
 01:52:19 22 A. 2004.  
 01:52:20 23 Q. Let me ask it again.  
 01:52:21 24 -- until well after 2002?  
 01:52:22 25 A. Yeah, about 2004.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:50:28 1 THE WITNESS: Okay. So as of December 30th,  
 01:50:30 2 I'm going to exclude any communications from  
 01:50:33 3 [REDACTED]  
 01:50:34 4 [REDACTED] -- except to extent that they have  
 01:50:37 5 already been made public. That is, if she has  
 01:50:39 6 given express permission to make disclosures,  
 01:50:43 7 these were not confidential communications, but  
 01:50:46 8 communications intended to be communicated to  
 01:50:48 9 third parties, then you are permitted to include  
 01:50:52 10 information from [REDACTED]  
 01:50:54 11 response to that [REDACTED] ad.  
 01:51:00 12 THE WITNESS: Okay.  
 01:51:00 13 BY MR. SIMPSON:  
 01:51:00 14 Q. As of December --  
 01:51:01 15 A. Right.  
 01:51:03 16 Q. -- 30th, 2014 --  
 01:51:06 17 A. Right.  
 01:51:06 18 Q. -- correct? So --  
 01:51:06 19 A. Yeah, that's right.  
 01:51:07 20 Q. -- any -- any public statements by her after  
 01:51:10 21 December 30th, 2014 would not be included in the answer.  
 01:51:14 22 A. Okay.  
 01:51:14 23 MS. McCAWLEY: But let me be clear. Let me  
 01:51:16 24 be clear about my objection. To the extent that  
 01:51:18 25 she revealed something to you in a nonprivileged

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:52:23 1 Q. And Mr. Rodriguez would have no personal  
 01:52:28 2 knowledge of how often Professor Dershowitz visited  
 01:52:31 3 during a period two years or three years before he was  
 01:52:34 4 hired; isn't that true?  
 01:52:35 5 A. So, look, this is -- this is why I was trying  
 01:52:37 6 to speed up the answer to the question. We have a sex  
 01:52:41 7 trafficking organization that is running a common scheme  
 01:52:43 8 and plan that is continuing on until it was interrupted  
 01:52:45 9 by law enforcement about 2005 and 2006.  
 01:52:49 10 So what the -- the criminal organization is  
 01:52:51 11 doing in 2004, unless I have some significant evidence  
 01:52:54 12 that it's different than what was going on in 2002,  
 01:52:56 13 2001, 2000, 1999, I think it's reasonable to conclude  
 01:53:01 14 that the same sort of criminal activities are going on  
 01:53:03 15 later.  
 01:53:04 16 So if -- if you want -- if you want me to get  
 01:53:07 17 into the -- the full scope of the criminal organization,  
 01:53:09 18 we can get into it. But the fact that somebody in 2004  
 01:53:13 19 sees this going on, leads me to conclude that it's  
 01:53:16 20 probably the same thing going on in the absence of other  
 01:53:19 21 information in 2001.  
 01:53:21 22 Q. So from Mr. Rodriguez's testimony about what  
 01:53:28 23 was going on, so to speak -- and my question related,  
 01:53:32 24 what was going on the number of times that Professor  
 01:53:35 25 Dershowitz visited. That's the topic.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

01:53:37 1 **A. Right.**  
 01:53:37 2 **Q.** That because he visited, according to  
 01:53:40 3 Mr. Rodriguez, several times a year in 2004, 2005, he  
 01:53:45 4 must have visited several times a year in 2000 -- 19- --  
 01:53:52 5 middle of 1999 to the middle of 2002.  
 01:53:55 6 **A. I didn't say must have. I said that that's**  
 01:53:57 7 **going to be evidence of the common scheme and plan, and**  
 01:53:59 8 **then, in the absence of, you know, some falling out**  
 01:54:02 9 **between people or somebody becoming, you know, more**  
 01:54:05 10 **associated or less associated with a criminal**  
 01:54:07 11 **organization. I mean, if you want to get into the**  
 01:54:09 12 **circumstantial evidence, in 2003, there's an article on**  
 01:54:13 13 **which, you know, Dershowitz identifies himself --**  
 01:54:15 14 **Q.** Let me interrupt you because I'm asking --  
 01:54:15 15 **A. Okay.**  
 01:54:18 16 **Q.** -- about -- my only question is evidence of  
 01:54:18 17 how -- not anything, whether engaged in conduct or  
 01:54:23 18 didn't engage in conduct, just how many times he came  
 01:54:26 19 during this period.  
 01:54:26 20 **A. Right.**  
 01:54:26 21 MR. SCAROLA: Excuse me, counsel. That's the  
 01:54:28 22 reason why I asked you to clarify whether you  
 01:54:30 23 want to limit this to direct evidence or whether  
 01:54:33 24 you want all of the evidence including  
 01:54:35 25 circumstantial evidence, because as we both know,  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:54:39 1 circumstantial evidence is good evidence. A  
 01:54:42 2 well-connected chain of circumstance can be --  
 01:54:45 3 MR. SIMPSON: We really don't need a speech.  
 01:54:47 4 MR. SCAROLA: -- a well-connected --  
 01:54:47 5 MR. SIMPSON: We really don't --  
 01:54:48 6 MR. SCAROLA: -- chain of circumstance may be  
 01:54:49 7 as compelling proof as direct evidence of a given  
 01:54:53 8 fact. That's the law.  
 01:54:55 9 If you don't want --  
 01:54:57 10 MR. SIMPSON: Really, sir.  
 01:54:55 11 MR. SCAROLA: -- the circumstantial  
 01:54:56 12 evidence --  
 01:54:57 13 MR. SIMPSON: Mr. Scarola --  
 01:54:57 14 MR. SCAROLA: -- tell us that.  
 01:54:58 15 MR. SIMPSON: -- please don't make speeches,  
 01:54:59 16 and please don't coach the witness.  
 01:55:01 17 MR. SCAROLA: Just tell us that. I'm not  
 01:55:02 18 coaching the witness. I'm asking you -- you're  
 01:55:06 19 asking ambiguous questions.  
 01:55:08 20 MR. SIMPSON: There's nothing ambiguous --  
 01:55:09 21 MR. SCAROLA: If you want only direct  
 01:55:10 22 evidence, we will give you only direct evidence.  
 01:55:13 23 If you want a full and complete answer, it's  
 01:55:15 24 got to include circumstantial evidence, so don't  
 01:55:19 25 cut him off when he's giving you that.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:55:20 1 MR. SIMPSON: Really, objecting to the form  
 01:55:23 2 of the question preserves all of any problems  
 01:55:26 3 there may be with the question.  
 01:55:27 4 MR. SCAROLA: No, sir.  
 01:55:27 5 MR. SIMPSON: We don't need a speech.  
 01:55:27 6 MR. SCAROLA: It doesn't. It doesn't.  
 01:55:27 7 BY MR. SIMPSON:  
 01:55:32 8 **Q.** Mr. Cassell, is it your testimony that, from  
 01:55:37 9 Mr. Rodriguez's testimony about how often he says  
 01:55:43 10 Professor Dershowitz visited in a 2004/2005 time frame,  
 01:55:49 11 it's fair to draw an inference about how often he  
 01:55:52 12 visited in an earlier -- three-year earlier time frame?  
 01:55:56 13 **A. In the circumstances of this case,**  
 01:55:59 14 **absolutely.**  
 01:55:59 15 **Q.** And would it be fair to infer from the number  
 01:56:03 16 of times that Donald Trump visited three years later,  
 01:56:08 17 how often he visited at an earlier period?  
 01:56:09 18 **A. I did not investigate the circumstances**  
 01:56:12 19 **involving Trump. He wasn't somebody that was coming up.**  
 01:56:16 20 **Q.** Were you aware on December 30th of 2014 that  
 01:56:25 21 Donald Trump was quoted in Vanity Fair as saying: "I've  
 01:56:26 22 known Jeff" -- referring to Epstein -- oh, I'm sorry.  
 01:56:34 23 It was a New Yorker Magazine, not Vanity Fair. That he  
 01:56:37 24 was quoted as saying: "I've known Jeff" -- referring to  
 01:56:40 25 Epstein -- "for 15 years. Terrific guy. And he's a lot  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:56:44 1 of fun to be with." It even said that: "He likes  
 01:56:47 2 beautiful women as much as I do, and many of them are on  
 01:56:52 3 the younger side. No doubt about it, Jeffrey enjoys the  
 01:56:56 4 social -- social life"? Were you aware of that on  
 01:56:57 5 December 30th, 2014?  
 01:56:58 6 **A. Possibly. I mean that sounds vaguely**  
 01:57:01 7 **familiar. Trump has just not been somebody that -- that**  
 01:57:06 8 **I've paid much attention to in this case.**  
 01:57:07 9 **Q.** Based on that statement, and the facts we  
 01:57:14 10 discussed earlier about Mr. Trump visiting and being a  
 01:57:21 11 friend, and the other circumstances we discussed, are  
 01:57:24 12 you suspicious about whether he engaged in sexual  
 01:57:27 13 misconduct with minors?  
 01:57:29 14 MS. McCRAWLEY: I'm going to object to the  
 01:57:30 15 extent that you can't reveal anything that my  
 01:57:31 16 client has informed you of.  
 01:57:33 17 THE WITNESS: Right. If we set aside that  
 01:57:36 18 information, I'm not -- I'm not suspicious, no,  
 01:57:39 19 not given the information I have.  
 01:57:39 20 BY MR. SIMPSON:  
 01:57:40 21 **Q.** Okay. So notwithstanding that his name is  
 01:57:42 22 circled in the address book, he was a good friend, he  
 01:57:49 23 visited often, and he was quoted as saying that Jeff was  
 01:57:54 24 a terrific guy who liked young women almost as much as  
 01:57:58 25 Trump did, you're not even suspicious?  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

01:58:01 1 **A. Not -- you know, let's break that down in a**  
 01:58:06 2 **couple pieces.**  
 01:58:06 3 **The fact that his name is circled, if I were**  
 01:58:08 4 **running an FBI investigation, I'd go send somebody to**  
 01:58:10 5 **see what he knew about it, but no, it would take a lot**  
 01:58:13 6 **more for me to become suspicious that somebody is**  
 01:58:16 7 **involved in -- in sexual activity like that.**  
 01:58:19 8 **Q. Okay. So you would agree with me then, that**  
 01:58:21 9 **the fact that a person often visited the mansion, the**  
 01:58:24 10 **person -- the fact that a person was a friend of**  
 01:58:27 11 **Mr. Epstein for 15 years, the fact that the person had**  
 01:58:32 12 **stated publicly that: "Mr. Epstein liked young women**  
 01:58:36 13 **almost as much as I do myself," and the fact that the**  
 01:58:40 14 **name is circled in the address book is not sufficient to**  
 01:58:43 15 **raise a suspicion that that person engaged in sexual**  
 01:58:47 16 **misconduct?**  
 01:58:47 17 **A. So...**  
 01:58:48 18 **Q. Yes or no. It's a yes or no question.**  
 01:58:51 19 **A. It requires --**  
 01:58:51 20 **MR. SCAROLA: You're not required to answer**  
 01:58:53 21 **yes or no, if a yes or no response alone would be**  
 01:58:55 22 **misleading.**  
 01:58:56 23 **THE WITNESS: The problem is the word**  
 01:58:57 24 **"suspicion." I'm not particularly suspicious on**  
 01:58:59 25 **those facts, but it -- you know, what do you mean**  
**ESQUIRE DEPOSITION SOLUTIONS**  
**(954) 331-4400**

01:59:03 1 **by "suspicion"? If I -- if I were running an FBI**  
 01:59:04 2 **investigation and somebody circled a name as --**  
 01:59:06 3 **as saying, look, this fellow may have some**  
 01:59:06 4 **information, I'd go follow up on that.**  
 01:59:10 5 **If you say that's suspicion, then the answer**  
 01:59:13 6 **would be, yes. But I -- you know, based on that**  
 01:59:15 7 **information alone, no. I mean that -- that**  
 01:59:18 8 **wouldn't -- wouldn't be enough for me to, you**  
 01:59:22 9 **know, invest time and energy into that particular**  
 01:59:26 10 **possibility.**  
 01:59:26 11 **BY MR. SIMPSON:**  
 01:59:27 12 **Q. Okay. So none of those facts are sufficient**  
 01:59:31 13 **even to justify spending time and energy, correct?**  
 01:59:34 14 **A. Unless -- if I'm running -- this is -- again,**  
 01:59:37 15 **what do you mean by "suspicion"? Time and energy in the**  
 01:59:42 16 **context of somebody who is running a pro bono case with**  
 01:59:44 17 **limited resources to try to figure out what the sex**  
 01:59:47 18 **trafficking ring's going to do, I'm not going to chase**  
 01:59:49 19 **after that rabbit. It seems farfetched.**  
 01:59:53 20 **I'm going to focus my efforts on the people**  
 01:59:53 21 **who appear to be more directly involved.**  
 01:59:56 22 **Q. Okay. So based on the facts that I gave you**  
 01:59:59 23 **a moment ago, you think it's farfetched that Donald**  
 02:00:04 24 **Trump was engaged in abusing minors?**  
 02:00:07 25 **A. If that's all I had, I would not invest time**  
**ESQUIRE DEPOSITION SOLUTIONS**  
**(954) 331-4400**

02:00:11 1 **and energy in that, right.**  
 02:00:12 2 **Q. And you referred to your pro bono case. What**  
 02:00:16 3 **is your best estimate of how much money you have made**  
 02:00:21 4 **representing victims of Jeffrey Epstein?**  
 02:00:24 5 **A. In which case are we talking about now?**  
 02:00:26 6 **Q. Any -- any case representing a victim of**  
 02:00:28 7 **Jeffrey Epstein.**  
 02:00:29 8 **A. I need to confer with --**  
 02:00:33 9 **MS. McCAWLEY: Yeah. I'm going to object.**  
 02:00:33 10 **BY MR. SIMPSON:**  
 02:00:34 11 **Q. And that -- that's a fact -- that's not a**  
 02:00:36 12 **privileged question. That's a factual question.**  
 02:00:37 13 **A. Factual. Well, there are -- there are --**  
 02:00:38 14 **Q. Just how much money? You don't have to tell**  
 02:00:41 15 **me who the clients are. Just how much money?**  
 02:00:44 16 **A. Okay. I need to --**  
 02:00:46 17 **MR. SIMPSON: There's a question pending. I**  
 02:00:47 18 **object to a break. There's no possible**  
 02:00:48 19 **privilege.**  
 02:00:48 20 **MR. SCAROLA: He has a privilege -- he has a**  
 02:00:50 21 **privilege question. He wants to consult with**  
 02:00:51 22 **counsel.**  
 02:00:51 23 **MR. SIMPSON: Well, really? My question is**  
 02:00:53 24 **how much money, and that's privileged?**  
 02:00:55 25 **MR. SCAROLA: It may be. I don't know. We**  
**ESQUIRE DEPOSITION SOLUTIONS**  
**(954) 331-4400**

02:00:56 1 **need to talk.**  
 02:00:57 2 **THE WITNESS: That's why I need to --**  
 02:00:58 3 **MR. SCOTT: There's no federal law or state**  
 02:01:01 4 **law that supports that financial information and**  
 02:01:02 5 **fees is privileged.**  
 02:01:03 6 **MS. McCAWLEY: We can argue about that**  
 02:01:05 7 **because that's in my motion, so we can argue**  
 02:01:09 8 **about that.**  
 02:01:09 9 **MR. SIMPSON: Well, can -- can --**  
 02:01:09 10 **MR. SCOTT: That one, I know all about.**  
 02:01:10 11 **MR. SCAROLA: You're objecting to our taking**  
 02:01:11 12 **a break --**  
 02:01:11 13 **MR. SIMPSON: I am objecting --**  
 02:01:11 14 **MR. SCAROLA: -- while this question is**  
 02:01:13 15 **pending?**  
 02:01:13 16 **MR. SIMPSON: That's correct.**  
 02:01:14 17 **MR. SCAROLA: It is our position that the**  
 02:01:16 18 **witness has a legal question about privilege. We**  
 02:01:20 19 **are going to take a break. We are going to talk**  
 02:01:22 20 **about it. It may turn out that it's not a**  
 02:01:24 21 **problem at all. I don't know.**  
 02:01:26 22 **THE VIDEOGRAPHER: We are going off the video**  
 02:01:28 23 **record, 10:38.**  
 02:01:29 24 **MR. SIMPSON: With my note, we are taking a**  
 02:01:32 25 **break over my objection.**  
**ESQUIRE DEPOSITION SOLUTIONS**  
**(954) 331-4400**

