

**Dershowitz, Alan - Vol. 04 011216**

**January 12, 2016**

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1 IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL  
2 CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

3 CASE NO.: CACE 15-000072

4 BRADLEY J. EDWARDS and PAUL G.  
5 CASSELL,

6 Plaintiffs,

7 vs.

8 ALAN M. DERSHOWITZ,  
9 Defendant.

10 \_\_\_\_\_/  
11 VIDEOTAPE CONTINUED DEPOSITION OF

12 ALAN M. DERSHOWITZ

13 VOLUME 4

14 Pages 462 through 647

15 Tuesday, January 12, 2016  
16 1:05 p.m. - 4:45 p.m.

17 Tripp Scott  
18 110 Southeast 6th Street  
19 Fort Lauderdale, Florida

20 Stenographically Reported By:  
21 Kimberly Fontalvo, RPR, CLR  
22 Realtime Systems Administrator  
23  
24  
25

1 APPEARANCES:

2

On behalf of Plaintiffs:

3

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8 On behalf of Defendant:

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11

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BY: STEVEN SAFRA, ESQ. (Via phone)

[REDACTED]

13 --and--

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16

[REDACTED]

17 --and--

18

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19

20

[REDACTED]

21

22

23

24

25

1 APPEARANCES (Continued):

2

3 On behalf of Jeffrey Epstein:

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6 New York, New York

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

8

9 On behalf of [REDACTED]:

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12 Fort Lauderdale, Florida 33301

13 BY: SIGRID STONE MCCAWLEY, ESQ.

14 [REDACTED]

15

16 ALSO PRESENT:

17 Edward J. Pozzuoli, Special Master

18 Sean D. Reyes, Utah Attorney General Office

19 Travis Gallagher, Videographer

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21

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I N D E X

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20 Document reflecting entry for Bands, 548  
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16 21 Article from the Daily Mail.com titled 562  
Prince Andrew's billionaire friend is  
17 accused of preying on girl of 14  
18 22 Letter dated July 6, 2007 from Gerald 612  
B. Lefcourt to [REDACTED]  
19 [REDACTED] and others --  
22 pages  
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21 23 Document titled NewsRoom/Alan 623  
Dershowitz to talk in Albuquerque  
22 24 Article from nydailynews.com titled 628  
Alleged 'sex slave' [REDACTED]  
23 says she didn't have sex with former  
President Bill Clinton, but in  
24 explosive court filing, details  
11-person orgy with Prince Andrew and  
25 others

1           VIDEOGRAPHER: Going back on the record.  
2           The time is approximately 1:05 p.m.

3           MR. INDYKE: This is Darren Indyke. If it  
4           would be okay with everyone, I would like to  
5           clarify a couple of points for the record.

6           SPECIAL MASTER POZZUOLI: Go ahead.

7           MR. INDYKE: First, I apologize for the  
8           spotty reception during the morning session. I  
9           was having difficulty hearing you folks, and I  
10          think you were having some difficulty hearing  
11          me. I think I've corrected it, but if I could  
12          ask if you could move the mic closer to him  
13          somehow or if I let you know that I can't hear,  
14          if somebody could just speak up.

15          MR. SCAROLA: Did we turn that speaker  
16          volume up?

17          MR. SIMPSON: Let's turn up the volume.

18          MR. INDYKE: Secondly, as to the argument  
19          that work product belongs to the attorney and  
20          not the client, I want to make sure that it's  
21          clear that we disagree with that vehemently.

22          We believe that it is a client's every bit  
23          as much as an attorney's and an attorney has no  
24          right to waive that privilege over the  
25          objection of a client. If that were true,

1       there would be nothing improper with an  
2       attorney publishing his entire case file over  
3       the objection of his client with the exception  
4       of communications back and forth between  
5       attorney and client.  Strategies, witnesses,  
6       things like that could be disclosed over the  
7       objection of a client, and that's just not the  
8       case.

9       So for the record, Mr. Epstein reasserts  
10      the work product privilege and would continue  
11      do so.  And I would instruct Mr. Dershowitz not  
12      provide any response to any question that would  
13      require Mr. Dershowitz to invade that  
14      privilege.

15      Third, I guess as to the joint defense  
16      agreement, it is our position that any party to  
17      the joint defense agreement may assert it, and  
18      it doesn't require disclosure of all parties to  
19      the agreement in order for the assertion to be  
20      valid.

21      I would note that disclosure of the  
22      parties to a joint defense agreement are often,  
23      by the terms of a joint defense agreement,  
24      subject to confidentiality and, thus, protected  
25      by the privilege.

1           And I would also point out that it's not  
2 necessary for a person to be a party to a joint  
3 defense agreement for the communications with  
4 that person by a lawyer who is making those  
5 communications on behalf of the client party to  
6 the agreement to be subject to the joint  
7 defense agreement.

8           And while we need to do some more  
9 background research to get the full details of  
10 the joint defense agreement, I would -- for  
11 those reasons, to the extent that any  
12 disclosure in response to any questions posed  
13 to Mr. Dershowitz would require Mr. Dershowitz  
14 to invade that joint defense agreement, we  
15 would instruct -- we would object and instruct  
16 that Mr. Dershowitz not respond. I think that  
17 covers everything that I have.

18           SPECIAL MASTER POZZUOLI: Thank you.  
19 Let's proceed.

20           MR. SCAROLA: Before we proceed, I want to  
21 note for the record that the various  
22 transcripts of statements made by  
23 Mr. Dershowitz that had been requested during  
24 the earlier session of the deposition were  
25 marked as Exhibit Number 1 to the prior

1 sessions of Mr. Dershowitz's deposition.

2 I believe that everything that was  
3 referenced has been disclosed. To the extent  
4 that opposing counsel identifies anything that  
5 is not included in Composite Exhibit Number 1  
6 previously marked, we would be happy to provide  
7 a copy of that as soon as a copy --

8 MR. INDYKE: Is that Mr. Scarola?

9 MR. SCAROLA: It is, yes.

10 SPECIAL MASTER POZZUOLI: Hang on. Speak  
11 up a little bit, Jack.

12 MR. SCAROLA: Certainly. As soon as a  
13 copy that does not include work product  
14 notations is available, and the portions of  
15 statements made by Mr. Dershowitz not included  
16 in Exhibit Number 1 are identified to us, we  
17 will provide those.

18 MR. SCOTT: I think what we most want,  
19 Jack, are the -- I think we have one  
20 transcript, but I think there's another  
21 transcript of the bench and Bar that we need.

22 MR. SCAROLA: There are multiple  
23 transcripts included in Exhibit Number 1.

24 MR. EDWARDS: If there are transcripts  
25 that you need that are not included in Exhibit

1 Number 1, tell me. I'll get them to you, and  
2 I'll get them to you tomorrow since we're here  
3 again.

4 MR. SCAROLA: I just want the record to  
5 reflect that I believe that everything that  
6 we've made reference to is included in Exhibit  
7 Number 1. If I'm incorrect in that regard, you  
8 let us know what it is, we'll give it to you.

9 SPECIAL MASTER POZZUOLI: Darren, anything  
10 on your end? You okay?

11 MR. INDYKE: Yep.

12 SPECIAL MASTER POZZUOLI: I would welcome  
13 the parties just to get together to make sure  
14 they have a complete set of what they need, and  
15 we'll go from there.

16 MR. EDWARDS: Absolutely. Just for the  
17 record, my only real objection was not turning  
18 over what I had marked and my work product.

19 SPECIAL MASTER POZZUOLI: I understood.

20 MR. EDWARDS: I'll get everything to him  
21 tomorrow.

22 SPECIAL MASTER POZZUOLI: I took it that  
23 way.

24 BY MR. EDWARDS:

25 Q. Going back to testing the credibility of

1 [REDACTED] and things that she has said, was  
2 she lying when she said that she has flown on  
3 Jeffrey Epstein's airplane?

4 MR. INDYKE: Objection. Work product and  
5 common interest.

6 A. I think I can answer that question. Based  
7 on material that was produced in discovery, which  
8 would not be subject to privilege, there seems to be  
9 evidence that she did fly on the airplane with  
10 Jeffrey Epstein.

11 BY MR. EDWARDS:

12 Q. Was she lying when she says that she was  
13 flown on Jeffrey Epstein's airplane across state  
14 lines at a time when she was under the age of 18?

15 A. I have no idea.

16 MR. INDYKE: Objection. Same objection.  
17 Work product and attorney-client and common  
18 interest.

19 A. I have no idea. But, again -- I just have  
20 no idea.

21 BY MR. EDWARDS:

22 Q. Is there any nonprivileged information  
23 that you could review that would give you an idea to  
24 answer that question or that would give you the  
25 answer to that question?

1 A. I imagine there would be if there were  
2 videotapes. I've always said from the beginning, I  
3 hope there are videotapes of every moment in  
4 [REDACTED]' life, because they would exculpate  
5 me completely. So I hope there are videotapes.

6 Q. Aren't you aware that there were  
7 videotapes that were taken within your client  
8 Jeffrey Epstein's various homes?

9 MR. INDYKE: Objection. Work product,  
10 attorney-client. Common interest.

11 SPECIAL MASTER POZZUOLI: Carve out the  
12 privileged issue and non-privileged, if he  
13 gained information through a nonprivileged  
14 source.

15 BY MR. EDWARDS:

16 Q. Well, the statement was -- which I was not  
17 going there. The statement was, if there are  
18 videos, I want them all out there?

19 A. Absolutely.

20 Q. So, isn't it true that you know that there  
21 were indeed videos taken from within your client's  
22 various homes?

23 MR. INDYKE: Same objection.

24 BY MR. EDWARDS:

25 Q. Privileged or nonprivileged.

1 MR. SCOTT: Asked and answered in the last  
2 depo.

3 A. I hope there were videos. I hope there  
4 are videos of every moment of [REDACTED] life  
5 from the time she allegedly met Jeffrey Epstein to  
6 the time she left. I hope there were videos in  
7 every bedroom. I hope there were videos in every  
8 massage room. I hope there are videos all over.

9 And from day one, I categorically stated  
10 that there could be no photograph, no video that  
11 would demonstrate that what she said was true,  
12 because I knew it was false. She knew it was false.  
13 And you knew it was false.

14 BY MR. EDWARDS:

15 Q. In representing a client, don't you try to  
16 determine or ascertain what evidence does exist that  
17 may incriminate or exonerate any particular client?

18 A. Of course.

19 Q. Okay. In making that inquiry in this  
20 case, haven't you learned that there are --

21 SPECIAL MASTER POZZUOLI: Which case?

22 BY MR. EDWARDS:

23 Q. In the case in which you represented  
24 Jeffrey Epstein, haven't you learned that there were  
25 video recordings taken from within Jeffrey Epstein's

1 various homes as well as his airplane?

2 MR. INDYKE: Objection, same objection.

3 Instruct him not to answer.

4 A. I hope there were.

5 BY MR. EDWARDS:

6 Q. Will you then assist us --

7 A. Yes.

8 Q. -- in obtaining those videos from your  
9 client?

10 A. I will assist you in getting any possible  
11 videotapes of [REDACTED] or any of the  
12 locations where the false accusation against me was  
13 made. I would be thrilled to have videos of every  
14 moment of my life during that period of time, and  
15 every moment of her life. Because they would prove  
16 conclusively that which I know to be conclusively  
17 false, namely that she made up the stories about me.

18 Q. Okay. Just so I understand your  
19 agreement, is that --

20 MR. INDYKE: Just so we're clear,  
21 Mr. Epstein is not waiving any of his  
22 objections as to any such information to the  
23 extent that it exists.

24 BY MR. EDWARDS:

25 Q. Okay. Well, this video or photograph --

1 if there are videos or photographs of [REDACTED]  
2 [REDACTED] that have been taken or recorded from  
3 Jeffrey Epstein's home, is that -- is that evidence  
4 that you will assist us in obtaining?

5 A. I will try my best to try to get every  
6 possible --

7 MR. INDYKE: Objection.

8 A. -- photograph -- I'm entitled to say what  
9 I'll try to best to do. I will try my best to get  
10 every possible video, photograph, and any other  
11 piece of objective evidence because I know it will  
12 all completely prove beyond any doubt that I wasn't  
13 there.

14 BY MR. EDWARDS:

15 Q. And if that information has already  
16 exchanged hands -- that evidence has already  
17 exchanged hands from Jeffrey Epstein's hands to the  
18 hands of his attorneys, as part of their work  
19 product, would you agree to waive your work product  
20 privilege to produce that evidence?

21 MR. SCOTT: Objection.

22 MR. INDYKE: Objection.

23 A. I don't have any such evidence. I wish I  
24 did.

25

1 BY MR. EDWARDS:

2 Q. With respect to the search warrant that  
3 was executed on Jeffrey Epstein's house, isn't it  
4 true that just before that search warrant was  
5 executed, the -- Jeffrey Epstein's legal team  
6 ordered that three computers be removed from Jeffrey  
7 Epstein's home that contained pornographic images,  
8 including those of [REDACTED]

9 A. I made no such order.

10 MR. INDYKE: Same objection. And instruct  
11 not to answer.

12 BY MR. EDWARDS:

13 Q. I didn't ask if you made the order. Isn't  
14 it true that that occurred?

15 MR. INDYKE: Same objection.

16 MR. SIMPSON: Darren?

17 SPECIAL MASTER POZZUOLI: I'm not so sure  
18 you can waive that objection.

19 A. I wish I could.

20 BY MR. EDWARDS:

21 Q. Didn't the U.S. Attorney's Office issue  
22 grand jury subpoenas to the investigators that were  
23 working on Jeffrey Epstein's behalf and were holding  
24 those computers, and those grand jury subpoenas  
25 outstanding at the time that the case resolved?

1 A. All I can say --

2 MR. INDYKE: Same objection and  
3 instruction.

4 A. -- is I wish every video, every computer,  
5 I wish everything that would show where [REDACTED]  
6 [REDACTED] was had been turned over and would be turned  
7 over.

8 MR. SCAROLA: Mr. Dershowitz's repeated  
9 comments about what he wishes would happen are  
10 an indirect statement that if he could answer  
11 the questions, the responses that he would give  
12 would be favorable to him and would exonerate  
13 him.

14 His wishes are not the subject of the  
15 inquiry. And every occasion on which he  
16 expresses a wish and refuses to give an answer  
17 is unresponsive to the questions that are being  
18 asked, and should be stricken.

19 They also constitute a waiver to the  
20 extent that they imply that if the question  
21 could be answered, the answer would be  
22 favorable.

23 I would ask you to instruct --

24 MR. INDYKE: And to the extent that they  
25 imply a waiver --

1           SPECIAL MASTER POZZUOLI: Hang on a  
2 second. Let him finish.

3           MR. INDYKE: I apologize, Mr. Scarola.

4           MR. SCAROLA: That's quite all right,  
5 thank you.

6           I know that over the speakerphone, it's  
7 difficult, and I take no offense to the  
8 interruption. I know it was inadvertent.

9           But I would ask that the witness be  
10 instructed to discontinue that improper  
11 assertion of statements of opinion when no  
12 opinions are being requested.

13          SPECIAL MASTER POZZUOLI: Counsel, do you  
14 have a response? I think Mr. Scarola is done.

15          MR. INDYKE: My response is to the extent  
16 that you're attempting to imply anything  
17 from -- imply a waiver from Mr. Dershowitz,  
18 Mr. Epstein does not waive, and instructs  
19 Mr. Dershowitz that he can make no such waiver.

20          THE WITNESS: I have not refused to  
21 answer.

22          SPECIAL MASTER POZZUOLI: Hang on one  
23 second. Let me say this: I would suggest that  
24 I don't take such inference that he's waiving  
25 based upon his general statements.

1           What -- we have been down a little bit of  
2 this road this morning on trying to get to what  
3 appears to be privileged information or  
4 information that -- or activity that was  
5 undertaken or not undertaken during the course  
6 of the representation, the relationship -- the  
7 attorney-client relationship between  
8 Mr. Dershowitz and Mr. Epstein.

9           And at this point, based upon the  
10 objection, I will uphold the objection and  
11 we'll move forward.

12           MR. SCAROLA: The second part of my  
13 request is that Mr. Dershowitz be instructed to  
14 refrain from expressing a desire to answer  
15 questions. It's not responsive. It implies  
16 that if he could answer, the answers would be  
17 favorable.

18           The implication is improper, and the  
19 insertion into the record of the implication is  
20 improper. If he can't answer the question, he  
21 should simply say he cannot answer based on  
22 privilege.

23           THE WITNESS: Can I respond?

24           SPECIAL MASTER POZZUOLI: No. Let me  
25 respond.

1 I think that's appropriate. I do actually  
2 agree with Mr. Scarola in this respect. I do  
3 think that you should be responsive  
4 specifically to the question if you can.

5 Where you can't, you state you can't. I  
6 believe that the record is now full of your  
7 views on some of this in a generic way, and so  
8 with that said, I would ask that you be more  
9 pointed with your answers.

10 THE WITNESS: I appreciate that. I just  
11 want to comment that I did not ever refuse to  
12 answer any of those questions. It was  
13 instructed not to answer any of those  
14 questions.

15 SPECIAL MASTER POZZUOLI: I do understand  
16 that. For purposes of some efficiency here, I  
17 would like to get through this within the time  
18 allotted.

19 MR. EDWARDS: Me, too. Thank you.

20 BY MR. EDWARDS:

21 Q. Is there any nonprivileged information  
22 which would demonstrate whether [REDACTED]  
23 statement that she was flown on Jeffrey Epstein's  
24 plane while underage was true or false?

25 A. I'm sure there must be, but I don't have

1 it in my mind right now, so I can't answer that  
2 question.

3 Q. The flight logs were previously marked  
4 as --

5 MR. SCAROLA: Exhibit 7.

6 BY MR. EDWARDS:

7 Q. -- as Exhibit 7 to the deposition. I'll  
8 show you pages from Exhibit 7 which indicate the  
9 dates of the flight logs for those on the phone  
10 November 2002 through January -- sorry,  
11 November 2000 through January 2001 and January 2001  
12 through February 20th, 2001.

13 SPECIAL MASTER POZZUOLI: Counsel?

14 MR. SCOTT: Okay.

15 A. Yes, I see the flights that you have  
16 marked in green.

17 BY MR. EDWARDS:

18 Q. Do the flight logs indicate [REDACTED]  
19 [REDACTED] as a passenger on Jeffrey Epstein's plane  
20 with Jeffrey Epstein?

21 A. Well, the first one I look at does not.  
22 It has J.E., G.M. and E.T. Although it's  
23 underlined, it doesn't suggest [REDACTED]  
24 The second one does say J.E., G.M., E.T., [REDACTED]  
25 [REDACTED]. And the fourth and fifth ones say [REDACTED]

1 [REDACTED] And on the next page, two of them say  
2 [REDACTED] yes.

3 Q. These in the year 2000 and early 2001; is  
4 that correct?

5 A. I can't see dates. I see 2001. I see  
6 November 2000. Could you remind me of [REDACTED]  
7 [REDACTED]' birthday.

8 Q. [REDACTED]

9 A. [REDACTED] So she would be [REDACTED] at this  
10 time.

11 Q. So she's traveling as a passenger under  
12 the age of 18? That's my question.

13 A. Under the age of 18, but the age of  
14 consent in numerous places that she flew to were 17  
15 and 16. So New York, the age is 17, to my  
16 recollection. And in New Mexico, I think it's 17.  
17 And the Virgin Islands, I think it's 16. So the  
18 answer to the question is she underage might well be  
19 no.

20 Q. My question was, is there nonprivileged  
21 information that would indicate the truth or falsity  
22 of her statement that she traveled on Jeffrey  
23 Epstein's airplane with Jeffrey Epstein while under  
24 the age of 18?

25 A. I do not know of any statement that she

1 said -- may have said it, but I don't have in my  
2 mind any statement that says below the age of 18 as  
3 distinguished from when she was underage. So you  
4 would have to show me. If the statement was below  
5 the age of 18, that would be correct. If the  
6 statement would be underage, that would be more  
7 questionable.

8 Q. Do you know the purpose for which she was  
9 traveling with Jeffrey Epstein during the flights  
10 indicated on those logs?

11 A. I do not.

12 MR. SCOTT: Privileged.

13 MR. INDYKE: Objection, work product,  
14 attorney-client, common interest.

15 BY MR. EDWARDS:

16 Q. Your answer is "I do not"?

17 A. I do not.

18 Q. You have not ascertained from any source,  
19 is what you're telling us, the purpose for her  
20 travels with Jeffrey Epstein, correct?

21 MR. INDYKE: Objection. Same objection  
22 and instruction.

23 BY MR. EDWARDS:

24 Q. You are unable to answer, or you have not?

25 A. I have been instructed not to answer.

1 Q. I misunderstood you. I thought you said  
2 earlier "I have not," indicating that you don't know  
3 the purpose?

4 A. I said that in answer to one question.  
5 You've asked me other questions.

6 Q. Is there a legitimate purpose for her  
7 being 17 years old, traveling with Jeffrey Epstein?

8 MR. SCOTT: Objection, argumentative.

9 MR. INDYKE: Objection. Same objection,  
10 same instructions.

11 BY MR. EDWARDS:

12 Q. Isn't it a federal crime to knowingly  
13 transport an individual who has not attained the age  
14 of 18 years in interstate commerce with the intent  
15 that that individual engage in prostitution or in  
16 any sexual activity?

17 A. I haven't read the statute clearly, but I  
18 think that's an accurate paraphrase of my  
19 understanding of the law, yeah.

20 Q. Would you agree that that flight log in  
21 front of you indicates a federal crime was being  
22 committed against [REDACTED] at the time when  
23 she has said a federal crime was being committed  
24 against her?

25 A. Oh, absolutely not.

1 MR. INDYKE: Objection.

2 A. Does not prove a federal crime.

3 MR. INDYKE: Same objection, same  
4 instruction.

5 BY MR. EDWARDS:

6 Q. So that goes back to my last question.  
7 What is, then, the legitimate reason that causes  
8 that flight to fall outside of this criminal statute  
9 that I just read to you?

10 MR. INDYKE: Same objection, same  
11 instruction.

12 A. I can give this answer. My understanding  
13 of federal law imposes the burden of proof on the  
14 prosecution to demonstrate one of the illicit  
15 purposes, and this does not satisfy that burden of  
16 proof. So this would not prove that a federal crime  
17 occurred. It would prove one element of that crime.

18 BY MR. EDWARDS:

19 Q. Was she lying when she said that the  
20 purpose for which she was trafficked by Jeffrey  
21 Epstein was for sex?

22 MR. INDYKE: Same objection, same  
23 instructions.

24 A. I've been instructed not to answer the  
25 question.

1 BY MR. EDWARDS:

2 Q. You can't answer the question?

3 A. I can give you this information. Based on  
4 what her own friends have said in interviews that  
5 are not privileged, they categorically deny that she  
6 was trafficked. They claim that she willingly,  
7 voluntarily went on her own in order to earn money,  
8 that she showed off the money, that she was free to  
9 leave at any time, that she he had a boyfriend who  
10 she lived with at the time, that she went home every  
11 night, and she was spending money like mad. That  
12 would not, in my view, fit the definition of  
13 trafficking.

