

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

**SUPPLEMENTAL ANSWERS TO DEFENDANT DERSHOWITZ'S FIRST SET OF
DOCUMENT REQUESTS TO BRADLEY J. EDWARDS AND PAUL G. CASSELL**

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby file this supplemental response to Defendant, Alan M. Dershowitz's, First Set of Document Requests dated February 11, 2015 to Plaintiffs as follows:

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

1. All Documents Concerning the alleged "character assassination" referenced in paragraph 8 of the Complaint.

See complaint from Jeffrey Epstein v. Bradley J. Edwards. *See also* pleadings and response to Interrogatory #1 filed in this case. Plaintiffs have requested documents in the possession of Defendant Dershowitz which memorialize his character assassination of Plaintiffs. Numerous documents within the Defendant's still incomplete production reflect false and defamatory assaults on the Plaintiffs' character by the Defendant.

2. All Documents Concerning Dershowitz's alleged "participation in Epstein's criminal conduct" referenced in paragraph 16 of the Complaint.

Edwards and Cassell object to this request as being vague, overbroad, and unreasonably burdensome, as well as seeking irrelevant and inadmissible evidence and information not reasonably calculated to lead to the discovery of admissible evidence. Edwards and Cassell have collected many pages of documents pointing to Dershowitz's involvement in Epstein's sexual

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abuse of underage girls over a nearly seven year period of time, including legal work that they did in connection with the long-running case of *Does v. United States*, 9:08-cv-80736-KAM (S.D. Fla. filed July 7, 2008) including Docket Entry 291 and all accompanying exhibits. See also all publicly available materials in the long-running case of *Epstein v. Edwards et al.*, 502009CA040800XXXXMBAG (Circuit Court of the 15th Judicial Cir. For Palm Beach County, Florida), including for example Edwards' motion for summary judgment. See also all publicly available police reports and investigative files generated in the course of the Palm Beach Police Department's criminal investigation of Jeffrey Epstein. They have also represented numerous victims in civil actions against Jeffrey Epstein, which involved many pleadings which are public documents. Of course, these cases also involved numerous attorney-client communications as well as materials covered by the work-product doctrine.

See also all pleadings, discovery responses and depositions in the following civil proceedings in which Jeffrey Epstein was named as a party:

State Court in Palm Beach County:

502008CA037319xxxxMB
502008CA025129xxxxMB
502008CA006332xxxxMB
502008CA028058xxxxMB
502008CA028051xxxxMB
502008CA020614xxxxMB
502008CA006596xxxxMB
502008CA005240xxxxMB.

United States Southern District of Florida:

08-80893
08-80232
08-80380
08-80994
08-80993
08-80811
08-80381
08-80804
08-80811
09-80469
09-80591

09-80656
09-80802
09-81092
10-81111
10-80447

See also pleadings and response to Interrogatories #1 and #2 filed in this case.

On information and belief, Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.

3. All Documents Concerning Dershowitz's alleged knowledge that the filing referenced in paragraph 17 of the Complaint was "an entirely proper and well-founded pleading."

See answer to request #2 above and to request #24 below.

4. All Documents Concerning the alleged "massive public media assault" referenced in paragraph 17 of the Complaint.

For details regarding the massive public media assault, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to media sources of his choosing, Edwards and Cassell do not possess documents concerning the assault.

5. All Documents Concerning the "multiple national televised interviews," "statements to and repeated by national and international print news sources" and "various other forms nationally and internationally" alleged in paragraph 19 of the Complaint.

For details regarding the interviews, statements, and other similar communications, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to the media, Edwards and Cassell do not possess documents concerning the interviews and statements referenced here.

6. All Documents Concerning the allegation in paragraph 20 of the Complaint that Dershowitz's "statements were false and known by him to be false at the time they were made."

See answer to request #2 above and to request #24 below.

7. All Documents Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.

See answer to request #2 above and to request #24 below. Additionally, Defendant Dershowitz is himself aware of the various television and radio programs on which he spoke about the Plaintiffs, as well as other public statements he made, and is in a superior position to obtain video, audio and written transcripts of those statements to the extent they are not already available and readily accessible on the world wide web. Plaintiffs are awaiting Defendant's production of materials not otherwise available.

8. All Documents Concerning Dershowitz's alleged "involvement in Epstein's criminal conduct" as alleged in paragraph 21 of the Complaint.

See answer to request #2 above and to request #24 below.