02:01:34 1 THE VIDEOGRAPHER: 10:38.  
 02:01:41 2 (Thereupon, a recess was taken.)  
 02:15:10 3 THE VIDEOGRAPHER: We are back on the video  
 02:16:42 4 record, 10:49 a.m.  
 02:16:42 5 BY MR. SIMPSON:  
 02:16:44 6 Q. Back on the record. My question,  
 02:16:46 7 Mr. Cassell, was: What is your best estimate of how  
 02:16:50 8 much money you have made representing victims of Jeffrey  
 02:16:56 9 Epstein?  
 02:16:56 10 A. In which case are we talking about?  
 02:16:58 11 Q. In -- in any case. Combined total.  
 02:17:01 12 A. Okay. With regard to the CVRA case, that's  
 02:17:04 13 pro bono, no money there. With regard to the other  
 02:17:07 14 cases, I'd like to answer your question, but due to  
 02:17:10 15 confidentiality obligations that have been imposed upon  
 02:17:13 16 me by Jeffrey Epstein, in the course of negotiating  
 02:17:16 17 those cases, I'm not permitted to answer that question.  
 02:17:23 18 MR. SCAROLA: We are certainly willing to  
 02:17:25 19 respond appropriately to a court order in that  
 02:17:27 20 regard, but it requires a court order to release  
 02:17:30 21 us from the contractual confidentiality  
 02:17:33 22 obligations that we are under.  
 02:17:33 23 BY MR. SIMPSON:  
 02:17:36 24 Q. Is it your testimony, Mr. Cassell, that there  
 02:17:41 25 are confidentiality agreements with Mr. Epstein that  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:17:45 1 preclude you from giving the total amount paid without  
 02:17:51 2 breaking it down into particular cases?  
 02:17:53 3 A. I'm sorry. I didn't understand.  
 02:17:54 4 Q. Oh, maybe that wasn't clear. Let me do it  
 02:17:58 5 this way so we avoid --  
 02:18:00 6 A. Yeah.  
 02:18:00 7 Q. -- the confidentiality issues.  
 02:18:01 8 In how many cases have you been counsel for a  
 02:18:07 9 person suing Mr. Epstein alleging that she was a victim?  
 02:18:12 10 A. Counsel of record?  
 02:18:14 11 Q. Put it this way. How -- well, start with  
 02:18:17 12 that, counsel of record.  
 02:18:18 13 A. I believe three.  
 02:18:19 14 Q. Okay. And in addition to those three, have  
 02:18:20 15 you assisted other counsel in some way without becoming  
 02:18:29 16 counsel of record in cases by women suing Mr. Epstein  
 02:18:36 17 alleging that they had been abused?  
 02:18:38 18 A. I believe there's one other case in addition  
 02:18:41 19 to the counsel of record case.  
 02:18:42 20 Q. And without telling me --  
 02:18:44 21 A. I'd -- I'd have to go double-check my record.  
 02:18:46 22 This is an approximate best recollection.  
 02:18:46 23 Q. All right.  
 02:18:48 24 A. It's about four.  
 02:18:49 25 Q. To the best of your recollection, you were  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:18:51 1 counsel of record in three cases and you were involved  
 02:18:56 2 in another case -- at least one other case in which you  
 02:18:58 3 did not appear --  
 02:18:58 4 A. That's right.  
 02:18:58 5 Q. -- as counsel of record; is that correct?  
 02:19:00 6 A. That's -- that's my recollection right now,  
 02:19:03 7 yeah.  
 02:19:03 8 Q. All right. How many of those cases have been  
 02:19:05 9 resolved at this point?  
 02:19:06 10 A. All. All -- of the four, I recall all four  
 02:19:08 11 have been resolved.  
 02:19:09 12 Q. Okay. Without telling me the amount, did you  
 02:19:12 13 receive -- all four were settled; is that right?  
 02:19:15 14 A. Correct.  
 02:19:15 15 Q. Without telling me the amount, is it correct  
 02:19:21 16 that in all four of those cases, you received a legal  
 02:19:27 17 fee?  
 02:19:28 18 A. I think that starts to call for a question I  
 02:19:33 19 need to consult with my attorney about.  
 02:19:36 20 Q. Simply the question of whether in each of  
 02:19:38 21 them you received a fee?  
 02:19:40 22 A. I just want to...  
 02:19:42 23 THE WITNESS: Is -- is there any problem --  
 02:19:42 24 MR. SCAROLA: You can respond to that. You  
 02:19:43 25 can answer yes or no to that question.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:19:44 1 THE WITNESS: Yes, I received something.  
 02:19:45 2 BY MR. SIMPSON:  
 02:19:48 3 Q. Okay. Was the fee -- and if it's different  
 02:19:50 4 for the -- the cases, tell me, but was it a contingent  
 02:19:54 5 fee or some kind of hourly fee?  
 02:19:56 6 MR. SCAROLA: That -- that does get into  
 02:19:59 7 attorney/client privileged matters. The terms --  
 02:20:03 8 MR. SIMPSON: You're instructing him not to  
 02:20:04 9 answer?  
 02:20:04 10 MR. SCAROLA: -- the terms of the  
 02:20:04 11 representation are attorney/client privilege. I  
 02:20:06 12 instruct him not to answer.  
 02:20:08 13 MR. SIMPSON: All right.  
 02:20:09 14 BY MR. SIMPSON:  
 02:20:10 15 Q. In addition to these four cases that have  
 02:20:13 16 been resolved, are you representing any other clients  
 02:20:18 17 who are alleging, in a case seeking monetary damages,  
 02:20:23 18 that they were abused by Jeffrey Epstein?  
 02:20:28 19 A. I --  
 02:20:28 20 MS. McCAWLEY: I'm going to object to the  
 02:20:29 21 extent that this seeks any information related to  
 02:20:33 22 [REDACTED] could be deemed privileged  
 02:20:35 23 or confidential.  
 02:20:36 24 THE WITNESS: So what's the...  
 02:20:36 25  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:20:36 1 BY MR. SIMPSON:  
 02:20:38 2 Q. I'm -- I'm trying to close a loop here.  
 02:20:40 3 A. Yeah.  
 02:20:40 4 Q. I'm asking whether you were involved in any  
 02:20:44 5 other cases in which claims have been made against  
 02:20:47 6 Jeffrey Epstein for damages that are still active; they  
 02:20:52 7 have not been resolved?  
 02:20:53 8 A. So we are talking civil cases, unresolved  
 02:20:58 9 civil cases against Jeffrey Epstein right now?  
 02:20:59 10 Q. Unresolved cases seeking money from Jeffrey  
 02:21:02 11 Epstein.  
 02:21:02 12 MR. SCAROLA: And to the extent that that  
 02:21:03 13 question calls for matters that are of public  
 02:21:06 14 record, then, obviously, you can respond.  
 02:21:08 15 THE WITNESS: Right. Yeah. None.  
 02:21:09 16 BY MR. SIMPSON:  
 02:21:10 17 Q. Are there -- and I'm not asking for the name.  
 02:21:11 18 Are there any not of public record that --  
 02:21:15 19 A. What would be a "not"?  
 02:21:16 20 Q. Well, if you had made a claim that's not in  
 02:21:19 21 suit, for example.  
 02:21:20 22 A. Oh, against Jeffrey Epstein?  
 02:21:21 23 Q. Yes.  
 02:21:21 24 A. Yeah. No, I don't -- I don't think there's  
 02:21:25 25 anything. Yeah, no -- no claims against Epstein, right.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:21:30 1 Q. And -- and it's true, is it not, that if  
 02:21:33 2 you're successful in the CVRA case, in setting aside the  
 02:21:37 3 nonprosecution agreement, you expect to get other  
 02:21:41 4 clients who will have claims against Jeffrey Epstein?  
 02:21:45 5 A. If we -- in civil claims?  
 02:21:47 6 Q. Claims for damages, claims for money from  
 02:21:50 7 Jeffrey Epstein.  
 02:21:51 8 A. That -- I mean, that starts to -- if the  
 02:21:55 9 nonprosecution agreement is set aside?  
 02:21:58 10 Q. Yes, if you're successful.  
 02:21:59 11 A. I haven't really -- that sounds pretty  
 02:22:02 12 speculative. I haven't really thought about the  
 02:22:04 13 civil -- the focus of the CVRA case is criminal. I  
 02:22:08 14 haven't thought about, you know, whether, civil claims  
 02:22:11 15 could somehow arise out of that. I mean, we are talking  
 02:22:14 16 about, you know, events that took place long ago. There  
 02:22:18 17 would be statute of limitations issues, you know.  
 02:22:20 18 Whether they are viable civil claims at this point has  
 02:22:24 19 not been something that I have, you know, given much  
 02:22:25 20 thought to.  
 02:22:26 21 Q. So is it your testimony then that you have  
 02:22:28 22 not thought about the question of whether success in the  
 02:22:33 23 CVRA case may or result in you obtaining additional  
 02:22:39 24 clients with claims for money damages against Jeffrey  
 02:22:41 25 Epstein?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:22:42 1 A. Yeah. That hasn't been something that I have  
 02:22:44 2 focused on, no. I mean...  
 02:22:46 3 Q. It is -- it is correct, is it not, that you  
 02:22:49 4 anticipate that if you are successful in setting aside  
 02:22:53 5 the nonprosecution agreement, that the names of  
 02:22:58 6 additional victims will become known; didn't you testify  
 02:23:01 7 to that yesterday?  
 02:23:03 8 A. I -- I'm not -- I must be confused here. I  
 02:23:07 9 don't remember.  
 02:23:07 10 Q. Well, wait -- I don't want to -- you know,  
 02:23:09 11 let me ask the question --  
 02:23:09 12 A. Yeah.  
 02:23:10 13 Q. -- rather than my recollection.  
 02:23:11 14 A. Yeah, yeah. That's what I'm not...  
 02:23:12 15 Q. My question is: Do you anticipate that if  
 02:23:15 16 you're successful in setting aside the nonprosecution  
 02:23:18 17 agreement, that the names of additional victims will  
 02:23:23 18 become known?  
 02:23:24 19 A. Additional Epstein victims at this point?  
 02:23:26 20 Q. Yes.  
 02:23:26 21 A. Again, it's pretty speculative. The --  
 02:23:30 22 the issue -- you know, the case, you know, the events  
 02:23:34 23 were roughly a decade ago. I mean, we are always hoping  
 02:23:38 24 that there might be somebody additional that would come  
 02:23:40 25 forward, but that hasn't been the focus of the

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:23:43 1 litigation.  
 02:23:45 2 Q. Whether --  
 02:23:45 3 A. And you always hope that there are -- yeah, I  
 02:23:48 4 mean, any time you file a case, ah, I hope some more,  
 02:23:50 5 you know, witnesses will come forward to support that  
 02:23:52 6 case, but that hasn't been the focus, trying to secure  
 02:23:55 7 additional -- additional witnesses. That is a  
 02:23:57 8 possibility, though. I mean, I think in fairness to  
 02:24:00 9 your question, that is a possibility that, you know,  
 02:24:02 10 if -- if the case attracts attention and -- and  
 02:24:05 11 somebody, you know, says, you know, gosh, now that I --  
 02:24:08 12 I -- I -- you know, I moved away to escape Epstein and  
 02:24:10 13 now it's safe for me to come back, or -- or now I  
 02:24:13 14 realize I have a claim, that's always a possibility.  
 02:24:15 15 I certainly wouldn't want to suggest that,  
 02:24:17 16 you know, we are ruling that possibility out.  
 02:24:19 17 Q. And for the same reason that additional  
 02:24:23 18 witnesses might become available -- known, additional  
 02:24:27 19 clients might become known, correct?  
 02:24:28 20 A. That is a theoretical possibility, yes.  
 02:24:30 21 Q. In these four cases that you mentioned, the  
 02:24:34 22 three that were, which you were counsel of record and  
 02:24:38 23 one in which you were not, did you meet at any time in  
 02:24:44 24 person with the clients? And if it's different as to  
 02:24:48 25 some than others, tell me that, but --

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:24:50 1 A. Yes.

02:24:50 2 Q. In all four, you met with the clients?

02:24:52 3 A. In three of the four.

02:24:53 4 Q. And were those three the three in which you

02:24:57 5 were counsel of record?

02:24:58 6 A. Yes.

02:24:59 7 Q. As of December --

02:25:01 8 A. I believe I was counsel of record on all

02:25:03 9 three of those. I would have to double-check. I know I

02:25:05 10 was counsel of record in the federal case. The two of

02:25:08 11 them are state cases, I believe, that it was pro hac in

02:25:11 12 the state cases.

02:25:14 13 Q. Okay. I won't ask you the names, but in the

02:25:14 14 four cases, what are the initials of your clients?

02:25:19 15 A. Okay. So the -- the --

02:25:20 16 Q. Put it this way: How are they identified in

02:25:22 17 the caption that you filed?

02:25:23 18 A. Well, also the three that were filed, one

02:25:26 19 was -- one was the initials S.R. I referred to

02:25:28 20 Miss S.R. yesterday. That was the Jane Doe case in

02:25:32 21 Federal Court in front of Judge Marra.

02:25:34 22 There were two state claims. I'll -- I'll

02:25:37 23 identify the clients as E.W. and L.M.

02:25:42 24 Q. And then the fourth one?

02:25:44 25 A. The fourth one, I believe -- the initial M.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:25:49 1 and I believe the last initial was B., but I may be

02:25:54 2 wrong about the B. First initial M.

02:25:56 3 Q. At the -- okay. At the time that you filed

02:26:04 4 the joinder motion --

02:26:06 5 A. Yes.

02:26:06 6 Q. -- in the federal case, so December 30th of

02:26:10 7 2014, you knew that naming Prince Andrew would generate

02:26:15 8 substantial publicity, correct?

02:26:18 9 A. I knew it would attract a lot of attention.

02:26:23 10 Yeah, I mean, "substantial" we could debate, but, sure,

02:26:25 11 I knew that that was going to -- you know, once you

02:26:28 12 start exposing the extent of this criminal activity,

02:26:33 13 obviously, there were going to be a lot of people

02:26:36 14 interested, yes.

02:26:36 15 Q. And you also knew that naming Professor

02:26:41 16 Dershowitz would attract publicity?

02:26:46 17 A. Well, when you say "naming," one of the

02:26:49 18 things you've got to understand is the names were

02:26:50 19 already in the case, both Prince Andrew and Alan

02:26:56 20 Dershowitz. We had pending discovery requests for

02:26:59 21 information about both of them. So when you say "naming

02:27:00 22 them," you know, they were already named in the case.

02:27:02 23 Now, would the additional allegations have

02:27:05 24 attracted additional attention? Sure.

02:27:07 25 Q. Mr. Cassell, it's true, is it not, that the

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:27:10 1 filing on December 30th of 2014, was the first time that

02:27:16 2 you had ever, yes, ever on behalf of [REDACTED] or

02:27:21 3 any other client, accused Professor Dershowitz or

02:27:25 4 Prince Andrew of sexual abuse in a public filing?

02:27:29 5 A. If you're talking about direct allegation,

02:27:31 6 that's correct.

02:27:31 7 Q. Had you ever public -- well, at no other time

02:27:39 8 that -- you expected when you filed the pleading on

02:27:41 9 December 30th, 2014, that it would be -- be something of

02:27:45 10 public record that would generate publicity, correct?

02:27:48 11 A. Public record, the focus was not generating

02:27:51 12 publicity. Of course, when you file an allegation like

02:27:54 13 that, there certainly would have been -- we would

02:27:56 14 anticipate there would have been publicity, absolutely.

02:27:58 15 Q. And before December 30th of 2014, to the best

02:28:03 16 of your knowledge, neither you, nor anyone else, had

02:28:08 17 told Professor Dershowitz that there were allegations

02:28:12 18 that he personally had engaged in sexual misconduct?

02:28:12 19 A. Um...

02:28:19 20 MS. McCRAWLEY: I'm going to object to that

02:28:20 21 date if that reveals anything that would be

02:28:21 22 privileged between something that would have been

02:28:24 23 communicated by the client.

02:28:25 24 MR. SIMPSON: No. These are communications

02:28:27 25 to Professor Dershowitz.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:28:29 1 MR. SCAROLA: Yes. And that could very well

02:28:31 2 include attorney/client privileged

02:28:33 3 communications.

02:28:36 4 MR. SIMPSON: Let me -- I'll ask my question.

02:28:37 5 BY MR. SIMPSON:

02:28:38 6 Q. My question is: Did you ever advise

02:28:45 7 Professor Dershowitz that there were allegations that he

02:28:50 8 had engaged, himself, in sexual misconduct with minors?

02:28:56 9 A. Not me personally, no.

02:28:57 10 Q. Are you aware of any e-mail, letter, other

02:29:04 11 communication from anybody that went to Professor

02:29:09 12 Dershowitz that told Professor Dershowitz that he had

02:29:12 13 been accused of engaging in misconduct himself?

02:29:17 14 A. Well, there -- I mean, I'm aware that there

02:29:19 15 was a deposition request in 2009. There was a

02:29:22 16 deposition request in 2011. That was accompanied by an

02:29:27 17 exchange of correspondence that said, for example,

02:29:29 18 numerous witnesses have placed you in the presence of

02:29:31 19 Jeffrey Epstein and underage girls. It didn't then go

02:29:35 20 on to say, and you were committing sexual abuse of them,

02:29:38 21 but it said numerous witnesses had -- had done that.

02:29:42 22 And I think a reasonable inference would be

02:29:43 23 that, you know, you're verily sure that a witness and

02:29:47 24 then that also raises the possibility of -- well, I

02:29:49 25 mean, I think Professor Dershowitz mentioned yesterday,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:29:51 1 that if you're in the presence of a convicted sex  
02:29:54 2 offender, or a sex offender and sex abuse is going on,  
02:29:57 3 you would have obligations, for example, at a minimum to  
02:30:00 4 report that, and it raises the possibility of other  
02:30:02 5 criminal activity as well.

02:30:04 6 Q. Is it your testimony, Mr. Cassell, that  
02:30:07 7 telling a person that multiple people have identified  
02:30:15 8 you as a witness to some activity is fair notice that  
02:30:20 9 you, yourself, are accused of engaging in criminal  
02:30:25 10 misconduct?