14 Now, I certainly am sympathetic to her.  
15 She may very well have been abused at some early  
16 stage of her life, even before she met Epstein, and  
17 that abuse may have led her to live a life of lies.  
18 And one might be sympathetic to that, but it doesn't  
19 excuse her lying about me, the fact that she may  
20 have been abused.

21 SPECIAL MASTER POZZUOLI: Move forward.

22 BY MR. EDWARDS:

23 Q. Let me try to understand that which you  
24 are explaining right now, which is are you saying  
25 that if she was traveling on Jeffrey Epstein's

1 airplane while underage for the purposes of sex and  
2 or prostitution, that --

3 MR. INDYKE: Same objection, same  
4 instructions.

5 BY MR. EDWARDS:

6 Q. -- she was not being sexually trafficked  
7 or would not be a victim of that statute?

8 MR. INDYKE: Same objection, same  
9 instruction.

10 MR. EDWARDS: I'm asking a hypothetical  
11 now based on his last statement.

12 MR. SCOTT: That's not a hypothetical.

13 SPECIAL MASTER POZZUOLI: That's not how  
14 you framed it.

15 BY MR. EDWARDS:

16 Q. Let me reframe it, then.

17 Assuming that -- I'll give you a  
18 hypothetical based on what you say her friends have  
19 told you, which is that she is free to leave while  
20 being taken across state lines by Jeffrey Epstein.  
21 This is the hypothetical. And being used for sexual  
22 purposes. Is she, in that hypothetical, not a  
23 victim to sexual trafficking?

24 MR. SCOTT: Objection to form,  
25 speculation, argumentative. Can you answer

1 that?

2 A. I can answer it. Since you gave me a  
3 hypothetical, as a law professor for 50 years, I  
4 would give this as a hypothetical to my class. I  
5 would ask my students do you think it's trafficking,  
6 do you think a woman has been trafficked when she  
7 voluntarily, below the age of consent in some  
8 states, above the age of consent in other states,  
9 when she voluntarily engages in sexual conduct for  
10 money, free to leave at any time.

11 I think it would be an interesting  
12 classroom discussion about whether that constitutes  
13 trafficking.

14 That's a different question from whether  
15 or not that would violate the statute. That would  
16 violate the statute. But your question is, would it  
17 constitute trafficking. That would be a very  
18 interesting law school hypothetical.

19 BY MR. EDWARDS:

20 Q. In your opinion, does it constitute  
21 trafficking?

22 A. I think the word "trafficking" is  
23 overused, and I think should be reserved for the  
24 kinds of people who I have enormous sympathy for,  
25 people who have no choice, no options, whose

1 passports have been taken away, who have been forced  
2 and coerced in some way to engage in sexual conduct.

3           And I think it begins to weaken the very  
4 important term "trafficking" when it's applied to a  
5 volunteer, close to her 18th birthday who was  
6 enjoying and spending money and has the option of  
7 leaving. I know that Sigrid McCawley is shaking her  
8 head, but that's my honest opinion.

9           Q. Does your answer to the hypothetical  
10 change if we rewind time to the beginning of her  
11 relationship with Jeffrey Epstein when she's 15 or  
12 16 years old? Meaning are you making a distinction  
13 because she's 17 as opposed to 16 or 15? If so,  
14 what's the cutoff?

15           A. Well, I think that age is relevant.

16           MR. INDYKE: For my clarification, this is  
17 all hypothetical?

18           MR. SCAROLA: Yes, it is.

19           A. Age is one of the relevant factors. It's  
20 not the only relevant factor. It's one of the  
21 relevant factors. That's why your hypothetical was  
22 17, almost 18, 17 and a half.

23           BY MR. EDWARDS:

24           Q. Let's get that right. That's when,  
25 November 2000?

1 A. We're talking about January 2001.

2 SPECIAL MASTER POZZUOLI: We're still  
3 operating under the hypothetical?

4 MR. EDWARDS: We are. I thought he said  
5 that my hypothetical was almost 18. Which in  
6 this hypothetical, she turns 18 in August of  
7 2001.

8 THE WITNESS: 2001, the same year.

9 BY MR. EDWARDS:

10 Q. Was she lying when she said that  
11 Epstein --

12 SPECIAL MASTER POZZUOLI: Are we now done  
13 with the hypothetical?

14 MR. EDWARDS: Yes, we are.

15 BY MR. EDWARDS:

16 Q. -- engaged in sex with many underage  
17 girls? Was she lying when she said that?

18 MR. INDYKE: Same objection, same  
19 instructions.

20 A. I can only say this. You --

21 MR. SIMPSON: Was there an instruction?

22 A. There was an instruction, but I can answer  
23 without that.

24 You have accused me of having sex with  
25 many underage girls --

1 MR. EDWARDS: I move to strike this as  
2 nonresponsive to my question.

3 A. -- based on no evidence whatsoever.

4 MR. EDWARDS: I want a ruling on the  
5 Motion to Strike.

6 SPECIAL MASTER POZZUOLI: Let me hear the  
7 rest of it.

8 A. So when you say "many," I need to know  
9 with some precision what you have in mind.

10 SPECIAL MASTER POZZUOLI: I'll strike the  
11 first part of it, the first part of his answer.  
12 And if you can assist him in defining "many."

13 BY MR. EDWARDS:

14 Q. Sure. You do know Bob Josefsberg,  
15 correct?

16 A. I've known him since 1959.

17 Q. And you are aware that he represented, I  
18 believe, more than 15 girls who claimed to have been  
19 victims of Mr. Epstein in this case, aren't you?

20 A. I recommended him for that job because I  
21 think so highly of him.

22 Q. And in his Complaints, are you aware that  
23 he's made the allegation that Defendant Epstein has  
24 a sexual preference for underage minor girls? Are  
25 you aware of that?

1 MR. SCOTT: Just for the record, object to  
2 the relevancy of all of this.

3 A. I'm not aware of that.

4 MR. INDYKE: Just for the record, to the  
5 extent that Alan's answer requires him to  
6 invade privilege, I would object and instruct  
7 him not to answer.

8 SPECIAL MASTER POZZUOLI: Within the  
9 confines of the privilege objection, if you can  
10 answer.

11 A. I'm not aware that he said that. I  
12 haven't read his pleadings.

13 BY MR. EDWARDS:

14 Q. Okay. Are you aware that in his  
15 pleadings, he wrote "Defendant Epstein used his  
16 resources and his influence over vulnerable minor  
17 girls to engage in a systemic -- systematic pattern  
18 of sexually exploited behavior"?

19 A. I'm not aware.

20 MR. INDYKE: Same objection, same  
21 instruction.

22 A. I was not involved in that aspect of the  
23 case.

24 BY MR. EDWARDS:

25 Q. You were not involved in the facts part of

1 the case?

2 A. I was not involved in the compensation  
3 part of the case. The part that Bob Josefsberg was  
4 involved in, I was not involved in.

5 MR. INDYKE: Alan, just admonishment,  
6 let's not go into the subject matter of your  
7 representation, please.

8 BY MR. EDWARDS:

9 Q. Going back, was she lying when she says  
10 Jeffrey Epstein was for one of his birthdays sent  
11 three 12-year-old girls? Was she lying when she  
12 said that?

13 MR. INDYKE: Same objection, same  
14 instruction.

15 A. I have absolutely no --

16 MR. SIMPSON: You got an instruction.

17 A. Okay.

18 BY MR. EDWARDS:

19 Q. Are you aware of in the Complaint where  
20 Bob Josefsberg initially represented [REDACTED]  
21 [REDACTED] that Bob Josefsberg is the first to put that  
22 allegation in the Complaint? Were you aware of  
23 that?

24 A. Not aware of that, no. I wouldn't put --

25 MR. SIMPSON: Please, just answer the

1 question.

2 BY MR. EDWARDS:

3 Q. In 2009, when that Complaint and that  
4 allegation was asserted, are you aware that Jeffrey  
5 Epstein never refuted that allegation in any  
6 pleading?

7 MR. INDYKE: Same objection, same  
8 instruction.

9 BY MR. EDWARDS:

10 Q. Were you representing Jeffrey Epstein in  
11 2009?

12 A. Not in connection with that case. And I  
13 was not aware of what his response was, if any.

14 Q. Are you aware that after that allegation  
15 was made by [REDACTED] that Jeffrey Epstein  
16 paid money to settle her case?

17 MR. INDYKE: Same objection, same  
18 instruction.

19 MR. SCOTT: Let me object to all the  
20 relevancy of this.

21 A. My understanding is that the plea bargain  
22 required him to make payments regardless of what his  
23 views may have been, that he was absolutely required  
24 to make those payments. He had no discretion.  
25 That's my understanding. I may be wrong, but you

1 can check the actual nonprosecution agreement, but  
2 that's my understanding of what it said, that he  
3 could not contest anything.

4 BY MR. EDWARDS:

5 Q. You were one of the attorneys that  
6 represented Jeffrey Epstein in the negotiations with  
7 the United States Attorney's Office, right?

8 A. Right, along with Kenneth Starr --

9 MR. INDYKE: Same objection. Objection.

10 A. No, I don't think you can object to that.  
11 These are people who are at the hearings, at the  
12 events with the U.S. Attorney. The people who were  
13 at the events representing Jeffrey Epstein is not  
14 privileged, included Roy Black, Ken Starr, Marty  
15 Weinberg, Jay Lefkowitz --

16 MR. SCAROLA: Not responsive.

17 A. -- Jerry Lefcourt.

18 BY MR. EDWARDS:

19 Q. I only asked if you were one of the  
20 lawyers.

21 A. I was one of them, yes.

22 Q. The answer is yes?

23 A. The complete answer is yes, but the rest  
24 of the people were part of the legal team.

25 Q. I will ask you when I want somebody else's

1 name.

2           Were you a part of the negotiations in  
3 October of 2007 when the special matter was  
4 selected? You remember that part?

5       A.    Is the special master Josephsburg?

6           MR. INDYKE: Same objection, same  
7 instruction.

8       BY MR. EDWARDS:

9       Q.    Yes.

10       A.   My recollection is that I was simply asked  
11 for a recommendation, but I played no further role.

12       Q.   Were you aware that there was a joint  
13 letter to the special master created between Jeffrey  
14 Epstein's attorneys and the United States Attorney's  
15 Office describing the investigation?

16           MR. INDYKE: Same objection, same  
17 instruction.

18       A.   I'm not -- as I sit here today, I have no  
19 recollection of that.

20       BY MR. EDWARDS:

21       Q.   Was [REDACTED] lying when she says  
22 that while underage, she was made to massage Jeffrey  
23 Epstein in the nude, while he masturbated?

24       A.   I have no idea.

25           MR. INDYKE: Same objection, same

1 instruction.

2 BY MR. EDWARDS:

3 Q. If I show you the proposed joint letter to  
4 the special master, will it refresh your  
5 recollection?

6 A. I want to add to the last question. When  
7 I say I have no idea, I do know that she said that  
8 she was giving oral sex to Jeffrey Epstein while I  
9 stood next to him, and that is a total, categorical,  
10 absolute lie. So I know she lied about that.

11 MR. EDWARDS: Move to strike as  
12 nonresponsive.

13 A. But that's relevant to standing naked and  
14 being masturbated.

15 SPECIAL MASTER POZZUOLI: Move on to your  
16 next question.

17 A. Yes.

18 BY MR. EDWARDS:

19 Q. When I am asking for nonprivileged  
20 information or evidence that would give you the  
21 ability to tell me whether [REDACTED] is lying  
22 when she says she had sex with Jeffrey Epstein while  
23 underage, would you consider a joint letter crafted  
24 between Jeffrey Epstein's lawyers and the United  
25 States Attorney's Office to form the basis of that

1 answer? Let me rephrase the question.

2           When I'm asking for nonprivileged  
3 information that you may have to demonstrate the  
4 truth or falsity of [REDACTED] statement that  
5 she was made to have sex with Jeffrey Epstein while  
6 underage, would you consider the joint letter to the  
7 special master evidence from which you could draw an  
8 answer?

9           MR. SCOTT: Objection.

10          A. I would have to know more about it than  
11 that. I would have to know the nature of the  
12 letter, the reason it was sent.

13          BY MR. EDWARDS:

14          Q. Would you like to review the letter? Is  
15 that going to help you?

16           SPECIAL MASTER POZZUOLI: Ask him if he's  
17 seen the letter first.

18          BY MR. EDWARDS:

19          Q. You were part of the team that was mainly  
20 negotiating with U.S. Attorney's Office, correct?

21          A. I was only negotiating the criminal part  
22 of the case.

23          Q. Okay. I'm going to show you the letter,  
24 and if you had nothing to do with it, tell me that.  
25 If you've never seen it before, then tell me that.

1 I guess my first question is, have you  
2 seen it?

3 MR. INDYKE: I would object to that.

4 MR. SCOTT: I would like to make a request  
5 for this depo and future depositions, if they  
6 are going to show exhibits to a witness, I  
7 think we should be -- have a copy of them.

8 We provided copies to you of all exhibits  
9 we used during the deposition of your client.  
10 And I think if you're going to pull out  
11 exhibits and have one, you should have at least  
12 copies for counsel, and I would agree to do the  
13 same thing, rather than having to run and make  
14 a copy and all the rest of it.

15 MR. EDWARDS: I wasn't ready for him to be  
16 unfamiliar with his and his legal team's  
17 correspondence.

18 MR. SCOTT: I understand, but you haven't  
19 had any all day. So all I'm asking you,  
20 Mr. Edwards, is that we have copies of exhibits  
21 that you intend to confront the witness with.  
22 That's -- as you pointed out, you've got all  
23 the questions laid out, so you know where we're  
24 headed. There's a note on here. Do you want  
25 that on there?

1 MR. EDWARDS: No.

2 MR. SCOTT: It's one of your cheat sheet  
3 notes. I don't know if you really want that on  
4 there.

5 MR. EDWARDS: It just says "Isn't this  
6 nonprivileged?"

7 MR. SCOTT: Okay. It's still an exhibit  
8 going into evidence, right? Without your  
9 notes?

10 MR. SIMPSON: Can we get it marked?

11 THE WITNESS: This is a draft, not a  
12 letter.

13 MR. EDWARDS: I said it's a proposed  
14 letter. I read the title exactly.

15 (Thereupon, marked as Plaintiff Exhibit  
16 19.)

17 A. This is not -- it's not familiar to me  
18 except that what I said previously that as part of  
19 the resolution of this case, Mr. Epstein agreed he  
20 would not contest jurisdiction for the victims who  
21 chose to sue him, et cetera, is consistent with my  
22 memory, but I have no recollection of actually  
23 seeing this draft, this proposed draft.

24 MR. SCOTT: That's number?

25 COURT REPORTER: Nineteen.

1 BY MR. EDWARDS:

2 Q. Wouldn't you agree -- wasn't [REDACTED]  
3 [REDACTED] one of the listed victims to the  
4 nonprosecution agreement?

5 A. If so, I was not aware of.

6 MR. INDYKE: Same objection, same  
7 instruction.

8 BY MR. EDWARDS:

9 Q. As you sit here today, after having made  
10 many statements about [REDACTED] being a  
11 serial liar --

12 A. She is.

13 Q. -- you have no idea whether she was a  
14 listed victim to the nonprosecution agreement?

15 MR. SCOTT: Objection, asked and answered.

16 MR. INDYKE: Same objection, same  
17 instruction.

18 A. Right now, I have no recollection of  
19 whether she was listed or not.

20 BY MR. EDWARDS:

21 Q. Okay.

22 A. I know that the FBI tried to speak to her  
23 and she wouldn't speak to them is my recollection.

24 MR. SCAROLA: That's not responsive.

25 MR. EDWARDS: Not responsive.

1 MR. SCAROLA: Move to strike.

2 SPECIAL MASTER POZZUOLI: That, I will  
3 strike. Move forward.

4 BY MR. EDWARDS:

5 Q. Was Virginia lying when she says that  
6 Jeffrey Epstein also had sex with a girl named [REDACTED]  
7 [REDACTED], who is a Hollywood actress, from the time  
8 [REDACTED] was 13 years old?

9 MR. INDYKE: Same objections, same  
10 instruction.

11 MR. SCOTT: Can you answer that?

12 A. I've never heard that name. It's not  
13 familiar to me at all.

14 BY MR. EDWARDS:

15 Q. Was [REDACTED] lying when she says  
16 she traveled to Jeffrey Epstein's island when  
17 underage?

18 MR. INDYKE: Same objections, same  
19 instruction.

20 BY MR. EDWARDS:

21 Q. By "underage," I mean under the age of 18.

22 A. I can only tell you I never saw her on the  
23 island. I was on the island when she was not there.

24 I would love to know whole story she was  
25 on the island --

1 MR. SCOTT: There's no question pending.

2 BY MR. EDWARDS:

3 Q. The two-page flight log exhibit, if we  
4 look at January 22nd, 2001, and also  
5 December 14th, 2000, can you look at those, and  
6 I'll ask a question.

7 A. Sure. Give me the dates again.  
8 January 16?

9 Q. Where it has the departing airport code  
10 and --

11 A. Yeah.

12 Q. -- where she's landing.

13 A. Right.

14 Q. TIST is the code for Virgin Islands,  
15 correct?

16 A. I have no idea. Been to the Virgin  
17 Islands once that I remember.

18 Q. You have been to Jeffrey Epstein's home on  
19 the Virgin Islands, haven't you?

20 MR. SCOTT: He's already answered that.

21 A. I was with my wife and my daughter and  
22 Professor --

23 BY MR. EDWARDS:

24 Q. I don't mean to ask who you went with -- I  
25 didn't mean to ask --

1           SPECIAL MASTER POZZUOLI: Hang on. Let  
2           him finish his answer. I think this is  
3           contextual. I'm okay with it.

4           A. And six months before [REDACTED]  
5           ever met Jeffrey Epstein. So I was never on the  
6           island during the period of time that Jeffrey  
7           Epstein knew [REDACTED].

8           SPECIAL MASTER POZZUOLI: Go ahead.

9           BY MR. EDWARDS:

10          Q. My question was, how did you get to the  
11          island?

12          A. Jeffrey Epstein sent a one-engine, small  
13          plane with a 70-year-old pilot for me, my wife and  
14          my daughter, and I regret to this day ever getting  
15          on that plane. Flew us from Guadalupe to the Virgin  
16          Islands, where I was picked up by a boat and taken  
17          to Jeffrey Epstein's island where we had dinner with  
18          Michael Porter and his wife and family and my wife  
19          and my daughter, and stayed, as far as we remember,  
20          for one night and left the next day.

21          Q. How did you get to Guadalupe?

22          A. Jeffrey Epstein flew us from Charleston,  
23          South Carolina, where we were visiting Caroline, my  
24          wife's mother, on an airplane that had a bathroom  
25          that had only a little curtain. That's all I

1 remember about it.

2 Q. What was the date of that trip that you're  
3 describing that you took Jeffrey Epstein's island?

4 MR. SCOTT: If you know.

5 A. It was six months or eight months before  
6 she ever met Jeffrey Epstein, so it would be  
7 Christmas, around Christmastime, around Christmas  
8 vacation of the year 1998, to my recollection. But  
9 I would have to check.

10 When it is she met Jeffrey Epstein in that  
11 summer, it was the winter before that. That's the  
12 only time I've ever been on the island, so her  
13 statement that she had sex with me on the island is  
14 totally, categorically made up.

15 BY MR. EDWARDS:

16 Q. My question is, where is the flight log of  
17 that trip that you just described?

18 A. Neither flight -- neither flight was on  
19 Jeffrey Epstein's airplane. The flight that we went  
20 from Charleston to Guadalupe, somebody owed Jeffrey  
21 Epstein several hours on an airplane, so Jeffrey  
22 borrowed his Learjet, it was a Learjet, borrowed his  
23 Learjet, two or three hours on the Learjet because  
24 it would have taken us ten hours to fly from  
25 Charleston to Atlanta, Atlanta to Puerto Rico and

1 Miami, and Miami or Puerto Rico to Guadalupe.  
2           So Jeffrey offered to use the credit he  
3 had with someone else on a Learjet to fly us to  
4 Guadalupe, and then used -- then rented -- it was  
5 \$1,200, I remember seeing the bill, to fly the small  
6 airplane from Guadalupe. He was anxious for us to  
7 see his newly bought -- relatively newly bought  
8 island, and so we went there with my daughter and we  
9 dug around in the sand and we had dinner with the  
10 various professors and that. Then we left.

11       Q.    So there are no flight manifests --

12       A.    I have no idea.

13       Q.    -- for the trip that you just described?

14       A.    I have no idea. There probably are,  
15 probably on the Learjet is probably the manifest.

16       Q.    In fact, in the statements that the flight  
17 manifests will conclusively and demonstratively  
18 exonerate you --

19       A.    That's true.

20       Q.    -- where can we get the full flight  
21 manifests so that we can review and make that  
22 determination for ourselves? Do you know?

23       A.    I assume --

24           MR. INDYKE:  Objection.

25

1 BY MR. EDWARDS:

2 Q. What we have here --

3 MR. INDYKE: Attorney-client, work product  
4 and common interests.

5 BY MR. EDWARDS:

6 Q. What we have here is only the fraction of  
7 flights where Dave Rogers was one of the pilots.  
8 Can you help us get the flight logs from Larry  
9 Visosky, Larry Morrison, any of the flight logs from  
10 the helicopters, et cetera?

11 A. I would love to. It would all show that I  
12 wasn't on the plane.

13 MR. INDYKE: Same objection, same  
14 instruction.

15 A. I will do everything in my power --

16 MR. SCOTT: You can make any request you  
17 want to through counsel, and we'll take them  
18 up.

19 A. But I will do everything in my power to  
20 get you every flight manifest.

21 SPECIAL MASTER POZZUOLI: Move forward.

22 MR. INDYKE: We do not waive any  
23 objection.

24 MR. SCAROLA: And that request has been  
25 made.

1 A. Is that a question?

2 MR. SCOTT: No. Just Mr. Scarola --

3 MR. EDWARDS: Just that we made a request  
4 for production.

5 BY MR. EDWARDS:

6 Q. Was [REDACTED] lying when she says that she  
7 was taken to Jeffrey Epstein's home in New York  
8 while underage?

9 A. I have no idea.

10 MR. INDYKE: Same objection, same  
11 instruction.

12 BY MR. EDWARDS:

13 Q. Was [REDACTED] lying when she says she was  
14 taken to Jeffrey Epstein's ranch in New Mexico while  
15 underage?

16 MR. INDYKE: Same objection, same  
17 instruction.

18 A. I can tell you this. She's lying when she  
19 said she met me at the ranch. So I cannot believe  
20 anything she says about the ranch.