9. All Documents that reference Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.

See answer to request #2 above and to request #24 below.

10. All Documents Concerning drafts of any declaration or affidavit of Jane Doe #3.

Objection, immaterial and not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

Without waiving any objection, affidavits have been filed by Jane Doe #3 in Does v. United States, 08-80736.

11. All photographs and video in the original, native format in which they were taken (not a paper copy) of Jane Doe #3 with Dershowitz.

None in Plaintiffs' possession.

12. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request, of Dershowitz at (i) Epstein's Manhattan home in New York City, New York; (ii) Epstein's home in Palm Beach, Florida; (iii) Epstein's Zorro Ranch in Santa Fe, New Mexico; (iv) Little Saint James island in the U.S. Virgin Islands; and (v) Epstein's airplane, on the same date and time that Jane Doe #3 also was present at such location.

None in the possession of Edwards or Cassell.

13. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request that evidence and/or show Jane Doe #3 was present at the same location as Dershowitz on that same date and time.

None.

14. All Documents Concerning Jane Doe #3's presence at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Dershowitz was also present.

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

15. All Documents Concerning whether Dershowitz was present at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Jane Doe #3 alleges to have been present.

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

16. All statements, written or recorded, that Plaintiffs or Jane Doe #3 have provided to anyone that reference Dershowitz by name.

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

17. All notes, writings, photographs, and/or audio or video recordings made or recorded by or of Jane Doe #3 on the dates on which Jane Doe #3 allegedly was present with Dershowitz, including but not limited to any diary, journal, or calendar entries on those dates, regardless whether the notes, writings, photographs, and/or audio or video recordings refer to Dershowitz. To the extent that any responsive materials are photographs or video recordings, please provide them in the original, native format in which they were taken (not a paper copy).

None in Plaintiffs' possession, custody or control.

18. All notes of, or notes prepared for, any statements or interviews in which Plaintiffs or Jane Doe #3 referenced Dershowitz by name or other description.

None in Plaintiffs' possession, custody or control.

19. All Documents Concerning communications between You or anyone acting on Your behalf and anyone from, or acting on behalf of, any media outlet Concerning Dershowitz or this action, whether or not such communications were "on the record" or "off the record."

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

20. All Documents Concerning any press release Concerning this action, the Joinder Motion, or Dershowitz, or Jane Doe #3.

Objection as to "all documents concerning" in that it requests information not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

Without waiving objection, Dershowitz already possesses a copy of a press release sent to the media by Edwards and Cassell on or about January 2, 2015, that read as follows:

Out of respect for the court's desire to keep this case from being litigated in the press, we are not going to respond at this time to specific claims of indignation by anyone. As you may know, we are litigating a very important case, not only for our clients but crime victims in general. We have been informed of Mr. Dershowitz's threats based on the factual allegations we have made in our recent filing. We carefully investigate all of the allegations in our pleadings before presenting them. We have also tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests. Nevertheless, we would be pleased to consider any sworn testimony and documentary evidence Mr. Dershowitz would like to provide which he contends would refute any of our allegations.

The point of the pleading was only to join two of our clients in the case that is currently being litigated, and while we expected an agreement from the Government on that point, we did not get it. That disagreement compelled us to file our motion. We intend only to litigate the relevant issues in Court and not to play into any sideshow. We feel that is in our clients' best interest and consequently that is what we are doing.

We have every intention of addressing all of the relevant issues in the course of proper legal proceedings. Toward that end we have issued an invitation (a copy of which is attached below) to Alan Dershowitz to provide sworn testimony and any evidence he may choose to make available regarding the facts in our recent pleading that relate to him. The invitation has been extended by Jack Scarola, who is familiar with the issues. We would obviously welcome the same cooperation from Prince Andrew should he choose to avail himself of the same opportunity.

Dershowitz already possesses a copy a press release sent to the media by Jack Scarola on or about January 7, 2015, that read as follows:

Mr. Dershowitz harshly attacks Mr. Edwards and Professor Cassell for not trying to talk to him before naming him in legal papers. But, in truth, and as supported by numerous documents, on at least three occasions since 2009, Mr. Dershowitz was informed that he was a key witness in the litigation against Jeffrey Epstein and was requested to testify. We advised him at that time as follows:

'Multiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both someone's testimony and private interviews. Your personal observations regarding such circumstances would clearly not involve any privileged communications, and it is those observations that will be the primary focus of our questioning.'