02:30:26 11 A. So -- so you, I think, recharacterized the  
02:30:29 12 letter that went to Mr. Dershowitz in 2011. The letter,  
02:30:32 13 as I recall, doesn't say he is a witness. It says, if I  
02:30:35 14 recall -- we can double-check the language -- but I  
02:30:38 15 believe the language says: Numerous witnesses have  
02:30:42 16 placed you in the presence of Jeffrey Epstein, underaged  
02:30:45 17 girls, and Epstein. Then, you know, so at that point,  
02:30:48 18 given what we know in this case, given that at that  
02:30:52 19 point in 2011, there had been an ongoing set of  
02:30:55 20 allegations against Mr. Epstein, I -- I think your  
02:30:59 21 question doesn't -- doesn't take into account this  
02:31:03 22 surrounding context.

02:31:04 23 Not to mention the fact there had been a 2009  
02:31:07 24 deposition request and a 2013 document request.

02:31:12 25 Q. Okay. I think you accurately characterized  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:31:16 1 the communication about the deposition request that  
02:31:20 2 multiple persons have placed you in the presence --

02:31:23 3 A. Right.

02:31:23 4 Q. -- of minors --

02:31:25 5 A. Right.

02:31:26 6 Q. -- correct?

02:31:27 7 A. I believe that's my recollection. Numerous  
02:31:29 8 witnesses have placed you in the presence of sex  
02:31:33 9 offend -- at that point, convicted sex offender Jeffrey  
02:31:36 10 Epstein, who was convicted of sexually abusing underaged  
02:31:38 11 girls, and underaged girls, and those are the subjects  
02:31:42 12 we would like to question you about.

02:31:43 13 And rather than getting a response that says,  
02:31:46 14 well, let me clear that all up, the response that's  
02:31:48 15 received was, something along the lines of, give me more  
02:31:51 16 information and -- and, quote: I'll decide whether I  
02:31:54 17 want to cooperate, close quote, or something along those  
02:31:57 18 lines.

02:31:57 19 Q. Mr. Cassell, let me -- I'm going to read to  
02:31:59 20 you --

02:31:59 21 A. Good.

02:31:59 22 Q. -- from the letter itself --

02:31:59 23 A. Okay.

02:32:02 24 Q. -- and tell me if it's consistent with your  
02:32:03 25 recollection.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:32:03 1 MR. SIMPSON: I'm sorry. You were right,  
02:32:08 2 yes.

02:32:08 3 MR. SCAROLA: Can you just show it to him?

02:32:09 4 MR. SIMPSON: I'll read it, and then if he  
02:32:11 5 wants to look at it, that will be fine.

02:32:12 6 MR. SCAROLA: Thank you.

02:32:13 7 BY MR. SIMPSON:

02:32:14 8 Q. This is a letter from Mr. Scarola to  
02:32:15 9 Mr. Dershowitz dated August 23rd, 2011. The second  
02:32:23 10 sentence says -- well, I'm going to read the whole  
02:32:26 11 thing.

02:32:26 12 MR. SCAROLA: Yeah, thank you.

02:32:26 13 BY MR. SIMPSON:

02:32:26 14 Q. "We do not" --

02:32:26 15 MR. SCAROLA: It's short, so it would be  
02:32:26 16 helpful if you just read the whole thing.

02:32:26 17 BY MR. SIMPSON:

02:32:26 18 Q. Yeah.

02:32:28 19 "We do not intend to inquire about any  
02:32:31 20 privileged communications or attorney work  
02:32:33 21 product. We do, however, have reason to believe  
02:32:37 22 that you have personally observed Jeffrey Epstein  
02:32:41 23 in the presence of underaged females, and we  
02:32:44 24 would like the opportunity to question you under  
02:32:47 25 oath about those observations. Thank you for

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:32:51 1 your anticipated cooperation. Signed, Jack  
02:32:53 2 Scarola."

02:32:54 3 If you would like to --

02:32:54 4 A. Sure.

02:32:55 5 Q. -- take a look at the letter to refresh  
02:32:57 6 yourself, you're welcome to.

02:33:00 7 A. Great. Thanks. Okay.

02:33:06 8 Q. Now, first, you're aware, are you not, that  
02:33:09 9 Professor Dershowitz answered that letter and said the  
02:33:12 10 assertion that he had observed Mr. Epstein in the  
02:33:15 11 presence of underage --

02:33:22 12 MR. SCAROLA: Females.

02:33:22 13 BY MR. SIMPSON:

02:33:23 14 Q. -- females was not true?

02:33:24 15 A. Something along those lines, yeah.

02:33:28 16 Q. Yeah. And I will read it from that letter --

02:33:29 17 A. Okay. That would be good. Yeah, that would  
02:33:31 18 be great.

02:33:33 19 Q. And "I have never" -- this is a letter from  
02:33:33 20 Mr. Dershowitz to Mr. Scarola, August 29th, 2011.

02:33:38 21 "Dear Mr. Scarola, I have never personally  
02:33:41 22 observed Jeffrey Epstein in the presence of  
02:33:43 23 underaged females. I do not believe you have any  
02:33:46 24 reasonable basis for believing that I have. If  
02:33:49 25 you have -- if you claim to have reason to

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:33:52 1 believe, please provide me with any such reason.  
 02:33:55 2 I am certain I can demonstrate to you that it is  
 02:33:58 3 false."  
 02:33:59 4 Is that consistent with your recollection of  
 02:34:01 5 the response?  
 02:34:01 6 **A. That sounds about right, yeah.**  
 02:34:03 7 **Q.** So Mr. Dershowitz did not ignore the letter;  
 02:34:04 8 he responded to it, correct?  
 02:34:06 9 **A. I think that's right.**  
 02:34:07 10 **Q.** And go back to the first letter.  
 02:34:10 11 **A. But, now, if we are -- if we're talking**  
 02:34:11 12 **about -- yeah, there's that one letter and now there's a**  
 02:34:14 13 **response letter, right.**  
 02:34:14 14 **Q.** My question to you is: Does the statement to  
 02:34:21 15 a person that "we have reason to believe that you have  
 02:34:26 16 personally observed another person in the presence of  
 02:34:31 17 underage females and we would like to ask you about your  
 02:34:36 18 observations," put the recipient on notice that you,  
 02:34:41 19 yourself, are accused of criminal conduct in abusing  
 02:34:45 20 minors?  
 02:34:46 21 **A. Well, it puts you on notice that you're a**  
 02:34:49 22 **potential, obviously, witness to this and then therefore**  
 02:34:51 23 **you could have potential involvement.**  
 02:34:53 24 **Let me give you a simple illustration. It'll**  
 02:34:55 25 **take about 20 seconds. If somebody says --**  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:34:56 1 **Q.** Well, let me back up. My first question,  
 02:34:57 2 though, if you can answer the question.  
 02:34:58 3 **MR. SCAROLA:** No. I'm sorry. The witness is  
 02:35:00 4 entitled to complete his response. If you  
 02:35:01 5 don't -- if you believe it to be unresponsive,  
 02:35:03 6 you can move to strike it, but he's entitled to  
 02:35:06 7 complete it.  
 02:35:06 8 **MR. SIMPSON:** He --  
 02:35:06 9 **MR. SCAROLA:** So go ahead and complete your  
 02:35:08 10 response.  
 02:35:08 11 **MR. SIMPSON:** Can we have a -- you can give  
 02:35:09 12 an explanation, but a yes or no with an  
 02:35:10 13 explanation.  
 02:35:11 14 **MR. SCAROLA:** You already got that. Could we  
 02:35:12 15 now have the completion of the response?  
 02:35:14 16 **THE WITNESS:** Here's the simple illustration  
 02:35:16 17 I think makes it pretty clear: If somebody says,  
 02:35:17 18 we have observed you in the presence of a kilo of  
 02:35:20 19 cocaine, we would like to question you about the  
 02:35:23 20 presence -- about your observations of this, that  
 02:35:26 21 doesn't directly state that you are a drug user  
 02:35:27 22 or a drug dealer, but it certainly puts you on  
 02:35:29 23 notice that you're associated with that criminal  
 02:35:31 24 activity and somebody is going to question you  
 02:35:31 25 about it.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:35:33 1 In the context of this case, to say, you have  
 02:35:35 2 been observed in the -- in -- by numerous  
 02:35:37 3 witnesses in the presence of a convicted sex  
 02:35:41 4 offender and underage girls, and we would like to  
 02:35:45 5 talk to you about those observations, I think  
 02:35:45 6 that puts you on notice that you're in -- in --  
 02:35:49 7 in jeopardy of -- of criminal activity,  
 02:35:52 8 particularly when you combine that with the fact  
 02:35:54 9 that there is a duty to report child abuse in  
 02:35:57 10 many states in this country, including the State  
 02:35:57 11 of Florida.  
 02:35:59 12 And so that if those observations were such  
 02:36:02 13 that they would give rise to a reasonable  
 02:36:05 14 inference that sex abuse was -- of children was  
 02:36:08 15 going on and you'd be obligated to report it, as  
 02:36:09 16 I think Mr. Dershowitz conceded yesterday, yes,  
 02:36:12 17 you -- I think that puts you on notice that --  
 02:36:14 18 that those kinds of things are being alleged.  
 02:36:16 19 **BY MR. SIMPSON:**  
 02:36:18 20 **Q.** So, first, the letter itself, the letter from  
 02:36:22 21 Mr. Scarola simply says, you were -- you were personally  
 02:36:28 22 -- you personally observed Jeffrey Epstein in the  
 02:36:31 23 presence of underaged females, correct?  
 02:36:33 24 **A. Correct.**  
 02:36:33 25 **Q.** It does not say, you witnessed abuse of any  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:36:37 1 minor; we have reason to believe you observed abuse of  
 02:36:39 2 minors?  
 02:36:39 3 **A. If those words do not appear there, but come**  
 02:36:41 4 **on, we -- we know -- we know in the context of this**  
 02:36:44 5 **case, when somebody is asking to take a deposition about**  
 02:36:47 6 **your observation of young girls, they weren't talking**  
 02:36:50 7 **about preparations for birthday parties. They were**  
 02:36:52 8 **talking about sexual abuse of children.**  
 02:36:56 9 **And that was what Mr. Dershowitz was going to**  
 02:36:59 10 **be asked about. And he did not -- he did not take that**  
 02:37:02 11 **opportunity to try to clear the record; instead, we are,**  
 02:37:05 12 **you know, here today, because among other reasons, he --**  
 02:37:09 13 **he -- he wasn't deposed then.**  
 02:37:12 14 **Q.** I want -- I want to comment. I'm just a  
 02:37:18 15 little bit non -- nonplussed, so I want to come back to  
 02:37:21 16 this again.  
 02:37:21 17 **A. Well, I'm -- I have to tell you, I'm a little**  
 02:37:23 18 **bit nonplussed that somebody would say that letter**  
 02:37:24 19 **doesn't put you on notice that you're potentially**  
 02:37:27 20 **involved in criminal activity. I mean, come on.**  
 02:37:30 21 **Q.** I -- my question wasn't potentially involved  
 02:37:33 22 in criminal activity. We disagree about whether it does  
 02:37:36 23 that.  
 02:37:37 24 **A. Okay. I think it does.**  
 02:37:38 25 **Q.** I suspect you -- that's how you read it?  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:37:40 1 A. I think it puts you on notice in the context  
 02:37:42 2 of a country which has required people to report the  
 02:37:45 3 sexual abuse of children, and somebody wants to talk to  
 02:37:49 4 you about your observations of a convicted sex offender  
 02:37:52 5 with underage girls, that that's going to be one of the  
 02:37:56 6 subjects that's going to be discussed, yes.

02:37:56 7 Q. My question was -- my initial question was:  
 02:38:01 8 Does -- do the statements in this letter put the reader  
 02:38:05 9 on notice that you, personally, are accused of abusing  
 02:38:14 10 minors yourself, not that you have in some knowledge or  
 02:38:19 11 evidence that someone else did it, but that you,  
 02:38:22 12 yourself, did it; is that a way to give fair notice?

02:38:26 13 A. Well, in fair notice in what context? You  
 02:38:30 14 know, is he on notice that a lawsuit is going to be  
 02:38:31 15 filed the next day?

02:38:32 16 Simply from that piece of -- that letter  
 02:38:34 17 alone, they are on notice, you know -- I mean, I think  
 02:38:37 18 that puts you on notice that there are serious  
 02:38:41 19 allegations afoot and it would be in your best interest  
 02:38:43 20 if you hadn't done anything, to show up, attend a  
 02:38:46 21 deposition, let all the facts come out so that everybody  
 02:38:48 22 can know them.

02:38:49 23 Q. Would you agree that accusing someone of  
 02:38:54 24 themselves abusing a minor is different than accusing  
 02:39:00 25 someone of having knowledge that somebody else did it?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:39:03 1 A. Yes.  
 02:39:04 2 Q. And to accuse someone of abusing a minor is a  
 02:39:09 3 serious, serious accusation of criminal conduct,  
 02:39:14 4 personal criminal conduct, not just failing to report  
 02:39:17 5 somebody else, but you, yourself, are abusing people?

02:39:21 6 A. Oh, yeah.  
 02:39:21 7 MR. SCAROLA: Are you suggesting that that's  
 02:39:23 8 not criminal conduct?

02:39:25 9 MR. SIMPSON: I'm -- I'm -- my question  
 02:39:26 10 stands.

02:39:26 11 BY MR. SIMPSON:

02:39:26 12 Q. What is the answer to that?

02:39:27 13 A. It is a very serious charge, I agree. That's  
 02:39:30 14 why we are all here today.

02:39:30 15 Q. Okay. And -- and if you wanted to put  
 02:39:32 16 someone on fair notice that they are accused themselves  
 02:39:36 17 of being a sex offender, a criminal who has abused  
 02:39:41 18 children, wouldn't you tell them that?

02:39:43 19 A. That's a speculative question because that  
 02:39:46 20 letter was designed to try to collect information about  
 02:39:48 21 an international sex trafficking organization. And so  
 02:39:52 22 as to -- you know, I'm not going to speculate as to why  
 02:39:55 23 Mr. Scarola wrote it that way. But my sense, based on  
 02:39:58 24 the public record is, that he was trying to get as much  
 02:40:01 25 information as he could about what Jeffrey Epstein and

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:40:03 1 his criminal associates were doing. And he thought that  
 02:40:05 2 Mr. Dershowitz would have information and was trying to  
 02:40:07 3 collect that.

02:40:08 4 Now, whether the -- the -- the tentacles of  
 02:40:10 5 the organization would extend so that they wrapped  
 02:40:13 6 around Mr. Dershowitz himself, I guess was the subject  
 02:40:16 7 that -- that Mr. Scarola, I am assuming, was hoping to  
 02:40:18 8 explore. But Mr. Dershowitz prevented that opportunity.

02:40:22 9 Q. And Mr. Dershowitz, you knew, had been  
 02:40:26 10 Mr. Epstein's attorney, correct?

02:40:27 11 A. Correct.

02:40:28 12 Q. And you knew, just as we have seen here today  
 02:40:32 13 with multiple assertions of privilege, that he could not  
 02:40:36 14 testify about anything he learned as an attorney?

02:40:37 15 A. He could testify, and the letter itself says,  
 02:40:40 16 we are not going to ask you about any communications; we  
 02:40:43 17 are going to ask you about observations of sex abuse by  
 02:40:47 18 a convicted sex offender, and your personal knowledge of  
 02:40:50 19 that. That would not have erased in the -- and  
 02:40:52 20 Mr. Scarola's a very good attorney, and I'm sure all of  
 02:40:56 21 his questions that we saw the last couple of days would  
 02:40:58 22 have been very narrowly focused on observations about  
 02:41:01 23 what this criminal organization was doing.

02:41:05 24 Q. And so to the bottom line is that your view,  
 02:41:08 25 your sworn testimony, this letter of August 23rd, 2011,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:41:16 1 put Mr. Dershowitz, Professor Dershowitz, on fair notice  
 02:41:21 2 that he was being accused of being a sex offender  
 02:41:25 3 himself?

02:41:26 4 A. We -- we have gone over this. I think it put  
 02:41:28 5 him on fair notice that there were serious questions  
 02:41:31 6 being raised about what he knew about this criminal  
 02:41:35 7 organization, what the potential criminal responsibility  
 02:41:36 8 he had for failure to report sexual abuse of a child, as  
 02:41:39 9 well as other possibilities.

02:41:42 10 MR. SIMPSON: I'm going to move to strike as  
 02:41:43 11 nonresponsive.

02:41:43 12 BY MR. SIMPSON:

02:41:44 13 Q. My question is a very narrow one, whether  
 02:41:47 14 this letter, in your opinion, under oath, fairly put  
 02:41:53 15 Mr. -- Professor Dershowitz on notice that he himself  
 02:41:58 16 was accused of abusing minors.

02:42:02 17 A. Again, that's a vague question. I've tried  
 02:42:04 18 to give the best answer I can. That was certainly a  
 02:42:06 19 potential area of questioning. I think that puts him on  
 02:42:09 20 notice that it would have been in his best interest to  
 02:42:12 21 appear to answer those questions.

02:42:14 22 MR. SIMPSON: I'm going to object to the  
 02:42:16 23 answer again as nonresponsive.