21 BY MR. EDWARDS:

22 Q. Was she lying when she says Ghislaine  
23 Maxwell and Jeffrey Epstein used sex toys on her  
24 when she was underage?

25 MR. INDYKE: Same objection, same

1 instruction.

2 BY MR. EDWARDS:

3 Q. Was she lying when she says Jeffrey  
4 Epstein and Ghislaine Maxwell made her dress up in  
5 outfits for them?

6 MR. INDYKE: Same objection, same  
7 instruction.

8 A. Well, I can -- but I do have some material  
9 outside of the record on that.

10 BY MR. EDWARDS:

11 Q. Okay.

12 A. I know that Sigrid McCawley said that she  
13 said that Leslie Wexner made her dress up --

14 MS. McCAWLEY: I am going to object to the  
15 extent that you are trying to reveal  
16 conversations that were part of a settlement  
17 discussion which the judge has already sealed  
18 the record on and there is a pending motion for  
19 sanctions. And if you're going to start  
20 revealing that information, we're going  
21 directly to the Judge Lynch.

22 A. I am going to start revealing --

23 SPECIAL MASTER POZZUOLI: No, I'm going to  
24 stop you --

25 THE WITNESS: Let me tell you why.

1 Because I didn't get that from Sigrid or from  
2 David Boise. I got it from Leslie Wexner's  
3 lawyer in a totally nonprivileged  
4 communication.

5 SPECIAL MASTER POZZUOLI: Let me stop you.  
6 I don't believe it's responsive to the question  
7 that's pending, so let's move forward.

8 BY MR. EDWARDS:

9 Q. My question was, was she lying -- was  
10 [REDACTED] lying when she says Jeffrey Epstein  
11 and Ghislaine Maxwell made her dress up in outfits  
12 for them?

13 A. I can only say that that allegation has  
14 been made regarding Leslie Wexner as well.

15 Q. It has nothing to do with my question.

16 MR. SCAROLA: Move to strike.

17 A. Leslie Wexner's lawyer regards that as a  
18 full statement and, therefore, I can only assume  
19 that it's a false statement when made about someone  
20 else. I think that's relevant.

21 SPECIAL MASTER POZZUOLI: So with respect  
22 to the --

23 MR. EDWARDS: I'm moving to strike the  
24 nonresponsive portion of that answer.

25 THE WITNESS: He opened the door.

1           SPECIAL MASTER POZZUOLI: I do believe it  
2 was nonresponsive in its entirety. Move  
3 forward. Go ahead.

4 BY MR. EDWARDS:

5 Q. Do you know Jean-Luc Brunel?

6 A. No.

7 Q. Have you ever met him?

8 MR. INDYKE: Same objection, same  
9 instruction.

10 A. I have no memory of ever meeting a man by  
11 that name.

12 BY MR. EDWARDS:

13 Q. Do you know what his role was in Jeffrey  
14 Epstein's life?

15 A. No.

16 MR. INDYKE: Same objection, same  
17 instruction. Mr. Dershowitz, if you would let  
18 me make my objections before you respond.

19 THE WITNESS: Right.

20 BY MR. EDWARDS:

21 Q. Was [REDACTED] lying when she said  
22 Jeffrey Epstein socialized with Bill Clinton during  
23 the relevant time period?

24 MR. INDYKE: Same objection, same  
25 instructions.

1 A. My information is that [REDACTED]  
2 was lying when she said that she saw Bill Clinton on  
3 Jeffrey Epstein's island. That's all I can comment  
4 about with that. And she's lying about that. And  
5 she's lying about how Bill Clinton got to the  
6 island.

7 MR. EDWARDS: I move to strike the  
8 Nonresponsive portion of the answer.

9 SPECIAL MASTER POZZUOLI: No, it's  
10 relevant to what you asked. Move forward. I'm  
11 not going to strike it.

12 BY MR. EDWARDS:

13 Q. I'm going to go back to the question until  
14 I get an answer, though.

15 SPECIAL MASTER POZZUOLI: Go ahead.

16 BY MR. EDWARDS:

17 Q. That is, when [REDACTED] said that  
18 during the relevant time period, which we defined as  
19 1999 through 2002 --

20 A. Let's be clear. Around August of both of  
21 those years, right?

22 Q. I think August of '99 through October of  
23 2002.

24 A. September, I think it is.

25 Q. Okay. Was she lying -- was [REDACTED]

1 [REDACTED] lying when she said Jeffrey Epstein  
2 socialized with Bill Clinton during that time  
3 period?

4 A. I don't know.

5 MR. INDYKE: Same objection, same  
6 instruction.

7 BY MR. EDWARDS:

8 Q. And you have no nonprivileged information  
9 that would provide you the answer to that?

10 A. I have nonprivileged information that  
11 provides me that they socialized together at some  
12 point. I don't know whether it was within that  
13 timeframe at all. I know they went to Africa  
14 together on a mission of goodwill, but I don't know  
15 the date of that. So I can't tell you whether it  
16 was in the period or outside the period. You may  
17 know that; I don't.

18 Q. Well, if Jeffrey Epstein and Bill Clinton  
19 associated, but only at some time period either  
20 before or after the relevant time period, it would  
21 immediately disprove her statement that Bill Clinton  
22 and Jeffrey Epstein socialized during that time  
23 period?

24 A. I don't understand that question.

25 Q. No?

1           SPECIAL MASTER POZZUOLI: I don't  
2 understand the question either. If you can  
3 rephrase the question, that would be helpful.

4           MR. EDWARDS: Sure.

5 BY MR. EDWARDS:

6           Q. If you -- do you know from nonprivileged  
7 information whether Jeffrey Epstein and Bill Clinton  
8 ever socialized?

9           A. Yes.

10          Q. Do you know the beginning -- when their  
11 relationship began?

12          MR. INDYKE: Objection. Same objection,  
13 same instruction.

14          SPECIAL MASTER POZZUOLI: Again, under  
15 nonprivileged.

16          MR. EDWARDS: Under nonprivileged  
17 information.

18          MR. SCOTT: Do you have any nonprivileged  
19 information about that?

20          A. I remember having dinner at the home of  
21 Caroline Kennedy and Ed Schlossberg with President  
22 Clinton, and he basically asked me how Jeffrey was  
23 doing, and led me to believe that he had some  
24 relationship with Jeffrey. I don't remember whether  
25 that dinner -- when that dinner was. I can probably

1 find out. But that would be nonprivileged.

2 BY MR. EDWARDS:

3 Q. Was he still President at the time that  
4 conversation was taking place?

5 A. I don't remember.

6 Q. Have you ever been, yourself, together  
7 with Jeffrey Epstein and Bill Clinton?

8 A. No.

9 Q. Have you ever talked to Jeffrey Epstein  
10 about Bill Clinton?

11 MR. INDYKE: Objection. Same objection,  
12 same instruction.

13 SPECIAL MASTER POZZUOLI: Nonprivileged.

14 MR. EDWARDS: Yeah, nonprivileged.

15 A. It's hard to sort out the privileged and  
16 the nonprivileged.

17 SPECIAL MASTER POZZUOLI: So based upon  
18 the objection, I would ask that you -- unless  
19 it's obvious, then no, until we sort that out.

20 A. I shouldn't answer that probably.

21 SPECIAL MASTER POZZUOLI: I'm going to  
22 grant his objection at this point, again, as a  
23 continuum because I want to make sure that we  
24 preserve this issue for later on.

25

1 BY MR. EDWARDS:

2 Q. In a previous -- previously in this  
3 deposition, you indicated your representation of  
4 Jeffrey Epstein on this subject matter began in  
5 2005, right?

6 A. It began, I think I said, when the first  
7 allegations were. I don't have an exact date in  
8 mind.

9 Q. The relevant time period for [REDACTED]  
10 [REDACTED] as we've defined, is 1999 through 2002.

11 A. That's correct, yes.

12 Q. So I'm asking if you know from Jeffrey  
13 Epstein, in a time period prior to your  
14 representation, whether he was socializing with Bill  
15 Clinton.

16 MR. INDYKE: Same objection, same  
17 instruction.

18 A. Yes, yes.

19 MR. SCOTT: As long as it's a  
20 nonprivileged situation.

21 A. He was.

22 BY MR. EDWARDS:

23 Q. He was?

24 A. He was.

25 Q. So prior --

1 A. During the whole period of time up through  
2 2005, you're saying? Yes.

3 Q. Right.

4 A. Yes, I think this dinner occurred before  
5 2005, so I would -- yes.

6 Q. So what did Jeffrey Epstein tell you about  
7 his relationship with Bill Clinton?

8 MR. INDYKE: Same objection, same  
9 instruction.

10 BY MR. EDWARDS:

11 Q. Prior to 2005, obviously.

12 A. That they knew each other and that they  
13 were doing some charitable work together.

14 Q. Had Bill Clinton ever been to Jeffrey  
15 Epstein's home?

16 A. I'm not aware.

17 MR. INDYKE: Same objection, same  
18 instruction.

19 BY MR. EDWARDS:

20 Q. What kind of charitable work was Jeffrey  
21 Epstein --

22 A. I can tell you Donald Trump has been to  
23 Jeffrey Epstein's home, and I've seen him there.

24 Q. Okay. What question do you think that  
25 you're answering?

1 A. Well, you're asking about general things  
2 people --

3 SPECIAL MASTER POZZUOLI: Let's move  
4 forward.

5 A. -- so I mean, I gave you an example of one  
6 who has been there.

7 BY MR. EDWARDS:

8 Q. Okay. I'm specifically talking about  
9 when -- we started with was Virginia lying when she  
10 said that Jeffrey Epstein socialized with Bill  
11 Clinton during the relevant time period. And now  
12 I'm drilling it.

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

14 Q. Okay. Did you understand -- did Bill  
15 Clinton travel with Jeffrey Epstein?

16 A. My understanding from newspaper --

17 MR. INDYKE: Same objection, same  
18 instruction.

19 A. My understanding from newspaper accounts  
20 is that they went to Africa together with some other  
21 famous people, and I think maybe went to Asia  
22 together as well. So the answer is yes, I am aware  
23 through nonprivileged sources that they traveled  
24 together, yes.

25 MR. SCOTT: Can we take a break in a few

1 minutes? I would like -- in the afternoon, he  
2 gets a little tired, so I would like to, every  
3 hour or so, take -- an hour and ten minutes,  
4 take a couple-minute break.

5 SPECIAL MASTER POZZUOLI: You tell me when  
6 is a good --

7 MR. EDWARDS: Maybe 15 minutes and we'll  
8 switch topics, and we can take a break. Good,  
9 Tom?

10 MR. SCOTT: Yes.

11 MR. EDWARDS: Okay.

12 BY MR. EDWARDS:

13 Q. Was [REDACTED] lying when she says  
14 she was introduced to Prince Andrew through Jeffrey  
15 Epstein?

16 MR. INDYKE: Same objection, same  
17 instruction.

18 SPECIAL MASTER POZZUOLI: Under  
19 non-privileged information.

20 A. I have seen a photograph of Prince Andrew  
21 and [REDACTED] and Ghislaine Maxwell. I have  
22 myself met Prince Andrew. He came to my class at  
23 Harvard Law School and there was a dinner for him,  
24 and he asked about Jeffrey Epstein. We discussed  
25 Jeffrey Epstein.

1 BY MR. EDWARDS:

2 Q. I don't know if this was -- I believe it  
3 was attached to the deposition last time.

4 A. That's the photograph.

5 MR. SCOTT: I think it was.

6 MR. SCAROLA: It was.

7 MR. EDWARDS: I think it was, too.

8 MR. SCOTT: It was.

9 BY MR. EDWARDS:

10 Q. So you're familiar with this photograph?

11 A. Yes, and I'm also familiar there's no  
12 comparable photograph with me in it.

13 Q. Okay.

14 MR. SCAROLA: That's not responsive.

15 SPECIAL MASTER POZZUOLI: Move forward.

16 MR. SCAROLA: Move to strike.

17 BY MR. EDWARDS:

18 Q. And in this photograph, this is Prince  
19 Andrew over here on the left?

20 A. That's true, yeah.

21 Q. And this is [REDACTED] in the  
22 middle?

23 A. I've never seen -- I've never met  
24 Ms. Roberts, never seen her.

25 Q. So are you saying that she is lying when

1 she says that's her?

2 A. No, I just don't -- I've never seen her.

3 MR. SCOTT: Objection, argumentative.

4 A. Those are photographs -- I've seen  
5 photographs --

6 SPECIAL MASTER POZZUOLI: Hang on one  
7 second. Reask -- rephrase the question.

8 BY MR. EDWARDS:

9 Q. And who is this over here on the --

10 SPECIAL MASTER POZZUOLI: No, rephrase the  
11 question, the previous question about who the  
12 young lady is next to Prince Andrew.

13 BY MR. EDWARDS:

14 Q. Sure. Do you know who this lady is in the  
15 middle of this photograph?

16 A. On the basis of newspaper accounts, it is  
17 reported that she is [REDACTED] I wouldn't  
18 be able -- if you had shown me that picture a year  
19 and 16 days ago, I would not have been able to tell  
20 you that that's [REDACTED] because I didn't  
21 know who she was.

22 Q. And who is the other person that's in this  
23 photograph?

24 A. Ghislaine Maxwell.

25 Q. And that's somebody else that you know,

1 correct?

2 A. I do.

3 Q. And you know her through Jeffrey Epstein,  
4 right?

5 MR. INDYKE: Same objection, same  
6 instruction.

7 A. I wrote an article about her father's  
8 death years ago, and I don't remember if I met her  
9 independently. I do remember meeting her through  
10 her -- I remember that the Lady Rothschild asked me  
11 to meet Jeffrey Epstein, and when Jeffrey Epstein  
12 came to meet me, he was with Ghislaine Maxwell.

13 BY MR. EDWARDS:

14 Q. And when was that?

15 A. The first time I Jeffrey Epstein, which  
16 would have been in the summer of Leslie Wexner's  
17 59th birthday. That's all I can tell you is the  
18 summer of his 59th birthday because I then flew with  
19 Jeffrey Epstein to Leslie Wexner's 59th birthday. I  
20 was presented to Leslie Wexner. Leslie would like  
21 to get as birthday gifts interesting people that his  
22 friends had met during the year, and so I was  
23 Jeffrey Epstein's intellectual gift to Leslie  
24 Wexner. And it was that year that I met Jeffrey  
25 Epstein. That's the best I can date it.

1 Q. Okay. And Ghislaine Maxwell, you are  
2 aware, is involved in litigation with [REDACTED]  
3 [REDACTED] right now, correct?

4 A. She is being sued by [REDACTED] for  
5 defamation, not for the underlying offenses, which  
6 are beyond the statute of limitations, as I  
7 understand it, correct.

8 Q. And have you spoken with Ghislaine Maxwell  
9 about the allegations against her and her denials?

10 MR. INDYKE: Same objection, same  
11 instruction.

12 MR. SCOTT: Don't answer it. It's  
13 privileged.

14 BY MR. EDWARDS:

15 Q. I'm asking about your conversations with  
16 Ghislaine Maxwell, who's in a separate litigation,  
17 civil litigation for defamation. Have you  
18 personally spoken with Ghislaine Maxwell since these  
19 allegations?

20 A. If there's no objection, I will answer.

21 MR. INDYKE: There was an objection. Same  
22 objection, same instruction.

23 BY MR. EDWARDS:

24 Q. Is there a joint defense agreement related  
25 to the civil allegation -- actions regarding the

1 defamation actions that involve Ghislaine Maxwell  
2 and yourself?

3 MR. INDYKE: Same objection.

4 SPECIAL MASTER POZZUOLI: What's the  
5 basis -- can you explain to me what the basis  
6 of the objection is -- and what was the  
7 question?

8 MR. EDWARDS: Has Mr. Dershowitz spoken  
9 with Ghislaine Maxwell since the allegations --  
10 since this defamation suit came about as well  
11 as the defamation suit with Ghislaine Maxwell.

12 BY MR. EDWARDS:

13 Q. Let me ask it cleaner. Have you spoken  
14 with Ghislaine Maxwell since January 2015?

15 MR. INDYKE: Same objection, same  
16 instruction.

17 BY MR. EDWARDS:

18 Q. So that I'm clear, there is a joint  
19 defense of the allegations regarding Ghislaine  
20 Maxwell that's New York litigation and this  
21 defamation case?

22 MR. INDYKE: There's a common interest  
23 agreement in effect with respect to the  
24 New York case and a common interest agreement  
25 with respect to this case.

1 BY MR. EDWARDS:

2 Q. Okay. Was [REDACTED] lying when she  
3 says that she was taken by Ghislaine Maxwell and --

4 MR. SCAROLA: Who negotiated the agreement  
5 and when?

6 BY MR. EDWARDS:

7 Q. Is there a common interest agreement in  
8 existence with respect to the allegations that have  
9 arisen since January of 2015 or that you contend  
10 covers that?

11 MR. INDYKE: Same objection, same  
12 instruction.

13 BY MR. EDWARDS:

14 Q. If there is, who negotiated this  
15 agreement?

16 MR. SCAROLA: Can we have a ruling on  
17 propriety?

18 SPECIAL MASTER POZZUOLI: You haven't  
19 pushed me, so I let you go.

20 MR. SCAROLA: Can we have a ruling as to  
21 whether we get to know whether Mr. Dershowitz  
22 is a party to a common interest agreement with  
23 Ghislaine Maxwell?

24 SPECIAL MASTER POZZUOLI: Counsel --

25 MS. McCAWLEY: Also, just this is Sigrid

1 McCawley, if any of the individuals on the  
2 phone are representing Ghislaine Maxwell, my  
3 understanding is the person on the phone is  
4 representing Jeffrey Epstein, not Ghislaine  
5 Maxwell. That needs to be clarified.

6 MR. INDYKE: Correct. Correct.

7 SPECIAL MASTER POZZUOLI: The answer is  
8 correct?

9 MR. INDYKE: With respect to Mr. Epstein,  
10 I can tell you there's a common interest  
11 agreement with respect to this matter and a  
12 common interest agreement with respect to the  
13 Ghislaine Maxwell suit in New York.

14 SPECIAL MASTER POZZUOLI: Is  
15 Mr. Dershowitz party to that?

16 MR. INDYKE: Mr. Dershowitz is party to a  
17 common interest agreement with Jeffrey in this  
18 case. And I believe -- I'd have to check, but  
19 I believe that that would extend --

20 MR. SCAROLA: We want an answer from the  
21 witness as to whether the witness is a party to  
22 a common interest agreement with Ghislaine  
23 Maxwell.

24 SPECIAL MASTER POZZUOLI: Then ask the  
25 question, because I haven't seen the question

1 asked yet.

2 BY MR. EDWARDS:

3 Q. Are you a party to a common interest  
4 agreement with Ghislaine Maxwell?

5 A. If there's no objection, I'll answer it.

6 MR. INDYKE: I apologize. I thought we  
7 were still operating under the original set of  
8 objections. So I will repeat it. Same  
9 objection, same instruction.

10 SPECIAL MASTER POZZUOLI: With respect to  
11 that question, you can answer.

12 A. My understanding is that I am still  
13 Jeffrey Epstein's lawyer. Jeffrey Epstein, I  
14 understand, has a common interest or joint defense  
15 agreement with Ghislaine Maxwell, so I have -- my  
16 understanding is that I am bound by a common  
17 agreement.

18 BY MR. EDWARDS:

19 Q. Is this the same common interest agreement  
20 that we were talking about from 2005, or is this a  
21 separate common interest agreement that has been  
22 signed as a consequence of the lawsuits that have  
23 been filed since January 2015?

24 MR. INDYKE: If this is a new question,  
25 I'll assert the same objection and the same

1 instruction.

2 SPECIAL MASTER POZZUOLI: And I'm going to  
3 overrule the objection. And you can answer  
4 that.

5 A. My understanding is that it's a  
6 combination; that is, it reflects the previous  
7 agreement and that there is a new agreement that  
8 supplemented the previous agreement.

9 BY MR. EDWARDS:

10 Q. When you say it's your understanding, is  
11 this understanding in writing; meaning, is there a  
12 written common interest agreement that has been put  
13 in place since January of 2015?

14 A. I don't know.

15 MR. INDYKE: Same objection, same  
16 instruction.

17 MR. SCOTT: Can we take a recess when we  
18 get a chance?

19 SPECIAL MASTER POZZUOLI: Yes, but I'm  
20 going to instruct you --

21 A. I don't know. I don't know the answer to  
22 that, whether there's additional writing or not.

23 BY MR. EDWARDS:

24 Q. Last question, then we take a break. Have  
25 you signed any such agreement --

1 MR. INDYKE: Same objection, same  
2 instruction.

3 BY MR. EDWARDS:

4 Q. -- since January 2015?

5 A. Since January? Not to my recollection.

6 MR. EDWARDS: We can take a break.

7 VIDEOGRAPHER: Going off the record. The  
8 time is approximately 2:09 p.m.

9 (Recess was held from 2:09 p.m. until 2:26 p.m.)

10 VIDEOGRAPHER: Going back on the record.  
11 Time is approximately 2:26 p.m.

12 BY MR. EDWARDS:

13 Q. Going back to the photograph, was [REDACTED]  
14 [REDACTED] lying when she says that she was taken to  
15 London where this photograph was taken?

16 A. I have no idea.

17 MR. INDYKE: Same objection, same  
18 instructions.

19 BY MR. EDWARDS:

20 Q. Was [REDACTED] lying when she says  
21 that she was paid to have sex with Prince Andrew?

22 MR. INDYKE: Same objection, same  
23 instructions.

24 A. Can you tell me what age she was when that  
25 happened?

1 BY MR. EDWARDS:

2 Q. The photograph is printed in March of  
3 2001, which is when she's 17, which just means that  
4 the photograph was taken sometime before that date.  
5 So she was at least as young as 17 is the best that  
6 I can tell you.

7 A. Under the age of consent, that would be an  
8 act of prostitution. If she was paid \$15,000 to  
9 have sex with Prince Andrew at the age of 17 in  
10 England, she would be guilty of prostitution.

11 Q. My question is, was she lying when she  
12 says that she was paid to have sex with Prince  
13 Andrew?

14 A. I have no idea.

15 Q. You have met Prince Andrew, right?

16 A. I have.

17 Q. He sat in the back of your classrooms?

18 MR. SCOTT: Objection, asked and answered  
19 twice.

20 A. Once, yes.

21 BY MR. EDWARDS:

22 Q. I think we went to Jeffrey Epstein sitting  
23 in your classrooms, but now I'm talking about Prince  
24 Andrew sat in your classroom as well, right?