Despite this notice to Mr. Dershowitz, he failed to respond or testify in any fashion. Mr. Dershowitz has not responded to multiple efforts to take his testimony beginning in 2009.

21. All Documents Concerning any assertion that Dershowitz was a "co-conspirator" with Epstein.

See answer to request #2 above and to request #24 below.

See also answer to request #10 above.

22. All Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.

Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA. Edwards and Cassell have asked him to produce this information, and will all be responsive to this request as well. See Plaintiffs' Third Request to Produce to Defendant Nos. 2, 3, and 4.

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Edwards and Cassell also have received from the U.S. Attorney's Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein's legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the *Does v. United States*, No. 9:08-cv-80736-KAM. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

See also answer to request #2 above (including the NPA itself and its provision granting immunity from prosecution to "any potential co-conspirators of Epstein") and to request #24 below.

23. All Documents Concerning any actions allegedly taken by Prince Andrew, Duke of York, to influence the terms of the NPA.

Edwards and Cassell have attempted to question Prince Andrew about his actions in this regard, but have been rebuffed by Prince Andrew and representatives of the British throne and/or government.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards and Cassell have propounded discovery requests seeking such documents in the CVRA case. *See* Request for Admission (RFA) (December 1, 2011) (asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York".)

See also Answer to Request #2 above.

24. All Documents Concerning any request for the deposition of Dershowitz.

See response to RFP #20.

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Dershowitz already has in his possession a request from Jack Scarola to take his deposition, sent via email on January 3, 2015, which reads as follows:

Dear Mr. Dershowitz:

Statements attributed to you in the public media express a willingness, indeed a strong desire, to submit to questioning under oath regarding your alleged knowledge of Jeffrey Epstein's extensive abuse of underage females as well as your alleged personal participation in those activities. As I am sure you will recall, our efforts to arrange such a deposition previously were unsuccessful, so we welcome your change of heart. Perhaps a convenient time would be in connection with your scheduled appearance in Miami on January 19. I assume a subpoena will not be necessary since the deposition will be taken pursuant to your request, but please let us know promptly if that assumption is inaccurate. Also, note that the deposition will be video recorded.

Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's.

Thank you for your anticipated cooperation.

Sincerely,

Jack Scarola

25. All Documents Concerning any investigation of Dershowitz.

This request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Without waiving this objection:

See answer to request #2 above and to request #24 above.

See also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors.

See also the criminal Palm Beach State Attorney's Office file regarding Jeffrey Epstein.

See also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.

26. All notes of any investigation of Jane Doe #3's allegations against Dershowitz.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, vague, indefinite, overly broad, burdensome.

27. All telephone records, including but not limited to records for any cell phone, for any telephone used by Jane Doe #3 between January 1, 1999 and December 31, 2002.

None in possession of Edwards and Cassell.

28. All Documents Concerning Jane Doe #3's diary or journal.

No diary or journal is in the possession of Edwards and Cassell.

Beyond that and to the extent that the request for documents "concerning" an unspecified diary or journal, Edwards and Cassell object to this request because it is uncertain and overbroad, seeks irrelevant and inadmissible information and is not reasonably calculated to lead to the discovery of relevant and admissible evidence. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the attorney-client privilege. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the work product doctrine.\

29. All Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe #3's allegations about being a sex slave.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing.

30. All Documents Concerning Your retainer agreement with Jane Doe #3.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, and harassing.

31. All Documents Concerning any investigation of Jane Doe #3.

Objection, in that this request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Also, objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing

32. All Documents identified in Your responses to Dershowitz's First Set of Interrogatories to You in this action.

See the documents and answers provided to these requests for production of documents.

33. All Documents Concerning Your claim for damages in this action.

See the documents and answers provided to these requests for production of documents and the answers to interrogatories, all of which support a claim of statements that are defamatory per se.

Cassell withdraws his claim for special economic losses relating to lost wages and diminished earning capacity.

34. All Documents referred to or relied upon by Plaintiffs to prepare "Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action," which was filed in the Federal Action as Docket Entry #279.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

35. All Documents referred to or relied upon by Plaintiffs to prepare the Complaint in this action.

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Plaintiffs relied on the various defamatory statements made by Alan Dershowitz to prepare the complaint. *See, e.g.*, Answer to Interrogatories #1 and #2.

See answer to request #2 above and to request #24 above.

To the extent that materials are sought regarding communications with legal counsel, objection under the attorney-client privilege and work-product doctrine.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 28th day of AUGUST, 2015.



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