02:42:16 24 BY MR. SIMPSON:

02:42:18 25 Q. It's a really simple question.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:42:20 **1** Does that letter put Mr. Dershowitz on fair  
 02:42:23 **2** notice that he's accused of being a sex offender  
 02:42:26 **3** himself?  
 02:42:27 **4** MR. SCAROLA: Objection. Repetitious. To  
 02:42:28 **5** the extent that you can improve upon the answer,  
 02:42:32 **6** you can improve upon the answer. If you can't,  
 02:42:35 **7** all you need to do is say that.  
 02:42:37 **8** THE WITNESS: I -- and I'll try to --  
 02:42:38 **9** obviously, I want to be responsive --  
 02:42:38 **10** BY MR. SIMPSON:  
 02:42:38 **11** **Q.** Let -- let me ask --  
 02:42:40 **12** **A.** -- to your question.  
 02:42:40 **13** **Q.** I'll ask you a different question.  
 02:42:41 **14** **A.** **I don't think that's a yes or no question**  
 02:42:43 **15** **because of -- of you're including vague terms like fair**  
 02:42:46 **16** **notice and -- and those sorts of things. So -- but go**  
 02:42:49 **17** **ahead and ask your questions and I'll -- I mean, go**  
 02:42:55 **18** **ahead.**  
 02:42:55 **19** **Q.** You're a former federal judge?  
 02:42:55 **20** **A.** **Right.**  
 02:42:56 **21** **Q.** A former Supreme Court law -- law clerk?  
 02:42:56 **22** **A.** **Yes.**  
 02:42:59 **23** **Q.** Professor at a law school?  
 02:43:02 **24** **A.** **Yes.**  
 02:43:03 **25** **Q.** Reading as -- reading the language of this  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:43:09 **1** letter, in your opinion, does the language itself put  
 02:43:18 **2** the recipient on notice that the recipient is accused of  
 02:43:23 **3** abusing minors himself?  
 02:43:27 **4** **A.** **It puts him on notice that that is going to**  
 02:43:29 **5** **be a potential subject of inquiry at the -- at the --**  
 02:43:33 **6** **the deposition.**  
 02:43:34 **7** **Q.** So your answer then is, yes, it puts the --  
 02:43:37 **8** the -- the person on notice; that's your reading?  
 02:43:40 **9** **A.** **You're -- I think you're putting words in my**  
 02:43:42 **10** **mouth. You're -- you're trying to ask, you know, a**  
 02:43:44 **11** **question that on the one hand, you're suggesting is**  
 02:43:47 **12** **narrow, and on the other hand is broad. It -- I mean,**  
 02:43:50 **13** **this is probably the simplest way to answer that**  
 02:43:50 **14** **question.**  
 02:43:51 **15** **If I had gotten that letter, I would have**  
 02:43:52 **16** **said, schedule the deposition in the next 24 hours, and**  
 02:43:55 **17** **come on down here now, and I will be available for a**  
 02:43:58 **18** **week. That's what I would have said if I had gotten**  
 02:44:01 **19** **that letter.**  
 02:44:02 **20** MR. SIMPSON: Move to strike as  
 02:44:03 **21** nonresponsive.  
 02:44:03 **22** BY MR. SIMPSON:  
 02:44:06 **23** **Q.** Is it your testimony you can't answer yes or  
 02:44:09 **24** no whether that letter, on its face, puts the recipient  
 02:44:12 **25** on notice that the recipient is accused himself of  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:44:17 **1** having abused minors? Can you answer that: Yes or no?  
 02:44:21 **2** **A.** **No. I think a yes-or-no answer would be**  
 02:44:24 **3** **misleading, given the context of this case.**  
 02:44:27 **4** **Q.** You referred in your earlier testimony to --  
 02:44:44 **5** strike that for a moment.  
 02:44:46 **6** You referred in your earlier testimony to an  
 02:45:04 **7** article that appeared today regarding  
 02:45:06 **8** Professor Dershowitz's deposition testimony, correct?  
 02:45:11 **9** **A.** **I don't think so.**  
 02:45:13 **10** **Q.** Okay. Are you aware that -- well, perhaps it  
 02:45:17 **11** was Miss McCawley who referred to it.  
 02:45:19 **12** Do you recall there being a reference this  
 02:45:21 **13** morning to an article being published about  
 02:45:24 **14** Professor Dershowitz's testimony?  
 02:45:26 **15** MS. McCAWLEY: Oh, I'm sorry. It was me. I  
 02:45:28 **16** objected to the extent -- only to the extent it  
 02:45:30 **17** revealed something public that had been stated in  
 02:45:33 **18** public.  
 02:45:33 **19** BY MR. SIMPSON:  
 02:45:34 **20** **Q.** Okay. And I -- you recall that?  
 02:45:36 **21** **A.** **Yeah, I recall the objection. I think**  
 02:45:37 **22** **there's an article that came out yesterday or a**  
 02:45:39 **23** **communication. I -- I -- you know, I can't remember**  
 02:45:42 **24** **the -- exactly where I -- I know that I received a**  
 02:45:45 **25** **communication, either through publication or in some**  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:45:47 **1** **other way from the -- from the -- you know, I became**  
 02:45:51 **2** **aware that there was a statement that the -- what's the**  
 02:45:55 **3** **name of the outfit? It's the Business Investor --**  
 02:45:57 **4** MR. SCAROLA: Daily Business Review.  
 02:45:58 **5** THE WITNESS: Daily Business Review that was  
 02:46:01 **6** stating that David Boies was saying that the  
 02:46:04 **7** representations made by Mr. Dershowitz were  
 02:46:08 **8** false.  
 02:46:08 **9** MR. SCAROLA: I did just coach the witness.  
 02:46:09 **10** I apologize.  
 02:46:10 **11** THE WITNESS: Yeah. And, I'm sorry, just for  
 02:46:12 **12** the name of that, so...  
 02:46:12 **13** BY MR. SIMPSON:  
 02:46:13 **14** **Q.** And you -- in your earlier testimony, you  
 02:46:14 **15** referred to it -- you didn't recall the name, but you  
 02:46:17 **16** referred to it as a reputable --  
 02:46:18 **17** **A.** **That's right.**  
 02:46:19 **18** **Q.** -- publication?  
 02:46:21 **19** **A.** **That's right. That's the one we are talking**  
 02:46:21 **20** **about, right.**  
 02:46:21 **21** **Q.** Right. And in that article it states:  
 02:46:31 **22** "McCawley," referring to our colleague,  
 02:46:32 **23** "later issued a statement on Boies's behalf  
 02:46:35 **24** saying, because the discussions that Mr. Boies  
 02:46:37 **25** had with Mr. Dershowitz were expressly privileged  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:46:40 1 settlement discussions, Mr. Boies will not, at  
 02:46:43 2 least at this time, describe what was actually  
 02:46:46 3 said. However, Mr. Boies does state that  
 02:46:50 4 Mr. Dershowitz's description of what was said is  
 02:46:54 5 not true."  
 02:46:55 6 **A. That's the one.**  
 02:46:56 7 **Q.** You read that?  
 02:46:56 8 **A. Yeah. I -- I learned of it -- yeah, I don't**  
 02:46:58 9 **remember whether I read or how I got it, but yeah,**  
 02:47:00 10 **that's the one.**  
 02:47:00 11 **Q.** In light of that statement by Mr. Boies,  
 02:47:03 12 would you agree that any privilege has been waived?  
 02:47:06 13 **A. I would not.**  
 02:47:06 14 **Q.** So --  
 02:47:07 15 **A. That's -- that's a newspaper article.**  
 02:47:08 16 **Q.** It's a pub -- it's a quote. Let me clarify.  
 02:47:12 17 That's a statement -- quoting a statement issued by  
 02:47:16 18 Ms. McCawley and quoting Mr. Boies as saying,  
 02:47:20 19 Mr. Dershowitz's description of what was said is not  
 02:47:23 20 true, so that's a public statement by Mr. Boies saying  
 02:47:26 21 that Mr. Dershowitz's testimony is not true; is that a  
 02:47:29 22 waiver in your view?  
 02:47:30 23 **A. No. And that would require -- I'm with --**  
 02:47:32 24 **I'm just putting you on notice, talking about notice, if**  
 02:47:35 25 **you want me to, I could give you the law professor**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:47:39 1 **answer as to why that's not a waiver. Off the top of my**  
 02:47:41 2 **head, I can start talking about that.**  
 02:47:43 3 **Q.** No. I don't -- I don't need that.  
 02:47:44 4 **A. Right. That's why I just wanted to let you**  
 02:47:46 5 **know, so...**  
 02:47:46 6 **Q.** But I really wanted to clarify -- and what I  
 02:47:49 7 wanted to clarify was --  
 02:47:49 8 **A. I do not -- let me just be clear, so the**  
 02:47:51 9 **record is clear: I absolutely do not believe that's a**  
 02:47:52 10 **waiver and I could give you an extended answer, but I**  
 02:47:55 11 **know time is drawing short --**  
 02:47:55 12 **Q.** All right.  
 02:47:56 13 **A. -- so...**  
 02:47:56 14 **Q.** But you -- what I want to clarify is that,  
 02:48:00 15 notwithstanding that statement, you will continue to  
 02:48:02 16 answer all my questions about the substance of  
 02:48:05 17 discussions with Mr. Boies; you're continuing not to  
 02:48:08 18 answer, you're continuing --  
 02:48:10 19 MS. McCAWLEY: Yes --  
 02:48:10 20 MR. SCAROLA: You just said you --  
 02:48:10 21 MS. McCAWLEY: -- I believe --  
 02:48:11 22 MR. SCAROLA: -- continue to answer.  
 02:48:11 23 MS. McCAWLEY: I'm sorry.  
 02:48:11 24 MR. SIMPSON: I'm sorry.  
 02:48:12 25 MS. McCAWLEY: Continue not to answer.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:48:13 1 MR. SCAROLA: Why don't you start over again?  
 02:48:15 2 MR. SIMPSON: No. I just want --  
 02:48:15 3 MS. McCAWLEY: We disagree with  
 02:48:16 4 your characterization of that as a waiver. It  
 02:48:19 5 was a statement that was issued in order to stop  
 02:48:22 6 the waivers that Mr. Dershowitz was trying to  
 02:48:22 7 engage in, and we -- we don't agree that's a  
 02:48:25 8 waiver and we will not allow any testimony  
 02:48:27 9 regarding those communications.  
 02:48:28 10 MR. SIMPSON: Okay. I disagree with the  
 02:48:31 11 position and the characterization, but I just  
 02:48:33 12 wanted to clarify on the record, I didn't have to  
 02:48:35 13 ask those questions again.  
 02:48:35 14 MR. SCAROLA: Sure.  
 02:48:38 15 MS. McCAWLEY: I understand.  
 02:48:38 16 MR. SIMPSON: And, obviously, our position is  
 02:48:39 17 that if it hadn't already been -- if it hadn't  
 02:48:41 18 already been waived -- either it wasn't  
 02:48:43 19 privileged or hadn't been waived, it's now  
 02:48:47 20 waived.  
 02:48:47 21 THE WITNESS: And my -- just --  
 02:48:50 22 MR. SIMPSON: I don't have a question.  
 02:48:51 23 THE WITNESS: I know, but I -- but I think  
 02:48:52 24 now in light of, since the record has these  
 02:48:53 25 characters, I just want to put one sentence into

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:48:57 1 the record, which is: It doesn't seem to me that  
 02:48:58 2 an attorney can inject into a deposition  
 02:49:01 3 confidential settlement proceedings, have  
 02:49:03 4 somebody deny that, and then say, aha, they're no  
 02:49:05 5 longer confidential settlement proceedings, so  
 02:49:05 6 that's --  
 02:49:06 7 MR. SIMPSON: There's no question pending. I  
 02:49:10 8 move to strike the comments.  
 02:49:12 9 THE WITNESS: Right. I just didn't want your  
 02:49:14 10 comments to -- to reflect back on my earlier  
 02:49:15 11 answer.  
 02:49:15 12 BY MR. SIMPSON:  
 02:49:18 13 **Q.** I want to go back, Mr. Cassell, get back to  
 02:49:23 14 yesterday's exhibits. I'm going to hand you what was  
 02:49:26 15 marked yesterday as Cassell Exhibit Number 2, which is  
 02:49:30 16 the joinder motion, and when you have that in front of  
 02:49:36 17 you --  
 02:49:36 18 **A. Got it.**  
 02:49:37 19 **Q.** Do you have that in front of you?  
 02:49:38 20 **A. I do.**  
 02:49:39 21 **Q.** All right. Would you -- find my copy of  
 02:49:42 22 it -- if you would turn to page -- bottom of page 3,  
 02:49:50 23 part of -- top of page 4; do you have that?  
 02:49:52 24 **A. Got it.**  
 02:49:53 25 **Q.** All right. I'm going to read it. Tell me if

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:49:55 1 I've read it correctly.  
 02:49:56 2 **A. Okay.**  
 02:49:56 3 **Q.** "Epstein also sexually trafficked the  
 02:49:59 4 then-minor Jane Doe" -- and that's [REDACTED]  
 02:50:02 5 correct?  
 02:50:02 6 **A. Yes.**  
 02:50:03 7 **Q.** -- "making her available for sex to  
 02:50:05 8 politically-connected and financially-powerful people.  
 02:50:09 9 Epstein's purposes in lending Jane Doe, along with other  
 02:50:14 10 young girls, to such powerful people were to ingratiate  
 02:50:20 11 himself with them for business, personal, political, and  
 02:50:24 12 financial gain, as well as to obtain potential blackmail  
 02:50:29 13 information."  
 02:50:30 14 Did I read that correctly?  
 02:50:31 15 **A. You did.**  
 02:50:31 16 **Q.** What did you mean by "obtain potential  
 02:50:35 17 blackmail information"?  
 02:50:36 18 **A. Okay. Let me just double-check.**  
 02:50:41 19 **Once the criminal organization had put the**  
 02:50:45 20 **bait out, so to speak, to various people, and they took**  
 02:50:49 21 **the bait that -- you know, I'm -- I'm speaking**  
 02:50:49 22 **colloquially here. These are -- these are young girls**  
 02:50:54 23 **who are being sexually abused. Once the criminal**  
 02:50:56 24 **organization had gotten people to sexually abuse**  
 02:50:58 25 **these -- these young girls, at that point, they had**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:51:01 1 **information that they could use to blackmail those**  
 02:51:02 2 **people and -- and then get favors in exchange.**  
 02:51:05 3 **And that's Epstein at the head of the**  
 02:51:08 4 **organization would be the one who would benefit most**  
 02:51:11 5 **directly from the black -- the blackmail information.**  
 02:51:12 6 **Q.** And by "blackmail information," do you mean  
 02:51:17 7 that Mr. Epstein then had information that he could  
 02:51:19 8 threaten to disclose if the other person didn't do what  
 02:51:24 9 Epstein asked them to do?  
 02:51:24 10 **A. Precisely.**  
 02:51:26 11 **Q.** As of December 30th, 2014, if Miss Roberts  
 02:51:32 12 had access to publicity, she had exactly the same  
 02:51:36 13 ability to blackmail people; isn't that true?  
 02:51:38 14 **A. Absolutely not. A billionaire has far more**  
 02:51:43 15 **resources than a victim of child sex abuse, particularly**  
 02:51:46 16 **one that has been forced into hiding in Australia to**  
 02:51:49 17 **escape the criminal organization.**  
 02:51:51 18 **So for you to suggest that [REDACTED]**  
 02:51:52 19 **had the same ability to blackmail somebody as Jeffrey**  
 02:51:56 20 **Epstein is, I think, preposterous.**  
 02:52:00 21 **Q.** As of -- Miss -- Miss Roberts had the same  
 02:52:03 22 ability as Jeffrey Epstein to reveal publicly the names  
 02:52:12 23 of the people who she says sexually abused her, as did  
 02:52:17 24 Mr. Epstein; isn't that true?  
 02:52:19 25 **A. You're talking about physical ability to**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:52:21 1 **speak words. They both have the same physical ability**  
 02:52:24 2 **to speak the English language, yes.**  
 02:52:25 3 **Q.** And, in fact, before, at least three years  
 02:52:31 4 before December 30th, 2014, she had the ability to be  
 02:52:35 5 quoted in an article, more than one article, in the  
 02:52:39 6 Daily Mail in London about her experiences, correct?  
 02:52:42 7 **A. That's correct.**  
 02:52:43 8 **Q.** And am I correct that as of December 30th,  
 02:52:46 9 2014, you didn't know whether she was paid for that  
 02:52:50 10 interview or not?  
 02:52:51 11 **A. I wasn't sure. That's right.**  
 02:52:53 12 **Q.** And after December 30th, 2014, the references  
 02:52:58 13 to Prince Andrew and Professor Dershowitz generated  
 02:53:04 14 international publicity; isn't that true?  
 02:53:07 15 **A. Okay. Which -- yes, I mean, in a general**  
 02:53:11 16 **sense, I could ask which allegations, but these**  
 02:53:13 17 **allegations did generate publicity, certainly.**  
 02:53:16 18 **Q.** Yes. The allegations in your joinder motion  
 02:53:18 19 that [REDACTED] and Professor Dershowitz had abused  
 02:53:24 20 [REDACTED] -- when known as Jane Doe Number 3,  
 02:53:26 21 generated a firestorm of publicity; did it not?  
 02:53:30 22 **A. It generated a lot of publicity, yes.**  
 02:53:32 23 **Q.** And within days of that, you were -- you were  
 02:53:36 24 participating in attempting to arrange an interview with  
 02:53:38 25 ABC News; isn't that true?