25 A. Yes, once.

1 MR. SCOTT: I thought we went through  
2 Andrew before; maybe I'm wrong.

3 BY MR. EDWARDS:

4 Q. Have you, since the -- since January of  
5 2015, have you contacted Prince Andrew?

6 A. No. I got a Christmas card from him.

7 Q. Have you spoke with him about the  
8 allegations that were alleged against Prince Andrew?

9 A. Not to him, but to -- not to him.

10 Q. Have you spoke to some representative of  
11 his, of Prince Andrew?

12 A. I need to know whether --

13 MR. INDYKE: Guy, sorry, I was just cut  
14 off for some reason.

15 SPECIAL MASTER POZZUOLI: Hold on a  
16 second. Go ahead and restate your question  
17 so -- Darren, can you hear now?

18 MR. INDYKE: Yes, I can.

19 BY MR. EDWARDS:

20 Q. My question is, have you spoken with  
21 Prince Andrew or any representative of or for Prince  
22 Andrew since January of 2015?

23 MR. SCOTT: If any of that involved work  
24 product on our part, I am instructing you not  
25 to answer.

1 MR. INDYKE: Same objection, same  
2 instruction on my end as well.

3 BY MR. EDWARDS:

4 Q. Whether or not you have spoken with him  
5 would not be protected.

6 A. I have not spoken to him.

7 MR. SCOTT: That, I don't have a problem  
8 with.

9 BY MR. EDWARDS:

10 Q. Have you spoken with any representative of  
11 Prince Andrew since January of 2015?

12 A. Is there any objection? I don't think I  
13 have, but I think my lawyers have. But I don't  
14 think I have.

15 MR. SCOTT: Don't go into any work  
16 product.

17 A. I don't think I have.

18 BY MR. EDWARDS:

19 Q. Do you know that some representative of  
20 yours has spoken with some representative of Prince  
21 Andrew since January of 2015?

22 A. I think so, yes.

23 Q. Is Prince Andrew a party to any joint  
24 defense agreement?

25 A. Not that I am --

1 MR. INDYKE: Same objection, same  
2 instruction.

3 A. I'm not aware of any.

4 BY MR. EDWARDS:

5 Q. Okay. Do you know which representative --  
6 which of your representatives communicated with  
7 which of Prince Andrew's representatives?

8 A. No. I do remember being told, though,  
9 that there was a call from Prince Andrew's people to  
10 one of my lawyers, but that's all I know.

11 Q. So when I'm asking you whether [REDACTED]  
12 [REDACTED] is lying about having sex with Prince Andrew  
13 when she was under the age of 18, do you know the  
14 answer to that question from --

15 MR. INDYKE: Same objection, same  
16 instruction.

17 A. Same answer. If it's based on her own  
18 statement, I have no reason to believe it. If  
19 there's other objective evidence, I'm not aware of  
20 it. So based on her own statements, since she in  
21 the same affidavit falsely accused me, I have no  
22 reason to believe she would be telling the truth.  
23 But I don't have any personal knowledge of that.

24 BY MR. EDWARDS:

25 Q. What information do you have from Prince

1 Andrew's representative on that subject?

2 MR. SCOTT: Don't answer that question.

3 MR. INDYKE: Same objection, same  
4 instruction.

5 A. I can say publicly --

6 MR. SCOTT: Don't answer that. You've  
7 been told.

8 A. Okay, I'm sorry.

9 BY MR. EDWARDS:

10 Q. So [REDACTED] makes the statement  
11 that she was made to have sex with Prince Andrew  
12 when she was underage, and you have looked at  
13 [REDACTED] statement and said, I don't  
14 believe it. Now the other person that would know  
15 the answer to that is Prince Andrew.

16 A. Who has denied it.

17 Q. So is it your statement now that Prince  
18 Andrew, through his -- through some agent of his or  
19 representative, has communicated to you or some  
20 representative of yours that he is denying that  
21 allegation?

22 A. Denied it in public.

23 MR. INDYKE: Same objection, same  
24 instruction.

25 MR. SCOTT: Work product. Unless you know

1 from a public source.

2 A. I do. He's denied it in public. Also, if  
3 her story is true, it would not be underage sex, it  
4 would be above age sex if it occurred at the time  
5 she says it occurred in the place she says that it  
6 took place. And it would, therefore, be an act of  
7 prostitution under British law.

8 BY MR. EDWARDS:

9 Q. So in your opinion, did she -- do you have  
10 information that indicates that [REDACTED]  
11 committed an act of prostitution by having sex with  
12 Prince Andrew?

13 A. I have no indication other than --

14 MR. INDYKE: Same objection, same  
15 instruction.

16 A. -- other than her own word, which I don't  
17 credit.

18 BY MR. EDWARDS:

19 Q. Has Jeffrey Epstein spoken with Prince  
20 Andrew about the allegations?

21 A. I have no idea.

22 MR. INDYKE: Same objection, same  
23 instruction. Please wait until I get my  
24 objection.

25 MR. SCOTT: Don't answer that question,

1 he's telling you.

2 BY MR. EDWARDS:

3 Q. Ghislaine Maxwell has been friends and  
4 acquaintances of Prince Andrew for a very long time.  
5 You know that, right?

6 MR. INDYKE: Same objection, same  
7 instruction.

8 BY MR. EDWARDS:

9 Q. Is that privileged, the answer to that  
10 question, Ghislaine Maxwell's relationship with  
11 Prince Andrew? Let me ask it this way --

12 MR. INDYKE: To the extent that  
13 Mr. Dershowitz obtained that information in  
14 connection with his representation of Jeffrey  
15 Epstein, of course it is.

16 BY MR. EDWARDS:

17 Q. I have a better way to go about this,  
18 then. Ghislaine Maxwell and -- you met her well  
19 before 2005, didn't you?

20 A. I did, yes.

21 Q. And Prince Andrew you met before 2005 as  
22 well, correct?

23 A. I think it was before 2005, yeah.

24 Q. And prior to 2005, you understood that  
25 Ghislaine Maxwell and Prince Andrew were social

1 acquaintances, didn't you?

2 MR. INDYKE: Same objection, same  
3 instruction.

4 SPECIAL MASTER POZZUOLI: That deals with  
5 if you have any nonprivileged.

6 A. I do.

7 SPECIAL MASTER POZZUOLI: Then I would  
8 overrule the objection to that extent.

9 A. I've seen them together at a party on  
10 Martha's Vineyard given by Lady Rothschild.

11 BY MR. EDWARDS:

12 Q. And back at that time, prior to your  
13 representation of Jeffrey Epstein, did he tell you  
14 that he had been introduced to Prince Andrew through  
15 Ghislaine Maxwell?

16 MR. INDYKE: Same objection, same  
17 instruction. As Mr. Dershowitz previously  
18 responded to the question about representation,  
19 he said it was -- maybe he did not represent  
20 Mr. Epstein in this case, but he represented  
21 him in other cases.

22 SPECIAL MASTER POZZUOLI: I will overrule  
23 the objection to the extent that you have  
24 nonprivileged information that you can base the  
25 answer.

1 A. Yes. And in a letter that Prince Andrew  
2 wrote to me thanking me for inviting him to my class  
3 and having the dinner for him at Harvard Law School,  
4 he made a reference to Jeffrey Epstein.

5 BY MR. EDWARDS:

6 Q. And when was -- when did Prince Andrew  
7 write a letter to you?

8 A. When he came to my class at Harvard Law  
9 School, just a thank-you note.

10 Q. What was the approximate date of that  
11 letter?

12 A. I don't know.

13 Q. What was the approximate year of the  
14 letter?

15 A. I don't know.

16 Q. Do you still have the letter?

17 A. I'll check.

18 Q. Is there any reason why you haven't  
19 personally contacted Prince Andrew to discuss these  
20 allegations?

21 MR. SCOTT: Objection, hypothetical,  
22 speculation.

23 A. Not easy to reach the Queen, not easy to  
24 reach the Prince. I don't know who I would call.

25

1 BY MR. EDWARDS:

2 Q. Couldn't you just call Ghislaine Maxwell,  
3 though? It's not that easy for many people.  
4 Couldn't you call Ghislaine?

5 MR. INDYKE: Objection.

6 MR. SCOTT: Argumentative.

7 BY MR. EDWARDS:

8 Q. Do you know the circumstances -- as you  
9 sit here, the circumstances that led to this  
10 photograph being taken in London?

11 A. No.

12 MR. INDYKE: Same objection, same  
13 instruction.

14 BY MR. EDWARDS:

15 Q. Have you ever seen photographs or the  
16 copies of photographs of young naked teenage girls  
17 that were taken from within the closet of Jeffrey  
18 Epstein's home in Palm Beach?

19 A. Absolutely not.

20 MR. INDYKE: Same objection, same  
21 instruction.

22 BY MR. EDWARDS:

23 Q. Have you ever attempted to get those  
24 photographs from the law enforcement --

25 MR. SCOTT: Let the lawyer make his

1 objection before you respond, Professor  
2 Dershowitz.

3 MR. INDYKE: Finish your question, please.

4 BY MR. EDWARDS:

5 Q. Have you ever attempted to obtain those  
6 photographs taken through the search warrant of  
7 Jeffrey Epstein's home from law enforcement?

8 MR. INDYKE: Same objection, same  
9 instruction.

10 MR. EDWARDS: He's being instructed not to  
11 answer whether he's ever attempted to obtain  
12 the photographs?

13 MR. INDYKE: If it was done in connection  
14 with his representation of Mr. Epstein, it's  
15 work product.

16 BY MR. EDWARDS:

17 Q. But I'm asking about communication that  
18 you had with law enforcement. Are you claiming that  
19 the communication you had with law enforcement is  
20 protected by privilege?

21 MR. SCOTT: He's not claiming anything.  
22 He's being instructed by a lawyer.

23 MR. EDWARDS: Okay. Well, I want to  
24 understand what the record is --

25 MR. SCOTT: Then ask the lawyer, not my

1 client.

2 MR. EDWARDS: Darren, is that you?

3 MR. INDYKE: That is me, yes.

4 MR. EDWARDS: Are you saying that  
5 Mr. Dershowitz or any of Jeffrey Epstein's  
6 legal team, that their communication with law  
7 enforcement is privileged?

8 MR. INDYKE: Whether or not such  
9 communication exists and if they've never been  
10 used, yes.

11 BY MR. EDWARDS:

12 Q. Do you know whether the photographs of  
13 young, naked teenage girls that were taken within  
14 Jeffrey Epstein's home contain photographs of  
15 [REDACTED] while she was a young girl?

16 MR. INDYKE: Same objection, same  
17 instruction.

18 A. Of course not. I've never seen those  
19 photographs. But here I can answer nowhere, if I  
20 ever was with Jeffrey Epstein in any of his homes,  
21 did I ever see a naked photograph of anybody except  
22 for a Rodin model, which was a sepia print in the  
23 entranceway, kind of a classic Rodin model print,  
24 but I've never, ever seen any photograph of any  
25 naked, underage, inappropriate -- my grandchildren

1 visited his house. My wife visited his house. I  
2 never would have permitted anybody to visit a home  
3 that had those kinds of pictures displayed.

4 BY MR. EDWARDS:

5 Q. Was [REDACTED] lying when she said  
6 that Epstein sent girls to some of his friends?

7 MR. INDYKE: Same objection, same  
8 instruction.

9 BY MR. EDWARDS:

10 Q. To any of his friends?

11 MR. SCOTT: Only on nonprivileged.

12 A. To the extent that she said that I was one  
13 of those friends, which I know is a categorical  
14 absolute lie, I would not believe anything she said  
15 about having been sent to others of his friends.  
16 But I don't have personal knowledge of that. All I  
17 have is personal knowledge that lied when she said  
18 she was sent to me.

19 MR. INDYKE: Same objection.

20 BY MR. EDWARDS:

21 Q. Have you at any time obtained personal  
22 knowledge of Jeffrey Epstein having sent any girls  
23 to any of his friends?

24 A. No.

25 MR. INDYKE: Same objection, same

1 instruction. Please wait for the objection.

2 MR. SCOTT: Please listen.

3 THE WITNESS: I'm sorry.

4 BY MR. EDWARDS:

5 Q. When and under what circumstances did you  
6 first hear [REDACTED] name?

7 A. My recollection --

8 MR. INDYKE: Same objection, same  
9 instruction.

10 A. My answer will show it's not privileged.  
11 My current recollection is the first time I heard  
12 the name was when I was called and told that she was  
13 accusing me. The name was not familiar to me at the  
14 time.

15 BY MR. EDWARDS:

16 Q. Were you ever familiar with the list of  
17 victims that were listed as a part of the criminal  
18 investigation -- the federal criminal investigation?

19 MR. SCOTT: Asked and answered in the last  
20 depo and earlier today.

21 MR. INDYKE: Same objection, same  
22 instruction.

23 BY MR. EDWARDS:

24 Q. Was [REDACTED] lying when she said that  
25 Jeffrey Epstein's code word for sexual encounters

1 with minors was "massage"?

2 A. I have no idea.

3 MR. INDYKE: Same objection, same  
4 instruction.

5 BY MR. EDWARDS:

6 Q. Have you reviewed the message pads that  
7 were taken as a result of trash pulls conducted by  
8 the Palm Beach Police Department on Jeffrey  
9 Epstein's home?

10 A. Not to my knowledge.

11 MR. INDYKE: Same objection, same  
12 instruction.

13 BY MR. EDWARDS:

14 Q. Have you reviewed the document that has  
15 been at times referred to as the "Holy Grail," which  
16 is a phone journal from Jeffrey Epstein's computer?

17 MR. INDYKE: Same objection, same  
18 instruction to the extent it's privileged and  
19 you got it other than from any kind of  
20 disclosure by Mr. Edwards.

21 MR. SCOTT: Unless it's nonprivileged.

22 SPECIAL MASTER POZZUOLI: All these  
23 questions -- with respect to nonprivileged, if  
24 you can answer them, answer them.

25 A. I'm happy to answer them all. So the

1 question is am I familiar with this -- is this the  
2 one that has the circles?

3 BY MR. EDWARDS:

4 Q. Yes.

5 A. That has Donald Trump circled and Bill  
6 Clinton circled and me circled?

7 Q. I didn't know that it had Bill Clinton  
8 circled.

9 A. Maybe not.

10 Q. So, just so that the record is clear, the  
11 journal -- was the journal --

12 MR. SCOTT: Was this marked in the last  
13 depo? I don't recall. I don't think so.

14 MR. SCAROLA: I don't think that it was.

15 MR. INDYKE: To the extent that those  
16 items are from -- I think the exhibits are a  
17 statement of undisputed facts, obviously my  
18 objection would apply to those items. To the  
19 extent that they came out of Mr. Dershowitz's  
20 representation of Mr. Epstein, I would object  
21 if the answer is based as to information in  
22 them.

23 SPECIAL MASTER POZZUOLI: We haven't seen  
24 the exhibit yet. I know you are on the other  
25 end of the phone.

1 THE WITNESS: Can I take a one-minute,  
2 two-minute break?

3 VIDEOGRAPHER: Going off the record,  
4 2:43 p.m.

5 (Recess was held from 2:43 p.m. until 2:45 p.m.)

6 VIDEOGRAPHER: Going back on the record.  
7 The time is approximately 2:45 p.m.

8 BY MR. EDWARDS:

9 Q. Have you ever read the case documents  
10 related to the arrest of Alfredo Rodriguez for the  
11 Federal obstruction of justice charges?

12 A. No.

13 MR. INDYKE: Same objection, same  
14 instruction.

15 MR. SIMPSON: Just pause for a second  
16 before answering to let Mr. Indyke jump in if  
17 he needs to.

18 BY MR. EDWARDS:

19 Q. The journal that we're talking about is  
20 the one that has been disclosed in discovery in this  
21 case and in prior cases where, as you mentioned  
22 before, certain people's names are circled. Are you  
23 familiar with that document?

24 A. I have perused the part of it that circled  
25 me and some other prominent names. I have not read

1 the whole document.

2 Q. I'm going to show you the page from this  
3 journal that is for Bill Clinton just based off of  
4 your last comment, and then I'll ask you some  
5 questions about that.

6 A. This doesn't say Bill Clinton, it says  
7 Doug Band. That's what you're talking about.

8 (Thereupon, marked as Plaintiff  
9 Exhibit 20.)

10 A. This doesn't have an entry for Bill  
11 Clinton. It has an entry for Douglas Band, who I  
12 know.

13 BY MR. EDWARDS:

14 Q. You know Doug Band?

15 A. Sure.

16 Q. Is Doug Band affiliated with Bill Clinton?

17 A. Oh, yeah, he was. Not any longer.

18 Q. How do you know Doug Band?

19 A. Through Bill Clinton.

20 Q. How do you know Bill Clinton?

21 A. I've known him for --

22 MR. INDYKE: Objection. Same objection,  
23 same instruction.

24 MR. SIMPSON: Nonprivileged information.

25 A. Well outside of my relationship with

1 Jeffrey Epstein. I was -- supported him. I've been  
2 to the White House at his invitation. I've had  
3 dinner with him on numerous occasions.

4 BY MR. EDWARDS:

5 Q. Have you called Bill Clinton with respect  
6 to the allegations that have been made in this  
7 lawsuit?

8 A. I've tried to.

9 Q. Has Bill Clinton given you any comment  
10 whatsoever on any of the allegations?

11 A. Not personally, but Doug Band has. And --  
12 and his lawyer David Kendall has.

13 Q. Doug Band specifically has spoken about  
14 the allegations that [REDACTED] has made in  
15 this lawsuit?

16 A. That's right.

17 Q. When was that conversation that you had  
18 with Doug Band?

19 A. Very shortly after the accusation, as soon  
20 as I could reach him.

21 Q. January 2015?

22 A. Probably January.

23 Q. Is Doug Band somebody who traveled with  
24 Jeffrey Epstein as well?

25 A. That's true -- no, he traveled --

1 MR. INDYKE: Same objection, same  
2 instruction.

3 A. He traveled with Bill Clinton always. I  
4 mean, he was his body man. He was the guy who  
5 traveled with him wherever he went.

6 BY MR. EDWARDS:

7 Q. My question is, did Doug Band ever travel  
8 with Bill Clinton -- I mean with Jeffrey Epstein?

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

10 Q. Well, did Bill Clinton ever travel with  
11 Jeffrey Epstein?

12 MR. SIMPSON: Asked and answered.

13 MR. INDYKE: Same objection, same  
14 instruction.

15 A. According to public information, yes.

16 BY MR. EDWARDS:

17 Q. And Doug Band, you are saying, was always  
18 with Bill Clinton?

19 A. Not always, but he was the guy who  
20 traveled with him. Nobody can be with anybody 24/7.

21 Q. The flight logs will speak for themselves  
22 whether the two were traveling together, correct?

23 A. I have no idea.

24 Q. That entry -- I believe the comment that  
25 you made was that was Alfredo Rodriguez had circled

1 Bill Clinton's name.

2 A. I thought he had. He circled a lot of  
3 prominent people's names, Hollywood actors.

4 MR. INDYKE: Objection. Do you know that  
5 outside of your relationship with Mr. Epstein?

6 THE WITNESS: Yes, I saw the --

7 MR. INDYKE: I'm asking Mr. Dershowitz if  
8 he's answering that question outside of his  
9 relationship with -- his attorney-client  
10 relationship or work product relationship or  
11 common interest relationship with Mr. Epstein.

12 THE WITNESS: Yes.

13 MR. SIMPSON: The document was produced in  
14 discovery.

15 MR. INDYKE: The question is as for the  
16 circles in the document.

17 A. The document I saw had circles in it, and  
18 I saw that in discovery in this case. I hadn't seen  
19 it previously.

20 MR. INDYKE: Okay.

21 BY MR. EDWARDS:

22 Q. So you have seen the notations that  
23 Alfredo Rodriguez made to the document during the  
24 time he was turning the document over to the FBI?

25 A. The only notations that I saw that I

1 recall are circles.

2 Q. Okay. And is it your understanding that  
3 Alfredo Rodriguez was indicating to the FBI who was  
4 involved in the illegal activity with minors along  
5 with Jeffrey Epstein?

6 A. Absolutely not. Categorically absolutely  
7 not.

8 MR. INDYKE: Same objection, same  
9 instruction.

10 BY MR. EDWARDS:

11 Q. That's not your understanding?

12 A. Not only is it not my understanding, it is  
13 a totally false statement because if it were true,  
14 Donald Trump would be standing accused of having  
15 improper sexual conduct and many other Hollywood  
16 actors, actresses and other people who have never  
17 been accused by your lying client would also stand  
18 accused.

19 SPECIAL MASTER POZZUOLI: Let's move --

20 MR. EDWARDS: That was not my question.

21 SPECIAL MASTER POZZUOLI: Let me stop  
22 before we get too far down this. The document  
23 that -- the portion of the document that you're  
24 asking questions upon, let's understand the  
25 context of the questions, and Mr. Dershowitz's

1 answer so far has been that because it's been  
2 produced in this case. So let's stay focused  
3 on that.

4 A. Can I see that document, please.

5 MR. INDYKE: Just for clarification, I  
6 don't want to interrupt, but for clarification,  
7 I wasn't objecting to the document. I was  
8 objecting to the foundation upon which  
9 Mr. Dershowitz may or may not know why they  
10 were circled, how that information came  
11 through.

12 A. I know that independently.

13 BY MR. EDWARDS:

14 Q. You know why the various circles were made  
15 independently?

16 A. No, but I know what the allegation is.

17 Q. The allegation -- you know what the  
18 allegation is why the circles were made?

19 A. I know that it was not that the people  
20 whose name were circled were involved in any illegal  
21 activity. Can you please show me the document.

22 MR. SCOTT: Can he see the exhibit?

23 MR. SCAROLA: I --

24 MR. EDWARDS: I don't have it. I mean, I  
25 only have the piece of the page that he just

1 talked about, which is Bill Clinton. I mean, I  
2 have it and I'll copy it for you and I'll give  
3 it to you tomorrow and we can talk about the  
4 whole document.

5 A. It is a categorical lie --

6 MR. SCOTT: Let's put it over until  
7 tomorrow, then, when we have the exhibit.

8 BY MR. EDWARDS:

9 Q. Well, that before you -- you just  
10 indicated that one of the people who was circled was  
11 Bill Clinton.

12 A. I said I thought.

13 MR. SCOTT: He also indicated he would  
14 like to see the whole exhibit.

15 BY MR. EDWARDS:

16 Q. On that page that's before you that's  
17 listed Doug Band, is Bill Clinton's name listed  
18 under that?

19 A. It says Office of William J. Clinton.

20 Q. Are there numbers for Bill Clinton listed  
21 under that entry?

22 A. I assume they're numbers of Bill Clinton.  
23 I assume so.

24 Q. When you talked to Doug Band, can you tell  
25 us what that conversation was that you had with Doug

1 Band?

2 A. Yes.

3 Q. What was that?

4 A. I asked Doug Band whether or not President  
5 Clinton had been on Jeffrey Epstein's island during  
6 the relevant period of time or whether [REDACTED]  
7 [REDACTED] was once again lying categorically when she  
8 described meeting Bill Clinton, having dinner with  
9 him with two underage girls, and having him flown by  
10 an inexperienced pilot and Secret Service agents on  
11 a helicopter. I asked him that question.