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:53:39 1 **A. That -- within days of -- the chronology is**  
 02:53:43 2 **important here: The allegations were filed in this**  
 02:53:45 3 **pleading on December 30th. Several days after that,**  
 02:53:48 4 **Mr. Dershowitz then took to the airwaves to denounce,**  
 02:53:53 5 **not only Brad and me, but -- but particularly of concern**  
 02:53:56 6 **to me was [REDACTED] is victim of sex**  
 02:53:58 7 **trafficking.**  
 02:53:59 8 **And, at that point, as one of -- as one of**  
 02:54:01 9 **her attorneys, I was looking for a way to respond to**  
 02:54:05 10 **that media assault on her by Mr. Dershowitz.**  
 02:54:09 11 **MR. SIMPSON: Move to strike as**  
 02:54:09 12 **nonresponsive.**  
 02:54:09 13 **BY MR. SIMPSON:**  
 02:54:15 14 **Q.** Did -- within 24 hours of this pleading being  
 02:54:22 15 filed, there was publicity about the allegations against  
 02:54:27 16 Prince Andrew and Mr. Dershowitz -- Professor  
 02:54:31 17 Dershowitz; isn't that correct?  
 02:54:32 18 **A. I don't know the exact time frame, but**  
 02:54:34 19 **that -- you know, roughly that time frame sounds about**  
 02:54:36 20 **right.**  
 02:54:36 21 **Q.** If Mr. -- if Professor Dershowitz had never  
 02:54:39 22 said anything, wouldn't you expect that these  
 02:54:42 23 allegations as to Prince Andrew, in particular, and  
 02:54:47 24 Professor Dershowitz would get substantial publicity?  
 02:54:50 25 **A. There was -- there was --**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:54:51 1 MR. SCAROLA: Excuse me. To the extent the  
 02:54:53 2 question calls for speculation, I object.  
 02:54:55 3 MR. SIMPSON: No. I'm asking for his state  
 02:54:57 4 of mind when he filed this document.  
 02:54:59 5 THE WITNESS: There's no doubt that --  
 02:54:59 6 MR. SCAROLA: So the question is: At the  
 02:55:01 7 time of the filing --  
 02:55:02 8 MR. SIMPSON: Please -- please don't coach  
 02:55:03 9 the witness.  
 02:55:03 10 MR. SCAROLA: No, I'm not coaching him. I  
 02:55:05 11 just want to understand the question. You're  
 02:55:06 12 asking what his state of mind was at the time of  
 02:55:09 13 filing?  
 02:55:09 14 MR. SIMPSON: Did he -- did he anticipate --  
 02:55:09 15 MR. SCAROLA: Because the other question was:  
 02:55:11 16 What do you -- what's your position today.  
 02:55:13 17 MR. SIMPSON: Mr. Scarola, really.  
 02:55:14 18 MR. SCAROLA: That's -- that's a different  
 02:55:15 19 question. So I just want to know which one  
 02:55:17 20 you're asking.  
 02:55:18 21 Do you want to know his state of mind then,  
 02:55:21 22 or his state of mind today?  
 02:55:23 23 MR. SIMPSON: I will take that as an  
 02:55:25 24 objection to the form of the question.  
 02:55:25 25

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:55:25 1 BY MR. SIMPSON:  
 02:55:27 2 Q. As of --  
 02:55:27 3 MR. SCAROLA: It's a request for a  
 02:55:28 4 clarification of an ambiguous question.  
 02:55:33 5 MR. SIMPSON: It's coaching the witness.  
 02:55:33 6 BY MR. SIMPSON:  
 02:55:34 7 Q. As of --  
 02:55:34 8 A. **Yeah, I don't need any coaching. I mean...**  
 02:55:35 9 Q. Let me ask the question.  
 02:55:36 10 As of December 30th -- that's true -- as  
 02:55:39 11 of --  
 02:55:39 12 A. **Right --**  
 02:55:39 13 Q. -- we agree that's coaching.  
 02:55:39 14 A. **-- but that wasn't coaching. That wasn't**  
 02:55:41 15 **coaching, so the suggestion that it's coaching is -- is**  
 02:55:43 16 **not fair.**  
 02:55:43 17 Q. Okay. We disagree.  
 02:55:46 18 As of December 30th, 2014, did you anticipate  
 02:55:52 19 that naming Prince Andrew in a public filing as having  
 02:55:58 20 abuse [REDACTED] would generate substantial  
 02:56:02 21 publicity?  
 02:56:03 22 A. **"Substantial" is a debatable word, but**  
 02:56:06 23 **certainly, it's going to generate publicity, yes.**  
 02:56:10 24 **Publicity about the allegations.**  
 02:56:12 25 Q. Yes. And -- and the allegations are that

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:56:15 1 Prince Andrew had sexually abused [REDACTED]  
 02:56:19 2 correct?  
 02:56:19 3 A. **That was one of the allegations in here,**  
 02:56:21 4 **sure.**  
 02:56:21 5 Q. And the allegations that Professor Dershowitz  
 02:56:25 6 had sexually abused [REDACTED] act?  
 02:56:31 7 A. **That's right. It was in a -- what we were --**  
 02:56:32 8 **what we were starting to document and allege here was**  
 02:56:35 9 **that terrible things that Epstein's criminal**  
 02:56:39 10 **organization had done.**  
 02:56:39 11 Q. Let me refer you to page 6 --  
 02:56:42 12 A. **Okay.**  
 02:56:42 13 Q. -- of your filing. It's the first full  
 02:56:48 14 paragraph.  
 02:56:48 15 A. **Yep.**  
 02:56:49 16 Q. I'm going to read it. "Epstein also  
 02:56:51 17 trafficked Jane Doe Number 3 for sexual purposes to many  
 02:56:56 18 other powerful men."  
 02:56:57 19 A. **Okay.**  
 02:56:57 20 Q. "Including numerous prominent American  
 02:57:00 21 politicians, powerful business executives, foreign  
 02:57:05 22 presidents, a well-known prime minister, and other world  
 02:57:10 23 leaders. Jane -- Epstein required Jane Doe Number 3 to  
 02:57:15 24 describe the events that she had with these men so that  
 02:57:18 25 he could potentially blackmail them."

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:57:20 1 Did I read that correctly?  
 02:57:21 2 A. **You did.**  
 02:57:22 3 Q. With respect to blackmail, the ability to  
 02:57:28 4 blackmail, is that the same potential we talked about a  
 02:57:30 5 moment ago in your testimony?  
 02:57:32 6 A. **Sure.**  
 02:57:32 7 Q. And you're referring there to --  
 02:57:34 8 A. **Roughly, yeah. I mean, if there's something**  
 02:57:35 9 **that you want clarified, go ahead and clarify it.**  
 02:57:37 10 Q. I just -- I just wanted to make sure I  
 02:57:39 11 understand correctly that when you refer that -- to  
 02:57:42 12 Epstein requiring [REDACTED] describe these  
 02:57:44 13 events so that he could potentially blackmail them, what  
 02:57:46 14 you had in mind was, Epstein wanted to know what  
 02:57:52 15 [REDACTED] these men so that he had the  
 02:57:55 16 ability to threaten to disclose it if they didn't do  
 02:57:58 17 what he wanted them to do?  
 02:57:59 18 A. **That was -- that was part of it, yes.**  
 02:58:01 19 Q. And isn't it true you could have  
 02:58:04 20 accomplished -- in terms of furthering [REDACTED]  
 02:58:07 21 [REDACTED] legal interests, you could have accomplished  
 02:58:10 22 exactly the same thing by saying Epstein also  
 02:58:14 23 trafficked -- trafficked Jane Doe Number 3 for sexual  
 02:58:18 24 purposes to other well-known men, period?  
 02:58:24 25 A. **No, I don't think so.**

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

02:58:26 1 Q. Okay. You felt that it furthered her legal  
02:58:30 2 interests to specify American politicians, powerful  
02:58:34 3 business executives, foreign presidents, a well-known  
02:58:38 4 prime minister and other world leaders; that was your --  
02:58:42 5 you -- you believe that furthered her legal interest?  
02:58:43 6 A. Yes.  
02:58:43 7 Q. Did you also anticipate that that would  
02:58:47 8 titillate the Press, so to speak, that there would be a  
02:58:49 9 lot of speculation on who these people are?  
02:58:52 10 A. That wasn't the -- that wasn't the focus  
02:58:54 11 of the -- those comments, no.  
02:58:55 12 Q. You said it wasn't the focus. Did you  
02:58:57 13 realize it would happen?  
02:58:58 14 A. Sure. I mean, this was a case that had  
02:59:02 15 been already -- this litigation had been going on at  
02:59:02 16 that point for seven years and lots of people were  
02:59:04 17 following it. This is -- this case is one of the most  
02:59:07 18 egregious examples of a violation of Crime Victims'  
02:59:11 19 Rights in the history of this country.  
02:59:13 20 And so against that context, yes, there were  
02:59:14 21 going to be people interested in every word that was  
02:59:16 22 going into this pleading. Whether we had gone more  
02:59:19 23 broadly or more narrowly than what we did, people were  
02:59:23 24 going to be interested in this.  
02:59:23 25 Q. And as of December 30th of 2014, Miss Roberts

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

02:59:31 1 had the same ability to disclose who these individuals  
02:59:34 2 were publicly, as did Jeffrey Epstein, correct, because  
02:59:38 3 she had personal knowledge of who they were?  
02:59:40 4 A. She had the ability to speak the words, but,  
02:59:42 5 again, I think it's preposterous to say that a victim of  
02:59:45 6 sex trafficking has the same power as the sex trafficker  
02:59:48 7 to disclose information.  
02:59:51 8 For example, [REDACTED] could be  
02:59:52 9 attacked, and I think as we were talking about  
02:59:54 10 yesterday, we have seen evidence of the kind of attack  
02:59:57 11 that powerful people can mount against the victims of  
03:00:01 12 sex trafficking. So to say that the young women in sex  
03:00:04 13 trafficking schemes have the same power as their  
03:00:07 14 traffickers to do this -- I'm sorry. I'm going to have  
03:00:11 15 to take a break.  
03:00:12 16 THE VIDEOGRAPHER: We are going off the video  
03:00:14 17 record, 11:32 a.m.  
03:04:14 18 (Thereupon, a recess was taken.)  
03:04:14 19 THE VIDEOGRAPHER: We are back on the video  
03:04:20 20 record, 11:36 a.m.  
03:04:24 21 BY MR. SIMPSON:  
03:04:27 22 Q. Had you finished your answer, Mr. Cassell?  
03:04:28 23 A. I think I had.  
03:04:28 24 Q. Okay.  
03:04:29 25 A. Thank you. Thank you for letting me take a

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:04:31 1 break. I appreciate that.  
03:04:32 2 Q. Okay.  
03:04:32 3 MR. SCAROLA: Could you just read back the  
03:04:34 4 last question for me? I just want to orient  
03:04:37 5 myself as to where we are. Thank you.  
03:04:37 6 (Thereupon, a portion of the record was read  
03:05:33 7 by the reporter.)  
03:05:33 8 MR. SCAROLA: Yeah, I didn't I think the  
03:05:34 9 answer was --  
03:05:34 10 THE WITNESS: I guess I was mid-sentence, so  
03:05:36 11 think I will just stick with the same word,  
03:05:38 12 preposterous. And one -- one thing that occurred  
03:05:39 13 to me during the break, in the context of this  
03:05:42 14 case, is that there had been allegations that  
03:05:44 15 Epstein was part of the -- the sex trafficking  
03:05:47 16 organization, had video cameras mounted  
03:05:49 17 throughout many of his -- his mansions. And so,  
03:05:52 18 whereas a young woman could say, or a young girl  
03:05:55 19 could say, look, I was a victim of sex abuse,  
03:05:58 20 people would attack her; people wouldn't believe  
03:06:00 21 her, that unless she had, you know, corroborating  
03:06:02 22 evidence, people would say, well, look, it didn't  
03:06:05 23 happen.  
03:06:05 24 And so Epstein had managed to collect  
03:06:08 25 apparently a lot of videotapes and other kinds of

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:06:11 1 information that would have been -- given him the  
03:06:14 2 ability to make the blackmail kinds of charges  
03:06:15 3 that the girls that he was trafficking would --  
03:06:18 4 would not have had the ability to do.  
03:06:18 5 BY MR. SIMPSON:  
03:06:20 6 Q. Mr. Cassell, didn't you testify yesterday  
03:06:22 7 that any videotapes from Mr. Epstein's house had been  
03:06:27 8 destroyed?  
03:06:28 9 A. I -- when I used the word "destroyed," I  
03:06:30 10 probably should have been more precise. They had been  
03:06:32 11 concealed from law enforcement, is what I meant. That  
03:06:35 12 when Palm Beach Police Department went up to the Epstein  
03:06:37 13 mansion, they found surveillance cameras and other  
03:06:41 14 cameras. I can't remember exactly where the cameras  
03:06:44 15 were, but they found surveillance cameras, and when they  
03:06:46 16 looked for the tapes associated with those cameras, I  
03:06:50 17 used the word "destroyed"; and as I say, I probably  
03:06:50 18 should have said they were missing. And so they were  
03:06:52 19 never able to locate those -- those missing videotapes.  
03:06:55 20 Q. So as of December 30th of 2014, to your  
03:07:01 21 knowledge, there were no videotapes available?  
03:07:03 22 A. There were no videotapes available to law  
03:07:06 23 enforcement or to Brad and his pro bono crime victim  
03:07:09 24 attorneys to help document our case. We were trying to  
03:07:12 25 get those and we are continuing to try to get those,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:07:13 **1 but, obviously, Epstein and his criminal associates have**  
 03:07:16 **2 had the ability to -- to destroy the evidence that's**  
 03:07:21 **3 been -- that we have been trying to gather.**  
 03:07:23 **4 Q.** And in -- in your answer a couple of  
 03:07:26 **5 questions --**  
 03:07:27 **6 A. I -- I'm sorry. I shouldn't say "destroyed."**  
 03:07:28 **7 They have been able to conceal would probably be a more**  
 03:07:30 **8 accurate term, the -- the evidence that we are trying to**  
 03:07:33 **9 gather.**  
 03:07:33 **10 Q.** In my answer -- in my answer --  
 03:07:33 **11 A. Yeah.**  
 03:07:36 **12 Q.** -- in the question and answer, your answer to  
 03:07:38 **13 my question a couple of questions ago, you talked about**  
 03:07:42 **14 whether Mr. Epstein and [REDACTED] had the**  
 03:07:46 **15 same or equal ability to disclose --**  
 03:07:49 **16 A. Right.**  
 03:07:49 **17 Q.** -- what these prominent politicians,  
 03:07:53 **18 et cetera, had done, correct?**  
 03:07:54 **19 A. Correct.**  
 03:07:55 **20 Q.** Without attempting to make any comparison,  
 03:07:59 **21 you would agree, would you not, that as of December**  
 03:08:01 **22 30th, 2014, Miss Roberts had the ability to name the**  
 03:08:07 **23 names of the people who are referenced in this document?**  
 03:08:10 **24 A. Physical ability, yes.**  
 03:08:11 **25 Q.** And -- well, let me ask this: You say a  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:08:17 **1 well-known prime minister. Is that Prime Minister**  
 03:08:22 **2 Barak?**  
 03:08:22 **3 MS. McCAWLEY:** I'm gonna instruct you not to  
 03:08:25 **4 reveal any attorney/client communications you had**  
 03:08:26 **5 with [REDACTED] the specifics of her**  
 03:08:29 **6 court proceedings with those individuals.**  
 03:08:31 **7 BY MR. SIMPSON:**  
 03:08:32 **8 Q.** Is one of the other -- one of the powerful  
 03:08:34 **9 business executives, Les Wexner?**  
 03:08:37 **10 MS. McCAWLEY:** Again, same instruction.  
 03:08:40 **11 BY MR. SIMPSON:**  
 03:08:41 **12 Q.** Okay. Now, you mentioned yesterday -- well,  
 03:08:49 **13 a moment ago, you testified that these -- in your view,**  
 03:08:51 **14 these allegations about other powerful men furthered**  
 03:08:58 **15 Miss Roberts' legal position in the case, correct?**  
 03:09:02 **16 A. Yes.**  
 03:09:02 **17 Q.** And it's also your position, I assume, that  
 03:09:10 **18 the allegations regarding Professor Dershowitz and**  
 03:09:14 **19 Prince Andrew furthered Miss Roberts' legal position; is**  
 03:09:21 **20 that right?**  
 03:09:21 **21 A. Absolutely.**  
 03:09:21 **22 Q.** Does the fact that Judge Marra struck those  
 03:09:24 **23 allegations as impertinent, scandalous, and completely**  
 03:09:30 **24 irrelevant to the case, cause you to reassess?**  
 03:09:32 **25 MR. SCAROLA:** Excuse me. Is that -- is that  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:09:34 **1 intended to be a direct quote?**  
 03:09:36 **2 MR. SIMPSON:** Back up.  
 03:09:37 **3 BY MR. SIMPSON:**  
 03:09:39 **4 Q.** What is your understanding of Judge Marra's  
 03:09:41 **5 ruling with respect to these allegations about Professor**  
 03:09:45 **6 Dershowitz and Prince Andrew?**  
 03:09:46 **7 A. That they were premature.**  
 03:09:48 **8 Q.** That's your understanding of his order?  
 03:09:50 **9 A. Yes.**  
 03:09:50 **10 Q.** Okay.  
 03:09:54 **11 A. And I -- maybe I should -- I see some**  
 03:09:58 **12 skepticism there, so let me explain why I think those**  
 03:10:00 **13 allegations --**  
 03:10:01 **14 Q.** Yeah. Well, we can pull --  
 03:10:01 **15 A. -- are appropriate.**  
 03:10:01 **16 Q.** -- we will pull out the order itself --  
 03:10:01 **17 A. Sure.**  
 03:10:05 **18 Q.** -- at the appropriate time, but first, your  
 03:10:05 **19 understanding is that the judge didn't find that those**  
 03:10:09 **20 allegations, at the time they were made, were so**  
 03:10:13 **21 irrelevant to the case, that they should be stricken**  
 03:10:15 **22 from the public record?**  
 03:10:17 **23 A. In that pleading at that time, remember, we**  
 03:10:20 **24 had in our -- our brief -- let me explain the -- the**  
 03:10:24 **25 nine reasons why we thought that those allegations were**  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:10:27 **1 relevant to the case, since I think your question calls**  
 03:10:28 **2 for that.**  
 03:10:29 **3 Q.** Are those the nine reasons you gave  
 03:10:31 **4 yesterday?**  
 03:10:31 **5 A. No, I didn't have a chance to.**  
 03:10:32 **6 Q.** Are they the nine reasons that are set forth  
 03:10:34 **7 in your -- in your brief?**  
 03:10:35 **8 A. They are. Those are the nine reasons that**  
 03:10:37 **9 are set forth in the brief.**  
 03:10:38 **10 Q.** Okay. And -- and Judge Marra had that brief  
 03:10:41 **11 in front of him when he held that, these allegations**  
 03:10:45 **12 were so not relevant to the issues before the court,**  
 03:10:48 **13 that they would be stricken and not part of the public**  
 03:10:52 **14 record?**  
 03:10:52 **15 A. At that time, in that particular pleading --**  
 03:10:55 **16 I think you're mischaracterizing Judge Marra's ruling in**  
 03:11:00 **17 its entirety. He specifically said that the allegations**  
 03:11:01 **18 could be reasserted, if they were relevant to issues**  
 03:11:04 **19 that are -- that were coming up. And so, in following**  
 03:11:07 **20 that ruling, we went to the U.S. Attorney's Office,**  
 03:11:10 **21 propounded discovery requests and said, look, we believe**  
 03:11:13 **22 you're sitting on information that Dershowitz was, you**  
 03:11:16 **23 know, connected with the -- with the criminal**  
 03:11:17 **24 trafficking here; we would like you to produce those**  
 03:11:19 **25 documents.**  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:11:20 1 **And rather than say, hey, we don't have any**  
 03:11:22 2 **such documents, the U.S. Attorney's Office gave us the**  
 03:11:26 3 **response indicating, to our view, that there were such**  
 03:11:27 4 **documents, and as you know, since you're one of**  
 03:11:29 5 **Mr. Dershowitz's attorneys, we have drafted a pleading**  
 03:11:32 6 **now to try and collect that information, that law**  
 03:11:36 7 **enforce -- federal law enforcement agencies have**  
 03:11:39 8 **collected, and -- and to figure out the appropriate way**  
 03:11:42 9 **to litigate that so that we can get that information and**  
 03:11:44 10 **move forward with the case.**