12 Q. Go on. What did Doug Band tell you?

13 A. That it wasn't true.

14 Q. Did Doug Band tell you whether Bill  
15 Clinton had ever been to Jeffrey Epstein's island?

16 A. He told me that to his knowledge,  
17 President Clinton had never been to Jeffrey  
18 Epstein's island.

19 Q. Did he tell you whether Bill Clinton and  
20 Jeffrey Epstein had ever shared a meal together?

21 A. I didn't ask him that question. I only  
22 asked him about the island. I think I only asked  
23 him -- I'm not positive whether I asked him during  
24 the relevant period or ever. I think I asked him  
25 ever.

1 Q. Had -- has Bill Clinton ever flown on an  
2 airplane -- or sorry, on a helicopter with Ghislaine  
3 Maxwell?

4 A. Not to my knowledge.

5 MR. INDYKE: Objection. Same objection,  
6 same instructions.

7 A. I cannot imagine the former President or a  
8 President of the United States being allowed by the  
9 Secret Service to fly on a helicopter with a pilot  
10 who had just barely been licensed.

11 BY MR. EDWARDS:

12 Q. I'm just asking what you know. Do you  
13 know whether or not --

14 A. I know -- I know that Bill Clinton never  
15 flew -- never was flown by Ghislaine Maxwell to the  
16 island. I know it based on my common sense  
17 experience.

18 Q. Not my question. My question is, do you  
19 know whether Bill Clinton ever flew on a helicopter  
20 with Ghislaine Maxwell?

21 MR. SCOTT: On the phone, there's  
22 background. Thank you.

23 A. I don't know for sure, but I would  
24 seriously doubt it.

25

1 BY MR. EDWARDS:

2 Q. Okay.

3 A. We're going to get tomorrow the circled  
4 document that we can look at?

5 Q. I can find it now and I can get it and we  
6 can look at it today.

7 MR. SCOTT: Take a minute.

8 A. I want to make sure we see all the circled  
9 names.

10 MR. EDWARDS: Here's a copy right here  
11 that we can copy at the next break.

12 MR. SCOTT: Sure.

13 BY MR. EDWARDS:

14 Q. Was [REDACTED] lying when she says  
15 that Ghislaine Maxwell served as Jeffrey Epstein's  
16 madam?

17 MR. INDYKE: Same objection, same  
18 instruction.

19 A. I would have no knowledge that would  
20 establish that. Certainly I wouldn't believe it  
21 just because she said it.

22 BY MR. EDWARDS:

23 Q. Have you asked Ghislaine Maxwell about  
24 that?

25 A. No.

1 MR. INDYKE: Same objection, same  
2 instruction.

3 BY MR. EDWARDS:

4 Q. One of the things -- one of the statements  
5 that we began the day with was that something that  
6 Paul and I could have done was call you and ask you,  
7 right, we could have picked up the phone and called  
8 you?

9 A. You and Mr. Cassell, yeah. Yeah.

10 Q. When you were representing Jeffrey Epstein  
11 back in 2007, did you ever insist that Jeffrey  
12 Epstein had paid for massages, but had not engaged  
13 in sex or erotic massages with any minors?

14 MR. INDYKE: Same objection, same  
15 instruction to the extent that you can  
16 specify --

17 BY MR. EDWARDS:

18 Q. I'm asking whether you ever made that  
19 statement.

20 MR. INDYKE: Same objection, same  
21 instruction.

22 A. Can you repeat the question for me?

23 THE REPORTER: "When you were representing  
24 Jeffrey Epstein back in 2007, did you ever  
25 insist that Jeffrey Epstein had paid for

1       massages, but had not engaged in sex or erotic  
2       massages with any minors?"

3           SPECIAL MASTER POZZUOLI:  By definition of  
4       your question, it's within the representation  
5       of Jeffrey Epstein, right?  So in a -- without  
6       any further clarification, I would agree with  
7       the objection.

8           MR. SCAROLA:  I'm sorry, this is about a  
9       public statement.

10          MS. McCAWLEY:  It's a public statement.

11          MR. EDWARDS:  It's a public statement that  
12       he makes to the New York --

13          SPECIAL MASTER POZZUOLI:  So then make  
14       your question limited to that.  Then I can rule  
15       on that.  That's why looked at the question.

16          MR. SCOTT:  If you specify where the  
17       statement came from, it would be helpful.

18       BY MR. EDWARDS:

19       Q.    Did you ever make a public statement --  
20       did you ever make a statement in public that Jeffrey  
21       Epstein had paid for massages, but had not engaged  
22       in sex or erotic massages with any minors?

23       A.    May I see the statement?

24       Q.    Sure.

25       MR. SCAROLA:  No.

1 BY MR. EDWARDS:

2 Q. Well, did you make that statement?

3 A. I have no recollection of whether I made a  
4 statement like that ten years ago. I'd like to see  
5 the statement.

6 MR. SCAROLA: Now you can refresh his  
7 recollection.

8 MR. INDYKE: Same objection, same  
9 instruction.

10 BY MR. EDWARDS:

11 Q. Did you make a public statement that  
12 Epstein was innocent of all allegations?

13 MR. SCOTT: Let me object to this in the  
14 context that he's asking him statements from  
15 ten years ago without specifying date, time and  
16 place. It's just unfair.

17 SPECIAL MASTER POZZUOLI: If you're  
18 reading from an article, published article,  
19 then show him that. Let's stop for a second.  
20 Do you recall making that statement?

21 THE WITNESS: I do not recall.

22 SPECIAL MASTER POZZUOLI: Will you show  
23 him something that might --

24 BY MR. EDWARDS:

25 Q. Sure. I'm going to go through each of the

1 three statements and then I'm going to show you the  
2 document.

3 SPECIAL MASTER POZZUOLI: These all deal  
4 with public statements, right?

5 Q. Yes.

6 BY MR. EDWARDS:

7 Q. Did you make a public statement in April  
8 of 2007 that "The girl who accused Epstein of  
9 forcible sex had a long record of lying, theft and  
10 blaming others for her crimes"?

11 A. I have no specific recollection of that.

12 Q. Would it help to refresh your recollection  
13 if I showed you the statement?

14 A. Yes.

15 Q. I've highlighted the portions that I'm  
16 referring to.

17 A. I'm going to read the whole thing.  
18 So this is not the Daily News. This is  
19 the Daily Mail, the British Daily Mail you're  
20 referring to. You said the Daily News.

21 Q. Daily Mail?

22 A. This is the Daily Mail.

23 I have no recollection of speaking to the  
24 Daily Mail. This comes -- this comes as a surprise  
25 to me. So I don't have a recollection of speaking

1 to the Daily Mail.

2 Q. So your --

3 MR. SCOTT: Are we going to mark that?

4 MR. EDWARDS: Yes, we can mark that.

5 BY MR. EDWARDS:

6 Q. Is it your testimony today that you did  
7 not make those statements?

8 A. My testimony is that I do not have a  
9 recollection of speaking to the Daily Mail.

10 (Thereupon, marked as Plaintiff  
11 Exhibit 21.)

12 BY MR. EDWARDS:

13 Q. I'm not asking whether you spoke to the  
14 Daily Mail. Did you publicly make the statement  
15 that we have now put on the record, which is that  
16 Jeffrey Epstein did not have sexual -- erotic  
17 massages or sex with any minors, that he's innocent  
18 of all charges, and that the girl accused him of  
19 forcible rape was lying -- had a long record of  
20 lying, theft and blaming others for her crimes?

21 A. I have no recollection of making those  
22 statements. I was his defense attorney. I may have  
23 made statements in court that were quoted by the  
24 newspapers. But I have no distinct recollection of  
25 making that statement.

1 Q. Hypothetically, if you had made those  
2 statements, those statements would be false,  
3 correct?

4 MR. SCOTT: Objection. Hypothetical --  
5 we're not even talking -- we have no knowledge  
6 of who this woman is.

7 SPECIAL MASTER POZZUOLI: I'm going to  
8 grant the objection. Move on. Rephrase the  
9 question.

10 BY MR. EDWARDS:

11 Q. Sure. If we, as the attorneys for  
12 [REDACTED], were weighing her credibility  
13 against whether or not to make a phone call, and  
14 your credibility, those are statements that we  
15 should take into account along with the evidence  
16 that we have before us, wouldn't you agree?

17 A. Were you aware of those statements at the  
18 time?

19 Q. This is not my deposition.

20 A. I understand that, but you're giving a  
21 hypothetical and I'm giving a hypothetical answer.  
22 One would have to know whether or not the lawyers  
23 who should have called me knew about the statement.

24 Q. In this hypothetical, suppose that we were  
25 aware of every one of your public statements that

1 you have ever made on this case of this subject  
2 matter as well as related subject matter whatsoever  
3 at the time.

4 A. You would find that I was a truth-telling  
5 person who never has ever deliberately stated an  
6 untruth in my professional life.

7 Q. We're going to get through this --

8 SPECIAL MASTER POZZUOLI: Go ahead and ask  
9 the question now based on that hypothetical you  
10 just laid out.

11 BY MR. EDWARDS:

12 Q. If we hypothetically assumed that you had  
13 made these statements, would these statements, given  
14 your knowledge of the facts of this case, be false?

15 A. Let me see the statements again, please.

16 MR. INDYKE: Objection. To the extent the  
17 knowledge of the facts of this case derive from  
18 Mr. Dershowitz's representation of Mr. Epstein,  
19 I don't think he can answer that question  
20 without violating the privilege.

21 SPECIAL MASTER POZZUOLI: Hang on one  
22 second. Did we hop over the hypothetical to  
23 reality?

24 MR. INDYKE: I think we may have.

25 SPECIAL MASTER POZZUOLI: That's my

1 question to you.

2 MR. EDWARDS: We're still operating in  
3 hypothetical.

4 SPECIAL MASTER POZZUOLI: So now go back  
5 and describe your hypothetical specifically so  
6 he understand the question that you are asking.

7 A. Is this hypothetical still?

8 BY MR. EDWARDS:

9 Q. Yes. Hypothetically, if the attorneys  
10 were aware of these statements that you're looking  
11 at as well as the remainder of statements that you  
12 have made on this topic and this case, in assessing  
13 whether or not to just call you and assessing your  
14 credibility versus [REDACTED]' credibility,  
15 wouldn't you agree that those statements are things  
16 that we should take into consideration?

17 MR. SCOTT: Objection, compound,  
18 argumentative, and, frankly, I don't even  
19 understand the question.

20 SPECIAL MASTER POZZUOLI: If you  
21 understand it, you can answer.

22 A. I can understand it. What I would have  
23 done as a responsible lawyer, what you should have  
24 done, is you should have called me and asked me  
25 about these statements, and I might have told you I

1 said them, I might have told you I didn't say them,  
2 I would have to have checked.

3           Going through each of the statements, he  
4 said that the girl who accused Epstein of forcible  
5 sex had a long record of lying, theft and blaming  
6 others for her crimes. I don't know who that person  
7 is, who the young woman is. It may very well, based  
8 on what I knew from --

9           MR. INDYKE: Objection if you're talking  
10 about actual facts.

11           SPECIAL MASTER POZZUOLI: He's answering a  
12 hypothetical, so it's within -- move forward on  
13 the hypothetical basis only.

14           A. Hypothetically, these facts may very well  
15 be true that she had a long record of lying, theft  
16 and blaming others.

17           It says that I said that he had passed a  
18 lie detector test. I don't recall that. I don't  
19 recall that he took a lie detector test. But if he  
20 had taken a lie detector test and I was told he  
21 passed it, that statement would be true.

22           If I had been told hypothetically that he  
23 had paid for massages and had not engaged in  
24 massages with underage minors, at that point in time  
25 in 1907 [sic], that statement would be true. But as

1 a lawyer, I wouldn't necessarily, A, take the word  
2 of the Daily Mail without calling or, B, assume that  
3 the statements quoted in the Daily Mail were false.

4 BY MR. EDWARDS:

5 Q. Would you agree it is a fair assumption or  
6 a fair presumption that when you are making public  
7 statements on behalf of the client, that you have at  
8 least reviewed the available evidence that may exist  
9 against that client?

10 A. That's too broad a question. It really  
11 depends. I mean, I get called on day one of a case,  
12 I don't know the evidence, and I'm called by the  
13 press. I talk about my client being presumed  
14 innocent, my client being innocent. That's part of  
15 the role of a criminal defense lawyer. Justice  
16 Blackmun has said that the criminal defense lawyer's  
17 role does not end in a courtroom, it continues to  
18 the courthouse steps.

19 And so when my client is being accused of  
20 something, I have the right to --

21 MR. SCAROLA: Excuse me one moment. Rick,  
22 could you step outside with me.

23 A. -- to express my clients' views on the  
24 matter. I'm speaking in a representative capacity.

25

1 BY MR. EDWARDS:

2 Q. Can we now remove ourselves from that  
3 hypothetical and go to the allegations in this  
4 Complaint, which include the various allegations  
5 made in the statements at the beginning of this  
6 deposition?

7 A. Which Complaint are we talking about?

8 Q. The defamation Complaint.

9 MR. SCOTT: The one in this case?

10 MR. EDWARDS: Yes, yes.

11 BY MR. EDWARDS:

12 Q. Is it -- is it a fair presumption on the  
13 part of myself and Mr. Cassell that at the time the  
14 statement was made by you in April of 2007  
15 indicating the things that we have just gone over,  
16 that you had in your possession, at the very least,  
17 the evidence that was publicly available, including  
18 the police reports?

19 MR. INDYKE: Same objection and same  
20 instruction.

21 THE WITNESS: Your Honor?

22 SPECIAL MASTER POZZUOLI: Well, can you --  
23 can you answer outside the scope?

24 THE WITNESS: I don't think so, based on a  
25 combination of factors, including material that

1 I got in a lawyer-client and work product  
2 fashion.

3 BY MR. EDWARDS:

4 Q. Okay. Let's take it a different way. One  
5 of the things you said we should have done is just  
6 called you.

7 A. That's right.

8 Q. If we had called you, isn't it more  
9 likely, based on what we've seen today, that what we  
10 would have had is just a bunch of objections and you  
11 not being able to tell us anything?

12 A. Absolutely not.

13 MR. SCOTT: Objection --

14 A. This requires a long answer because you've  
15 asked me what you would have found out had you  
16 called me. So let me tell you what you would have  
17 found out.

18 MR. SCOTT: Do you want a long answer?

19 BY MR. EDWARDS:

20 Q. I don't want a long answer. I'm asking  
21 wouldn't Jeffrey Epstein have had a say in what you  
22 tell us, the same way that he has a say apparently  
23 today in what you're telling us?

24 A. No. When it comes to me defending myself,  
25 I will make the ultimate decision as to -- I'm an

1 expert on lawyer-client privilege. I'm an expert on  
2 work product. I'm an expert on the exceptions. I  
3 can tell you exactly what I would have told you.

4           What I would have told you was that I have  
5 documentation that could prove categorically that I  
6 could not have been on Jeffrey Epstein's island  
7 during the three-year period that is relevant.

8           I can prove categorically that I could not  
9 have had sex or any contact with her at the ranch.  
10 I can prove categorically that I couldn't have had  
11 sexual contact with her on the airplane. I can  
12 prove categorically that I couldn't have had sexual  
13 contact with her in Palm Beach. And that I could  
14 not prove categorically that at least I wasn't in  
15 the same city with her in New York because I was in  
16 New York for a long period of time.

17           I would have told you what that  
18 documentation was. I would have asked you for an  
19 opportunity to produce the documentation. I would  
20 have provided you with other information.

21           No, I would not have raised any privilege.  
22 I would have told you exactly what the evidence is,  
23 and you would have believed me and you would have  
24 not made these allegations if you're a responsible  
25 lawyer.

1 Q. Is this the documentation that you have  
2 now produced in this litigation, the documentation  
3 you're talking about?

4 A. Yes.

5 Q. That's the documentation that you believe  
6 completely exonerates you of everything?

7 A. What I've said is the documentation proves  
8 conclusively that I could not have been on the  
9 island. It proves conclusively that I could not  
10 have had any sexual contact with her on the ranch.  
11 And the same thing is true for Palm Beach and for  
12 the airplane.

13 I've said right from the beginning that --  
14 and that if she's lying about four of the five  
15 locations, she certainly can't be believed about  
16 New York. And that is my evidence, and that's what  
17 I would have told you about.

18 Q. One piece of that information would be to  
19 have in our possession all of the flight manifests  
20 from all of the airplanes that were under Jeffrey  
21 Epstein's control and the helicopter manifest.  
22 Wouldn't you agree?

23 A. I would love to have you have all the  
24 documentation, every manifest, every single moment  
25 of the life of her and my life, and to the extent

1 anything is missing, I regret it much more than you  
2 do because I am positive that they would provide  
3 exculpatory information.

4 Q. The same way --

5 A. I'm hoping that you can find it. Please  
6 go ahead with my blessing. Please go find it.

7 MR. INDYKE: Objection. In connection  
8 with Mr. Dershowitz's response, Mr. Epstein  
9 waives no such objections that he's raised.  
10 He's not waiving privilege. He's not waiving  
11 work product. He's not waiving  
12 attorney-client, common interest, joint  
13 defense.

14 SPECIAL MASTER POZZUOLI: I've got it.  
15 Move forward.

16 BY MR. EDWARDS:

17 Q. The same way that you have looked at  
18 newspaper articles to make the allegation that  
19 [REDACTED] is a liar, don't you agree that it  
20 is also acceptable for Mr. Cassell and I or any  
21 attorneys representing [REDACTED] to take into  
22 account the statements that you publicly made in  
23 2007 in juxtaposition with the evidence that was  
24 available to you at the time you made those  
25 statements?

1 A. First of all, I did not rely on --  
2 MR. INDYKE: To the extent that your  
3 response requires you to invade privilege, I  
4 would instruct you not to respond.

5 A. I did not rely on newspaper accounts. I'm  
6 relying on my own 100 percent personal knowledge.  
7 I'm relying on the evidence provided by Tom Ashe and  
8 Joanne Ashe, relying on the evidence provided by the  
9 Porters, relying on all kinds of documentation,  
10 relying on her history of having been disbelieved by  
11 the State Attorney, on the history of having been  
12 arrested and fired from her job for stealing, on her  
13 outlandish claims from her -- let me just read this,  
14 from her affidavit -- I have to take just one  
15 second, please. Just give me one second.

16 BY MR. EDWARDS:

17 Q. Is this related to answering my question?

18 A. Yes, it is very directly.

19 SPECIAL MASTER POZZUOLI: What you're  
20 looking at there is related?

21 A. Yes. Her statement -- here's what I would  
22 look at.

23 MR. EDWARDS: Can we attach this to the  
24 deposition that he's reviewing this?

25 SPECIAL MASTER POZZUOLI: Yeah, yeah.

1 A. I am simply quoting from her affidavit.

2 SPECIAL MASTER POZZUOLI: Who "her"?

3 A. [REDACTED] That's what I looked  
4 at, her affidavit, which says that --

5 SPECIAL MASTER POZZUOLI: Hang on one  
6 second. Tom, before he quotes, let's  
7 understand, I do think we need a copy of that  
8 now.

9 THE WITNESS: It's in the affidavit.

10 SPECIAL MASTER POZZUOLI: But I do think  
11 in fairness to these guys, I think that what  
12 you're reading from, they need to have it.

13 A. I won't read from it. In her affidavit,  
14 she states that she had sex with Presidents, plural,  
15 of countries, a well-known prime minister of a  
16 country, prominent American politicians, prominent  
17 American businessmen, academics, and more.

18 And when I read that and read other  
19 information about what she was reported to have  
20 said, that's not from newspapers, that's from her  
21 own affidavit.

22 BY MR. EDWARDS:

23 Q. Some of your leading statements to the  
24 various audiences that we went over earlier were  
25 that she apparently says she had sex with Stephen

1 Hawking, and that she was on an orgy with Bill  
2 Clinton.

3 Don't those statements come only and  
4 directly, if at all, out of some newspaper  
5 publishing, those ones that I just referred to?

6 A. Those two statements came from newspapers  
7 and blogs. But I did not rely on those alone.

8 MR. SCOTT: You've been quoting from  
9 newspapers all along, and now you have a  
10 problem with a newspaper?

11 MR. EDWARDS: I don't have a problem with  
12 a newspaper.

13 SPECIAL MASTER POZZUOLI: Wait a second.  
14 Move on. You don't need to respond.

15 BY MR. EDWARDS:

16 Q. Isn't it fair when assessing your  
17 credibility versus [REDACTED] credibility on  
18 this subject for Paul Cassell or myself or any of  
19 the attorneys over here to take your public  
20 statement that you made in April of 2007 in  
21 juxtaposition with the evidence that was available  
22 to you in determining your credibility on this  
23 topic? Isn't that a fair thing to do?

24 A. Number one, it is not fair to ever believe  
25 what is said in the Daily Mail without checking.

1 That's a tabloid newspaper that's notorious for its  
2 inaccuracies.

3           Number two, if you look at the statements,  
4 they don't even identify who the person is and  
5 there's no -- nothing on the face of the record of  
6 this newspaper that would show that it wasn't true  
7 that she had a long record of lying, theft and  
8 blaming others for her crimes.

9           If I said it, I'm sure it was true. If I  
10 said he passed a lie detector test, I'm sure it was  
11 true. And if I made any other statements, it was on  
12 the basis of a review of the evidence that I had  
13 available to me at the time, including statements  
14 made to me by my client, which I'm not free to  
15 disclose. And lawyers make statements on behalf of  
16 their clients.

17       Q.    But by throwing that last piece in there  
18 that it's also on the basis of conversations you've  
19 had with your client, it implies that those  
20 conversations somehow justified those statements.  
21 And if that's what you're sticking to, I want to  
22 understand what it is that you learned from him that  
23 could possibly justify those public statements in  
24 2007.

25           MR. INDYKE:   Same objection, same

1 instruction.

2 A. What I'm saying is that lawyers,  
3 particularly criminal defense lawyers, whether in  
4 court or out of court -- I don't know whether these  
5 statements were made in court or out of court -- are  
6 entitled to assert the innocence of their clients.

7 That's what lawyers do all the time. I'm  
8 sure you've done it. I'm sure Professor Cassell has  
9 done it. I'm sure Mr. Scarola has done it. And  
10 none of us ever want to be judged on our credibility  
11 by pleading a client nonguilty or asserting a  
12 client's innocence, and then it turns out perhaps  
13 later that the client -- I'm not suggesting that  
14 that happened here, but that the evidence  
15 contradicts it.

16 First of all, we don't know what the  
17 evidence is we're talking about here because we're  
18 dealing with a timeframe that's very, very different  
19 from the timeframe that ultimately was available  
20 later on in the case.

21 BY MR. EDWARDS:

22 Q. Let me ask it to you this way, then:  
23 First let me ask, is -- a Massachusetts rule of  
24 professional conduct on truthfulness in statements,  
25 are you familiar with that rule?

1 A. Yes.

2 Q. And doesn't it indicate that in the course  
3 of representing a client, a lawyer shall not  
4 knowingly make a false statement of material fact or  
5 law to a third person?

6 A. And I've never done anything that even  
7 comes close to violating that rule.

8 Q. Okay. So let's take the statement, the  
9 public statement that we are discussing from the  
10 Daily Mail April 2007 article.

11 A. Right.

12 Q. The statement that the financier had paid  
13 for massages, but had not engaged in sex or erotic  
14 massages with any minors, do you, as you sit here  
15 today, believe that statement to have been true at  
16 the time that you made it?

17 A. Absolutely.

18 MR. INDYKE: Same objection, same  
19 instruction.

20 BY MR. EDWARDS:

21 Q. The 87-page police report that has already  
22 been marked to this deposition was generated in 2005  
23 and 2006 prior to that statement that you made; is  
24 that right?

25 A. I have no idea. Let me qualify my answer.

1 I don't recall having used those words. I don't  
2 recall an interview with the Daily Mail. My current  
3 recollection is I did not have an interview with the  
4 Daily Mail.

5 Had I had an interview with the Daily  
6 Mail, it would have had to have been authorized by  
7 my client. I don't think he would have authorized  
8 such an interview, so I am now not acknowledging --  
9 I just don't know, but I am not acknowledging that I  
10 actually said those words to the Daily Mail. You  
11 are going to have to demonstrate that. I don't  
12 remember speaking to Ms. Churchill or whatever her  
13 name is. It's possible, but I don't remember it.

14 Q. So if somebody is attributing those  
15 statements to you, are you saying that they are  
16 lying?

17 A. I don't remember having made those  
18 statements.

19 MR. SCOTT: I would like to object to the  
20 entire relevancy of this entire line because  
21 this doesn't even establish which lady he's  
22 talking about. That article doesn't even  
23 establish anything about your client.

24 MR. EDWARDS: I hear your objection. But  
25 the article actually says that Jeffrey Epstein

1 was innocent of all allegations. So it's  
2 apparently talking to at least --

3 BY MR. EDWARDS:

4 Q. Wouldn't you agree it's reasonable to  
5 presume that it's talking about all of the  
6 allegations --

7 A. Allegations against him that I recall at  
8 the time that I was representing him involve two  
9 women, two young women, is my recollection of the  
10 allegations. And we were taking the position, and  
11 we took the position with the State Attorney that he  
12 was not guilty of those allegations.

13 There were many defenses that were being  
14 raised, some dealing with credibility, some dealing  
15 with --

16 MR. INDYKE: Objection, objection.

17 A. -- whether or not some of the women showed  
18 him IDs.

19 MR. INDYKE: You're getting into  
20 attorney-client.

21 SPECIAL MASTER POZZUOLI: Go ahead ad make  
22 your point.

23 MR. INDYKE: My point is that it sounds to  
24 me that Alan is now discussing attorney-client  
25 matters and internal decisions and strategies

1 and statements that may not have been a matter  
2 of public record.

3 SPECIAL MASTER POZZUOLI: I think you  
4 responded to the question.

5 MR. INDYKE: And therefore they're subject  
6 to privilege, and we object and instruct him  
7 not --

8 MR. SCOTT: Again, I'm going to object to  
9 relevancy. It's been going on for hours. It  
10 doesn't even involve his client.

11 SPECIAL MASTER POZZUOLI: I'm not going to  
12 rule on the relevancy objection. This is  
13 something that you can take up later at a  
14 deposition. So move forward. He gets to take  
15 his own deposition.

16 BY MR. EDWARDS:

17 Q. Do you remember that one of the alleged  
18 victims that you were -- do you remember trying to  
19 discredit one of the alleged victims named -- hold  
20 on, this is difficult here. What I'm having trouble  
21 with is what we are going to do with the identity of  
22 underage sex abuse victims. I'm a little nervous to  
23 say it on the record on a video. So can we just  
24 take a two-minute break, five-minute break so that I  
25 can figure out how we're going to work this out?

1 SPECIAL MASTER POZZUOLI: We're on break.

2 VIDEOGRAPHER: Going off the record. The  
3 time is approximately 3:23 p.m.

4 (Recess was held from 3:23 p.m. until 3:38 p.m.)

5 VIDEOGRAPHER: Going back on the record.  
6 The time is approximately 3:38 p.m.

7 BY MR. EDWARDS:

8 Q. I'm going to give you the police report  
9 that has been moved in as Exhibit 18, and I have  
10 included a sticky note that we'll throw away. I'm  
11 going to refer to her by the name A.H., but I've  
12 marked her real name so that you will know it, and  
13 I'll ask if you remember her and things of that  
14 nature. But here you go.

15 A. While I'm doing that, may I amend the  
16 previous answer?

17 MR. INDYKE: If you're asking if he knows  
18 her name, then I would object to -- on the same  
19 basis I objected previously.

20 MR. SIMPSON: Why don't we discuss that on  
21 the next break before you amend an answer.

22 SPECIAL MASTER POZZUOLI: Go ahead again.  
23 I lost it.

24 MR. INDYKE: If you're asking whether or  
25 not he knows this person A.H., if that's the

1 question, I would object on the basis of work  
2 product, attorney-client, common interests, and  
3 instruct you not to answer to the extent it  
4 invades any of those privileges.

5 A. What am I looking at here?

6 BY MR. EDWARDS:

7 Q. This is the Palm Beach Police Department  
8 police report.

9 A. What do you want me to look at?

10 Q. Sure. It's page 40.

11 A. I have it, yes.

12 Q. We're going to go to the paragraph --  
13 second paragraph, "Detective Dawson and I met with  
14 [REDACTED] on October 11, 2005."

15 A. "Detective Dawson and I met with [REDACTED] and  
16 her friend."

17 Q. I'm going to tell you that the person  
18 under that redaction is [REDACTED]

19 A. Okay. That doesn't mean anything to me.

20 Q. Is that somebody that -- whose name that  
21 you --

22 A. Oh, that person.

23 SPECIAL MASTER POZZUOLI: Go ahead and  
24 make your objection.

25 MR. INDYKE: Same objection, same

1 instruction.

2 SPECIAL MASTER POZZUOLI: Do you know this  
3 person?

4 A. Only through my work with Jeffrey Epstein.

5 BY MR. EDWARDS:

6 Q. Wasn't there public documents that you  
7 exchanged with the police department with respect to  
8 that particular victim that pertained to her  
9 allegation that the investigators, Corali (phonetic)  
10 and Riley, had posed as police officers and things  
11 of that nature? Do you remember that?

12 A. I do recall that, yes, yes.

13 Q. And so -- and this is also one of the  
14 people whose MySpace page you pulled down?

15 A. I didn't pull anything down.

16 Q. That you produced to the State Attorney's  
17 Office?

18 A. I don't know how to use a computer, so I  
19 couldn't pull down anything. But I was presented  
20 with these within the lawyer-client representation.  
21 And I don't know how much further to go.

22 Q. And didn't you take that information --

23 MR. INDYKE: Instruct you not to answer.

24 BY MR. EDWARDS:

25 Q. Didn't you take that information, whatever

1 information that you pulled from [REDACTED] MySpace page  
2 to the State Attorney's Office to convince the State  
3 Attorney's Office that this witness was not  
4 credible?

5 SPECIAL MASTER POZZUOLI: Do you have an  
6 objection, or no?

7 MR. INDYKE: No.

8 A. For 50 years, I've taught my students in  
9 criminal law that their job is to present evidence  
10 that would raise questions about the credibility of  
11 a witness against their criminal defendant. And, of  
12 course, every criminal lawyer does that. And I,  
13 along with my co-defendants [sic], did the very same  
14 thing in this case.

15 MR. SIMPSON: I believe you misspoke. You  
16 said "co-defendants." Co-counsel?

17 MR. SCAROLA: Freudian slip.

18 BY MR. EDWARDS:

19 Q. When you initially made the allegations  
20 that Mr. Cassell and I had played a role in  
21 fabricating the allegations --

22 A. Right.

23 Q. -- and also improperly believed in a  
24 serial liar --

25 A. Right.

1 Q. -- instead of just calling you, did you  
2 read our response that was filed January 21, 2015  
3 wherein we put forth much of our investigative  
4 material that led to our --

5 SPECIAL MASTER POZZUOLI: Guys on the  
6 phone, we're hearing your discussions and,  
7 frankly, it's right in the middle of a  
8 question. I apologize.

9 MR. EDWARDS: Want me to start over?

10 THE WITNESS: Please.

11 BY MR. EDWARDS:

12 Q. After you made the statement that  
13 Mr. Cassell and I had fabricated the allegations  
14 against you and believed in the story of a  
15 incredible, serial liar, and had failed to call you,  
16 did you read our responsive pleading which I believe  
17 was more than 150 pages long outlining some of our  
18 investigation of the surrounding allegations? Just  
19 did you read that response? I believe it was filed  
20 January 21, 2015, in Judge Marra's courtroom.

21 A. I don't recall reading a 150-page  
22 document. My lawyer Kendall Coffey would have read  
23 it. It's possible I read it. But -- can you show  
24 it to me?

25 Q. I don't have it here, but I assumed that

1 you had read it.

2 A. I would be happy to look at it and see if  
3 it's something I read. I know I'm familiar with  
4 what -- some of the things you said you did, and  
5 they didn't make me change my opinion at all.

6 Q. Did you read Detective Recarey's  
7 deposition that was taken in the civil cases against  
8 Mr. Epstein?

9 MR. INDYKE: Objection.

10 SPECIAL MASTER POZZUOLI: There's no  
11 grounds for an objection as to whether he read  
12 a deposition.

13 MR. INDYKE: Well, there is when they  
14 didn't place it within a timeframe.

15 SPECIAL MASTER POZZUOLI: Okay.

16 MR. INDYKE: Same objection, same  
17 instruction.

18 BY MR. EDWARDS:

19 Q. In production we had produced many  
20 depositions not only in this case, but have been  
21 filed in other cases, which is why I asked you about  
22 that January 21st pleading.

23 Is one of the documents that you have read  
24 regarding our investigation of the allegations  
25 Detective Recarey's deposition?

1 A. When -- when was Detective Recarey's  
2 deposition?

3 Q. It was taken sometime in 2010. I don't  
4 have the entire document.

5 A. I doubt that I read it. I wouldn't have  
6 had any reason to read it back in 2010.

7 Q. If --

8 MR. INDYKE: If are you talking about what  
9 he did in 2010 rather than in response to  
10 pleadings in this case, then I would object.  
11 Same objection, same instruction.

12 BY MR. EDWARDS:

13 Q. I don't need to ask you if you've read the  
14 deposition. If Detective Recarey has testified that  
15 the State Attorney, very early on in the  
16 investigation, was gung-ho up until the meeting with  
17 Alan Dershowitz, would that be a true statement?

18 MR. SCOTT: Objection, form, totally  
19 irrelevant to anything.

20 MR. INDYKE: Same objection, same  
21 instruction.

22 A. I sure hope so. I mean, if I did a good  
23 job in persuading a very distinguished State  
24 Attorney about being less gung-ho about going after  
25 my client, that's my job, that's what I get paid for

1 as a criminal defense lawyer. So I'm proud to  
2 have -- if it's true, have had him be less than  
3 gung-ho.

4 I have tell you my negotiations with him  
5 were very tough, very arm's length and very  
6 difficult to the point where I was replaced at one  
7 point for not getting a good enough deal.

8 BY MR. EDWARDS:

9 Q. If --

10 MR. INDYKE: Objection. Alan, please do  
11 not go into the substance of any kind of  
12 interactions between you and any of on  
13 Mr. Epstein's counsel in connection with your  
14 representation.

15 BY MR. EDWARDS:

16 Q. At some point in time, were your services  
17 terminated by Mr. Epstein?

18 A. I was replaced.

19 MR. INDYKE: Same objection, same  
20 instruction.

21 BY MR. EDWARDS:

22 Q. At what point in time were you terminated?

23 MR. SCOTT: He didn't say that.

24 MR. INDYKE: Same objection, same  
25 instruction.

1 A. I wasn't terminated. A lawyer was added  
2 to the team. And I think the record will show when  
3 that happened, and negotiations continued with a new  
4 lawyer who was seeking to get a better deal.

5 BY MR. EDWARDS:

6 Q. If Detective Recarey testified that the  
7 point of your meeting with the State Attorney's  
8 Office was to show that the character of the girls  
9 was not to be believed, would that be a fair and  
10 accurate description of that?

11 A. Well, the purpose of the meeting was  
12 multiple. The purpose of the meeting, I remember we  
13 brought forth every single --

14 MR. INDYKE: Same objection, same  
15 instruction, please. And, Professor Cassell,  
16 I'm having some difficulty hearing you.

17 MR. SCOTT: He's having a hard time  
18 hearing you.

19 MR. INDYKE: Yes.

20 A. The plain purpose of my meeting and the  
21 work that did I together with my research assistant  
22 was to gather all the cases in Palm Beach County and  
23 maybe some other surrounding counties involving the  
24 allegations, allegations similar to those against my  
25 client, and to show that in none of the cases had

1 prison time been given for the kinds of activities  
2 that were alleged against my client. So, I  
3 presented him with hundreds of --

4 MR. INDYKE: I have to interrupt you. If  
5 you are talking about what you did for  
6 Mr. Epstein, which it sounds like you are, then  
7 you are invading the attorney-client privilege  
8 and work product.

9 A. I gave it to the prosecutor.

10 MR. INDYKE: I object, and I instruct you  
11 not to answer.

12 BY MR. EDWARDS:

13 Q. My question is very narrow.

14 Do you remember attending a meeting with  
15 Detective Recarey, yourself and the State Attorney  
16 wherein you made presentations using the website of  
17 some of the victims, including [REDACTED]

18 A. The three people that you mentioned were  
19 not the only people at that meeting.

20 Q. I'm not insinuating that they are. Do you  
21 remember those people being at the meeting?

22 A. I remember others as well, including  
23 Mitchell Webber, who had done some of the research  
24 for me on the case.

25 Q. I'm just asking do you remember this

1 meeting?

2 A. I do, yes.

3 Q. If Detective Recarey says that the point  
4 of your presentation was to attack the credibility  
5 of the witnesses, is that accurate?

6 A. No. The point of my meeting --

7 Q. I'm only asking for yes or no.

8 A. I have to do more than yes or no.

9 SPECIAL MASTER POZZUOLI: The initial  
10 answer was?

11 A. No. And now explain. The point was to  
12 get a reduction in sentence and to get the best  
13 possible deal I could get for my client. That  
14 included giving comparative sentencing data about  
15 other cases and included raising questions about the  
16 credibility of the witnesses and included showing  
17 documentation that some of the witnesses had  
18 provided false documentation about their age.

19 It was a general presentation to a  
20 prosecutor to try to mitigate the allegations  
21 against my client, which is -- I've done that many,  
22 many times, and so has every other criminal lawyer I  
23 know.

24 BY MR. EDWARDS:

25 Q. And if Detective Recarey says it was Alan

1 Dershowitz that was making the presentation on  
2 Mr. Epstein's behalf to discredit the victims, that  
3 would be a true statement in part?

4 A. Alan Dershowitz made a presentation in  
5 general that included truthful statements about the  
6 witnesses, the truth of which tended to discredit  
7 some of their testimony, yes.

8 Q. If Detective Recarey was asked, in fact,  
9 "Was he, Alan, trying to convey to the State  
10 Attorney's Office that you should not believe these  
11 girls that they were at his house at all because  
12 they have credibility problems," and he answered,  
13 "That was the impression I received, yes" --

14 A. Totally false impression.

15 Q. This is something that Detective Recarey,  
16 if he said that, he's lying?

17 A. No, I didn't say he's lying. You're  
18 putting words in my mouth. I said it's a false  
19 impression. He didn't say it definitely happened.  
20 He said that's the impression he had.

21 I didn't ever say that these people were  
22 not at Jeffrey Epstein's house. That was not part  
23 of my defense. I never said that to anybody about  
24 any of the people involved in this case. The  
25 defense was very different. And Mitch Webber, who

1 was there, and probably the State Attorney will  
2 confirm that.

3 Q. Okay. Going to the police report of [REDACTED]  
4 on page 40 it begins, is she one of the victims that  
5 you tried to discredit during this meeting we're  
6 discussing?

7 A. My recollection is that [REDACTED] was one of  
8 the accusers, and we had --

9 MR. INDYKE: Objection. I'm sorry, I'm  
10 trying to give you some leeway, but I object on  
11 the same basis that I objected previously. And  
12 I believe this was also treading settlement  
13 negotiations on behalf of Mr. Epstein with the  
14 police department. Again, this is -- so I  
15 instruct you not to answer to the extent it  
16 invades privilege.

17 THE WITNESS: So I just understand, are  
18 you alleging a negotiation privilege, too?

19 MR. INDYKE: Yes. I don't want you  
20 talking about --

21 THE WITNESS: Clearly, it's covered by  
22 negotiation, and it would take incredible --  
23 well, I'm not going to say it. This was  
24 clearly a negotiation. Are they asserting a  
25 negotiation privilege? I would like to hear

1 that.

2 MR. INDYKE: Yes.

3 MR. SCAROLA: It's being asserted by  
4 Mr. Epstein's counsel.

5 THE WITNESS: Are you challenging the  
6 negotiation privilege?

7 MR. SCAROLA: We're asking the question.

8 MR. EDWARDS: Are we challenging it?  
9 Absolutely.

10 THE WITNESS: Good.

11 MR. SIMPSON: Just wait for a question.

12 MR. EDWARDS: It's not getting us  
13 anywhere.

14 MR. INDYKE: I would instruct you not to  
15 answer that question to the extent it invades  
16 that privilege.

17 THE WITNESS: I think we need a ruling on  
18 negotiation privilege.

19 MR. SCAROLA: I don't think we get that  
20 ruling in the context of this deposition.

21 THE WITNESS: Well, you're asking me a  
22 question --

23 MR. SCOTT: There's no question pending.

24 BY MR. EDWARDS:

25 Q. Do you remember [REDACTED], as being one of the

1 victims that explained that she was also made to  
2 have sexual relations with [REDACTED]?

3 A. No, I have no recollection.

4 MR. INDYKE: Same objection, same  
5 instruction.

6 BY MR. EDWARDS:

7 Q. Do you remember [REDACTED] being one of the  
8 victims saying that Epstein bragged that he bought  
9 [REDACTED] from her family in [REDACTED] to be  
10 his sex slave?

11 MR. INDYKE: Same objection, same  
12 instruction.

13 BY MR. EDWARDS:

14 Q. Do you remember -- do you know how it was  
15 that [REDACTED] obtained a visa in this  
16 country?

17 A. No, absolutely not.

18 MR. INDYKE: Same objection, same  
19 instruction.

20 BY MR. EDWARDS:

21 Q. Were you a part of the negotiation with  
22 the U.S. Attorney's Office to protect [REDACTED]  
23 [REDACTED] against immigration charges?

24 A. I was not aware that there was any  
25 negotiation relating to her.

1 MR. INDYKE: Same objection, same  
2 instruction.

3 BY MR. EDWARDS:

4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 MR. INDYKE: Same objection, same  
8 instruction.

9 MR. SCOTT: If that is privileged, then  
10 don't answer it.

11 BY MR. EDWARDS:

12 Q. You're refusing to answer?

13 A. I'm not refusing to answer anything. I  
14 have not refused to answer a single question today.  
15 I'm instructed, I await the judge's ruling, and  
16 whatever the judge says, I do.

17 SPECIAL MASTER POZZUOLI: There are now, I  
18 count, four privilege issues that have been  
19 raised separately. One deals with the  
20 privilege issue directly and under the  
21 representation of Mr. Epstein, the work product  
22 issue that deals with the scope of the  
23 representation of Mr. Epstein, the joint  
24 defense agreement and common interest  
25 privilege, and now as well as a negotiation

1 privilege.

2 And for my purposes, in fairness to all  
3 the parties, I do think that is something that  
4 has to be subject to a set of facts on some of  
5 them and fuller briefing of law, and that  
6 requires -- I'm happy to hear it, but I think  
7 it would be even in the purview of a separate  
8 hearing from today, whether it's in front of me  
9 or in front of directly Judge Lynch.

10 BY MR. EDWARDS:

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 MR. INDYKE: Same objection, same  
15 instruction.

16 BY MR. EDWARDS:

17 Q. I'm going to read this into the record and  
18 then we'll get the objection and then we'll --

19 MR. INDYKE: I apologize. I'm not there,  
20 so I'm not clear when you're finished. I just  
21 want to make sure I make the objection before  
22 Mr. Dershowitz responds.

23 BY MR. EDWARDS:

24 Q. [REDACTED] then became upset over this. She  
25 said her head was being held against the bed

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] Epstein  
4 apologized and subsequently paid her a thousand  
5 dollars."

6 Does that refresh your recollection as to  
7 [REDACTED] ?

8 MR. INDYKE: Same objection, same  
9 instruction.

10 BY MR. EDWARDS:

11 Q. And if we look back at the public  
12 statement that was available and attributed to you  
13 from the Daily Mail in April of 2007, and  
14 particularly the third statement that was  
15 highlighted where it attributes to you, "He said  
16 that the girl who accused Epstein of forcible sex  
17 had a long record of lying, theft and blaming others  
18 for her crimes."

19 Does what I just read you about [REDACTED] help  
20 to refresh your recollection that she is the victim  
21 you were talking about in the public statement made  
22 in April of 2007?

23 A. No.

24 MR. INDYKE: Same objection, same  
25 instruction.

1 BY MR. EDWARDS:

2 Q. Do you believe, then, that it was a  
3 different victim that Jeffrey Epstein forcibly raped  
4 and that had a long history of lying, theft and  
5 blaming others for her crimes other than [REDACTED]?

6 MR. SCOTT: Object to the form.

7 MR. INDYKE: Same objection, same  
8 instruction.

9 MR. SCOTT: Argumentative and relevancy.  
10 This whole line.

11 A. I guess I have to answer?

12 SPECIAL MASTER POZZUOLI: No.

13 A. I just want to make one point in response,  
14 though, and that is the quotes from the Mail, of the  
15 three paragraphs, the first two are not in quotation  
16 marks, they are not quoting me directly, they're not  
17 in quotation marks, and I do not remember saying  
18 those.

19 Only the third one is in quotation marks,  
20 and only had a long record of lying, theft and  
21 blaming others for her crimes, and I think that  
22 comes from a court document. And I think if you  
23 check, you would see that quotation comes from a  
24 court document. So I have not been quoted by the  
25 Daily Mail, and I do not think I ever spoke to

1 Ms. Churchill.

2 BY MR. EDWARDS:

3 Q. You don't deny, though, that in reading  
4 the Daily Mail article in your hand that the Daily  
5 Mail has attributed each of those statements to you,  
6 whether quoted or not?