03:11:46 11 **That's just one example of -- of how the**  
 03:11:49 12 **allegations, if they were premature at that point, are**  
 03:11:53 13 **no longer going to be premature as the case moves along.**

03:11:57 14 **Q.** Is it or is it not your understanding that  
 03:12:01 15 Judge Marra ruled that the allegations in this pleading  
 03:12:08 16 in front of you were so irrelevant to the pleading in  
 03:12:14 17 which they were stated, that they should be stricken  
 03:12:17 18 from the public record?

03:12:18 19 **A.** In that particular pleading at that  
 03:12:20 20 particular time, that's right.

03:12:21 21 **Q.** Does that cause you to reassess, in any way,  
 03:12:24 22 having filed this document?

03:12:25 23 **A.** Well, I think certainly as a tactical matter,  
 03:12:28 24 we should have reserved the -- the allegations for --  
 03:12:31 25 for another motion. I -- I think that's -- you know,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:12:34 1 **certainly, with the -- you're -- now, we are now sort of**  
 03:12:36 2 **speculating, would we have done something different if**  
 03:12:39 3 **we knew that? And the answer to that is, sure, we would**  
 03:12:41 4 **have tried to do something that Judge Marra thought was**  
 03:12:44 5 **the appropriate way to handle it, so...**

03:12:46 6 **Q.** And Judge Marra also reminded counsel of  
 03:12:49 7 their Rule 11 obligations; didn't he?

03:12:51 8 **A.** That's right. Yeah.

03:12:52 9 **Q.** And did it cause you to question, not  
 03:12:57 10 tactics, but whether you were acting properly in filing  
 03:13:00 11 this?

MR. SCAROLA: Excuse me. I --

MR. SIMPSON: I'm just asking if it caused  
 him to reassess.

MR. SCAROLA: I understand what you're  
 asking, and you're asking him about his mental  
 processes in connection with pending litigation.  
 That's work product. I instruct you not to  
 answer that question.

BY MR. SIMPSON:

03:13:14 20 **Q.** All right. You testified yesterday that one  
 03:13:15 21 reason that you found the filing of the complaint on  
 03:13:19 22 behalf of Jane Doe 102, who is [REDACTED]  
 03:13:27 23 the -- Bob Josefsberg and -- and why that was  
 03:13:34 24 significant was that Bob Josefsberg had been selected by  
 03:13:37 25

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:13:41 1 the United States Attorney for the Southern District of  
 03:13:45 2 Florida to represent victims, correct?

03:13:46 3 **A.** Yes. Through the -- through the NPA, yeah,  
 03:13:51 4 there was an apparatus that led to his selection.

03:13:54 5 **Q.** And does that answer reflect holding the U.S.  
 03:14:01 6 Attorney for the Southern District of Florida in that  
 03:14:03 7 office in high regard?

03:14:04 8 **A.** Sure.

03:14:05 9 **Q.** Do you contend that at the time the United  
 03:14:11 10 States Attorney for the Southern District of Florida  
 03:14:14 11 negotiated the NPA, they knew that Professor Dershowitz,  
 03:14:20 12 himself, had been involved in abuse of minors?

03:14:25 13 **A.** I don't know exactly what information they  
 03:14:27 14 had. I do know that we have been propounding discovery  
 03:14:30 15 requests on all of these subjects, including  
 03:14:32 16 Professor Dershowitz's involvement, when the U.S.  
 03:14:35 17 Attorney knew. They are asserting privilege over that.  
 03:14:37 18 I would wish they would waive the privilege or at least  
 03:14:39 19 provide the information to pro bono crime victims'  
 03:14:43 20 attorneys that they have, so we can get to the bottom of  
 03:14:45 21 this.

03:14:45 22 **But there have been, you know, a nonstop**  
 03:14:47 23 **series of assertions of privilege and other barriers**  
 03:14:49 24 **interposed against us in this case, and I think**  
 03:14:53 25 **inappropriately so, and -- and we have been arguing that**

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:14:55 1 **now for a number of years.**

03:14:56 2 **Q.** Would you agree with me that if the United  
 03:15:00 3 States Attorney's Office had been aware that Professor  
 03:15:04 4 Dershowitz had engaged in sexual misconduct with minors,  
 03:15:07 5 or himself had observed Mr. Epstein do so, that it would  
 03:15:12 6 have been improper and unethical for them to let Mr. --  
 03:15:17 7 Professor Dershowitz negotiate the terms of the NPA with  
 03:15:19 8 them?

03:15:19 9 **A.** If they had direct personal knowledge of  
 03:15:21 10 that, sure. I mean, the -- the -- but the realities are  
 03:15:23 11 a little bit more complicated in that Professor  
 03:15:26 12 Dershowitz, over the last couple of days as  
 03:15:27 13 frequently -- has frequently used the word "continuum,"  
 03:15:29 14 and so if they were certain of that, it absolutely would  
 03:15:31 15 have -- would have been unethical.

03:15:33 16 **The question is: Well, what if they had a**  
 03:15:35 17 **suspicion or what if -- you know, a reasonable suspicion**  
 03:15:36 18 **or a possible suspicion. Those are the kinds of**  
 03:15:39 19 **dimensions that you've got to, you know, take into**  
 03:15:42 20 **account in the real world about, you know, what they --**  
 03:15:44 21 **what they would have done.**

03:15:50 22 **I mean, it seems pretty clear, for example,**  
 03:15:52 23 **that at some point, you know, later on, they got a black**  
 03:15:55 24 **book in which Professor Dershowitz's name had been**  
 03:15:58 25 **circled. Now, what they did with that information, I --**

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:16:00 1 I don't know.

03:16:00 2 Q. And what they did with the fact that Courtney

03:16:04 3 Love and Donald Trump were circled, you don't know also,

03:16:06 4 correct?

03:16:06 5 A. That's right. Fair point.

03:16:07 6 Q. But somehow it's suspicious as to

03:16:10 7 Mr. Dershowitz, but not as to anyone else?

03:16:12 8 MR. SCAROLA: Objection. Argumentative.

03:16:12 9 THE WITNESS: And I'm -- I'm glad to argue on

03:16:14 10 that point, let me, because they --

03:16:14 11 MR. SIMPSON: I'll withdraw the question.

03:16:15 12 THE WITNESS: All right. Because I would

03:16:16 13 have a --

03:16:16 14 MR. SIMPSON: Let --

03:16:17 15 THE WITNESS: -- a substantial argument on

03:16:18 16 that.

03:16:20 17 MR. SIMPSON: I -- I will withdraw the

03:16:20 18 question.

03:16:20 19 BY MR. SIMPSON:

03:16:28 20 Q. With respect, again, to the --

03:16:30 21 MR. SCAROLA: And I'll withdraw the

03:16:32 22 objection.

03:16:32 23 MR. SIMPSON: Thank you.

03:16:33 24 BY MR. SIMPSON:

03:16:36 25 Q. At the time that you filed this joinder

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:16:40 1 motion, Exhibit 2, you knew that the United States

03:16:44 2 Attorney's Office had denied having any contact -- any

03:16:48 3 documents reflecting any contact with Prince Andrew;

03:16:51 4 isn't that true?

03:16:51 5 A. They had -- there were -- there were various

03:16:56 6 discovery requests that had been propounded, and I think

03:16:59 7 with regard to one, they had denied, and my recollection

03:17:01 8 is with regard to another, where there had been an

03:17:04 9 assertion of privilege.

03:17:07 10 Q. Is it not true, that before December 30th,

03:17:09 11 2014, in response to a request asking the government:

03:17:15 12 Are there any documents reflecting contact with -- by

03:17:20 13 Prince Andrew regarding the NPA, the government

03:17:24 14 represented, there were none?

03:17:26 15 A. That -- with regard to the -- you're talking

03:17:30 16 about RFPs, request for production of documents, I

03:17:32 17 believe that's -- I believe that's correct.

03:17:33 18 Q. And on December 30th, 2014, knowing that, you

03:17:38 19 named Prince Andrew in this motion, correct?

03:17:40 20 A. Correct.

03:17:41 21 Q. And is it your testimony that you believe

03:17:46 22 that Prince Andrew somehow attempted to influence the

03:17:52 23 negotiations of an NPA in the United States as to

03:17:56 24 Mr. Epstein?

03:17:57 25 A. I don't have direct evidence of that, but I

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:17:59 1 certainly believe I have a good-faith basis, along with

03:18:02 2 my co-counsel, to explore that subject, and try to see

03:18:04 3 how someone who is fifth in line to the British Throne

03:18:07 4 might have been able to use the contacts and power that

03:18:09 5 he has to influence a -- a -- a disposition in this --

03:18:15 6 in the Crime Victims' Rights Act case that it would have

03:18:19 7 been favorable to one of his friends and potentially

03:18:23 8 favorable to himself.

03:18:23 9 Q. And -- and you have that view,

03:18:25 10 notwithstanding that the government had represented they

03:18:27 11 have no record of that?

03:18:30 12 A. They didn't -- no, no, no, no. Let's not --

03:18:31 13 not -- let's not slip and try to get me to admit

03:18:34 14 something that is not what the record reflects. The

03:18:36 15 government said they did not have documents. They did

03:18:38 16 not say that they didn't have any information along

03:18:40 17 those lines.

03:18:41 18 To the contrary: They asserted a whole

03:18:43 19 series of privileges every time we tried to get

03:18:47 20 information along these lines. So the fact that they

03:18:49 21 didn't have a letter, signed Prince Andrew, saying,

03:18:51 22 please do the best you can for this convicted sex

03:18:54 23 offender is one thing. That's the request for

03:18:56 24 production of documents.

03:18:57 25 But they never said that they -- they -- that

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:19:00 1 something along these lines had never happened and, to

03:19:03 2 the contrary, we were faced with assertions of privilege

03:19:07 3 over roughly, if I remember correctly, about 10,000

03:19:08 4 pages of documents where a whole host of privileges were

03:19:11 5 being asserted.

03:19:12 6 Q. Do you think it's credible that the United

03:19:16 7 States Attorney's Office would be discussing an NPA with

03:19:20 8 a member of the British Royal Family?

03:19:22 9 A. Not directly, but there certainly are

03:19:24 10 possibilities of surrogates. I -- my -- somebody who is

03:19:27 11 that powerful certainly wouldn't go out at it directly.

03:19:29 12 What they would probably do is try to find the best

03:19:32 13 lawyers they could around the United States and -- and,

03:19:33 14 you know, and some of the, you know, big-named lawyers

03:19:36 15 and try to bring them in there to -- to work a deal.

03:19:38 16 That's, I think, how, you know, we're -- you're

03:19:42 17 asking -- your question is asking for speculation and

03:19:42 18 I'm saying that -- that based on, how would you

03:19:46 19 influence a deal in an American criminal justice system?

03:19:49 20 You go try to get the best defense lawyers you could and

03:19:52 21 see -- you know -- you know, figure out which political

03:19:54 22 party was in power; and try to get people who are

03:19:58 23 well-connected to that political party, things like

03:19:58 24 that.