7 MR. SCOTT: Objection, form, totally  
8 improper examination.

9 BY MR. EDWARDS:

10 Q. You can answer.

11 SPECIAL MASTER POZZUOLI: You can answer.

12 A. Oh, sure. I have no memory of having had  
13 an interview with the Daily Mail. They do attribute  
14 statements to me, but not in quotes, and that's  
15 always a red flag. When you see statements  
16 attributed to somebody in the newspaper and there  
17 are no quotes, any reasonable lawyer or reader would  
18 question whether there, in fact, had been such a  
19 conversation because if there had been such a  
20 conversation, any good journalist would put it in  
21 quotes. And many of the things article are in  
22 quotes, but my statements are not in quotes other  
23 than the last statement, which I think comes from a  
24 legal document.

25 And at the time I made any statement about

1 this -- about a woman with a long record of lying, I  
2 don't think I was making it about somebody who  
3 claimed to have been raped. I have no recollection  
4 as I sit here now that anybody ever claimed to have  
5 been raped by Jeffrey Epstein. I mean forcibly  
6 raped in the way that you described it in that  
7 document. That was not part of my negotiation with  
8 the D.A. The D.A. never accused --

9 MR. INDYKE: Objection.

10 BY MR. EDWARDS:

11 Q. But that document that I was reading from  
12 is the public police report that is available to  
13 everybody. You recognize that, right?

14 A. But the D.A. obviously didn't put much  
15 credit in that because he never charged him with  
16 that. So that was not one of the things that I was  
17 dealing with.

18 What I was dealing with was two charges --

19 MR. INDYKE: Objection.

20 A. -- of massages with underage sex. That  
21 was what I was dealing with. That's what any  
22 comments I may have made dealt with. There was  
23 never an allegation of forcible rape made by any  
24 responsible prosecutor in this case.

25

1 BY MR. EDWARDS:

2 Q. Isn't the comment, that's attributed to  
3 you, doesn't it specifically say he, talking about  
4 Alan Dershowitz, said that the girl who accused  
5 Epstein of forcible sex had a long record of lying,  
6 theft and blaming others for her crimes? That's --

7 A. I categorically deny having said that in a  
8 context of a statement about forcible sex. What the  
9 Mail probably did is they juxtaposed their view  
10 based on these articles that it was forcible sex and  
11 assumed somehow that what I was saying related to  
12 her. That's not what I said. That I remember quite  
13 unequivocally.

14 Q. [REDACTED] is particularly one of the victims --

15 A. [REDACTED] is not mentioned in this article.

16 Q. No, no, [REDACTED] is one of the victims whose  
17 MySpace page you used to give a presentation to the  
18 State Attorney's Office about her credibility, isn't  
19 it?

20 MR. SCOTT: Let me object. Argumentative.  
21 We've been through this five times.

22 MR. INDYKE: Objection, same instruction.

23 SPECIAL MASTER POZZUOLI: How much further  
24 do you have on this line of questions because I  
25 will be --

1 MR. EDWARDS: I just want to get an  
2 answer, that's it. I want to get answers.

3 SPECIAL MASTER POZZUOLI: But the point is  
4 well made that the way this article is  
5 constructed, it's meant to -- really the only  
6 thing that's quoted here based upon this  
7 article is "had a long record of lying, theft  
8 and blaming others for her crimes."

9 The rest of it is not. And so you don't  
10 know the source. Based upon what you've  
11 already elicited from the witness, he doesn't  
12 remember even talking to the Mail. And so I  
13 don't want impact your line of questioning.  
14 I've let you go on this. But how much further  
15 do you have?

16 MR. EDWARDS: Okay, but I think I need to  
17 put this in context, then, so that we kind of  
18 understand what the point of this is.

19 This is a defamation action where we've  
20 been accused of not performing any  
21 investigation. So part of what we had to do is  
22 what has she told us and what can we prove, and  
23 what has he said in light of the evidence.

24 When we're weighing credibility, this is  
25 one of the public statements that we have to

1 weigh against the evidence.

2 SPECIAL MASTER POZZUOLI: And I've read  
3 the pleadings, I've read the various arguments,  
4 I've read the summary judgment that was filed,  
5 and so I agree, that's why I've kind of let  
6 this continue. But how much further? Because  
7 I'm not so sure how much more information you  
8 can get from him that you haven't gotten  
9 already.

10 BY MR. EDWARDS:

11 Q. Are the three statements that are  
12 attributed to you in the Daily Mail true or false?

13 MR. SCOTT: Asked and answered three  
14 times.

15 MR. INDYKE: Same objection, same  
16 instruction.

17 A. I have no knowledge, as I said today, as  
18 to whether or not Jeffrey Epstein passed a lie  
19 detector test. If I said it, and I don't recall  
20 saying it, I assume it's true. I can check that.  
21 So I assume statement one is true. Statement two,  
22 "'The financier had paid for massages, but did not  
23 engage in sex or erotic massages with any minors,'  
24 the lawyer insisted," I have no recollection of  
25 saying that.

1 BY MR. EDWARDS:

2 Q. Can we start over and go back to the first  
3 statement and finish that whole statement, and then  
4 you tell me whether it's true or false?

5 A. Right.

6 Q. So the first statement is told the Mail --

7 MR. INDYKE: If you are speaking about the  
8 truth or falsity about these statements in any  
9 manner to which I have I inserted my  
10 objections, I would ask you not to answer the  
11 question.

12 SPECIAL MASTER POZZUOLI: So in the  
13 context of privilege that Mr. Epstein is  
14 asserting, can you answer the question any  
15 further than you have already?

16 THE WITNESS: Yes. I can.

17 SPECIAL MASTER POZZUOLI: Go ahead.

18 A. Our position was that he was innocent of  
19 the allegations against him. They did not include  
20 any allegations relating to forcible sex, they did  
21 not include any of the things that you just read.

22 And our position was, and we stated it to  
23 the State Attorney, that he was innocent of those  
24 allegations, innocent of those statements.

25 I don't want to ever be held to statements

1 that are not quoted, because particularly the Daily  
2 Mail and other newspapers take tremendous liberties  
3 with what you say. And therefore --

4 BY MR. EDWARDS:

5 Q. I'm asking are they true or false?

6 A. Say it again.

7 Q. Are the statements true or false?

8 A. Statement one is passed the lie detector  
9 test.

10 MR. INDYKE: Objection again.

11 A. I don't know the answer to that, but I  
12 assume if I said it, it was true at the time.

13 Statement two, he was innocent of all the  
14 allegations, that was the position that we took as  
15 to the two women who had allegation against them.  
16 And the State Attorney obviously did not credit  
17 A.H.'s testimony because he never -- it would be  
18 irresponsible for a State Attorney not to bring rape  
19 charges against somebody who had done what you  
20 allege from that police report had been done.  
21 Obviously the State Attorney came to the conclusion  
22 that there were real questions about her  
23 credibility.

24 BY MR. EDWARDS:

25 Q. Is it true or false?

1 A. The statements are true.

2 Q. All of them are true?

3 A. All of these statements, to the extent  
4 that I made them, are true.

5 MR. INDYKE: Objection.

6 A. To the extent that I made these  
7 statements, they are true, yes. And you should have  
8 been on your guard when you saw that there were no  
9 quotes, and you should have checked to see that the  
10 one statement that was quoted probably appeared in a  
11 legal document. And you should have checked with  
12 Churchill to see if I ever spoke with her, because I  
13 have absolutely no recollection of speaking with her  
14 and I'm fairly confident I did not.

15 MR. EDWARDS: I move to strike the  
16 unresponsive aspects of that answer beyond  
17 whether they were true or false, which I  
18 believe the witness has said the statements are  
19 true.

20 A. That's not --

21 MR. INDYKE: To the extent that the  
22 witness was making that statement from  
23 privileged information, I move to strike the  
24 remainder of it.

25 SPECIAL MASTER POZZUOLI: To the extent

1 that -- your motion on the privilege piece is  
2 granted to the extent that that's what it's  
3 based upon.

4 However, I would say to you that the  
5 balance of the statement is in response to your  
6 continued questions on it, so I'm going to  
7 leave it be. You can be put in context in  
8 argument with the Court.

9 MR. INDYKE: Okay. Thank you.

10 BY MR. EDWARDS:

11 Q. Did you write a letter or communicate to  
12 the U.S. Attorney's Office that Mr. Epstein never  
13 targeted minors?

14 A. I have no --

15 MR. INDYKE: Same objection as to  
16 settlement negotiations.

17 BY MR. EDWARDS:

18 Q. Is that a true statement that Mr. Epstein  
19 never targeted minors?

20 SPECIAL MASTER POZZUOLI: Let me ask a  
21 question about that.

22 Is there a copy of the letter?

23 MR. EDWARDS: Yes.

24 SPECIAL MASTER POZZUOLI: Is it in the  
25 context of the negotiation between -- under the

1 context of either Mr. Dershowitz or his team  
2 representing Mr. Epstein with the State  
3 Attorney's Office?

4 MR. EDWARDS: It is. And I will put on  
5 the record something that everyone in this room  
6 knows, which is that we have litigated in the  
7 context of that case whether or not a privilege  
8 extended between the defense attorneys for  
9 Mr. Epstein and the government.

10 We had to battle both the government and  
11 his defense attorneys on that all the way to  
12 the 11th Circuit, and we have an 11th Circuit  
13 opinion indicating that there is no such  
14 privilege.

15 So to the extent it is being claimed, it  
16 was already ruled there is no such privilege by  
17 the 11th Circuit.

18 A. But --

19 SPECIAL MASTER POZZUOLI: Hang on one  
20 second. I'm at a disadvantage because you've  
21 lived the case and this is my second day in the  
22 case. So what -- who was party to the 11th  
23 Circuit? Darren, were you involved with that,  
24 or were you, Tom?

25 MR. SCOTT: No.

1 MR. INDYKE: No, not directly.

2 MR. EDWARDS: Martin Weinberg and Roy  
3 Black represented Jeffrey Epstein there. The  
4 government, I believe, was represented by  
5 Dexter Lee in the argument. And we were the  
6 other party. And we prevailed by written  
7 opinion. I think that it --

8 THE WITNESS: I'm personally delighted if  
9 there is no negotiation privilege because the  
10 negotiation privilege only has been invoked  
11 against me --

12 MR. SCAROLA: There's no question pending.

13 THE WITNESS: Sorry. Sorry.

14 MR. SCAROLA: We move to strike.

15 SPECIAL MASTER POZZUOLI: I would agree  
16 with. Strike that last portion from the  
17 witness.

18 If you can share the 11th Circuit opinion,  
19 that would be appreciated.

20 MR. EDWARDS: Okay.

21 THE WITNESS: With us, too.

22 MR. SCOTT: I've never seen it.

23 MR. SIMPSON: I'm aware there is one.

24 MR. EDWARDS: Okay. Thank you, Rick.

25 MR. SCOTT: I've never seen or read the

1 opinion, that's all I'm telling you.

2 BY MR. EDWARDS:

3 Q. Do you know Gerald Lefcourt?

4 A. I do.

5 Q. One of the cases -- when you were  
6 outlining the five pieces of litigation, one of the  
7 cases was the Crime Victim Rights Act that you  
8 outlined?

9 A. I don't think I included that. That  
10 brings it up to seven. Unless you're talking about  
11 the case in front of Judge Marra.

12 Q. I'm going to show you what we'll mark as  
13 the next consecutive exhibit, and I don't have a  
14 clean copy, but it's okay. We can mark mine.

15 MR. SCOTT: Well, while we're doing that,  
16 can we get the exhibits actually marked and  
17 make sure we know which is which for the  
18 record?

19 (Discussion off the record.)

20 (Thereupon, marked as Plaintiff  
21 Exhibit 22.)

22 BY MR. EDWARDS:

23 Q. Can we go to page 13? Can we go to the  
24 last page? And is that your signature?

25 A. No, it's not.

1 Q. On the last page.

2 A. It is not.

3 Q. That's not your signature?

4 A. No.

5 Q. Who signed your name to this document?

6 A. I don't know, but I didn't sign it. It's  
7 not my signature. It's not even close.

8 Q. Somebody forged your signature to this  
9 document?

10 A. No, no, I don't know. It's not my  
11 signature. You asked me the question is it my  
12 signature. It is not my signature. You can check  
13 it against hundreds of signatures.

14 Q. Did you have anything do with the  
15 authoring of this letter?

16 A. My recollection -- I'd have to read the  
17 letter -- is that I did some of the legal research.  
18 My job was primarily to be the legal research  
19 person.

20 MR. INDYKE: Objection.

21 BY MR. EDWARDS:

22 Q. I'm really just asking about this letter  
23 and the authenticity of it.

24 A. I did not sign this letter.

25 Q. Did you authorize someone to sign your

1 signature to this letter?

2 A. I have no recollection. But probably. I  
3 can't imagine somebody sending a letter with my name  
4 on it that wasn't somehow authorized.

5 Q. Is that something that you would do is  
6 authorize somebody to sign your name to a letter?

7 A. I'm not responsible for who signed this  
8 letter. I did not sign this letter. All I can tell  
9 you is I know my signature, and nobody who knows my  
10 signature would know this is not my signature.

11 Q. Okay. You do know Gerald Lefcourt?

12 A. Yeah. In fact, my name is even spelled  
13 wrong, but it's okay. I know Gerald Lefcourt very  
14 well, yeah.

15 Q. Was he authorized to sign your name to the  
16 bottom of a letter?

17 A. I'm sure he must have been. I'm sure I  
18 saw a draft of the letter at some point and said,  
19 that's okay, or maybe he just assumed he can sign my  
20 name because I had done the research, legal  
21 research, the way you do of counsel, outside counsel  
22 letters --

23 MR. INDYKE: Objection.

24 A. -- but I don't have any distinct  
25 recollection of this.

1 BY MR. EDWARDS:

2 Q. You agree that the recipient of that  
3 letter would believe that that was a letter authored  
4 by you, given that it was purported to be your  
5 signature at the bottom, wouldn't you agree?

6 A. A letter that I had some input to. No,  
7 not necessarily. The first signature is Lefcourt.  
8 I'm senior to him, older than him. Normally if I  
9 wrote a letter, my name would come first.

10 Probably what should have been -- probably  
11 it should have included my name as of counsel.  
12 But -- but, again, I don't have any real  
13 recollection of this letter.

14 Q. If we go to page 13, second paragraph --

15 A. I don't see pages.

16 MR. SCOTT: Do you need time to review  
17 this letter?

18 A. It's a long, long letter. It would take  
19 me over an hour to review it, probably take me an  
20 hour to review it. There are no pages. Yours may  
21 have pages; mine don't have pages.

22 BY MR. EDWARDS:

23 Q. In the top right, it starts "Jeffrey  
24 Sloman," if you go down to that --

25 A. Would you find it for me.

1 Q. Sure.

2 MR. SCOTT: Do you want to review the  
3 letter for few a minutes? Professor, do you  
4 want to review the letter for a few minutes?

5 THE WITNESS: I see where it is. Let me  
6 first hear the question, and then I might want  
7 to review it. I think it's basically a legal  
8 brief, if I recall correctly. Page 13.

9 BY MR. EDWARDS:

10 Q. Second paragraph.

11 A. I see it.

12 Q. Second sentence, "As we believe we  
13 persuaded you at the June 26 meeting..."

14 Were you at the June 26 meeting?

15 A. I don't remember. I've been at several of  
16 the meetings, but I can't give you a date. I can go  
17 back in my calendars and see if I was at the June 26  
18 meeting, but I don't have a current recollection.

19 Q. Given the two signatures at the bottom,  
20 wouldn't a reasonable interpretation of that  
21 sentence be "as we" --

22 A. Yes.

23 Q. -- "Alan and Gerald"?

24 A. Yes.

25 Q. Comma, "Mr. Epstein never targeted

1 minors."

2 Do you see that?

3 A. Yes.

4 Q. Is that a true statement?

5 A. That was the position --

6 MR. INDYKE: Objection. Same objection on  
7 any privilege, attorney-client, settlement  
8 privilege.

9 SPECIAL MASTER POZZUOLI: Can I see the  
10 document?

11 MR. INDYKE: Object and instruct him not  
12 to answer.

13 SPECIAL MASTER POZZUOLI: Hang on one  
14 second.

15 THE WITNESS: Do you want to give it to me  
16 overnight and we do it tomorrow?

17 MR. SCOTT: He needs to read the letter.

18 MR. EDWARDS: To know whether that's a  
19 truthful statement?

20 MR. SCOTT: He wants to read the letter  
21 before he's examined on it.

22 MR. EDWARDS: He can read the statement.  
23 I'm going to ask him is that a truthful  
24 statement.

25 MR. SCOTT: But he needs to read it in the

1 context of the whole letter. That's what  
2 you're entitled to do. He's entitled to read  
3 the exhibits before he answers that.

4 MR. SCAROLA: We'll move on and we'll deal  
5 with it tomorrow. He can read it overnight.

6 MR. SCOTT: You seem to be laughing at  
7 things I say or smiling at them, and I  
8 apologize if you do that, because I'm just  
9 trying to protect my client --

10 MR. EDWARDS: I understand.

11 MR. SCOTT: -- like you're trying to  
12 protect yours. And I wasn't laughing at you  
13 when we took Mr. Cassell's deposition.  
14 Seriously, I don't understand why you laughed  
15 several times. I don't get it. This is  
16 serious, and nobody is enjoying this.

17 SPECIAL MASTER POZZUOLI: Okay.

18 THE WITNESS: One laughs, one cries.

19 MR. EDWARDS: I think we're just waiting,  
20 right?

21 MR. SCOTT: So he can make a copy  
22 overnight and look at it.

23 SPECIAL MASTER POZZUOLI: That's fine. I  
24 would suggest for purposes of tomorrow that a  
25 copy of the letter be sent to counsel that's on

1 the phone, too, so at least he can hear  
2 argument around that letter rather than have  
3 him be at a disadvantage.

4 MR. EDWARDS: It would have to be sent by  
5 them. Jeffrey Epstein is not submitted to the  
6 jurisdiction of the Court.

7 SPECIAL MASTER POZZUOLI: This is going to  
8 be -- my guess is that it's going to be subject  
9 to a full further inquiry, so let's just -- you  
10 know, we'll skip to it.

11 MR. SCOTT: If I can have copies of the  
12 exhibits ahead of time so we can look at them,  
13 it would be helpful. We're going to be using  
14 them to cross examine him.

15 MR. EDWARDS: I'm sorry, Tom. I will do  
16 that. I was not prepared for the fact that  
17 Mr. Dershowitz's signature's on the bottom of  
18 something and he apparently didn't sign them.  
19 I was blindsided, too. I thought this was a  
20 letter he would be intimately familiar with  
21 because I thought he had authored it. I didn't  
22 realize somebody had signed his name to the  
23 bottom of it.

24 And that's the cause of my laughter,  
25 because I've personally never seen that before.

1 I've never seen that happen.

2 MR. SCOTT: I understand, but when you're  
3 going to show -- I apologize, Mr. Pozzuoli, but  
4 when you're going to show exhibits and ask  
5 questions about them, you should anticipate  
6 that the witness and his counsel would want to  
7 see them. So you should have a copy of them.  
8 I think that's basic good rules of a  
9 deposition.

10 BY MR. EDWARDS:

11 Q. Do you agree that in assessing your  
12 credibility on the subject matter of who was  
13 involved in the abuse of underage girls, that it  
14 would be fair and reasonable to assess the  
15 statements that you made during and surrounding that  
16 investigation against the available evidence?

17 MR. SCOTT: Objection --

18 A. If that would be done, every criminal  
19 defense lawyer in the country could be charged with  
20 rape, with murder, with every other crime that he  
21 defends his clients on the basis of.

22 I'm a criminal defense lawyer. I've been  
23 teaching criminal defense law, I've been teaching  
24 legal ethics in the context of criminal cases for 40  
25 years. Lawyers are advocates. They assert

1 positions given to them by clients. And the idea  
2 that a lawyer asserts a position and, as a result of  
3 that, is guilty of rape is the worst form of  
4 McCarthyism imaginable.

5 Q. So your answer is you don't think it would  
6 be fair to put your statements up against the  
7 evidence when evaluating your credibility?

8 A. In the context that you've just stated, it  
9 would be utterly unfair, in the context that you  
10 have just stated, utterly unfair and unprofessional,  
11 and you know better than that. If I were to judge  
12 you by the same standards --

13 SPECIAL MASTER POZZUOLI: Okay.

14 BY MR. EDWARDS:

15 Q. Because this case is about an initial  
16 allegation of unprofessionalism, I want to  
17 investigate that last statement. And let me make  
18 sure that I got it correctly. It would be  
19 unprofessional of me to assess -- or any lawyer to  
20 assess your credibility by --

21 MR. SCOTT: Listen to the question.

22 BY MR. EDWARDS:

23 Q. -- statements that you have made  
24 surrounding this particular case against the  
25 backdrop of the available evidence that would be

1 unprofessional?

2 A. Not only would it be unprofessional, it  
3 would involve you also to accuse Jerry Lefcourt, to  
4 accuse Roy Black, to accuse Ken Starr. All of us  
5 stood behind our client's defense, and we were  
6 successful. We persuaded the United States  
7 Attorney's Office, persuaded the State Attorney's  
8 Office of our position.

9 And you're saying that our advocacy and  
10 persuasion is evidence that I committed a crime of  
11 rape. That that is so unprofessional, so goes  
12 against what the legal system is all about. And  
13 would basically make it impossible for anybody to  
14 defend alleged criminals in any criminal context.  
15 Yes.

16 Q. Can you find a public statement that was  
17 made by Roy Black or any of Epstein's other lawyers  
18 that says that Jeffrey Epstein was innocent of all  
19 charges or never engaged in an erotic massage or sex  
20 with minors?

21 A. Yes, I'm sure that those positions were  
22 stated universally by all the lawyers in all the  
23 contexts, if they were stated -- I mean those kinds  
24 of statements. I'm not saying those statements in  
25 specific, because I don't know who made those

1 statements.

2 But defending a client against charges,  
3 trying to minimize the charges, are made by all  
4 lawyers, and were made by all the lawyers in this  
5 case, and have been made by you in cases. I'm sure  
6 if I go back, I will find them.

7 Q. Okay.

8 MR. EDWARDS: I have a document we'll mark  
9 as -- what's the next consecutive exhibit?

10 COURT REPORTER: Number 23.

11 (Thereupon, marked as Plaintiff  
12 Exhibit 23.)