03:19:59 25 So that's the way that I think somebody might

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:20:01 1 have gone about trying to -- to put pressure for a -- a  
 03:20:04 2 favorable plea deal.  
 03:20:06 3 Q. And that's what you just referred to as  
 03:20:08 4 speculation, correct?  
 03:20:09 5 A. Well, your question said: Well, how would  
 03:20:10 6 they go do this? And I -- I -- I gave you my answer as  
 03:20:14 7 to how I think somebody could well do that, yes.  
 03:20:16 8 Q. And -- and your pleading doesn't allege how  
 03:20:22 9 someone would do it; it alleges that they did it; isn't  
 03:20:26 10 that correct?  
 03:20:27 11 A. Did what?  
 03:20:27 12 Q. Let me -- let me rephrase it.  
 03:20:29 13 A. No. I -- I -- the --  
 03:20:30 14 Q. I -- I withdraw the question.  
 03:20:30 15 A. Yeah.  
 03:20:36 16 Q. We only have about ten minutes here. There  
 03:20:38 17 are a couple of things that I --  
 03:20:38 18 A. Sure. Absolutely.  
 03:20:41 19 Q. -- wanted to get before we -- we will come  
 03:20:41 20 back to these when we resume. We have a lot more  
 03:20:43 21 questions.  
 03:20:44 22 A. Great. I look forward to it.  
 03:20:46 23 MR. SIMPSON: I'm going to ask the reporter  
 03:20:48 24 to mark as Exhibit -- what are we up to -- 6,  
 03:20:55 25 Exhibit 6, a document bearing Bates stamp numbers  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:21:01 1 BE-510 through -514.  
 03:21:01 2 (Cassell's I.D. Exhibit No. 6 - series of  
 03:21:01 3 e-mails, Bates numbered BE-510 - -514 was marked for  
 03:21:18 4 identification.)  
 03:21:18 5 BY MR. SIMPSON:  
 03:21:19 6 Q. I will give that to the witness. And to  
 03:21:30 7 identify the document further, it's a series of e-mails,  
 03:21:36 8 the most -- the latest one in date being at the top,  
 03:21:40 9 which appears to be an e-mail from Paul Cassell to  
 03:21:44 10 Jacqueline S. Jesko on Sunday, January 4th, 2015 at  
 03:21:49 11 12:48 p.m.  
 03:21:51 12 A. Right.  
 03:21:51 13 Q. My first question is whether you, in fact,  
 03:21:57 14 sent this e-mail that -- that this -- had this exchange  
 03:22:02 15 of e-mails with Miss Jesco?  
 03:22:04 16 A. Yes.  
 03:22:04 17 Q. And Miss Jesko -- who is Miss Jesko?  
 03:22:08 18 A. She works for -- which -- which -- oh,  
 03:22:13 19 Nightline. She works for Nightline, yes.  
 03:22:15 20 Q. So she's with ABC News?  
 03:22:17 21 A. I believe that's right, yes.  
 03:22:19 22 Q. And --  
 03:22:19 23 A. I mean, I -- I can't remember. The network  
 03:22:22 24 wasn't significant to me, but she's with the Nightline  
 03:22:25 25 program. I knew that was a major program. I don't  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:22:27 1 know -- I can't recall sitting here today whether  
 03:22:29 2 Nightline, is that an ABC program or NBC or -- or some  
 03:22:35 3 other network.  
 03:22:35 4 Q. If you look at the exhibit, the e-mail in the  
 03:22:39 5 second -- the bottom half of the first page, it has her  
 03:22:42 6 e-mail address. Does that -- @abc.com?  
 03:22:45 7 A. Yeah, yeah, yeah. That's good. Thank you.  
 03:22:48 8 Q. So ABC. So in this e-mail on January 4th of  
 03:22:51 9 2015, you told Miss Jesko of CBS News [sic] that --  
 03:22:59 10 MS. McCAWLEY: ABC. I'm sorry. You said  
 03:22:59 11 CBS.  
 03:22:59 12 MR. SIMPSON: I'm sorry.  
 03:22:59 13 THE WITNESS: There you go.  
 03:23:00 14 MS. McCAWLEY: Now, we are really confused.  
 03:23:00 15 MR. SIMPSON: I'm sorry. Let me start again,  
 03:23:04 16 and thank you.  
 03:23:05 17 MS. McCAWLEY: Sure.  
 03:23:06 18 BY MR. SIMPSON:  
 03:23:06 19 Q. In this e-mail on January 4th, 2015, you told  
 03:23:10 20 Miss Jesko of ABC News, quote: I represent, along with  
 03:23:15 21 Brad Edwards in Florida, the young woman who was  
 03:23:18 22 sexually abused by Prince Andrew and Alan Dershowitz,  
 03:23:22 23 period, close quote. Have I quoted that correctly?  
 03:23:25 24 A. You have.  
 03:23:25 25 Q. So is it fair to say that in this e-mail, you  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:23:28 1 have told ABC News that Mr. -- Professor Dershowitz, in  
 03:23:33 2 fact, had abused [REDACTED]  
 03:23:37 3 A. No. I think it says that I'm the lawyer who  
 03:23:39 4 is representing someone who has -- has made those  
 03:23:42 5 allegations.  
 03:23:42 6 Q. That's how you read this e-mail?  
 03:23:44 7 A. Yes.  
 03:23:45 8 Q. In the e-mail you identified Miss Roberts as:  
 03:23:49 9 "The young woman who was sexually abused by  
 03:23:53 10 Prince Andrew and Alan Dershowitz."  
 03:23:55 11 That doesn't read to you as a statement that  
 03:24:00 12 she was abused?  
 03:24:01 13 A. In context, I think it was understood that I  
 03:24:03 14 was the attorney representing her with that claim.  
 03:24:14 15 MR. DERSHOWITZ: Move on.  
 03:24:14 16 BY MR. SIMPSON:  
 03:24:14 17 Q. Who --  
 03:24:15 18 THE WITNESS: I'm sorry. What was that?  
 03:24:15 19 Who -- who was that?  
 03:24:16 20 MR. SIMPSON: Who is speaking?  
 03:24:18 21 THE WITNESS: I heard somebody say "move on"  
 03:24:20 22 or something. Could somebody identify  
 03:24:23 23 themselves, please? Did I --  
 03:24:26 24 MR. SIMPSON: In any event, I -- I will move  
 03:24:27 25 on.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:24:27 1 THE WITNESS: Well -- well, who -- I'm sorry.  
 03:24:30 2 Who was that? The speaker? I want to know who  
 03:24:32 3 is on the line here. Could somebody identify  
 03:24:34 4 themselves, please?  
 03:24:36 5 If somebody is eavesdropping in my  
 03:24:37 6 deposition, I would like to know who it is.  
 03:24:40 7 MR. SIMPSON: No one has the call-in number  
 03:24:42 8 other than counsel and parties.  
 03:24:44 9 THE WITNESS: So --  
 03:24:45 10 MR. SIMPSON: To my knowledge.  
 03:24:46 11 MR. SCAROLA: Yeah, but that --  
 03:24:46 12 THE WITNESS: But who is that person?  
 03:24:47 13 MR. SCAROLA: -- that doesn't preclude  
 03:24:48 14 someone from sharing that call-in number. And  
 03:24:50 15 it is appropriate that anybody on the line  
 03:24:52 16 identify themselves.  
 03:24:58 17 And if the people on the line refuse to  
 03:25:01 18 identify themselves, then it's our intention to  
 03:25:04 19 cut off the line, and the people who are  
 03:25:07 20 authorized to be on the line can call back in.  
 03:25:10 21 MR. SCOTT: I agree with that.  
 03:25:12 22 MR. SIMPSON: Could -- could the people on  
 03:25:12 23 the line identify themselves?  
 03:25:17 24 MR. SCAROLA: Okay --  
 03:25:17 25 MR. DERSHOWITZ: Alan Dershowitz.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:25:17 1 MR. SCAROLA: -- cut it off.  
 03:25:17 2 MS. McCAWLEY: He just -- he just --  
 03:25:17 3 THE WITNESS: So he --  
 03:25:20 4 MR. SIMPSON: Alan Dershowitz. Anyone else?  
 03:25:24 5 MR. SCAROLA: So the only person on the line  
 03:25:27 6 is Alan Dershowitz, and it was Mr. Dershowitz who  
 03:25:29 7 made the comment "move on"; is that correct?  
 03:25:32 8 MR. SIMPSON: Well, he's the only one on the  
 03:25:34 9 line. I know -- I've only got three minutes left  
 03:25:37 10 here.  
 03:25:37 11 MR. SCAROLA: Well, I'll give you three more  
 03:25:39 12 minutes. I want to know: Was it Mr. Dershowitz  
 03:25:41 13 who made that comment "move on" because if it  
 03:25:45 14 wasn't, there's somebody else on the line --  
 03:25:45 15 MR. WEINBERG: I -- I --  
 03:25:47 16 MR. SCAROLA: -- that refuses to identify  
 03:25:48 17 themselves.  
 03:25:51 18 MR. WEINBERG: Marty Weinberg for Epstein.  
 03:25:51 19 I've been on the line on occasion. I have a mute  
 03:25:56 20 button and have said nothing and just kept on  
 03:25:56 21 going with no statements on my end.  
 03:25:56 22 MR. DERSHOWITZ: It was me who said it. I --  
 03:25:56 23 I -- I thought my mute button was on.  
 03:25:56 24 THE COURT REPORTER: I can't hear. I can't  
 03:26:02 25 hear.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:26:02 1 MR. SIMPSON: Okay. I --  
 03:26:02 2 THE COURT REPORTER: I can't hear.  
 03:26:02 3 MR. SIMPSON: I heard it and I'll -- I'll  
 03:26:03 4 repeat it.  
 03:26:03 5 MR. SCAROLA: "It was me who said it."  
 03:26:05 6 MR. SIMPSON: "And I thought my mute  
 03:26:06 7 button" --  
 03:26:06 8 MR. SCAROLA: "I thought my" --  
 03:26:06 9 MR. SIMPSON: -- "was on."  
 03:26:06 10 MR. SCAROLA: -- "mute button was on."  
 03:26:06 11 And that was Mr. Dershowitz making that  
 03:26:09 12 comment?  
 03:26:09 13 MR. SIMPSON: Yes, it was.  
 03:26:12 14 MR. SCAROLA: Okay. Thank you.  
 03:26:12 15 MR. DERSHOWITZ: I was trying to instruct my  
 03:26:14 16 attorney.  
 03:26:14 17 MR. SCAROLA: Then we are ready to move on.  
 03:26:14 18 BY MR. SIMPSON:  
 03:26:18 19 Q. Have you told any -- all right.  
 03:26:25 20 Putting aside counsel who are working with  
 03:26:28 21 you, and putting aside those who you identified as being  
 03:26:32 22 within the common-interest privilege --  
 03:26:34 23 A. Right.  
 03:26:34 24 Q. -- so not those people --  
 03:26:34 25 A. Right.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:26:36 1 Q. -- have you told anyone that Professor  
 03:26:45 2 Dershowitz abused [REDACTED] any other minor?  
 03:26:51 3 A. No. I've -- what I have tried to say is that  
 03:26:53 4 I'm representing a young woman who has made those  
 03:26:55 5 allegations. As an attorney, I'm proud to represent  
 03:26:58 6 her, proud to present her case in court, proud to  
 03:27:02 7 present arguments to whoever will listen that she's been  
 03:27:06 8 sexually abused by various people.  
 03:27:07 9 Q. Okay. And you have spoken with  
 03:27:09 10 representatives of the News Media on the record and off  
 03:27:15 11 the record about this case; isn't that -- is that not  
 03:27:17 12 correct?  
 03:27:17 13 A. Well, on the record, yes; with regard to off  
 03:27:21 14 the record, there have been some communications that I  
 03:27:24 15 think now have been turned over to the -- to the  
 03:27:26 16 defense. So I don't -- I'm not sure if there still  
 03:27:29 17 remain any off the record -- I suppose probably there  
 03:27:32 18 are a few, but I would -- I think most of the -- what  
 03:27:36 19 were originally off-the-record communications have now  
 03:27:38 20 been provided to -- to the defense time.  
 03:27:41 21 Q. Mr. Cassell, is it not true -- true, that you  
 03:27:44 22 have spoken with reporters on what you referred to as  
 03:27:49 23 quote, background, close quote?  
 03:27:50 24 A. Yeah. I mean that's different than -- your  
 03:27:54 25 earlier question was off the record and on the record.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:27:57 **1** **There is an intermediate category of**  
 03:27:58 **2 background information as well, and I have spoken to**  
 03:28:01 **3 some reporters in that capacity, yes.**  
 03:28:04 **4 Q.** And -- and -- and background means that it's  
 03:28:08 **5 not for attribution, correct?**  
 03:28:10 **6 A.** **Right. The background means the reporter can**  
 03:28:13 **7 use the information, but shouldn't attribute it to a**  
 03:28:16 **8 particular person.**  
 03:28:17 **9 Q.** And, in fact, you have --  
 03:28:19 **10 A.** **Or let me -- let me just clarify. Some**  
 03:28:21 **11 time -- well, background, I think, you know, we are now**  
 03:28:23 **12 talking about sort of -- when I use the term**  
 03:28:25 **13 "background," it would generally mean that this is**  
 03:28:28 **14 something maybe that you want to investigate and see if**  
 03:28:31 **15 you can confirm in other ways, but it shouldn't be**  
 03:28:34 **16 sourced to -- that I shouldn't be quoted directly**  
 03:28:38 **17 because they are going to have to find other -- other**  
 03:28:40 **18 sources that confirm that same information.**  
 03:28:42 **19 Q.** Okay. And so my question is that it is true  
 03:28:45 **20 that you have spoken with a number of reporters on**  
 03:28:49 **21 background about [REDACTED] citations in this**  
 03:28:53 **22 case, correct?**  
 03:28:54 **23 A.** **Well, a number -- a few, I would say, is**  
 03:28:56 **24 probably a more accurate characterization.**  
 03:29:00 **25 Q.** And in any of those background conversations,

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:29:04 **1** did you ever identify Miss Roberts as someone who had  
 03:29:08 **2 been sexually abused by Mr. -- Professor Dershowitz?**  
 03:29:11 **3 A.** **I tried to identify myself as the attorney**  
 03:29:14 **4 representing someone who said that she had been sexually**  
 03:29:18 **5 abused by Dershowitz. I think you've received -- you**  
 03:29:20 **6 know, we can go through -- you know, we have produced, I**  
 03:29:24 **7 think, 2,500 pages of discovery. Many of those pages**  
 03:29:26 **8 are media communications. And, you know, we can go**  
 03:29:30 **9 through, and I think you know that there are a number of**  
 03:29:33 **10 examples, many examples, where I have said, I represent**  
 03:29:35 **11 a woman who has alleged that... Some verbal formulation**  
 03:29:40 **12 along those lines.**  
 03:29:44 **13 I mean, attorneys represent victims all the**  
 03:29:46 **14 time and -- and I don't think people generally**  
 03:29:49 **15 understand when an attorney makes a statement, that the**  
 03:29:51 **16 attorney is adopting and vouching for that statement.**  
 03:29:55 **17 They are -- they are serving in a representative**  
 03:29:58 **18 capacity.**  
 03:29:59 **19 Q.** Have you finished your answer?  
 03:30:00 **20 A.** **I have.**  
 03:30:01 **21 Q.** Okay. Do you -- are you a party to any fee  
 03:30:06 **22 agreement of any kind that would relate to a possible**  
 03:30:10 **23 recovery from Les Wexner?**  
 03:30:13 **24 MS. McCAWLEY:** Objection to the extent that  
 03:30:15 **25 it reveals any confidential communications with**

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:30:17 **1** your client, my client, or any joint defense  
 03:30:22 **2 communications. You can't reveal that.**  
 03:30:24 **3 THE WITNESS:** All right. So I'm going to  
 03:30:27 **4 follow that instruction and not answer.**  
 03:30:28 **5 BY MR. SIMPSON:**  
 03:30:46 **6 Q.** With respect to the -- what's now still  
 03:30:52 **7 Exhibit 2, the motion for limited intervention --**  
 03:30:56 **8 MR. SCAROLA:** Let me just observe for the  
 03:30:57 **9 record that it's 12:02. I don't think we used**  
 03:31:01 **10 the three minutes that I said I was going to give**  
 03:31:03 **11 you, but we will go to 12:03 anyway.**  
 03:31:10 **12 MR. SIMPSON:** This line of questioning will  
 03:31:11 **13 take a little -- a little time, so --**  
 03:31:14 **14 MR. SCAROLA:** Well, what's a "little"? Oh,  
 03:31:14 **15 so you --**  
 03:31:15 **16 MR. SIMPSON:** Five minutes.  
 03:31:16 **17 MR. SCAROLA:** So you prefer to wait then?  
 03:31:20 **18 MR. SIMPSON:** Let me ask -- I can ask you a  
 03:31:22 **19 few questions here.**  
 03:31:23 **20 THE WITNESS:** Sure.  
 03:31:23 **21 BY MR. SIMPSON:**  
 03:31:24 **22 Q.** I'm going to keep going. On the -- this is  
 03:31:26 **23 your brief actually --**  
 03:31:29 **24 A.** **Which --**  
 03:31:29 **25 Q.** -- Exhibit 1.

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:31:30 **1 A.** **Which -- let me just make sure which one is**  
 03:31:33 **2 it. I have Exhibit 2, but I don't think I have**  
 03:31:36 **3 Exhibit 1.**  
 03:31:38 **4 Q.** Oh, I probably have Exhibit 1. Let me give  
 03:31:41 **5 you Exhibit 1. I will give you 2 back so we don't lose**  
 03:31:44 **6 it --**  
 03:31:44 **7 A.** **Okay.**  
 03:31:45 **8 Q.** -- or keep it in front of you with the  
 03:31:46 **9 others.**  
 03:31:46 **10 A.** **Okay. So, now, let's see. Okay. Yeah. I**  
 03:31:50 **11 have it.**  
 03:31:51 **12 Q.** In preparing this brief, did you personally  
 03:32:00 **13 review the citations to the record that were given to**  
 03:32:05 **14 support the factual assertions?**  
 03:32:06 **15 A.** **As opposed to somebody else on the legal**  
 03:32:11 **16 team?**  
 03:32:12 **17 Q.** Yes. I'm trying to ascertain whether you,  
 03:32:14 **18 yourself, reviewed citations -- I'm going to be asking**  
 03:32:18 **19 you about a deposition transcript -- citations to the**  
 03:32:22 **20 record evidence that are cited as representing to the**  
 03:32:26 **21 court as supporting the factual assertions?**  
 03:32:29 **22 A.** **I mean, I reviewed some, and others. You**  
 03:32:32 **23 know, maybe I need to -- this is starting to get into**  
 03:32:36 **24 work product. If you're asking, you know, what did Brad**  
 03:32:36 **25 do, what did you do, what did the paralegals do --**

ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

03:32:42 1 Q. Let -- let me ask you a different question  
 03:32:43 2 then.  
 03:32:43 3 A. Okay.  
 03:32:43 4 Q. By -- by submitting this brief with your name  
 03:32:46 5 signing it, you were representing that the factual  
 03:32:50 6 allegations, factual assertions, were support -- are  
 03:32:54 7 supported by the record citations that are given for  
 03:32:58 8 those, correct?  
 03:32:58 9 A. Yeah. I mean, obviously, when you write a  
 03:33:00 10 brief, you're -- you're -- you know, you're trying to  
 03:33:02 11 represent that this is the best product I can come up  
 03:33:04 12 with.  
 03:33:05 13 Now, you know, in a 40-page brief did --  
 03:33:07 14 did -- is there some, you know, error in citation or  
 03:33:10 15 something like that? I have to -- I'm not perfect. I'm  
 03:33:12 16 sure that's a possibility, but, you know, I worked hard  
 03:33:15 17 to try to put together the best product that I could on  
 03:33:18 18 behalf of [REDACTED] when I filed this brief.  
 03:33:21 19 Q. And -- and in general, when a lawyer signs a  
 03:33:24 20 brief, it's a representation to the court that the  
 03:33:28 21 citations to the record support the factual --  
 03:33:28 22 A. Yeah, to the --  
 03:33:32 23 Q. -- propositions given to the court?  
 03:33:34 24 A. Yeah, that's right. To the best of, you  
 03:33:36 25 know, your ability, sure.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:33:37 1 Q. Take a look if you would at page 29 --  
 03:33:40 2 A. Okay.  
 03:33:41 3 Q. -- the top of the page --  
 03:33:42 4 A. Okay.  
 03:33:42 5 Q. -- the statement: "Jane Doe number 3 came to  
 03:33:50 6 the house when Dershowitz was there." And then it's  
 03:33:53 7 "Id." which is a citation to the Alessi deposition, page  
 03:33:56 8 73, line 18 to 20. Do you see that?  
 03:33:59 9 A. I do.  
 03:34:01 10 Q. So that sentence if I -- do you agree with me  
 03:34:03 11 that sentence is representing to the court that Virginia  
 03:34:08 12 Roberts came to the Palm Beach house when Professor  
 03:34:12 13 Dershowitz was there?  
 03:34:12 14 A. Yes.  
 03:34:13 15 Q. I'm going to read you what's cited for that  
 03:34:15 16 proposition. I can show it to you if you like.  
 03:34:17 17 A. I would like to see it because, you know,  
 03:34:18 18 it's possible I'm off.  
 03:34:20 19 Q. Let me read it for the record.  
 03:34:22 20 A. Sure.  
 03:34:22 21 Q. And I will read what is cited. It's page 73,  
 03:34:31 22 lines 22 to 25.  
 03:34:39 23 Actually -- I'm -- yeah, I'm sorry. 73, 18  
 03:34:44 24 to 20. Line 18:  
 03:34:51 25 "Not sure. When Mr. -- Mr. Dershowitz was