13 SPECIAL MASTER POZZUOLI: Will you mark  
14 that as 22 so we don't forget?

15 MR. SIMPSON: Yes.

16 BY MR. EDWARDS:

17 Q. Can you look at the document that we've  
18 marked as number 23?

19 A. Yes.

20 Q. My only question is going to be, did you  
21 go to that speaking engagement that was scheduled?

22 MR. INDYKE: I didn't hear the question.  
23 This is Darren.

24 MR. EDWARDS: I've shown him a document,  
25 and it is a public document about a scheduled

1 speaking engagement for Mr. Dershowitz, and I'm  
2 just asking him whether or not he gave that  
3 speech.

4 A. I don't recall that I did.

5 MR. INDYKE: Thank you.

6 BY MR. EDWARDS:

7 Q. Do you recall it being canceled or you not  
8 going?

9 A. I don't recall me doing that speech.

10 Q. Okay. Do you remember it being scheduled?

11 A. I remember -- I don't remember  
12 specifically, but I remember some general statement  
13 that I had some speeches scheduled, yeah.

14 MR. EDWARDS: Do we have an extra copy of  
15 the Daily Mail article? I thought we --

16 VIDEOGRAPHER: Going off the record. The  
17 time is approximately 4:26 p.m.

18 (Recess was held from 4:26 p.m. until 4:29 p.m.)

19 VIDEOGRAPHER: Going back on the record.

20 The time is approximately 4:29 p.m.

21 BY MR. EDWARDS:

22 Q. Are you aware from any nonprivileged  
23 document or information that Jeffrey Epstein  
24 referred to sex with underage girls as massages,  
25 that that was a code word?

1 A. No.

2 Q. In reviewing the message pads that were  
3 taken from his home and the public police report,  
4 have you been able to learn that fact?

5 A. I think it's false. I think it's a false  
6 fact. When I was offered a massage at Jeffrey  
7 Epstein's house, I received a legitimate massage by  
8 a professional masseuse who hurt me. And I called  
9 my wife and told her about it. I didn't enjoy it.  
10 And I've been told by numerous people that they have  
11 gotten ordinary massages, so I don't believe it was  
12 a code word. I think that's false.

13 Q. Who told that you that they got ordinary  
14 massages at Jeffrey Epstein's house?

15 A. People who were guests at the house.

16 Q. Exactly.

17 MR. INDYKE: I'm sorry?

18 A. My wife --

19 MR. INDYKE: Can you repeat the question,  
20 please.

21 MR. EDWARDS: Yes, I was just asked for  
22 the identity of the people who have told  
23 Mr. Dershowitz that they have received  
24 legitimate massages at Jeffrey Epstein's home.

25 MR. INDYKE: I object to that question and

1 the response to the extent it would invade  
2 privileges that we've already discussed, and  
3 instruct Alan not to answer.

4 SPECIAL MASTER POZZUOLI: I think you can  
5 answer it outside the privilege.

6 A. Virtually everybody that -- when I was at  
7 Jeffrey Epstein's house in Palm Beach, not in  
8 New York -- I never heard the word "massage" used in  
9 New York, but in Palm Beach, he would offer -- you  
10 would get an offer of massage, and people would  
11 accept it or not. But I never heard massage being  
12 anything other than an ordinary therapeutic massage.  
13 And I think it's insulting to professional massage  
14 therapists to assume that every massage -- I mean,  
15 it was like --

16 BY MR. EDWARDS:

17 Q. Maybe I communicated my question poorly.  
18 I was actually asking for the names of the people  
19 who told you --

20 A. I told you my wife, my daughter, myself.  
21 I'll try to think of other names, but I remember  
22 people telling me that they had received massages at  
23 Jeffrey Epstein's house.

24 Q. Anybody outside of your immediate family?

25 A. Yes, but I'm having trouble remembering

1 specifically who they were.

2 Q. Okay.

3 MR. INDYKE: Outside of -- subject to not  
4 privilege, you're saying?

5 A. Right, yeah.

6 BY MR. EDWARDS:

7 Q. Do you remember speaking with the Daily  
8 Mail on or around January 21, 2015, and saying --  
9 Dershowitz said the statements are all lies and "I  
10 never got a message from anybody, it's made up out  
11 of whole cloth"?

12 A. No, I never said.

13 Q. If I showed you the statement, would it  
14 help refresh your recollection?

15 A. No, because it's false. I never said that  
16 I never got a message because I said immediately  
17 from day one that I got one message. I said that  
18 immediately. I described the message. I might have  
19 been asked did I get a message from [REDACTED]  
20 [REDACTED] The answer would be no. Did I get message  
21 during the relevant period of time? The answer  
22 would be no.

23 But I never stated, and I would challenge  
24 you to come up with -- no, with a tape recording of  
25 me saying that in full context because that's not

1 what I said. I've always said that I received one  
2 massage. I said that, I think, on day one.

3 And, again, you're dealing with the Daily  
4 Mail. The context would have to be did you get a  
5 massage from any underage girl or anything like  
6 that. I never said that.

7 Q. What does the quote say?

8 A. And, in fact, I said specifically that I  
9 kept my underpants on. I was very specific about  
10 the massage that it was -- I think it was a woman  
11 from a Russian background. I was very clear. So to  
12 say that I said that I never got a massage is just  
13 false. From day one, I said I got a massage.

14 SPECIAL MASTER POZZUOLI: You had another  
15 question in the middle that. Go ahead.

16 BY MR. EDWARDS:

17 Q. Right. What does the quote attributed to  
18 you in that article say?

19 MR. SIMPSON: The document hasn't even  
20 been marked yet.

21 MR. EDWARDS: What are we up to, 24?

22 (Thereupon, marked as Plaintiff  
23 Exhibit 24.)

24 A. It doesn't show what the question was. It  
25 doesn't show the context. And like -- all lies.

1 All lies. Obviously I was referring to what  
2 ██████████ said and what ██████████ said  
3 about me, so that was the "all lies."

4 BY MR. EDWARDS:

5 Q. I'm asking what is the quote about the  
6 messages? What are the words that are used?

7 A. "I never got a message from anybody, it's  
8 made up out of whole cloth." I did not say that.

9 Q. Okay. So the reporter --

10 A. Is wrong.

11 Q. -- is wrong?

12 A. Who is the reporter? Is it the same  
13 Ms. Churchill?

14 So this is an article -- you said, again,  
15 the Daily Mail. This sounds like it's the Daily  
16 News, not the Daily Mail.

17 Q. Okay.

18 A. But it's not true. I never said in the  
19 context of generally message. Because why would I  
20 say that if I said it on television, I said it on  
21 the radio, I've said it over and over again that I  
22 got a message?

23 Q. You deny making the statement that was  
24 attributed to you in the Daily Mail article that's  
25 attached to the deposition as Exhibit 24?

1 A. That's right.

2 Q. Okay. It does say the Daily News.

3 A. Or -- now, let me be very clear. If I  
4 said it, I said it in the context of --

5 Q. Daily News.

6 A. If I said it, I said it in the context of  
7 [REDACTED] message or a message during the  
8 relevant period because I never would say that I  
9 didn't get a message when I got one, and I always  
10 said I did.

11 Go back and check earlier statements,  
12 statements before this, and you'll see that I said  
13 it. So what sense would it make for me to say that  
14 I didn't get it?

15 Q. So is your testimony that you only had one  
16 message at Mr. Epstein's home?

17 A. That's -- let me be very clear. I never  
18 had a message in the New York place. I of course  
19 never had a message in the -- in the ranch. I have  
20 no recollection of having a message -- I never had a  
21 message on airplane. And I had one message in the  
22 Palm Beach home.

23 Q. What year it was that you had the message  
24 in the Palm Beach home?

25 A. I don't know, but I suspect it was in --

1 very early in my friendship or my acquaintanceship  
2 with Jeffrey Epstein, probably '96 or '97, but I  
3 would be guessing.

4           It was not during the relevant time period  
5 because I was not in Jeffrey Epstein's -- my records  
6 show I was not in Jeffrey Epstein's home in Palm  
7 Beach during the relevant time period, so I couldn't  
8 have had a massage during that period.

9           Q.    So is it your testimony, then, that the  
10 only massage -- we're getting some background from  
11 the phone.

12           MR. SIMPSON:  On the phone, there's some  
13 background.

14           MR. INDYKE:  Am I the only one on the  
15 phone?  This is Darren.  Because if I'm not --  
16           (Discussion off the record.)

17           BY MR. EDWARDS:

18           Q.    So is your testimony today that at any of  
19 Jeffrey Epstein's homes, you have only had one  
20 massage, and that was only at the Palm Beach home  
21 and it was sometime in the mid to later '90s?

22           A.    No, let me be very clear.  I know for  
23 absolute certainty I never had a massage in the  
24 New York home.  I know for absolute certainty I  
25 never had a massage in the ranch.

1 I do recall having one massage in the Palm  
2 Beach home. I do know for certain that I never had  
3 a massage in the airplane. And I'm fairly certain I  
4 never had a massage at the -- on the island.

5 Q. And the one massage that you had at the  
6 Palm Beach home was sometime early in your  
7 relationship with Jeffrey Epstein, '96 or '97  
8 approximately?

9 A. I'm not sure. I'm not sure about that. I  
10 just don't remember exactly when it was. But it  
11 wasn't -- obviously it was when I was in his house,  
12 and the records show that I wasn't in his house  
13 during the relevant time period.

14 Q. Is it your memory, though, that it was in  
15 the '90s?

16 A. I can't remember. It could have been --  
17 it could have been later. I know that when my  
18 children and grandchildren came to stay at Jeffrey  
19 Epstein's house in 2005, I think there was some  
20 massages that were -- oh, yeah, I think some of them  
21 had massages. I did not --

22 Q. But --

23 A. -- is my recollection.

24 Q. But your massage was many years before  
25 that experience in --

1 A. I think so, but I'm not sure. It could  
2 have been later too. I just don't have any distinct  
3 chronological frame of reference for when I had a  
4 massage, but I do remember it very clearly and I  
5 remember that it was painful and I remember that the  
6 massage therapist wanted to put her knees on my  
7 shoulder, and I called my wife immediately after I  
8 had the massage and told her that this therapist  
9 wanted to put her knees on my shoulder and I said I  
10 wasn't really anxious to have that, because she had  
11 hurt me. She was a very deep therapy massage  
12 person.

13 Q. Have you seen Juan Alessi's testimony  
14 wherein he indicates that you had massages at  
15 Jeffrey Epstein's home?

16 A. Would you show it to me, please.

17 MR. INDYKE: Same objection and  
18 instruction.

19 MR. SCOTT: Didn't we cover this with  
20 Mr. Scarola the last time, the massage issue?  
21 I could be wrong.

22 THE WITNESS: I was asked about it last  
23 time.

24 MR. SCOTT: Last time I think I covered  
25 this.

1           SPECIAL MASTER POZZUOLI: Is this the  
2 deposition from this matter?

3           MR. EDWARDS: The deposition that was in  
4 the civil matters against Jeffrey Epstein, and  
5 I think I've bracketed each of the pertinent  
6 parts.

7           A. I don't see him saying more than one  
8 massage. It says, "Did he have massages sometimes  
9 when he was there?"

10           "Yes. A massage was like a treat for  
11 everybody. If they wanted, we called the massage  
12 and they had a massage."

13           That doesn't sound to me like it's very  
14 specific. I was offered massages on numerous  
15 occasions by the house staff, and I said no. I did  
16 have that one massage. And then you have bracketed  
17 material about big dildos. That clearly refers to  
18 an area of the house that I was never in, never  
19 allowed into. Do you have any other brackets  
20 material?

21           BY MR. EDWARDS:

22           Q. Not for this question.

23           A. So this is not any statement that I had  
24 massages or multiple massages, doesn't contradict  
25 what I said at all. He's testifying as to the

1 general procedure, and he's right, people were  
2 offered massages, and they were real massages, the  
3 ones that I know about.

4 Q. Okay. Well --

5 A. Let me say this. Jeffrey Epstein would  
6 never dare to offer me an erotic massage. He would  
7 know that I would walk out of that room so fast, I  
8 would never speak to him again. He knows about my  
9 relationship with my wife. He knows how much I love  
10 her. He would never in a million years offer me  
11 anything that was in any way improper, and he  
12 didn't.

13 SPECIAL MASTER POZZUOLI: Brad, you have  
14 five minutes before Jack smartly wants to get  
15 out of here, so if you want to look for an  
16 appropriate break.

17 MR. EDWARDS: I'll finish after -- a few  
18 more questions on this, and then we're done.

19 BY MR. EDWARDS:

20 Q. Okay. The question was:

21 "Do you have any recollection of [REDACTED]  
22 [REDACTED] coming to the house when Prince Andrew was  
23 there?

24 "ANSWER: It could have been, but I'm not  
25 sure."

1 MR. INDYKE: Object --

2 BY MR. EDWARDS:

3 Q. "QUESTION: When Mr. Dershowitz was  
4 visiting --

5 "ANSWER: Uh-huh.

6 "QUESTION -- how often did he come?

7 "ANSWER: He came pretty -- pretty often.  
8 I would say at least four to five times a year.

9 "QUESTION: And how long would he  
10 typically stay?

11 "ANSWER: Two, three days.

12 "QUESTION: Did he have massages sometimes  
13 when he was there?

14 "ANSWER: Yes. A massage was like a treat  
15 for everyone. If they wanted, we'd call the massage  
16 and they have a massage."

17 He does indeed say that you stayed for two  
18 or three days at a time and had plural massages,  
19 right? That's his testimony.

20 A. No, he says I stayed for two or three  
21 days. He doesn't say I was there with [REDACTED]

22 [REDACTED] And he says -- first of all, English is  
23 not his first language, and he's talking about did  
24 you have massages. "Yes, a massage is a treat for  
25 everybody."

1 I was offered massages. I had one  
2 massage. Just -- I'm trying to think of something  
3 else he said. Can I see it again, please?

4 BY MR. EDWARDS:

5 Q. The whole deposition?

6 A. Just that part of it.

7 The only time I stayed for -- he's right,  
8 I stayed for two or three days with my wife, my  
9 daughter-in-law, my son, and two grandchildren and  
10 my daughter. We stayed for about five days.  
11 Jeffrey Epstein was not in the house at that point  
12 in time.

13 He found out we were looking for a  
14 vacation place, and he offered his empty house with  
15 the housekeeper and his wife, and we stayed there  
16 during that period of time.

17 The only other time that I stayed for more  
18 than one day was when I was involved in the case  
19 with my research assistants. I stayed for two days  
20 once with my nephew, Adam, who was coming to watch a  
21 launch of the space shuttle. But I have no  
22 recollection of ever staying three days alone.  
23 There would be no reason I would do that. And I  
24 didn't.

25 Q. While you were staying at the house, did

1 Mr. Epstein have underage girls over to give him  
2 massages?

3 A. Certainly not to my knowledge. If I had  
4 seen a single underage girl in that house that  
5 looked like she was there for any inappropriate  
6 person, I would have been out of there  
7 instantaneously. That would not be covered by the  
8 lawyer-client privilege. And I would have called  
9 the police and turned him in. That's how strongly I  
10 feel about sex with underage people, male or female.

11 Q. Even though these girls were 14, 15, 16  
12 years old?

13 A. I never saw -- not even though.  
14 Especially. Of course. A fortiori. I never saw  
15 anything like that, not on the airplane, not in the  
16 ranch, not on the -- in the island, not in Palm  
17 Beach, and not in New York.

18 MR. SCOTT: It's 4:45.

19 A. He did always travel with an entourage,  
20 and he had people in his encourage who looked like  
21 they were in their middle 20s. And, of course,  
22 Mr. Scarola tried to accuse me of being on an plane  
23 with an underage girl who turned out to be 25.

24 BY MR. EDWARDS:

25

1 Q. My last question, are you aware -- we can  
2 pick back up here off of my last question. Are you  
3 aware that another housekeeper, Alfredo Rodriguez,  
4 put you in the home at a time when underage girls  
5 were also in the home?

6 A. Would you please show me that? Because  
7 your last question was a mischaracterization --

8 MR. INDYKE: Same objection, same  
9 instruction.

10 A. -- so let me see this one as well.

11 BY MR. EDWARDS:

12 Q. Sure. I'll just read it to you.

13 A. No, just let me see it. You can read it  
14 to me. Let me see it.

15 Q. "And did you have knowledge of" --

16 SPECIAL MASTER POZZUOLI: What are you  
17 reading from?

18 MR. EDWARDS: Sure. It's the deposition  
19 of Alfredo Rodriguez that was taken July 29,  
20 2009.

21 BY MR. EDWARDS:

22 Q. "Was there a lawyer from Harvard named  
23 Alan Dershowitz?

24 "Yes, ma'am.

25 "How often during the six months or so

1 when you were there was Alan Dershowitz there?"

2 A. What were the six months, by the way?

3 Q. I don't know. We'll find out from his  
4 employment with Jeffrey Epstein. Your client would  
5 know.

6 "Two or three times.

7 "How did you have knowledge of why he was  
8 visiting a -- and did you have knowledge of why he  
9 was visiting?

10 "No, ma'am.

11 "Was he acting as a lawyer or there as a  
12 friend?

13 "ANSWER: I believe a friend.

14 "Were there also young ladies in the house  
15 at the time he was there?

16 "ANSWER: Yes, ma'am.

17 "And would those have included, for  
18 instance, [REDACTED] and [REDACTED]?"

19 "Yes, ma'am.

20 "Were there other young ladies there when  
21 Mr. Dershowitz was there?

22 "Yes, ma'am.

23 "Do you have any idea who those young  
24 women were?

25 "No, ma'am.

1 "Were any of those young women that you  
2 have said came to give massages?

3 "Yes, ma'am."

4 "Ms. Esell, who was representing [REDACTED]  
5 [REDACTED] at the time, asked you about Mr. Dershowitz  
6 being present in Mr. Epstein's home, and I think she  
7 said -- and I think you said Mr. Epstein was -- and  
8 he and Mr. Dershowitz were friends?

9 "ANSWER: Yes.

10 "She also, I think, asked was  
11 Mr. Dershowitz ever there when one of the women who  
12 gave a massage was present in the home.

13 "ANSWER: I don't remember that.

14 "QUESTION: That's what I want to clear  
15 up. Is it your testimony that Mr. Dershowitz was  
16 there when any of the women came to Mr. Epstein's  
17 home to give a massage?

18 "ANSWER: Yes.

19 "QUESTION: And when Mr. Dershowitz was at  
20 the house, I understood you to say that these local  
21 Palm Beach girls would come over to the house while  
22 he was there, but you're not sure if he had a  
23 massage from any of the girls.

24 "ANSWER: Exactly.

25 "QUESTION: And what would he do while the

1 girls were in the house?

2 "He would read a book, glass of wine by  
3 the pool or stay inside."

4 So my question is, are you aware that  
5 Alfredo Rodriguez put you in Jeffrey Epstein's home  
6 when the underage girls were coming to his home to  
7 give massage?

8 A. Absolutely not.

9 MR. SIMPSON: Object to the form and  
10 mischaracterizing and taking multiple separate  
11 sections of a deposition and multiple different  
12 pages read as though they were together.  
13 Object to the form.

14 A. I'll answer. He talks about young  
15 ladies --

16 MR. SWEDER: I'm going to object to that,  
17 too. This is Mr. Sweder. That is a misleading  
18 reading of that deposition, leaving out a very  
19 particular part of it --

20 MR. EDWARDS: Okay. The whole  
21 deposition --

22 MR. SWEDER: -- that says that he didn't  
23 know whether Dershowitz ever even saw these  
24 young women.

25 MR. SCOTT: We covered this all in the

1 last depo.

2 A. I never saw an underage person in Jeffrey  
3 Epstein's house. I saw [REDACTED] who is a young  
4 woman. I saw Giselle [sic] Maxwell, who is a young  
5 woman. I saw women in their late 20s and 30s.

6 I never had a massage from any of these  
7 young women. There's no mention of underage in the  
8 entire deposition. And you again willfully and  
9 deliberately misstated what you said the deposition  
10 said, just like you misstated the deposition of  
11 Mr. Rodriguez.

12 Q. Okay. The deposition will speak for  
13 itself whether or not there's any mention of  
14 underage women in the deposition.

15 A. Will you again point to met to the  
16 underage? Point me to the word "underage" in that  
17 deposition.

18 Q. I understand your statement that there is  
19 not one.

20 A. There is not one, okay. I'm glad we have  
21 that acknowledgment.

22 Q. I didn't acknowledge that. It's just not  
23 true.

24 SPECIAL MASTER POZZUOLI: Is there any  
25 other questions at this point?

1           MR. EDWARDS: This is a good breaking  
2 point.

3           VIDEOGRAPHER: Going off the record. The  
4 time is approximately 4:49 p.m.

5           SPECIAL MASTER POZZUOLI: We're  
6 reconvening 9:00 tomorrow?

7           MR. EDWARDS: Yes.

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CERTIFICATE OF OATH

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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 12th day of  
January, 2016.

Signed this 14th day of January, 2016.

---

KIMBERLY FONTALVO, RPR, CLR  
Notary Public, State of Florida  
My Commission No. FF 226848  
Expires: 7/12/2019

CERTIFICATE OF REPORTER

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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 continued deposition of ALAN M. DERSHOWITZ; pages 462 through 455; 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 14th day of January, 2016.

---

KIMBERLY FONTALVO, RPR, CLR

1 January 14, 2016  
2 COLE, SCOTT & KISSANE, P.A.  
Dadeland Centre II - Suite 1400  
3 9150 South Dadeland Boulevard  
Miami, Florida 33156  
4 BY: THOMAS EMERSON SCOTT, JR., ESQ.  
[REDACTED]

5  
6 Re: Bradley Edwards, et al., v. Alan M. Dershowitz

7 Please take notice that on the 12th day of January,  
8 2016, you gave your deposition in the above cause.  
9 At that time, you did not waive your signature.

10 The above-addressed attorney has ordered a copy of  
11 this transcript and will make arrangements with you  
12 to read their copy. Please execute the Errata  
13 Sheet, which can be found at the back of the  
14 transcript, and have it returned to us for  
15 distribution to all parties.

16 If you do not read and sign the deposition within a  
17 reasonable amount of time, the original, which has  
18 already been forwarded to the ordering attorney, may  
19 be filed with the Clerk of the Court.

20 If you wish to waive your signature now, please sign  
21 your name in the blank at the bottom of this letter  
22 and return to the address listed below.

23 Very truly yours,

24 KIMBERLY FONTALVO, RPR, CLR  
Phipps Reporting, Inc.  
25 1551 Forum Place  
Building 200, Suite E  
West Palm Beach, Florida 33401  
I do hereby waive my signature.

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ALAN M. DERSHOWITZ

1 ERRATA SHEET  
 2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE  
 3 In Re: BRADLEY EDWARDS, ET AL., V. ALAN M.  
 DERSHOWITZ  
 4 Case No.:  
 ALAN M. DERSHOWITZ  
 5 January 12, 2016

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22 Under penalties of perjury, I declare that I have  
 read the foregoing document and that the facts  
 23 stated in it are true.

24 \_\_\_\_\_  
 25 Date ALAN M. DERSHOWITZ