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:34:54 1 visiting?  
 03:34:55 2 "Uh-huh. Answer.  
 03:34:56 3 "Question: How often did he come?  
 03:34:59 4 "Answer: He came pretty -- pretty often. I  
 03:35:02 5 would says as least four or five times a year."  
 03:35:06 6 And that's what is cited as the support for  
 03:35:09 7 the proposition --  
 03:35:09 8 A. I'd -- I would like to look at the document.  
 03:35:10 9 Q. I'm going to give you the document before I  
 03:35:12 10 ask you to comment on it.  
 03:35:15 11 A. Sure.  
 03:35:15 12 Q. I will -- I will go beyond what was cited to  
 03:35:16 13 the court --  
 03:35:16 14 A. Okay.  
 03:35:16 15 Q. -- to put it in context.  
 03:35:20 16 A. But I mean, there's -- this is a large --  
 03:35:22 17 well, that's what I'm saying. I would like -- my  
 03:35:24 18 recollection is that there are number of parties to the  
 03:35:26 19 Alessi depo --  
 03:35:27 20 Q. No. My -- my only question is in this brief,  
 03:35:30 21 the lawyers signing it represented to the court that  
 03:35:32 22 this citation supported that factual assertion.  
 03:35:35 23 A. But that's true, yes.  
 03:35:36 24 Q. Okay. I will read it.  
 03:35:40 25 "Do you have any recollection of V.R.,

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:35:43 1 [REDACTED] ming to the house when  
 03:35:44 2 Prince Andrew was there? Question.  
 03:35:46 3 "Answer: It could have been, but I'm not  
 03:35:49 4 sure.  
 03:35:50 5 "Not sure. When Mr. Dershowitz was visiting?  
 03:35:53 6 "Uh-huh.  
 03:35:54 7 "How often did he come?  
 03:35:56 8 "He came pretty -- he pretty often. I would  
 03:35:58 9 says at least four or five times a year."  
 03:36:00 10 A. Okay.  
 03:36:01 11 Q. Do you want to take a look at that?  
 03:36:02 12 A. Yeah.  
 03:36:04 13 MS. RICHARDSON: Page 73.  
 03:36:04 14 BY MR. SIMPSON:  
 03:36:06 15 Q. Page 73, line -- it's right here (indicating)  
 03:36:08 16 if it helps you find it.  
 03:36:11 17 A. Yeah. Okay. All right. That's what those  
 03:36:15 18 lines say, yes.  
 03:36:16 19 Q. Okay. So my -- my question is: In your  
 03:36:19 20 view, as an attorney, does that quotation -- does that  
 03:36:23 21 testimony support the assertion that Professor  
 03:36:27 22 Dershowitz and [REDACTED] e in the house at the  
 03:36:30 23 same time?  
 03:36:30 24 A. Those -- those lines 18 to --  
 03:36:34 25 Q. And if you want to put it in the context of a

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:36:36 1 couple of lines above it that do refer to Virginia  
 03:36:39 2 Roberts, put it in the context.  
 03:36:41 3 My question is: Does that, fairly read,  
 03:36:46 4 constitute testimony that [REDACTED] and Professor  
 03:36:49 5 Dershowitz were in the house at the same time?  
 03:36:51 6 A. Those three sentences, three lines.  
 03:36:55 7 Q. What -- yes, what the brief cites.  
 03:36:57 8 A. Those -- those three lines: "Not sure. When  
 03:37:03 9 Mr. Dershowitz was visiting. Uh-huh. How often did he  
 03:37:06 10 come?" Those -- those three lines, I agree, that looks  
 03:37:10 11 like a miscitation there. I agree with you on that.  
 03:37:14 12 Q. And isn't it true that -- first of all,  
 03:37:16 13 nothing else is cited in the brief or elsewhere to  
 03:37:22 14 support -- put -- put aside.  
 03:37:23 15 Other than [REDACTED] testimony,  
 03:37:26 16 this is the only evidence [REDACTED] court to  
 03:37:30 17 support --  
 03:37:31 18 A. No, no, no, no, no. That would require a  
 03:37:34 19 30-minute answer.  
 03:37:34 20 Q. Okay. I won't ask you a 30-minute answer --  
 03:37:37 21 MR. SCAROLA: How about -- how about wrapping  
 03:37:38 22 it up then because it's now 12:10.  
 03:37:41 23 MR. SIMPSON: I will wrap it up. I have one  
 03:37:42 24 more -- one more question.  
 03:37:43 25 THE WITNESS: Okay.  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:37:43 1 BY MR. SIMPSON:  
 03:37:43 2 Q. And that is: I just want to confirm that you  
 03:37:47 3 do agree with me that what was cited to the court for  
 03:37:50 4 the proposition that they were together, in this  
 03:37:52 5 sentence, doesn't support that proposition?  
 03:37:54 6 A. I will agree with you that there appears to  
 03:37:56 7 be a miscitation of the line number -- of the lines 18  
 03:38:01 8 through 20.  
 03:38:02 9 Now, you're saying that there is not  
 03:38:04 10 information outside of 8 -- lines 18 through 20 to  
 03:38:08 11 support the allegation, and that's going to require a  
 03:38:11 12 much longer answer.  
 03:38:12 13 Q. I don't want a long answer, but I do want to  
 03:38:15 14 clarify. When you say "outside" --  
 03:38:15 15 MR. SCAROLA: You also said one more  
 03:38:15 16 question.  
 03:38:15 17 MR. SIMPSON: Well, I -- let me just finish  
 03:38:16 18 this, so we are not going to have this hanging,  
 03:38:19 19 because I want to make sure we are communicating.  
 03:38:21 20 THE WITNESS: Okay. Sure.  
 03:38:21 21 BY MR. SIMPSON:  
 03:38:22 22 Q. I understand you're -- you're saying that  
 03:38:25 23 there -- there may be evidence --  
 03:38:26 24 A. Yeah.  
 03:38:27 25 Q. -- elsewhere?  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:38:27 1 A. The lawyer -- look, this is not the first  
 03:38:27 2 time --  
 03:38:27 3 Q. I'm not asking the --  
 03:38:29 4 A. -- a lawyer has cited the wrong line number  
 03:38:31 5 on a transcript or something, and if you're suggesting  
 03:38:34 6 that -- you know, I will concede that I cited the wrong  
 03:38:38 7 line number for that particular assertion.  
 03:38:41 8 Q. And this is what I want to clarify: When you  
 03:38:43 9 say the wrong line number, if you look at the quotation,  
 03:38:46 10 there is, up above -- you cited 18 to 20 -- 22 to 25 --  
 03:38:46 11 no, 18 to 20. I'm sorry. You cited 18 to 20 which is  
 03:38:56 12 -- do you see that?  
 03:38:57 13 A. I do see 18 to 20, yes.  
 03:38:59 14 Q. And those lines don't refer to Virginia  
 03:39:01 15 Roberts coming to the house, correct?  
 03:39:02 16 A. Lines 18 to 20 do not refer to Virginia  
 03:39:10 17 Roberts -- oh, no, wait a minute. Now, this is --  
 03:39:12 18 because when I look at it here, line 15:  
 03:39:17 19 "Do you have any recollection of V.R.,  
 03:39:20 20 [REDACTED] coming to the house when  
 03:39:21 21 Prince Andrew was there?"  
 03:39:23 22 Answer: "It could have been. I'm not sure.  
 03:39:25 23 "Not sure. When Mr. Dershowitz was  
 03:39:28 24 visiting?"  
 03:39:30 25 So now when I read it, actually, I'm now  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:39:32 1 going to withdraw my earlier answer, I would -- because  
 03:39:35 2 you know, it's getting late in the day. I'm getting a  
 03:39:37 3 little fuzzy here. When Mr. Dershowitz was visiting,  
 03:39:40 4 uh-huh, could be an affirmative answer read in context  
 03:39:45 5 to saying, I don't recall about Prince Andrew, but I do  
 03:39:47 6 recall [REDACTED] there. And I think when  
 03:39:49 7 we updated the transcript of the deposition, which we don't  
 03:39:52 8 have time right now, that the context that I'm  
 03:39:54 9 suggesting now would be accurate. So I am not prepared  
 03:39:57 10 to say, as I sit here right now, that those were the  
 03:39:59 11 wrong line numbers.  
 03:40:01 12 Perhaps those are the correct line numbers,  
 03:40:03 13 but what I think I should have done was to cite  
 03:40:05 14 additional parts of the transcript that would have, in  
 03:40:10 15 context, made clear that the assertion was correct.  
 03:40:14 16 MR. SCAROLA: With that --  
 03:40:15 17 MR. SIMPSON: I -- I just need to finish this  
 03:40:16 18 one or two questions, but this is the topic, so  
 03:40:18 19 let me finish it.  
 03:40:19 20 BY MR. SIMPSON:  
 03:40:19 21 Q. Did you ever watch the video --  
 03:40:19 22 MR. SCAROLA: Running out of tape --  
 03:40:19 23 BY MR. SIMPSON:  
 03:40:22 24 Q. -- of the transcript?  
 03:40:22 25 MR. SCAROLA: We are also running out of tape  
 ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:40:25 1 right now.  
 03:40:26 2 MR. SIMPSON: I've got --  
 03:40:26 3 THE VIDEOGRAPHER: Two minutes.  
 03:40:28 4 MR. SIMPSON: Two minutes. All right. That  
 03:40:28 5 won't take --  
 03:40:28 6 BY MR. SIMPSON:  
 03:40:29 7 Q. I want you to look at the video of that --  
 03:40:31 8 that testimony. Would you play it, please, for the  
 03:40:33 9 witness? This is from the videotape of the deposition.  
 03:40:35 10 THE WITNESS: I do not want to watch just --  
 03:40:37 11 I want to watch -- what -- what I'm seeing here  
 03:40:42 12 as I dive into this, I would -- if you're going  
 03:40:45 13 to ask me questions about what's in these  
 03:40:47 14 particular lines, I want to see -- I want to go  
 03:40:50 15 back. I want all of the -- the relevant parts of  
 03:40:54 16 [REDACTED] testimony played. And I  
 03:40:56 17 believe there are approximately four points in  
 03:40:59 18 the transcript where she's mentioned, so can we  
 03:41:00 19 play all four of those?  
 03:41:02 20 MR. SCAROLA: We are not going to do that.  
 03:41:03 21 We have run out of time. Per agreement, this was  
 03:41:05 22 supposed to stop at noon.  
 03:41:05 23 MR. SIMPSON: Okay.  
 03:41:08 24 MR. SCAROLA: It is now 12:12, so this  
 03:41:09 25 deposition is ended. There were a lot of things

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:41:10 1 that I would have like to have finished with  
 03:41:13 2 Professor Dershowitz and wasn't permitted to do  
 03:41:14 3 that. So by agreement, this deposition is now  
 03:41:17 4 over.  
 03:41:18 5 MR. SIMPSON: It -- it's -- it's ending over  
 03:41:20 6 my objection and the witness's --  
 03:41:21 7 MR. SCAROLA: I -- I understand that.  
 03:41:22 8 MR. SIMPSON: -- the -- I'm going to make my  
 03:41:23 9 record.  
 03:41:23 10 MR. SCAROLA: Okay.  
 03:41:24 11 MR. SIMPSON: -- the witness's refusal to  
 03:41:25 12 look at the videotape of the portion of the  
 03:41:29 13 deposition that he just characterized in his  
 03:41:32 14 testimony as suggesting an affirmative answer to  
 03:41:35 15 the question of whether [REDACTED]  
 03:41:38 16 Professor Dershowitz were there at the same time,  
 03:41:39 17 and I will represent --  
 03:41:40 18 MR. SCAROLA: That record is clear.  
 03:41:41 19 MR. SIMPSON: -- and anyone looking at that  
 03:41:43 20 videotape would know, to a moral certainty, that  
 03:41:46 21 that was false.  
 03:41:46 22 THE WITNESS: Okay. And I -- I want to make  
 03:41:48 23 clear that I would be happy to look at  
 03:41:50 24 everything. We will do that at another time  
 03:41:52 25 perhaps.

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

03:41:54 1 MR. SCAROLA: Right.  
 03:41:54 2 THE VIDEOGRAPHER: We are going off the video  
 03:41:55 3 record, 12:14 p.m.

(Witness excused.)  
 (Deposition was adjourned.)

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

1 DEPOSITION ERRATA SHEET  
 2  
 3 Assignment no: 220190  
 4 BRADLEY J. EDWARDS and PAUL G. CASSELL vs.  
 5 ALAN M. DERSHOWITZ  
 6  
 7 DECLARATION UNDER PENALTY OF PERJURY  
 8  
 9 I declare under penalty of perjury that I have  
 10 read the entire transcript of my deposition/examination  
 11 under oath taken in the captioned matter or the same  
 12 has been read to me, and the same is true and accurate,  
 13 save and except for changes and/or corrections, if any,  
 14 as indicated by me on the DEPOSITION ERRATA SHEET  
 15 hereof, with the understanding that I offer these  
 16 changes as if still under oath.

17  
 18 Signed on the \_\_\_\_\_ day of \_\_\_\_\_,  
 19 2015.

20  
 21 \_\_\_\_\_  
 22 PAUL G. CASSELL

ESQUIRE DEPOSITION SOLUTIONS  
 (954) 331-4400

DEPOSITION ERRATA SHEET

1  
2  
3 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
4 \_\_\_\_\_  
5 Reason for change: \_\_\_\_\_  
6 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
7 \_\_\_\_\_  
8 Reason for change: \_\_\_\_\_  
9 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
10 \_\_\_\_\_  
11 Reason for change: \_\_\_\_\_  
12 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
13 \_\_\_\_\_  
14 Reason for change: \_\_\_\_\_  
15 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
16 \_\_\_\_\_  
17 Reason for change: \_\_\_\_\_  
18 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
19 \_\_\_\_\_  
20 Reason for change: \_\_\_\_\_  
21 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
22 \_\_\_\_\_  
23 Reason for change: \_\_\_\_\_  
24 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_, 2015  
25 PAUL G. CASSELL  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

CERTIFICATE OF OATH

1  
2  
3 STATE OF FLORIDA )  
4 COUNTY OF BROWARD )  
5  
6 I, the undersigned authority and Notary  
7 Public certify that PAUL G. CASSELL personally  
8 appeared before me and was duly sworn on Saturday, the  
9 17th day of October, 2015.  
10  
11 Sworn to before me this 19th day of October,  
12 2015.  
13  
14  
15  
16  
17 \_\_\_\_\_  
18 Theresa Tomaselli, RMR  
19 Notary Public - State of Florida  
20 My Commission No. FF 226528  
21 My Commission Expires 8/27/2019  
22 220190  
23  
24  
25 ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

DEPOSITION ERRATA SHEET

1  
2  
3 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
4 \_\_\_\_\_  
5 Reason for change: \_\_\_\_\_  
6 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
7 \_\_\_\_\_  
8 Reason for change: \_\_\_\_\_  
9 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
10 \_\_\_\_\_  
11 Reason for change: \_\_\_\_\_  
12 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
13 \_\_\_\_\_  
14 Reason for change: \_\_\_\_\_  
15 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
16 \_\_\_\_\_  
17 Reason for change: \_\_\_\_\_  
18 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
19 \_\_\_\_\_  
20 Reason for change: \_\_\_\_\_  
21 Page No.\_\_\_\_Line No.\_\_\_\_Change to: \_\_\_\_\_  
22 \_\_\_\_\_  
23 Reason for change: \_\_\_\_\_  
24 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_, 2015  
25 PAUL G. CASSELL  
ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400

REPORTER'S CERTIFICATE

1  
2  
3  
4 I, THERESA TOMASELLI, Registered Merit  
5 Reporter and Notary Public in and for the State of  
6 Florida at Large, do hereby certify that I was  
7 authorized to and did report said deposition in  
8 stenotype; and that the foregoing pages are a true and  
9 correct transcription of my shorthand notes of said  
10 deposition.  
11 I further certify that said deposition was  
12 taken at the time and place hereinabove set forth and  
13 that the taking of said deposition was commenced and  
14 completed as hereinabove set out.  
15 I further certify that I am not an  
16 attorney or counsel of any of the parties, nor am I a  
17 relative or employee of any attorney or counsel of party  
18 connected with the action, nor am I financially  
19 interested in the action.  
20 The foregoing certification of this  
21 transcript does not apply to any reproduction of the  
22 same by any means unless under the direct control and/or  
23 direction of the certifying reporter.  
24 DATED this 19th day of October, 2015.  
25  
26 \_\_\_\_\_  
27 THERESA TOMASELLI  
28 220190  
29  
30  
31  
32  
33  
34  
35 ESQUIRE DEPOSITION SOLUTIONS  
(954) 331-4400